



MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE BANQUETING HALL, MALMESBURY ON WEDNESDAY, 6 DECEMBER 2017 AT 11:00

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

Other councillors:

Clr M A Rangasamy

Officials:

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

1. OPENING

Clr R F van der Westhuizen opened the meeting with a prayer at the request of the chairman.

2. APOLOGIES

The committee was complete.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

3.1 IMPLEMENTATION OF SOLAR HEATING PROJECT: DEPARTMENT OF ENERGY

NOTED that the Department of Energy indicated that they could not attend the meeting.

3.2 SUBMISSION BY THE CHAIRMAN: SERIOUSNESS OF THE WATER SHORTAGE

The chairman stated that, with reference to rainfall statistics from the Cape Town International Airport, 2017 registered the lowest rainfall figures in 122 years. Furthermore, the rainfall figures for the last three years were also very low, which has contributed to the drought that we are now experiencing.

The chairman continued by mentioning the dam levels in the Western Cape, as well as the amount of water which is extracted from the Voëlvleidam on a daily basis. In addition the evaporation during the summer months is estimated at 80 mega litre/day.

3.2/...

If the usage from the Voëlvleidam carries on at this pace, Day Zero for the Swartland Municipal area is estimated to be 31 March 2018.

The Director: Electrical Engineering Services voiced his concern that agriculture takes precedence over personal and business usage when water is let out of the Voëlvleidam. Discussions in this regard must be initiated with the Department of Water Affairs as a matter of urgency.

The Director: Civil Engineering Services confirmed that there is regular communication with the City of Cape Town in respect of further access to water intake for the Swartland when the 12% water level is reached.

The chairman thanked the management team for the awareness campaign which was launched by putting up posters, distribution of pamphlets, banners, etc., in order to continually remind the public about the serious drought and water shortage being experienced.

NOTED

4. MINUTES

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 15 NOVEMBER 2017

RESOLUTION

That the minutes of an Ordinary Meeting of the Executive Mayor's Committee held on 15 November 2017 are approved and signed by the Mayor.

5. MATTERS ARISING FROM THE MINUTES

None

6. MONTHLY REPORTS IN RESPECT OF OCTOBER 2017

6.1 MUNICIPAL MANAGER (7/1/2/2-7)

RESOLUTION

That noted is taken of the monthly report from the office of the Municipal Manager for October 2017.

6.2 FINANCIAL SERVICES (7/1/2/2-3)

RESOLUTION

That note is taken of the monthly report from the Directorate Financial Services for October 2017.

6.3 CIVIL ENGINEERING SERVICES (7/1/2/2-4)

RESOLUTION

That note is taken of the monthly report from the Directorate Civil Engineering Services for October 2017.

6.4 ELECTRICAL ENGINEERING SERVICES (7/1/2/2-6)

RESOLUTION

That note is taken of the monthly report from the Directorate Electrical Services for October 2017.

6.5 CORPORATE SERVICES (7/1/2/2-1)**RESOLUTION**

That note is taken of the monthly report from the Directorate Corporate Services for October 2017.

6.6 SECURITY SERVICES (7/1/2/2-3)**6.6.1 PERFORMANCE MEASUREMENT REPORT****6.6.2 TRAFFIC AND LAW ENFORCEMENT SERVICES****6.6.3 FIRE SERVICES****RESOLUTION**

That note is taken of the monthly report from the Directorate Security Services for October 2017.

6.7 DEVELOPMENT SERVICES (7/1/2/2-2)**RESOLUTION**

That note is taken of the monthly report from the Directorate Security Services for October 2017.

7. NEW MATTERS**7.1 APPOINTMENT OF MEMBERS OF THE DISCIPLINARY COUNCIL (5/15/1/5)**

The Municipality is obliged, in accordance with the *Financial Misconduct Regulations* (FMR), to maintain a Disciplinary Council as an independent advisory body in order to investigate accusations of financial malpractice, for recommendation in respect of further disciplinary action.

The Council consists of five members who are appointed on a rotational basis for a term of three years, and may not serve on the Council for more than two terms.

