



Munisipaliteit  
Municipality  
Umasipala

**MINUTES OF A MEETING OF THE SWARTLAND MUNICIPAL COUNCIL HELD IN THE TOWN HALL,  
MALMESBURY ON WEDNESDAY, 26 APRIL 2023 AT 10:00**

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**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: Electrical Engineering Services, mr T Möller  
Director: Civil Engineering Services, mr L D Zikmann  
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, the Deputy Executive Mayor, aldermen, councillors, officials, the interpreter and members of the public.

Clr G Vermeulen opened the meeting with a scripture reading and a prayer at the request of the Speaker.

**2. APOLOGIES**

Apology received from ald B J Stanley.

**3. DEPUTATIONS/DECLARATIONS AND COMMUNICATIONS/SUBMISSIONS**

**3.1 HANDING OUT OF AWARDS**

The Municipal Manager stated that the Municipality had received various awards from the National Department of Water and Sanitation in recognition of the implementation and effective management of the Sewerage Purification Works (WWTW).

The Municipal Manager confirmed the importance of investing in bulk infrastructure in order to progress growth and prosperity in the Swartland municipal area.

3.1/...

The Municipal Manager stated that the Council wished to take the opportunity to honour those involved, including previous colleagues, namely the Director: Civil Engineering Services, mr At Botha, the Director: Financial Services, mr Kenny Cooper and the former Executive Mayor, ald T van Essen for their outstanding performance and hard work which made these awards possible.

The following awards were handed out by the Executive Mayor, the Speaker and ald T van Essen -

- (1) Mr Hendrik Strydom from Malmesbury WWTW – award as best process controller;
- (2) Mr Willie Maarman of Riebeek Valley WWTW – award as best WWTW with a capacity of less than 5 megaliter/day;
- (3) Messrs Franscois Malan, Hendrik Strydom, Wilfred Barendse, Randall Jenneke and ms Clerise Fortuin of Malmesbury WWTW – award as best WWTW with a capacity of between 5 to 10 megaliter/day.

#### **FOR NOTING**

### **4. MINUTES FOR RATIFICATION**

#### **4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 30 MARCH 2023**

##### **RESOLUTION**

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

That the minutes of an Ordinary Council Meeting held on 30 March 2023 are approved and signed by the Speaker.

### **5. REPORTING IN RESPECT OF 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 23 MARCH 2023**

read in conjunction with

#### **MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 8 MARCH 2023**

### **REPORTING IN RESPECT OF 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 14 FEBRUARY 2023**

### **7. MATTERS ARISING FROM THE MINUTES**

None.

### **8. MATTERS FOR DISCUSSION**

#### **8.1 SUBMISSION OF DRAFT REGULATION IN RESPECT OF PROVISION OF ELECTRICITY (1/1, 1/1/3/16)**

The amendments to the Electricity Regulation deal mainly with the regulation of integrated generation, wheeling and the resale of electricity.

8.1/...

Minor amendments have also been introduced in order to bring the regulation into line with the principles of the Electricity Regulation Act (Act 4 of 2006 –only available in English).

The Speaker brought the matter to the vote and (in the absence of one councillor) –

#### **UNANIMOUS RESOLUTION**

(proposed by ald T van Essen, seconded by clr D G Bess)

- (a) That the Council approve the following draft by-law in principle:
  - Swartland Municipality: By-law regarding Electricity Supply;
- (b) That the draft by-law is advertised for public comment in terms of section 12(3)(b) of the Systems Act, 2000, in the local media as well as on the municipal website.

#### **8.2 IRREGULAR EXPENDITURE AS REPORTED BY THE AUDITOR GENERAL (AGSA) IN THE REPORT OF THE 2021/2022 FINANCIAL YEAR (5/15/1/5)**

The Municipal Manager confirmed that the report from the Auditor General, from which the information came, has already been distributed to councillors as part of the 2021/2022 Annual Report. The Auditor General also made a submission to the Public Accountability Committee (MPAC) on 9 March 2023 in respect of the external audit.

The report in respect of irregular expenditure was referred to the Disciplinary Council for investigation, in accordance with the Council's policy, in order to confirm the write-off of the irregular expenditure.

The Disciplinary Council's investigation, as attached to the report, contains complete information in respect of irregular expenditure, as well as recommendations in order to prevent the non compliance with the Regulations.

#### **RESOLUTION**

(proposed by clr N Smit, seconded by clr D G Bess)

- (a) That the investigation by the Disciplinary Board regarding the irregular expenditure as reported by the Auditor-General be noted;
- (b) That the conclusion and recommendation to council as indicated in the report is as follows:
  - (i) That the irregular expenditure of R435 563 be certified as irrecoverable and written off as the municipality received value for money and suffered no loss;
  - (ii) That the staff members involved in the tender process acted in good faith and the non-compliance was not as a result of deliberate or gross negligence or as a result of fraud or other dishonest intent by the relevant staff members;
  - (iii) That recommendations made in the AG's report to sensitise all user of the requirements to include minimum thresholds and other requirements have already been implemented via workshops with all Contract Owners and Champions;
  - (iv) That the threshold for minimum local content has subsequently been removed from the new SCM Preferential Regulations and SCM policy with effect from 16 January 2023 and therefore no further corrective action would be required;
- (c) That the findings of the Disciplinary Council be provided to the MEC for Local Government and the Auditor-General.

### **8.3 QUARTERLY REPORT (SEC 52 OF MFMA): JANUARY TO MARCH 2023 (7/1/2/2-2)**

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

The submission of the report to the Council serves as one of the Executive Mayor's general responsibilities in order to inform the Council in respect of the implementation of the budget and the state of the financial matters of the Municipality.

The quarterly report was discussed during a meeting of the Municipal Public Accountability Committee, held on 25 April 2023, in order to fulfil the latter's oversight role.

#### **RESOLUTION**

(proposed by cllr E C O'Kennedy, seconded by add M van Zyl)

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 January to 31 March 2023.

**SIGNED  
SPEAKER**