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Municipality  
Umasipala

**MINUTES OF A MEETING OF THE SWARTLAND MUNICIPAL COUNCIL, HELD IN THE MALMESBURY BANQUETING HALL ON WEDNESDAY, 26 APRIL 2017 AT 11:00**

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**PRESENT:**

Speaker, clr M Rangasamy

Executive Mayor, ald T van Essen

Deputy Executive Mayor, ald, M S I Goliath

Bess, D G (DA)

Daniels, C (DA)

De Beer, J M (DA)

Fortuin, C B (DA)

Humphreys, F S (ANC)

Maart, E S M (DA)

Mfutwana, L E (EFF)

Papers, C H (DA)

Penxa, B J (ANC)

Philander, D B (ANC)

Smit, N (DA)

Sneewe, A M (ANC)

Solomons, P E (DA)

Stemele, O M (DA)

Van der Westhuizen, R F (DA)

Van Zyl, M (DA)

Zatu, N S (ANC)

Officials:

Municipal Manager, mr J J Scholtz

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**

The Speaker welcomed Father Craig of the St Thomas Anglican Church, Malmesbury, who opened the meeting with a scripture reading and a prayer at the request of the Speaker.

The Speaker welcomed all present and congratulated clr C H Papers, who was the only councillor or official to have celebrated a birthday during the previous month.

**2. APOLOGIES**

Apologies received from clrs Z Bekebu, V D McQuire and B J Stanley.

**3. DEPUTATIONS/DECLARATIONS AND COMMUNICATIONS/PRESENTATIONS**

**3.1 COUNCILLOR REMUNERATION 2016/2017 FINANCIAL YEAR (5/10/1)**

The Municipal Manager, mr J J Scholtz, confirmed that the consent from the MEC for local government, Minister Bredell, has been received for the implementation of the revised allowances and benefits as reported to the Council at a special Council Meeting held on 13 April 2017.

**NOTED**

**4. MINUTES FOR APPROVAL**

4.1/...

**4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 23 MARCH 2017****RESOLUTION**

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

That the minutes of an Ordinary Council meeting held on 23 March 2017 are approved and signed by the Speaker.

**5. REPORT WITH RESPECT TO DELEGATED DECISION MAKING BY THE EXECUTIVE MAYOR****RESOLUTION**

That note is taken of the decisions made by the Executive Mayor in accordance with his delegated power in the following minutes:

**5.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 8 FEBRUARY 2017**

Read in conjunction with

**MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 1 FEBRUARY 2017****5.2 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 22 MARCH 2017**

Read in conjunction with

**MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 1 MARCH 2017****6. REPORT WITH RESPECT TO DELEGATED DECISION MAKING BY THE MUNICIPAL MANAGER**

None

**7. MATTERS FOR DISCUSSION****7.1 TRANSFER OF ASSETS: WEST COAST DISTRICT MUNICIPALITY (2/1/2/2/1, 16/1/1/B)**

An article 78 investigation into the appointment of the West Coast District Municipality (WCDM) as the water provider to the relevant B-municipalities in terms of a service delivery contract was previously reported to the Council.

The service delivery contract was extended by the Council on 26 May 2016 for another year, until 30 June 2017, in order to ensure sustained service delivery.

The "*Municipal Transfer Regulations*" promulgated in 2008 stipulate that the water schemes preferably be unbundled and handed over to the B-municipalities. This action has not yet been taken, and the WCDM was responsible for taking out loans to finance capital projects. The WCDM's capacity to take out further loans to finance future projects is however, limited.

After extensive discussions between the relevant parties, a need was identified to again undertake an article 78 investigation in order to establish if the service could not be more sustainably provided by means of an alternative system. For this purpose the present capacity and potential future capacity of the necessary competence, skills and resources of the B-municipalities will be assessed in respect of the provision of the service.

In answer to a question from clr D B Philander as to whether the Swartland Municipality is ready to take over the service, the Executive Mayor explained that the article 78 investigation would determine this.

The Speaker put the matter to the vote and it was decided (in the absence of three councillors) with 19 councillors in favour thereof, and one councillor who abstained.

7.1/...

**RESOLUTION**

(proposed by ald M S I Goliath, seconded by clr R F van der Westhuizen)

- (a) That the existing Service Delivery Agreement with the West Coast District Municipality, Berg River and Saldanha is extended for a period of one year from 1 July 2017 to 30 June 2018;
- (b) That the Municipal Manager is authorised to sign the Second Addendum to the relevant Service Delivery Agreement, as attached to the report.

**7.2 UTILIZATION OF (1) MINERAL SPRING WATER, MALMESBURY AND (2) SURPLUS PURIFIED SEWERAGE WATER, RIEBEEK KASTEEL (14/2/12)**

During a special Council meeting held on 28 July 2016 the latter approved that (1) the water from the mineral spring in Malmesbury and (2) the surplus purified sewerage water from the Riebeek Kasteel Sewerage Works are made available, by means of a public tender process, to prospective developers/users.

