



MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD AT THE BANQUET HALL, MALMESBURY, ON WEDNESDAY, 15 NOVEMBER 2023 AT 15:20

PRESENT:

Executive Mayor, Cllr J H Cleophas (chairperson)
Deputy Executive Mayor, Cllr J M de Beer

Members of the Mayoral Committee:

Cllr D G Bess
Cllr T van Essen
Cllr N Smit

Officials:

The Municipal Manager, Mr J J Scholtz
Director: Financial Services, Mr M Bolton
Director: Development Services, Ms J S Krieger
Director: Corporate Services, Ms M S Terblanche
Director of Protective Services, Mr P A C Humphreys
Senior Manager: Department of Solid Waste and Commercial Services, Mr E de Jager
Senior Manager: Department of Electrical Planning and Design, Mr M J Swanepoel
Manager: Secretariat and Records, Mrs N Brand

1. OPENING

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

2. LEAVE OF ABSENCE

RESOLVED to take note of the apology received from Cllr A K Warnick.

3. SUBMISSIONS/DELEGATIONS/SPEAKING EVENTS.

None.

4. MINUTES

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 18 OCTOBER 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 18 October 2023 be approved and signed by the Mayor.

5. MATTERS ARISING FROM THE MINUTES

None.

6. MONTHLY REPORT: SEPTEMBER 2023

[Note: The performance and financial information about article 1 was included in the section 52 MFMA report, which was submitted to the Council on 26 October 2023; hence, the submission of only additional reports as applicable to the relevant directorates.]

6.1 CIVIL ENGINEERING SERVICES

The Senior Manager: Department of Solid Waste and Commercial Services addresses some aspects of the monthly report and confirms that the airspace at the Highlands Landfill is being managed efficiently and that the Directorate's water conservation objectives are being maintained, even though the dam levels are favourable.

RESOLUTION

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

6.2 ELECTRICAL ENGINEERING SERVICES

The Senior Manager: Department of Electrical Planning and Design mentions, upon inquiry by Cllr T van Essen, that an application has been made for an increase in maximum demand at Darling, Yzerfontein and Klipfontein.

RESOLUTION

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

6.3 DEVELOPMENT OF SERVICES

The Director: Development Services mentions that the goal will be achieved to elect all three housing committees by December 2023 for the new housing projects in Malmesbury, Darling and Moorreesburg.

Almost all the title deeds for the De Hoop project have been transferred, and three are still outstanding.

The Director: Development Services further mentions that on 8 December 2023, the courageous conversations will commence between GBV ambassadors and the communities to encourage discussions about GBV issues.

A further highlight is training 207 persons as part of the parent coaching program to restore household discipline.

RESOLUTION

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

6.4 PROTECTIVE SERVICES

6.4.1 TRAFFIC AND LAW ENFORCEMENT SERVICES

6.4.2 FIRE SERVICES

The Director: Protection Services mentions that the law enforcers launched a campaign before Guy Fawkes to visit all home stores to confiscate illegal fireworks. The campaign's success can be measured by very few fireworks being set off compared to previous years.

The Director: Protective Services mentions that many home stores sell products with expired expiration dates. A program will be set up to launch a special campaign to also confiscate these products.

The Executive Mayor calls on the Director: Protective Services to encourage the traffic and law enforcement officers to report any other municipal service delivery issues noticed during patrols.

The Municipal Manager mentioned that if Swartland Municipality wants to become a "smart city", there will have to be more use of technology, e.g. the Citizen Appl Lg. will be able to be used by traffic and law enforcement officers and all other personnel to report service delivery issues. However, the Municipal Manager mentions that a back office must first be established to implement the system efficiently.

The Executive Mayor requested that consideration be given to creating a loading zone parking in front of the financial offices in Hill Street, as officials often stop there to pick up and drop off persons/documents.

