



MINUTES OF A VIRTUAL MEETING OF THE SWARTLAND MUNICIPAL COUNCIL HELD ON THURSDAY, 26 AUGUST 2021 AT 10:00

PRESENT:

Speaker ald M A Rangasamy

Executive Mayor, ald T van Essen

Deputy Executive Mayor, alderdame M S I Goliath

Bess, D G (DA)

Daniels, C (DA)

De Beer, J M (DA)

Maart, E S M (DA)

O'Kennedy, E C (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: Financial Services, mr M A C Bolton

Director: Civil Engineering Services, mr L D Zikmann

Director: Electrical Engineering Services, mr R du Toit

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, officials and the interpreter, mr DP Dapula. A special welcome was extended to the Communications Official, ms M Haasbroek.

The Speaker expressed sympathy, on behalf of the Council, to mr P le Roux (whose wife is ill) and condolences to ms J Krieger (on the death of two family members).

The Speaker requested Clr P E Solomons, given that it is Women's Month, to open the meeting with a scripture reading and prayer and to present the story of Deborah from the Book of Judges.

The Deputy Executive Mayor, aldd M S I Goliath, lit a candle in recognition of all women during Women's month and also in commiseration in respect of all the difficulties experienced during the Covid-19 pandemic.

2. APOLOGIES

Apologies received from cls F S Humphreys, V D McQuire, S E Matthyse and Z Bekebu.

3. DEPUTATIONS/DECLARATIONS AND COMMUNICATIONS/SUBMISSIONS

3.1 FEEDBACK IN RESPECT OF SALARY NEGOTIATIONS

3.1/...

The Municipal Manager, mr J J Scholtz, presented feedback in respect of the salary negotiations which are taking place at present. The Council is already aware that the Swartland Municipality submitted a mandate of 0% salary increases to Salga in order to begin negotiations. With the drawing up of the final budget the municipalities were advised that the facilitator proposed a salary increase of 2.8% and were budgeted accordingly.

During a recent meeting with Salga in respect of the progress with the salary negotiations only the municipalities of Swartland, Berg River and the City of Cape Town did not support the proposal by Salga of an increase of 3.5%.

The Municipal Manager confirmed that the following proposals from the various parties are on the table:

Salga: Year 1 = 3.5% increase and a once off non pensionable cash payment of R2 000 payable to all officials at the end of December 2021. Years 2 and 3 = *CPI lower than 3%, an increase of 3% and if higher than 5%, an increase of 5%*;

Unions: Year 1 = 4.5% increase and a once off non pensionable cash payment of R3 000 payable to all officials at the end of December 2021. Years 2 and 3 = *CPI, but if lower than 4%, an increase of 4% and if higher than 6%, an increase of 6%*;

Facilitator: Year 1 = 3.5% increase and a once off non pensionable cash payment of R4 000 payable to all officials who earn less than R12 500/month and R3 000 for officials who earn more than R12 500/month;

The Municipal Manager stated that it is important to take into account that the Municipality is part of a national collective negotiation process. It must also be taken into account that the once off non pensionable amount, with a view to the exemption application, amounts to ±R2,5 million. There is also pressure being put on municipalities to pay *danger pay* to officials in respect of exposure during the Covid-19 pandemic.

The Municipal Manager stated that during the mandate meeting Swartland Municipality advised that it would only consider the once off a non pensionable amount if any further claim to *danger pay* is abandoned.

The Executive Mayor confirmed that Swartland Municipality maintained the standpoint of a 0% mandate, because, due to the Covid-19 pandemic, many businesses in the private sector had to close their doors, had to lay off workers and suffered heavy economic strain.

FOR NOTING

4. MINUTES FOR RATIFICATION

4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 29 JULY 2021

RESOLUTION

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

That the minutes of an Ordinary Council Meeting held on 29 July 2021 are approved and signed by the Speaker.

5. REPORT IN RESPECT OF THE DECISIONS MADE 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 14 JULY 2021

6. REPORT IN RESPECT OF THE DECISIONS MADE 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 20 JULY 2021

7. MATTERS ARISING FROM THE MINUTES

None.

8. MATTERS FOR DISCUSSION

8.1 APPROVAL OF THE TIME SCHEDULE: "IDP/BUDGET TIME SCHEDULE AND ROAD TO NEW IDP" (2/1/4/4/1)

The "IDP/Budget time schedule and Road to new IDP" contains the time schedule in respect of the Integrated Development Plan (IDP) and budget processes stipulated in accordance with the Local Government: Municipal Systems Act (Act 32 of 2000) and Local Government: Municipal Financial Management Act (Act 56 of 2003).

