



MINUTES OF A MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE BANQUETING HALL, MALMESBURY ON WEDNESDAY, 14 DECEMBER 2022 AT 10:00

PRESENT:

Executive Mayor, ald J H Cleophas (chairman)
Deputy Executive Mayor, clr J M de Beer

Members of the Mayor's Committee:

Clr D G Bess
Clr N Smit
Ald T van Essen
Clr A K Warnick

Other councillors:

The Speaker, ald M A Rangasamy

Officials:

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

1. OPENING

The Executive Mayor welcomed members and requested clr D G Bess to open the meeting with a prayer.

2. APOLOGIES

That **NOTE IS TAKEN** of apology received from the Director: Financial Services.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

3.1 SERVICE EXCELLENCE AWARDS

The Municipal Manager stated that the Municipality was invited, during October 2022, to enter the *Service Excellence Awards* which consists of two categories, namely (1) best municipal project and (2) best local authority.

Five projects were entered, of which three projects reached the final round, namely (1) *Red Tape Reduction* in respect of building plan applications, (2) Early Childhood Development Project and (3) Highlands Dump Site.

The Municipal Manager also confirmed that Swartland Municipality is through to the final round for the award as best local authority.

FOR NOTING

3.2 MESSAGE FROM THE EXECUTIVE MAYOR

The chairman stated that the Office of the Executive Mayor will be closed up to and including the 16 January 2023, but that the members of the Executive Mayor's Committee would be available telephonically.

The chairman wished everyone a happy and safe festive season.

FOR NOTING

4. MINUTES

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 16 NOVEMBER 2022

RESOLUTION

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

That the minutes of an Ordinary Executive Mayor's Committee Meeting held on 16 November 2022 are approved and signed by the Mayor, subject to the addition of the Director: Protection Services under item 3.

5. MATTERS ARISING FROM THE MINUTES

None.

6. MONTHLY REPORTS OCTOBER 2022

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

The Municipal Manager requested that only the figures in respect of the month of October must be taken into account, because the information in respect of November was completed early.

RESOLUTION

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

That note is taken of the contents of the monthly report from the Municipal Manager in respect of October 2022.

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

RESOLUTION

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

That note is taken of the contents of the monthly report from the Directorate: Corporate Services in respect of October 2022.

6.3 FINANCIAL SERVICES (7/1/2/2-4)

RESOLUTION

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

That note is taken of the contents of the monthly report from the Directorate: Financial Services in respect of October 2022.

6.4 CIVIL ENGINEERING SERVICES (7/1/2/2-6)

The Director: Civil Engineering Services stated that, during a meeting held on 8 November 2022 with all the users of the Western Cape Water Services System, it was decided not to introduce water restrictions.

The City Of Cape Town may enforce their regulation in respect of the irrigation of gardens and washing of cars.

6.4/...

That, if the Swartland Municipality also considers the afore mentioned, the Director: Civil Engineering Services will present a report accordingly during January 2023.

Regular communications will be issued to the public in respect of the saving of water usage, because load shedding also has a huge influence on the level of reservoirs in the municipal area.

RESOLUTION

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

That note is taken of the monthly report in respect of October 2022 from the Directorate: Civil Engineering Services.

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

The Director: Electrical Engineering Services dealt with the regulation in respect of capital projects. In answer to a question in respect of the vandalism and theft at the Wesbank Sports Grounds, the Director: Electrical Engineering Services stated that the repairs once again amount to thousands of rands and that on 23 November 2022 equipment was again damaged after a control box was broken out.

The Director: Protection Services stated that 2x guards and 2x security dogs have been appointed by means of a tender to safeguard the Wesbank Sports Grounds, for which the expenditure will be supplied to the chairman.

RESOLUTION

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

That note is taken of the contents of the monthly report from the Directorate: Electrical Engineering Services in respect of October 2022.

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

The Director: Development Services confirmed that a total of 268 houses in the De Hoop Housing Project have been handed over (Including to 13 persons in wheelchairs). An effort will be made during the week of 19 December to hand over more houses in an effort not to let houses stand empty during the Festive Season in order to limit vandalism.

RESOLUTION

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

That note is taken of the contents of the monthly report from the Directorate: Development Services in respect of October 2022.

6.7 PROTECTION SERVICES (7/1/2/2-3)**6.7.1 TRAFFIC AND LAW ENFORCEMENT SERVICES****6.7.2 FIRE FIGHTING SERVICES****RESOLUTION**

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

That note is taken of the contents of the monthly report from the Directorate: Protection Services in respect of October 2022.

