



MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD IN THE BANQUETING HALL, MALMESBURY ON WEDNESDAY, 22 MAY 2019 AT 11:00

PRESENT:

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

Members of the Mayor's Committee:

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

Officials:

Municipal Manager, mr J J Scholtz
Director: Financial Services, mr M Bolton
Director: Electrical Engineering Services, mr R du Toit
Director: Civil Engineering Services, mr L D Zikmann
Director: Development Services, ms J S Krieger
Director: Security Services, mr P A C Humphreys
Director: Corporate Services, ms M S Terblanche
Snr Manager: Strategic Services, mr L Fourie
IDP/PEO official, ms O Fransman
Manager: Secretarial and Record Services, m N Brand

1. OPENING

The Executive Mayor welcomed members and requested add M van Zyl to open the meeting with a prayer.

2. APOLOGIES

No apologies received and the Executive Mayor confirmed that the Speaker is at present overseas.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

None

4. MINUTES

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 17 APRIL 2019

RESOLUTION

That the minutes of an Ordinary Meeting of the Executive Mayor's Committee held on 17 April 2019 are approved and signed by the Mayor.

4.2 MINUTES OF A SPECIAL EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 17 APRIL 2019

That the minutes of a Special Meeting of the Executive Mayor's Committee held on 17 April 2019 are approved and signed by the Mayor, subject to the following amendment:

4.2/...

ITEM 3.1 BUDGET MANAGEMENT COMMITTEE 2018/2019 SPECIAL ADJUSTED CAPITAL AND OPERATING BUDGETS: TECHNICAL RECOMMENDATIONS (5/1/1/1, 5/1/1/2 – 2018/2019)

The Director: Financial Services reported that the 4th adjusted budget... (2) re-allocation of funds between the capital and operating budgets in respect of funds to the amount of R 4 million (in place of R 5 million) which were received from the Department of Community Safety and Security...

5. MATTERS ARISING FROM THE MINUTES

None

6. NEW MATTERS

6.1 RECOMMENDATION: APPROVAL OF THE ORGANIZATIONAL STRUCTURE FOR THE PERIOD 1 JULY 2019 TO 30 JUNE 2020 TAKING INTO ACCOUNT THE AMENDMENTS FROM THE VARIOUS DEPARTMENTS (2/3)

Article 66 of the Municipal Systems Amendment Act, 2011 stipulates that the municipal manager is responsible for the development of an organizational structure for approval by the municipal council.

The Municipal Manager stated that the amendments to the organizational structure arise from the legal opinion received from *Bradley Conradie Halton Cheadle Labour Lawyers* in respect of the permanence of contract workers.

The amendments to the organizational structure were approved by the unions during a Labour Forum Meeting held on 14 May 2019 for further recommendation.

RESOLUTION (for recommendation to the Council on 30 May 2019)

- (a) That the Executive Mayoral Committee recommend the full organisational structure for submission to Council taking into account the amendments to the organisational structure with regard to Corporate Services, Financial Services, Protection Services, Civil Engineering Services and the Office of the Municipal Manager for implementation with effect from 1 July 2019;
- (b) That the Executive Mayoral Committee take note that an O & M study will not be undertaken in the current financial year and that consideration will be given to the study as well as the funding thereof during the 2019/2020 financial year.

6.2 AMENDMENT TO THE 2017-2022 INTEGRATED DEVELOPMENT PLAN (IDP) AND AREA PLANS (2/1/4/4/1)

The Council's Integrated Development Plan (IDP) must be revised on an annual basis in terms of article 34(a) of the Local Government Act: Systems Act, 2000 (Act 32 of 2000).

The Executive Mayor dealt with the amendments to the revised 2017-2022 IDP and requested that Chapter 4 is adjusted in accordance with the amendments to the organizational structure as discussed under item 6.1.

During the public participation process comments were only received from the Chief Whip of the ANC office - letter attached to the agenda.

RESOLUTION (for recommendation to the Council on 30 May 2019)

- (a) That the amendment of the 2017-2022 Integrated Development Plan (IDP) as well as the revision of the area plans be considered and referred to Council for approval;
- (b)/...

6.2/...

- (b) That cognisance be taken of the ANC's comments and that the response to the comments in Annexure A is regarded as sufficient.

6.3 **AMENDMENT: SWARTLAND SPATIAL DEVELOPMENT FRAMEWORK (15/1/4/1)**

The Executive Mayor stated, with reference to comments received, that the Municipal Spatial Development Framework (SDF) contains the necessary policy guidelines for spatial development in the municipal area, and does not create or take away any rights.