RESOLUTION

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

7. NEW MATTERS

7.1 BUDGET CONTROL COMMITTEE: 2023/2024 SPECIAL REFINING OPERATING BUDGET, TECHNICAL RECOMMENDATIONS (5/1/1/1, 5/1/1/2, 5/1/4_23/24)

The Director: Financial Services provides background on the funding to be included in the budget by way of a Special Refining Operational Budget, namely:

- R500 000 as emergency expenditure for the fire disaster in Malmesbury on 8 October 2023, where 54 adults and 29 children were left homeless;
- R680 000 as Municipal Electricity Planning Grants to carry out studies on electricity costs.

RESOLUTION (to be submitted to the Council on 30 November 2023)

(proposal by Cllr N Smit, seconded by Cllr T van Essen)

- (a) That it be noted that the Budget Steering Committee convened to consider the explanations and motivations provided by the financial and other key directors in a bid to advise the Executive Mayor on way forward;
- (b) That the emergency expenditure to the tune of R 500 000 approved in-principle by the Executive Mayor as unforeseen and unavoidable be approved as appropriated as per the detail provided in **Annexure A**;
- (c) That approval be granted to amend the high-level operating budget for 2023/2024 with no amendments to the outer years as follows:

	Original Budget 2023/24	Roll-Over Adj Budget 2023/24	Special Adj Budget 2023/24	Original Budget 2024/25	Original Budget 2025/26
Capital budget	209 052 395	240 803 827	240 803 827	218 968 545	208 303 329
Operating Expenditure	1 071 330 062	1 072 205 062	1 073 385 062	1 174 132 994	1 371 930 505
Operating Revenue	1 192 485 181	1 221 543 458	1 222 223 458	1 311 049 716	1 489 696 468
Budgeted (Surplus)/ Deficit	(121 155 119)	(149 338 396)	(148 838 396)	(136 916 722)	(117 765 963)
Less: Capital Grants and Donations	107 386 943	135 980 220	135 980 220	115 594 000	91 660 000
(Surplus)/ Deficit	(13 768 176)	(13 358 176)	(12 858 176)	(21 322 722)	(26 105 963)

- (d) That it be noted that the changes to the budget will have no impact on tariffs in respect of the 2023/2024 financial year or beyond, whilst the budgeted net surplus of R13 358 176 will change to R12 858 176;
- (e) That the adjusted budget schedules as required by the Budget and Reporting Regulations be approved as set out in **(Annexure B: Budget Report and A-Schedules 2023/24 – 2025/26)**;
- (f) 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;
- (g) That the Service Delivery Budget Implementation Plan (SDBIP) where appropriate be amended accordingly.

7.2 WARD COMMITTEE: APPROVAL POLICY (3/4/4/B)

Implementing the WCC Allocation Policy will ensure that the annual ward fees received by each ward are allocated and spent in an orderly manner. The objectives of the policy are to:

- (1) fulfil the mandate of Local Government;
- (2) comply with council policies;
- (3) support the aims of the GOP;
- (4) ensure that the identified projects will benefit the community.

RESOLUTION

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

- (a) That the draft Ward Committee Allocation Policy be noted and that the aforementioned draft be circulated to Ward Councillors for comments and input;
- (b) That the Executive Mayoral Committee members and senior staff also be requested to comment;
- (c) That depending on the extent of the comments, the final Ward Committee Allocation Policy be tabled during the Executive Mayoral Committee meeting of 13 December 2023, alternatively early in 2024, for implementation with effect from 1 July 2024;
- (d) That with a view to the 2024/2025 financial year, it be considered to focus on a specific theme per town or region, e.g. safety as contained in paragraphs 6.1 and 6.2 of the draft policy.

7.3 AGREEMENT FOR THE USE AND OPERATION OF THE YZERFONTEIN PORT: NATIONAL DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE (17/10/1/2)

After a visit to Yzerfontein Port, officials from the National Department of Public Works and Infrastructure were tasked to draw up an agreement between the said department and the Swartland Municipality to enable them to regulate the use and operation of Yzerfontein Port.

