



MINUTES OF A MEETING OF THE SWARTLAND MUNICIPAL COUNCIL, HELD IN THE MALMESBURY BANQUETING HALL ON THURSDAY, 23 MARCH 2017 AT 11:00

PRESENT:

Speaker, clr M Rangasamy
Executive Mayor, ald T van Essen
Deputy Executive Mayor, ald M S I Goliath

Bess, D G (DA)	Smit, N (DA)
Daniels, C (DA)	Solomons, P E (DA)
Humphreys, F S (ANC)	Stanley, B J (DA)
Fortuin, C B (DA)	Stemele, O M (DA)
McQuire, V D (DA)	Van der Westhuizen, R F (DA)
Mfutwana, L E (EFF)	Van Zyl, M (DA)
Papers, C H (DA)	

Officials:

Municipal Manager, mr J J Scholtz
Director: Financial Services, mr M A C Bolton
Director: Security Services, mr P A C Humphreys
Director: Electrical Engineering Services, mr R du Toit
Director: Corporate Services, ms M S Terblanche
Director: Civil Engineering Services, mr A J Botha
Manager: Secretarial and Records, ms N Brand

1. OPENING

[Note: the Speaker explained that during the previous Council meeting a ruling was made that all councillors must obtain access to the council chamber by means of the side door/security entrance. It is the Speaker's duty to ensure the safety of councillors and guests of the Council, therefore the ruling. Special permission was granted to clr F S Humphreys to use the main entrance until such time as she has recovered.]

The Speaker requested all councillors to respect this ruling, in the light that some ANC councillors have refused to use the side door/security entrance – hence their absence.]

Pastor Piet Smit of the AGS Corpus Christie Community, Malmesbury opened the meeting with a scripture reading and prayer at the request of the Speaker.

The Speaker welcomed all present and congratulated all councillors and officials who had celebrated birthdays during the period January to March 2017.

2. APOLOGIES

Apologies received from clrs J M de Beer and E S M Maart. The following councillors were absent without leave – ms A M Sneewe and messrs Z Bekebu, B J Penxa, D B Philander and N S Zatu.

3. DELEGATIONS/ANNOUNCEMENTS AND COMMUNICATIONS/SUBMISSIONS

3.1 NOTING OF AND HANDING OVER OF THE PROCESS CONTROLLER AWARD PLAN 2017-2022

3.1/...

A workshop for process controllers at the water purification works was presented by the Institute of Water Services in conjunction with the Department of Water Services and Sanitation during November/December 2016.

The purpose of the workshop was to emphasize the role played by process controllers, to exchange knowledge in respect of skills and technology, to encourage best practise, to contribute towards the bettering of Blue and Green Drop status and to build relationships between process controllers.

As part of the workshop a competition was launched by the Department of Water Affairs and Sanitation, and municipalities can nominate persons for the best process controller. Swartland Municipality sent in four nominations, of which two were chosen as runners up in the category - *Recognition of the commendable contribution made towards enhancing the professional value of Process Controllers: Waste Water Treatment Works with design capacity greater than 10MI/day.*

The Speaker afforded the Executive Mayor, ald T van Essen, the opportunity to present the awards to messrs Wilfred Barendse and Randall Jenneke, both of whom work for the Malmesbury Water Purification Works.

That **NOTE IS TAKEN** of the prestigious awards presented to messrs Wilfred Barendse and Randall Jenneke from the Malmesbury Water Purification Works.

4. MINUTES FOR APPROVAL

4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 26 JANUARY 2017

RESOLUTION

(proposed by clr M van Zyl, seconded by clr C B Fortuin)

That the minutes of an Ordinary Council meeting held on 26 January 2017 are approved and signed by the Speaker.

