



**MINUTES OF A VIRTUAL MEETING OF THE SWARTLAND MUNICIPAL COUNCIL, HELD ON THURSDAY, 29 JULY 2021 AT 10:00**

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**PRESENT:**

Speaker ald M A Rangasamy

Executive Mayor, ald T van Essen

Deputy Executive Mayor, alderdame M S I Goliath

Bekebu, Z (ANC)

Bess, D G (DA)

Daniels, C (DA)

De Beer, J M (DA)

Humphreys, F S (ANC)

Maart, E S M (DA)

McQuire, V D (DA)

O'Kennedy, E C (DA)

Philander, D B (ANC)

Smit, N (DA)

Sneewe, A M (ANC)

Solomons, P E (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: 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.

Alderman R F van der Westhuizen opened the meeting with a scripture reading and prayer at the request of the Speaker.

The Speaker, on behalf of the Council, expressed his sympathies to clr E S M Maart on the death of her mother, and her husband who is still in hospital. The Speaker wished clr D B Philander all the best for a speedy recovery as he and his family are very ill with Covid-19.

The Speaker gave the Executive Mayor the opportunity to address the Council and asked ald T van Essen to request the Council to stand as a gesture of sympathy towards families who had lost loved ones recently, not only as a result of Covid-19, but also as a result of other illnesses.

The Executive Mayor cautioned residents who, in spite of the large number of deaths and the fact that the Swartland Municipal area is seen as a 'hotspot', still do not realize the severity of the pandemic. Residents also expected that service delivery must carry on and ald van Essen thanked, on behalf of the Council, those who put their own health at risk in order to ensure the welfare of others.

The Executive Mayor requested that as many adults as possible and as quickly as possible must be inoculated against the Covid-19 virus in order to bring the pandemic under control. The following are important facts to consider when contemplating vaccination:

1./...

- (1) vaccinations offer good protection against the Covid-19 virus in terms of not getting too sick and dying as a result thereof;
- (2) Vaccinations are safe;
- (3) The risk of serious side-effects as result of the vaccination are minimal and these disappear on their own;
- (4) It takes  $\pm 2$  weeks for the vaccination to offer good protection against the Covid-19.

The Executive Mayor made a plea to all councillors, as leaders in the community, to support residents in registering for the vaccination. Ald van Essen confirmed that all councillors will be depended on and finished off with "Wash or sanitize your hands regularly, always wear your mask, keep a distance of 1.5m from others and STAY AT HOME."

Clr F S Humphries thanked Sinethemba for the great work they are doing in making the community aware of the vaccination drive and also advised the Council that the details of bedridden persons must be submitted to Sinethemba in order for them to be vaccinated at home.

The Speaker gave the Municipal Manager the opportunity to relay the recent statistics, as confirmed by the Department of Health, to the Council -

- 877 active Covid-19 cases at present in the Swartland municipal area (highest in the West Coast district);
- 43 patients in the relevant week hospitalised (beds in the West Coast district almost all occupied);
- 38 deaths in the relevant week (as against 7 deaths the previous week);
- 12 346 persons already inoculated in the West Coast district;
- 3rd round of *Pfizer* vaccinations by the Department of Health begins on 6 August 2021 and will be in the Riebeek Valley (as 1st vaccination was *Pfiser* vaccine, the 2nd vaccination must also be done with the *Pfiser* vaccine);
- Broodkraal will serve as a pilot project vaccinating farm workers with the Johnson & Johnson vaccine;

With reference to the concern which was voiced, the Department of Health, confirmed that the local municipality had received enough vaccines. The statistics in respect of the vaccinations for the Western Cape are as follows-

- |                               |   |                |   |                         |
|-------------------------------|---|----------------|---|-------------------------|
| - Age 60 years and older      | : | 63% registered | : | 88% already vaccinated; |
| - Age between 50 and 60 years | : | 40% registered | : | 76% already vaccinated; |
| - Age between 35 and 50 years | : | 25% registered | : | 31% already vaccinated. |

The Municipal Manager confirmed that 56% of the citizens of the Swartland in the 60 years and older group have already been vaccinated;

The Municipal Manager confirmed that the statistics are regularly placed on the Municipal Facebook Page.

