



MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD IN THE COUNCIL CHAMBER, MALMESBURY ON TUESDAY, 15 OCTOBER 2024 AT 09:00

PRESENT:

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

Members of the Mayoral Committee:

Cllr D G Bess
Cllr N Smit
Cllr 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: Secretariate and Record Services, Ms N Brand

1. OPENING

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

2. LEAVE OF ABSENCE

No apologies were received.

3. SUBMISSIONS/DEPUTATIONS/SPEAKING ENGAGEMENTS

3.1 RIOT: RIVERLANDS

The Municipal Manager confirmed that, following the unrest experienced at Riverlands on 14 October 2024, the contractor is back on site and that discussions with the various role-players are continuing to mitigate any negative impact on the restoration of the water network.

FOR INFORMATION

3.2 SITUATION AT HIGHLANDS LANDFILL

RESOLUTION that the Chairperson's request to urgently enter into dialogue regarding the situation at the Highlands Landfill by gaining unlawful access to the facility due to the fence that has been stolen in places, is noted.

4. MINUTES

4.1 MINUTES OF AN EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 18 SEPTEMBER 2024

Resolution/...

4.1/...

RESOLUTION

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

That the minutes of the Executive Mayoral Committee meeting held on 18 September 2024 be approved and signed by the Executive Mayor.

5. CONSIDERATION OF RECOMMENDATIONS FROM THE MINUTES**5.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING HELD ON 9 OCTOBER 2024****5.1.1 MUNICIPAL MANAGER, ADMINISTRATION AND FINANCE****RESOLUTION**

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

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

6. MATTERS ARISING FROM THE MINUTES**6.1 CASE NUMBER 1394/2022: SWARTLAND MUNICIPALITY (EXECUTION CREDITOR) / SYDNEY DAWNDALE JACOBS (JUDGMENT DEBTOR): PROPOSED PURCHASE OF ERF 3986, RIVERLANDS (5/7/1/1)**

The Executive Mayoral Committee granted approval on 18 September 2024 for the possible purchase of Erf 3986, Riverlands at an auction that would take place in terms of the prescribed procedures on 18 October 2024.

However, the auction could not take place due to a failure of the State Printer to publish the intended auction. It is not yet clear when the auction will take place.

RESOLUTION

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

That the Municipal Manager (or designated official) be authorized to offer an amount, equal to the amount owed in respect of the property when the date for the auction is determined, for the property at the auction in order to obtain ownership and to thus be in a position to deal with the property in a manner to be decided.

7. NEW MATTERS

7.1/...

7.1 APPOINTMENT OF PERFORMANCE, RISK AND AUDIT COMMITTEE MEMBERS (11/1/3/1/7)

The Municipal Manager mentioned that the second term of Mr Chris de Jager on the Municipal Performance, Risk and Audit Committee ends on 31 October 2024. Mr de Jager's expertise in the financial field will leave a huge gap.

For the aforementioned, it has been decided to employ x2 new members and the Municipal Manager confirms that the legislative requirements do allow it. A further advantage of having x4 members on the committee is that the activities are not affected if a member is not available.

RESOLUTION

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

- (a) That taking into account the composition of the existing committee in respect of skills, Advocate Mdludlu and Ms Jones are appointed to the Performance, Risk and Audit Committee for three (3) years with effect from 1 November 2024;
- (b) That approval be given for the appointment to be made in accordance with the remuneration rate as determined by the Executive Mayoral Committee on 13 July 2022.

7.2 ADDENDUM TO CONTRACT: DARLING GREEN UTILITY SOLAR PV PLANT (8/2/2/1)

The Director: Electrical Engineering Services gave background to the *Force Majeure* incident caused by the heavy rains during July and August 2024. As a result, the construction of the solar plant could not continue, due to the high level of the groundwater.

RESOLUTION

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

- (a) That the Executive Mayoral Committee take note of the Force Majeure event as declared by DGU;
- (b) That the EMC note the acceptance of the Force Majeure event by the Municipal Manager;
- (c) That it be noted that it is not necessary to follow a Section 116 (3)b process due to the Force Majeure event and the resultant impact on the commissioning date of the Solar Plant;
- (d) That the Municipal Manager be mandated to sign an Addendum to the PPA to confirm the new Commissioning date as 20 January 2025.

