



MINUTES OF A MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE BANQUETING HALL, MALMESBURY ON WEDNESDAY, 17 AUGUST 2022 AT 15:00

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
Clr A K Warnick

Other councillors:

ald M A Rangasamy (Speaker)

Officials:

Municipal Manager, mr J J Scholtz
Director: Civil Engineering Services, mr L D Zikmann
Director: Electrical Engineering Services, mr T Möller
(Retired) Director: Electrical Engineering Services, mr R du Toit
Director: Protection Services, mr P A C Humphreys
Director: Development Services, ms J S Krieger
Director: Corporate Services, ms M S Terblanche
Manager: Budgeting Office, ms H Papier
Manager: Strategic Services, ms O Fransman
Manager: Secretarial and Record Services, ms N Brand

1. OPENING

The Executive Mayor opened the meeting and welcomed especially the newly appointed Director: Electrical Engineering Services, mr T Möller.

2. APOLOGIES

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

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

None

4. MINUTES

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 13 JULY 2022

RESOLUTION

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

That the minutes of an Ordinary Executive Mayor's Committee Meeting held on 13 July 2022 are approved and signed by the Mayor.

5.1 MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 10 AUGUST 2022

5.1.1 MUNICIPAL MANAGER, ADMINISTRATION AND FINANCES

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

5.1.2 CIVIL AND ELECTRICAL SERVICES

RESOLUTION that the Executive Mayor ratifies the recommendations in the relevant minutes, subject to the following addition –

ITEM 6.2: CONSIDERATION OF THE TRAFFIC CALMING POLICY

FURTHER RESOLUTION

- (b) That the Traffic Calming Policy is approved for implementation on 17 August 2022;
- (c) That, because the requests for speed humps in the existing Area Plans existed before the implementation of the Traffic Calming Policy, the policy is not applicable and the requests will be addressed taking into account the available funding.

5.1.3 DEVELOPMENT SERVICES

RESOLUTION

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

5.1.4 PROTECTION SERVICES

RESOLUTION

That the Executive Mayor ratifies the recommendations in the relevant minutes, subject to the following addition –

ITEM 5.1.1: TRAFFIC AND LAW ENFORCEMENT SERVICES

FURTHER RESOLUTION

- (a) That note is taken of the request, from ald B J Stanley, to investigate the introduction of traffic offices being open to the public on Saturdays;
- (b) That a mandate is given to the Municipal Manager to determine the impact of the request on the unfunded mandate to ensure that Swartland Municipality does not suffer a further loss of income.

6. MATTERS ARISING FROM THE MINUTES

None.

7. NEW MATTERS

7.1 NERSA APPROVAL OF ELECTRICITY TARIFFS FOR 2022/2023 (16/2/1/2/1)

The electricity tariffs for the 2022/2023 financial year were approved by the Council on 26 May 2022, subject to approval of the tariffs by NERSA.

A letter dated 5 July 2022 was received from NERSA in respect of approval of the electricity tariffs and a request received that the tariff increase in respect of the energy component of the industrial tariff structure (tariff 3 and tariff 10) is lowered to 7,47% in place of an increase of 8%.

The retired Director/...

7.1/...

The retired Director: Electrical Engineering Services stated that the Council is already aware of the rationale to phase in the increase in industrial electricity tariffs gradually and in so doing to lower residential tariffs.

RESOLUTION (for submission to the Council on 25 August 2022)
(proposed by clr N Smit, seconded by clr A K Warnick)

- a) That the approval of the electricity tariffs by NERSA for 2022/23 be noted and accepted;
- b) That the NERSA admission that they lack the statutory and regulatory jurisdiction over the proposed activity between the municipality and small scale embedded generators be noted;
- c) That the following reduced energy tariffs as determined and approved by NERSA pertaining to the industrial tariff structures be accepted:

