



MINUTES OF A MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE BANQUETING HALL, MALMESBURY ON WEDNESDAY, 23 MARCH 2022 AT 10:00

PRESENT:

Executive Mayor, ald J H Cleophas (chairman)
Deputy Executive Mayor, clr J M de Beer

Members of the Mayor's Committee:

Clr D G Bess
Clr N Smit
Ald T van Essen
Clr A K Warnick

Other councillors:

Ald M A Rangasamy (Speaker)

Officials:

Municipal Manager, mr J J Scholtz
Director: Financial Services, mr M A C Bolton
Director: Electrical Engineering Services, mr R du Toit
Director: Civil Engineering Services, mr L D Zikmann
Director: Protection Services, mr P A C Humphreys
Director: Development Services, ms J S Krieger
Director: Corporate Services, ms M S Terblanche
Manager: Secretarial and Records, ms N Brand

1. OPENING

The chairman welcomed members, and requested clr D G Bess to open the meeting with a prayer.

2. APOLOGIES

No apologies received.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

None.

4. MINUTES

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 21 FEBRUARY 2022

RESOLUTION

(proposed by clr A K Warnick, seconded by ald T van Essen)

That the minutes of an Ordinary Executive Mayor's Committee Meeting held on 21 February 2022 are approved and signed by the Executive Mayor.

5. CONSIDERATION OF RECOMMENDATIONS MADE IN THE MINUTES

5.1/...

5.1 MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 9 MARCH 2022

5.1.1 MUNICIPAL MANAGER, ADMINISTRATION AND FINANCES

RESOLUTION

(proposed by ald T van Essen, seconded by clr N Smit)

That the Executive Mayor ratifies the recommendations in the relevant minutes.

5.1.2 CIVIL AND ELECTRICAL SERVICES

RESOLUTION

(proposed by ald T van Essen, seconded by clr N Smit)

That the Executive Mayor ratifies the recommendations in the relevant minutes.

5.1.3 DEVELOPMENT SERVICES

RESOLUTION

(proposed by ald T van Essen, seconded by clr N Smit)

That the Executive Mayor ratifies the recommendations in the relevant minutes, subject to the editing of item 5.1.

5.1.4 PROTECTION SERVICES

RESOLUTION

(proposed by ald T van Essen, seconded by clr N Smit)

That the Executive Mayor ratifies the recommendations in the relevant minutes.

6. MATTERS ARISING FROM THE MINUTES

6.1 MINUTES OF AN EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 21 FEBRUARY 2022

6.1.1 ITEM 7.19: RENAMING OF THE CRICKET FIELD GABRIEL PHARAOH AT SPORTS GROUNDS, DARLING (17/9/2/2/2-3)

A request has been received from the Darling Cricket Club for renaming of the cricket Field at the Gabriel Pharaoh Sports Grounds to the Gert Fortuin Oval in memory of mr Gert Fortuin.

RESOLUTION

(proposed by clr A K Warnick, seconded by clr N Smit)

- (a) That the request for the renaming of the cricket field at the Gabriel Pharaoh Sports Grounds to the Gert Fortuin Oval is rejected because -
- (i) the separate naming of various facilities at the sports grounds may lead to division, and
 - (ii) it may create a precedent in respect of other sport clubs to come forward with similar requests.

7. NEW MATTERS

7.1 APPROVAL OF THE PREVIOUS COUNCIL'S 2017-2022 IDP (WITH AMENDMENTS), AS WELL AS AREA PLANS (2/1/4/4/1)

Section 25(1)/...

7.1/...

Section 25(1) of the Municipal Systems Act, 2000 (Act 32 of 2000) stipulates that every municipal council must approve an Integrated Development Plan, within a stipulated time period of its elected term.

On 16 November 2021 the previous Council approved its 2017-2022 Integrated Development Plan (IDP).

Amendments were made to the previous Council's IDP and were noted in the Memorandum circulated with the agenda as, drawn up in accordance with Regulation 3(2)(A) of the Municipal Planning and Performance Management Regulations, 2001.