7.3 QUARTERLY REPORT ON THE PERFORMANCE OF CONTRACTORS (8/1/B/2)

The report in respect of the quarterly performance evaluation of contractors appointed in terms of the Supply Chain Management Policy was submitted in compliance with Section 116(2) of the MFMA and the core performance indicator of the Municipal Manager.

RESOLUTION

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

That notice be taken of the quarterly report regarding the performance of contractors for the period 1 July 2024 to 30 September 2024.

7.4 REPORT REGARDING THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY FOR THE PERIOD 1 JULY 2024 TO 30 SEPTEMBER 2024 (8/1/B/2)

A report regarding the implementation of the Supply Chain Management Policy must be submitted to the Executive Mayor on a quarterly basis in terms of paragraph 6(3) of the Municipal Supply Chain Management Regulations.

The report for the period 1 July 2024 to 30 September 2024 has been circulated with the agenda.

Resolution/...

7.4/...

RESOLUTION

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

- (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 2024 to 30 September 2024 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).

7.5 AMENDMENT OF THE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (15/1/4/1)

The process with respect to the amendment of the Municipal Spatial Development Framework (ROR) is contained in the IDP/ROR/Budget Time Schedule, as approved by Council in August 2024.

The purpose of the amendment to the ROR is to include (1) the Capital Expenditure Framework and (2) expansion of the urban peripheral areas of Malmesbury and Darling.

RESOLUTION

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

That Council approves 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:

- (a) Swartland Municipality publishes a notice in two of the official languages of the Province, most spoken in the area and 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
 - (i) their intention to amend the municipal spatial development framework;
 - (ii) that the process to be followed will be in accordance with section 28(3) and 29 of the Municipal Systems Act;
 - (iii) that the draft amendment of our municipal spatial development be referred to the Provincial Minister for comment;
- (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
Development Services	:	J S Krieger
Spatial Planning	:	A M Zaayman
		A J Burger
		H Olivier
		A de Jager
Engineering (Electrical)	:	T Moller
Engineering (Civil)	:	L D Zikmann
LED	:	H Balie
Human Settlements	:	S Arendse

7.6 SWARTLAND TOURISM NPC: REPORTS 2023/2024 FINANCIAL YEAR (9/1/3/2/1)

The service delivery agreement with the Swartland Tourism NGO stipulates, amongst others, that certain documentation must be submitted to the Municipality on an annual basis.

7.6/...

RESOLUTION

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

That cognisance be taken of:

- (a) the content of the Chairman's report;
- (b) the key performance areas as measured for the period 1 July 2023 to 30 June 2024; and
- (c) the contents of the annual financial statements for the 2023/24 financial year.

7.7 SWARTLAND TOURISM: APPLICATION TO ERECT AN OUTDOOR GYMNASIUM ON A PORTION OF ERF 495, YZERFONTEIN (15/3/3-14)

An application was received from Swartland Tourism for the installation of an outdoor gymnasium on a portion, approximately 264 m² in size, of Erf 495 in Yzerfontein, after approval had already been granted in principle earlier (in 2021) for the construction of the gymnasium on a site elsewhere, namely Erf 208, Yzerfontein.

Ald. T van Essen mentions that the application is not opposed, but that a site inspection should be undertaken to acquaint the committee with the impact of the outdoor gymnasium on the flora, especially in flower time.

RESOLUTION

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

- (a) That the application of Swartland Tourism to erect an outdoor gymnasium on a portion (± 264 m² in extent) of Erf 495, Yzerfontein, as depicted on the location plan to the report, be noted;
- (b) That the aforesaid application of Swartland Tourism is supported in principle, but that the implementation of the decision is postponed until after a site inspection by the Executive Mayoral Committee to consider the impact on the flora, especially in flower time;
- (c) That cognizance be taken of the objection received against the proposal;
- (d) That, despite the objection received, approval be granted for the construction of the gymnasium, for the following reasons:
 - (i) The gym will be located more than 40 meters from the objector's property, and should have little if no impact on the comfort of the owner concerned or his/her privacy;
 - (ii) The facility cannot be compared to a playground, as its users will mainly be fitness-conscious individuals;
 - (iii) The facility is considered a great asset for local residents as well as visitors, especially during the festive season;
 - (iv) Anti-social behavior as at all other facilities must be managed by the application of law and order;
- (e) That the approval will be subject to implementation by Swartland Tourism of the measures as contained in their long-term maintenance and management plan dated 7 June 2024, and provided that the entity also sees to the installation of a notice board at the gymnasium to lay down rules of use for the facilities, in order to address potential nuisances.