5. REPORT IN RESPECT OF DECISION MAKING BY THE EXECUTIVE MAYOR

RESOLUTION

That the decisions made by the Executive Mayor in accordance with his delegated power referred to in the following minutes are noted:

5.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 18 JANUARY 2017

6. REPORT IN RESPECT OF DELEGATED DECISION MAKING BY THE MUNICIPAL MANAGER

None

7. MATTERS FOR DISCUSSION

7.1 ACCEPTANCE OF THE OVERVIEW REPORT IN RESPECT OF THE 2015/2016 ANNUAL REPORT (7/1/1/1)

The Draft Annual Report for the 2015/2016 financial year was submitted to the Council on 26 January 2017 in accordance with article 127 of the MFMA, whereafter the Annual report was made available to the public and relevant state organs for comment.

The MPAC met on 7 March 2017 to consider the 2015/2016 Annual Report, and to draw up an overview report (circulated with the agenda) for submission to the Council.

The matter was brought to the vote and was decided (in the absence of seven councillors) with fourteen votes in favour thereof, and two councillors who abstained from voting.

7.1/...

RESOLUTION

(proposed by clr C B Fortuin, seconded by clr C H Papers)

- (a) That the Council, given that it has considered the Swartland Municipality's 2015/2016 Annual Report, assents to the Overview Report, in terms of article 129 of the Municipal Financial Management Act;
- (b) That the Swartland Municipality's 2015/2016 Annual Report is approved without reservation, in terms of article 129 of the MFMA;
- (c) That the minutes of meetings in which the Annual Report was discussed in the presence of the accountable officer (Municipal Manager) are submitted to the Auditor General, the Provincial Treasury and the Western Cape Department of Local Government, in terms of article 129(2) of the MFMA;
- (d) That the 2015/2016 Overview Report of the Swartland Municipality is made public in terms of article 129(3) of the MFMA and submitted to the Western Cape Legislator in terms of article 132(2) of the MFMA.

7.2 (1) REPORT IN RESPECT OF ARTICLE 56 VACANCY: MR A J BOTHA; (2) FILLING OF ARTICLE 56 MANAGER'S POST: DIRECTOR: CIVIL ENGINEERING SERVICES; (3) APPOINTMENT OF SELECTION PANEL (4/3/B, 4/3/1)

The Municipal Manager stated that the Director: Civil Engineering Services is retiring at the end of 2017. The retirement of mr Botha and the subsequent vacancy is being timeously reported to the Council in order to fill the article 56 Manager's Post as quickly as possible. The reason for this is to give mr Botha the opportunity to mentor the incumbent, in accordance with the Council's succession planning.

The process plan for the appointment of the Director: Civil Engineering Services, as well as the complete advert, were circulated with the agenda.

RESOLUTION

(proposed by clr M van Zyl, seconded by clr R F van der Westhuizen)

- (a) That note is taken of the vacancy in the post of Director: Civil Engineering Services arising from the retirement of mr At Botha at the end of December 2017;
- (b) That the Council approves of and confirms that the macro personnel structure as noted on the approved organization structure, is consistent with the IDP, and that the post of Director: Civil Engineering Services is relevant and necessary in order to attain the strategic goals of the IDP;
- (c) That the Council approves that the post of Director: Civil Engineering Services is filled and advertised as per the attached advertisement and in compliance with the regulations;
- (d) That the post is filled at an all inclusive "cost to the company" package as per the conditions of "upper limits" for Senior Managers, in accordance with the 4 July 2016 notice, or as amended;
- (e) That the Council approves the selection panel consisting of the following persons-
 - (i) The Municipal Manager - mr Joggie Scholtz (Chairman of the panel);
 - (ii) Clr Reggie van der Westhuizen – (Portfolio Chairman of Civil Engineering Services);
 - (iii) Executive Mayor – Ald Tijmen van Essen;
 - (iv) Deputy Mayor – Ald Maudé Goliath;
 - (v) Director: Civil Engineering Services of either Drakenstein, Stellenbosch, Berg River, or West Coast District Municipality;
- (f) That note is taken that a service provider will be appointed by the Municipal Manager to assist with the recruiting and selection process for the appointment of a Director: Civil Engineering Services;

7.2/...

- (g) That note is taken of the attached process plan and that as such it is approved;
- (h) That approval is given that mr At Botha acts in a mentorship role after the appointment of his successor, for the remaining period of his contract, subject to his availability for other tasks, functions and responsibilities as and when necessary.