The Director: Corporate Services provides background on the various parcels of land in the Yzerfontein Port that are the subject of the agreement.

The Municipal Administrator mentions that the agreement will enable the Municipality to consider, e.g., the holding of festivals in the harbour without any delays that can be caused by first obtaining input from the relevant department.

RESOLUTION

(proposal by Cllr T van Essen, seconded by Cllr D G Bess)

- (a) That the proposed Memorandum of Agreement between the National Department of Public Works and Infrastructure be entered into by the Municipality, with effect from 1 December 2023 for a period of 9 years and 11 months, regarding the use and operation of the Yzerfontein harbour (subject to any changes/improvements the committee may deem necessary);
- (b) That the Municipal Manager be authorized to sign the Agreement on the Municipality's behalf.

7.4 SWARTLAND SPORT AND RECREATION BOARD: APPROVAL OF CONSTITUTION (17/9/2/2/4/1)

The objective of the newly established Swartland Sport and Recreation Council (SSRC) is to, among other things, strive to establish and manage community sports facilities in the Swartland municipal area and coordinate sports development in the community interest.

The SSRC comprises representatives of the sports forums designated for the different towns in the municipal area.

The draft Constitution of the SSRC was circulated with the agenda for consideration and approval.

RESOLUTION

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

- (a) That the attached Constitution of the Swartland Sport & Recreation Council (SSRC) be approved for adoption and implementation by the SSRC, subject to the following modifications:
 - (i) Paragraph 3.2: No ex gratia payments will be payable to UR members, and the relevant sentence is consequently deleted;
 - (ii) Paragraph 10(5): The obligations of the Treasurer are adjusted to present audited financial statements at the Annual General Meeting;
 - (iii) The provision in paragraph 11.2 is defined in such a way that the President, Treasurer and Secretary will jointly, and not separately, have signing powers to handle bank transactions on behalf of the SSRR;
 - (iv) Paragraph 18(c): reference to 'financial statements' to be amended to 'audited financial statements';
- (b) That the SSRC be instructed to workshop the contents of the Constitution with all its members;
- (c) That a meeting be arranged to explain the requirements of the Aid Grant Policy to the Executive Council of the SSRR.

7.5 RIEBEEK-KASTEEL: 'THE OU KLOOF HERITAGE LEGACY' (17/13/3)

In September 2022, the Executive Mayor's Committee supported the "The Ou Kloof Heritage Legacy" project subject to the completion of a public participation process and compliance with the relevant legislation.

A competition was launched by "The Ou Kloof Heritage Legacy" to design a memorial, and the winner was announced in September 2023.

The next step is to implement Heritage Western Cape's provisions for erecting memorials and to obtain approval from the Municipality to erect the memorial on the Riebeek-Kasteel town square, considering the Site Development Plan (Option 3), which has already been approved by Western Cape Heritage.

RESOLUTION

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

- (a) That cognizance be taken of the progress made regarding The Oukloof Heritage Legacy project, and the proposed memorial to be erected on the Riebeek Kasteel Town Square, the latter subject to final approval by the Municipality;
- (b) That consideration be given to meeting with the project committee, at another meeting in either Malmesbury or at the Riebeek Valley Museum.

7.6 ACCEPTANCE OF WATER SERVICES AUDIT REPORT FOR 2022/2023 (16/1/1/B)

The Municipality – as a Water Services Authority – is obliged, in terms of the provisions of the Water Services Act, Act 108 of 1997, to draw up an annual audit report regarding the implementation of the Water Services Development Plan.

The Senior Manager: Department of Solid Waste and Trade Services highlights the audit report and mentions that the Municipality successfully limits water losses and maintains an above-average standard in most sewage treatment works.

