



MINUTES OF A SPECIAL MEETING OF THE SWARTLAND MUNICIPAL COUNCIL HELD IN THE TOWN HALL, MALMESBURY ON THURSDAY, 24 AUGUST 2023 AT 10:00

PRESENT:

Speaker, ald M A Rangasamy
Executive Mayor, ald J H Cleophas
Deputy Executive Mayor, clr J M de Beer

COUNCILLORS:

Bess, D G (DA)	Penxa, B J (ANC)
Booyesen, A M (VF+)	Pieters, C (ANC)
Daniels, C (DA)	Pypers, D C (DA)
Duda, A A (EFF)	Smit, N (DA)
Fortuin, C (ANC)	Soldaka, P E (ANC)
Jooste, R J (DA)	Van Essen, T (DA)
Le Minnie, I S (DA)	Van Zyl, M (DA)
Ngozi, M (ANC)	Vermeulen, G (VF+)
O'Kennedy, E C (DA)	Warnick, A K (DA)
Papier, J R (GOOD)	

Officials:

Municipal Manager, mr J J Scholtz
Director: Civil Engineering Services, mr L D Zikmann
Director: Protection Services, mr P A C Humphreys
Director: Electrical Services, mr T Möller
Director: Financial Services, mr M A C Bolton
Director: Corporate Services, ms M S Terblanche
Director: Development Services, ms J S Krieger
Manager: Secretarial and Record Services, ms N Brand

1. OPENING

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

Ds Y Fortuin of the St Thomas Anglican Church, Malmesbury opened the meeting with a scripture reading and prayer at the request of the Speaker.

Councillors and officials were congratulated by the Speaker on the celebration of their birthdays during the month of August.

Condolences were offered to clr N Smit and the Speaker on the passing of close relatives.

2. APOLOGIES

RESOLUTION that note is taken that ald B J Stanley was absent without an apology.

The Speaker confirmed, in answer to a question from clr B J Penxa, that ald Stanley's attendance at meetings would be monitored in compliance with the Code of Conduct for Councillors and that the relevant fines for absence would be levied.

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3. DEPUTATIONS/DECLARATIONS AND COMMUNICATIONS/SUBMISSIONS

RESOLUTION that note is taken of the communication from the Municipal Manager that this day's meeting is a SPECIAL council meeting.

4. MATTERS FOR DISCUSSION

4.1 APPROVAL OF THE 2023/2024 ROLL-OVER ADJUSTED CAPITAL AND OPERATING BUDGET (5/1/1/1, 5/1/1/2-2023/24)

Section 28 of the Local Government: Municipal Financial Management Act, Act 56 of 2003 stipulates the circumstances for the consideration of a Roll- Over Adjusted Capital and Operating Budget.

The Municipal Manager stated, with reference to clr J R Papier's question in respect of the appropriation of the R20 million received from the Western Cape Department of Education, that two schools in the Swartland municipal area will be built under the "rapid school building programme", namely in Darling and Ilinge Lethu. The building of the school in Ilinge Lethu is subject to the building of an access road from the Darling Road.

After the Municipality was notified of the project in July 2023 (after the approval of the 2023/2024 multi-year budget) discussions took place with the Department of Education. The Municipal Manager was then able to obtain an amount of R20 million for the building of an access road. The Municipal Manager thanked the Director: Civil Engineering Services for his pro-active action in order to be ready to implement the project and in so doing to realize the investment of ±R100 million for the building of two schools in the Swartland municipal area.

The Municipal Manager stated that in March 2023 the Council approved the adjustment of R10 945 000 which was received for the acquisition of back-up generators, which is set out in the attachments to the report. Because of the fact that the funding was only obtained in March 2023 and that the delivery time for the equipment is ±38 weeks, it is necessary to rollover the balance to the 2023/2024 financial year.

The Executive Mayor stated that Swartland Municipality supports the building of sustainable partnerships and is thankful for the funding received from the Provincial Government.

