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Municipality
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**MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD IN THE BANQUET HALL,
MALMESBURY, ON WEDNESDAY, 13 DECEMBER 2023 AT 10:00**

PRESENT:

Executive Mayor, Ald J H Cleophas (chairperson)

Executive Deputy Mayor, Cllr J M de Beer

Members of the Mayoral Committee:

Cllr D G Bess

Ald T van Essen

Cllr N Smit

Cllr A K Warnick

Other council members:

Speaker, Ald M A Rangasamy

Officials:

Municipal Manager, Mr J J Scholtz

Director: Civil Engineering Services, Mr L D Zikmann

Director: Electrical Engineering Services, Mr T Möller

Director: Corporate Services, Ms M S Terblanche

Director: Protective Services, Mr P A C Humphreys

Senior manager: Development Management, Mr A M Zaayman

Senior: Manager: Budget Office, Ms H Papier

Manager: Secretariat and Records, Ms N Brand

1. OPENING

The Executive Mayor welcomes all present and requested the Executive Deputy Mayor to open the meeting with prayer.

2. LEAVE OF ABSENCE

The committee is fully attended.

3. SUBMISSIONS/DELEGATIONS/SPEAKING ENGAGEMENTS

None.

4. MINUTES

**4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYORAL COMMITTEE MEETING
HELD ON 15 NOVEMBER 2023**

RESOLUTION

(proposal by Cllr N Smit, seconded by Cllr D G Bess)

That the minutes of an Ordinary Executive Mayoral Committee meeting held on 15 November 2023 be approved and signed by the Mayor.

5. MATTERS ARISING FROM THE MINUTES

5.1 ITEM 7.2: DRAFT WARD COMMITTEE: ALLOCATION POLICY (3/4/4/B)

RESOLUTION

- (a) That the item be referred back pending further comments/inputs on the draft Ward Committee: Allocation Policy;
- (b) That, for the financial year 2024/2025, and taking into account the objectives of the Ward Committee Allocation Policy, a streamlined process is followed in consultation with the respective Ward Committees to identify projects under paragraph 6, e.g. to focus on a specific theme per town or region.

6. MONTHLY REPORT: OCTOBER 2023

6.1 MUNICIPAL MANAGER (7/1/2/2-7)

Ald T van Essen stated that the SDBIP generated from the new system is flawed, e.g. there are no timelines for the completion of projects, and an effective review role cannot be fulfilled with incomplete information.

The Municipal Manager mentioned that there was an interaction with the service provider and subscribers of the program to convey the needs of the Municipality based on the detailed information of the previous system. It has been undertaken to make the necessary amendments to the programs by the end of January 2024.

The Municipal Manager further mentioned that during the last MinMay meeting, it was proposed to use Swartland Municipality's updated SDBIP as an example in the Province to monitor projects, but there is no certainty whether the proposal will be accepted.

RESOLUTION

(proposal by Ald T van Essen, seconded by Cllr J M de Beer)

That notice be taken of the content of the monthly report of the Office of the Municipal Manager with regard to October 2023.

6.2 DIRECTORATE: CORPORATE SERVICES (7/1/2/2-1)

The monthly report of the Directorate: Corporate Services is tabled and –

RESOLUTION

(proposal by Ald T van Essen, seconded by Cllr J M de Beer)

That notice be taken of the content of the monthly report of the Directorate: Corporate Services with regard to October 2023.

6.3 DIRECTORATE: FINANCIAL SERVICES (7/1/2/2-2)

The monthly report of the Directorate: Financial Services is tabled, and the Senior Manager: Budget Office referred to the progress with capital spending up to 13.7% and an amount of R49 million already committed to capital projects by November 2023.

The Municipal Manager will ensure that the correct reporting of capital expenditure is contained in the new SDBIP report.

RESOLUTION

(proposal by Ald T van Essen, seconded by Cllr J M de Beer)

That notice be taken of the content of the monthly report of the Directorate: Financial Services with regard to October 2023.