The SDF ensures the endeavour towards integrated, sustainable and habitable areas and that development is based on the vision and spatial principles agreed upon, and the creation of socio-economic opportunities.

RESOLUTION (for recommendation to the Council on 30 May 2019)

That Council adopt the final concept of the Municipal Spatial Development Framework for the entire Swartland area of jurisdiction in terms of section 7(3) of the Land Use Planning By-Law (PN 7741 of 3 March 2017) subject to the following:

- (a) The Council resolution must within 14 days of decision making give notice of its decision in the media and Provincial Gazette;
- (b) Any stakeholder competing in the public participation process be informed of Council's decision and reaction;
- (c) All future development proposals be evaluated in accordance with the principles as set in the Municipal Spatial Development Framework;
- (d) Action plans within Municipal Spatial Development Framework annually be submitted via the IDP process for budgeting;
- (e) Special attempts be made annually to address action plans within the Municipal Spatial Development Framework

6.4 **BUDGET MANAGEMENT COMMITTEE TECHNICAL RECOMMENDATIONS FOR FINAL MULTI-YEAR CAPITAL AND OPERATING BUDGETS, AMENDED BUDGET RELATED POLICIES, REGULATION/S, PROPERTY RATES AND TAXES, TARIFFS AND OTHER LEVIES FOR 2019/2020, 2020/2021 AND 2021/2022 (5/1/1/1, 5/1/1/2, 5/1/4)**

The budget documentation has been finalised after comprehensive sessions with the various directorates in order to further the effectiveness of the latter. The focus is mainly on cost effective management of expenses in order to provide sustainable service delivery and value for money to tax payers. It is also important that the budget is in line with the strategic goals of the Municipality.

The Executive Mayor confirmed that the budget documentation was dealt with during a Budget Management Committee Meeting held on 16 May 2019. The Executive Mayor also stated that the electricity tariff of 13,07% to users, is approved in principle and that approval from NERSA is still awaited.

The following recommendations to the Executive Mayor were considered during a Budget Management Committee Meeting held on 16 May 2019.

RESOLUTION (for recommendation to the Council on 30 May 2019 for consideration and approval).

- (a) That the public and provincial input received be dealt with by the Executive Mayor (**Annexure E, Inputs received on Draft Budget**) as allowed for in terms of Section 23 of the MFMA, having regard for the recommendations of the BSC, insofar that same relates to the 2019/20 MTREF Draft Budget;

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- (b) That council takes note that the costs as envisaged by Section 19 (2)(a)(b) were derived after consultation with the respective director(s) who has confirmed the costs as per **(Annexure A, Section 1: 2019/20 – 2021/22 Capital Projects ito Sec 19)**;
- (c) That council prior to approving the capital projects above R50 million as listed in **(Annexure B, Section 1: 2019/20 – 2021/22 Capital Projects ito Sec 19)**, first consider the projected cost covering all financial years until the project is operational and the future operational costs and revenue on the project, including municipal tax and tariff implications;
- (d) That council approves the funding sources linked to council's capital program and take note that these funding sources are available and have not been committed for other purposes;

FINANCING SOURCES	Final Budget 2019/2020	Final Budget 2020/2021	Final Budget 2020/2021
External Loans	R 22 631 209	R 27 368 791	R -
Capital Replacement Reserve (CRR)	R 54 065 363	R 67 024 928	R 83 369 556
Municipal Infrastructure Grant (MIG)	R 21 301 000	R 22 285 000	R 23 700 000
Dept. Human Settlements	R 32 480 000	R 31 800 000	R -
Integrated National Electrification Programme	R 5 000 000	R 10 000 000	R 10 000 000
Dept. Cultural Affairs and Sport	R 370 000	R -	R -
RSEP / VPUU	R 4 000 000	R 2 000 000	R -
Community Safety Grant	R 10 000	R 10 000	R 10 000
Fire Service Capacity Building Grant	R -	R 841 000	R -
Energy Efficiency Demand Side Management	R 4 000 000	R 5 000 000	R 6 729 000
GRAND TOTAL	R 143 857 572	R 166 329 719	R 123 808 556

- (e) That council deemed it appropriate to approve the entire capital program excluding the 2 individual projects above R 50 million as the aforementioned capital program's operational cost, inclusive of future costs are covered by the rates regime and the normal cost centres found in the operational budget;
- (f) That council approves the capital projects as part of its consolidated capital program as per **(Annexure A, Section 1: 2019/20 – 2021/22 Final Budget and Tariff File)**;
- (g) That the final multi-year Capital and Operating budgets with respect to the 2019/20 – 2021/22 financial years be approved, in accordance with sections 16, 17 and 19 of the MFMA;

