



MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD IN THE MALMESBURY COUNCIL CHAMBER ON THURSDAY, 15 AUGUST 2024 AT 10:00

PRESENT:

Members:

Executive Mayor, ald J H Cleophas (Chairperson)
Executive Deputy Mayor, cllr J M de Beer

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

Officials:

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

1. OPENING

The Chairperson welcomed members and requested cllr A K Warnick to open the meeting with prayer.

Cllr A K Warnick requested that those present observe a minute of silence for the victims of the Riverlands disaster and expressed his gratitude that there was no loss of life.

2. LEAVE OF ABSENCE

No apologies were received.

3. SUBMISSIONS/DEPUTATIONS/SPEAKING ENGAGEMENTS

3.1 STANDARD BANK: RECOGNITION OF SWARTLAND MUNICIPALITY'S ACHIEVEMENTS – HANDING OVER OF CERTIFICATE

The Chairperson invited Mr J Sondag of Standard Bank to address the meeting.

Mr Sondag congratulated the Municipality for the excellent achievement in being ranked as the best municipality in the country by Good Governance Africa.

He added that Standard Bank is privileged to be the primary banker of the Municipality for the second term. Mr Sondag further mentioned that Standard Bank is already involved in various projects as a partner of the Municipality.

Mr Sondag stated that the achievement is testimony to the commitment by councillors, senior management and all officials to ensure sustainable service delivery in the Swartland municipal area.

The Chairperson thereupon thanked Standard Bank for their partnership and services rendered to Swartland Municipality.

The Municipal Manager in turn also thanked Standard Bank for the recognition and expressed his gratitude for working as a team and that all role-players can be collectively proud of the achievements of Swartland Municipality.

A Certificate of Recognition was presented by Mr Sunday to the Executive Mayor.

NOTED

4. MINUTES

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 17 JULY 2024

RESOLUTION

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

That the minutes of an Ordinary Executive Mayoral Committee meeting held on 17 July 2024 be approved and signed by the Executive Mayor, subject to the following amendment:

ITEM 7.9: LEASE OF PORTION ERF 327, KLIPKOPPIE, MALMESBURY TO IHS TOWERS SOUTH AFRICA (PTY) LTD (PREVIOUS TENANT MTN) FOR TELECOMMUNICATIONS PURPOSES (12/2/4-8/4)

(b)(iii) That a rental amount of ~~R4 756.40~~ R4 583.44 per month (10% ~~6%~~ escalation per annum) (excluding VAT) will be payable by the tenant plus electricity consumption.

5. CONSIDERATION OF RECOMMENDATIONS FROM THE MINUTES

5.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING HELD ON 7 AUGUST 2024

5.1.1 MUNICIPAL GOVERNANCE, ADMINISTRATION AND FINANCE

RESOLUTION

(proposed by Cllr. A K Warnick, seconded by Ald. T van Essen)

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

5.1.2 CIVIL AND ELECTRICAL SERVICES

RESOLUTION

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

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

5.1.3 DEVELOPMENT SERVICES

RESOLUTION

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

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

5.1.4 PROTECTION SERVICES

RESOLUTION

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

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

6. MATTERS ARISING FROM THE MINUTES

None.

7. NEW MATTERS

7.1 APPROVAL OF THE IDP/SDF/BUDGET TIME SCHEDULE (2/1/4/4/1)

In terms of section 21(1)(b) of the Municipal Finance Management Act 56 of 2003 (MFMA), the Mayor must submit a time schedule to Council at least ten months before the commencement of the budget year with key deadlines regarding the review of the Integrated Development Plan (IDP) and budget process.

RESOLUTION (for submission to Council on 22 August 2024)
(proposed by cllr N Smit, seconded by cllr J M de Beer)

That the attached IDP / SDF/Budget time schedule be recommended for approval by Council.

7.2 ACCOUNTING POLICIES FOR THE YEAR ENDED 30 JUNE 2024 (5/14/3/5)

The Director: Financial Services confirmed that the approval of the Accounting Policies has no financial implications and therefore it is not necessary to submit these together with the budget, but before the submission of the annual financial statements.

The Accounting Policies contain the rules regarding the accounting and relevant disclosures in the annual financial statements.

RESOLUTION
(proposed by cllr N Smit, seconded by cllr A K Warnick)

That council grants approval for the Accounting Policy as per the attached policy and commentary on changes thereto.

