



**MINUTES OF A MEETING OF THE SWARTLAND MUNICIPAL COUNCIL HELD IN THE TOWN HALL, MALMESBURY ON THURSDAY, 26 JANUARY 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)	Papier, J R (GOOD)
Booyesen, A M (VF+)	Penxa, B J (ANC)
Daniels, C (DA)	Pieters, C (ANC)
Duda, A A (EFF)	Pypers, D C (DA)
Fortuin, C (ANC)	Smit, N (DA)
Jooste, R J (DA)	Soldaka, P E (ANC)
Le Minnie, I S (DA)	Van Essen, T (DA)
Ngozi, M (ANC)	Van Zyl, M (DA)
O'Kennedy, E C (DA)	Warnick, A K (DA)

Officials:

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

**1. OPENING**

Pastor Mark Solomon from the Seventh Day Adventis Church, Malmesbury opened the meeting with a scripture reading and a prayer at the request of the Speaker.

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

The Speaker congratulated councillors who had celebrated birthdays recently.

**2. APOLOGIES**

Apologies received from ald B J Stanley and clr G Vermeulen.

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

**3.1 TRIBUTE TO ALD KLASIE RUST**

The Speaker voiced his commiseration on the death of Ald Klasie Rust and requested the Executive Mayor to deliver a tribute.

The Executive Mayor referred to the meritorius number of years service given by Ald Klasie Rust from 1979 to 2016 to the previous municipalities, Swartland Municipality and the West Coast District Municipality.

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The Executive Mayor stated that ald Rust was a true gentleman and still showed interest in the matters of the Municipality after his retirement. Ald Rust was an honest person and served the community with dignity.

The Executive Mayor requested ald T van Essen to light a candle in remembrance of ald Rust, after which a minute's silence was observed for all residents who had lost loved ones recently through death.

### **3.2 HANDING OVER OF CERTIFICATES IN RESPECT OF COMPLETION OF THE COURSE WITH RESPECT TO GENDER BASED VIOLENCE**

The Speaker, in conjunction with the Director: Development Services, handed over certificates to the following councillors who had successfully completed the course in respect of gender based violence, namely -

- The Deputy Executive Mayor, clr J M de Beer
- Clr D G Bess
- Clr A M Booysen
- Clr N Smit
- Clr D C Pypers
- Clr G Vermeulen

### **3.3 NOTICE OF UPCOMING OPPORTUNITIES**

The Municipal Manager brought the following to the attention of the councillors, namely

- The official opening of the Western Cape Parliament and the address by the Premier which will take place in the Banqueting Hall on 16 February 2023 at 10:45;
- The various SALGA working groups during the week of 13 February 2023 to be held in George, which will be in a hybrid format and the relevant councillors can therefore join in virtually.

## **4. MINUTES FOR APPROVAL**

### **4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 27 OCTOBER 2022**

#### **RESOLUTION**

(proposed by add M van Zyl, seconded by ald T van Essen)

That the minutes of an Ordinary Council Meeting held on 27 October 2022 are approved and signed by the Speaker.

### **4.2 MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 30 NOVEMBER 2022**

#### **RESOLUTION**

(proposed by add M van Zyl, seconded by ald T van Essen)

That the minutes of a Special Council Meeting held on 30 November 2022 are approved and signed by the Speaker.

## **5. REPORTING IN RESPECT OF THE DECISION MAKING BY THE EXECUTIVE MAYOR**

### **RESOLUTION**

That note is taken of the decisions made by the Executive Mayor in accordance with his delegated authority in the following minutes:

### **5.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 18 OCTOBER 2022**

read in conjunction with

### **MINUTES OF A MEETING OF THE PORTFOLIOS COMMITTEE HELD ON 11 OCTOBER 2022**

**5.2 MINUTES OF A SPECIAL MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 24 OCTOBER 2022**

**5.3 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 16 NOVEMBER 2022**  
read in conjunction with

**MINUTES OF A MEETING OF THE PORTFOLIOS COMMITTEE HELD ON 9 NOVEMBER 2022**

**5.4 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 14 DECEMBER 2022**

**REPORTING 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 authority in the following minutes:

**6.1 MINUTES OF A TENDER AWARD COMMITTEE MEETING HELD ON 11 OCTOBER 2022**

**6.2 MINUTES OF A TENDER AWARD COMMITTEE MEETING HELD ON 8 NOVEMBER 2022**

**6.3 MINUTES OF A TENDER AWARD COMMITTEE MEETING HELD ON 14 NOVEMBER 2022**

**6. MATTERS ARISING FROM THE MINUTES**

None

**8. MATTERS FOR DISCUSSION**

**8.1 SUBMISSION OF THE DRAFT ANNUAL REPORT: 2021/2022 FINANCIAL YEAR (7/1/1/1)**

The Executive Mayor presented the 2021/2022 Draft Annual Report and congratulated the Municipality on obtaining a 10th clean audit. Thanks and appreciation were given to each and every official who contributed to the success of the Municipality.

