



**MINUTES OF A MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE BANQUETING HALL, MALMESBURY ON WEDNESDAY, 18 SEPTEMBER 2019 AT 09:00**

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**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  
Ald R F van der Westhuizen  
Add M van Zyl

Officials:

Municipal Manager, mr J J Scholtz  
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  
Committee Official, ms S A Kulsen

**1. OPENING**

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

**2. APOLOGIES**

None

**3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS**

None

**4. MINUTES**

**4.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 21 AUGUST 2019**

**RESOLUTION**

That the minutes of an Ordinary Executive Mayor's Committee Meeting held on 21 August 2019 are approved and signed by the Mayor.

**5. CONSIDERATION OF RECOMMENDATIONS AND MATTERS ARISING FROM THE MINUTES**

**5.1 MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 11 SEPTEMBER 2019**

*[Corrections held over at the prerogative of the various committees.]*

Recommendations submitted for ratification:

5.1/...

**5.1.1 MUNICIPAL MANAGER, ADMINISTRATION AND FINANCES**

**RESOLUTION** that the Executive Mayor ratifies the recommendations in the relevant minutes.

**5.1.2 CIVIL AND ELECTRICAL SERVICES**

**RESOLUTION** that the Executive Mayor ratifies the recommendations in the relevant minutes.

**5.1.3 DEVELOPMENT SERVICES**

**RESOLUTION** that the Executive Mayor ratifies the recommendations in the relevant minutes.

**5.1.4 SECURITY SERVICES**

**RESOLUTION** that the Executive Mayor ratifies the recommendations in the relevant minutes.

**6. MATTERS ARISING FROM THE MINUTES**

None

**7. NEW MATTERS**

**7.1 SWARTLAND STREET NAME POLICY (16/5/6)**

The need for the development of a Street Name Policy arose from the allocation of street names in the Phola Park housing projects. Consultation with the elected Housing Committee was hampered by the lack of a policy and there was pressure put on the Municipality – also by means of a petition – to name streets after certain persons.

The attached policy was drawn up taking into account the guidelines in respect of the allocation of street names approved by the Executive Mayor's Committee in August 2016.

**RESOLVED** that the Swartland Street Name Policy be adopted.

**7.2 MINUTES OF A MUNICIPAL PERFORMANCE AND RISK AUDIT COMMITTEE MEETING HELD ON 28 MAY 2019 AS WELL AS THE HALF YEARLY REPORT FOR THE PERIOD ENDING 30 JUNE 2019**

The Performance and Risk Audit Committee serves as a fully-fledged, independent committee of the Council and fulfils its functions in accordance with the provisions of article 166 of the Municipal Financial Management Act, 2003.

The minutes of the Performance and Risk Audit Committee Meeting held on 28 May 2019 were circulated with the agenda, and do not contain any recommendations for consideration by the Executive Mayor's Committee.

**RESOLVED** that cognisance be taken of the minutes of the meeting of the Municipality's Performance and Risk Audit Committee of 28 May 2019 as well as the Audit Committee's bi-annual report for the period ending 30 June 2019.

**7.3 CONDITION OF TARRED ROADS IN THE SWARTLAND MUNICIPALITY (8/2/2/1)**

The aim of the report, in respect of the condition of tarred roads in the Swartland municipal area, is to spell out the budget implications to the Council in respect of the maintenance of roads.

7.3/...

In order to maintain the functionality of tarred roads, specific interventions (eg. resealing) are needed to prevent potholes and further deterioration of the base layer of the road surfaces. When scheduled maintenance/resealing of roads does not take place the expenses, in terms of road rehabilitation, are so much higher and the Council cannot afford to get further behind with the maintenance programme.

**RESOLVED** that cognisance be taken of the 2018/2019 status quo report of municipal surfaced roads in the Swartland.

**7.4 MANDATE: COLLECTIVE AGREEMENT IN RESPECT OF SERVICE CONDITIONS FOR THE WEST COAST DIVISION OF THE SALGBC (LOCAL GOVERNMENT BARGAINING COUNCIL) (4/2/1)**

The collective agreement in respect of the service conditions for the Western Cape division of the SALGBC became operative on 1 April 2016 and, for a second period, up to and including 30 June 2019. The parties in this division decided to extend the agreement to 31 March 2020. The parties will commence shortly with negotiations in respect of extending the agreement until 31 March 2020 and will have the opportunity to make proposals for amendments/improvements.

The collective agreement in respect of the service conditions for the Western Cape division of the SALGBC has been thoroughly examined by the Senior Manager: Human Resources, and no further comment or input is necessary.

**RESOLVED** that the mandate to SALGA that Swartland Municipality proposes no amendments to the Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC be approved.

**7.5 ALIENATION OF IMMOVABLE RESIDENTIAL PROPERTIES SITUATED IN GLEN LILY SOUTH, MALMESBURY (12/2/5/4-8/17)**

During July 2017 the Council purchased various properties from *Little Swift Investments 191 Proprietary Limited* for an amount of R7 million.