The Speaker brought the matter to the vote and approval for the Rollover Adjusted Capital and Operating Budget was decided (in the absence of one councillor) with 21 votes in favour thereof, and one councillor who did not vote.

RESOLUTION

(proposed by ald J H Cleophas, seconded by clr N Smit)

- (a) That it be noted that the Budget Steering Committee convened to consider the explanations and motivations provided by the financial and engineering staff in a bid to advise the Executive Mayor on way forward;
- (b) That approval be granted for the roll-over of the unspent Emergency Municipal Load-Shedding Relief funding as approved by Provincial Treasury in respect of the 2022/2023 financial year, to the amount of R 8 593 277 and the roll-over of own funding (CRR) to the amount of R 3 158 155;
- (c) That council also note the additional funding in the form of a real cost, financial contribution from the WCED to construct a new link road and associated municipal services to the tune of R20 million, excluding VAT;
- (d) That approval be granted to amend the high-level capital and operating budget for 2023/2024 with no amendments to the outer years as follows:

	Original Budget 2023/24	Roll-Over Adj Budget 2023/24	Original Budget 2024/25	Original Budget 2025/26
Capital budget	209 052 395	240 803 827	218 968 545	208 303 329
Operating Expenditure	1 071 330 062	1 072 205 062	1 174 132 994	1 371 930 505
Operating Revenue	1 192 485 181	1 221 543 458	1 311 049 716	1 489 696 468
Budgeted (Surplus)/ Deficit	(121 155 119)	(149 338 396)	(136 916 722)	(117 765 963)
Less: Capital Grants and Donations	107 386 943	135 980 220	115 594 000	91 660 000
(Surplus)/ Deficit	(13 768 176)	(13 358 176)	(21 322 722)	(26 105 963)

- (e) That it be noted that the changes to the budget will have no impact on tariffs in respect of the 2023/2024 financial year or beyond, whilst the budgeted net surplus of R13 768 176 will change to R13 358 176;
- (f) That approval be granted to **decrease the Deposit fee** for the Key and Entrance tag to R100, that was erroneously increased to R120 for the current 2023/24 financial year;
- (g) That the adjusted budget schedules as required by the Budget and Reporting Regulations be approved as set out in **(Annexure B: Budget Report and B-Schedules 2023-24 – 2025/26)**;
- (h) 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;
- (i) That the Service Delivery Budget Implementation Plan (SDBIP) where appropriate be amended accordingly.

4.2 APPROVAL OF THE IDP AND BUDGET TIME SCHEDULE (2/1/4/4/1)

In accordance with Section 21(1)(b) of the Municipal Financial Management Act, Act 56 of 2003 (MFMA) the mayor must submit a time schedule, with key deadlines in respect of the revision of the Integrated Development Plan (IDP) and budgeting process, to the Council at least ten months before the commencement of the budget year.

The time schedule was circulated with the agenda.

Note must be taken of the dissatisfaction of clr J R Papier, supported by clrs P E Soldaka, B J Penxa and A M Booyesen that the impression is given that the document was already approved by the Council with the heading – “Approved by Council on 24 August 2023” and the request is that the latter is handled as a draft document until the Council approved it.

RESOLUTION

(proposed by ald J H Cleophas, seconded by clr A K Warnick)

That the attach time schedule for the revision of the 2022-2027 IDP and the compilation of the annual budget be approved in terms of section 21(1) of the Municipal Finance Management Act, Act 56 of 2003.

4.3 2024 MEETING SCHEDULE (3/4/2/1)

The draft 2024 Meeting Schedule was circulated with the agenda.

RESOLUTION

(proposed by clr A K Warnick, seconded by clr E C O'Kennedy)

- (a) That the proposed meeting schedule for 2024 be accepted;
- (b) That the dates be published bi-annually in the local media for public cognisance, as well as on the municipal website;
- (c) That each councillor be furnished with a copy of the final schedule;
- (d) That the meeting schedule be forwarded to the West Coast District Municipality, SALGA and the Provincial Department of Local Government to use for planning purposes.