7.8 DISPOSAL OF ERF 12874, MALMESBURY (TENDER L01/24/25)

On 30 April 2024, Council approved the disposal of Erf 12874, Malmesbury by way of a tender process.

The Director: Corporate Services states that only one tender was received, which did not meet the tender criteria. In the interim, there have been enquiries about the availability of the erf in question and tenders will go out again in early 2025.

Resolution/...

7.8/...

RESOLUTION

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

- (a) That cognisance be taken that Tender L01/24/25 for the Sale of Erf 12874 Malmesbury 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 12874 Malmesbury.

7.9 PROPOSED RENEWAL OF LEASE OF MUNICIPAL PROPERTY, ERF 169, MALMESBURY (PREVIOUSLY KNOWN AS THE "OLD JEWISH SYNAGOGUE"), SITUATED IN PROSPECT STREET TO THE MALMESBURY MUSEUM (12/1/3/1-8/1)

[The Executive Vice Mayor leaves the venue for the discussion of the item due to family ties to the Curator of the Museum.]

The Malmesbury Museum has been leasing the municipal property, Erf 169, Malmesbury (known as the "Old Jewish Synagogue") located in Prospect Street for several years. The property was bequeathed to the Municipality by the Jewish Church in 1974, on the condition that it was not used for religious purposes. It is therefore considered sensible to accommodate the Malmesbury Museum in the building in order to preserve its heritage value.

The lease agreement with the Malmesbury Museum expires on December 31, 2024.

RESOLUTION

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

- (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 municipal property, Erf 169 Malmesbury situated in Prospect Street, measuring approximately 619.9m² in extent, to the Malmesbury Museum, 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 January 2025 to 31 December 2027;
 - (ii) That a lease amounting to R120.00 per annum, excluding VAT be levied in respect of year 1, subject to escalation based on the Consumer Price Index (CPI) from year 2;
 - (iii) That the lessee shall be responsible for services consumption on the premises;
 - (iv) That the property only be utilised for operation of a museum and for no other purposes;
 - (v) That the building used by the Municipal Registry Department for safekeeping of records be excluded from the lease; and
 - (vi) That all administrative, technical and legal requirements be adhered to;
- (b) That, in terms of paragraph 12.2.1.4 of the Asset Transfer Policy, the lease of the property be granted by way of direct negotiations as the property has heritage value and benefits the community in terms of the history of Malmesbury exhibited in the building and what the building itself offers.

7.10 PROPOSED RENEWAL OF LEASE OF MUNICIPAL BUILDING SITUATED ON ERF 3432, MOORREESBURG TO THE OWNER OF ERF 3961, MOORREESBURG FOR USE AS A STORAGE FACILITY (12/1/3/1-9/1)

Since 2009 Council has been leasing the building situated on municipal property, Erf 3432, Moorreesburg to the adjacent landowners (Erf 3961) for storage purposes.

The Director: Corporate Services explains that access to Erf 3432 is limited and can only be accessed from Erf 3961 due to the fact that Karob Street has not been developed.

The lease agreement expires on 30 November 2024.

RESOLUTION

(proposed by ald T van Essen, seconded by cllr D G Bess)

- (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 municipal building situated on Erf 3432, Karob Street, Moorreesburg, measuring approximately 1564m² in extent to the owner of Erf 3961 Moorreesburg, subject to the standard conditions of lease and the following further conditions:
 - (i) That the lease term will endure for a period of two years from 01 December 2024 to 30 November 2026;
 - (ii) That a monthly rental of R374.00 (VAT excluded and 10% escalation per annum) be payable by the lessee;
 - (iii) That the property only be utilised as a storage facility and for no other purposes;
 - (iv) That the maintenance of the building be undertaken by and at the cost of the lessee;
 - (v) That all administrative, technical and legal requirements be adhered to;
- (b) In terms of paragraph 12.2.1.4 of the Asset Transfer Policy, the lease of the property be granted by way of direct negotiations as the property is situated adjacent to Erf 3961 Moorreesburg and will be maintained by the lessee, with no financial implications for the Municipality.

