



**MINUTES OF AN ORDINARY MEETING OF THE SWARTLAND MUNICIPAL COUNCIL, HELD IN THE MALMESBURY BANQUETING HALL ON THURSDAY, 25 APRIL 2019 AT 10:00**

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**PRESENT:**

Speaker, clr M Rangasamy

Executive Mayor, ald T van Essen

Deputy Executive Mayor, add M S I Goliath

Bess, D G (DA)

Daniels, C (DA)

De Beer, J M (DA)

Humphreys, F S (ANC)

Fortuin, C B (DA)

Maart, E S M (DA)

McQuire, V D (DA)

Papers, C H (DA)

Penxa, B J (ANC)

Philander, D B (ANC)

Smit, N (DA)

Sneewe, A M (ANC)

Solomons, P E (DA)

Stanley, B J (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: Protection Services, mr P A C Humphreys

Director: Electrical Engineering Services, mr R du Toit

Director: Corporate Services, ms M S Terblanche

Snr Manager: Building Environment, mr A M Zaayman

Manager: Budget Office, ms H Papier

Manager: Secretarial and Record Services, ms N Brand

**1. OPENING**

The Speaker welcomed the Executive Mayor, Deputy Executive Mayor, councillors and officials and especially members of the media and the public.

Alderman R F van der Westhuizen opened the meeting with a scripture reading and requested clr C B Fortuin to lead the Council in reciting the Lord's Prayer.

Clr D B Philander requested the Speaker to allow a minute's silence in sympathy with the loss of life during the bombings in Sri Lanka and the floods in KwaZulu Natal, and the death of Mr A M Zaayman's Mother-in-law.

The Speaker congratulated clr C H Papers who celebrated his birthday on 3 April.

The Speaker stated that the Director: Financial Services will undergo an operation and wished him well (in his absence).

**2. APOLOGIES**

Apologies received from clrs Z Bekebu and L E Mfutwana.

**3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS BY OFFICIALS**

3.1/...

### 3.1 INTRODUCTION OF

(1) Director: Development Services, ms J S Krieger

The Municipal Manager introduced ms Jo-Ann Krieger to the Council, who has been appointed Director: Development Services as of 1 May 2019.

(2) Official from the National Department of Environmental Affairs: ms O Sandlana

The Municipal Manager introduced ms Onke Sandlana to the Council, who has been appointed by the National Department of Environmental Affairs, to the Swartland municipal area. The Municipal Manager presented the responsibilities of ms Sandlana to the Council, namely:

- Co-ordination of ward based environmental education and awareness and clean-up initiatives;
- Co-ordination of the South African “Green Schools Programme”;
- Participation in the existing ward structures and district environmental forums;
- Supporting the Municipality’s environmental functions; and
- Reporting on the youth work in the environmental sector.

Ms Sandlana will work closely with the ward committee members and attend ward committee meetings, and the Municipal Manager requested that ms Sandlana is given the opportunity to carry out her duties in the Swartland Municipal area.

Clr D B Philander, on behalf of the ANC, welcomed ms Krieger and ms Sandlana and made special mention of the historical occurrence in respect of the appointment of ms Krieger as the first woman of colour on the management team.

Clr DB Philander wished ms Krieger and ms Sandlana all the best with their activities in Swartland Municipality.

Clr O M Stemele, on behalf of the DA, welcomed ms Krieger and ms Sandlana and thanked the Council and the administration for the process which was followed in respect of the appointment of the new Director: Development Services.

## 4. MINUTES FOR APPROVAL

### 4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 28 MARCH 2019

#### RESOLUTION

(proposed by clr C B Fortuin, seconded by clr P E Solomons)

That the minutes of an Ordinary Council Meeting held on 28 March 2019 are approved and signed by the Speaker.

## 5. REPORT IN RESPECT OF THE 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 20 MARCH 2019

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

#### RESOLUTION

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

### 6.1 MINUTES OF A TENDER AWARD COMMITTEE MEETING HELD ON 5 MARCH 2019

## 7. MATTERS FOR DISCUSSION

### 7.1 APPROVAL OF THE 2018/2019 SPECIAL ADJUSTED CAPITAL AND OPERATING BUDGETS (5/1/1/1, 5/1/1/2 – 2018/2019)

The Municipal Manager gave insight into the two aspects which necessitated the 4th adjusted budget for the 2018/2019 financial year, namely:

- (1) additional MIG (*Municipal Infrastructure Grant*) funds to the value of R4 million which were received in March 2019 from COGTA, and
- (2) reallocation of funds between the capital and operating budgets, with respect to funds to the value of R5 million received from the Department of Community Safety and Security for the establishment of a dog unit, in order to comply with the requirements of the MOU (*Memorandum of Understanding*).

The Municipal Manager confirmed that, during the evaluation of the MIG spending by COGTA, early in December 2018, it was found that the Municipality had already spent 70%, which made them eligible for additional funding.