The Speaker congratulated councillors and officials who had celebrated birthdays recently.

## 2. APOLOGIES

Apologies received from clr A M Sneewe and ald B J Stanley.

**RESOLUTION** that note is taken that clrs S E Matthyse and B J Penxa are absent without leave and the relevant fines will be levied.

## 3. DEPUTATIONS/DECLARATIONS AND COMMUNICATIONS/SUBMISSIONS

None

## 4. MINUTES FOR APPROVAL

### 4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 27 MAY 2021

Resolution/...

4.1/...

**RESOLUTION**

(proposed by aldd M van Zyl, seconded by clr E S M Maart)

That the minutes of an Ordinary Meeting of the Municipal Council held on 27 May 2021 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 power, in the following minutes:

- 5.1 MINUTES OF AN ORDINARY MEETING OF THE MUNICIPAL COUNCIL HELD ON 20 MAY 2021**
- 5.2 MINUTES OF A SPECIAL MEETING OF THE MUNICIPAL COUNCIL HELD ON 15 JUNE 2021**

**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 power, in the following minutes:

- 6.1 MINUTES OF A MEETING OF THE TENDER AWARD COMMITTEE HELD ON 4 MAY 2021**
- 6.2 MINUTES OF A MEETING OF THE TENDER AWARD COMMITTEE HELD ON 18 MAY 2021**
- 6.3 MINUTES OF A MEETING OF THE TENDER AWARD COMMITTEE HELD ON 8 JUNE 2021**
- 6.4 MINUTES OF A MEETING OF THE TENDER AWARD COMMITTEE HELD ON 20 JUNE 2021**

**7. MATTERS ARISING FROM THE MINUTES**

None.

**8. MATTERS FOR DISCUSSION**

**8.1 NERSA APPROVAL OF ELECTRICITY TARIFFS FOR 2021/2022 (16/2/1/2/1)**

On 15 May 2021 NERSA issued the final guidelines in respect of the levying of electricity tariffs by municipalities. On 18 May 2021 the Swartland Municipality sent the proposed tariffs for the 2021/2022 financial year through to NERSA for approval.

NERSA requested that Tariff 11 in respect of *small scale embedded generators* (SSEG) is reduced.

**RESOLUTION**

(proposed by ald R F van der Westhuizen, seconded by clr N Smit)

- (a) That the approval of the electricity tariffs by NERSA for 2021/22 be noted;
- (b) That the following reduced tariff pertaining to the exported energy component only of the municipal SSEG tariff, Tariff 11 as determined by NERSA for 2021/22 be approved and accepted for implementation from 1 July 2021:

8.1(b)/...

Tariff	NERSA approved Tariff per kWh excl VAT
Tariff 11 Exported energy component supplied to the municipality	R1.0092

**8.2 SUBMISSION OF THE 2021/2022 PERFORMANCE MANAGEMENT AGREEMENTS AND PLANS (2/4/2)**

The performance management agreements and plans for the 2021/2022 financial year are drawn up in accordance with Section 57 of the Local Government Act: Municipal Systems, 2000 (Act 32 of 2000) and serve as a substitute addendum to the appointment contracts of the Municipal Manager and directors.

**RESOLUTION**

(proposed by ald T van Essen, seconded by aldd M S I Goliath)

That the performance agreements and plans of the Municipal Manager and directors for the 2021/2022 financial year be noted.

**8.3 LOCAL GOVERNMENT FRAMEWORK FOR INFRASTRUCTURE DELIVERY AND PROCUREMENT MANAGEMENT AND AMENDMENT TO THE SUPPLY CHAIN MANAGEMENT POLICY (8/1/B/2)**

MFMA Circular No. 106 (*Local Government Framework for Infrastructure Delivery and Procurement Management*), received from the National Treasurer on 15 September 2020 was circulated with the agenda. The Circular replaces MFMA Circular No, 77 (*Infrastructure Procurement and Delivery Management*).