	Original Budget 2018/2019	Adjustment Budget 2018/2019	Final Budget 2019/2020	Final Budget 2020/2021	Final Budget 2021/2022
Capital budget	87 245 909	101 860 331	143 857 572	166 329 719	123 808 556
Operating Expenditure	698 278 426	694 597 465	749 828 067	789 665 123	856 817 754
Operating Revenue	746 205 036	765 793 817	830 826 697	902 095 255	936 456 542
Budgeted (Surplus)/ Deficit	(47 926 610)	(71 196 352)	(80 998 630)	(112 430 132)	(79 638 788)
Less: Capital Grants	36 975 000	55 047 114	67 161 000	71 936 000	40 439 000
(Surplus)/ Deficit	(10 951 610)	(16 149 238)	(13 837 630)	(40 494 132)	(39 199 788)

6.4/...

- (h) That council in-principle approves the raising of an external loan/s totalling R50 000 000 for the partial financing of the Moorreesburg and Darling Waste Water Treatment Works in the multi-year capital budget for 2019/20 to 2020/21 financial years, by means of testing the market as envisaged by the MFMA section 46 requesting tenders from the financial institutions (please refer to the impact and schedules dealing with the proposed loan for purposes of public advertisement and final approval in May 2019) **Annexure A, Section 2: 2019/20 – 2021/22 Final Budget and Tariff File;**
- (i) That in-principle approval be granted to the Director: Financial Services to prepare the necessary tender for purposes of giving effect to section 46 of the MFMA in respect of taking up the capital loan/s to the value R50 000 000, per the requirements of Section 46 of the MFMA for the specific purpose of partially funding the aforementioned Treatment Works;
- (j) That council approves the property rates for the 2019/20 financial year as listed below and in the property rates policy as final;

Property Categories	Rates
Residential properties	0,6490
Vacant land	0,8580
Industrial properties	0,8580
Business and commercial properties	0,8580
Agricultural properties (used for bona fide agricultural purposes)	0,1623
Agricultural properties used for eco-tourism	0,8580
Agricultural properties used for trading in or hunting of game;	0,8580
Mining properties	0,8580
Properties owned by an organ of state and used for public service purposes	0,8580
Public service infrastructure	0,0000
Properties owned by public benefit organisations: (i) welfare and humanitarian organisations; (ii) cultural organisations; (iii) sporting organisations; (iv) conservation, environmental and animal welfare organisations; (v) healthcare organisations; and (vi) education and development.	0,8580
Properties used for multiple purposes	either 0,8580 or 0,6490 or 0,1623 depending on use
Properties in rural area zoned for business or in respect of which consent uses have been approved in terms of the municipality's zoning scheme regulations	0,8580
Municipal properties	0,0000
Informal settlements, including those on land which are not subdivided into residential ervens	0,6490
Property acquired through the Provision of Land and Assistance Act, 1993 (126 of 1993) or the Restitution of Land Rights Act, 1994 (Act 22 of 1994) or Communal Property Association Act, 1996	Either 0,8580 or 0,6490, depending on use
Conservation areas	0,0000
Protected areas (excluding residential and other properties located therein)	0,0000
National monuments	0,0000
State owned properties	0,8580

6.4/...

