



**MINUTES OF A MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE BANQUETING HALL, MALMESBURY ON WEDNESDAY, 16 NOVEMBER 2022 AT 10:00**

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**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  
Clr A K Warnick (attended virtually)

Other councillors:

The Speaker clr M A Rangasamy

Officials:

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

**1. OPENING**

The Executive Mayor welcomed members and requested the Municipal Manager to open the meeting with a prayer.

**2. APOLOGIES**

That **NOTE IS TAKEN** of the apologies received from ald T van Essen and the Director: Financial Services.

**3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS**

The Executive Mayor brought the following to the attention of the committee:

- (1) It is one year since the 1st meeting of the 5th Municipal Council and the Executive Mayor's Committee will carry out an evaluation of its activities before the strategic session.

The Municipal Manager stated the following::

- (1) The Auditor General (AG) requested a postponement for the submission of the draft management report to the 28 November 2022, because there are still a few aspects which must be discussed, with which the Director: Financial Services will assist the AG;
- (2) With the strategic session around the corner and the determination of the vision for the Municipality for the following 10/15/20 years keeping in mind that the following officials will no longer be in service, namely the Director: Financial Services, the Director: Electrical Engineering Services, the Municipal Manager, and the Senior Manager: Built Environment and that the processes must be relied upon to make the right choices for replacing these key officials.

- (3) A request has been received from the Wesbank Rugby Football Club, which is participating in the Super 12 Tournament, to use the swimming pool after hours for training, and that the request must be considered, keeping in mind, that the other clubs, which are also participating in the Super 12, must be similarly accommodated.

**4. MINUTES**

**4.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 18 OCTOBER 2022**

**RESOLUTION**

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

That the minutes of an Ordinary Executive Mayor's Committee meeting held on 18 October 2022 are approved and signed by the Mayor.

**4.2 MINUTES OF A SPECIAL EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 24 OCTOBER 2022**

**RESOLUTION**

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

That the minutes of a Special Executive Mayor's Committee Meeting held on 24 October 2022 are approved and signed by the Mayor.

**5. CONSIDERATION OF RECOMMENDATIONS FROM THE MINUTES**

**5.1 MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 9 NOVEMBER 2022**

**5.1.1 MUNICIPAL MANAGER, FINANCES AND ADMINISTRATION**

**RESOLUTION**

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

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

**5.1.2 CIVIL AND ELECTRICAL SERVICES**

**RESOLUTION**

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

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

**5.1.3 DEVELOPMENT SERVICES**

**RESOLUTION**

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

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

**5.1.4 PROTECTION SERVICES**

**RESOLUTION**

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

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 18 OCTOBER 2022**

**6.1.1 ITEM 7.4: PROPOSED SHIFTS: REACTION UNIT AND TRAFFIC AND LAW ENFORCEMENT (STLES) (2/3)**

The Council requested that the shift system of the Division: Traffic and Law Enforcement Services must be revised in order to ensure optimum service delivery and coverage, especially over weekends.

Several municipality's shift rosters were consulted eg. Mossel Bay, Langeberg and Stellenbosch, and Swartland Municipality's existing shift system is the best with reference to coverage over weekends and after hours.

The workforce must be considerably extended if a 12 hour shift system is implemented with consequent cost implications, which at present have not been budgeted for.

**RESOLUTION**

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

- (a) That the Executive Mayoral Committee approve that the status quo remains for the Traffic and Law Enforcement Division;
- (b) That the costs of overtime must be managed within the budgetary limits;
- (c) That the opportunity is granted for the Reaction Unit to become operational and to utilise their current shift roster to ensure extra coverage specifically over weekends (2 shifts at 10 members per shift), over and above the current shift of 5 members;
- (d) That the proposed utilisation of the Reaction Unit be re-evaluated after six months;
- (e) That the Director: Protection Services is tasked with piloting an investigation into the possible co-operation between Swartland Municipality and the private sector with the option to integrate the various monitoring offices in order to optimise the resources (and in order to tighten up co-operation) with the aim of raising reaction to CCTV events;
- (f) That the Director: Protection Services and the Head: Traffic and Law Enforcement Services are both requested to evaluate the operational plans of the Law Enforcement Services, K9- and the Reaction Unit in order to raise the visibility of the division in the community and not only limit the visibility to the central business district.