No	Tariff Structure	NERSA approved Tariff Excl Vat	NERSA approved increase	Tariff applied for Excl Vat	% Increase applied for
3	Industrial Bulk Normal (3-phase)				
3a	Bulk Consumers: Network Charge per month	R 1 853.4300	7.47%	R 1 853.4300	7.47%
3b	Consumption: per kWh	R 0.8810	7.47%	R 0.8854	8.00%
3c	Maximum Demand: per kVA per month	R 356.5700	7.47%	R 356.5700	7.47%
10	Industrial Bulk 'Time Of Use'-Tariff (3-phase, Alternative for Tariff 3)				
10a	Time Of Use: Network Charge per month	R 1 853.4300	7.47%	R 1 853.4300	7.47%
	Low Consumption Season (Sep - May):				
10b	* Peak (per kWh)	R 1.5277	7.47%	R 1.5352	8.00%
10c	* Standard (per kWh)	R 1.0513	7.47%	R 1.0565	8.00%
10d	* Off peak (per kWh)	R 0.6667	7.47%	R 0.6701	8.00%
	High Consumption Season (Jun - Aug):				
10e	* Peak (per kWh)	R 4.6834	7.47%	R 4.7065	8.00%
10f	* Standard (per kWh)	R 1.4187	7.47%	R 1.4257	8.00%
10g	* Off peak (per kWh)	R 0.7702	7.47%	R 0.7741	8.00%
10h	Maximum Demand: per kVA per month	R 239.1500	7.47%	R 239.1500	7.47%

7.2 BUDGET FOR THE MAINTENANCE OF PROVINCIAL MAIN ROADS: 2023/2024 FINANCIAL YEAR

The following table shows the estimated expenses in respect of the maintenance of provincial main roads in the Swartland Municipal area:

COUNCIL	ROAD NO.	DESCRIPTION	ACTIVITY	REQUESTS 2022/2023
Swartland	MR 226	Riebeek Kasteel (Main, Sarel Cilliers and Piet Retief Streets)	General maintenance	R2 021 942.20
Swartland	MR 215	Darling (Main Street)	General maintenance	R994 453.32
Swartland	MR 228	Darling (Evita Bezuidenhout Blvd)	General maintenance	R783 933.75
Swartland	MR 174	Malmesbury (Voortrekker Street)	General maintenance	R602 043.77
				R4 402 373.04

7.2/...

The needs are submitted annually to the Provincial District Roads Engineer for consideration during the budgeting process of the relevant department.

RESOLUTION

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

That the Executive Mayoral Committee approves the budget of expenses for Provincial Main Roads for the 2023/2024 financial year.

7.3 PROCESS PLAN FOR THE DRAWING UP OF THE INTEGRATED DEVELOPMENT PLAN (IDP) AND SPACIAL DEVELOPMENT PLAN (SDP) (2/1/4/4/1)

The report dealt with the legal requirements, which must be followed in accordance with sections 28 and 29 of the Local Government Act: Municipal Systems, 2000 (Act 32 of 2000) for the drawing up of the Integrated Development Plan (IDP) and the attendant processes after the election of a new municipal council.

The Municipal Manager confirmed, as requested by clr A K Warnick, that 'Sport' as a focus area will be included in the submission of the Process Plan to the Council on 25 August 2022.

The Process Plan was circulated separately to the agenda.

RESOLUTION

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

- (a) That the Process Plan for the compilation of the new IDP for Swartland be recommended for approval by Council in terms of Section 28 of the Municipal Systems Act (No 32 of 2000);
- (b) That the programme with timeframes / time schedule that is included in the Process Plan as Annexure A be recommended for approval by Council in terms of section 29(1)(a) of the Municipal Systems Act as well as section 21(1)(b) of the Municipal Finance Management Act;
- (c) That the Process Plan also guide the revision of the Swartland Spatial Development Framework.

7.4 REVISION OF THE SPATIAL DEVELOPMENT FRAMEWORK (15/1/4/1)

The Swartland Municipality's Regulation in respect of Municipal Land Usage Planning (PK 8226 dated 25 March 2020) stipulates the procedures which must be followed when a revision of the Municipal Spatial Development Framework (SDF) is envisaged.

Item 7.3 (c) above confirms that the revision of the SDF is taken up in the IDP Process Plan and will commence in September 2022.