RESOLUTION (for submission to the Council on 31 March 2022)
(proposed by clr D G Bess, seconded by clr A K Warnick)

- (a) That the Executive Mayoral Committee take cognisance of the amendments to the previous Council's 2017-2022 Integrated Development Plan (IDP) and revision of the area plans in order to table it at the Council meeting in terms of section 17(3) of the MFMA; and
- (b) that a public consultation process be followed during April 2022.

7.2 APPOINTMENT OF REPRESENTATIVE SALGA: WOMEN'S COMMISSION (3/1/1)

The SALGA Women's Commission was established in 2010 during the Women's Local Government Deliberation and aims, inter alia, to evaluate the representation of women in local government structures, to identify specific issues which hamper the participation of women in local government structures, and promote the capacity development of women, etc.

A request has been received from SALGA Western Cape to appoint a female councillor to the SALGA Women's Commission.

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

- (a) That the Executive Deputy Mayor, clr J M de Beer be appointed as the official representative of the Swartland municipal council on SALGA: Women's Commission;
- (b) That clr E C O'Kennedy be appointed as second to serve on the SALGA: Women Commission when clr J M de Beer is not available;
- (c) That SALGA be informed accordingly.

7.3 (1) MINUTES OF A MUNICIPAL PERFORMANCE AND RISK AUDIT COMMITTEE MEETING HELD ON 23 NOVEMBER 2021 AND (2) HALF YEARLY REPORT FOR THE PERIOD ENDING 31 DECEMBER 2021 (5/15/1/3)

The Audit Committee serves as a fully independent committee of the Council and fulfils its function in accordance with the stipulations of section 166 of the Local Government: Municipal Financial Management Act, No 56 of 2003.

The relevant minutes and report are submitted in accordance with the Municipal and Risk Audit Committee's mandate and do not contain any recommendations to the Council for consideration.

RESOLUTION

That cognizance be taken of the minutes of the meeting of the Municipality's Performance and Risk Audit Committee of 23 November 2021 as well as the Audit Committee's bi-annual report for the period ending 31 December 2021.

7.4/...

7.4 REVISION OF THE DISASTER MANAGEMENT PLAN FOR SWARTLAND (17/5/B; 17/5/1/1)

The Council's Disaster Management Plan must be revised on an annual basis in order to update the plan with the latest information, inter alia, greatest risks and contact details of relevant role players.

RESOLUTION

(proposed by clr A K Warnick, seconded by clr N Smit)

- (a) That the content of the 2022 reviewed disaster management plan be noted as well as the agreement of all departments to pay attention to risk reduction as part of their daily tasks;
- (b) That the Mayoral Committee approves the 2022 reviewed Disaster Management Plan for the Swartland Municipal Area with the undertaking that the plan will be reviewed annually to ensure that the content is always relevant and up to date;
- (c) That as prescribed by the Disaster Management Act, a copy of the approved reviewed plan is provided to the West Coast Disaster Management Centre, Provincial Disaster Management Centre as well as the National Disaster Management Centre.

7.5 MANAGEMENT OF DRIEHOEKPAD CONSERVATION AREA: MALMESBURY (17/11/B; 17/9/2/2/2-2)

In 2016 the Council identified various biodiversity conservation areas which must be proclaimed and managed, with the co-operation of *Cape Nature*, in accordance with the *National Environmental Management Protected Areas Act, Act 57 of 2003* (NEMPA). The Biodiversity demarcated areas are:

- Klipkoppie (± 250 ha)
- Driehoekpad (± 67 ha)
- Darling Groenekloof: Erf 2271, Darling (15,3746 ha)
- Darling Renosterveld: Erf 4369, Darling (35,1236 ha)
- Yzerfontein: 26 erven, ± 83,9767 ha in extent

A proposal has been received recently from the *Swartland Floral Heritage Foundation* to be granted the opportunity to maintain, free of charge, the Driehoek Municipal Nature Reserve on behalf of the Municipality.

The *Swartland Floral Heritage Foundation* is a non profit organization which is based in Paarl and funded by the Mutual Wine Cellars which are one of the main shareholders of Swartland Wine Cellars.