RESOLUTION

- (a) That cognisance is taken that the term of office of the Disciplinary Board members expired on 31 July 2017 and that the Executive Mayoral Committee hereby condoned the late appointment of members for the next term;
- (b) That, according to Section 4(3) of the Financial Misconduct Regulations, the term of office for members of the Disciplinary Board must not exceed a period of three years;
- (c) That, considering the content of the report, the Executive Mayoral Committee confirmed the following appointments to ensure continuity and further existence of the Disciplinary Board, namely:
 - (i) The appointment of Mr AM Theron as Chairperson of the Disciplinary Board from 1 August 2017 to 31 July 2020;
 - (ii) Extension of the current term of office for Ms M Terblanche, Director Corporate Services to 30 November 2019;
 - (iii) Extension of the current term of office for Mr P le Roux, Manager Internal Audit to 31 December 2018;
 - (iv) Extension of the current term of office for Ms S de Jongh, Manager Human Resources to 31 July 2020;

- (d) These members have provided an excellent service during their past term of office in establishing the Disciplinary Board and are required to transfer their skills and knowledge to the new members; and
- (e) The remuneration payable to the external member of the Disciplinary Board will be the same as attendance of the Audit Committee.

7.2 CHARTER FOR THE MUNICIPAL PERFORMANCE AND RISK AUDIT COMMITTEE (5/15/1/3)

The Municipal Manager stated that the submission of the Charter serves as the annual revision of duties and responsibilities of the members of the Municipal Performance and Risk Audit Committee.

The Charter was discussed and approved accordingly at a meeting of the Audit Committee held on 28 November 2017.

RESOLUTION

That the Charter of the Audit Committee is approved and adopted by the Audit Committee members for them to be aware of their responsibilities.

7.3 MINUTES OF A PERFORMANCE AND RISK AUDIT COMMITTEE MEETING HELD ON 23 AUGUST 2017, AS WELL AS THE ANNUAL REPORT FROM THE COMMITTEE FOR THE YEAR ENDING 30 JUNE 2017 (5/15/1/3)

The Audit Committee serves as a duly constituted, independent committee of the Council and fulfils its role in accordance with the Municipal Financial Management Act, Act 56 of 2003.

In terms of the above mentioned mandate the committee primarily provides recommendations to the Council for consideration and decision making – there are no recommendations for consideration in the minutes dated 30 August 2017, which were circulated with the agenda.

The annual report in respect of the activities of the Audit Committee for the period 1 July 2016 to 20 June 2017 was also circulated with the agenda.

RESOLUTION

That cognizance is taken of the Performance and Risk Audit Committee's minutes of the meeting held on 23 August 2017 as well as the Audit Committee's annual report for the period ending 30 June 2017.

7.4 COMMUNICATION STRATEGY FOR 2017-2022 (6/2/2/B)

The Communication Strategy was approved in 2014, out of which various actions have resulted, inter alia, the development of performance indicators, communication action plans, policies in respect of communication etc.

The alignment of the Communications Strategy with the 2017-2022 Integrated Development Plan (IDP) is necessary for the collective achievement of the strategic outcomes referred to in the IDP, hence the revision of the strategy.

RESOLUTION

- (a) That the Communication Strategy for 2017-2022 be approved;
- (b) That, in view thereof that the Policies relating to Communication, Public Participation and Social Media follows on the aforesaid Communication Strategy, the revision of said three policies be finalized by June 2018.

7.5 TEMPORARY CLOSURE OF WESBANK LIBRARY FOR MAINTENANCE (17/8/B)

A tender was called for maintenance work on the Wesbank Library. The scope of the tender is such that, inter alia, the books must be moved to the library hall in order to sand and varnish the book shelves.

The Provincial Library Services have already approved the temporary closure of the Wesbank Library from 10 to 29 January 2018 for maintenance work.

RESOLUTION

- (a) That note is taken of the proposed maintenance work on the Wesbank Library;
- (b) That the library is closed, temporarily, from 10 to 29 January 2018, for maintenance work;
- (c) That the library will timorously display notices in the library and inform members that they may visit other libraries;
- (d) That the ward councillors and ward committee members of wards 8, 9, 10 and 11 will be informed of the above mentioned temporary closure.

7.6 OFFER TO REPURCHASE ERF 10382, MALMESBURY (12/2/5/4-8/16)

In March 2007 erf 10382 was sold to J M & K M Liedeman during a so-called 'pre-launch' auction of 65 erwen in Dalsig.

There is a pre-emptive right on the erf, as explained in the report, and the owners have requested permission, through the lawyers Terblanche Slabber and Pieters, to transfer the erf to a private buyer.

RESOLUTION

- (a) That, as was done in respect of previous applications, the pre-emption right in respect of erf 10382 Malmesbury be waived by the Municipality, due to the fact that the owner has already identified a willing buyer, and because a strong possibility exists that the erf may not be resold by the Municipality at the original purchase price of R131 000,00 with reference to the prices achieved at the public auction during 2015 as well as the municipal valuation on the property;
- (b) That J M & K M Liedeman consequently be granted approval to dispose of erf 10382, Malmesbury through private transaction.