RESOLUTION

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

That the following steps for the amendment of municipal spatial development framework in terms of sections 3 and 4 of Swartland Municipality : Land Use Planning By-law as such be approved:

- (a) Swartland Municipality publishes a notice in two of the official languages of the Province most spoken in the area in two newspapers circulating in the area indicating their intention to amend the municipal spatial development framework and the process to be followed in accordance with section 28(3) and 29 of the Municipal Systems Act;
- (b) Swartland Municipality informs the Provincial Minister in writing of their intention to amend the municipal spatial development framework, that the draft amendment of our municipal spatial development be referred to the Provincial Minister for comments and that the process to be followed will be in accordance

with section 28(3) and 29 of the Municipal Systems Act;

- (c) Swartland Municipality invites relevant stakeholders to register themselves to comment on the draft amendment of the municipal spatial development framework as part of the process as set out above;
- (d) Swartland Municipality establishes a project committee consisting of the following municipal employees from the relevant municipal departments namely :

Municipal Manager	:	J J Scholtz
IDP	:	O Fransman
Spatial Planning	:	J S Krieger A M Zaayman A J Burger H Olivier A de Jager
Engineering	:	T Möller L D Zikmann
LED	:	H Balie
Housing	:	S Arendse

7.5 SUBMISSION OF DRAFT REGULATION IN RESPECT OF CONTROL OVER BUSINESSES SELLING LIQUOR TO THE PUBLIC (1/1)

The Council has a Regulation in respect of the Management of Businesses selling Liquor to the Public, which was promulgated on 22 May 2015.

The Director: Corporate Services stated therefore, with reference to the recent tragedies in the country at licensed and unlicensed premises, it is seen as necessary to introduce certain amendments to the existing regulation in order to make provision for safety and security measures at all premises where liquor is sold to the public.

RESOLUTION

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

- (a) That approval be granted for the following draft by-law to be submitted in Council on 25 August 2022 for adoption in principle:
 - (a) Swartland Municipality: By-law relating to Control of Undertakings that sell Liquor to the Public;
- (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.

7.6 AMENDMENT TO THE PERFORMANCE MANAGEMENT AND DEVELOPMENT POLICY (2/4/2)

The Performance Management and Development Policy was approved by the Executive Mayor on 19 May 2022 and the appointment of the new Director: Electrical Engineering Services necessitates a minor amendment thereto.

RESOLUTION

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

That the Performance Management and Development Policy be amended with effect from 1 August 2022 by the addition of the underlined portion in Part 2 Paragraph 10 (Performance bonuses) - quoted below:

"The Municipality however has decided not to pay any performance bonuses, with the exception of the Municipal Manager and Director Electrical Engineering Services who will be eligible for a performance bonus according to the calculation table in ANNEXURE A up to a maximum of 14%."

7.7 HUMAN RESOURCES: NEW POLICY AND REVISION OF EXISTING POLICY (4/2/B)

The new Municipal Personnel Regulations necessitate the drawing up of a number of new policies, as well as the revision of existing policies in order to comply with the requirements stipulated by the Regulations.

The draft policies were submitted to the Labour Forum and both unions – Imatu and Samwu – had the opportunity to comment and make contributions. The final draft policies were submitted to the unions on 21 July 2022 and the policies are recommended to the Executive Mayor's Committee for consideration and approval.

RESOLUTION

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

- (a) That the Executive Mayoral Committee approve the attached Change Management Strategy for the implementation of the Municipal Staff Regulations with effect from 1 September 2022;
- (b) That the Executive Mayoral Committee approve the attached amended Recruitment and Selection Policy with effect from 1 September 2022;
- (c) That the Executive Mayoral Committee approve the attached new Probationary Period Policy with effect from 1 September 2022;
- (d) That the Executive Mayoral Committee approve the attached new Retention Policy with effect from 1 September 2022;
- (e) That cognisance is taken that the delegations arising from the policies concerned will be submitted to Council at the end of May 2023 as part of the System of Delegation.

7.8 REPORT IN RESPECT OF COMMUNITY DEVELOPEMENT PROJECTS 2021/2022: OUTCOMES AND IMPACT (17/2/2)

The Division: Community Development must report annually in respect of the outcomes and impact of community development projects in accordance with the Swartland Municipality's Social Development Policy and Strategy. The report includes the outcomes and impact of the projects which were offered during the 2021/2022 financial year.

