



**MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD IN THE BANQUET HALL, MALMESBURY, ON WEDNESDAY, 18 OCTOBER 2023 AT 10:00**

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**PRESENT:**

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

Members of the Mayoral Committee:

Cllr D G Bess  
Cllr T van Essen  
Cllr N Smith  
Cllr A K Warnick

Other board members:

Cllr M A Rangasamy (Speaker)

Officers:

Municipal Manager, Mr J J Scholtz  
Director: Financial Services, Mr M Bolton  
Director: Civil Engineering Services, Mr L D Zikmann  
Director: Electrical Engineering Services, Mr T Möller  
Director: Development Services, Ms J S Krieger  
Director: Corporate Services, Ms M S Terblanche  
Director: Protective Services, Mr P A C Humphreys  
Committee officer, Ms S Willemse

**1. OPENING**

The Executive Mayor welcomes everyone present and requests the Municipal Manager to open the meeting with scripture reading and prayer.

**2. LEAVE OF ABSENCE**

It was noted that no apologies were received.

**3. SUBMISSIONS/DELEGATIONS/SPEAKING ENGAGEMENTS**

None.

**4. MINUTES**

**4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 20 SEPTEMBER 2023**

**RESOLUTION**

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

That the minutes of an Ordinary Executive Mayoral Committee meeting held on 20 September 2023 be approved and signed by the Mayor.

**5. CONSIDERATION OF RECOMMENDATIONS AND MATTERS ARISING FROM THE MINUTES**

## **5.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING HELD ON 11 OCTOBER 2023**

### **5.1.1 MUNICIPAL MANAGEMENT, ADMINISTRATION AND FINANCE**

#### **RESOLUTION**

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

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

### **5.1.2 CIVIL AND ELECTRICAL SERVICES**

#### **RESOLUTION**

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

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

### **5.1.3 DEVELOPMENT SERVICES**

#### **RESOLUTION**

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

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

### **5.1.4 PROTECTION SERVICES**

#### **RESOLUTION**

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

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

## **6. MATTERS ARISING FROM THE MINUTES**

None.

## **7. NEW MATTERS**

### **7.1 FIRE DISASTER IN MALMESBURY: ACTIONS IN TERMS OF SECTION 29 OF THE MFMA, READ TOGETHER WITH REGULATIONS 71 AND 72 OF MUNICIPAL BUDGETING AND REPORTING REGULATIONS (17/3/1/1)**

A total of 10 houses in Arend Street, Wesbank, and 20 informal structures in Ilinge Lethu were destroyed in a fire on Sunday, 8 October 2023 and three people died during the tragic events.

The affected families, which include 54 adults and 29 children, urgently needed help, and an application was submitted to the Western Cape Department of Infrastructure for the provision of 20 emergency fire kits for the residents of the informal structures and 4 Wendy houses for residents whose homes were totally damaged during the fire. The application, amounting to R195 537,00, included providing services to the Wendy houses and repairing the houses that were partially damaged.

Further help to the families who have been left homeless will be provided through the Swartland Municipality's Policy regarding Support in the event of Smaller Disasters.

#### **RESOLUTION**

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

- (a) That the Executive Mayoral Committee takes cognizance of the application to the Provincial Department of Infrastructure for assistance with regards to Fire Kits and Wendy Houses and services for the affected families;
- (b) That the Executive Mayoral Committee takes cognizance that any unforeseen and unavoidable expenditure to a maximum of R500 000 will be in line with Council's Policy on support in case of smaller disasters;
- (c)/...

- (c) That the municipal manager be authorized to incur the emergency expenditure, not originally provided for and that same be authorized in such adjustment budget within 60 days as envisaged by the MFMA.

**7.2 SWARTLAND MUNICIPALITY: POLICY REGARDING EMERGENCY HOUSING ASSISTANCE (17/4/2/B)**

The Swartland Municipality: Policy regarding Emergency Housing Assistance arises from the National Emergency Housing Program as determined by the National Housing Policy.

The policy's primary purpose is to provide temporary and/or emergency aid through access to land and/or essential municipal services and/or a shelter in various emergencies and/or extraordinary circumstances.

It happens regularly in South Africa that households and communities are left homeless due to a variety of factors, including the settlement patterns of informal structures, adverse weather conditions, welfare issues, infectious diseases, occupation of illegal building structures, etc., and these situations necessitate policy guidelines to accommodate needy victims.