**7. NEW MATTERS**

**7.1 APPOINTMENT OF MEMBERS OF THE DISCIPLINARY COUNCIL FOR RECOMMENDATION TO THE COUNCIL (5/15/1/5)**

The Disciplinary Council was formed as an independent body in order to support the Council with investigations into financial misconduct in accordance with the *Financial Misconduct Regulations*.

The purpose of the report is to confirm the members as of 1 January 2023.

**RESOLUTION**

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

- (a) That Section 4(3) of the Financial Misconduct Regulations, the term of office for members of the Disciplinary Board must not exceed a period of three years. Therefore the Executive Mayoral Committee is requested to consider the comments in 2 above and the following proposals to ensure continuity and further existence of the Disciplinary Board:
  - (i) The appointment of Mr. CB de Jager as Chairperson of the Disciplinary Board from 1 January 2023 to 31 October 2024. Mr CB De Jager's 2nd

term of office as member of the Performance and Risk Audit Committee ends on 31 October 2024;

- (ii) Extension of the current term of office for Ms M Terblanche, Director: Corporate Services and Ms S de Jongh, Manager: Human Resources from 1 January 2023 to 31 December 2025;

- (b) That the remuneration payable to the external member of the Disciplinary Board will be the same as attendance of the Performance and Risk Audit Committee.

## **7.2 HUMAN RESOURCES: TALENT MANAGEMENT FRAMEWORK (4/2/B)**

The Director: Corporate Services confirmed that the proposed Talent Management Framework arises from compliance with the Municipal Personnel Regulations promulgated in September 2021.

The purpose of the framework is to identify a pool of talent, and to develop it to benefit the organization in the long term, in other words which officials have a positive impact on the organization and how they can they be kept in service.

### **RESOLUTION**

(proposed by clr N Smit, seconded by clr J M de Beer)

That the Executive Mayor's Committee approves the attached Talent Management Framework as of 1 December 2022.

## **7.3 (1) REVISION OF THE PRIVACY POLICY AND POPIA IMPLEMENTATION PLAN AND (2) REACTION PLAN FOR PERSONAL INFORMATION BREACH (1/1/1/99)**

A stipulation in accordance with the Privacy Policy, as approved on 28 June 2021, was the establishment of a POPIA co-ordinating committee in order to undertake certain tasks in compliance with the Protection of Personal Information Act, Act 4 of 2013 (POPIA).

As a result a POPIA Implementation Plan was drawn up and good progress has been made with the implementation of POPIA.

Another stipulation of POPIA is that a plan must be drawn up which must determine the response to a personal information breach in order to address the latter effectively and to inform the information regulator, if necessary.

### **RESOLUTION**

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

- (a) That the revised Privacy Policy be approved in respect of the amended frequency of the meetings of the POPIA coordination committee to six-monthly instead of quarterly;
- (b) That cognisance be taken of the progress with the implementation of actions in terms of the POPIA implementation plan and that the outstanding and ongoing actions will be monitored on a six-monthly basis by the POPIA coordination committee;
- (c) That the Personal Information Breach Response Plan be approved with immediate effect.

## **7.4 ELECTRONIC RECORDS MANAGEMENT: E-MAIL POLICY (2/7/B)**

The Provincial Archive and Record Services of the Western Cape Act, Act 3 of 2005 stipulates that the Municipality manages its records by means of a properly structured system of record management,

The Act has the same type of application to records by means of which e-mails received and sent are recorded, such as those received and sent by any other media, and has the Electronic Record Management: E-mail Policy, with the purpose of ensuring that these requirements are adhered to.