RESOLUTION

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

- (a) That the Executive Mayoral Committee takes cognizance of the outcomes and impacts measured of the Community Development projects of 2021-2022;
- (b) That the Community Development Division report yearly by August on the outcome and impact of community development projects of the previous financial year.

7.9 RELOCATION OF VOC SIGNAL CANON, MOORREESBURG (17/13/1)

An application has been received from mr Johann Mostert of the VOV Society, on behalf of the farm owner, to move one of the two canons, situated in front of the Town Hall in Moorreesburg, to its original signal station on the Farm Kanonberg, 12 kilo meters South East of Moorreesburg.

The report attached to the agenda provides the background to the discussions carried out with the various role players, namely the Wheat Industry Museum, the VOC Society and the South African Heritage Resources Agency (SAHRA) in respect of moving the signal canon. Further discussions took place with the Canon Association of South Africa (CAOSA) in order to gather as much information in respect of the relevant canon. Confirmation was received from CAOSA that the signal canon under discussion is the original canon which was used on the Farm Kanonkop.

7.9/...

RESOLUTION

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

- (a) That permission be granted to Mr Johann Mostert of the VOC Foundation for the relocation of the VOC canon in front of the Moorreesburg town hall to its original position on the farm Kanonberg, Moorreesburg;
- (b) That public comment, of a heritage nature only, be invited by means of notices in the local media, notices on site, as well as via the applicable ward committees and social media;
- (c) That any objections received be referred to this committee for consideration;
- (d) That the applicant shall be responsible for the replacement of the existing canon with a similar artefact.

7.10 APPLICATION FOR THE ESTABLISHMENT OF A CREMATORIUM, DARLING (12/2/R)

Stands over.

7.11 LEASE AGREEMENT: W DUCKITT & SONS CC (15/4/6)

The Municipality leases a portion (± 300 m²) from the Farm Oudepost, situated in the Darling area on which a cable free network has been erected. The extension to the lease is necessary for the continued supply of Information, Communication and Technology services in the relevant area.

RESOLUTION

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

That the renewal of the lease agreement with W Duckitt and Sons for the rental of a portion (in extent ± 300 m²) of the remainder of portion 8 of the Farm Oude Post 577 for the continuous operating of its cable free network station be approved as follows:

- (a) a lease agreement for the period 1 October 2022 until 30 September 2025 at an amount of R2072.37,00, plus VAT, rental fee per month with a yearly escalation of 8%, as well as the option to renew the lease.

7.12 LEASE AGREEMENT: DARLING SMALL FARMERS ASSOCIATION (17/2/2)

The Council leased a portion of land (± 68 hectares) to the Darling Small Farmers Association for the period 1 April 2008 to 28 February 2018, but due to the non-compliance with certain requirements in the original agreement the lease term was not renewed.

The Director; Corporate Services confirmed that certain interactions have taken place since then with the Darling Small Farmers Association and the latter is now in a position to conclude a long term agreement. The conclusion of an agreement is also necessary in order to receive help from other state departments, such as the sinking of boreholes and fencing,

RESOLUTION

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

- (a) That a lease agreement be entered into with the Darling Small Farmers Association for the lease of a portion of erf 551, Darling (± 68 hectares in extent) for a period of 9 years and 11 months;
- (b) That the rental be determined at R120.00, plus VAT, per month;
- (c) That the conditions of lease be determined by the Director: Corporate Services in conjunction with the Director: Development Services.

7.13 LEASE OF MUNICIPAL COMMONAGE IN MALMESBURY (12/2/4-8/4)

The Council leases a portion of municipal commonage, ± 2082m², which falls partially within the road reserve, and is situated behind the Swartland High School in Malmesbury, to the Swartland Voortrekkers,

RESOLUTION

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

- (a) That a lease agreement be entered into with the Swartland Voortrekkers for the lease of a portion of the commonage (±2082m² in extent), for a period of one (1) year, commencing on 1 September 2022;
- (b) That the rental be determined at R120.00, plus VAT, per annum;
- (c) That the current conditions of lease remain applicable.