7. NEW MATTERS**7.1 MINUTES OF THE MEETINGS OF THE MUNICIPAL PERFORMANCE AND RISK AUDIT COMMITTEE HELD ON 23 AND 29 AUGUST 2022 RESPECTIVELY, AS WELL AS THE ANNUAL REPORT FOR THE PERIOD 1 JULY 2021 TO 30 JUNE 2022 (5/15/1/3)**

The Audit Committee/...

7.1/...

The Audit Committee serves as a completely independent committee from the Council and fulfils its function in accordance with the stipulations of section 166 of the Local Government: Municipal Financial Management Act, Act 56 of 2003.

The minutes of the Municipal Performance and Risk Audit Committee held on 23 and 29 August respectively were circulated with the agenda and do not contain any recommendations to the Executive Mayor's Committee for consideration.

The report also contains the annual report from the committee for the period 1 July 2021 to 30 June 2022.

RESOLUTION

That cognizance be taken of the minutes of the meetings of the Municipality's Performance and Risk Audit Committee of 23 and 29 August 2022 as well as the Audit Committee's annual report for the period 1 July 2021 to 30 June 2022.

7.2 REVISION OF THE UNDERTAKING RISK MANAGEMENT POLICY (5/15/1/6)

The policy aims to establish a process in which risks can be identified which are a threat to sustainable service delivery and the Municipality's goals. The process also contains the mitigation of identified risks for the optimization of the management of the Municipality.

The revised Undertaking Risk Management Policy was circulated with the agenda for consideration and approval.

RESOLUTION

(proposed by clr N Smit, seconded by clr 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:
 - more efficient, reliable and cost effective delivery of services;
 - more reliable decisions;
 - fewer surprises and crises by placing management in a position to effectively deal with potential new and emerging risks that may create uncertainty; and
 - 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.

7.3 REVISION OF FRAUD PREVENTION AND ANTI CORRUPTION STRATEGY (5/15/1/6)

Swartland Municipality is bound by the organization's ethical values in order to do business in an honest and transparent manner and this forms the basis of the Fraud Prevention and Anti Corruption Strategy.0

The strategy addresses the tracking down, prevention and combating of fraud and corruption with a view to working against it.

RESOLUTION

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

That the Anti-Fraud and Corruption strategy be approved.

7.4/...

7.4 ACCEPTANCE OF THE NEW PREFERENTIAL PROCUREMENT POLICY AND AMENDMENTS TO THE SUPPLY CHAIN MANAGEMENT POLICY (8/1/B/2)

During May 2022 the Council was notified in respect of the invalidity of the preferential procurement regulations as a result of the court case, *Minister of Finance v Afribusines NPC [2022] ZACC 4*.

The Council's Preferential Procurement Policy was therefore withdrawn and preferential procurement was applied in agreement with the National Treasurer's exemption up until the promulgation of new regulations.

The new Preferential Procurement Regulations were promulgated in the Government Notice No 2721 in Government Gazette No 47452 dated 4 November 2022. The new Preferential Procurement Regulations take effect on 16 January 2023.

The new regulations necessitate the acceptance of a new Preferential Procurement Policy and amendments to the Council's Supply Chain Management Policy.

RESOLUTION

(proposed by clr A K Warnick, seconded by ald T van Essen)0

- (a) That the proposed Preferential Procurement Policy, as presented in Appendix B, be approved and adopted by Council to take effect on 16 January 2023;

Locality of supplier	Numer of Points for Locality (80/20)	Number of Points for Locality (90/10)
Within the boundaries of the Western Cape	4	2
Within the boundaries of the Swartland Municipality	6	3

- (b) That the proposed amendments to Council's Supply Chain Management Policy, as presented in Appendix C, be approved, effective 16 January 2023;
- (c) That the advisory as received from the Provincial Treasury in the above regard, be noted;
- (d) That a workshop be organized with directors, officials and members of the Executive Mayor's Committee to explain the content of the new policies.

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

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

The main purpose of the plan is the transformation of procedures in respect of removal and disposal of solid waste and the establishment of sustainable practises taking into account the environment.

RESOLUTION

(proposed by ald T van Essen, seconded by clr J M de Beer)

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

7.6 PROPOSED STREET NAMES FOR DE HOOP DEVELOPMENT (16/5/6/1)

Service delivery by various sectors is hampered by the fact that the De Hoop development does not have street names yet. The housing committee was approached to put forward suggestions for street names.

