



MINUTES OF A MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE COMMITTEE ROOM, ON TUESDAY, 18 OCTOBER 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 N Smit
Clr A K Warnick (attended virtually)
Ald T van Essen

Other councillors:

Ald M A Rangasamy (Speaker)

Officials:

Municipal Manager, mr J J Scholtz
Director: Financial Services, mr M A C Bolton
Director: Civil Engineering Services, mr L D Zikmann
Director: Electrical Engineering Services, mr T Möller
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 Record Services, ms N Brand

1. OPENING

The Executive Mayor welcomed all present and opened the meeting with a prayer. A special word of welcome was extended to the Municipal Manager and clr A K Warnick who have had operations recently and were wished a speedy recovery.

2. APOLOGIES

NOTE IS TAKEN of the apology received from clr D G Bess.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

Noine

4. MINUTES

4.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 22 SEPTEMBER 2022

RESOLUTION

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

That the minutes of an Ordinary Executive Mayor's Committee meeting held on 22 September 2022 are approved and signed by the Mayor,

5.1 MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 12 OCTOBER 2022

5.1.1 MUNICIPAL MANAGER, ADMINISTRATION AND FINANCES

RESOLUTION

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

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 A K Warnick)

- (a) That the Executive Mayor ratifies the recommendations in the relevant minutes;
- (b) That note is taken that the water levels in the reservoirs which were negatively affected by the load shedding in the last two weeks have been restored to $\pm 90\%$, but that the situation is being managed given the introduction of load shedding level 4 at present;
- (c) That note is also taken that a tender for the purchase of a generator has been issued for installation at the Rustfontein pumping station which feeds the Glen Lily reservoir and that funding will be considered during the budgeting process for the installation of a generator at the Swartland Water Purification Works at the Voëlvllei Dam.

5.1.3 DEVELOPMENT SERVICES

RESOLUTION

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

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

5.1.4 PROTECTION SERVICES

RESOLUTION

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

- (a) That the Executive Mayor ratifies the recommendations in the relevant minutes.
- (b) That note is taken that, with reference thereto, that the traffic offices must be closed during load shedding, the Department of Electrical Engineering Services is in the process of doing a demand assessment in respect of back-up power which is necessary throughout the Swartland in times of load shedding in order to ensure sustained service delivery;
- (c) That, taking into account the public's capacity to afford tariff increases above the inflation rate, the areas of risk for sustained service delivery will be identified for phasing in backup power over the multi year budget term.

6. MATTERS ARISING FROM THE MINUTES

None.

7. NEW MATTERS

7.1/...

7.1 ADOPTION OF REGULATION IN RESPECT OF MANAGEMENT OF BUSINESSES WHICH SELL LIQUOR TO THE PUBLIC (1/1)

The Director: Corporate Services stated that the draft regulation was submitted to the Council on 25 August 2022 in order to initiate the public participation process.

The Director: Corporate Services stated that there was no input received in respect of the draft regulation, also not from any SAPS officers

RESOLUTION (for recommendation to the Council on 27 October 2022)

- (a) That the following by-law be adopted by Council, to take effect on date of promulgation in the Provincial Gazette:
 - Swartland Municipality: By-law relating to Control of Undertakings that sell Liquor to the Public;
- (b) That fines for offences of the by-law be determined by the Department of Justice.

7.2 PROGRESS IN RESPECT OF ACCESS TO INFORMATION (PAIA): REVISION OF HANDBOOK (1/1/1/34)

The Protection of Personal Information Act, Act 4 of 2013 (POPIA) has had an effect on the requirements of progress in respect of Access to Information, Act 2 of 2000 (PAIA), inter alia, that matters in respect of processing personal information which must be included in the PAIA hand book.

The Amended Act in respect of the Progress of Access to Information, Act 31 of 2019 was therefore promulgated in order to advise the requirements for the revision of the PAIA handbook.

The revised PAIA handbook was circulated with the agenda.

RESOLUTION

- (a) That the PAIA Manual as compiled in accordance with sections 14 and 51 of PAIA, as amended, be approved;
- (b) That cognisance be taken that it is not a legislative requirement to submit the PAIA Manual to the Information Regulator, but it must be placed on the municipal website and be made available at the Head Office of the Municipality;
- (c) That the PAIA Manual be circulated to all Deputy Information Officers in order to assist with requests for access to information that are held by the Municipality.

7.3 SWARTLAND COUNCILLOR PROTECTION POLICY (3/B)

The Municipal Manager stated that the Swartland Councillor Protection Policy was drawn up in the absence of any guidelines from Province or any other local authority. It may happen that, during the use of the policy, certain deficiencies are shown up where after the policy will be adjusted.

The Director: Protection Services dealt with certain aspects of the policy, specifically in respect of roles of responsibility.

