



MINUTES OF A MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE OFFICE OF THE EXECUTIVE MAYOR ON WEDNESDAY, 19 JUNE 2019 t 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
Ald R F van der Westhuizen
Add M van Zyl

Other councillors:

The Speaker, Clr M A Rangasamy

Officials:

Municipal Manager, mr J J Scholtz
Director: Electrical Engineering Services, mr R du Toit
Director: Development Services, ms J S Krieger
Director: Security Services, mr P A C Humphreys
Director: Corporate Services, ms M S Terblanche
Civil Engineer, mr J Venter
Manager: Budget Office, ms H Papier
Snr Manager: Strategic Services, mr L Fourie
IDP/PEO official, ms O Fransman
Manager: Secretarial and Record Services, ms 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.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

The Municipal Manager presented the background to the problems being experienced at present in respect to the Riebeek West housing project, inter alia, that the site is closed due to the accident in which two employees from ASLA were injured. Furthermore a crisis committee consisting of members of the community – and not those benefitting from the housing project – which has requested liaison with the Municipality, has been established.

The Municipality is not going to accede to the request from the crisis committee to organize a community meeting, because ASLA, as the implementation agent, is responsible for the allocation of houses and communication with the community.

FOR INFORMATION

4. MINUTES

4.1/...

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 22 MAY 2019

RESOLUTION

That the minutes of an Ordinary Executive Mayor's Committee Meeting held on 22 May 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 12 JUNE 2019
[Corrections held over at the prerogative of the various committees.]

Recommendations submitted for approval:

5.1.1 MUNICIPAL MANAGER, ADMINISTRATION AND FINANCES

RESOLUTION that the Executive Mayor approves the recommendations in the relevant minutes.

5.1.2 CIVIL AND ELECTRICAL SERVICES

RESOLUTION that the Executive Mayor approves the recommendations in the relevant minutes.

5.1.3 DEVELOPMENT SERVICES

RESOLUTION that the Executive Mayor approves the recommendations in the relevant minutes.

5.1.4 SECURITY SERVICES

RESOLUTION that the Executive Mayor approves the recommendations in the relevant minutes.

6. MATTERS ARISING FROM THE MINUTES

None

7. NEW MATTERS

7.1 SUBMISSION OF 2019/2020 PERFORMANCE AGREEMENT AND PLANS (2/4/2)

The performance agreements and plans for the 2019/2020 financial year were drawn up in accordance with Section 57 of the Local Government: Municipal Systems Act, 2000 and serve as a substitute addendum to the appointment contracts of the Municipal Manager and directors.

RESOLVED that the performance agreements and plans of the Municipal Manager and directors for the 2019/2020 financial year be noted.

7.2 SUBMISSION OF THE 2019/2020 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) (2/4/2)

The aim of the Service Delivery and Budget Implementation Plan (SDBIP) is to support the municipal manager in reaching service delivery goals, as well as the spending of the capital budget within a given timeframe.

The SDBIP must, inter alia, include the following:

- projections for each month of (1) income which will be collected, per source, and (2) operating and capital expenditure per budget item;
- service delivery goals and performance indicators for each quarter.

7.2/...

The SDBIP for the 2019/2020 financial year was circulated separately from the agenda.

RESOLVED that the attached Service Delivery and Budget Implementation Plan (SDBIP) for 2019/2020 be approved.

7.3 APPROVAL OF THE PROJECT RISK MANAGEMENT POLICY (5/15/1/6)

The policy aims to establish a process whereby risks which, may threaten sustainable service delivery and the attainment of the Municipality's goals, can be identified. The process also involves mitigation of the identified risks in order to optimize the management of the Municipality.

It is therefore important that an integrated approach is adopted whereby the risk management process is applied throughout the Municipality and does not only focus on selected disciplines.

RESOLUTION

- (a) That the amended Enterprise Risk Management Policy be approved as it will deliver a range of benefits to the municipality such as the following:
 - (i) More efficient, reliable and cost effective delivery of services;
 - (ii) More reliable decisions;
 - (iii) Fewer surprises and crises by placing management in a position to effectively deal with potential new and emerging risks that may create uncertainty; and
 - (iv) Better outputs and outcomes through improved project and programme management;
- (b) The acceptance of the Risk Appetite Level at 15 - Impact x Likelihood = 15 (5x3) & (3x5);
- (c) Risk Tolerance Levels of 16 (4x4) and above will not be tolerated.

7.4 REMUNERATION PAYABLE TO MEMBERS OF THE PERFORMANCE AND RISK AUDIT COMMITTEE (5/15/1/3)

[The Executive Mayor had to attend to an urgent matter and appointed the Deputy Executive Mayor to act as chairman for the discussion of the item]

The object of the report is to revise the remuneration payable to members of the Performance and Risk Audit Committee. The latter plays an important oversight role, not only in terms of financial management, but also in terms of risk and performance management.