7.3 PROPOSED AMENDMENT TO STANDING RULES AND PROCEDURES WITH REFERENCE TO DISCIPLINARY MATTERS IN RESPECT OF COUNCILLORS/ RATIFICATION OF NON-COMPLIANCE OF STANDING RULE 4.3 (3/1/6)

The Standing Rules and Procedures in respect of Disciplinary Matters with respect to Councillors were approved by the Council on 24 November 2016.

The Speaker submitted a report, in terms of the above mentioned rules, with recommendations in respect of the alleged infringement of the Code of Conduct by various councillors on 26 January 2017.

The Municipal Manager was instructed, in terms of rule 4.1 of the relevant rules, to appoint a qualified person or company to investigate the matter. Rule 4.3 stipulates that the appointed person draws up and distributes the charge sheet, in accordance with rule 4.2, as quickly as possible, but within a reasonable time frame, which does not exceed 14 calendar days. The appointed person could not adhere to the deadline due to work pressure, and it is proposed that the time limit of 14 calendar days is too restrictive.

RESOLUTION

(proposed by clr C Daniels, seconded by clr O M Stemele)

- (a) That the non-compliance with rule 4.3 of the Standing Rules and Procedures in respect of Disciplinary Matters against Councillors is condoned with regard to the matters which were referred to the Disciplinary Committee in terms of the Council Decision of 26 January 2017;
- (b) That because it is anticipated that the time limit in rule 4.3 may cause a practical difficulty in the future, approval is given to amending rule 4.3 as follows:

“ the initiator must draw up and distribute the charge sheet, referred to above, as quickly as possible, but within a reasonable time frame.”

7.4 HOUSING ALLOCATION POLICY (17/4/2/B)

On 12 June 2013 – due to lack of a housing allocation policy – the Council approved the allocation of houses to first timers, for the current housing project, proportional to a percentage of specific categories of participants.

The Provincial Minister of Housing, mr Bonginkose Madikizela, requested municipalities to institute a fair process which, inter alia, gives preference to the disabled, pensioners, married couples, as well as persons living on neighbouring farms.

In a recent circular from the Department of Human Settlement it was confirmed that the qualifying age for low cost housing had been adjusted from 40 years of age to 35 years of age and older.

The item was submitted to the Executive Mayor’s Committee on 8 February 2017 for recommendation to the Council.

RESOLUTION

(proposed by clr N Smit, seconded by ald M S I Goliath)

- (a) That the Housing Allocation Policy is approved as submitted and will be applicable with effect from the date on which it is approved by the Council;
- (b) That/...

7.4/...

- (b) That the categories of participants which were approved by the Executive Mayor's Committee on 12 June 2013, are replaced by quotas according to the new Housing Allocation Policy;
- (c) That note is taken of the request from the Department of Human Settlement to give preference to first timers, 35 years and older, during allocation;
- (d) That the Council notes that in the future, after completion of the housing projects in Riebeeck West, projects will only be undertaken in towns with growth potential, together with reference to their catchment areas, as indicated in the attached plan;
- (e) That note is taken that the existing waiting lists for Ilinge Lethu and Malmesbury will be consolidated into one waiting list, and that allocations in the future Malmesbury housing project will be made in terms of the date of application;
- (f) That during each housing project the list of identified beneficiaries for that particular project will be submitted to the Council's Housing Committee for approval;
- (g) That the Housing Committee, which is chosen from the participants in each proposed project, is submitted to the Executive Mayor's Committee for approval;
- (h) That after completion of the Riebeeck West Housing Project the sequence of housing projects in the towns with growth potential will be as follows, namely: Malmesbury, Moorreesburg, Darling and Riebeeck Valley.

7.5 PROPOSED ALIENATION OF MUNICIPAL IMMOVABLE PROPERTIES (CHURCH PROPERTIES) IN MALMESBURY AND CHATSWORTH (12/2/B)

Swartland Municipality is the registered owner of the following properties:

- Erf 1652 (1957 m² in extent), situated between Malmesbury & Chamberlain Road, zoned Community Zone 2 (church). The municipal valuation of the property is R150 000.00;
- Erf 9968 (752 m² in extent), c/r Masoko & Holomisa Streets, Ilinge Lethu Malmesbury, zoned Community Zone 2 (church). The municipal valuation of the property is R46 000.00.