The street names suggested by the De Hoop housing committee, have been assessed according to the Council's policy, and with the exception of one name, rejected. The

7.6/...

report contains therefore further street name proposals for consideration.

RESOLUTION

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

That Council approves the street names as proposed for registration at the Office of the Surveyor General:

- (1) Berghaanstreet
- (2) Korhaanstreet
- (3) Jakkalsvoëlstreet
- (4) Tarentaalstreet
- (5) Loeriestreet
- (6) Volstruisstreet
- (7) Ibisstreet
- (8) Tobiastreet
- (9) Reierstreet
- (10) Patrysstreet
- (11) Fisantstreet
- (12) Kwartelstreet
- (13) Pelikaanstreet
- (14) Sterretjiestreet

7.7 LEASE OF COUNCIL PROPERTY IN MOORREESBURG (12/1/3/1-9/1)

The Council has leased the outbuilding on erf 3432, Moorreesburg to ms C Alberts since 1 December 2014. Ms C Alberts has sold the property to ms J Eden and the latter is also eager to lease the storeroom from the Council.

The Municipal Manager stated that it will make sense to alienate the leased property out-of-hand in the future because the owners will still only have access to their property through the leased property.

RESOLUTION

(proposed by ald T van Essen, seconded by clr A K Warnick)

- (a) That the aforementioned lease property be leased to ms J Eden for a term of 12 months as from 1 December 2022 for storeroom purposes;
- (b) That the lease tariff be increased to R320.00, plus VAT, per month;
- (c) That the existing conditions of lease remain unchanged.

7.8 OUTSTANDING DEBTORS: OCTOBER 2022 (5/7/1/1)

A complete list of outstanding debtors was circulated with the agenda and for the month of November 2022 amounts to R 37 064945.86 –a decrease of R 7 109949.85.

RESOLUTION

That cognizance be taken of the report with reference to the state of the outstanding debtors of Swartland Municipality for November 2022.

7.9 PROGRESS IN RESPECT OF OUTSTANDING INSURANCE CLAIMS (5/14/3/5)

In accordance with the Asset Management Policy a report in respect of outstanding insurance claims must be submitted monthly.

RESOLUTION

That cognizance be taken of the state of outstanding insurance claims up to and including 31 November 2022 as circulated with the business list.

7.10 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: MUNICIPAL FINANCIAL SUSTAINABLE INDEX (8/1/B/2)

The Municipal Financial Sustainable Index (MFSI™) serves as a gauge for local authorities in order to measure financial sustainability and to improve thereon. Ratings Africa is the only supplier and submitted a complete report in respect of the financial sustainability of the Municipality.

RESOLUTION

(proposed by ald T van Essen, seconded by clr A K Warnick)

- (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 Channel Management Policy;
- (b) That further notice be taken of the action of the Municipal Manager to approve the Municipal Financial Sustainability Index (MFSI) service for the amount of R 40 000 excluding VAT;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) Whilst there are many other rating agencies, Ratings Afrika is the only provider of this kind of sustainable financial analysis on municipalities allowing for extensive benchmarking and use of same by the CFO as a management information tool when preparing budgets. The Municipal Financial Sustainability Index (MFSI™) is a unique tool built around municipal financial sustainability. It is impractical to test the market;
- (d) That it be noted that the expenditure will be allocated to vote 9/209-496-888 and that there is sufficient funding available for the quoted amount of R 40 000 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 compiled.

7.11 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: REPAIR OF “AIR SCOUR BLOWER”, MALMESBURY WWTW (8/1/B/2)

The “air scour blower” is an important component in the membrane system of the Malmesbury Sewerage Purification Works in order to ensure that the purification process delivers the desirable outflow of sewerage water. It is necessary that the mechanical components are serviced and repaired on a regular basis

RESOLUTION

(proposed by ald T van Essen seconded by clr A K Warnick)

- (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 Channel Management Policy;
- (b) That further notice be taken of the action of the Municipal Manager to approve that the service and repairs of an Aerzen blower unit at the Malmesbury waste water treatment works be performed by the original manufacturer support in South Africa, Aerzen Airgas (Pty)Ltd; amounting to R76 756.88 (excluding VAT);
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) Aerzen Airgas (Pty)Ltd is the original manufacturer support in South Africa for the German manufactured Aerzen blower units; and
 - (ii) The service is only available from the single service provider;
- (d) That cognisance be taken that the expenditure was allocated to mSCOA Code: 9/239-57-1041 and that there is sufficient funding available for the quoted amount of R76,756.88 (excluding VAT);

7.11/...