7.11 PROPOSED LEASE OF A PORTION OF THE MUNICIPAL BUILDING SITUATED ON ERF 1217, ABBOTSDALE, SONNEBLOM STREET (12/1/3/1-1)

A decision was made by the Executive Mayoral Committee in July 2024 that a portion of the municipal building on Erf 1217, Abbotsdale may only be leased for the purpose of providing a community development service.

An advertisement was posted to solicit proposals from eligible organisations, but no proposals were received. The report therefore aims to obtain approval to enter into a lease agreement with an organisation that will be identified by the Municipality as meeting all the requirements.

RESOLUTION

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

- (a) That it be noted that no proposals were received following a public participation process requesting proposals;
- (b) That, in terms of Regulation 34 of the Municipal Asset Transfer Regulations (MATR), read with the Municipal Asset Transfer Policy (2014), approval be granted for the direct lease of a portion of the municipal building, situated on Erf 1217 Abbotsdale, Sonneblom Street, to a community development organisation that meets the requirements of the Municipality, subject to the standard conditions of lease and the following further conditions:
 - (i) That the lease term will endure for a period of one year;
 - (ii) That a monthly rental of R120.00 (VAT excl.) shall apply;
 - (iii) That the municipal building be utilised for the provision of community development services and for no other purposes;
- (c) That, in terms of paragraph 12.2.1.4 of the Asset Transfer Policy, it will be in the interest of the community to lease the property for community development purposes.

7.12 PROPOSED LEASE OF MUNICIPAL PROPERTY (ERF 7840, RIVERLANDS) FOR PLACEMENT OF CONTAINERS, TO SURVIVORS CRÈCHE (118-491-NPO) FOR THE OPERATION OF AN EARLY CHILDHOOD DEVELOPMENT CENTRE (12/1/3/1-13/1)

The Survivors Crèche at Riverlands has been in operation for about 25 years as an Early Childhood Development Centre and services are offered to 45 children. The Survivors Crèche relocated to the premises of the URC Riverlands in 2021.

Flood damage was caused to a specific section of the Church housing the crèche on 8 August 2024 when the dams outside Riverlands ruptured, and poses a safety risk to the children and teachers. At this time, only a small amount of children can be accommodated due to limited safe space.

Two shipping containers were donated to the Survivors Crèche and they would like to place these on Erf 7840, Riverlands. If successful, the plan is to acquire further x2 shipping containers.

The Municipal Manager mentions that the importance of a crèche was realised during the disaster, in that parents have to go to work and there is no place for their children.

The Municipal Manager further mentions that the ward committee of Ward 4 will consider the provision of ward project fees for the fencing of the premises and that the Municipality must assist with service connections and facilitate the process of obtaining electricity from Eskom.

RESOLUTION

(proposed by cllr A K Warnick, 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 municipal property, Erf 7840 Riverlands situated in Houtkapper Street, measuring approximately 642.9m² in extent, to the Survivors Crèche (Registration No.118-491-NPO), subject to the standard conditions of lease and the following further conditions:
 - (i) That the lease term will endure for a period of two years from 01 November 2024 to 31 October 2026;
 - (ii) That a monthly rental of R120.00, excluding VAT be levied for year 1, and R120.00 plus escalation based on the Consumer Price Index (CPI) for year 2, excluding VAT;
 - (iii) That the lessee shall be responsible for the payment of services consumption on the premises;
 - (iv) That the property only be utilised for operation of an early childhood development centre and for no other purposes;
 - (v) That building plan approval be obtained by and at the cost of the applicant, noting that building plan fees will not be applicable and all safety requirements need to be adhered to;
 - (vi) That an application for electricity must be undertaken by and at the cost of the applicant to Eskom for approval;
 - (vii) That the surface of the land be prepared by the Municipal Civil Engineering Services Department for the placement of the container; and
 - (viii) That all administrative, technical and legal requirements be adhered to;
- (b) That, in terms of paragraph 13.1.3 of the Asset Transfer Policy, the lease of the property be granted by way of direct negotiations as the development of an early childhood development centre will address the community's need for such a facility.

