



MINUTES OF A MEETING OF THE SWARTLAND MUNICIPAL COUNCIL, HELD IN THE BANQUETING HALL ON THURSDAY, 28 JANUARY 2021 AT 10:00

PRESENT:

Speaker, clr M A Rangasamy
Executive Mayor, ald T van Essen
Deputy Executive Mayor, alderdame M S I Goliath

Bess, D G (DA)	Penxa, B J (ANC)
Daniels, C (DA)	Philander, D B (ANC)
De Beer, J M (DA)	Smit, N (DA)
Humphreys, F S (ANC)	Sneewe, A M (ANC)
Maart, E S M (DA)	Solomons, P E (DA)
Matthyse, S E (EFF)	Stemele, O M (DA)
McQuire, V D (DA)	Van der Westhuizen, R F (DA)
O'Kennedy, E C (DA)	Van Zyl, M (DA)
Papers, C H (DA)	Zatu, N S (ANC)

Officials:

Municipal Manager, mr J J Scholtz
Director: Electrical Engineering Services, mr R du Toit
Director: Financial Services, mr M A C Bolton
Director: Protection Services, mr P A C Humphreys
Director: Corporate Services, ms M S Terblanche
Director: Development Services, ms J S Krieger
Manager: Secretarial and Records, ms N Brand

1. OPENING

The Speaker welcomed the Executive Mayor, alderdames, aldermen, councillors and officials.

The Municipal Manager opened the meeting with a scripture reading and a prayer at the request of the Speaker.

The Speaker congratulated all councillors who had celebrated birthdays during the past few months.

2. APOLOGIES

Apologies received from ald B J Stanley and clr Z Bekebu.

3. DEPUTATIONS/DECLARATIONS AND COMMUNICATIONS/SUBMISSIONS

3.1 AWARDING OF ALDERMANSHIP

The Executive Mayor stated that clrs M A Rangasamy and O M Stemele qualify for aldermanship in accordance with the relevant Council's policy.

The policy aims to recognise the outstanding performances or outstanding meritorious service in the interests of the Municipality.

The Executive Mayor thanked the relevant councillors for their contributions to building the Swartland Municipality's vision, namely:

3.1/...

"We are building a better future!"

NOTE IS TAKEN that aldermanship has been awarded to ald M A Rangasamy and ald O M Stemele.

4. MINUTES FOR RATIFICATION

4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 29 OCTOBER 2020

RESOLUTION

(proposed by aldd M van Zyl, seconded by aldd M S I Goliath)

That the minutes of an Ordinary Council Meeting held on 29 October 2020 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 powers in the following minutes:

5.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 14 OCTOBER 2020

read in conjunction with

MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 7 OCTOBER 2020

5.2 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 23 NOVEMBER 2020

5.3 MINUTES OF A SPECIAL MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 9 DECEMBER 2020

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 powers in the following minutes:

6.1 MINUTES OF A TENDER AWARD COMMITTEE MEETING HELD ON 3 NOVEMBER 2020

6.2 MINUTES OF A TENDER AWARD COMMITTEE MEETING HELD ON 3 DECEMBER 2020

7. MATTERS ARISING FROM THE MINUTES

None.

8. MATTERS FOR DISCUSSION

8.1 (1) RESIGNATION AS COUNCILLOR: MR L E MFUTWANA; (2) APPOINTMENT OF NEW COUNCILLOR: MS M S MATTHYSE (17/17/3/2/4; 3/1/7)

A letter was received from clr L E Mfutwana dated 3 November 2020 in which he confirmed his resignation as a councillor of the Swartland Municipal Council.

The vacancy was reported to the Independent Election Commission (IEC), where after clr S E Matthyse was appointed by the IEC on 19 November 2020 as a councillor of the Swartland Municipal Council, in the place of mr L E Mfutwana.

8.1/...

The Speaker requested clr Matthyse to take the oath of office.

RESOLUTION

(proposed by clr P E Solomons, seconded by clr D B Philander)

- (a) That cognisance be taken of -
 - (i) the resignation of councillor L E Mfutwana effective from 4 November 2020;
 - (ii) the statutory procedures adhered to in the filling of the EFF's proportional seat in Council, left vacant as a result of councillor Mfutwana's resignation;
 - (iii) the election of councillor S E Matthyse as advised by the IEC on 19 November 2020;
- (b) That clr S E Matthyse be granted the opportunity to take the oath;
- (c) That clr S E Matthyse be appointed to the following committees of Council as representative of the EFF-
 - (i) Portfolio Committee: Municipal Manager, Administration and Finance
 - (ii) Portfolio Committee: Civil and Electrical Services
 - (iii) Portfolio Committee: Development Services
 - (iv) Portfolio Committee: Protection Services
 - (v) Municipal Public Accounts Committee (MPAC)
 - (vi) Rules Committee
 - (vii) Swartland Traffic- and Law Enforcement Services: Supervisory Committee
 - (viii) Appeals Committee (according to Section 62 of the MSA).

8.2 QUARTERLY REPORT (SECTION 52 OF MFMA): OCTOBER TO DECEMBER 2020 (7/1/2/2-2)

The presentation of the quarterly report is prescribed by Section 52(d) of the MFMA.

The presentation of the report to the Council serves as one of the Executive Mayor's general responsibilities in order to keep the Council informed in respect of the implementation of the budget and the state of the Municipality's finances.

The quarterly report in respect of Quarter 2 as at 31 December 2020 was circulated with the agenda.