7.3 AMENDMENTS TO PREFERENTIAL PROCUREMENT POLICY (8/1/B/1)

The Preferential Procurement Policy was amended in response to the new regulations which came into effect from 16 January 2023, *inter alia*, regarding preference given to local contractors.

The Director: Financial Services reported that the definition of local/"locality" in the existing policy is abused by tenderers. A tenderer will, for example, only have a site office in the area, but will demand the points as being local.

However, the intention is to give preference to local tenderers who offer job opportunities in the municipal area.

RESOLUTION (for submission to Council on 22 August 2024)
(proposed by cllr A K Warnick, seconded by cllr N Smit)

That the proposed amendments to the municipality's Preferential Procurement Policy, as presented in Appendix B, be approved by Council with immediate effect.

7.4 COLLABORATION BETWEEN SWARTLAND MUNICIPALITY AND THE GOEDGEDACHT TRUST AND THE IMPENDULA TRUST (17/2/2)

The Chairperson requested the Director: Corporate Services to present his report to the meeting.

The Director: Development Services informed the meeting that after visiting the vegetable gardens established by the Impendulo Trust, the belief is that the gardens are operated in a sustainable manner for the benefit of the community.

The Director: Development Services stated that the initiative will be monitored on a regular basis with a view to establishing the initiative in other areas, which could serve as an alternative to the utilisation of public open spaces which are currently used as garbage dumps.

RESOLUTION

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

- (a) That the mayoral committee considers a visit to the vegetable garden on Erf 2651, Riebeeck Kasteel as well as the area on which the food security programme is planned, for members to familiarise themselves with the local circumstances;
- (b) That,
 - (i) given that the vegetable garden on the municipal open space (erf 2651, Riebeeck Kasteel) is evidently sustainable and operated for the benefit of the local community and as such paves the way as best practice, and further considered;
 - (ii) that the Impendulo Trust has for three years been in operation as a non-profitable organisation in Riebeeck Kasteel, consideration be given to entering into a lease agreement for a period of one (1) year at a subsidized rental rate of R120.00 per annum (excluding VAT) with the Impendulo Trust for the use of Erf 2651 as a vegetable garden, provided that the project will be assessed by the Directorate Development Services (Department Community Development) from time to time regarding its management and sustainability;
- (c) That the following be brought in writing to the attention of Impendulo regarding the access road to Portion 2 of Farm 645 from the 'Delico' road (DR 1154), as well as regards service delivery by the Municipality:
 - (i) The creation of access and putting up a gate must be formalized with the Provincial Road Engineer, given that DR 1154 is a subordinate road that falls under the jurisdiction of the Provincial Government;
 - (ii) Should the Municipality be required to provide any suction tank services, the road up to and including the sewage storage tank must also be formalized to provide the necessary access;
 - (iii) If electricity is required on the rented premises, it must be taken up with Eskom as the distributor;
 - (iv) The Municipality does not provide potable water in rural areas, and the Landlord (Riebeeck Wine Co) should be approached about a water connection;
 - (v) All structures (e.g. containers, sewage suction tank, access gates) may only be erected in terms of the applicable building legislation and with the approval of the Municipality;
- (d) That the Development Services Directorate investigates a possible memorandum of cooperation with the Goedgedacht Trust and the Impendulo Trust, as well as potential focus areas in respect of which the respective parties can achieve cooperation, in an effort to establish positive relations with those involved for the benefit of the local community.

7.5 PROPOSED DISPOSAL OF DIE KRAALTJIE (ERF 470), KALBASKRAAL (17/2/2)

RESOLVED that the item be withdrawn to reconsider the use of the building.

7.6 DISPOSAL OF ERF 2652 RIEBEEK KASTEEL (TENDER L05/23/24) (12/2/5/2-11/1)

The Council, on 28 March 2024 approved the alienation of Erf 2652, Riebeeck Kasteel, subject to the publication of the intention to do so.

No objections were received to the proposed alienation and tenders were accordingly called for on 4 June 2024. Only one tender was received by the closing date of 5 July 2024. The Director: Corporate Services, however, indicated that the tenderer has not complied with the tender requirements.

RESOLUTION

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

(a)/...

7.6/...