- (k) That the discount to disabled persons and senior citizens as defined in the Property Rates Policy, be limited to a maximum of R300 000 for the 2020/21 financial year subject to application in the prescribed format per direction of the Chief Financial Officer;
- (l) That council approves the final tariff structures and charges for water, electricity, refuse removal, sewerage and other sundry charges as set out in **(Annexure A: 2019/20 – 2021/22 Final Budget and Tariff File)**;
- (m) That council approves the electricity tariffs as final for the 2019/2020 financial year, bearing in mind that it is still subject to NERSA's final approval;
- (n) That the annual budget tables as required by the Budget and Reporting Regulations as set out in **(Annexure C: Budget Report and A-Schedules 2019/20 – 2021/22)**, be approved as final;
- (o) That the final revised budget and related policies, the revised Credit Control and Debt Collection By-law and Policy and the revised Property Rates Policy and By-law as set out in **(Annexure D: Final Budget & Related Policies and By-laws 2019/20)** hereto, be approved as final;
- (p) That the training budget limited to 0,83% of the salary budget in the amount of R1 805 366 for the 2019/20 financial year be approved as final;
- (q) That Council takes note and grant final approval for the following increases as follows:
- In respect of all personnel, an increase of **6.5%** for 2019/2020; **6.25%** for 2020/21 and **6%** for the 2021/2022 financial years, excluding the increase in other benefits that are applicable and the annual 2.5% notch increase where applicable.
 - In respect of the other section 56-appointments (excluding the Municipal Manager, CFO and Directors Civil Services and Development Services) a **6.5%** increase with effect from 1 July 2019;
 - Provision has been made for a **5%** increase for political office bearers which are within the upper band of the inflation targets set by the South African Reserve Bank (SARB).
- (r) That council specifically takes note of the fact that management considered both the financial and service delivery impacts that the Labour Relations Act had on contract appointments and that the salary bill will increase by R4 510 139.84 due to the amendments to the organisational structure with regards to Corporate Services, Financial Services, Protection Services and Civil Engineering Services for implementation with effect from 1 July 2019 and resulted in a decrease in planned budgeted surpluses over the MTREF;
- (s) That Council takes note of the budgeted operating surpluses, the total expenditure growth of **8%** from the current to the new financial year, in the main due to the anticipated high increase in electricity bulk purchases and growth in revenue of **8.5%** for the MTREF period as well as the cash flow statement as per **(A-schedule A7 and SA8)** for the current as well as the next three financial years and more specifically the progress made in this regard;
- the risk factor for cash coverage for operating expenses is **10.9 months** for 2019/2020, **11 months** for 2020/2021 and for 2021/2022 it is **10.7 months**;
 - over the next three financial years the planning is such that the following operating surpluses are envisaged - 2019/2020 an amount of **R 80 998 630**, 2020/2021 an amount of **R 112 430 132** and 2021/2022 an amount of **R 79 638 788 (inclusive of capital grant income)**;

6.4/...

- over the next three financial years the planning is such that the following operating surpluses are envisaged - 2019/2020 an amount of **R 13 837 630**, 2020/2021 an amount of **R 40 494 132** and 2021/2022 an amount of **R 39 199 788 (excluding capital grant income)**;
- (t) That the Director: Financial Services adhere to the requirements of the Budget Circulars and Budget Reforms in the context of the reporting requirements to Provincial and National Treasury;
- (u) That Council take note that the budget was also prepared in the new mSCOA Version 6.3 as required by National Treasury

6.5 DETERMINATION OF CAPITAL DEVELOPMENT CONTRIBUTIONS FOR 2019/2020 (15/1/B)

Swartland Municipality has four policies in accordance with which capital development contributions are levied and is in the process of drawing up a uniform Capital Development Levies Policy for the Swartland.

The object of the report is to approve the implementation of the policies for the 2019/2020 year, as well as the consideration of a discount on capital development contributions.

RESOLUTION

- (a) The attached Capital Development Contributions for the 2019/2020 financial year be approved:
- “Greenfields” Capital Development Contributions – Malmesbury (Annexure “A”).
 - “Brownfields” Capital Development Contributions – Swartland Municipal Area (Annexure “B”).
 - Capital Development Contributions – Riebeek Valley (Annexure “C”).
 - Development charges for Bulk Services – Yzerfontein (Annexure “D”).
- (b) A rebate of 40% be considered regarding capital development contribution in respect of the 2019/2020 financial year, for the following reasons:
- (c) Developers have to enter into an agreement with the Municipality regarding the payment of contributions in terms of the existing policies;
- (d) The previous resolution in terms of which exemption from capital contributions was granted to businesses and industries in the Riebeek Valley of 100m² or smaller in extent, be reconfirmed in respect of the 2019/2020 financial year;
- (e) Actual Cost Capital Contributions will apply to all developments, as determined and calculated by the Directors of Civil and Electrical Engineering Services.

6.6 SECOND AMENDMENT TO THE 2018/2019 MIG PROJECT IMPLEMENTATION PLAN (5/9/2/6/1)

Since the approval of the 2018/2019 MIG Project Implementation Plan in May 2018 amendments have become necessary due to the re-allocation of funds between approved projects.

The second amendment to the plan incorporates the increase in the MIG grant by R 4 million from R 20 945 000,00 to R 24 945 000,00. The report includes the details of the projects, which have already been approved, to which the additional R 4 million has been allocated.

Resolution/...

6.6/...