**RESOLUTION**

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

- (a) That approval be granted for the implementation of the Electronic Records Management: E-mail Policy with effect from 1 January 2023;
- (b) That the service provider, Business Engineering, be requested to train all computer users in the application of the policy before 1 January 2023 and to make available a manual on the application of the policy.

**7.5 ESKOM STREETLIGHT SERVICE LEVEL AGREEMENT (16/2/B)**

There have been negotiations for some time with Eskom to take over the maintenance of streetlights in the Eskom supply areas.

Although Eskom has suspended the maintenance of streetlights since 2018 and handed over the function to the Municipality, a formal agreement was never entered into.

A service level agreement has at last been received from Eskom for assuming and implementing the relations and obligations between Eskom and the Municipality, with reference to the maintenance of streetlights in the Eskom supply areas.

**RESOLUTION**

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

That the Executive Mayoral Committee takes note of the Service Level Agreement with Eskom and authorise the Municipal Manager to sign the agreement on the municipality's behalf.

**7.6 REPLACEMENT OF VOC SIGNAL CANON, MOORREESBURG (17/13/1)**

The intention to move the VOC signal canon was approved in principle by the Executive Mayor's Committee on 17 August 2022 in order to initiate the public participation process.

The intention was advertised and also sent through to the relevant ward committees. The latter is in favour of the moving of the VOC signal canon and no further input or comments were received from the public.

After further discussions with the VOC foundation there was a request to replace the signal cannon with a historical plough.

**RESOLUTION**

(proposed by clr J M de Beer, seconded by clr N Smit)

- (a) That the attached letter from the VOC Foundation be noted;
- (b) That approval be granted for the signal canon in front of the Moorreesburg town hall to be replaced with a historical plough;
- (c) That an appropriate plaque be attached to the memorial.

**7.7 RENEWAL OF LEASE AGREEMENT WITH SA POST OFFICE (LTD) (12/2/4-12/1)**

The Council leases property to the SA Post Office Limited, portion of Erf 163, Riebeeck West on which private post boxes were previously erected.

A request has been received from the lessee to extend the lease agreement for another three years.

**RESOLUTION**

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

- (a) That a lease agreement be entered into with SA Post Office Limited, for a further term of three (3) years, with effect from 1 January 2023, for a portion of erf 163, Riebeek-West for the operation of private mailboxes;
- (b) That an annual rental of R440.00 plus VAT be charged, to escalate at a rate of 6% per annum;
- (c) That the current conditions of lease remain unchanged.

## **7.8 LEASE OF ACCOMMODATION FOR THE LAW ENFORCEMENT REACTION UNIT**

The need for additional office accommodation has arisen due to the extension of the Traffic and Law Enforcement Services with the Reaction Unit (20 officers) and the K9 Unit (9 officers).

The use of the Carnegie Building in Moorreesburg was originally considered for office accommodation, but the building does not comply with the requirements of the Management of Firearms Act, Act 60 of 2002 in respect of the installation of a safe. The latter cannot be installed because of the heritage status of the building.

A notice was placed in the local newspaper for the lease of office accommodation and only one application was received.

### **RESOLUTION**

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

- (a) That council approves the offer for accommodation for the Law Enforcement Reaction-unit from JR Trust (JAR Loubser) for the following periods and amounts:
  - 1 January 2023 until 30 June 2023 for an amount of R 11 400.00 per month;
  - 1 July 2023 until 30 June 2024 for an amount of R 13 240.00 per month;
  - 1 July 2024 until 30 June 2025 for an amount of R 15 114.00 per month;
- (b) That a lease agreement be put in place with JR Trust for the period 1 January 2023 until 30 June 2025, with the option to renew the lease;
- (c) That the applicable vote be provided in the 2022/2023 Adjustments Operating Budget to accommodate these rental fees to be funded from the Conditional grant from DOCS;
- (d) That it is noted that municipal services are included in the rent.

