



**MINUTES OF A SPECIAL MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE COMMITTEE ROOM: CORPORATE SERVICES ON FRIDAY, 15 DECEMBER 2017 AT 11:00**

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**PRESENT:**

Executive Mayor, ald T van Essen (chairman)  
Deputy Executive Mayor, ald M S I Goliath

Members of the Mayor's Committee:

Clr P E Solomons  
Clr O M Stemele  
Clr R F van der Westhuizen  
Clr M van Zyl

Officials:

Municipal Manager, mr J J Scholtz  
Director: Financial Services, mr M A C Bolton  
Director: Electrical Engineering Services, mr R du Toit  
Director: Corporate Services, ms M S Terblanche  
Director: Development Services, mr J T Steenkamp  
Director: Civil Engineering Services, mr L D Zikmann  
Manager: Secretarial and Records, ms N Brand

**1. OPENING**

Ald M S I Goliath opened the meeting with a prayer at the request of the chairman.

**2. APOLOGIES**

The committee was complete.

**3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS**

None

**4. NEW MATTERS**

**4.1 EXTENSION TO THE DECLARATION OF A LOCAL DISASTER WITHIN THE BOUNDARIES OF THE SWARTLAND MUNICIPALITY: FIRE AT SWARTLAND HOSPITAL (17/5/1/1)**

The declaration of the Swartland Hospital as a local disaster was promulgated in the Provincial Gazette, No 7785 of 23 June 2017 after consultation with the relevant Provincial Departments and the West Coast District Municipality.

The declaration was initially valid for a period of three months, after which it must be extended on a monthly basis.

On 6 December 2017 the Executive Mayor's Committee extended the declaration to 24 January 2018, but given the meeting schedule for January 2018 it is necessary to get approval for a further extension to 23 February 2018, in order for the extension to be promulgated in time in the Provincial Gazette.

Resolution/...

4.1/...

**RESOLUTION**

- (a) That the Mayor in terms of section 55 (5)(c) of the Disaster Management Act, 57 of 2002 as a result of the devastating fire at the Swartland Hospital herewith extend the declaration of a local disaster within the Swartland Municipality from 24 January 2018 to 23 February 2018;
- (b) That Swartland Municipality requests the West Coast District Municipality to support the extension of the local state of disaster;
- (c) That the approved extension of the declaration be sent to the Provincial Government for publication in the next Provincial Gazette;
- (d) That the Director: Protection Services will, in early February, liaise ahead with the Department: Local Government, Directorate: Disaster Management in order to establish if it will be necessary to extend the declaration beyond 23 February, for another month.

**4.2 AUTHORIZATION OF UNFORESEEN AND UNAVOIDABLE EXPENDITURE FOR THE DRILLING OF BOREHOLES (8/2/2/1)**

The Municipal Financial Management Act, Act 56 of 2003 (MFMA) stipulates that the mayor of a municipality may authorize, during times of emergency and other extraordinary circumstances, unforeseen and unavoidable expenditure for which there was no provision made in the approved budget. The expense must be reported to the Council during the following meeting and brought to book within 60 days by means of a Budget Adjustment.

Councillors are already aware that the Municipality is at present in phase 1 – inter alia, implementation of level 5 water restrictions – in order to manage the impact of the drought on the provision of water. It has already been reported that with phase 2 it is envisaged that water to certain areas will be cut off, and water provided to residents by means of water tanker. Hence the approval for the purchase of a water tanker on 6 December 2017. In order to sustainably provide water in phase 2 it will be necessary to transport water in water tankers from boreholes to distribution points. The process of identifying the location of suitable boreholes is at present in progress.

**RESOLUTION**

- (a) That note is taken of the phased approach to the implementation of contingency plans in order for the Municipality to manage the impact of the drought.
- (b) That it must be noted that Phase 1 has already been implemented through the implementation of level 5 water restrictions, communication strategies in respect of awareness campaigns and technical interventions such as pressure and flow management and the use of ground water;
- (c) It is also noted that Phase 2 implies, inter alia, that water provision to identified areas will be cut off for extended periods during which water must be collected by residents from designated locations;
- (d) That the Executive Mayor's Committee approves the sinking of boreholes, as and when necessary, as an emergency measure as part of Phase 2 of the drought emergency plan;
- (e) That the Executive Mayor's Committee authorizes the amount of R1 850 000,00 for the sinking of boreholes as an unforeseen and unavoidable expense, before the amount can be brought to book in the 2017/2018 Adjusted Budget, in accordance with article 29(1) of the MFMA,;

4.2/...

- (f) That note is taken that the amount of R1 850 000,00 does not exceed the percentage (10% of R8 120 000,00) of the annual budget as prescribed by article 29(2)(b) of the MFMA;
- (g) That, in accordance with article 29(2)(c) of the MFMA, the expense will be reported at the next Council meeting on 31 January 2018.