6.4 DIRECTORATE: CIVIL ENGINEERING SERVICES (7/1/2/2-4)

The Director: Civil Engineering Services mentioned that there is regular contact with the Department of Water Resources regarding the cleaning of the channels that feed water to the Voëlvlei Dam. The department concerned undertook to clean the canals as a short-term project (including deforestation) and, as a long-term project, the

restoration/upgrading of the canals to ensure the lifespan of the infrastructure.

The following aspects are pointed out by Ald T van Essen, namely –

- (1) the rise in water consumption, particularly in Malmesbury;
- (2) the increased number of sewage pumpings in Yzerfontein, considering that the festive season is approaching;
- (3) the trailer used to transport the front-end loader to where public open spaces are to be cleared has been declared unfit for use by the traffic department on three occasions, and this was after repairing the trailer. The towns become dirty because the equipment cannot be used, resulting from the unavailability of the front-end loader;
- (4) the problems encountered with rag-pickers at the Highlands Landfill, including the removal of material worth R6 000/day;
- (5) The Department: Development Management is complimented on the closure of the two scrap yards in Malmesbury, which, among other things, serve as outlets for rag-pickers.

The Municipal Manager mentioned that the process to address problems with rag-pickers is threefold, namely –

- (1) tenders were invited for the repair of the fence around Highlands Landfill;
- (2) once the fence has been repaired, to have regular patrols by law enforcement officers to prevent the presence of rag-pickers at Highlands Landfill;
- (3) finally, to follow up the patrols with the security officer with the dog to ensure regular security services.

RESOLUTION

(proposal by Ald T van Essen, seconded by Cllr J M de Beer)

That notice be taken of the content of the monthly report of the Directorate: Civil Engineering Services with regard to October 2023.

6.5 DIRECTORATE: ELECTRICAL ENGINEERING SERVICES (7/1/2/2-6)

The Director: Electrical Engineering Services stated that Eskom has started with the TID rollover in Eskom areas (± 500 meters in the Swartland municipal area) and that many problems are being encountered – to such an extent that the communities want to revolt.

The customer dissatisfaction was communicated to Eskom to prevent possible protests, and Eskom undertook to send x10 contractors to the Swartland municipal area to support customers with the TID rollover process.

RESOLUTION

(proposal by Cllr D G Bess, seconded by Cllr J M de Beer)

That notice be taken of the content of the monthly report of the Directorate: Electrical Engineering Services with regard to October 2023.

6.6 DIRECTORATE: DEVELOPMENT SERVICES (7/1/2/2-5)

The monthly report of the Directorate: Development Services is presented, and the Senior Manager: Development Management presents some aspects of it, among others –

- (1) the R500 000 RSEP funding received from the Province for the establishment of x4 dedicated shipping containers for economic development;
- (2) start of housing projects in Malmesbury and Darling with the contractor to be on-site in early January;
- (3) finalisation of the additional valuation roll by the end of November 2023;
- (4) the publication of the general valuation roll and objection period is until 18 December, but due to the short notice, objections received after 18 December will also be considered.

A discussion followed regarding the general valuations, and the Municipal Manager mentioned that the Valuators appointed by tender inspired confidence during preliminary conversations with a group of residents of Yzerfontein. The methodology used to determine the overall valuations is reliable, and all questions could be answered with authority.

RESOLUTION

(on the proposal of Ald T van Essen, seconded by Cllr J M de Beer)

That notice be taken of the content of the monthly report of the Directorate: Development Services with regard to October 2023.

6.7 DIRECTORATE: PROTECTIVE SERVICES (7/1/2/2-3)

6.7.1 PERFORMANCE MANAGEMENT REPORT

6.7.2 TRAFFIC AND LAW ENFORCEMENT SERVICES

6.7.3 FIRE SERVICES

The monthly reports of the Directorate: Protective Services are tabled, and the Director: Protective Services mentioned that a further grant of R500 000 has been received from the Province for the installation of smoke detectors in informal residential areas and that the grant will be included in the January cleaning budget.