- (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.

7.12 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: REPAIRS TO IRRIGATION PUMP, MALMESBURY WWTW (8/1/B/2)

The purified waste water from the Malmesbury Sewerage Purification Works is used by various sports grounds and the Malmesbury Golf Course for irrigation purposes.

The irrigation pumps have failed and Tricom Africa have been approached to undertake the repair work.

RESOLUTION

(proposed by ald T van Essen, seconded by clr A K Warnick)

- (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 Channel Management Policy;
- (b) That further notice be taken of the action of the Municipal Manager to approve the repairs to the irrigation pump at the Malmesbury WWTW by Tricom Africa, amounting to R70 945.28 (excluding VAT);
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The irrigation pump would have been left out of service for an extended period of time following due process;
 - (ii) This would have resulted damages to playing fields and golf course greens without operational irrigation systems;
 - (iii) The repair work to the pump was therefore handled as an emergency;
- (d) That it be noted that the expenditure was allocated mSCOA Code: 9/249-849-259 and that there is sufficient funding available for the quoted amount of R 70,945.28 (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.

7.13 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: REPAIRS TO THE DRUM SCREEN AT THE MALMESBURY WWTW INTAKE WORKS (8/1/B/2)

The intake works at the Malmesbury Sewerage Purification Works is equipped with two drum screens. The drum screens are part of the primary handling process where foreign objects such as rags, motor engines, stones etc are removed in order to protect the mechanical equipment further on in the handling process.

RESOLUTION

(proposed by ald T van Essen, seconded by clr A K Warnick)

- (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 Channel Management Policy;
- (b) That further notice be taken of the action of the Municipal Manager to approve repairs to the drum screen at the inlet works of the Malmesbury Wastewater Treatment Works, by approving G W Trautmann in the amount of R59 436.04 (excluding VAT);
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The drum screen would have been left out of service for an extended period of time following due process;
 - (ii) This would have resulted in inevitable damages to downstream mechanical equipment; and

- (iii) The repair work to the drum screen therefore had to be handled as an emergency;
- (d) That it be noted that the expenditure was allocated to mSCOA Code: 9/239-851-689 and that there is sufficient funding available for the quoted amount of R 59,436.04 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.

7.14 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: REPAIRS TO THE IMMERSION PUMPS AT THE SEWERAGE PUMPING STATION IN ABBOTSDALE (8/1/B/2)

The Abbotsdale sewerage pump station collects and transports raw sewerage from Abbotsdale to the Malmesbury Sewerage Purification Works and is equipped with two pumping systems. Both pumps have had mechanical faults at the same time as a result of foreign matter in the system and gave rise to an overflow of raw sewerage.

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 Channel Management Policy;
- (b) That further notice be taken of the action of the Municipal Manager to approve the repairs the submersible pumps at the sewer pump station in Abbotsdale by CAW for an amount of R42 571.25 (excluding VAT);
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The submersible pumps would have been left out of service for an extended period of time following due process;
 - (ii) This would have resulted in flooding of raw sewerage in the environment and failure of the sewerage collection system;
 - (iii) The repair work to the pumps had therefore to be handled as an emergency;
- (d) That cognisance be taken that the expenditure was allocated to mSCOA Code: 9/240-849-381 and that there is sufficient funding available for the quoted amount of R 42,571.25 (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.

7.15 ABBOTSDALE: BOTTERKLOOF (ERF 167) HOUSING PROJECT: SUSPENSION OF DEVELOPMENT CONTRIBUTIONS (15/3/3-1)

Botterkloof Farming (Pty) Ltd suspended the payment of development contributions during January 2019 because the development of 25 flats formed part of the subsidised housing project.

The suspension only included the development contributions levied by Swartland Municipality, and not the development contributions for district water, which at the time was levied by the West Coast District Municipality.

The owner/developer has applied for the suspension of R136 131.25 as development contributions to district water since 2019 levied by Swartland Municipality.

RESOLUTION

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

- (a) That the owner/developer be released from paying the development contribution in respect of the supply of regional water amounting to R136 131.25, as the project forms part of a subsidized housing project;
- (b) That applicable conditions, if any, regarding transfer of ownership to the beneficiaries are considered at the administrative level.

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