7.7 LEASE AGREEMENT: ALTECH NETSTAR (PTY) LTD (15/4/6)

The Council leases space on the municipal mast on the Klipkoppie in Malmesbury to Altech Netstar (Pty) Ltd for purposes of a vehicle tracking system.

The company has asked to renew the contract, which expired on 30 November 2017, for a further period of three years.

RESOLUTION

- (a) That space on the municipal mast at Klipkoppie, Malmesbury be leased to Altech Netstar (Pty) Ltd for a further term of 3 years for the rendering of vehicle tracking system with effect from 1 December 2017;
- (b) That the annual rental escalates at a rate of 10% per annum in terms of the current lease agreement;
- (c) That the current conditions of lease remain in force.

7.8 LEASE OF SPORTS FACILITIES IN MALMESBURY (17/9/2/R)

The Council leases space in the Wesbank Community Hall, and on the premises of the Ilinge Lethu Thusong Centre, to various sport organizations.

The leases expired on 30 November 2017.

RESOLUTION

- (a) That a new lease agreement be entered into with the Omega Pigeon Racing Club for the renting of space (size $\pm 50\text{m}^2$) at Wesbank Community Hall, Malmesbury, with effect from 1 December 2017;
- (b) That a new lease agreement be entered into with Malmesbury Weightlifting Club for the renting of space (size $\pm 50\text{m}^2$) at Wesbank Community Hall, Malmesbury, with effect from 1 December 2017;
- (c) That a new lease agreement be entered into with Fitness Planet Gym for the renting of the Container Gym (size $\pm 66\text{m}^2$) situated on the premises of the multipurpose centre in Ilinge Lethu, Malmesbury, with effect from 1 December 2017;
- (d) That the term of lease not exceed a period of twelve (12) months which can be renewed annually;
- (e) That the rental fee of R100,00 per year, plus VAT, be charged in all three instances.

7.9 LEASE OF COUNCIL PROPERTY IN MOORREESBURG (12/1/3/1-9/1)

The outbuilding on erf 3432, Moorreesburg has been leased to ms C Alberts for storage purposes since 1 December 2014.

The lease expired on 30 November 2017, and ms Alberts wishes to lease the council property for a further term.

RESOLUTION

- (a) That the aforementioned lease property be leased to ms C Alberts for a further term of 12 months as from 1 December 2017 for storeroom purposes;
- (b) That the lease tariff be increased to R260,00 plus 14% VAT per month;
- (c) That the existing conditions of lease remain unchanged.

7.10 LEASE OF MUNICIPAL PROPERTY IN RIEBEEK KASTEEL (12/2/3/1-11/1)

The Riebeek Cellars leases a small outbuilding situated on a portion of erf 147, Riebeek Kasteel from the Council for the purposes of storing and keeping their wines cool.

The lease expired on 30 November 2017 and Riebeek cellars have indicated that the outbuilding is still needed for the above mentioned purposes.

RESOLUTION

- (a) That the outbuilding on a portion of erf 147, Riebeek Kasteel be leased out-of-hand to Riebeek Cellars for a further term of 12 months for purposes of wine storage, with effect from 1 Desember 2017;
- (b) That the rental be increased with 10% to R215.38, plus 14% VAT per month;
- (c) That the conditions of lease remain unchanged.

7.11 PROPOSED STREET NAMES FOR ACCESS ROADS IN THE MILE 16 PRIVATE DEVELOPMENT IN YZERFONTEIN (16/5/6) (WARD 5)

An application has been received from the owner of the Mile 16 private development in Yzerfontein to name the access roads after his son and daughter, namely:

- (1) Troy Victor Avenue; and
- (2) Teagan Road.

RESOLUTION

That the item is referred back in order to refer the owner to the guidelines in respect of awarding street names and that streets, inter alia, may not be named after living persons.

7.12 BUILDING PLAN APPROVAL FOR SHOPPING CENTRE ON ERF 2789, YZERFONTEIN (5/3/1) (WARD 5)

The Municipal Manager dealt with the report and stated that the item is being submitted to the Executive Mayor's Committee in an effort to support the developer so that building work on the shopping centre can begin early in 2018.

