



MINUTES OF A MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE BANQUETING HALL, MALMESBURY ON WEDNESDAY, 15 FEBRUARY 2023 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
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: Civil Engineering Services, mr L D Zikmann
Director: Development Services, ms J S Krieger
Director: Corporate Services, ms M S Terblanche
Snr Manager: Budgeting Office, ms H Papier
Manager: Secretarial and Record Services, ms N Brand

1. OPENING

The Executive Mayor welcomed members and requested clr N Smit to open the meeting with a prayer.

2. APOLOGIES

That **NOTE IS TAKEN** of apologies received from ald T van Essen, the Director: Financial Services and the Director: Electrical Engineering Services.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

None.

4. MINUTES

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 18 JANUARY 2023

RESOLUTION

(proposed by clr J M de Beer, seconded by clr N Smit)

That the minutes of an Ordinary Meeting of the Executive Mayor's Committee Meeting held on 18 January 2023 are approved and signed by the Mayor.

5. CONSIDERATION OF RECOMMENDATIONS IN THE MINUTES

5.1 MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 8 FEBRUARY 2023

5.1.1 MUNICIPAL MANAGER, ADMINISTRATION AND FINANCES

RESOLUTION

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

That the Executive Mayor ratifies the recommendations in the relevant minutes.

5.1.2 CIVIL AND ELECTRICAL SERVICES

RESOLUTION

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

That the Executive Mayor ratifies the recommendations in the relevant minutes.

5.1.3 DEVELOPMENT SERVICES

RESOLUTION

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

That the Executive Mayor ratifies the recommendations in the relevant minutes.

5.1.4 PROTECTION SERVICES

RESOLUTION

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

That the Executive Mayor ratifies the recommendations in the relevant minutes.

6. MATTERS ARISING FROM THE MINUTES

6.1 MINUTES OF AN EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 18 JANUARY 2023

6.1.1 ITEM 7.4: LEASE OF ACCOMMODATION FOR THE FIRE FIGHTING SERVICES IN DARLING (12/1/2-3)

The Director: Protection Services stated that, with the allocation of the tender to JF & KJ Kirsten Trust for the lease of accommodation for the Fire Fighting Services in Darling, it came to light that the property is not correctly zoned.

The decision can therefore not be taken until such time as the correct land usage and approved building plans are in place.

RESOLUTION

- (a) That note is taken that -
 - (i) the decision made by the Executive Mayor's Committee on 18 January 2023 cannot be carried out given the fact that the property does not have the necessary land usage rights;
 - (ii) The intension is still to use the accommodation, potentially as of 1 July 2023 (for a period of three years as per the tender) or as and when the relevant rights are in place;
 - (iii) the owner has undertaken to obtain the relevant rights, and in the interim to create the covered facility for the fire fighting vehicle (as stipulated in the tender conditions);
- (b) That a report in respect of amending the decision will be submitted to the committee.

7. NEW MATTERS

7.1 AMENDMENTS TO THE KPI'S AND GOALS FOR 2022/2023 (2/4/2)

The KPI's and goals were submitted to the Executive Mayor's Committee on 18 January 2023 and the following amendment was proposed -

RESOLUTION

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

- (a) That the target of KPI 14-0023 (1) be changed from 21 224 to 22 602;
- (b) That the target of KPI 14-0023 (2) be changed from 21 224 to 20 409;
- (c) That the target of KPI 09-0259 (2) be changed from Yes to 2 for the year.

7.2 AMENDMENTS TO THE 2022/2023 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) (2/4/2)

The Service Delivery and Budget Implementation Plan (SDBIP) for the 2022/2023 financial year was approved by the Executive Mayor's Committee on 15 June 2022.

The amendment to the SDBIP is preceded by the submission of the half-yearly budget and performance evaluation in accordance with Section 72 of the MFMA and the resultant adjusted budget.

The approval of the 2022/2023 Adjusted Budget by the Council on 26 January 2023 therefore necessitated amendments to the SDBIP.

RESOLUTION

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

That the amended Service Delivery and Budget Implementation Plan (SDBIP) for the 2022/2023 financial year be approved in terms of Section 54(1)(c) of the Municipal Finance Management Act (Act 56 of 2003).

7.3 QUARTERLY REPORT IN RESPECT OF THE PERFORMANCE OF CONTRACTORS (8/1/B/2)

The report in respect of the quarterly performance evaluation of contractors, which was instituted in accordance with the Supply Chain Management Policy, is submitted in compliance with Section 116(2) of the MFMA and the core performance indicator of the Municipal Manager.

The Municipal Manager stated, with reference to errors in the reporting, that the Municipality is in the process of automating the contractor's management system and that the system will be completely developed by the end of February.

RESOLUTION

That note is taken of the quarterly report regarding the performance of contractors for the period 1 October 2022 to 31 December 2022.

7.4 LOCATION OF THE NEW WESBANK SWIMMING POOL (17/9/2/1/1)

On 26 May 2022 the Council approved the allocation of funds to the amount of R12,7 million in the 2022/2023 financial year for the construction of the Wesbank Swimming pool.