RESOLUTION

(proposed by clr E C O'Kennedy, seconded by clr C Daniels)

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 October 2020 to 31 December 2020.

8.3 MID-YEAR BUDGETS AND PERFORMANCE EVALUATION (7/1/2/2-2; 2/4/2)

Section 72(1) of the MFMA stipulates that the accountable officer must evaluate, and submit to the Executive Mayor, the performance of the Municipality during the first half of the financial year.

The Executive Mayor must, in accordance with Section 54(f) of the MFMA, submit the evaluation report to the municipal council annually by 31 January.

The Half-yearly Budget and Performance Report is drawn up in line with the prescriptions of the Municipal Budget and Reporting Regulations (General Notice 393 as promulgated in the Government Gazette dated 17 April 2009).

Resolution/...

8.3/...

RESOLUTION

(proposed by clr C Daniels, seconded by clr N Smit)

That cognizance be taken of the mid-year budget and performance assessment i.r.o. the first half of the 2020/21 financial year and more specifically the need to revise the original budget by way of an adjustments budget.

[Clr A M Sneewe left the meeting with the approval of the Speaker.]

8.4 APPROVAL OF THE 2020/2021 MID-YEAR ADJUSTMENT CAPITAL AND OPERATING BUDGETS (5/1/1/1, 5/1/1/2)

The Mid-Year Adjustment Capital and Operating Budgets were considered for approval by the Council during an Executive Mayor's Committee Meeting held on 20 January 2021.

The presentation of the adjustment budgets is made in accordance with section 28 of the MFMA after the performance of the Municipality during the first half of the financial year has been evaluated – refer to item 8.3.

The Speaker brought the matter to the vote and it was decided (in the absence of two councillors) with 16 votes in favour thereof, and four councillors who abstained from voting.

RESOLUTION

(proposed by alderman T van Essen, seconded by clr C Daniels)

- (a) That the Budget Steering Committee convened after having considered the explanations and motivations provided by the financial staff and other directors;
- (b) That council takes note of the amendments as it relates to Section 19 with regards to the Sewerage Works Project: Moorreesburg and Darling (**Annexure A-2: 2020/21 – 2022/23 Capital Projects ito Sec 19**);
- (c) That approval be granted to amend the high-level capital and operating budget for 2020/2021 as follows:

	Original Budget 2020/21	Roll-Over Adj Budget 2020/21	Mid-Year Adj Budget 2020/21	Increase / Decrease	Original Budget 2021/22	Original Budget 2022/23
Capital budget	212 435 837	213 132 732	210 663 962	(2 468 770)	137 639 479	137 710 243
Operating Expenditure	810 670 080	811 033 080	812 208 752	1 175 672	889 949 652	924 976 102
Operating Revenue	882 786 413	890 266 902	892 883 145	2 616 243	928 907 555	998 866 120
Budgeted (Surplus)/ Deficit	(72 116 333)	(79 233 822)	(80 674 394)	(1 440 571)	(38 957 903)	(73 890 018)
Less: Capital Grants, Donations & Development Charges	86 863 600	81 163 089	79 226 340	(1 936 749)	28 897 050	66 713 153
(Surplus)/ Deficit	14 747 267	1 929 267	(1 448 054)	(3 377 320)	(10 060 853)	(7 176 865)

- (d) That it be noted that the changes to the budget will have no impact on tariffs in respect of the 2020/2021 financial year or beyond but will result in a decreased budgeted deficit from R 1 929 267 to a budgeted surplus of R 1 448 054;
- (e) That council approve the continuation of the provision of the first 2 kl of water consumption free to all Residential consumers, which per the definition include Indigent households for the remaining six months of the 2020/2021 financial year, which is funded by the additional equitable share allocation earmarked for Covid-related expenditure. The aforementioned is as an interim measure in a bid to bring relief to hard-hit consumers, it is further noted that whilst not all consumers are struggling, in order to be fair, just and equitable those consumers who are able to pay their bills but not doing so, must note that the municipality initiated

8.4(e)/...

the implementation of its credit control measures as consumer arrears are on the increase;

- (f) That the adjusted budget schedules as required by the Budget and Reporting Regulations be approved as set out in **(Annexure C: Budget Report and B-Schedules 2020/21 – 2022/23)** inclusive of the corrections to the 2020/21 budget schedules identified during the verification process;
- (g) 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;
- (h) That the Service Delivery Budget Implementation Plan (SDBIP) where appropriate be amended accordingly.

8.5 FUTURE USE OF IMMOVABLE MUNICIPAL PROPERTY: PORTION 35 OF FARM 560 YZERFONTEIN SITUATED IN YZERFONTEIN HARBOUR (12/2/B)

Portion 35 of Farm 560 Yzerfontein (1001 m² in extent), situated in the Yzerfontein Harbour is the property of the Swartland Municipality. On 31 October 2020 the Council approved, in principle, that development proposals for the lease of the property for a 10 year period (based on the parameters of Business Zone 1 and the furthering of tourism and local economic development) should be invited via public tender.

The intentions of the Council were made public and a large number of objections were received on which further legal advice was obtained.

RESOLUTION

That, based on the numerous objections received as well as the legal advice obtained, approval be granted for an SEA (Strategic Environmental Assessment) to be undertaken in respect of the subject property, i.e. Portion 35 of Farm 560 Yzerfontein, in order to establish the most sustainable use/s for the property, against the backdrop of the broader harbor environment, before a final decision is taken as to whether or not the subject property is to be disposed of, i.e. either leased or sold, or put to an alternative use.

**SIGNED:
SPEAKER**