The 2021/2022 Draft Annual Report was drawn up according to the format prescribed in MFMA Circular 63 dated 26 September 2012, and submitted to the Council in accordance with section 127(2) of the Local Government: Municipal Financial Management Act, 2003 (MFMA, Act 56 of 2003).

The annual report includes, inter alia, -

- (1) the financial statements;
- (2) audit report from the Auditor General; and
- (3) the annual performance report.

The Speaker requested that if councillors have input/comment to the draft annual report during the public participation process it must be delivered in writing to the Municipal Manager before/on 28 February 2023.

**RESOLUTION**

(proposed by ald J H Cleophas, seconded by clr D C Pypers)

- (a) That cognisance be taken of the annual report in respect of the 2021/2022 financial year, as tabled in terms of section 127(2) of the MFMA, and of which the tabling is done in the format as prescribed by National Treasury's MFMA Circular 63 of 2012;

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- (b) That cognisance be taken of the following steps to be taken in terms of section 127 of the MFMA, being
  - (i) disclosure of the annual report;
  - (ii) inviting the public to submit representations in connection with the report;
  - (iii) inviting the public and relevant organs of state to attend the council meeting on 30 March 2023, when the annual report and oversight report will be discussed;
  - (iv) submission of the annual report to the Auditor-General, provincial treasury and the provincial department responsible for local government;
- (c) That the MPAC, after the closing of comments on the annual report, undertake a detailed analysis of the representations received in order to compile the draft oversight report for consideration by the Council on 30 March 2023;
- (d) That councillors who are not members of the MPAC take note that they should also be conducting their own review of the report by inter alia having discussions with their constituents, ward committees and ward representatives to encourage inputs and comments for consideration at the full council meeting on 30 March 2023.

## **8.2 QUARTERLY REPORT (SECTION 52 OF MFMA): 1 OCTOBER TO 31 DECEMBER 2022 (7/1/1/2-2)**

The submission of the quarterly report is prescribed by section 52(d) of the MFMA, Act 56 of 2003.

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 Municipality's financial matters.

The quarterly report in respect of Quarter 2 as of 31 December 2022 was circulated with the agenda.

### **RESOLUTION**

(proposed by ald J H Cleophas, seconded by clr E C O'Kennedy)

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 to 31 December 2022.

## **8.3 HALF YEARLY BUDGET AND PERFORMANCE EVALUATION OF THE 2022/2023 FINANCIAL YEAR (7/1/2/2-2)**

Section 72 (1) of the MFMA, Act 56 of 2003 stipulates that the accounting official must evaluate the performance of the Municipality during the first half of the financial year and submit it to the Executive Mayor before 25 January every year.

The Executive Mayor tabled the Half-Yearly Budget and Performance Report, as drawn up in line with the stipulations of the Municipal Budget and Reporting Regulations (General Notice 393 as promulgated in the Government Gazette dated 17 April 2009).

### **RESOLUTION**

(proposed by ald J H Cleophas, seconded by add M van Zyl)

That cognisance be taken of the mid-year budget and performance assessment i.r.o. the first half of the 2022/2023 financial year and more specifically the need to revise the original budget by way of an adjustments budget.

#### 8.4 APPROVAL OF THE 2022/2023 HALF-YEARLY ADJUSTED CAPITAL AND OPERATING BUDGETS 5/1/1/1, 5/1/1/2)

The 2022/2023 Half-yearly Adjusted Capital and Operating Budgets were considered, for approval by the Council, during an Executive Mayor's Committee Meeting held on 18 January 2023 and are tabled by the Executive Mayor.

The submission of the adjusted budget takes place in accordance with section 28 of the MFMA, Act 56 of 2003 after the performance of the Municipality during the first half of the financial year has been evaluated – refer to item 8.3.

The Director: Financial Services gave a brief overview of the adjustments in respect of the capital and operating budgets.

The Speaker brought the matter to the vote and it was decided (in the absence of two councillors) with 13 councillors in favour thereof and eight councillors who abstained from voting.