Clr D B Philander requested clarity from the Executive Mayor in respect of certain aspects in the documentation.

The Speaker ruled for feedback from the Municipal Manager, to which the latter stated that the 4th adjusted budget only deals with the two aspects which have already been explained. It is therefore the 4th time that the budget schedules have been submitted to the Council, and that any further clarity must be requested by means of a written motion, but that if the Speaker allows it the officials will address the questions.

The Speaker ruled that replies to questions from clr D B Philander would not be allowed, because the correct procedure would be to submit questions by means of a written motion, but the Speaker was interrupted many times by clr D B Philander and B J Penxa.

Clr B J Penxa, calling for a point of order, asked the Speaker to retract the words "I do not care", after which the Speaker retracted the words.

Clr D B Philander, calling for a point of order, stated that the council meeting is a political platform and that the Executive Mayor must answer questions, and that the Speaker must not involve the Municipal Manager (as has often been done before).

Clr B J Penxa, calling for a point of order, accused the Speaker of dereliction of duty by running the council meeting in a bossy way and not befitting of the Chairman of the Council.

Various disruptive attempts were made by clrs B J Penxa and N S Zatu to call for a point of order, but this was not allowed by the Speaker, except for the request from clr B J Penxa for the address from the proposer and seconder to be translated.

The recommendation before the Council was brought to the vote by the Speaker and (in the absence of two councillors) decided with 16 votes in favour thereof with five councillors abstaining.

#### RESOLUTION

(proposed by add M van Zyl, seconded by clr O M Stemele)

- (a) That the Budget Steering Committee convened urgently to consider the explanations and motivations provided by the financial staff and other key directors as it relates to the adjustments;
- (b) That it be noted that the changes in the budget will have no impact on tariffs in respect of the 2018/2019 financial year but will result in an increase in budgeted surplus including capital grants from R 68 121 352 to R 71 196 352 and the budgeted surplus excluding capital grants remain unchanged at R 16 149 238;
- (c)/...

7.1/...

- (c) That it be noted that the 2018/2019 special adjustments budget does not have an impact on the 2019/2020 and 2020/2021 outer financial year's capital, operating and balance sheet budget;
- (d) That the adjusted budget schedule as required by the Budget and Reporting Regulations be approved as set out in **Annexure B**;
- (e) That the Director: Financial Services adhere to the statutory requirements of the MFMA and inform National and Provincial Treasury accordingly;
- (f) That the Service Delivery Budget Implementation Plan (SDBIP) be amended accordingly where appropriate;
- (g) That approval be granted to amend the capital and operating budget for 2018/2019 as follows:

	Original Budget 2018/2019	Roll-Over Adj Budget 2018/2019	Special Adj Budget 2018/2019	Mid-Year Adj Budget 2018/2019	Fourth Adj Budget 2018/2019	Increase / (- Decrease)
Capital budget	R 87 245 909	R 94 009 363	R 102 890 363	R 98 785 331	R 101 860 331	R 3 075 000
Operating Expenditure	R 698 278 426	R 699 811 714	R 676 259 498	R 693 672 465	R 694 597 465	R 925 000
Operating Revenue	R 746 205 036	R 751 554 438	R 736 846 222	R 761 793 817	R 765 793 817	R 4 000 000
Budgeted (Surplus)/ Deficit	(R 47 926 610)	(R 51 742 724)	(R 60 586 724)	(R 68 121 352)	(R 71 196 352)	(R 3 075 000)
<b>Less: Capital Grants</b>	R 36 975 000	R 40 791 114	R 49 672 114	R 51 972 114	R 55 047 114	R 3 075 000
(Surplus)/ Deficit	(R 10 951 610)	(R 10 951 610)	(R 10 914 610)	(R 16 149 238)	(R 16 149 238)	R -

**7.2 SERVICE DELIVERY AGREEMENT WITH THE WEST COAST DISTRICT MUNICIPALITY (WCDM) IN RESPECT OF THE FIRE SERVICES MODEL AND ASSOCIATED INCREASE IN FIRE FIGHTING TARIFFS BY WCDM AS OF 1 JULY 2019 (17/5/1/2; 5/4/1/1)**

The Director: Protection Services dealt with the report at the request of the Speaker. The Director: Protection Services referred to the letter attached to the report and stated that it had come to light that the West Coast District Municipality intends to introduce increased fire fighting tariffs as of 1 July 2019 for the provision of fire fighting services in the Swartland municipal area.

Swartland Municipality will therefore also have to introduce fire fighting tariffs in order to ensure a sustainable fire fighting service.

The Director: Protection Services stated that the introduction of fire fighting tariffs will in effect mean that the service delivery agreement with the West Coast District Municipality must be terminated on 30 June 2019.