RESOLUTION

(proposed by clr J M de Beer, seconded by ald T van Essen)

That it was resolved as follows:

- (a) Authorisation be granted to the Swartland Floral Heritage Foundation to assume responsibility for the maintenance of the Driehoekpad Municipal Nature Reserve for a period of three years commencing 1st July 2022, at zero charge;
- (b) Renewal of the mandate to maintain the reserve for a further period to be considered early 2025 based on the performance of the foundation;
- (c) The Area Superintendent: Parks and Recreation and Manager: Solid Waste and Landfill Management be designated to oversee and supervise the project, and to report to management at regular intervals regarding the results and progress of same;

7.5/...

- (d) The Director: Corporate Services be mandated to sign a Letter of Authorization on the Municipality's behalf;
- (e) Approval be granted for signage to be erected at the reserve, indicating the foundation's involvement, within the requirements of the applicable by-law;
- (f) The Municipality's expresses its gratitude to the Swartland Floral Heritage Foundation for its willingness to maintain the reserve on Council's behalf, and for rendering the service free of charge.

7.6 LEASE OF INDUSTRIAL GROUND IN MOORREESBURG FOR AGRICULTURAL PURPOSES (12/2/5/5-9/2)

A public competitive process was carried out in order to make the relevant piece of land available for agricultural purposes,

The Wheat Industry Museum was the only institution which showed interest in leasing the piece of land from the Municipality.

RESOLUTION

(proposed by ald T van Essen, seconded by clr N Smit)

- (a) That Tender L02/21/22 for the lease of a portion (\pm 17.7 ha in extent) of erf 1133, Moorreesburg at the amount of R800,00 per annum, excluding VAT, be awarded to the Wheat Industry Museum for a period of one year, with effect from 1 April 2022 until 31 March 2023;
- (b) That the Director: Corporate Services be authorized to finalise the conditions of the lease agreement and to sign same;
- (c) That the lessee be made aware that erf 5520 which borders on Piketberg Road stands to be developed in future, and that they are to ensure that said land is not sown on.

7.7 LEASE OF COUNCIL PROPERTY IN MOORREESBURG (112/1/3/1-9/1)

The Council has leased the outbuilding on erf 3432, Moorreesburg to ms C Alberts, owner of the adjoining property, since 2014

Ms C Alberts has applied to lease the building from the Council for a further term.

RESOLUTION

(proposed by clr A K Warnick, seconded by ald T van Essen)

- (a) That the aforementioned lease property be leased to ms C Alberts for a further term of 12 months as from 1 December 2021 for storeroom purposes;
- (b) That the lease tariff be increased to R300,00, plus VAT, per month;
- (c) That the existing conditions of lease remain unchanged.

7.8 LEASE OF A PORTION OF THE ILINGE LETHU THUSONG CENTRE (12/1/2-6/2)

A request has been received from *Cape Access* to rent a portion of the Ilinge Lethu Thusong Centre (22 m² in extent) from the Council, for a further term, for the operation of an IKT centre (so-called *e-centre*) for the benefit of the public.

Resolution/...

7.8/...

RESOLUTION

(proposed by clr A K Warnick, seconded by clr J M de Beer)

- (a) That a lease agreement be entered into with Cape Access for the use of a portion of the Ilinge Lethu Thusong Centre (22m 2) for operating an ICT-centre, for the benefit of the community, for a further term of three (3) years as from 1 April 2022;
- (b) That the rental tariff of R1929.24, VAT excluded, per month be charged;
- (c) That the existing conditions of lease remain unchanged.

7.9 LEASE AGREEMENT: MALMESBURY HOMING PIGEON CLUB (17/9/2/2/3)

The Council has leased a portion of the Dieprivier Sports Grounds to the Malmesbury Homing Pigeon Club, on which a club house has been erected, since 1 July 2019.

The Malmesbury Homing Pigeon Club has applied to rent the facility from the Council for a further term, and has also applied to build a braai room.