#### 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 staff and other directors in a bid to advise the Executive Mayor on way forward;
- (b) That council takes note of the proposed adjustment (as it relates to Section 19) in respect of the Waste Water Treatment Works: Moorreesburg and Resealing of Swartland Roads (**Annexure A-2: Capital Projects ito Sec 19**);
- (c) That approval be granted to amend the high-level capital and operating budget for 2022/2023 with no amendments to the outer years as follows:

	Original Budget 2022/23	Mid-Year Adj Budget 2022/23	Adjustments	Original Budget 2023/24	Original Budget 2024/25
Capital budget	191 095 805	167 894 804	(23 201 001)	195 834 903	165 690 722
Operating Expenditure	1 029 331 855	1 025 575 992	(3 755 863)	1 061 375 491	1 139 864 061
Operating Revenue	1 093 983 961	1 087 072 579	(6 911 382)	1 123 993 179	1 174 158 797
<b>Budgeted (Surplus)/ Deficit</b>	<b>(64 652 106)</b>	<b>(61 496 587)</b>	<b>3 155 519</b>	<b>(62 617 688)</b>	<b>(34 294 736)</b>
Less: Capital Grants & Contributions	77 109 000	67 945 510	(9 163 490)	73 351 000	35 935 000
<b>(Surplus)/ Deficit</b>	<b>12 456 894</b>	<b>6 448 923</b>	<b>(6 007 971)</b>	<b>10 733 312</b>	<b>1 640 264</b>

- (d) That it be noted that the changes to the budget will have no impact on tariffs in respect of the 2022/2023 financial year or beyond but will result in a decreased budgeted net deficit from R12 456 894 to a budgeted net deficit of R6 448 923;
- (e) That the unauthorised expenditure of R11 717 297 for the 2021/2022 financial year be authorised in this adjustments budget in line with section 32(2)(a)(i) of the Act;
- (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 2022/23 – 2024/25**);
- (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 SWARTLAND MUNICIPALITY: FINAL ACCEPTANCE OF REVISED SERVICE STATEMENT (4/1/1/2/1)**

The Municipality's service statement has been revised in terms of the Local Government: Municipal Personnel Regulations, No 890 and No 891 dated 20 September 2021 and submitted to the Council on 27 October 2022 for acceptance.

The report circulated with the agenda contains complete details in respect of the additional amendments to the structures of the Directorate: Financial Services and the Directorate: Civil Engineering Services.

With respect to the Directorate: Financial Services the amendments were necessitated by the risks identified during the external audit and new regulations applicable to the Supply Chain Management Processes as of 16 January 2023.

**RESOLUTION**

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

That Council confirm the resolution of 27 October 2022 with the inclusion of the aforementioned amendments, for implementation with effect from 1 January 2023.

**8.6 APPROVAL OF THE DRAFT 4TH GENERATION INTEGRATED SOLID WASTE MANAGEMENT PLAN (16/4/B)**

In accordance with the *National Environmental Management Waste Act (Act 59 of 2008)* – only available in English – the Council is obliged to have an Integrated Solid Waste Management Plan, which must be revised every five years.

The main purpose of the plan is the transformation of procedures in respect of the collection and disposal of solid waste and to establish sustainable practises taking into account the impact on the environment.

**RESOLUTION**

(proposed by ald T van Essen, seconded by clr R J Jooste)

That the draft 4th Generation IWMP for Swartland Municipality be approved by the Executive Mayoral Committee and recommended to Council for adoption.

**8.7 FIRST CONCEPT: AMENDMENT TO THE SWARTLAND SPATIAL DEVELOPMENT FRAMEWORK, 2023-2028 (15/1/4/1)**

The Municipal Manager stated that the revision of the Swartland Spatial Development Framework (SDF) runs concurrently with the new Integrated Development Framework (IDF) in order, inter alia, to bring the SDF in line with national, provincial government and the Swartland Municipality: Regulation in respect of Municipal Land Usage Planning.

The purpose of the SDF is to provide the necessary guidelines within the legislative framework in order for the spatial development in the municipal area to take place in a sustainable and acceptable manner.

The Municipal Manager urged the public, and specifically the ward councillors to attend the open days in order to ascertain for themselves the future spatial planning within the municipal area.

**RESOLUTION**

(proposed by clr D G Bess, seconded by clr J M de Beer)

- (a) The Swartland Municipal Council take cognisance of the first draft of the amendment of the Swartland Spatial Development Framework;
- (b) The Swartland Municipal Council to approve the publication of the "first draft" of the amendment of the Swartland Municipal Spatial Development Framework for public comment in terms of section 7(1)(b) of the By-Law;

- (c) The Municipality submit the "first draft" of the amendment of the Swartland Municipal Spatial Development Framework to the Provincial Minister for comment;
- (d) The commenting period will be the months of February and March 2023 with open days in the majority of towns of the Swartland as per schedule.

**SIGNED  
SPEAKER**