RESOLUTION

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

That the Executive Mayoral Committee approve the attached Swartland Councillor Protection Policy with effect from 18 October 2022.

7.4 PROPOSED SHIFTS: REACTION UNIT AND TRAFFIC AND LAW ENFORCEMENT (STLES) (4/2/2)

The Municipal Manager stated that the appointment certificates of members of the Reaction Unit were issued on 17 October 2022. Now that members can be used operationally it must first be established which gaps the Reaction Unit can fill.

RESOLUTION

That the item is withdrawn in order to draw up a more holistic report, taking into account the application of the Reaction Unit within the Traffic and Law Enforcement Service.

7.5 BUDGET FOR THE MAINTENANCE OF PROVINCIAL MAIN ROADS: 2023/2024 FINANCIAL YEAR (5/6/1/1/2)

The Director: Civil Engineering Services confirmed that the estimated expenditure for maintenance and rehabilitation of Provincial Main Roads is determined annually in conjunction with provincial authorities.

The list of proposed projects (estimated total amount of R 10 338 000) was circulated with the agenda for submission to the District Roads Engineer for consideration and approval.

RESOLUTION

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

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

7.6 QUARTERLY REPORT IN RESPECT OF PERFORMANCE OF CONTRACTORS (8/1/B/2)

The report in respect of the quarterly performance evaluation of contractors which is drawn up in accordance with the Supply Chain Management Policy is presented in compliance with Section 116(2) of the MFMA and the core indicators of the Municipal Manager, namely:

"Number of reports on the management of the contracts or agreements (supply chain) and the performance of contractors submitted to mayoral committee."

The Municipal Manager stated that contract management was one of the focus areas of the Auditor General and that the report will be expanded in order to facilitate more complete reporting.

RESOLUTION

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

That cognisance is taken of the quarterly report regarding the performance of contractors for the period 1 July 2022 to 30 September 2022.

7.7 REPORT IN RESPECT OF IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY FOR THE PERIOD 1 JULY 2022 TO 30 SEPTEMBER 2022 (8/1/B/2)

A report in respect of the Supply Chain Management Policy must be presented to the Executive Mayor, on a quarterly basis, in accordance with paragraph 6(3) of the Municipal Supply Chain Management Regulation.

The report for the period 1 July 2022 to 30 September 2022 was circulated with the agenda.

RESOLUTION

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

(a)/...

7.7/...

- (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);
- (b) That cognisance is taken of the services rendered for the period 1 July 2022 to 30 September 2022 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).

7.8 OUTSTANDING DEBTORS: SEPTEMBER 2022(5/7/1/1)

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

The Director: Financial Services emphasized the fact that credit management must be applied daily and attributes the increase in debt to the fact that the core personnel in the relevant division are made available to pay attention to requests to get information from the Auditor General for execution of the external audit.

The Municipal Manager confirmed that there are regular interactions with municipal personnel who are in arrears with their municipal accounts.

RESOLUTION

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

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

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 – the Director: Financial Services reported that there were three new claims registered.

The Director: Financial Services stated that the referral framework of the accident committee will be revised in order that the money, which must be paid when an official was not guilty, must not be seen as a useless and squandered expense, but as an excess to the claim.

RESOLUTION

That cognisance be taken of the state of outstanding insurance claims up to and including 30 September 2022 as circulated with the business list.

7.10 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: SERVICES FROM CONFERENCE FACILITIES (8/1/B/2)

The Council is in the process of drawing up a new Integrated Development Plan (IDP) and a strategic session in this connection was convened with senior managers.

The format of the strategic session incorporates, inter alia, that meetings must be divided into smaller groups and conference facilities must therefore provide facilities accordingly.

The Municipal Manager stated that there were eleven (11) quotations received in an effort to make use of local service providers. Conference facilities and restaurants do not as a rule do business with local authorities, therefore local service providers do not comply with the necessary requirements in accordance with the supply chain management policy eg. registration on the central database, SARS requirements etc.

7.10/...

RESOLUTION

- (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 grant approval to use the services of Homemade at Toast for the strategic session over 3 days at an amount of R74 800.00 (VAT excluded);
- (c) That the reasons for the deviation from the prescribed procurement procedures are as follows:
 - (i) It was difficult to draw up specifications, as many facilities scaled back due to Covid-19 and some closed their doors, therefore dates were moved to obtain a suitable time and facility;
 - (ii) The facility must meet the specific requirements to host a strategic session over the 3 days;
 - (iii) The facility for the 3 days must have separate premises available for breakout sessions;
 - (iv) The facility was visited to confirm that all the requirements are met;
- (d) That there are sufficient funds available and that the expenditure amounting to R74 800.00 (excluding VAT) is settled against post number 9/241-1253-709;
- (e) That the Manager: Financial Statements in terms of the Supply-channel management policy is instructed to include the above-mentioned reason as a note in the financial statements, when the relevant statements are drawn up.

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