RESOLUTION

- (a) In respect of hourly rates
 - (i) The remuneration payable to the members of the Performance and Risk Audit Committee from 1 July 2019 for the preparation and attendance of audit committee meetings or Council meetings is approved, as follows:
 - Chairperson: R750.00 per hour (maximum of 8 hours)
 - Members: R630.00 per hour (maximum of 7 hours)
 - (ii) The indicated rates per meeting are sitting fees and include payments in respect of preparation, research and travelling time to and from the meeting venues;
 - (iii) It is recommended that the above-mentioned hourly rates increase annually from 1 July with the percentage adjustment of 5% calculated on the tariff payable to members (not Chairperson) rounded to the nearest R5.00, i.e. 5% of R630 = R31.50 rounded to R30. The hourly rate of the Chairperson will thus change in

2020/21 to R750 + R30 = R780 and other members R630 + R30 = R660.

(b) Number of meetings

A minimum of four meetings will be held annually, two of which will include Performance Management and the other two meetings Risk Management. Additional meetings convened will be held in consultation with the Municipal Manager in order to control the expense in this regard.

(c) Travelling costs

Travel costs will be paid in accordance with the tariff as prescribed in the Travel Accommodation and Subsistence Policy of the Municipality.

7.5 MINUTES OF A MUNICIPAL PERFORMANCE AND RISK AUDIT COMMITTEE MEETING HELD ON 6 MARCH 2019 (5/15/1/3)

The Audit Committee serves as a fully independent committee of the Council and fulfils its function in accordance with the provisions of article 166 of the Municipal Financial Management Act, 2003

The minutes of the Municipal Performance and Risk Audit Committee Meeting held on 6 March 2019 were circulated with the agenda, and do not contain any recommendations to the Executive Mayor's Committee for consideration.

RESOLVED that cognisance be taken of the minutes of the Performance and Risk Audit Committee meeting held on 6 March 2019.

7.6 PROGRESS REPORT: SWARTLAND SAFETY INITIATIVE (17/5/1/1)

The rising crime figures in the Western Cape and the shortage of manpower experienced by the South African Police Service (SAPS), has made it necessary for the Swartland Municipality to launch an initiative to ensure the safety of residents.

The Swartland Safety Initiative is an attempt to bring all the role players together, including the SAPS, to make use of all the available resources to address questions of safety and other social challenges.

RESOLUTION

- (a) That cognisance be taken of the progress report in respect of the Swartland Safety Initiative (SSI) and progress in respect of the establishment of an operations room;
- (b) That a letter of thanks and appreciation be sent to mr Koos Liebenberg for co-operation given to the Municipality with the establishment of the operations room.

7.7 PROGRESS REPORT: ESTABLISHMENT OF K9-DOG UNIT (17/5/1/1)

During the budget process it was reported to the Council that funding had been obtained from the Department of Community Safety and Security for the establishment of a K9 dog unit in the Swartland.

The goals of the K9 dog unit were referred to in the report circulated with the agenda and mainly involve the use of the dog unit to assist in the eradication of safety and other social challenges associated with drugs and the plundering of marine resources.

RESOLUTION

- (a) That cognisance be taken of the progress report regarding the establishment of the K9 dog unit on municipal level;

7.7/...

- (b) That after submission of the progress report to the Mayoral Committee, the report be also submitted to the Department of Community Safety for reporting purposes.

7.8 SUBMISSION OF THE DRAFT AMENDMENT OF THE SWARTLAND MUNICIPALITY: REGULATION IN RESPECT OF LAND USAGE PLANNING (PK 7741 DATED 3 MARCH 2017) (1/1)

The Snr Manager: Built Environment, mr A M Zaayman, sketched the background to the revision of the Swartland Municipality: Regulation in respect of Municipal Land Usage Planning.

Since the implementation of the new planning act, SPLUMA and LUPA, as of 1 July 2015, adjustments have been made to introduce a measure of standardization for local authorities. It is therefore necessary for the Swartland Municipality to revise the relevant regulations, within the legal framework, to address any shortcomings.

Mr Zaayman continued and dealt briefly with the proposed revisions. With reference to the inclusion of provisions for the regulation of the filming industry, the Speaker requested that the Council must be sensitive, with respect to Grotto Bay, where filming will be allowed.

RESOLUTION

- (a) That approval be given for the submission to the Council, on 25 July 2019, of the draft Swartland Municipality: Regulation in respect of Land Usage Planning; and
- (b) That, after approval in principle by the Council, the draft regulations are advertised for public comment, in terms of section 12(3)(b) of the Systems Act, 2000, in the local media and also on the municipal website;
- (c) That a workshop will be organized to discuss the proposed amendments in detail with councillors in order prepare for submission of the draft regulation to the Council on 25 July 2019.