- (a) That cognisance be taken that Tender L05/23/24 for the Sale of Erf 2652 Riebeek Kasteel could not be considered and awarded, in that the bid received did not comply with the tender requirements for Round 1 of the two-envelope system;
- (b) That tenders again be invited in due course for the sale of Erf 2652 Riebeek Kasteel.

7.7 DISPOSAL OF ERF 4205 DARLING (TENDER L04/23/24) (8/2/2/8)

The Council, on 28 March 2024 approved the alienation of Erf 4205, Darling, subject to the publication its intent to do so.

No objections were received to the proposed alienation, and tenders were subsequently called for on 4 June 2024. By the closing date, four tenders were received and evaluated in terms of the preferential procurement principles.

RESOLUTION

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

- (a) That cognizance be taken of the processes followed for Tender L04/23/24 (Sale of Erf 4205, Darling) to be awarded to Mariana Marthinus at the amount of R186 000.00 excluding VAT;
- (b) That the transfer of the asset (subject property) to Mariana Marthinus be approved, and the Agreement of Sale be signed by the Director: Corporate Services.

7.8 PROPOSED RENEWAL OF LEASE: ROAD RESERVE PORTION ADJACENT TO ERF 3024 TO SWARTLAND VOORTREKKERS (12/2/4-8/4)

The Council leases a portion of municipal land, in extent approximately 2082 m², situated opposite the Swartland High School in Malmesbury, to the Swartland Voortrekkers.

The land is solely used by the lessee for the normal education activities associated with the Voortrekker movement.

The lease expires on 31 August 2024.

RESOLUTION

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

- (a) That in terms of Regulation 34 of the Municipal Asset Transfer Regulations (MATR), read together with the Municipal Asset Transfer Policy (2014), approval be granted for the lease of the road reserve portion, measuring approximately 2082m² in extent to Swartland Voortrekkers, subject to the standard conditions of lease and the following further conditions:
 - (i) That the lease will endure for a period of three years for the use thereof for the operational activities of the lessee;
 - (ii) That a rental of R120.00 per annum (VAT excl.) be payable; and
 - (iii) That should the construction of the road be commenced with prior to the expiration of the lease period; the lessee be provided with a one month's written notice of the construction and the lease will automatically be terminated.

7.9 PROPOSED LEASE OF A PORTION OF ROAD RESERVE, DR EUVRARD STREET (ERF 6158) TO SWARTLAND PRIMARY SCHOOL FOR SAFETY AND SECURITY PURPOSES (12/2/4-8/5)

The Council leases a section of road reserve in Dr Euvrard Street (Erf 6158) to the Swartland Primary School.

However, the lease has expired and the school has indicated that it wishes to renew the lease of the portion of road reserve as it contributes to the safety and security of the school premises.

The Director: Corporate Services mentioned that the previous lease was for a period of 20 years. However, it is proposed to reduce the lease term to three years in order to comply with the provisions of the Asset Management Policy.

RESOLUTION

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

- (a) That in terms of Regulation 34 of the Municipal Asset Transfer Regulations (MATR), read together with the Municipal Asset Transfer Policy (2014), approval be granted for the lease of the road reserve portion, Dr Euvrard Street (Erf 6158, Portion of Erf 604), measuring approximately 2218m² in extent to Swartland Primary, subject to the standard conditions of lease and the following further conditions:
- (i) That the lease will endure for a period of three years for safety and security reasons;
 - (ii) That a rental of R555.00 per annum (VAT excl.) be payable;
 - (iii) That the maintenance of the gates and fencing erected on or to the leased property by the school, be undertaken by and at the cost of the lessee;
 - (iv) That 24-hour access to the leased property be provided to the Municipality for maintenance and/or upgrading of all municipal infrastructure located in the leased property; and
 - (v) That the maintenance of all municipal infrastructure be undertaken by and at the cost of the Municipality.

7.10 LEASE OF A PORTION OF ERF 327, KLIPKOPPIE, MALMESBURY TO NETSTAR (PTY) LTD FOR THE INSTALLATION OF VEHICLE TRACKING EQUIPMENT (12/2/4-8/4)

A lease agreement has been concluded with Netstar for the lease of a portion of Erf 327, Klipkoppie, Malmesbury for the installation of vehicle tracking equipment.

Netstar (Pty) Ltd has indicated that it wishes to renew the lease for a further term of three years.