After further investigations the following three properties were proposed as possible premises for the swimming pool:

- (1) Wesbank Sports Grounds (Erf 2660);
- (2) Hisbuskus Park (Erf 8674)
- (3) Wesbank Indoor Sport Complex (Erf 9201)

7.4/...

The report circulated with the agenda contains the weighing up of the pros and cons of each of the above mentioned premises.

RESOLUTION

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

- (a) That the Executive Mayoral Committee notes the three proposed locations for the new Wesbank Swimming Pool;
- (b) That the Executive Mayoral Committee notes the proposed location at the Wesbank Sportsground (Erf 2660) has advantages over the other two proposed locations which result in savings of construction costs and future operational expenditure;
- (c) That the Executive Mayoral Committee approves the positioning of the new Wesbank Swimming Pool at the Wesbank Sportsground (Erf 2660).

7.5 LEASE OF CAMPS: COMMUNITY GROUND, DARLING (12/2/4-3/1)

The Council owns community ground in Darling, divided into camps 2 to 6, which can be used for agricultural purposes.

It is the intention to make these camps available for lease by means of an auction.

RESOLUTION

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

- (a) That Camps 2 to 6, by auction, are made available for rental;
- (b) That with reference to previous requests from wards 4 and 6, as well as from local small farmers, said camps will only be rented to persons who are permanently resident within the municipal area of Swartland Municipality;
- (c) That the Council's intention be advertised in the local press.

7.6 REVISION AND WRITE-OFF OF PORTIONS OF LAND IN THE ASSET REGISTER AS OF 30 JUNE 2023 (5/14/3/5)

Municipal Land forms the basis of the municipal asset register (all infrastructure can be linked to a specific portion of land) and an investigation has been on the go since 1 April 2020 in order to ensure the completeness of the asset register.

The total number of assets included in the asset register, exceeds 90 000 active components with a total reported book value of R2,184 million as of 30 June 2022.

During the investigation it was found that there was a duplication of portions of land noted in the asset register. Since then improvements in the quality control of the asset register have been implemented with liaison between the asset register, deeds register and SG data (on which the valuation role is based).

RESOLUTION

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

That council grants approval for the assets as per the attached list (R7 678 437.93) be written off and that same be removed from the asset register for purposes of completeness of the municipality's records as at 30 June 2023.

7.7 OUTSTANDING DEBTORS: JANUARY 2023 (5/7/1/1)

A complete list of outstanding debtors, as of end of January 2023, was circulated with the agenda.

The Senior Manager: Budget Office stated that the number of outstanding debtors from December 2022 has decreased by R3 705 800,26.

7.7/...

The Municipal Manager confirmed, with reference to the above mentioned decrease and an increase in the number of instances on the cut-off list of ± 500 , that a mandate is given to the Credit Management Division to take action against bad payers, with the exception of those who can produce the necessary notifications or for medical reasons, eg persons coupled to an oxygen machine.

The Municipal Manager requested councillors not to meddle in the processes of the Credit Division.

RESOLUTION

That cognizance be taken of the report with reference to the state of the outstanding debtors of Swartland Municipality for January 2023.

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

In accordance with the Asset Management Policy outstanding insurance claims must be reported monthly.

RESOLUTION

That cognizance be taken of the state of outstanding insurance claims up to and including 31 January 2023 as circulated with the agenda.

7.9 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCESS: REPAIR AND COMPLIANCE CERTIFICATE FOR TRUCK, CK 47512 (8/1/B/2)

All council vehicles on which cranes are mounted must be inspected on an annual basis in order to obtain a compliance certificate in accordance with the Occupational Safety and Security Act.

During the inspection of CK 47512 certain defects in the repair work were pointed out, before the compliance certificate would be issued.

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 the reason for the deviation from the normal purchase process is recorded as follows:
 - (i) All crane trucks needs to be tested on an annual basis and issued with a new Test Certificate in terms of the OHS Act (Act 85 of 1993) to ensure safe operation of the equipment;
 - (ii) The truck was send to the supplier of the cranes, 600 CT Manufacturing, for inspection/repair/testing and issueing of the compliance certificate of the vehicle to ensure continued service delivery in the Darling and Yzerfontein area;
 - (iii) It is not practical to follow the normal procurement process in this case;
- (c) That further notice be taken of the action of the Municipal Manager to approve the inspection, repair and issuing of a test certificate for the hydraulic crane of Vehicle CK47512;
- (d) That there are sufficient funds available and that the expenditure amounting to R50 947.50 (excluding VAT) is settled against post number 9/4-24-5;
- (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.

7.10 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCESS: URGENT REPAIR WORK TO TRUCK, CK 32363 (8/1/B/2)

A serious oil leak was noticed in the hydraulic tank of truck, CK 32363, which is used on a daily basis in Darling. The personnel stopped work immediately and tried to get the oil leak under control in order to prevent further damage, possible injuries and environmental contamination.

The nature and extent of the oil leak required urgent repair.