7.14 OUTSTANDING DEBTORS: JULY 2022 (5/7/1/1)

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

RESOLUTION

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

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

7.15 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

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

That cognizance be taken of the state of outstanding insurance claims up to and including 31 July 2022 as circulated with the business list.

7.16 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIRS TO THE REFUSE REMOVAL TRUCK, CK 38712 (8/1/B/2)

The relevant refuse removal truck, CK 38712, is used for the removal of solid waste in the municipal area.

RESOLUTION

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

- (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 of the Municipal Manager to approve the repair of the waste removal truck CK38712 BY Transtec;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The truck would have been left out of service for an extended period of time;
 - (ii) This would have resulted in a failure in the waste removal services capacity and public health risks;
 - (iii) The repair works to the truck therefore is handled as an emergency;
- (d) That the expenditure was allocated to mSCOA Code: 9/241-1253-709 and that there is sufficient funding available for the quoted amount of R 55 017.08 excluding VAT;

7.16/...

- (e) That the Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements, when compiled.

7.17 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIRS TO THE DRUM SCREENS AT THE INTAKE WORKS OF THE MALMESBURY WWTW (8/1/B/2)

The intake works at the Malmesbury WWTW are fitted with two drum screens. The latter are part of the primary handling processes where foreign objects such as rags, motor engines, stones etc are removed in order to protect mechanical equipment within the handling processes.

RESOLUTION

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

- (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 of the Municipal Manager to approve repairs to the drum screen at the inlet works of the Malmesbury Wastewater Treatment Works;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The drum screen would have been left out of service for an extended period of time following due process;
 - (ii) This would have resulted in inevitable damages to downstream mechanical equipment; and
 - (iii) The repair work to the drum screen therefore had to be handled as an emergency;
- (d) That it be noted that the expenditure was allocated to mSCOA Code: 9/239-851-689 and that there is sufficient funding available for the quoted amount of R 61,775.72 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.

7.18 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: REPAIRS TO THE DEZZI SCRAPER (8/1/B/2)

The Dezzi scraper is used in Darling for the maintenance of gravel roads and during normal usage it was noted that the blade was not functioning properly

RESOLUTION

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

- (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 of the Municipal Manager to approve repairs to the Dezzi motograder by Cape Diggers;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The extent of work Cape Diggers has done on the machine to be able to inspect the faulty components and prepare a quotation;
 - (ii) It would be impractical to follow the official procurement processes as it would require re-assembly and re-fitting of the faulty components; and
 - (iii) The fact that Cape Diggers is the authorised service agent for Dezzi equipment in the Western Cape;

7.18(c)/...

- (d) That it be noted that the expenditure was allocated to mSCOA Code: 9/7-22-5 and that there is sufficient funding available for the quoted amount of R32,126.00 (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.

7.19 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: APPOINTMENT OF SECURITY COMPANY WITH TWO SECURITY GUARDS AND DOGS AT THE WESBANK SPORTS GROUNDS (8/1/B/2)

The Wesbank Sports Grounds are still under pressure with theft and damage to municipal assets and the services of a security guard are necessary in order to try and limit the damage.

Clr A K Warnick stated that the various sports clubs, through the medium of the Sport Forum, have decided to take ownership and to protect the sports grounds against vandalism by paying the neighbourhood watch to do regular patrols there.

The Municipal Manager stated that the Sports Official will be mandated to investigate the latter initiative for consideration by the various Sport Forums. Active citizenship is becoming more and more important to support the Municipality in protecting municipal assets in order to ensure the provision of sustainable service delivery.

RESOLUTION

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

- (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 of the Municipal Manager be condoned not to invite further tenders but to approve the acceptance of the quotation for the appointment of Dogs & All to render security services for the amount of R96,075.00 (exl. VAT);
- (c) That the reasons for the deviation from the prescribed procurement process be recorded as:
 - (i) The risk of burglaries and vandalism to the municipal assets will be of such a nature that Council needed to secure it against damage and vandalism;
 - (ii) The appointment is an emergency to safeguard municipal property against vandalism;
- (d) The expenditure be allocated against vote number 9/237-1017-1319 and that there is sufficient funding available;
- (e) That the Manager Financial Statements and Control be instructed to include the above mentioned reasons as a note to the financial statements.

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