The time schedule deals with two important matters in the light of the coming local elections in October this year or in February next year.

First of all the important closing dates for the drawing up and approval of the annual budget and IDP are contained therein. Secondly it deals with the time schedule in respect of the steps which the new Council must take after the election in order to legally comply with the IDP as of 1 July 2022.

A new division 3 is therefore added to the time schedule (Road to the new IDP) in which the available options are explained in terms of section 25 of the Systems Act.

The Speaker brought the matter to a vote and (in the absence of four councillors) –

UNANIMOUS RESOLUTION

(proposed by ald O M Stemele, seconded by clr P E Solomons)

- (a) That the attached "IDP / Budget time schedule and Road to new IDP" - that includes the following - be recommended for approval by Council:
 - (i) the time schedule in terms of section 21(1)(b) of the Municipal Finance Management No 56 of 2003 for the preparation, tabling and approval of the annual budget as well as the tabling and adoption of any amendments to the IDP if necessary; and
 - (ii) the adoption of the existing IDP by the new Council (after the elections) in terms of section 25(3) of the Municipal Systems Act No 32 of 2000;
- (b) That the Process Plan that was approved by Council on 31 August 2016 be amended by extending the term of the plan by one year.

8.2 CONTRACTS WITH FUTURE BUDGET IMPLICATIONS: CONCLUSION OF A WATER PROVISION CONTRACT WITH THE DEPARTMENT OF WATER AND SANITATION (16/1/1/B)

The Speaker asked the Director: Civil Engineering Services, mr L D Zikmann, to explain the report. Mr Zikmann stated that the Council had already shown an interest in receiving an allocation from the *Berg River Voëlvlei Augmentation Scheme* (BRVAS) which is to be implemented by the *Trans Caledon Tunnel Authority* (TCTA) and the National Department of Water Affairs.

8.2/...

The Department of Water and Sanitation requires that a water supply contract between the relevant departments and the water user is concluded in order to ensure the allocation from BRVAS. Mr Zikmann stated that such a contract holds future financial implications for the Council and therefore a Section 33 process, in accordance with the Local Government Act: Municipal Financial Management (Act 56 of 2003), must be followed.

Mr Zikmann stated that the Municipality will attempt to increase the interim allocation of 0.66 million m³/year and asked that the report is held back, as the possible comment from the Provincial Treasury is outstanding.

The Executive Mayor, ald T van Essen, voiced his concern that the Council must not focus only on one source of water. Furthermore the Department of Water and Sanitation has made no attempt to develop alternative water sources since the recent bad drought.

Ald T van Essen stated that global warming could cause further great droughts and the Municipality now has the opportunity to investigate various alternative water sources.

RESOLUTION

That the item is held back in order to submit a report in respect of the following:

- (a) a full investigation into alternative water sources (as requested by the Executive Mayor);
- (b) the attempt to increase the 0.66 million m³/year allocation from BRVAS to the Swartland Municipality;
- (c) comment from the Provincial Treasury, if any, on the additional information provided.

8.3 PROPOSED OUT-OF-HAND ALIENATION OF PORTIONS OF ERWEN 7456 AND 12492, MALMESBURY TO THE WESTERN CAPE DEPARTMENT OF TRANSPORT AND PUBLIC WORKS (12/2/5/2-8/5)

As a result of the fire at the Swartland Hospital in 2017 discussions were initiated with the Department of Transport and Public Works in respect of identifying a property for a hospital and also a new primary school.

Both the Department of Health and the Department of Education applied, via the Department of Transport and Public Works, for erf 7456 (3.7085 ha in extent for the district hospital) and erf 12492 (3.4787 ha in extent for the primary school). The relevant erwen form part of the De hoop development proposal, which is at present subject to a public participation process which runs until the end of October 2021. If additional specialist studies are necessary the public participation process will be extended to end December 2021 or until early the following year.

Clr B J Penxa requested that the need for a new primary school must be a priority as Naphakade Primary School is already at capacity, as is the secondary school in Ilinge Lethu and a need exists for extensions/new school.

Clr B J Penxa stated that the new hospital, adjoining Darling Road, would be welcomed in order to bring the service closer to the community.

The Municipal Manager referred to a letter dated 25 August 2021 received from the Department of Transport and Public Works in which it was confirmed that the relevant erwen would be purchased in the financial year before March 2022.

Resolution/...