RESOLUTION

(proposal by Ald T van Essen, seconded by Cllr J M de Beer)

That notice be taken of the content of the monthly report of the Directorate: Protective Services with regard to October 2023.

7. NEW MATTERS

7.1 AMENDMENTS TO THE 2023/2024 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) (2/4/2)

The Special Refining Operations Budget, as approved by the Council in October 2023, requires amendments to the 2023/2024 Service Delivery and Budget Implementation Plan.

RESOLUTION

(proposal by Cllr D G Bess, seconded by Cllr A K Warnick)

That the amended Service Delivery and Budget Implementation Plan (SDBIP) for the 2023/2024 financial year be approved in terms of Section 54(1)(c) of the Municipal Finance Management Act (Act 56 of 2003).

7.2 EARLY REPAYMENT OF LOAN (5/14/3/5)

The Council intends to raise new loans to execute capital projects in the medium term. Interest rates are currently more favourable than with the previous loan from the Development Bank of Southern Africa (DBSA), where the prime interest rate was $\pm 14\%$ compared to the current prime interest rate of 11.25%, with the possibility that interest rates may continue declining.

RESOLUTION

(proposal by Cllr N Smit, seconded by Cllr A K Warnick)

- (a) That approval is granted for the early redemption of the DBSA loan of R42 905 441,21 and indeed for the following reasons:
- (i) When taking out the loan, the interest rate was not favorable;
 - (ii) Improvement of Swartland Municipality's loan capacity on the eve of taking out loans for capital projects at a more favorable interest rate.

7.3 REVIEW OF THE ENTERPRISE RISK MANAGEMENT POLICY (5/15/1/6)

The policy aims to establish a process to identify risks that pose a threat to sustainable service delivery and the achievement of the Municipality's objectives. The process further involves mitigating the identified risks to optimise the management of the Municipality.

The revised Enterprise Risk Management Policy has been circulated with the agenda for consideration and approval.

RESOLUTION

(proposal by Cllr J M de Beer, seconded by Cllr A K Warnick)

- (a) That the current Enterprise Risk Management Policy be approved as it will deliver a range of benefits to the municipality such as the following:
 - (i) More efficient, reliable and cost effective delivery of services;
 - (ii) More reliable decisions;
 - (iii) Fewer surprises and crises by placing management in a position to effectively deal with potential new and emerging risks that may create uncertainty; and
 - (iv) Better outputs and outcomes through improved project and programme management.
- (b) That the acceptance of the Risk Appetite Level at 15 - Impact x Likelihood = 15 (5x3) & (3x5);
- (c) That the Risk Tolerance Levels of 16 (4x4) and above are not acceptable and should be managed.

7.4 DRAFT COMBINED SECURITY POLICY (5/15/1/1)

This framework aims to set a minimum guideline for the Municipality to enable the implementation of a combined safety model to support the Performance and Risk Audit Committee's work in this regard.

RESOLUTION

(proposal by Cllr A K Warnick, seconded by Cllr D G Bess)

That the Combined Assurance Policy be approved with immediate effect.

7.5 REVIEW OF THE FRAUD PREVENTION AND ANTI-CORRUPTION STRATEGY (5/15/1/6)

Swartland Municipality is committed by the organisation's ethical values to do business honestly and transparently, forming the basis of the Fraud Prevention and Anti-Corruption Strategy.

The strategy addresses the detection, prevention and combatting of fraud and corruption in order to counter them.

RESOLUTION

(proposal by Cllr J M de Beer, seconded by Cllr A K Warnick)

That the amended Anti-Fraud and Corruption strategy be approved with immediate effect.