RESOLUTION

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

- (a) That the 2022/2023 Water Services Audit Report be accepted;
- (b) That an electronic version of the 2022/2023 Water Services Audit Report be

placed on the municipal website for inspection by the public and other interest groups and that a hard copy of the report be available at the Office of the Director: Civil Engineering Services.

7.7 LETTING OF COUNCIL PROPERTY AT MOORREESBURG (12/1/3/1-9/1)

Since 1 December 2022, the Council has been leasing the outbuilding on plot 3432, Moorreesburg, to Ms J Eden, owner of an adjacent property.

The Director: Corporate Services mentions that the property cannot be let as a separate entity due to the fact that the property is not accessible other than from the tenant's property.

RESOLUTION

(proposal by Cllr N Smit, seconded by Cllr J M de Beer)

- (a) That the outbuildings on erf 3432, Moorreesburg, be leased to ms J Eden for a term of 12 months as from 1 December 2023 for storeroom purposes;
- (b) That the lease tariff be increased to R340.00, plus VAT, per month;
- (c) That the existing conditions of lease remain unchanged.

7.8 AGREEMENT FOR THE RENTAL OF OFFICE SPACE AND PARKING AT MALMESBURY (12/1/2-8/5, K1.2-Vol 1&3)

The need still exists to rent office accommodation and parking from SKH Investments Limited for another term of three years.

The terms of the lease stipulate that the tenant must be notified in writing no less than six months before the expiry of the lease term to renew the lease, whether or not the existing lease term expires on 30 June 2024.

RESOLUTION

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

- (a) That approval be granted for the lease of the below-mentioned office accommodation and parking for the periods as indicated, with effect from 1 July 2024, at the amounts (excluding VAT) as follows:

	Pep Building, Malmesbury	Parking (7 bays)	Total
Year 1 (01/07/2024 - 30/06/2025)	R67 649.00	R3 340.04	R70 989.04
Year 2 (01/07/2025 - 30/06/2026)	R71 031.45	R3 507.04	R74 538.49
Year 3 (01/07/2026 - 30/06/2027)	R74 583.02	R3 682.39	R78 265.41

- (b) That the Municipal Manager be authorized to sign the addendum to the lease agreement with SKH Investments Ltd, which addendum provides for both the office accommodation and parking;
- (c) That provision be made in the applicable operating votes for the rental as aforesaid, as well as for the obligations in terms of clause 6.2 of the agreements, which contribution towards rates and taxes presently amounts to R3 527.60 per month.

7.9 OUTSTANDING DEBTORS: OCTOBER 2023 (5/7/1/1)

A full report of the state 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 October 2023.

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

The Asset Management Policy requires monthly reporting of outstanding insurance claims.

RESOLUTION

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

7.11 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: SERVICE PROVIDER'S APPOINTMENT FOR THE SUPPLY, DELIVERY AND INSTALLATION OF THREE (3) WENDY HOUSES AND TOILETS FOR THE AFFECTED RESIDENTS OF THE MALMESBURY FIRE DISASTER (8/1/B/2)

The aftermath of the fire disaster on 8 October 2023 left 54 adults and 29 children homeless.

An application for assistance from the Provincial Department of Infrastructure was made by providing 20 emergency fire kits and four (4) temporary Wendy houses. However, the application will take some time to complete, and the above supplies have been requested to assist the affected families as soon as possible.

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, arising from an emergency situation, to –
 - (i) to approve the acceptance of the quotation for the appointment of M & E Roofing supply, deliver and install three (3) Wendy Houses to the value of R 57 024, 00;
 - (ii) to approve the quotation of Cape Concrete (Pty) Ltd to supply and deliver three precast toilets, both on an emergency basis;
 - (iii) The wendy houses and toilets are to be installed at the following addresses:
 - o 165 Arend Street, Malmesbury
 - o 167 Arend Street, Malmesbury
 - o 177 Arend Street, Malmesbury
- (c) That the reasons for the deviation from the prescribed procurement procedures are as follows:
 - (i) The assistance to the affected households is in line with section 3.19 of t Policy on support in case of small disasters which allows deviations from the prescripts by die Municipal Manager and Mayor;
 - (ii) The support/assistance to the vulnerable families is regarded as an absolute emergency;
- (d) That there are sufficient funds available and that the expenditure amounting to R57 024.00 and R30 571.83 (including VAT) is settled against post number 9/231-843-416;
- (e) That the Manager Financial Statements and Control be instructed to include the above mentioned reasons as a note to the financial statements.