It has been proposed, arising from several enquiries from the public, that the properties are offered for public competitive tender. The tender process will consist of a request for financial offers as well as development proposals based on the criteria in respect of places of worship referred to in the Municipality's Policy with respect to the Transfer of Municipal Assets.

RESOLUTION

(proposed by clr C B Fortuin, seconded by clr B J Stanley)

- (a) That the Council approves in principle that a public two phase tender process is followed in accordance with article 14 of the Municipal Financial Management Act, 2003 and the Regulation and Policy in respect of Transfer of Municipal Assets, for the alienation of the following vacant, immovable properties:
 - Erf 1652 (1 957 m² in extent), situated between Malmesbury & Chamberlain Roads, Chatsworth
 - Erf 9968 (752 m² in extent), c/r Masoko and Holomisa Streets, Ilinge Lethu, Malmesbury;
- (b) That note is taken that the properties which are offered for sale have primarily been identified for alienation for community purposes (churches) according to the zoning thereof and have not at any stage been earmarked for a minimum or any other level of basic municipal services;
- (c) That/...

7.5/...

- (c) That the following subsidized prices have been determined as the reserve price (VAT excluded) for the properties, in accordance with the competency granted in paragraph 15.2.2 of the Municipality's policy in respect of the Transfer of Municipal Assets:
- Erf 1652, Chatsworth R30 000,00 (20% x R150 000,00)
 - Erf 9968, Malmesbury R9 200,00 (20% x R46 000,00)
- (d) That authorization is given to
- (i) The Executive Mayor's Committee to
 - deal with any comments and/or objections received in respect of the proposed transactions; and to
 - consider acceptance or rejection of offers received for the properties and to make the decision to finalize the transfer of the assets;
 - (ii) To the Director: Corporate Services to finalize the evaluation criteria and conditions of sale for tender purposes, in conjunction with all the relevant internal role players, as well as the council's lawyer if deemed necessary, taking into account the relevant conditions in the Policy with respect to the Transfer of Municipal Assets.

7.6 PROPOSED ALIENATION OF MUNICIPAL IMMOVABLE PROPERTY (BUSINESS PREMISES) IN MALMESBURY (12/2/B)

The Swartland Municipality owns the following properties:

- Erf 6353, c/r Tshwete and Alfa Streets (5439 m² in extent), zoned business zone 1 with a municipal valuation of R272 000.00 (R50.00/m²)
- Erf 3185, c/r Mimosa Avenue and Besembos Street (1500 m² in extent), zoned business zone 1 with a municipal valuation of R330 000.00.

In order to create more business opportunities the Municipality is at present in the process of subdividing erf 6353 into three portions, namely Portion A (±1500 m²); Portion B (±1500 m²) and Restant (±2 439 m²).

The municipal valuation of the properties is as follows:

- Erf 6353 at R272 000.00 (R50.00/m²)
- Erf 3185 at R330 000.00.

There has been a lot of interest recently from the public, and therefore a decision was made at management level to recommend to the Council that the properties are offered for public competitive tender. Due to the costs and rulings in respect of public auctions, the outright calling for financial offers will adopted.

RESOLUTION

(proposed by clr V D McQuire, seconded by clr D G Bess)

- (a) That the Council approves in principle, in terms of article 14 of the Municipal Financial Management Act, 2003 and the Regulation and Policy in respect of Transfer of Municipal Assets, that financial offers by means of public tender will be called for, for the sale of the following vacant immovable property in Malmesbury:
- Portion A, portion of erf 6353, Tshwete Street (± 1500 m²)
 - Portion B, portion of erf 6353, Alfa Street (± 1500 m²)
 - Restant portion of erf 6353, c/r Tshwete and Alfa Streets (± 2439 m²)
 - Erf 3185, c/r Mimosa Avenue and Besembos Street (1500 m²)
- (b) That note is taken that the properties which are offered for sale have primarily been identified for alienation for business purposes according to the zoning thereof and have not at any stage been earmarked for a minimum or any other level of basic municipal services;
- (c) That /...