7.13 STREET NAMES FOR DARLING IRDP HOUSING PROJECT (16/5/6)

The Darling Management Committee was requested to consider street names in terms of the Municipality's policy.

RESOLUTION

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

- (a) That Council approves the street names as proposed for registration at the Office of the Surveyor General, namely:
 - (i) Lion Street
 - (ii) Rhino Street

- (iii) Tiger Street
- (iv) Fox Street
- (v) Elephant Street
- (vi) Leopard Street
- (vii) Buffalo Street

- (b) That approval be granted for the extension of Okkerneut Street and the associated re-numbering of street numbers and that affected landowners be notified accordingly.

7.14 OUTSTANDING DEBTORS: SEPTEMBER 2024 (5/7/1/1)

A full report of outstanding debtors was 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 September 2024.

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

In terms of the Asset Management Policy, a monthly report must be prepared regarding the outstanding insurance claims.

RESOLUTION

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

- (a) That cognizance be taken of the state of outstanding insurance claims up to and including 30 September 2024 as circulated with the agenda;
- (b) That Administration was requested to explore methods of marking the Council's assets so that stolen items can be identified when located.

7.16 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: PROCUREMENT OF EMERGENCY MEALS DURING THE RIVERLANDS DISASTER PERIOD (8/1/B/2)

The dam embankments of three dams, located on the Dassenberg Farm, which borders the Swartland municipal area, broke on Thursday, 8 August 2024 and led to major flooding.

Serious damage was done to properties and infrastructure, among other things, the water network was totally destroyed. Riverlands and surrounding areas therefore had no access to drinking water and electricity.

RESOLUTION

- (a) That cognizance be taken of the deviation from the prescribed procurement procedures in terms of Section 36 of the Supply Chain Management Policy;
- (b) That further notice be taken of the action of the Municipal Manager to approve the purchase of emergency meals during the Riverlands disaster from Malmesbury Superspar;
- (c) That the reasons for the deviation from the prescribed procurement process be recorded as follows:
 - (i) This was an emergency situation with the disaster in Riverlands on 8 August 2024 with personnel from Swartland and supporting Western Cape Municipalities working long hours (16 hours) a day without any lunch or dinner breaks;
 - (ii) Malmesbury Superspar was the only service provider during this disastrous time who was willing to provide emergency meals from early in the morning to late evening on an emergency basis;
- (d) That the expenditure of R 113 163-30 (VAT Included) was paid from vote number 9/231-966-2418;
- (e) That the Senior Manager Financial Statements be instructed to include the abovementioned reasons as a note to the financial statements.

7.17 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: REPAIRS TO COMPACTOR TRUCK CK 44823 (8/1/B/2)

The refuse compactor truck, CK 44823, is used to perform the refuse removal service in Yzerfontein and Darling.

RESOLUTION

- (a) That cognisance be taken of the deviation from the prescribed procurement procedures in terms of Section 36 of the Supply Chain Management Policy;
- (b) That further notice be taken of the action of the Municipal Manager to approved the replacement of the slide assembly and blade cylinder of compactor truck CK 44823 for the amount of R 113,419.24 excluding VAT by Transtech;
- (c) That it is further noted that, in terms of paragraph 2(6)(g) of the Supply Chain Management Policy, it is not necessary to follow a formal tender process, as Transtech is the support agent of the Heil compactor in the West -Cape is;
- (d) That the expenditure will be allocated form mSCOA Code: 9/4-60-5 and that there is sufficient funding available for the quoted amount of R 113,419.24 excluding VAT;
- (e) That the Senior Manager Financial Statements be instructed to include the abovementioned reasons as a note to the financial statements.

7.18 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: REPAIRS TO COMPACTOR TRUCK CK 21988 (8/1/B/2)

The refuse compactor truck, CK 21988, is used to perform the refuse removal service in all areas of the Swartland Municipality.