RESOLUTION

- (a) That the Executive Mayoral Committee notes that the 2018/2019 MIG allocation for Swartland Municipality has been increased from R 20 945 000.00 with R 4 000 000.00 to R 24 945 000.00;
- (b) That the Executive Mayoral Committee notes that in order to achieve successful project implementation a re-allocation of funds between registered MIG projects is required and that the 2018/2019 DPIIP must be amended accordingly;
- (c) That the Executive Mayoral Committee approves the following projects and budgets for the amended DPIIP for the 2018/2019 financial year:

Nr	Project	Budget
1	Rehabilitate Water Networks (<i>WC1287/W/14/17</i>)	R 2 587 033.00
2	Malmesbury De Hoop: New Reservoir (<i>WC/1649/W/16/19</i>)	R 11 079 038.00
3	Malmesbury De Hoop: External Sewer (<i>WC/1650/S/16/20</i>)	R 6 222 816.00
4	New Sports Grounds: Chatsworth (<i>WC1605/CF/16/18</i>)	R 2 852 895.00
5	Upgrade Moorreesburg WWTW (<i>WC1710S/17/122</i>)	R 2 203 218.00
Total		R 24 945 000.00

- (d) That the amended DPIIP be submitted to the Department of Cooperative Governance and Traditional Affairs.

6.7 FOURTH AMENDMENT TO THE 2018/2019 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) (2/4/2)

On 25 April 2019 the Council approved a Special Adjusted Budget which necessitates amendment to the SDBIP.

The amended SDBIP was circulated separately to the agenda for future reference.

RESOLUTION (for recommendation to the Council on 30 May 2019)

That the fourth amendment of the Service Delivery and Budget Implementation Plan (SDBIP) for the 2018/2019 financial year be approved in terms of Section 54(1)(c) of the Municipal Finance Management Act (Act 56 of 2003).

6.8 AMENDMENT TO KPI's AND GOALS FOR 2019/2020 (2/4/2)

The *Municipal Planning and Performance Management Regulations, 2001* stipulates the legal requirements in respect of the revision of the KPI's and goals. Regulation 11(2) of the above mentioned Regulations stipulates that, when a municipality amends its IDP in accordance with article 34 of the Systems Act, the municipality must revise those KPI's and goals affected by such amendments.

RESOLUTION

That the attached amendment of key performance indicators (KPI's) and targets be approved.

6.9 PRESENTATION OF (1) DRAFT WATER AND SANITATION SERVICES AMENDED REGULATION, (2) DRAFT REGULATION IN RESPECT OF THE INSTALLATION OF TELECOMMUNICATIONS INFRASTRUCTURE (1/1)

In respect of the Water and Sanitation Services Amended Regulation:

The purpose of the amendment to the Regulation is to clarify the circumstances for the determination of water restrictions, and to make specific provision that non compliance can lead to an offence.

6.9/...

In respect of the Regulation in terms of the Installation of Telecommunications Infrastructure

The Electronic Communication Act 2005 (Act 36 of 2005), grants extensive competencies, to the so-called electronic communication network service license holders.

The Constitutional Court found that although license holders are granted certain rights in accordance with national law, they must also comply with municipal regulations.

The purpose of this regulation is therefore to make provision for regulation and management mechanisms for the installation of electronic communication facilities which could have an effect on the Municipality's own service infrastructure.

The draft regulation was circulated with the agenda for presentation to the Council on 30 May 2019.

RESOLUTION

- (a) That approval be granted that the following draft by-laws be submitted in Council on 30 May 2019 for approval in principle:
- Swartland Municipality: Water and Sanitation Services Amendment By-Law
 - Swartland Municipality: By-Law relating to the Installation of Telecommunications Infrastructure
- (b) That, following on in principle approval by the Council, the draft by-laws be published for public comment in terms of section 12(3)(b) of the Systems Act, 2000 in both the local media and on the municipal website.

6.10 PROPOSED WELFARE GRANT POLICY (12/2/5/5-9/2)

The policy has been drawn up in compliance with article 67 of the Local Government Act: Municipal Financial Management, 2003 (Act 56 of 2003) which contains requirements in respect of the transfer of funds from the municipality to an organization or body outside of any government sphere.

RESOLUTION

That the draft Grants-in-Aid Policy be approved for implementation with effect from 1 July 2019, to be reviewed annually as part of the review of the budget and budget-related policies.

6.11 APPOINTMENT OF COUNCILLORS AS COMMISSIONERS OF OATH (3/B)

The draft policy with respect to the Appointment of Councillors as Commissioners of Oath, was introduced to councillors during a Portfolios Committee Meeting held on 10 April 2019. Councillors were requested to hand in comments in respect of the draft policy no later than 30 April 2019.

No comments were received, and the draft policy can therefore be submitted to the Council on 30 May 2019 for approval.