The Municipal Manager explained, as background, that the building work on erf 2789, Yzerfontein will cover an area of ± 2520 m² which requires the provision of 101 parking bays. A total of 17 parking bays cannot be accommodated on the above mentioned erf. Therefore the Municipality has been approached to obtain a portion of municipal property, erf 2716 (± 1147 m²), for this purpose.

It was also explained that erf 2716, Yzerfontein is needed for the upgrading of the intersection of Main and Buitenkant Streets, but that there is surplus land available to alienate to the developer for parking purposes.

RESOLUTION

- (a) That approval is given for the approval of the building plan for erf 2789, Yzerfontein, noting that there will be a shortfall of 17 parking bays during the forthcoming building plan approval, which will be addressed during the intended alienation and land usage processes;
- (b) That the owner gives a written, unconditional and irrevocable undertaking in which it is confirmed that all aspects in respect of the alienation and land usage processes will be complied with;
- (c) That the decision in principle, in respect of the alienation, will be submitted to the Council in January 2018 for a decision.

7.13 PROGRESS IN RESPECT OF OUTSTANDING INSURANCE CLAIMS (5/14/3/5)

In accordance with the Asset Management Policy outstanding insurance claims must be reported monthly.

RESOLUTION

That cognisance be taken of the outstanding insurance claims which were circulated with the agenda.

7.14 COUNCILLORS REMUNERATION, 2017/2018: DRAFT NOTICE (5/10/1)

The Municipal Manager explained that all councillors were given the opportunity until Tuesday, 5 December 2017, to comment in writing on the draft notice in respect of remuneration for councillors for 2017/2018 which was received from COGTA.

7.14/...

RESOLUTION

That note is taken that no comments were received from councillors, and that the acceptance of the draft notice in respect of remuneration for councillors in respect of 2017/2018 financial year be forwarded to COGTA accordingly.

7.15 EXTENSION TO THE DECLARATION OF A LOCAL DISASTER WITHIN THE BOUNDARIES OF THE SWARTLAND MUNICIPALITY AS A RESULT OF THE DROUGHT (17/5/1/1)

On 28 June 2017 the Executive Mayor declared the Swartland municipal area a disaster area due to the seriousness of the continuing drought and the scarcity of water being experienced.

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

The situation has not changed in the interim, and an extension to the declaration is deemed necessary in order to get national and provincial support for solutions in order to ensure the sustained provision of water.

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 magnitude and severity of the continuing drought affecting Swartland herewith extend the declaration of a local disaster within the Swartland Municipality from 8 January 2018 to 7 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.

7.16 EXTENSION TO THE DECLARATION OF A LOCAL DISASTER WITHIN THE BOUNDARIES OF THE SWARTLAND MUNICIPALITY: 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 must be extended on a monthly basis.

The Director: Security Services asked the relevant department whether the declaration must be extended, and it was confirmed that it must be extended for a further period of two months (to end of February) in order to have the opportunity to obtain national funding for repair work to the hospital.

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 December 2017 to 23 January 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.

7.17 PURCHASE OF A WATER TANKER AS A RESULT OF WATER SHORTAGE DUE TO DROUGHT: UNFORESEEN AND UNAVOIDABLE EXPENDITURE (8/2/22)

The Municipality is at present in Phase 1 in order to manage the impact of the drought by means of level 5 water restrictions, reduction of water pressure and the use of ground water.

Phase 2 incorporates, inter alia, the rationing of water which may mean that supply of water to identified areas is cut off for extended periods. The aim thereof is to conserve the remaining water in storage until there is a significant increase in dam levels.

During Phase 2 water will be available in storage tanks at designated points for residents to collect. The storage tanks will be filled daily by water tankers.

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 an Adjustment Budget.

The Municipal Manager explained that the Auditor General has exhorted municipalities, in this crisis situation, still to comply with all the legal requirements with reference to the allocation of funds and procuring of services. This aspect will get specific attention during the next audit.

The chairman thanked the management team for the weekly meeting which takes place on a Friday, in order to have contingency plans in advance to ensure sustained service delivery during the drought.

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 must also be noted that Phase 2 implies, inter alia, that water supply to identified areas will be cut off for extended periods during which water must be collected by residents from designated points;
- (d) That the Executive Mayor's Committee approves the purchase of an additional water tanker, which is necessary for the implementation of Phase 2 of the drought emergency plan;
- (e) That the Executive Mayor's Committee approves that Tender T18/17/18: Provision and Delivery of a water tanker is awarded before the expense has been recorded in the 2017/2018 Adjusted Budget, because of the urgency of the purchase in order to manage the emergency situation.

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