RESOLUTION

- (a) That cognisance be taken of the deviation from the prescribed procurement procedures in terms of Section 36 of the Supply Chain Management Policy;
- (b) That further notice be taken of the action of the Municipal Manager has approved the replacement of the blade assembly, bottle pins and blade cylinder of compactor truck CK 21988 for the amount of R 148,814.54 excluding VAT by Transtech;
- (c) That it is further noted that, in terms of paragraph 2(6)(g) of the Supply Chain Management Policy, it is not necessary to follow a formal tender process, as Transtech is the support agent of the Heil compactor in the West -Cape is;
- (d) That the expenditure will be allocated form mSCOA Code: 9/4-51-5 and that there is sufficient funding available for the quoted amount of R148 814.54 excluding VAT;
- (e) That the Senior Manager Financial Statements be instructed to include the abovementioned reasons as a note to the financial statements.

7.19 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: REPAIRS TO CHLORINE DOSING EQUIPMENT AT THE MALMESBURY SWIMMING POOL (8/1/B/2)

Maxal Projects SA was appointed by the Municipality by tender to service the chlorine dosing equipment at reservoirs, WWTWs and swimming pools.

During the performance of the above service provider's duties at the Malmesbury Swimming Pool, it was found that the equipment was in need of repairs. The repairs are outside the duties in terms of the tender conditions and Maxal Projects SA has been requested to provide a quotation for the repairs to the Municipality.

RESOLUTION

- (a) That cognisance be taken of the deviation from the prescribed procurement procedures in terms of Section 36 of the Supply Chain Management Policy;

- (b) That further notice be taken of the action of the Municipal Manager to approve repairs of chlorine dosing equipment at the Malmesbury Swimming Pool by Maxal Projects SA for the amount of R 39,476.29 excluding VAT;
- (c) That the reasons for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The service provider, Maxal Projects SA, appointed in terms of SCM tender T23.23.24 identified faulty equipment while performing routine services in terms of their appointment;
 - (ii) Maxal Projects SA were already on-site working on the equipment and it would therefore be impractical to have another service provider execute the repairs;
- (d) That the expenditure of R148 814.54 (excluding VAT) was paid from vote number 9/4-51-5;
- (e) That the Senior Manager Financial Statements be instructed to include the abovementioned reasons as a note to the financial statements.

7.20 FIRST AMENDMENT OF THE 2024/2025 DETAILED MIG PROJECT IMPLEMENTATION PLAN (5/9/2/6/1)

The Director: Civil Engineering Services gave background to the amendment of the MIG Project Implementation Plan which can be attributed primarily to the urgent needs following the Riverlands disaster.

It is further foreseen that the road construction programme will not commence until January 2025.

RESOLUTION

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

- (a) That, in order to achieve successful project implementation, a re-allocation of funds between MIG projects is required and that the 2024/2025 DPIP must be amended accordingly;
- (b) That the following projects and budgets for the first amended of the DPIP for the 2024/2025 financial year be approved:

Nr	Project	MIG Ref.	Budget
1	Construction of roads in Illinge Lethu, Malmesbury phase 2	WC/1911/R.ST/22/25	R 0
2	Upgrading of the external water supply for Darling housing development – remainder of erf 551	WC/1924/W/22/25	R 2 591 464
3	New bulk sewer for Darling development for remainder of erf 551	WC/1935/S/22/25	R 1 516 105
4	Upgrading of the external water supply for Moorreesburg development	WC/1923/W/22/25	R 0
5	New bulk sewer for Moorreesburg development	WC/1934/S/22/25	R 0
6	Illinge Lethu sports field upgrades	WC/1914/R.ST/23/25	R 1 123 506
7	Illinge Lethu sports field upgrades	WC2035/CF/23/25	R 3 876 494
8	Development of Cell 3A at Highlands Landfill Site	WC1982/SW/23/27	R 17 338 000
9	Malmesbury: Rehabilitation of Roads	WC1765/R.ST/19/23	R 901 793
10	Malmesbury: Resurfacing/Rehabilitation of Municipal Roads Ph2	WC2026/R.ST/24/27	R 1 858 145
		TOTAL	R 29 302 000

- (c) That the executive Mayoral Committee notes the reduction in the 2024/2025 MIG allocation as gazetted on 12 September 2024;
- (d) That the amended DPIP be submitted to the Department of Cooperative Governance and Traditional Affairs.

(SGD) J J SCHOLTZ
MUNICIPAL MANAGER