During the drawing up of the tender specifications input was received from the relevant directorates and a request was made that certain aspects must again be considered by the Council, inter alia, the extension to the period of usage rights and the requirement that a social contribution must be provided.

Clr D B Philander requested that when social contributions are considered, the seriousness of drug and alcohol abuse in the municipal area must be taken into account, and the possibility of establishing a rehabilitation centre.

The Municipal Manager stated that the extent of drug and alcohol abuse is recognised, but that the establishment of a rehabilitation centre is not within the ambit of local government, and it is difficult to be pro-active in this respect. NGO's, provincial departments and other role players must join hands to campaign for this in order to ensure a greater impact, and the Municipality will help where possible.

Mr J J Scholtz also stated that the social and labour plans, which are submitted to the Department of Mineral Resources and Energy together with mining applications, must be more co-ordinated in order to address the local needs, which have been identified in the Municipality's structure/plans.

**RESOLUTION**

(proposed by ald T van Essen, seconded by clr P E Solomons)

That Council decision 8.9 of 28 July 2016. is revised as follows, to the effect:

- (a) That tenders with usage/development proposals are called for, by means of public tender, in respect of the water from the mineral warm water spring situated on erf 7211, Malmesbury;
- (b) That only monetary offers are called for in respect of the surplus purified sewerage water from the Riebeek Kasteel Sewerage Works;
- (c) That award of the usage rights, in both cases, is for a period of twenty years, in order to ensure the economic achievability and sustainability for the successful tenderers, and subject to the first right of refusal, if the Municipality wishes to again offer the water for sale, on expiry of the term;
- (d) That, instead of requiring a social contribution from the successful tenderers, approval is given, in respect of both cases, to allocate ('ringfence') the additional profit per kiloliter generated by the approved projects, over and above the reserve price, to future council budgets for social projects which will benefit various communities and which will be identified in conjunction with the Council.

### 7.3 APPROVAL OF THE INTEGRATED WASTE MANAGEMENT PROGRAMME (16/4/B)

The *National Environmental Management Waste Act, Act 59 of 2008* (only published in English) stipulates that each local authority must draw up an Integrated Waste Management Programme, which must then be revised every five years.

Clr F S Humphreys requested that a more detailed report is made available to the Council which, inter alia, must contain a management summary of the waste management programme, and the request was supported by the Executive Mayor.

#### **RESOLUTION**

(proposed by ald T van Essen, seconded by clr O M Stemele)

That the report is withdrawn in order to give the Civil Engineering Services Directorate the opportunity to submit a management summary to the Council, which will provide the necessary guidance for the consideration of the Integrated Waste Management Programme.

### 7.4 MUNICIPAL DEMARCATION BOARD 2017-2021 (17/17/1/1)

Circular 1/2017 from the Municipal Demarcation Board, which contains the previous consultation process for the 2021 local elections, was circulated with the agenda. The Demarcation Board has decided that no significant realignment of municipal boundaries will take place, and that only the technical corrections/departures in respect of municipal boundaries will be dealt with.

Mr J J Scholtz – in his capacity as Municipal Election Officer – requested all the various political parties to appoint two representatives to attend the party consultative committee meetings (PCC).

That **NOTE IS TAKEN**

- (a) of the contents of Circular 1/2017 from the Municipal Demarcation Board in respect of the planned programme in the run up to the 2021 local elections;
- (b) that the Circular will be circulated to the various ward committees for their information.

### 7.5 QUARTERLY REPORT (ARTICLE 52 OF MFMA): JANUARY-MARCH 2017 (7/1/2/2-2)

The submission of the quarterly report is prescribed in article 52(d) of the Local Government Act: Municipal Financial Management, Act 56 of 2003 (MFMA).

The submission of the report to the Council is one of the Executive Mayor's general responsibilities, which is to inform the Council in respect of the implementation of the budget and the state of the municipality's financial matters.

The Speaker afforded the Director: Financial Services the opportunity to deal with the most important aspects in the report.

Clr F S Humphreys voiced her concern with respect to the overspending of planned overtime to the end of March 2017, and the Director: Security Services explained that additional services were rendered in Ilinge Lethu and Phola Park. The Director: Financial Services gave the Council the assurance that the salary budget would not be overspent.

That **NOTE IS TAKEN**

of the attached quarterly report, as prescribed in article 52 of the Municipal Financial Management, Act 56 of 2003 in respect of the implementation of the budget, as well as the performance in respect of the top level Service Delivery and Budget Implementation Plan of the Municipality for the period 1 January 2017 to 31 March 2017.

**SIGNED:  
SPEAKER**