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 the reason for the deviation from the normal purchase process is recorded as follows:
 - (i) The hydrolic tank of the vehicle started to leak during emergency repairs of a transformer installation;
 - (ii) The truck was withdrawn from service immediately and an available service provider who had the necessary spares was requtesed to do the repairs after inspection of the vehicle;
 - (iii) Urgent repairs of the vehicle was necessary to ensure continued service delivery in the Darling and Yzerfontein area;
- (c) That further notice be taken of the action of the Municipal Manager to approve the inspection, repair and issuing of a test certificate for the hydrolic tank of Vehicle CK32363;
- (d) That there are sufficient funds available and that the expenditure amounting to R28 048.00 (excluding VAT) is settled against post number 9/1-14-5;
- (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.

7.11 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCESS: TRAFFIC/LAW ENFORCEMENT TRAINING: GENE LOUW TRAFFIC COLLEGE (DEPARTMENT OF TRANSPORT AND PUBLIC WORKS, WESTERN CAPE) (8/1/B/2)

Trafiic and Law Enforcement Officers must complete various training programmes in order to optimally execute their relevant functions. Gene Louw Traffic College is seen as the preferred authority to offer the most cost effective training, because all the modules of offered under one roof.

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 training by the Gene Louw Traffic College to Traffic and Law Enforcement Officers at the quoted rates;
- (c) That the reasons for the deviation from the prescribed procurement procedures be noted as follows:
 - (i) it would be impractical to appoint different service providers for the training/modules mentioned in paragraph 1, point 1.1 (a) to (k), in view thereof that, whilst other service providers are available, they are not capacitated to provide all the modules under one roof which would result

in additional costs to the employer, inclusive of traveling and more man-hours being lost;

- (d) That there are sufficient funds available and that the expenditure be allocated to vote number 9/213-1195-953;
- (e) That the Manager: Financial Statements and Control in terms of the Supply Chain Management policy is instructed to include the above-mentioned reason as a note in the financial statements, when the relevant statements are compiled.

7.12 ANNUAL GENERAL MEETING: LOCAL GOVERNMENT RETIREMENT FUND: APPOINTMENT OF REPRESENTATIVES (11/1/2/5)

The 39th Annual General Meeting of the Local Government Retirement Fund takes place on 26 May 2023.

RESOLUTION

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

- (a) That it be noted that Mr A Zaayman has been nominated to represent the members at the Annual General Meeting of the Local Authorities Retirement Fund on 26 May 2023,
- (b) That clr N Smit be nominated to represent the Council at the meeting;

FURTHER RESOLUTION

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

- (c) That ald T van Essen be nominated as secondi to represent the Council at the meeting in the absence of clr N Smit.

7.13 WRITE-OFF OF IRRECOVERABLE DEBT AND OTHER DEBTORS, JANUARY 2023

The socio-economic circumstances of destitute households, although they receive subsidised services, make it impossible for them to keep their monthly accounts up to date.

In the case of other outstanding debtors all possible attempts are made to collect the money.

RESOLUTION

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

- (a) That the Executive Mayoral Committee approves that the amount of R 4 782 627,83 be written off as irrecoverable, in respect of indigent households;
- (b) That the Executive Mayoral Committee approves that the amount of R 1 349 667.63 be written off as irrecoverable, in respect of other debtors linked to and as a direct result of the individual reasons per case;
- (c) That, if after the date of this approval, it comes to light that a portion of the debt owed by a debtor is not correct, or that any information was not made known to the Executive Mayoral Committee at the time of write-off, which would have led to the committee not considering the amount for write-off, the Executive Mayoral Committee retains the right to write back the debt to the relevant debtor and that the necessary steps will be taken to recover the debt;
- (d) That, if a property is in any way alienated, the Council retains the right to refuse clearance on the relevant property in order to recover the amounts written-off, before clearance is given. In order to enforce this decision a register is kept by the Rates and Taxes Division which enables the department to see if any debts were written-off within the previous two years, and if so to recover the amounts before clearance is considered;

- (e) That approval is also given that the current levies, which is not yet incorporated in the current list due to the period from the starting of the administrative process of compiling the write-off list and the period thereafter, form part of the write-off, providing that the Credit Control Division is convinced that the new debt is also irrecoverable under the same circumstances;
- (f) That approval is also given that the amounts owed to the Council, which to date, do not appear on the schedule as a result of the non-completion of socio-economic investigations at all indigent households, will also form part of the write-off, providing that the Credit Control Division is convinced that the new debt is also irrecoverable under the same circumstances;
- (g) That the actual amount for write-off be submitted to the Executive Mayoral Committee at the next meeting;
- (h) That any VAT levied on the services is claimed back from the Receiver of Revenue in the prescribed manner;
- (i) That the Credit Control Division attempt to pay a personal visit to each indigent household in order to explain the write-off and the future obligations of 'responsible users', as well as to explain the installation and workings of water demand management systems, as a proactive credit control measure;
- (j) That approval be given that the costs relating to the replacement of the credit meter with a prepaid electricity meter are for the municipality to bear and that the Chief Financial Officer will recover the costs from the Equitable Share allocation;
- (k) That the Mayoral Committee takes cognizance of the fact that the administration will attempt to put measures in place in a bid to force those users of services not on our financial system to agree and complete the necessary services connection form/s.

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