The Municipal Manager explained the responsibilities of the B and C municipalities in respect of structure and veld fires. Cnr D B Philander questioned the relationship between the relevant municipalities, and the Municipal Manager explained that at present there is a good working relationship agreement. The concern is however that fire fighting services cannot be effectively provided in the outlying towns. Existing resources are not efficiently used at present and the service is duplicated, eg standby teams from both the Swartland Municipality and the West Coast District Municipality are on duty at the same time.

The Municipal Manager/...

7.2/...

The Municipal Manager stated that it is in the interest of the community that the service is provided by one authority only. The proposal was therefore submitted to the Minister that the service is taken over by the West Coast District Municipality on 1 July 2019, including personnel, assets, liabilities etc..

The matter was brought to the vote by means of a show of hands (in the absence of two councillors) with 16 councillors in favour thereof and five councillors abstaining.

### **RESOLUTION**

(proposed by clr P E Solomons, seconded by clr D G Bess)

- (a) That cognisance is taken that WCDM have the intention to cancel the existing firefighting aid agreement on 30 June 2019;
- (b) That WCDM be requested to extend the firefighting aid agreement (which are in place since 2009) until such time that the firefighting function is transferred to them, expected with effect from 1 July 2020;
- (c) That cognisance is taken of the intention of WCDM to increase their firefighting tariffs (Annexure B as advertised) from 1 July 2019;
- (d) That the Municipal Manager formally objects to the exorbitant proposed firefighting tariffs inclusive of the potential levying of same with effect from 1 July 2019 by the WCDM;
- (e) That the draft firefighting tariffs as per Annexure C hereto be approved as draft for purposes of soliciting public input and comment and for this purpose be advertised on the municipality's web page and other municipal offices as per the notice and that such period will close at 12 midday on 17 May 2019 to allow for inclusion into the final budget to be considered on 30 May 2019;
- (f) That the Minister with the relevant competency, to make the decision in respect of the provision of the service – irrespective of who the Minister might be after the 8 May 2019 election –, must make the decision, which has already been communicated to the Minister by the West Coast District Municipality, after the District Co-ordinating Forum (DCF) in February 2019, as soon as possible.

### **7.3 EXTENSION TO THE EXISTING SERVICE DELIVERY CONTRACT WITH THE DISTRICT MUNICIPALITY FOR THE PERIOD 1 JULY 2019 TO 30 JUNE 2020 (2/1/1/2/1, 16/1/1/B)**

In accordance with Section 78 investigation, the West Coast District Municipality was appointed as the Water Services Supplier to provide water to the relevant B municipalities.

The need arose to repeat the Section 78 investigation in order to determine if the service could be more sustainably provided by means of an alternative mechanism. The investigation has almost been finalized and the request made to extend the service delivery agreement for a period of one (1) year, in order to allow the administrative actions arising from the investigation to be dealt with.

The Municipal Manager explained the amendments to the addendum and the recommendation was brought to the vote by the Speaker and (in the absence of two councillors) decided with 16 votes in favour thereof, and five councillors abstaining.

Resolution/...

7.3/...

**RESOLUTION**

(proposed by clr E S M Maart, seconded by ald R F van der Westhuizen)

- (a) That approval be granted for the existing Service Delivery Agreement with the West Coast District Municipality, Bergrivier and Saldanha, to be extended for a further term of one year, with effect from 1 July 2019 until 30 June 2020, inclusive of amendments to paragraph 8.6.2 to 8.6.4 and paragraph 5.3;
- (b) That the Municipal Manager be authorized to sign the Third Addendum to the Service Delivery Agreement, as attached to the report.

**7.4 RECOMMENDATION IN RESPECT OF AMENDMENT TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT CIVIL ENGINEERING SERVICES (2/3)**

Section 66 of the Municipal Systems Amended Act, 2011 stipulates that the municipal manager is responsible for the drawing up of an organizational structure for approval by the municipal council.

The amendments to the organizational structure were fully explained in the report circulated with the agenda.

**RESOLUTION**

(proposed by clr N Smit, seconded by clr J M de Beer)

That the Council approve the amendments to the organisational structure with regard to Civil Engineering Services with effect from 1 May 2019.

**7.5 QUARTERLY REPORT (SECTION 52 OF MFMA): JANUARY TO MARCH 2019 (7/1/2/2-2)**

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

The Speaker gave clr C B Fortuin the opportunity, as chairman of the Public Accountability Committee (MPAC), to present the item.

**RESOLUTION**

(proposed by clr C B Fortuin, seconded by clr C Daniels)

- (a) That Council takes cognisance of the attached quarterly report, as required by Section 52 of the Municipal Finance Management Act, Act 56 of 2003 in respect of the implementation of the budget as well as the performance against the Top Layer Service Delivery and Budget Implementation Plan of the municipality for the period 1 January 2019 to 31 March 2019.
- (b) That, due to the fact that the quarterly report contains both financial and non-financial information for the month of March 2019 which monthly report was supposed to be tabled at the portfolio committee meeting of 16 May 2019, the portfolio committee meeting be cancelled.

**SIGNED  
SPEAKER**