**RESOLUTION**

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

That the Swartland Emergency Housing Assistance policy be approved with immediate effect.

**7.3 REVIEW OF CONTRACT: DARLING GREEN UTILITY SOLAR PV PLANT (16/2/B; 8/2/2/1)**

A tender was awarded in July 2022 to Darling Green Utility (Pty) Ltd for supplying solar power to Darling, subject to the fulfilment of certain conditions by January 2024.

The service provider applied for an extension until 30 October 2024 to meet certain conditions, so it is necessary to amend the original agreement.

The amendment of the agreement must take place in terms of section 116 of the MFMA.

**RESOLUTION**

(on the proposal of Cllr T van Essen, seconded by Cllr A K Warnick)

- (a) That the Executive Mayoral Committee (EMC) provides in principle support/approval for the amendment of the existing agreement with DGU with new timeframes to met the conditions;
- (b) That the new final date for meeting of the conditions as per the original agreement be set for 30 October 2024;
- (c) That the commencement of the public participation process for the amendment of the agreement be approved;
- (d) That Council condone the amendment of the agreement with Darling Green Utility (Pty) Ltd, subject to the following conditions:
- the prescripts of Sec 116(3)(b) be followed;
  - the feedback from the above process be reported to the Council at a future meeting;
  - a request for final approval for the amendment of the agreement with DGU be presented to Council at the January 2024 Council meeting or a special Council meeting to be called should the January 2024 Council meeting be scheduled after 21 January 2024.

**7.4 STARTUP TRIBE ENTREPRENEURIAL ACADEMY (2/1/4/5)**

The StartUp Tribe Entrepreneurial Academy is a global initiative led by the chairman, Mr York Zucchi, that offers free online classes to small businesses and entrepreneurs. This initiative has already been successfully implemented by the City of Cape Town and Mossel Bay.

The aforementioned Academy is a platform that offers practical short courses for people who want to start or grow their businesses to deal with unemployment and empower people to contribute to the economy.

The role of the Municipality will be to introduce the Academy to communities through social media and other marketing strategies. The Municipality will also have access to statistics on participation in the municipal area with the help of an online platform.

### **RESOLUTION**

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

- (a) That the Executive Mayoral Committee takes cognisance that the StartUp Tribe Academy is an online application that offer free online courses to people who want to start or grow their businesses and that the Academy is available to any member of the public, free of charge;
- (b) That the Executive Mayoral Committee support the launch of the StartUp Tribe Academy in the Swartland municipal area, with no financial contribution necessary;
- (c) That the Municipality promote the StartUp Tribe Academy through its social media and other platforms;
- (d) That cognizance be taken of the draft Memorandum of Understanding, Annexure "A", and that the Municipal Manager be mandated to negotiate and sign the final Memorandum of Understanding on behalf of Swartland Municipality;
- (e) That, should any other services be required in future from the StartUp Tribe, an Item be presented to MAYCO in this regard.

### **7.5 COMMUNITY LIBRARY AT KALBASKRAAL (ERF 22 AND 82) (17/8/B)**

The Municipality was approached by a non-profit organisation, No Stone, to provide assistance in setting up a community library in Kalbaskraal. The organisation has also already been in contact with the Provincial Library Service for support for the project.

Furthermore, the organisation is already involved in other community activities in Kalbaskraal, among others, a soup kitchen, sewing and woodworking project, computer training, homework programs for learners, etc.

### **RESOLUTION**

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

- (a) That the initiative/project is noted and that it is supported in principle, given the fact that it benefits the local community;
- (b) That the Municipality commits itself to full cooperation to support the project, but on the understanding that:
  - the organisation/coordinator of the facility will have to comply with the applicable land use legislation with regard to the property;
  - if the project will be operated under the auspices of a non-profit organisation, proof of registration as such must be provided; and
  - the Municipality cannot contribute financially to the operational expenses connected to the library.

### **7.6 RENTAL AGREEMENT: VODACOM (15/4/6)**

The Council leases space (large  $\pm 10$  m<sup>2</sup>) on the municipal water tower in Wesbank, Malmesbury, to Vodacom to operate a mobile phone base station.

The lease term expired on 30 April 2023, and Vodacom exercised its option to extend the agreement for a five-year term.

