



**MINUTES OF A MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE BANQUETING HALL, MALMESBURY ON WEDNESDAY, 19 APRIL 2023 AT 14:00**

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**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

Other councillors:

The Speaker, clr M A Rangasamy

Officials:

Acting Municipal Manager, ms J S Krieger  
Director: Financial Services, mr M Bolton  
Director: Civil Engineering Services, mr L D Zikmann  
Director: Electrical Services, mr T Möller  
Director: Corporate Services, ms M S Terblanche  
Snr Manager: Strategic Services ms O Fransman  
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 the apologies received from clr A K Warnick, the Municipal Manager and the Director: Protection Services.

**3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS**

None.

**4. MINUTES**

**4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 22 MARCH 2023**

**RESOLUTION**

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

That the minutes of an Ordinary Executive Mayor's Committee Meeting held on 22 March 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 12 APRIL 2023**

**5.1.1 MUNICIPAL MANAGER, ADMINISTRATION AND FINANCES**

**RESOLUTION**

(proposed by clr N Smit, 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 N Smit, 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 N Smit, 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 N Smit, seconded by clr 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 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 approval of the 2022/2023 Special Adjusted Budget by the Council on 30 March 2023 necessitated amendments to the SDBIP.

**RESOLUTION**

(proposed by clr N Smit, seconded by ald T van Essen)

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).

**7.2 SWARTLAND MUNICIPALITY: POLICY IN RESPECT OF INTEGRATED GENERATION (16/2/B)**

The Director: Electrical Engineering Services explained the aims of the Policy in respect of Integrated Generation.

The Director: Electrical Engineering Services stated that the policy facilitates the inclusion of the integrated generation in the network in order to ensure the quality of power and safety of the systems, as well as addresses questions in respect of the Municipality's income sources. The policy supports the local renewable operation of energy and green economy and associated job creation.

Ald T van Essen requested that the implementation of the policy be held back until the public is thoroughly informed in respect of the new policy with the help of a one page information sheet. The latter will also be circulated to all ward councillors and ward committee members.

7.2/...

**RESOLUTION**

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

- (a) That the Executive Mayoral Committee approves the proposed Embedded Generator Policy for implementation in the municipal area of jurisdiction with immediate effect;
- (b) That it be noted that the delegations by the Municipal Manager pursuant from paragraph 10 of the Policy will be included in the Municipal Manager's System of Delegations to be tabled in Council at its May 2023 meeting for cognisance.

**7.3 SUBMISSION OF THE DRAFT REGULATION IN RESPECT OF PROVISION OF ELECTRICITY (1/1, 1/1/3/16)**

The Director: Electrical Engineering Services explained the amendments to the Electricity Regulation, which mainly deals with the regulation of integrated generation, wheeling and the resale of electricity.

The Director: Electrical Engineering Services stated that other small amendments have been introduced in order to bring the regulation into line with the principles of the Electricity Regulation Act (Act 4 of 2006 – only available in English).

The Director: Corporate Services confirmed that mention will be made of the relevant regulations from which the amendments to the regulation arose during the public participation process for comments and input.

**RESOLUTION**

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

- (a) That approval be granted for the following draft by-law to be submitted in Council on 26 April 2023 for adoption in principle:
  - Swartland Municipality: Electricity Supply By-law;
- (b) That, following on in principle approval by the Council, the draft by-law be published for public comment in terms of section 12(3)(b) of the Systems Act, 2000 in both the local media and on the municipal website.

**7.4 HUMAN RESOURCES: NEW POLICY AND REVISION OF EXISTING POLICY (4/2/B)**

The new Municipal Personnel Regulations necessitate the amalgamation of a number of policies, as well as the revision of existing policies in order to comply with the requirements stipulated by the Regulations.

The draft Skills Development Policy and new T.A.S.K. Post Evaluation Policy were submitted to the Labour Forum and both Imatu and Samwu Unions had the opportunity to comment and provide input. The final draft policies were submitted to the unions on 23 March 2023 and the policies are recommended to the Executive Mayor's Committee for consideration and approval.

**RESOLUTION**

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

- (a) That the Executive Mayoral Committee approve the attached amended Skills Development Policy with effect from 1 May 2023;
- (b) That the Executive Mayoral Committee approve the attached new T.A.S.K. Job Evaluation Policy with effect from 1 May 2023.

**7.5 QUARTERLY REPORT IN RESPECT OF PERFORMANCE OF CONTRACTORS (8/1/B/2)**

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

7.5/...

**RESOLUTION**

That notice be taken of the quarterly report regarding the Performance of Contractors for the period 1 January 2023 to 31 March 2023.

**7.6 REPORT IN RESPECT OF THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY FOR THE PERIOD 1 JANUARY 2023 TO 31 MARCH 2023 (8/1/B/2)**

A report in respect of the implementation of the Supply Chain Management Policy must be submitted to the Executive Mayor on a quarterly basis in accordance with paragraph 6(3) of the Municipal Supply Chain Management Regulations.

The report for the period 1 January 2023 to 31 March 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 further cognisance is taken of the services rendered for the period 1 January 2023 to 31 March 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).

**7.7 DARLING WILD FLOWER ASSOCIATION: USE OF MUNICIPAL GROUND FOR THE ANNUAL WILD FLOWER SHOW (12/2/R)**

An application has been received from the Darling Wild Flower Association for the use of municipal land situated adjacent to the Darling Museum for the presentation of their annual wild flower show which will take place from 15 to 17 September 2023.