7.6 MINUTES OF THE MUNICIPAL PERFORMANCE, RISK AND AUDIT COMMITTEE MEETINGS HELD ON 22 AUGUST 2023 AND 29 AUGUST 2023 (5/15/1/3)

The Audit Committee serves as a fully independent committee of the Council. It performs its function under the provisions of section 166 of the Local Government: Municipal Financial Management Act, No. 56 of 2003.

The minutes of the Municipal Performance, Risk and Audit Committee meeting held on 22 August and 29 August 2023, respectively, were circulated with the agenda and do not contain any recommendations to the Executive Mayor Committee for consideration.

RESOLUTION that cognizance be taken of the minutes of the meeting of the Municipality's Performance, Risk and Audit Committee of 22 August 2023 and 29 August 2023.

7.7/...

7.7 RECOMMENDATION FOR THE APPROVAL OF THE ORGANIZATIONAL STRUCTURE, TAKING INTO ACCOUNT CHANGES TO FINANCE, PROTECTIVE SERVICES AND THE OFFICE OF THE MUNICIPAL MANAGER (4/1/1/2/1)

Section 66 of the Municipal Systems Amendment Act, 2011, provides that the organizational structure is to be approved by the Municipal Manager.

The proposed changes to the structure of the Office of the Municipal Administrator, the Directorate: Financial Services and the Directorate: Protection Services, as detailed in the report, were presented to the unions.

RESOLUTION

(proposal by Cllr A K Warnick, seconded by Cllr N Smit)

- (a) That the Executive Mayoral Committee takes note that the amendments were recommended at the meeting of the Local Labour Forum held on 23 November 2023;
- (b) That the Executive Mayoral Committee recommends the amendments to the organisational structure for approval by Council for implementation with effect from 1 November 2023 and 1 April 2024 respectively.

7.8 TENDER L01/23/24: SALE OF UNREGISTERED ERF 12857, MALMESBURY (8/2/2/4)

The Municipal Council approved in principle in terms of section 14 of the Municipal Financial Management Act, 2003 and the Bylaw and Policy regarding the Transfer of Municipal Assets "that unregistered Erf 12875, Malmesbury (1001 m² in size) is offered for disposal through a public competitive process (which may include a two-stage bidding process) for disposal to institutions with proven experience in Early Childhood Development".

A subsidised reserve price of R16 000 (excluding VAT) has been fixed by the Council.

The proposed disposal was advertised in the media, and no comments and/or objections were received regarding the proposed sale of Erf 12857.

Tenders were invited through a two-stage bidding process for Coupon 1 to contain the Development/Business Proposal for the property and Coupon 2 to contain the monetary offer. The tender evaluation was considered at a Bid Evaluation Committee meeting on 29 November 2023.

RESOLUTION

(proposal by Ald T van Essen, seconded by Cllr J M de Beer)

- (a) That cognizance be taken of the processes followed for Tender L01/23/24 (Sale of Unregistered Erf 12875 Malmesbury) to be awarded to the Maranatha Trust at the amount of R90 000.00 excluding VAT;
- (b) That the transfer of the asset (subject property) to the Maranatha Trust be approved, and the Agreement of Sale be signed by the Director: Corporate Services.

7.9 FIRST AMENDMENT OF THE 2023/2024 DETAILED PROJECT IMPLEMENTATION PLAN (5/9/2/6/1)

The Director: Civil Engineering Services confirms that the Department of Collaborative Government and Traditional Affairs has cut the national MIG grant, which implies a reduction of R1 653 000 for Swartland Municipality. Consequently, the project implementation plan should be amended accordingly.

RESOLUTION

(proposal by Ald T van Essen, seconded by Cllr A K Warnick)

- (a) That the Executive Mayoral Committee notes that the 2023/2024 MIG allocation for Swartland Municipality has been decreased from R 24 708 000

with R 1 653 000 to R 23 055 000.