7.12 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: SUPPLY, DELIVERY AND SERVICING OF CHEMICAL TOILETS IN THE PHOLA PARK AREA (8/1/B/2)

Swartland Municipality is providing chemical toilets in Phola Park 4 to 18 families who are beneficiaries of the new low-cost housing project starting in November 2023.

The existing contract for the supply and servicing of chemical toilets expires on 31 October 2023. To provide basic services to the affected families, the current contractor was requested to provide the service till 31 March 2024.

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 the supply, delivery and servicing of Chemical Toilets at Phola Park Phase 4;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) Basic services will not be provided for an extended period whilst following due process;
 - (ii) That the procurement of services be handled as an emergency;
- (d) That there are sufficient funds available and that the expenditure amounting to R67 391.40 (excluding VAT) is settled against post number 9/240-543-2943;
- (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: REPAIR OF THE MOTOR OF THE AIR SCOUR BLOWER BY MALMESBURY WWTW (8/1/B/2)

The Malmesbury WWTW uses membrane technology, and the air scour blower is a critical component in the treatment process.

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 the repairs to the motor of one of the Aerzen blower unit at the Malmesbury waste water treatment works be performed by VWE Installasies BK;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) If the Airzen Blower unit is out of action for some time, it will cause the treatment process to fail, sub-standard effluent to be delivered and damage to the mechanical components of the system may occur;
- (d) That there are sufficient funds available and that the expenditure amounting to R117 893.50 (excluding VAT) is settled against post number 9/239-57-1041;
- (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 AMENDMENT/ADDITION: SWARTLAND MUNICIPALITY: REGULATION REGARDING MUNICIPAL LAND USE PLANNING (PK 8226 OF 25 MARCH 2020) (1/1)

RESOLVED that the report is withdrawn.

7.15 APPLICATION FOR VACATION LEAVE BY MUNICIPAL DIRECTORS AND MANAGERS AND APPOINTMENT OF ACTING MUNICIPAL MANAGER (4/8/3)

The Municipal Manager shall apply to the Executive Mayor's Committee for leave and shall, therefore, be -

RESOLUTION

(proposal by Cllr J M de Beer, seconded by Cllr N Smit)

- (a) That the application for leave of the Municipal Manager for the following days is approved in principle, namely:
- 18 December 2023 to 5 January 2024 (12 days), including that it may change due to circumstances, after consultation with the Executive Mayor;
- (b) That it be noted that the Director: Civil Engineering Services will act as Municipal Manager during the aforementioned period;
- (c) That each Director will appoint the acting Directors in their respective department, in order to ensure good communication and service delivery.

7.16 SALE OF OBSOLETE ASSETS BY PUBLIC AUCTION (5/14/3/5)

The Asset Management Policy regulates the disposal of assets by ensuring that it is conducted fairly, equitably, transparently, competitively, and cost-effectively and that the Municipality's Supply Chain Management Policy is complied with.

The criteria for disposal of assets include the following:

- The useful life of the asset has expired;
- The asset is obsolete;
- It is uneconomical to restore the asset, or it is irrecoverable.

The lists of expired assets of the respective directorates were circulated with the agenda.

RESOLUTION

(proposal by Cllr T of Essen, seconded by Cllr N Smit)

That approval be granted for the obsolete assets, as listed, to be sold at public auction and removed from the asset register accordingly.

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