7.6/...

- (c) That the reserve price (VAT excluded) for the properties is determined as follows, which is regarded by the Council to reflect a fair market related value:
- Portion A, portion of erf 6353: R 75 000,00
 - Portion B, portion of erf 6353: R 75 000,00
 - Restant portion erf 6353: R122 000,00
 - Erf 3185: R330 000,00
- (d) That authorization is given to
- (i) The Executive Mayor's Committee to
 - deal with any comments and/or objections received in respect of the proposed transactions; and to
 - consider acceptance or rejection of offers received for the properties and to make the decision to finalize the transfer of the assets;
 - (ii) to the Director: Corporate Services to finalize the condition of sale for tender purposes in conjunction with all the relevant internal role players as well as the council's lawyer;
- (e) That approval is also given that if the above mentioned properties are not sold after completion of the relevant competitive process, they may be sold out-of-hand on a 'first come first served' basis at the reserve price or higher, provided that the reserve price is a fair market related prices (based on the municipal valuation of the property at the time of alienation), and with the understanding that the same reversionary conditions contained in the sale agreement are applicable to the relevant buyers.

7.7 IMPLEMENTATION OF LEVEL 3 WATER RESTRICTIONS (16/1/17)

Since the implementation of water restrictions for the Swartland municipal area during December 2015 – originally level 1 (10% saving) and later level 2 (20% saving) – the water situation has deteriorated drastically. With the level of the Voëlvlei Dam at 25.2% at present the Swartland Municipality, likewise Cape Town and Drakenstein, have found it necessary to implement stricter water restrictions.

During a Special Executive Mayor's Committee Meeting held on 21 February 2017 the following decision was made for **NOTING** by the Council.

- (a) That the existing level 2 water restrictions were repealed and approval given to implement the proposed level 3 water restrictions marked **Attachment A** to this report, as of 1 March 2017;
- (b) That the above mentioned restrictions do not apply:
 - (i) where special exemption has been given by the Municipality in writing;
 - (ii) where other sources of non potable water are used and a notice to this effect is displayed, where it is readily visible, indicating the source;
- (c) That the quota system has been suspended but that users must take note that household and business water usage will be closely monitored, and that the Municipality retains the right to install an *Aqualoc*-watermeter (which regulates daily usage of water) in instances where water is misused;
- (d) That the Municipal Manager is authorised, in terms of article 69(2) of the Regulations in respect of Water Supply, Sanitation Services and Industrial Effluent, to grant departures, exemptions and relaxations in respect of restrictions, on reasonable grounds;
- (e) That the following 30% water tariff adjustments, which were part of the budget process, were approved for implementation, in an emergency situation, by the Council on 26 May 2016 and come into effect as of the service accounts for April for payment by 30 April 2017:

With /...

7.7(c) /...

With respect to household users –

	Tariff per unit (kiloliter)
0 to 4 kl	Gratis
5 to 25 kl	R14,60 plus VAT
26 to 50 kl	R20,10 plus VAT
51 kl and more	R31,12 plus VAT

With respect to businesses (including schools, government institutions and sports clubs) –

R20,74 plus VAT from the first kiloliter used

- (f) That public notices to this effect will be published in the media as well as on the website and social media platform (*Facebook*), put up at the municipal libraries and pay points and also delivered by hand to individual households;
- (g) That the municipal swimming pools will close to the public on 1 April 2017, with the understanding that – should the water situation deteriorate at any time making stricter water restrictions (level 3B) necessary – the swimming pools will be closed earlier subject to 24 hours notice;
- (h) That application will be made to the Department of Justice to increase the R300,00 fine which applies for violation of the water restrictions;
- (i) That discussions will be held with schools and sports clubs – which do not have alternative sources of water – to assess water usage at these institutions;
- (j) That the decision is submitted to the Council for noting.

**SIGNED:
SPEAKER**