- (b) That the Executive Mayoral Committee notes that in order to achieve successful project implementation, a re-allocation of funds between MIG projects is required and that the 2023/2024 DPIP must be amended accordingly;
- (c) That the Executive Mayoral Committee approves the following projects and budgets for the first amended of the DPIP for the 2023/2024 financial year:

Nr	Project	MIG Ref.	Budget
1	Construction of Roads: Chatsworth	WC1862/R.ST/22/25	R 6 877 847
2	Construction of Roads Phase 2: Kalbaskraal	WC/1913/R.ST/22/25	R 2 500 000
3	Construction of Roads Phase 2: Abbotsdale	WC/1912/R.ST/22/25	R 1 900 000
4	Construction of Roads Phase 2: Chatsworth	WC1765/R.ST/19/23	R 2 900 659
5	Upgrade of Sportsfield: Illinge Lethu	WC/1914/R.ST/23/25	R 8 876 494
		TOTAL	R 23 055 000

- (d) That the amended DPIP be submitted to the Department of Cooperative Governance and Traditional Affairs.

7.10 OUTSTANDING DEBTORS: NOVEMBER 2023 (5/7/1/1)

A full report on the balance of outstanding debtors was circulated with the agenda.

RESOLUTION that cognizance be taken of the report with reference to the state of the outstanding debtors of Swartland Municipality for November 2023.

7.11 PROGRESS WITH OUTSTANDING INSURANCE CLAIMS (5/14/3/5)

According to the Asset Management Policy, monthly reporting regarding outstanding insurance claims is required.

RESOLUTION that cognizance be taken of the state of outstanding insurance claims up to and including 30 November 2023 as circulated with the agenda.

7.12 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: REPAIR OF CASE 580T DIGGER/LOADER, CK 43210 (8/1/B/2)

The machine became unusable on 21 November 2023 during earth moving to gain access to the 11 kV line between the Eskom substation and the municipal substation in Moorreesburg.

The machine was loaded by Hennie van Zyl Magnies BK in Moorreesburg to assess the damage.

RESOLUTION

- (a) That the Executive Mayoral Committees take note of the deviation from the prescribed procurement procedures in terms of clause 36(2) of the Supply Chain Management Policy;
- (b) That further notice be taken of the action of the Municipal Manager to to approve the repair of the Digger Loader CK 43210 by Hennie van Zyl Meganies BK for the value of R71 047 (Excl VAT).;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
- (i) The digger loader broke down while being used to move soil to create access to the 11 kV network in Moorreesburg.

- (ii) The Supplier had to recover the vehicle from the site and inspect it to determine the problem and extend of the damage to provide a quote
 - (iii) It was impractical and not reasonable to follow the normal procurement process in this instance.
- (d) That there are sufficient funds available and that the expenditure amounting to R71 047,00 (excluding VAT) is settled against post number 9/7-25-5;
 - (e) That the Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements, when same are compiled.

7.13 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: REPAIR OF GARBAGE TRUCK, CK 44823 (8/1/B/2)

The garbage truck, CK 44823, is used in Yzerfontein for the service in question. The truck had problems compacting the garbage, and Transtech, the agent of Heil 5000 compactors, was approached to do an assessment.

RESOLUTION

- (a) That the Executive Mayoral Committees take note of the deviation from the prescribed procurement procedures in terms of clause 36(2) of the Supply Chain Management Policy;
- (b) That further notice be taken of the action of the Municipal Manager to approve repairs to the waste removal truck CK 44823 for the amount of R153,810.93 (excluding VAT) by Transtech;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The truck would be left out of service for an extended period of time;
 - (ii) This will result in a failure in the waste removal services capacity and public healthrisks;
 - (iii) The repair works to the truck therefore is handled as an emergency.
- (d) That the expenditure was allocated to mSCOA vote 9/4-60-5 and that there was sufficient funding available for the order in the amount of R153 810.93 excluding VAT;
- (e) That the Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements, when same are compiled.

**(SIGNED) J H CLEOPHAS
EXECUTIVE MAYOR**