**RESOLUTION**

(on the proposal of Cllr T van Essen, seconded by Cllr A K Warnick)

- (a) That the premises of the Westbank Watertower be leased to Vodacom for a further term of five (5) years for the rendering of communication network services with effect from 1 May 2023;
- (b) That a monthly rental of R1745.87 (VAT exclusive) be charged, which escalates at a rate of 6% per annum;
- (c) That the current conditions of lease remain unchanged.

**7.7 OUTSTANDING DEBTORS: SEPTEMBER 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 September 2023.

**7.8 PROGRESS WITH OUTSTANDING INSURANCE CLAIMS (5/14/3/5)**

Regarding the Asset Management Policy, monthly reports regarding the outstanding insurance claims must be provided.

**RESOLUTION**

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

**7.9 SWARTLAND TOURISM NGO: 2022/2023 ANNUAL REPORT/FINANCIAL STATEMENTS (9/1/3/2/1)**

The service delivery agreement with Swartland Tourism NGO stipulates, among other things, that specific documentation must be presented to the Municipality annually.

**RESOLUTION**

That cognizance be taken of:

- (I) the content of the Chairman's report;
- (i) the key performance areas as measured for the period 1 July 2022 to 30 June 2023; and
- (ii) the contents of the financial statements for the 2022/23 financial year.

**7.10 QUARTERLY REPORT ON THE PERFORMANCE OF CONTRACTORS (8/1/B/1)**

The report regarding the quarterly performance evaluation of contractors appointed in terms of the Supply Channel Management Policy is submitted in compliance with section 116(2) of the MFMA and the core performance indicator of the Municipal Manager.

**RESOLUTION**

That cognizance be taken of the quarterly report regarding the performance of contractors for the period 1 July 2023 to 30 September 2023.

**7.11 REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHANNEL MANAGEMENT POLICY FOR THE PERIOD 1 JULY 2023 TO 30 SEPTEMBER 2023 (8/1/B/2)**

The implementation of the Supply Channel Management Policy must be submitted to the Executive Mayor quarterly in paragraph 6(3) of the Municipal Supply Channel Management Regulations.

The report from 1 July 2023 to 30 September 2023 was circulated with the agenda.

#### **RESOLUTION**

- (a) That cognisance is taken of the Quarterly Report in respect of the implementation of the Supply Chain Management Policy as envisaged by section 6(3) of the Regulations, as well as reports on the Formal Tenders (Annexure A), Informal Tenders (Annexure B), and the Deviation Report (Annexure C);
- (b) That cognisance is taken of the services rendered for the period 1 July 2023 to 30 September 2023 with reference to the exceptions where it is impractical to test the market and therefore justified a deviation from the procurement processes in terms of paragraph 2(6) of the Supply Chain Management Policy (Annexure D).

#### **7.12 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: APPOINTMENT OF RVJ WORKS FOR THE REPAIR OF DAMAGED TRAFFIC LIGHTS (8/1/B/2)**

Two traffic light poles and a camera pole on the Darling Road/N7 intersection were run over by a heavy vehicle from Darling Romery, which left the traffic lights out of action. The urgent repair of the traffic lights is necessary, as it is a bustling intersection used by heavy vehicles and other motorists.

#### **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 repair of the Traffic lights at the Darling Road / N7 Intersection which were damaged by external forces, by RJV Works to the value of R 72 612.44 (VAT Inclusive);
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
  - (i) The traffic lights were damaged due to external forces (truck colliding with the lights);
  - (ii) The repairs were regarded as an emergency;
- (d) That there are sufficient funds available and that the expenditure amounting to R 72 612.44 (excluding VAT) is settled against vote number 9/117-800-935;
- (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: URGENT REPAIRS TO GARBAGE DISPOSAL TRUCK, CK 32551 (8/1/B/2)**

The compacting garbage disposal truck, CK 32551, is used in Moorrreesburg to remove solid waste.

#### **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 32551 for the amount of R135,784.64 (excluding VAT) by UD Trucks Malmesbury;
- (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 health risks;
  - (iii) The repair works to the truck therefore is handled as an emergency;
- (d) That there are sufficient funds available and that the expenditure amounting to R 135,784.64 (excluding VAT) is settled against vote number 9/4-62-5;
- (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.

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