The National Treasurer offered a workshop on 7 June 2021 during which the implementation of MFMA Circular No. 106 was discussed. During the workshop several irregularities were pointed out, inter alia, the shortage of guidelines for determining the minimum amount for mega projects, the initiating report in respect of a mega project which must already have been approved as part of the budgeting process.

Taking into account the above mentioned it will not be possible to implement MFMA Circular No. 106 as of 1 July 2021, because after the approval of the budget, tender applications were already called for tender execution during the new financial year.

**RESOLUTION**

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

- (a) That the attached MFMA Circular No.106 “Local Government Framework for Infrastructure Delivery and Procurement Management” (Appendix A) not be adopted by Council until more clarity is provided by National Treasury and be noted for now;
- (b) That the proposed amendments to Council's Supply Chain Management Policy, as presented in Appendix B, be approved with effect from the date of the circular as the National Treasury only provided guidance in this regard on 7 June 2021.

**8.4 ANNUAL REPORT IN RESPECT OF THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY (8/1/B/2)**

Regulation 6(2)(a)(i) of the *Municipal Supply Chain Management Regulations* stipulates that an annual report must be submitted to the Council in respect of the implementation of the Supply Chain Management Policy.

The annual report for the period 1 July 2020 to 30 June 2021 was circulated with the agenda.

8.4/...

**RESOLUTION**

(proposed by ald O M Stemele, seconded by clr D G Bess)

- (a) That cognisance is taken of the Annual Report regarding the implementation of the Supply Chain Management Policy in accordance with section 6(2)(a)(i) of the Regulations, as well as reports on the Formal Tenders (Annexure A), Informal Tenders (Annexure B), and the Deviation Report (Annexure C);
- (b) That cognisance is taken of the services rendered for the period 1 April 2021 to 30 June 2021 with reference to the exceptions where it is impractical to test the market and therefore justified a deviation from the procurement processes in terms of paragraph 2(6) of the Supply Chain Management Policy (Annexure D). It must be noted that payments must still be finalised for the 2020/2021 financial year. To comply with legislation in terms of quarter 4, any differences will be highlighted in the following SCM quarterly report, subject to figures/transaction that would have an impact on the completeness of the financial statements;
- (c) That cognisance is also taken of Covid-19 related emergency purchases below the threshold value of R30 000.00 to the amount of R 14 720.00 for the period 1 April 2021 to 30 June 2021.

**8.5 PROPOSED SUBSIDIZATION OF PURCHASE PRICES FOR RESIDENTIAL PROPERTY IN RIVERLANDS 36 HOUSING PROJECT (PHASE 2) (12/2/B)**

On 28 May 2021 the Council determined a subsidized purchase price of 10% of the reserve price, VAT excluded, in respect of four of the 14 erwen in the so-called Riverlands 36 housing project, in order to ensure transfer of the properties to the beneficiaries.

Since the above mentioned approval the circumstances of another two beneficiaries have changed and it has been proposed that the subsidized purchase price is also made applicable to the relevant erwen.

**RESOLUTION**

(proposed by aldd M S I Goliath, seconded by ald R F van der Westhuizen)

- (a) That approval be granted by Council for subsidized selling prices for the below-mentioned residential properties in the so-called Riverlands 36 housing project to be determined at 10% of the reserve prices, VAT excluded, to ensure transfer of the properties in the interest of the beneficiaries, as follows:

<b>Erf number</b>	<b>Amount</b>
Erf 7828	R3 259,00 (10% of R32 591)
Erf 8119	R5 774,00 (10% of R57 736)

- (b) That the purchasers shall also be responsible for the payment of transfer and other costs associated with the transactions;
- (c) That no transfer or occupation of the properties may take place before the purchase sums and associated costs are fully paid and that the Director: Corporate Services be authorized to finalise the conditions of sale in consultation with the conveyancers;
- (d) That Council further grants approval that subsidized selling prices be applied on the same basis in respect of all other beneficiaries in this project who may not qualify for a housing subsidy due to their income.

8.6/...