RESOLUTION

- (a) That the attached Policy for Municipal Councillors acting in their capacity as Commissioners of Oaths be approved by Council with immediate effect;
- (b) That each councillor undersigned an agreement confirming that the councillor undertakes to

6.11(b)/...

i.r.o. all councillors

(i) fulfill the responsibilities in accordance with the Policy;

i.r.o. ward councillors

(ii) replace the stamp at own costs if the stamp is lost;

(iii) return the stamp in accordance with paragraph 12 of the Policy.

(c) That ward councillors be notified when the stamps are ready for collection, but that for the interim - also for the other councillors - the stamps are used at the municipal head office and office of the mayor.

6.12 REVISION OF COMMUNICATIONS STRATEGY AND RELATED POLICIES (6/2/2/B)

The Director: Corporate Services confirmed, in the report circulated with the agenda, that the requirement for an annual revision of the Communications Strategy and associated policies had been complied with. No amendments were necessary, except that references to the previous Director: Development Services were brought up to date in respect of ms J S Krieger being the new Director: Development Services as of 1 May 2019.

RESOLUTION

- (a) That cognizance be taken that the policies relating to Communication, Public Participation and Social Media were checked but require no revision;
- (b) That the 2017-2022 Communication Strategy be amended to accommodate references to the new Director: Development Services;
- (c) That cognizance be taken that said strategy and policies will again be revised during May 2020.

6.13 REVISION OF THE DISASTER MANAGEMENT PLAN FOR THE SWARTLAND (17/5/B)

The approved Disaster Management Plan must be revised annually in order to bring the content up to date with any amendments, inter alia, the re-evaluation of risks in order to draw up the associated risk reduction plans.

The main risks for Swartland Municipality for the 2019/2020 financial year are:

- (1) Drought
- (2) Foreign invasive plants
- (3) Disruption in water supply
- (4) Floods
- (5) Seismic activity
- (6) Veld fires
- (7) Animal sicknesses
- (8) Protest action
- (9) Land occupation

The updated Disaster Management Plan was circulated separately to the agenda.

RESOLUTION

- (a) That the content of the 2019 reviewed disaster management plan be noted as well as the agreement of all departments to pay attention to risk reduction as part of their daily tasks;
- (b) That the Mayoral Committee approves the 2019 reviewed Disaster Management Plan for the Swartland Municipal Area with the undertaking that the plan will be reviewed annually to ensure that the content is always relevant and up to date;

6.13/...

- (c) As prescribed by the Disaster Management Act, a copy of the approved reviewed plan is provided to the West Coast Disaster Management Centre, Provincial Disaster Management Centre as well as the National Disaster Management Centre.

6.14 SWARTLAND MUNICIPALITY: 2019 REVISED BUSINESS CONTINUITY AND DISASTER RECOVERY PLAN (17/5/B)

The revised Business Continuity and Disaster Recovery Plan for 2019 was circulated separately to the agenda and amendments mainly involve updating of contact details.

The plan makes provision for convening an emergency management team to provide the overall co-ordination during a disaster situation. The team consists of:

- The Municipal Manager
- All departmental heads
- The manager: IT
- The Executive Mayor
- Member of the Executive Mayor's Committee responsible for Security Services

RESOLUTION

- (a) That cognisance is taken of the changes that was made to the Business Continuity and Recovery Plan;
- (b) That the reviewed 2019 Swartland Business Continuity and Recovery Plan be approved.

6.15 RELOCATION OF PIETER CRUYTHOFF MEMORIAL, RIEBEEK KASTEEL (12/2/5/5-9/2)

Mr Chris Murphy from *Heritage Consult* has been appointed by the owner of the Farm 661 Kloovenburg, Riebeek Kasteel, mr Pieter du Toit, to manage the process in respect of the relocation of the Pieter Cruythoff memorial situated on the farm, to the museum in Riebeek Kasteel.

Although the memorial is not listed in the *Swartland Heritage Rural Survey of 2014*, which was done in accordance with the National Heritage Conservation Act, 1999 (Act 25 of 1999), and because it was erected in 1961, an argument can be put forward that it must be viewed as conservation worthy in terms of the Act.

The applicant is thus advised that the necessary steps are taken in accordance with the Act, for the relocation of the Pieter Cruythoff memorial.

RESOLUTION

That permission be granted for the relocation of the Pieter Cruythoff Memorial from its existing position to the Riebeek Valley (De Oude Kerk) Museum, provided that (1) an extensive public participation process be undertaken by the applicant in terms of the guidelines issued by Western Cape Heritage; and (2) the Municipality be consulted regarding the exact placement of the memorial on the museum grounds.