The relevant properties were further dealt with according to a council decision of 26 October 2017 as follows -

- (1) 95 erwen in Glen Lily North (now known as Olive Place) were sold to MSP Properties, by public auction, for the amount of R10,5 million;
- (2) 5 erwen in Glen Lily South were sold to first time buyers, at auctions on 6 September and 29 November 2018 respectively;
- (3) the remaining erwen are available for out-of-hand alienation.

The purpose of the report circulated with the agenda is to report the number of erwen which have been transferred to private owners in the interim.

**RESOLUTION**

- (a) That cognisance be taken that only 17 of the 42 municipal-owned plots in Glen Lily South remain to be transferred to private owners;
- (b) That the Municipal Manager be authorized to decide at what stage the Director: Corporate Services may resign as trustee of the Glen Lily South Homeowners Association, taking into consideration that deeds of sale have been concluded in respect of all municipal-owned erwen in this development.

**7.6 KEEPING OF DOGS: ERF 432, MOORREESBURG**

Since 2016 there have been complaints in respect of the noise arising from the keeping of a great number of dogs on Erf 432, Moorreesburg. A complaint in this respect was laid at the local police station, but was removed from the roll by the national prosecuting authority at the time.

7.6/...

In December 2017 the residents in the area petitioned the Municipality to take urgent action against the nuisance caused on Erf 432. The council's lawyer recommended that the complainants institute legal proceedings, in terms of disturbance of the peace, at the public prosecutor, in their personal capacities, because the Public Nuisance Policy did not at that time place a limit on the number of dogs which could be kept.

In the interim, the amended Regulation in respect of Public Nuisance was promulgated on 1 September 2019, which, inter alia, limited the keeping of dogs to two per residential property.

During a visit to the property by the Animal Welfare Society on 1 September 2019, it was found that, at present, 36 dogs are kept on the premises.

Apart from the complaints from five complainants in the area, the council lawyer recommended that a statement must also be made by the relevant ward councillor, because she was regularly involved in the case.

#### **RESOLUTION**

- (a) That cognizance be taken of the untenable situation on erf 432, Moorreesburg regarding the keeping of dogs in contravention of the Swartland Municipality: By-law relating to Public Nuisances as per PN 8081 dated 12 April 2019;
- (b) That councilor Marlene van Zyl, ward councillor, be mandated to file an affidavit on the Municipality's behalf.

#### **7.7 LEASE AGREEMENT: MALMESBURY PHYSICAL CULTURE CLUB (17/9/2/R)**

The Malmesbury *Physical Culture Club*, at present, makes use of the new gymnasium at the Alpha Sports Grounds. A lease agreement has never been entered into with the club.

#### **RESOLUTION**

- (a) That lease agreement be entered into with the Malmesbury Physical Culture Club for the lease of the gymnasium facilities at Alpha Street Sportsground, for a period of 1 year effective from 1 October 2019;
- (b) That the rental be R 120.00 plus VAT, per annum.

#### **7.8 LEASE AGREEMENT: MALMESBURY BOWLING CLUB ((17/9/2/R)**

The Malmesbury Bowling Facilities are leased to the Malmesbury Bowling Club on an annual basis. The lease agreement expires on 30 September 2019.

#### **RESOLUTION**

- (a) That a further lease agreement be entered into with the Malmesbury Bowling Club (i.r.o. the bowls facilities) for the lease of the facilities for a period of 1 year, effective from 1 October 2019;
- (b) That the rental be R 120.00 plus VAT, per annum;
- (c) That the current conditions of lease remain applicable.

#### **7.9 OUTSTANDING DEBTORS: AUGUST 2019**

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

**RESOLVED** that cognizance be taken of the report regarding outstanding debtors of Swartland Municipality for the period ending August 2019.

**7.10 PROGRESS IN RESPECT OF OUTSTANDING INSURANCE CLAIMS: AUGUST 2019 (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 state of outstanding insurance claims for the period ending 31 August 2019 as submitted with the agenda.

**7.11 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: REPAIR TO THE REFUSE COMPACTOR CK 21988 (6/1/2/1)**

The refuse truck, CK 21988, is equipped with a Heil 500 compactor unit which stopped working. The supplier, Transtech, was approached to supply a quotation.

**RESOLUTION**

- (a) That cognisance be taken of the departure from the prescribed procurement procedures in terms of section 36(20) of the Supply Chain Management Policy;
- (b) That it be noted and the action of the Acting Municipal Manager be condoned with regards to the appointment of Transtech for the repairs to the blade and slide assembly of the compactor unit of refuse removal truck CK 21988.
- (c) That the reasons for the deviation from the prescribed procurement processes be recorded as follows:
  - (i) Transtech is the original manufacturer supplier and franchise holder for Heil equipment in South Africa and the service can therefore only be obtained from this single service provider.
- (d) That it be noted that the total cost as per the quoted amount of R76 055.26 (including VAT) was allocated to vote number 9/241-1253-709.
- (e) That the Snr Manager: Financial Statements and Control be instructed to include the aforementioned reason as a note to the financial statements at the time when the statements are compiled.