7.9 LEASE AGREEMENT: W DUCKITT & SONS CC (15/4/6)

A portion ($\pm 300 \text{ m}^2$) of the restant of portion 8 of the farm Oude Post, situated in the Darling district, is leased to the Municipality. A wireless network station has been erected on the portion of land and an extension to the lease agreement is necessary for the continued provision of the service in the relevant area.

RESOLUTION

That the Council approves the renewal of the lease agreement with W Duckitt and Sons for the leasing of a portion (in extent $\pm 300 \text{ m}^2$) of the remainder of portion 8 of the Farm Oude Post 577 for the continuous operating of its cable free network station as follows:

- (a) a lease agreement for the period 1 October 2019 until 30 September 2022 at an amount of R1 557,00, plus VAT, rental fee per month with a yearly escalation of 10%, as well as the option to renew the lease.

7.10 OUTSTANDING DEBTORS: MAY 2019 (5/7/1/1)

A complete report in respect of outstanding debtors was circulated with the agenda.

RESOLVED that cognizance be taken of the report with reference to the state of the outstanding debtors of Swartland Municipality for May 2019.

7.11 WRITE-OFF OF NON-RECOVERABLE DEBT AND OTHER DEBT: JUNE 2019 (5/7/3)

The schedules circulated with the agenda contain (1) the total amount of R2 241 463,84 for write-off in respect of destitute households and (2) the total amount of R345 504.76 for write-off in respect of outstanding debtors.

The indication is that the outstanding amounts are non-recoverable and must be considered for write-off.

RESOLUTION

- (a) That the Executive Mayoral Committee approves that the amount of R2 241 463.84 be written-off as irrecoverable, in respect of indigent households;
- (b) That the Executive Mayoral Committee approves that the amount of R345.504.76 be written-off as irrecoverable, in respect of other debtors linked to and as a direct result of the individual reasons per case;
- (c) That, if after the date of this approval, it comes to light that a portion of the debt owed by a debtor is not correct, or that any information was not made known to the Executive Mayoral Committee at the time of write-off, which would have led to the committee not considering the amount for write-off, the Executive Mayoral Committee retains the right to write back the debt to the relevant debtor and that the necessary steps will be taken to recover the debt;
- (d) That, if a property is in any way alienated, the Council retains the right to refuse clearance on the relevant property in order to recover the amounts written-off, before clearance is given. In order to enforce this decision a register is kept by the Rates and Taxes Division which enables the department to see if any debts were written-off within the previous two years, and if so to recover the amounts before clearance is considered;
- (e) That approval is also given that the current levies, which is not yet incorporated in the current list due to the period from the starting of the administrative process of compiling the write-off list and the period thereafter, form part of the write-off, providing that the Credit Control Division is convinced that the new debt is also irrecoverable under the same circumstances;
- (f) That approval is also given that the amounts owed to the Council, which to date, do not appear on the schedule as a result of the non-completion of socio-economic investigations at all indigent households, will also form part of the write-off, providing that the Credit Control Division is convinced that the new debt is also irrecoverable under the same circumstances;
- (g) That the actual amount for write-off be submitted to the Executive Mayoral Committee at the next meeting;
- (h) That any VAT levied on the services is claimed back from the Receiver of Revenue in the prescribed manner;
- (i) That the Credit Control Division attempt to pay a personal visit to each indigent household in order to explain the write-off and the future obligations of 'responsible users', as well as to explain the installation and workings of water demand management systems, as a proactive credit control measure;
- (j) That approval be given that the costs relating to the replacement of the credit meter with a prepaid electricity meter are for the municipality to bear and that the Chief Financial Officer will recover the costs from the Equitable Share allocation;

7.11/...

- (k) That the Mayoral Committee takes cognizance of the fact that the administration will attempt to put measures in place in a bid to force those users of services not on our financial system to agree and complete the necessary services connection form/s.

7.12 PROGRESS IN RESPECT OF OUTSTANDING INSURANCE CLAIMS: MAY 2019 (5/14/3/5)

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

RESOLVED that cognizance be taken of progress in respect of outstanding claims for the period ending May 2019.

7.13 WRITE OFF OF ASSETS IN ORDER FOR THEM TO BE REMOVED FROM THE ASSET REGISTER IN RESPECT OF INSURANCE CLAIMS (5/14/3/5)

Maintaining the asset register is required in accordance with Article 63 of the Municipal Financial Management Act, 2000. A list of assets which can be written off and thereafter removed from the asset register was circulated with the agenda.