RESOLUTION

(proposed by clr J M de Beer, seconded by ald T van Essen)

- (a) That a lease agreement be entered into with the Malmesbury Pigeon Club for the lease of the club house facilities at the Dieprivier Sportsgrounds for a further period of 3 years (36 months) with effect from 1 July 2022;
- (b) That the rental be determined at R120.00 plus VAT, per annum;
- (c) That the conditions of lease as per prior lease agreements with the pigeon club be maintained;
- (d) That approval be granted to the club to add a braai room to the existing structure, subject to the approval of building plans.

7.10 LEASE AGREEMENT: MTN (12/1/3/1-9/1)

The Council leases space on the municipal water tower in Wesbank to MTN for the purpose of a telecommunications network.

An application has been received from MTN to rent the premises for a further five (5) years for the purposes of their base station.

RESOLUTION

(proposed by ald T van Essen, seconded by clr N Smit)

- (a) That the premises of the Westbank Watertower be leased to MTN for a further term of five (5) years for the rendering of communication network services with effect from 1 April 2022;
- (b) That a monthly rental of R6817.38 (VAT exclusive) be charged, which escalates at a rate of 6% per annum;
- (c) That the current conditions of lease remain unchanged.

7.11 LEASE OF STORAGE IN MALMESBURY (12/1/2-6/2)

At present the Council leases storage space in Malmesbury from the Bester Family Trust for the storage of refuse bags and water meters.

The storage space is needed for a further term.

Resolution/...

7.11/...

RESOLUTION

(proposed by clr A K Warnick, seconded by clr D G Bess)

- (a) That a rental agreement be entered into with Bester Family Trust for the use of storage space in Malmesbury, for a further term of 12 months as from 1 April 2022;
- (b) That the rental tariff of R1235.00, VAT included, per month be paid from voting number 9/241-369-3007 (purchase of refuse bags);
- (c) That the existing conditions of lease remain unchanged.

7.12 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIRS TO REFUSE TRUCK, CK 37359 (8/1/B/2)

The refuse truck, CK 37359, is used in Malmesbury for the removal of solid waste. The truck broke down and urgent repairs were necessary.

RESOLUTION

- (a) That the Executive Mayoral Committee TAKE NOTE of the departure from the prescribed procurement procedures in terms of clause 36 (2) of the Supply Chain Management Policy by the action of the Municipal Manager to grant approval for the repair of the refuse removal truck CK 37359 by Transtech in the amount of R75 211.52 (VAT excluded);
- (b) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The truck would be left out of service for an extended period of time;
 - (ii) This will result in a failure in the waste removal services capacity and public health risks;
 - (iii) The repair works to the truck was therefore handled as an emergency;
- (c) That it be noted that the expenditure will be allocated mSCOA Code: 9/241-1253-709 and that there is sufficient funding available for the quoted amount of R 75 211.52 excluding VAT;
- (d) That the Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements when compiled.

7.13 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: REPAIR OF SWITCH GEAR ON THE AIR SCOUR BLOWER, MALMESBURY WWTW (8/1/B/2)

[Ald T van Essen stated that, although he had family ties with the service provider, he has no direct or indirect financial interest in the latter]

The "air scour blower" is an important component in the membrane system of the Malmesbury Sewerage Purification Works in order to ensure that the biological handling process delivers the desirable effluent of waste water.

RESOLUTION

- (a) That the Executive Mayoral Committee take note of the deviation from the prescribed procurement procedures in terms of clause 36 (2) of the Supply Chain Management Policy;
- (b) That further notice be taken of the action by the Municipal Manager to grant approval for the repair of the switchgear to the Air Scour Blower of Unit 4 at the Malmesbury WWTW by WJ Cotter in the amount of R209 200.00 (VAT excluded);

7.13/...

- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The blower unit would have been left out of service for an extended period of time following due process;
 - (ii) This would have resulted in damages to the membranes and a failure in the biological treatment process;
 - (iii) The repair work to the switch gear therefore had to be handled as an emergency;
- (d) That cognisance be taken that the expenditure was allocated to mSCOA Code: 9/239-57-1041128 and that there is sufficient funding available for the quoted amount of R209 200.00 (excluding VAT);
- (e) That the Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements, when same are compiled.

(SGD) J H CLEOPHAS
EXECUTIVE MAYOR