**7.12 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIR TO THE GEARBOX OF A STIRRER IN THE AERATOR ZONE 2, MALMESBURY SEWERAGE WORKS (6/1/2/1)**

The sewerage purification process at the Malmesbury WWTW works comprises a membrane system. The system consists of various components fitted with mechanical equipment which transports raw sewerage between different zones during the purification process. It is imperative that all components are in working order and immediately repaired in the case of failure.

**RESOLUTION**

- (a) That cognisance be taken of the departure from the prescribed procurement procedures in terms of section 36(20) of the Supply Chain Management Policy;
- (b) That it be noted and the action of the acting Municipal Manager be condoned with regards to the repairs of the gearbox of a mixer in the de-aeration zone at the Malmesbury Wastewater Treatment Works by GW Trautman for the amount of R 41,233.91 excluding VAT.
- (c)/...

7.12/...

- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
  - (i) The mixer would have been left out of service for an extended period of time following due process;
  - (ii) This would have had the consequence of treatment process failure and further damages to other mechanical components.
  - (iii) The repair work to the gearbox therefore had to be handled as an emergency.
- (d) That it be noted that the expenditure was allocated mSCOA Code: 9/239-851-689 and that there is sufficient funding available for the quoted amount of R 41,233.91 excluding VAT.
- (e) That the Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements, when same are compiled.

**7.13 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIRS TO THE CHLORINATOR AT THE PANORAMA RESERVOIR, MALMESBURY (6/1/2/1)**

Swartland Municipality is provided with treated drinking water from the Swartland Purification Works at the Voëlvlei Dam. Due to the distance over which the water is transported to the various reservoirs in the municipal area, it is necessary that a second dose of chlorine is added in order to provide water to users, which conforms to the SANS 241 quality standard.

The dosing equipment at the Panorama reservoir stopped working and urgent repairs were necessary.

**RESOLUTION**

- (a) That cognisance be taken of the departure from the prescribed procurement procedures in terms of section 36(20) of the Supply Chain Management Policy;
- (b) That it be noted and the action of the acting Municipal Manager be condoned with regards to the repair of the chlorine dosing equipment at the Panorama Reservoir by Maxal Projects for the amount of R 42,753.00 excluding VAT.
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
  - (i) The chlorine dosing equipment would have been left out of service for an extended period of time following due process;
  - (ii) With the equipment out of order there is no residual chlorine in the water supplied to consumers increasing the risk of secondary contamination, biological failure and negative implications for human health.
  - (iii) The repair work to the chlorine dosing equipment therefore had to be handled as an emergency.
- (d) That it be noted that the expenditure was allocated mSCOA Code: 9/249-679-259 and that there is sufficient funding available for the quoted amount of R 42,753.00 excluding VAT
- (e) That the Snr Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements, when same are compiled.

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#### 7.14 APPLICATION FOR SICK LEAVE FOR THE MUNICIPAL MANAGER AND APPOINTMENT OF AN ACTING MANAGER

The Municipal Manager must take a minimum of 10 days sick leave for a medical procedure and therefore has applied to the Executive Mayor's Committee for ratification of leave and the appointment of an acting manager.

##### RESOLUTION

- (a) That note is taken of the Municipal Manager's sick leave from 19 September 2019.
- (b) That note is taken that the Director: Security Services, mr PAC Humphreys, in consultation with the Executive Mayor and the Municipal Manager, is requested to act as Municipal Manager.
- (c) That note is taken that the Director: Security Services has the necessary experience, qualifications and minimum requirements to act as Municipal Manager.
- (d) That note is taken that the actual number of day's sick leave taken by the Municipal Manager will be finalised, by the end of September, on the leave system, in accordance with the number of day's sick leave actually taken.

#### 7.15 PROVISION OF FIRE FIGHTING SERVICES (17/5/2/1)

The report circulated with the agenda outlines the background to the decisions made at the DCF meetings held on 21 February and 23 May 2019, respectively, in respect of the provision of fire fighting services by the West Coast District Municipality (WCDM).

In spite of the fact that negotiations in accordance with the DCF decisions have not been fully implemented, the WCDM has unilaterally terminated the 10 year old Services Delivery Understanding and Agreement with the Swartland Municipality.

##### RESOLUTION

- (a) That note is taken of, **and thus approval is given to, the contents of the letter from the Municipal Manager dated 16 September 2019** to the West Coast District Municipality.
- (b) That **the implication hereof is that** approval is given to the Swartland Municipality to continue with the provision of Fire Fighting Services within its area of jurisdiction and that internal capacity is created to expand the fire fighting services, over the next three years, in order to provide the service for structural fires in our area of jurisdiction, as well as veld fires within the town boundary areas, which **is done** at present.
- (c) That the Minister of Local Government, mr A Bredell is informed accordingly of the Swartland Municipality's decision, **including the letter of 16 September 2019 to the West Coast District Municipality together with Attachments A and B.**

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