RESOLVED that approval be granted that the assets as per the attached list (R21 438.41) be written off and that same be removed from the asset register for purposes of completeness of same.

7.14 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: REPAIR WORK TO THE REFUSE COMPACTOR, CK 43815 (8/1/B/2)

The refuse truck, CK 43815, is fitted with a Heil 500 compactor which has stopped working. Urgent repairs were necessary and *Transtech* is the only service provider which can provide this type of service.

RESOLUTION

- (a) That cognizance be taken of the departure from the prescribed procurement procedures in accordance with paragraph 36(2) 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 43815;
- (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 R 101 158.21 (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.

7.15/...

7.15 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: URGENT REPAIR WORK TO THE BOOSTER PUMP FOR PROVIDING WATER TO THE CHATSWORTH RESERVOIRS (8/1/B/2)

The booster pump at the Riverlands pump station forms an integral part of the water network for the provision of water to Riverlands and Chatsworth. The booster pump has stopped working with the result that there was an interruption to the water supply to Chatsworth. Urgent repair work was therefore necessary.

RESOLUTION

- (a) That cognisance be taken of the departure from the prescribed procurement procedures in accordance with paragraph 36(2) of the Supply Chain Management Policy;
- (b) That it be noted and the action of the Municipal Manager be condoned with regards to the repair of the booster pump at Riverlands by Tricom Africa for the amount of R 31,436.02 excluding VAT;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The repairs to the Riverlands pump station booster pump had to be done as an emergency to prevent prolonged water interruption to Riverland and Chatsworth;
- (d) That it be noted that the expenditure was allocated mSCOA Code: 9/249-849-259 and that there is sufficient funding available for the quoted amount of R 31,436.02 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.

7.16 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: LEASE OF LOADER (8/1/B/2)

The extent of illegal dumping of household refuse in the municipal area is at present a huge challenge for the Municipality and necessitates continual cleaning up work.

The illegal dumping of household refuse is mainly experienced in and around low cost housing areas and open spaces. Because the refuse comprises household waste it contains mainly organic components which are toxic when they decay and contains a significant risk for the residents and the environment in these areas.

RESOLUTION

- (a) That cognisance be taken of the departure from the prescribed procurement procedures in accordance with paragraph 36(2) of the Supply Chain Management Policy;
- (b) That the action of the Municipal Manager be condoned with regards to the appointment of Louw Diggers for the hire of a loader and Operator for the amount of R93 150.00 including VAT.
- (c) That the reasons for the deviation from the prescribed procurement processes be recorded as follows:
 - (i) The front-end loader used to clean-up illegal dumping was left out of service for repairs for a period of four weeks;
 - (ii) Without the continuous removal of illegal dumping build-up of domestic waste would occur which would cause a health hazard to vulnerable communities;
 - (iii) A front-end loader had to be hired as an emergency to ensure the continued removal of illegal dumping.

- (d) That it be noted that the total cost as per the quoted amount of R93 150.00 (including VAT) was allocated to vote number 9/247-541-2943
- (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.

7.17 APPLICATION FOR LEAVE FOR THE MUNICIPAL MANAGER AND DIRECTORS AND THE APPOINTMENT OF AN ACTING MUNICIPAL MANAGER (4/8/3)

The application for leave from the Municipal Manager must be considered by the Executive Mayor. The attached schedule also contains the leave for the rest of the directors with the purpose of appointing an acting Municipal Manager.

RESOLUTION

- (a) That the application for leave of the Municipal Manager be approved for the following dates, namely:
 - 27 June – 5 July 2019 (7 days)
 - 9 July 2019 (1 day)
 - 16 August 2019 (1 day)

7.18 NEW STREET NAMES FOR RIEBEEK WEST HOUSING PROJECT (16/5/6)

The construction of houses for the Riebeek West Housing Project started in 2018. The ward committee of Ward 3 was asked to propose street names for the housing project.

The proposed street names were circulated with the agenda.

RESOLUTION

- (a) In respect to Riebeek West Housing Project:
 - (i) That the item is referred back in order to get approval from family members that the proposed persons names may be used as street names.
 - (ii) That, when the above mentioned approval is received, the list of proposed street names is submitted to the housing committee of the Riebeek West Housing Project for approval before it is submitted to the Council for consideration and approval;
- (b) With respect to Phola Park:
 - (i) That, with reference to the letter received from clr B J Penxa, the following street names are approved:
 - Street 3: Moses Kotane
 - Street 6: James Moroka
 - (ii) That a survey is done by the Department of Security Services of the houses where the wrong street name boards have been erected in an effort, in conjunction with the Department of Civil Engineering, to assist the persons in exchanging them with the correct street name boards.

**(SGD) VAN ESSEN
EXECUTIVE MAYOR**