RESOLUTION

(proposed by clr E C O’Kennedy, seconded by clr D B Philander)

- (a) That in principle approval be granted by Council in terms of Section 14 of the Municipal Finance Management Act, 2003 for portions (respectively ± 3.7095 hectares and 3,4787 hectares in extent) of erven 7456 and 12492, Malmesbury to be alienated out-of-hand to the Western Cape Department of Transport and Public Works for the establishment of a district hospital as well as a primary school in Malmesbury, at the amount of R5 570 000,00 in total, VAT excluded;
- (b) That the following conditions shall apply:
 - (1) The purchaser shall be responsible for all costs related to the transaction, in addition to the selling-price, excluding that the Municipality shall at its costs undertake the land use processes prior to transfer, as well as the subdivision of the combined property after transfer;
 - (2) The purchaser takes note that the costs for the establishment of service connections and fixed capital contributions are not included in the purchase price, and that these costs will be determined at building plan stage, at which stage it will be payable;
 - (3) The purchaser further takes note that adequate electricity capacity is not available on the boundary of the proposed premises for the hospital and school, and that electrical connections can be provided subsequent to upgrading of the bulk electricity supply. The cost for the electrical connections will be subject to the capacity required, as well as the timeframe and status of the project for upgrading of the bulk electricity supply;
 - (4) The Municipality to appoint a conveyancer from its panel of legal services providers to draft the deed of sale and to effect transfer to the purchaser, for the account of the purchaser;
 - (5) The proposed development shall have to comply with the applicable land use parameters, and building plans are to be submitted to the Municipality in terms of the By-law relating to the Submission of Building Plans (PN 56818 dated 22 May 2015);
- (c) That cognizance be taken that the applicable portions of erven 7456 and 12492 Malmesbury are at no stage required for the provision of a minimum or any other level of basic municipal services;
- (d) That the conditions of acquisition as per the Department of Transport and Public Works’ letter (page 2, Annexure B) be approved;
- (e) That the out-of-hand alienation of the property be advertised for public comment and – should any objections be received – the Executive Mayoral committee be authorized to deal with same and to approve transfer of the property;
- (f) That the Director: Corporate Services be authorized to finalize and sign the deed of sale.

8.4 PROPOSED ALIENATION OF MUNICIPAL IMMOVABLE PROPERTIES (RESIDENTIAL PROPERTIES) IN ABBOTSDALE (12/2/5/4-1/2)

There are six residential properties, which have been created with the recent subdivision of Erf 108, Abbotsdale and these are available for alienation. The report attached to the agenda aims at getting approval from the Council to call for bids by means of public tender.

Resolution/...

RESOLUTION

(proposed by clr P E Solomons, seconded by clr E S M Maart)

- (a) That in-principle approval be granted by Council in terms of Section 14 of the Municipal Finance Management Act, 2003 and the By-law and Policy relating to the Transfer of Municipal Assets for financial offers to be invited by means of public tenders for the disposal of the following vacant immovable (residential) properties in between Winkel Street and Fifth Avenue, Abbotsdale:

Erf #	Extent
Erf 1580	655 m ²
Erf 1581	516 m ²
Erf 1582	501 m ²
Erf 1583	520 m ²
Erf 1584	501 m ²
Erf 1585	644 m ²

- (b) That cognizance be taken that the properties to be sold have been identified from the outset for alienation as residential properties in terms of its zoning and at no stage have been earmarked for the provision of a minimum or any other level of basic municipal services;
- (c) That the reserve prices (VAT exclusive) for the properties therefore be determined as follows, which reserve prices are considered by Council to fairly represent the market value of same:

Erf #	Reserve price, excluding VAT
Erf 1580	R91 500,00
Erf 1581	R87 500,00
Erf 1582	R85 000,00
Erf 1583	R88 500,00
Erf 1584	R85 000,00
Erf 1585	R90 000,00

- (d) That Council's intention to offer the properties for sale by means of a public competitive process be published for comment and/or objections;
- (e) That authorization be given as follows:
- (i) to the Executive Mayoral Committee to
 - to deal with any comments and/or objections received in respect of the proposed transactions; and
 - to evaluate and consider for adoption the offers received in respect of the properties, and to finalise a decision regarding the transfer of the assets;
 - (ii) to the Director: Corporate Services to finalise the conditions of sale for tender purposes with all the relevant internal role-players;
- (f) That approval be granted that should the properties remain unsold after the competitive process, it be sold out-of-hand on a 'first come first served' basis at the reserve prices as aforementioned, provided that the Municipality shall make known its intention to sell the erven out-of-hand from a given date, and further provided that the reservation of properties for a specific purchaser shall be limited to a period of one calendar month.