#### 4.3 TENDER L01.17.18: ALIENATION OF BUSINESS PROPERTIES IN MALMESBURY (12/2/B)

On 23 March 2017 the Council approved the alienation of various properties in Malmesbury, namely:

- Portion A, portion of erf 6353 (erf 12298), Tshwete Street ( $\pm 1\,500\text{ m}^2$  in extent);
- Portion B, portion of erf 6353 (erf 12299), Alfa Street ( $\pm 1\,505\text{ m}^2$  in extent);
- Restant of erf 6353, c/r Tshwete and Alfa Streets ( $\pm 2\,434\text{ m}^2$  in extent)
- Erf 3185, c/r Mimosa Avenue and Besembos Street ( $\pm 1\,500\text{ m}^2$  in extent).

The following tenders were received, but mr D S Bartman could not provide a tax clearance certificate and the tender was disqualified:

	Erf 12298	Erf 12299	Erf 6353
<b>RESERVE PRICE</b>	<b>R 75 000.00</b>	<b>R 75 000.00</b>	<b>R 122 00.00</b>
DS Baartman	R 75 000.00	R 78 000.00	
JML Family Trust	R 77 000.00	R 77 000.00	R 125 000.00

Ald M S I Goliath stated that the tenderer, JML Family Trust owns many properties in Malmesbury, of which the municipal accounts for some of them are in arrears. Another concern of the committee is that the property is going to be bought for speculation purposes, and that there is no intention to develop the property.

The Director: Corporate Services presented the purchase conditions to the committee and confirmed that transfer will not take place before the building plans from JML Family Trust have been submitted for consideration and approval – the deadline for this submission is on/before September 2018.

#### RESOLUTION

That the item is referred back in order to determine if any municipal accounts of the tenderer or members of the trust are in arrears for a period of longer than three months, in accordance with the tender conditions: *“Certificate for the payment of Municipal Services”*, as prescribed by the *Supply Chain Management Regulation 38(1)(d)(i)*, and if this is the case the tender will be rejected.

#### 4.4 APPLICATION FOR PERMISSION FOR THE LEASE OF A PORTION OF ERF 12359, MALMESBURY: ACVV MALMESBURY TO BETTER BEGINNINGS (PTY) LTD (12/2/5/2-8/5)

[The Executive Mayor, ald T van Essen vacated the committee room for the duration of the discussion due to his wife’s involvement in the ACVV. The Deputy Executive Mayor, ald M S I Goliath acted as chairman during his absence.]

On 25 May 2017 the Council approved the alienation of a portion, 6 823 m<sup>2</sup> in extent, of erf 327, Malmesbury to the ACVV for consolidation with erf 3756, of which the latter is the owner.

All the surveys have been completed and erf 12359 (9670 m<sup>2</sup>) has been created on which a private English School is to be erected. The ACVV requests permission from the Council to lease a portion of the above mentioned erf to the *Better Beginnings College (Pty) Ltd* who will be responsible for the management of the school.

Resolution/...

4.4/...

**RESOLUTION**

That approval be granted to the ACVV Malmesbury to lease a portion (6 820 m<sup>2</sup>) of erf 12359, Malmesbury to Better Beginnings College (Pty) Ltd (Registration number K2017352151), provided that (1) a copy of the lease agreement between the parties be provided to the Municipality for record purposes; and (2) said portion of land may not be used for any purpose other than provided for within the existing zoning (Community Zone 1).

**4.5 AGREEMENT FOR THE LEASE OF OFFICE ACCOMMODATION IN MALMESBURY (12/1/2-8/5, K1/2 (vol 1); K1/2 (vol 3))**

The Municipality leases various properties for office accommodation, for which the lease agreements expire on 30 June 2018, and of which the lease agreements also stipulate that the lessee must exercise his option to renew the lease before 31 December 2017.

**RESOLUTION**

- (a) That cognisance be taken and the Municipal Manager's action be condoned as regards the negotiation of rentals with the legal representative of Lomien Beleggings Pty Ltd and SKH Investments Limited for the lease of the below-mentioned office accommodation for a period of three years, with effect from 1 July 2018, at the amounts (excluding VAT) as follows:

	<b>Santam building</b>	<b>Checkers Centre</b>
<b>Year 1</b> (01-07/2018 – 30/06/2019)	R17 447.51 per month	R23 321.41 per month
<b>Year 2</b> (01/07/2019 – 30/06/2020)	R18 668.83 per month	R24 953.91 per month
<b>Year 3</b> (01/07/2020 – 30/06/2021)	R19 975.65 per month	R26 700.68 per month

- (b) That the Municipal Manager be authorised to sign the addenda to the respective lease agreements;
- (c) That provision be made in the applicable operating budgets for the rental as aforesaid, as well as for the obligations in terms of clause 6.2 of the agreement with SKH Investments Limited.