## 8.6 PROPOSED ALIENATION OF MUNICIPAL IMMOVABLE PROPERTY (INDUSTRIAL PREMISES) IN MALMESBURY (12/2/5/2-8/5)

Prospective investors have shown interest recently in the industrial erven in the industrial area of Malmesbury. The Council has three industrial properties which can be offered for alienation.

### RESOLUTION

(proposed by clr J M de Beer, seconded by clr V D McQuire)

- (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 the following immovable industrial properties in Malmesbury to be offered for sale:
- Erf 7577 (2972 m<sup>2</sup> in extent)
  - Remainder Erf 12378 (2855 m<sup>2</sup> in extent)
  - Erf 12984 (2411 m<sup>2</sup> in extent)
- (b) That cognizance be taken that the said properties have been identified from the outset for alienation as industrial 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 be determined in as follows, which reserve prices are considered by Council to fairly represent the market value of same:

Erf number	Reserve price, excluding VAT
7577	R1 635 500,00
Remainder Erf 12378	R1 790 000,00
Erf 12984	R1 512 000,00

- (d) 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 Municipal Manager to finalise the applicable disposal option/s in consultation with the Executive Mayoral Committee and other applicable role-players;
  - (iii) to the Director: Corporate Services to finalise applicable conditions of sale;
- (e) 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 serve' basis at the reserve prices as aforementioned, or at the most recent municipal valuation as applicable at that stage;
- (f) That the proceeds from the sale of the erven will be reserved in the budget for the establishment of municipal storage facilities in Malmesbury, including the possible purchase of property for this purpose.

## 8.7 PROPOSED ALIENATION OF MUNICIPAL IMMOVABLE PROPERTY IN CHATSWORTH (12/2/5/2-1/3)

Because there has recently been interest shown in this property, for commercial development, it is proposed that the property is sold by means of public tender.

Resolution/...

## RESOLUTION

(proposed by clr P E Solomons, seconded by ald T van Essen)

- (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 called by means of public tenders for the disposal of the following vacant immovable property in Chatsworth:
- Erf 1071, cnr of Third Avenue, Market and York Streets (3529 m<sup>2</sup> in extent),
- subject to the successful rezoning of the property as explained in the report;
- (b) That cognizance be taken that the property to be sold has at no stage been earmarked for the provision of a minimum or any other level of basic municipal services;
- (c) That the reserve price (VAT exclusive) for the property be determined as follows, which reserve price is considered by Council to fairly represent the market value of same:
- Erf 1071            R600 000,00
- (d) 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 transaction; 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 asset;
- (ii) to the Director: Corporate Services to finalise the conditions of sale for tender purposes with all the relevant internal role-players;
- (e) That approval be granted that should the property remain unsold after the competitive process, it be sold out-of-hand on a 'first come first serve' basis at the reserve price or higher, provided that the reserve price corresponds with fair market value (based on the municipal valuation of the properties when alienation takes place), and provided further that the same suspensive conditions to be included in the deed of sale, shall apply to such transaction.

## 8.8 QUARTERLY REPORT (SECTION 52 OF MFMA): APRIL TO JUNE 2021 (7/1/2/2-2)

The submission of the quarterly report to the Council is prescribed in Section 52(d) of the Local Government: Municipal Financial Management, Act 56 of 2003 (MFMA).

Clr Daniels confirmed that the Section 52 MFMA quarterly report has been thoroughly worked through and mentioned a few matters which were discussed, inter alia -

- (1) Costs involved in the implementation of application (APP) in respect of the purchase of electricity which can amount to R8 million;
- (2) Illegal road racing in Darling Road, which will be addressed by the Director: Protection Services;
- (3) Manning of CCTV room by disabled persons in order to make law enforcement officers available to deal with incidents eg. Illegal road racing;
- (4) "Emergency kit" for temporary shelter e.g. for houses which are destroyed by fire.

Resolution/...

8.8/...

**RESOLUTION**

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

That Council takes cognisance of the attached quarterly report containing interim financial results, 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 April 2021 to 30 June 2021.

**SIGNED  
SPEAKER**