6.16 TENDER L06:18.19: ALIENATION OF BUSINESS PROPERTY IN MALMESBURY 12/2/B

On 23 March 2017 the Council approved the alienation of, inter alia, Erf 3185, a business property in Malmesbury, by means of a public participation process. The reserve price was set at R330 000,00.

By the close of the tender process on 29 March 2019 four tenders were received. However, three of the tenderers withdrew their tenders at a later stage.

6.16/...

In accordance with the Sale Agreement, the successful tenderer has until March 2020 to submit a site development plan, including building plans, building elevations and landscaping plan, where after the Municipality has until 31 March 2020 to approve the development proposals.

RESOLUTION

(a) That Tender L06.18.19 for the Sale of a Business Site be awarded as follows:

	Erf 3185, Malmesbury
RESERVE PRICE	R330 000.00
Tenderer	Y Adriaanse
Financial Offer (VAT excluded)	R350 000.00

(b) That approval be granted for the transfer Erf 3185, Malmesbury as per the aforesaid schedule.

6.17 TENDER L07.18.19: ALIENATION OF BUSINESS PROPERTY IN ILINGE LETHU (12/2/B)

[Clr O M Stemele left the meeting for the duration of the discussion of the item due to his association with the tenderers]

On 23 March 2017 the Council also approved the alienation of a further three business properties, namely:

- Portion A, portion of Erf 6353, Tshwete Street (± 1500 m² in extent) with a reserve price of R 75 000 (now Erf 12298);
- Portion B, portion of Erf 6353, Alfa Street (± 1500 m² in extent) with a reserve price of R 75 000 (now Erf 12299);
- Restant of erf 6353, c/r Tshwete and Alfa Streets (± 2439 m² in extent) with a reserve price of R 122 000 (now Erf 6353).

By the close of the tender on 29 March 2019 a total of 10 tenders were received, of which two proposals were withdrawn at a later stage. The preferential tenderers are indicated in the following table.

In accordance with the Sale Agreement, the successful tenderers have until 31 December 2019 to submit a site development plan, including building plans, elevations of buildings and a landscaping plan, where after the Municipality has until 31 March 2020 to approve the development proposals.

RESOLUTION

(a) That Tender L07.18.19 for the Sale of Business Sites be awarded as follows:

Erf nr	12298	12299	6353
Reserve Price	R 75 000.00	R 75 000.00	R 122 000.00
L Ndzongana			R 155 000.00 (VAT excl.)
M Nzongana		R 101 000.00 (VAT excl.)	
G Ntombizanele	R 127 000.00 (VAT excl.)		

(b) That approval be granted for the transfer Erven 12298, 1299 and 6353, Malmesbury as per the aforesaid schedule.

6.18/...

6.18 LEASE AGREEMENT: MALMESBURY GOLF CLUB (17/9/2/R)

The existing lease agreement with the Malmesbury Golf Club, which was for a period of 10 years, expires on 30 September 2019.

A request has been received from the Malmesbury Golf Club to extend the lease agreement for a further 10 years.

RESOLUTION

- (a) That a lease agreement be entered into with Malmesbury Golf Club for the leasing of the golf facilities in Malmesbury which includes portion of erf 327 (size ±35 ha), Erf 9471 (size ±14,4 ha) and Erf 9472 (size ±6,8 ha) for a further term of 10 (ten) years commencing 1 October 2019;
- (b) That the rental fee be fixed at R120,00 plus VAT per annum;
- (c) That the current conditions of lease remain applicable.

6.19 LEASE AGREEMENT: DARLING CLUB (17/9/2/R)

The Council leases the existing sports grounds, situated on Erf 2251, Darling (35,2901 ha in extent), to the Darling Club where the sports of netball, gymkhana, equestrian tent pegging, golf, bowls, tennis and wrestling are practiced.

The lease agreement expires on 30 September 2019. A request has been received from the Darling Club to extend the lease for a further 10 years.

RESOLUTION

- (a) That a lease agreement be entered into with Darling Club for the lease of the facilities on erf 2251, Darling for a further period of ten (10) years, w.e.f. 1 October 2019;
- (b) That the lease tariff of R120.00 per annum, plus VAT, be approved;
- (c) That the current conditions of lease remain applicable.

6.20 LEASE AGREEMENT: YZERFONTEIN CLINIC (17/9/2/R)

The Council has leased space (±21 m²) at the Yzerfontein Community Hall to the Department of Public Works, since 1 March 2017, for the provision of a mobile clinic services.