**4.6 APPROVAL OF THE AMENDED TELECOMMUNICATIONS POLICY (4/7/2/1)**

The changing policy ambit and circumstances necessitate that Municipal policies must be revised from time to time.

Amendments to the Telecommunications Policy are necessary in order, inter alia, to bring the cell phone allowance of the management team into line with that of the councillors.

The amended Telecommunications Policy was circulated with the agenda.

**RESOLUTION**

- (a) That the Executive Mayoral Committee approve the attached Amended Telecommunications Policy with effect from 1 January 2018;
- (b) That cognisance is taken that the amended delegations arising from the amended policy will be submitted to Council at the end of May 2018 as part of the Delegation Register.

**4.7 OUTSTANDING DEBTORS: NOVEMBER 2017 (5/7/1/1)**

The reports in respect of outstanding debtors for November 2017 were circulated with the agenda.

4.7/...

**RESOLUTION**

That cognisance be taken of the report regarding outstanding debtors for the month of November 2017.

**4.8 WRITE-OFF OF IRRECOVERABLE DEBT FOR DECEMBER 2017: DESTITUTE HOUSEHOLDS R1 339 431,54 AND OTHER IRRECOVERABLE DEBT TO THE AMOUNT OF R643 622,00 (5/7/3)**

The chairman explained that, because adequate credit control cannot be applied in towns where Eskom is the electricity provider, the Council cannot afford to develop low cost housing in these towns. Therefore the housing pipeline must be concentrated on towns where the Municipality is the electricity provider.

The chairman also voiced his concern that 58% of the total debt of destitute households is in respect of water. It is therefore necessary that water meters must be replaced by aqua-loc meters, but then the system must make provision that the data which is received from the meters can be monitored regularly in order, for example, to immediately pick up any tampering.

In order to reduce the outstanding debt further it is necessary to replace electricity meters with prepaid type meters.

The chairman requested that (1) more socio-economic investigations must be carried out, and (2) make sure that debt in respect of destitute households may only be written off once, in accordance with the Credit Management and Debt Collection Policy.

**RESOLUTION**

- (a) That the Executive Mayoral Committee approves that the amount of R1 339 431.54 be written-off as irrecoverable, in respect of indigent households;
- (b) That the Executive Mayoral Committee approves that the amount of R643 622.00 be written-off as irrecoverable, in respect of other debtors;
- (c) That, if after the date of this approval, it comes to light that a portion of the debt owed by a debtor is not correct, or that any information was not made known to the Executive Mayoral Committee at the time of write-off, which would have led to the committee not considering the amount for write-off, the Executive Mayoral Committee retains the right to write back the debt to the relevant debtor and that the necessary steps will be taken to recover the debt;
- (d) That, if a property is in any way alienated, the Council retains the right to refuse clearance on the relevant property in order to recover the amounts written-off, before clearance is given. In order to enforce this decision a register is kept by the Rates and Taxes Division which enables the department to see if any debts were written-off within the previous two years, and if so to recover the amounts before clearance is considered;
- (e) That approval is also given that the current levies, which is not yet incorporated in the current list due to the period from the starting of the administrative process of compiling the write-off list and the period thereafter, form part of the write-off, providing that the Credit Control Division is convinced that the new debt is also irrecoverable under the same circumstances;
- (f) That approval is also given that the amounts owed to the Council, which to date, do not appear on the schedule as a result of the non-completion of socio-economic investigations at all indigent households, will also form part of the write-off, providing that the Credit Control Division is convinced that the new debt is also irrecoverable under the same circumstances.
- (g) That the actual amount for write-off be submitted to the Executive Mayoral Committee at the next meeting.

4.8/...

- (h) That any VAT levied on the services is claimed back from the Receiver of Revenue in the prescribed manner.
- (i) That the Credit Control Division pays a personal visit to each indigent household in order to explain the write-off and the future obligations of 'responsible users', as well as to explain the installation and workings of the Aqua-loc water demand management system, as a proactive credit control measure.
- (j) That approval is given that the costs relating to the replacement of the credit meter with a prepaid electricity meter are for the municipality to bear and that the Chief Financial Officer will recover the costs from the Equitable Share allocation.

The chairman, ald T van Essen, closed the meeting with references to the successes of the Swartland Municipality during the past year – inter alia – 90% of the residents comply with the water restrictions, first B-municipality which has managed to obtain a clean audit for seven consecutive years – with no COMAF, and it has recently been named the Greenest Municipality in the Western Cape.

The chair expressed his sympathy to families who have lost loved ones in 2017, and requested that those present extend a hand of goodwill to their fellow citizens during the Festive Season.

The chairman thanked each and every employee for his/her contribution to the successes of the Municipality. Mr At Botha, in his absence, was wished a happy retirement.

The meeting closed with good wishes to each and everyone during the Festive Season.

**(SGD) T VAN ESSEN**  
**EXECUTIVE MAYOR**