## **7.9 SALE OF OBSOLETE ASSETS PER PUBLIC AUCTION (5/14/3/5)**

The Asset Management Policy regulates the disposal of assets in order to ensure that it is fair, just, transparent, competitive and cost effective and that it complies with the Municipality's Supply Chain Management Policy.

The criteria for the disposal of assets consists of the following:

- The useful life of the asset has expired;
- The asset is old;
- It is uneconomic to repair the asset or the asset is irreparable.

The list of obsolete assets from the various directorates was circulated with the agenda.

### **RESOLUTION**

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

That council approves the attached list of assets to be sold by public auction and for same to be removed from the asset register.

**7.10 OUTSTANDING DEBTORS: OCTOBER 2022 (5/7/1/1)**

A complete report in respect of outstanding debtors was circulated with the agenda and amounts for October 2022 to R44 174 895.71.

**RESOLUTION**

(proposed by clr N Smit, seconded by clr J M de Beer)

That cognizance be taken of the report with reference to the state of the outstanding debtors of Swartland Municipality for October 2022.

**7.11 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 the state of outstanding insurance claims up to and including 31 October 2022 as circulated with the business list.

**7.12 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: URGENT SUPPLY AND INSTALLATION OF 'VARIABLE SPEED DRIVES' AT THE RUSTFONTEIN WATER PUMPING STATION (8/1/B/2)**

During the middle of September 2022 levels 5 and 6 load shedding were introduced by Eskom which had a serious impact on the level of the bulk reservoirs due to the loss of pumping hours.

Various measures were introduced in order to limit the flow from the bulk reservoirs, but it was necessary to introduce emergency power generation at the Rustfontein water pump station.

**RESOLUTION**

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

- (a) That the Executive Mayoral Committees take note of the deviation from the prescribed procurement procedures in terms of clause 36(2) of the Supply Channel Management Policy;
- (b) That further notice be taken of the action of the Municipal Manager to approved the supply and installation of two variable speed drives at the Rust Fontein Booster Pump Station by WJ Cotter Electrical as an emergency to prevent prolonged interruptions in water supply;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
  - (i) The implementation of load shedding at levels 5 and 6 and the consequential loss of pumping hours has resulted in the bulk reservoirs at Glen Lilly reaching critically low levels;
  - (ii) The continuation of load shedding necessitates the application of emergency power generation at the Rust Fontein booster pump station in order to avert prolonged interruption in water supply;
  - (iii) The said pump station had to be equipped with two soft starters in order to accommodate an emergency power generation unit;
- (d) That cognizance be taken that the expenditure was allocated to mSCOA Code: 9/105-376-128 and that there is sufficient funding available for the tendered amount of R465 000 (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.

**7.13 APPLICATION FOR LEAVE BY THE MUNICIPAL MANAGER AND DIRECTORS AND APPOINTMENT OF AN ACTING MUNICIPAL MANAGER (4/8/3)**

The Municipal Manager must apply to the Executive Mayor's Committee for leave and therefore -

**RESOLUTION**

(proposed by clr J M de Beer, seconded by clr N Smit)

- (a) That the application for leave of the Municipal Manager for the following days is approved in principle, namely:
  - (i) 19 to 21 December 2022, and then 28 December 2022 to 6 January 2023 (10 days), including that it may change due to circumstances, after consultation with the Executive Mayor;
- (b) That it be noted that the Director: Civil Engineering Services will act as Municipal Manager during the aforementioned period, and if, for whatever reason, the Director: Civil Engineering Services is unavailable, the Director: Electrical Engineering Services will act;
- (c) That each Director will appoint the acting Directors in their respective department, in order to ensure good communication and service delivery.

**(SGD) J H CLEOPHAS  
EXECUTIVE MAYOR**