RESOLUTION

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

- (a) That, in terms of Regulation 34 of the Municipal Asset Transfer Regulations (MATR), read together with the Municipal Asset Transfer Policy (2014), approval be granted for the lease of a portion of Erf 327, Klipkoppie, Malmesbury, to Netstar (Pty) Ltd, subject to the standard conditions of lease and the following further conditions:
- (i) That the lease term will endure for a period of three years from 01 August 2024 to 30 July 2027;
 - (ii) That a monthly rental of R668.50 (VAT excluded and 6% escalation per annum) be payable by the lessee;
 - (iii) That the property only be utilised for purposes of a vehicle tracking system and for no other purposes;
 - (iv) That the lessee ensures that its infrastructure does not cause any interferences or affect the infrastructure of the Municipality or infrastructure of any of the other lessees and must adhere to the required safety conditions; and
 - (v) That the infrastructure erected by the lessee be clearly labelled for easy identification of infrastructure on site.

7.11 REPORT ON COMMUNITY DEVELOPMENT PROJECTS, 2023/2024: OUTCOMES AND IMPACT (17/2/2)

The Department: Community Development must report on an annual basis regarding the outcomes and impacts of community development projects in terms of the Swartland Municipal Social Development Policy and Strategy.

The report includes the outcomes and impacts of the projects that were presented during the 2023/2024 financial year.

RESOLUTION

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

- (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.

7.12 OUTSTANDING DEBT: JULY 2024 (5/7/1/1)

A full report of the state of outstanding debtors has been circulated with the agenda.

RESOLUTION

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

That cognizance be taken of the report with reference to the state of the outstanding debtors of Swartland Municipality for July 2024.

7.13 PROGRESS: OUTSTANDING INSURANCE CLAIMS (5/14/3/5)

In terms of the Asset Management Policy, monthly reports must be submitted regarding the outstanding insurance claims.

RESOLUTION

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

That cognizance be taken of the state of outstanding insurance claims up to and including 31 July 2024 as circulated with the agenda.

7.14 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: COMPACTOR REPAIR, CK 34173 (8/1/B/2)

The compact truck, CK 34173, is used in Malmesbury and Riebeeck Valley for solid waste disposal.

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 Chain Management Policy;
- (b) That further notice be taken of the action of the Municipal to approved the repair of the trunnions and shaft bottle pins of compactor truck CK 34173 for the amount of R61,607.50 excluding VAT by Transtech;
- (c) That, in terms of paragraph 2(6)(d) of the Supply Channel Management Policy, it is not considered necessary to follow a formal tender process, as Transtech is the agent for Heil compactors in the Western Cape;.
- (d) That the expenditure will be allocated to mSCOA Code: 9/4-68-5 and that there is sufficient funding available for the quoted amount of R61,607.50 excluding VAT;

- (e) That the Senior Manager Financial Statements be instructed to include the abovementioned reasons as a note to the financial statements.

7.15 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: URGENT PUMPING AND CLEAN-UP OF PONDING SEWRAGE IN THE CHATSWORTH RURAL AREA (8/1/B/2)

The above-average rainfall during July led to the flooding of sewage tanks in the rural area of Chatsworth. The raw sewage pooled near residential structures and resulted in an extremely high health risk.

The situation was further complicated by the inaccessibility of the roads by municipal trucks and urgent solutions were explored.

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 Chain Management Policy;
- (b) That further notice be taken of the action of the Municipal to approve sewerage pumping and clean up in the Chatsworth rural area by Vetties Waste for the amount of R43 500.00 (excl. VAT);
- (c) That the reasons for the deviation from the prescribed procurement process be recorded as follows:
 - (i) Inclement weather and above normal rain during July caused flooding of sewerage tanks in the Chatsworth rural area resulting in ponding of raw sewerage around housing structures;
 - (ii) Urgent pumping of sewerage and clean-up were required to protect the public from possible disease and illness that can be contracted when in contact with raw sewerage;
 - (iii) The area was not accessible for heavy municipal sewerage trucks due to poor road conditions;
 - (iv) The services of a contractor with suitably sized lighter trucks were therefore obtained;
- (d) That it be noted that the expenditure of R43 500.00 (excl. VAT) was allocated to mSCOA Code: 9/239-541-2943 and that there is sufficient funding available;
- (e) That the Senior Manager Financial Statements be instructed to include the abovementioned reasons as a note to the financial statements.

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