The lease agreement expires on 29 February 2020. A request has already been received from the relevant department to consider extending the lease agreement for a further period of two years.

RESOLUTION

- (a) That a lease agreement be entered into with the Department of Public Works for the leasing of the facilities at the Yzerfontein Community Hall for use as a mobile clinic for a further term of 24 months;
- (b) That the tariff be fixed at R1 057,93 plus VAT per month with an escalation of 8% annually;
- (c) That the current conditions of lease remain applicable.

6.21 OUTSTANDING DEBTORS: APRIL 2019 (5/7/1/1)

A complete list of outstanding debtors was circulated with the agenda.

6.21/...

RESOLVED that cognisance be taken of the report on the state of Swartland Municipality's outstanding debtors for April 2019.

6.22 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.

RESOLVED that cognisance be taken of the status of outstanding insurance claims up to and including 30 April 2019 as circulated with the agenda.

6.23 STOCK TAKES, 2019 (6/1/1)

The annual stock takes at the main store and the stationary office in Malmesbury, and the electrical store in Moorreesburg are scheduled to take place on 25 June 2019.

RESOLUTION

- (a) That Ald R F van der Westhuizen (accompanied by Cllr O M Stemele or Cllr P E Solomons) relating to Malmesbury and Ald M van Zyl (accompanied by Cllr O M Stemele or Cllr P E Solomons) relating to Moorreesburg be appointed to oversee the stocktaking at the respective stores;
- (b) It is noted that stocktaking will commence promptly at 09:00 on 25 June 2019 at the main store in Malmesbury.

6.24 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: REPAIR TO THE FIRE FIGHTING VEHICLE, CK 35669 (GMC) (8/1/B/2)

With the appointment of the new Fire Fighting Head, Mr Roysten Harris, and the inspection of all the fire fighting vehicles and equipment it was recommended that the GMC Fire fighting vehicle (CK 35669), which has been out of action for some time, is repaired.

The vehicle had to be taken apart to find the faults in order to prepare a quotation. The process in order to source a service provider was also complicated because it is an old vehicle, and Graanland Ingenieursdienste was prepared to do the work in order to prepare a quote.

RESOLUTION

- (a) That the Executive Mayoral Committee takes note of the departure from the prescribed procurement procedures under clause 36 (2) of the Supply Chain Management Policy;
- (b) That the action of the Municipal Manager is consequently condoned to consider only one quote with the urgent repairs of the fire engine, CK 35669, as it was impractical to test the market given that the service provider first had to strip vehicle to quote;
- (c) It is noted that the expense amounts to R46 738.48 (VAT included) financed by post number 9/232-1253-668;
- (d) That the Snr Manager: Financial Statements and Control be instructed, in terms of the Supply Chain Management Policy, to include the above reason as a note to the financial statements, when preparing the statements concerned.

6.25/...

**6.25 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE:
URGENT REPLACEMENT OF UPS 8/1/B/2)**

The computer room has a 15kVA UPS which ensures a constant electricity supply to all information, communication and technological services (ICT services), and as well as in the case of a power outages.

The UPS stopped working on Monday 8 April, and the company *Emerald*, which is appointed to do the maintenance on the UPS equipment, confirmed that the unit needed to be replaced. *Emerald* was in a position to provide a compatible UPS and to provide a quote for the immediate provision, delivery and installation of the unit. Three other companies were contacted for a quotation, but these companies could not provide a compatible UPS at short notice.

RESOLUTION

- (a) That the action of the Municipal Manager be condoned not to receive tenders, but to accept the quote for the purchase of the UPS from the firm, Emerald, amounting to R91 717.05 (excluding VAT);
- (b) The reasons for the departure from the prescribed procurement processes to prevent an emergency situation are recorded as follows:
 - (i) The risk that in the event of a power supply interruption, which was most likely due to the introduction of load shedding by Eskom, all information, communication and technology services (ICT services) would be at risk;
 - (ii) The risk that, in the event of an unexpected power failure in the absence of a UPS, damage to ICT equipment could result in corrupted data;
 - (iii) The possible risk that all municipal ICT services could fail is considered an emergency;
- (c) It is noted that sufficient funds are available and that the expense of R91 717.05 (excluding VAT) is offset against mSCOA item: 9 / 118-40-731;
- (d) That the Snr Manager: Financial Statements and Control be instructed in terms of the Supply Chain Management Policy to include the above reason as a note to the financial statements, when preparing the statements concerned.

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