4.4 MOTION RECEIVED FROM THE FREEDOM FRONT PLUS IN RESPECT OF THE DE HOOP HOUSING PROJECT (3/2/2)

A motion was received from clr A M Booysen, dated 16 August 2023, in respect of section 37 of the Swartland Municipality: Regulation in respect of the Holding of Meetings, PK 8649 dated 19 August 2022.

The motion deals with various aspects of the De Hoop Housing Project and the Speaker gave clr A M Booysen the opportunity to explain the motion.

Clr D G Bess stated that the motion handed in by clr A M Booysen is supported, with reference to the IDP Strategic Purpose nr 3, namely that the delivery of quality and reliable services to all residents is not negotiable.

Although clr A K Warnick supports the motion, clr Booysen's motive for bringing the motion before the Council is questioned in light of the fact that clr Booysen's Facebook posting of 7 July 2023, in respect of the De Hoop Housing Project, contained inaccurate information. Clr Warnick confirmed that the latter action is contradictory to the Code of Conduct for Councillors and requested that an investigation be launched.

Clr A M Booysen confirmed that an investigation had already been launched against her in accordance with the Code of Conduct for Councillors and that it is not relevant at present. Clr Booysen stated that she had reported the defects in houses in the de Hoop Housing Project to the Council on various occasions since September 2022 and that she is in possession of corroborating documentary evidence. The records of the council meetings can also be checked in order to confirm the latter, and also where clr Penxa brought to the Council's attention the fact that a double storey house was busy falling down.

RESOLUTION

(proposed by clr D G Bess, seconded by clr A K Warnick)

- (a) That the motion handed in by clr A M Booysen is accepted and that feedback will be supplied to clr Booysen within 14 to 21 days;
- (b) That the following information will be made available to the Council in respect of the De Hoop Housing Project:
 - (i) The number of houses which have already been built and the expense in respect thereof;
 - (ii) The number of houses with defects which have been reported and the amounts spent on repairs;
 - (iii) Confirmation of plans in place to deal with the defects;
 - (iv) Confirmation of any retention amounts having been paid to the contractor.

4.5 COUNCILLORS REMUNERATION: 2022/2023 FINANCIAL YEAR (5/10/1)

Government Notice Nr 3807 which appeared in Government Gazette 49142 dated 18 August 2023, as well as the implications of the increased grants and fringe benefits for the Municipality as a Grade 4 local authority in respect of the 2022/2023 financial year were circulated with the agenda.

The Speaker brought the matter to the vote and it was decided with 21 votes in favour thereof, with one councillor who did not vote.

RESOLUTION

(proposed by clr N Smit, seconded by clr A K Warnick)

- (a) That the contents of Government Notice 3807 as published in Government Gazette 49142 dated 18 August 2023 be noted, as well as the implications of same in respect of the increased allowances and benefits payable in respect of the 2022/23 financial year by the Municipality as a Grade 4 local authority, as explained in Annexure B to this report;
- (b) That cognisance be taken that adequate provision has been made in the 2023/24 operating budget in order to cover the increased allowances and benefits, and that the implementation of same thereof be approved, with retrospective effect from 1 July 2022;
- (c) That the consultation prescripts of the MEC for local government be complied with in order to obtain the latter's approval for the implementation of the amended allowances and benefits;
- (d) That the Municipal Manager ensures that the information required in terms of Item 18 of the Government Notice be submitted to the MEC for local government, by no later than 17 September 2023;
- (e) That the Municipality expresses its dissatisfaction with the National Minister regarding the fact that late promulgation of the upper limits, prevents pro-active budgeting by municipalities, and the unintended consequence of such late promulgation being that consultation with the MEC cannot be dealt with timeously/effectively, resulting in the back payment of councillors only taking place in the ensuing financial year, which does not constitute good practice.

**SIGNED:
SPEAKER**