A discussion will take place with the Wild Flower Association in order to consider another more suitable venue in the future, inter alia, to provide sufficient parking.

**RESOLUTION**

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

- (a) That approval be granted for the use of Erf 171, Darling for the annual wildflower show from 15 to 17 September 2023, provided that a public participation process be undertaken by the applicants to notify the owners of properties in the area of the event and the detail pertaining to same;
- (b) That approval also be granted for the use of Erf 175 for said purpose, with the consent of the Darling Museum;
- (c) That cognisance be taken that all aspects regarding traffic management, safety, erection of the tent, etcetera shall be dealt with in terms of the Swartland Municipality: By-law relating to Events, as promulgated in Provincial Gazette Extraordinary 7611 of 26 April 2016.

**7.8 OUTSTANDING DEBTORS: MARCH 2023 (5/7/1/1)**

A complete report in respect of outstanding debtors up until the end of March 2023 was circulated with the agenda.

7.8/...

**RESOLUTION**

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

**7.9 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.

The Director: Financial Services gave the background to the discussions with the insurer in order to bring about possible discounts on premiums.

**RESOLUTION**

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

**7.10 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: URGENT REPAIRS TO THE MIXER AT THE MALMESBURY WWTW (8/1/B/2)**

The Malmesbury WWTW consists of various treatment zones of which each one consists of components of mechanical equipment in order to make the treatment process possible. The mixer in one of the treatment zones stopped working and urgent repairs were necessary in order to prevent the mechanical equipment further along in the treatment process from being affected.

**RESOLUTION**

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

- (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 mixer in the de-aeration zone at the Malmesbury WWTW by GW Trautman for the amount of R 57,558.00 excluding VAT;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
  - (i) The mixer would have been left out of service for an extended period of time while following due process;
  - (ii) This would have had the consequence of treatment process failure and further damages to other mechanical components;
  - (iii) The repair work to the mixer therefore had to be handled as an emergency;
- (d) That there are sufficient funds available and that the expenditure amounting to R57 558.00 (excluding VAT) is settled against post number 9/239-851-689;
- (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 PROCEDURE: URGENT REPAIRS TO "PERMEATE PUMP SET" AT THE MALMESBURY WWTW (8/1/B/2)**

The treatment process at the Malmesbury WWTW makes use of membrane technology in the tertiary treatment process. The flow of the final processed sewerage through the membrane is made possible by two synchronized pumping systems which provide negative pressure in the membrane. One of the pumps stopped working, which decreased the flow by 50%, and placed the treatment process and mechanical equipment at risk.

7.11/...

**RESOLUTION**

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

- (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 permeate pump set at the Malmesbury WWTW by GW Trautman for the amount of R 99,609.99 excluding VAT;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
  - (i) The permeate pump set would have been left out of service for an extended period of time following due process;
  - (ii) This would have resulted in treatment process failure and further damages to other mechanical components;
  - (iii) The repair work to the permeate pumps therefore had to be handled as an emergency;
- (d) That there are sufficient funds available and that the expenditure amounting to R99 609,99 (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.

**7.12 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: NECESSARY BACK-UP POWER "INVERTERS" FOR MALMESBURY TRAFFIC SERVICES, DARLING AND YZERFONTEIN MUNICIPAL OFFICES (8/1/B/2)**

The continued high levels of load shedding implemented at present by Eskom has a negative impact on the Municipality's service delivery. A list of priorities in respect of municipal offices has been drawn up where it is necessary to provide alternate emergency power.

The UPS infrastructure, which is used at present, is not adequate and must be replaced by "inverters" and lithium batteries. It has been decided to begin by installing this equipment at the Darling and Yzerfontein municipal offices and the office of the Malmesbury Traffic Department.

**RESOLUTION**

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

- (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 the reasons for the deviation from the normal purchase process are recorded as follows:
  - (i) The prevailing electricity crises necessitated the purchase of emergency electricity standby equipment to facilitate the provision of service delivery at our customer facing offices of Darling, Yzerfontein and Malmesbury Traffic Services;
  - (ii) That further cognisance be taken of the action taken by the Municipal Manager to approve the procurement of 3 x 5kVA inverters with 3 x 5 kVA LifePO batteries;
  - (iii) That there are sufficient funds available and that the expenditure amounting to R180 928.20 (excluding VAT) is settled against post number 9/117-563-405;

- (c) 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: URGENT PURCHASE OF BACK-UP POWER GENERATOR FOR MALMESBURY TRAFFIC DEPARTMENT (8/1/B/2)**

There is no service delivery at the Malmesbury Traffic Department during load shedding. The high levels of load shedding, which are currently experienced, lead to great frustration for the public, some of whom race from other towns to carry out traffic transactions.

It is necessary to purchase an emergency generator for the Malmesbury Traffic Department in order to ensure continuous service delivery.

**RESOLUTION**

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

- (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 the reasons for the deviation from the normal purchase process are recorded as follows:
  - (i) The prevailing electricity crises necessitated the purchase of an emergency standby generator to provide power to the Malmesbury Traffic Services Complex to ensure service delivery to members of the public to have their vehicles tested and registered, vehicle licenses to be renewed and members of the public to be able to renew/apply for drivers licenses;
  - (ii) That further cognisance be taken of the action of the Municipal Manager to approve the procurement of a generator for the Malmesbury Traffic Services Building;
  - (iii) That there are sufficient funds available and that the expenditure amounting to R259 400.00 (excluding VAT) is settled against post number 9/117-563-405;
- (c) 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 PROVISION OF INDUSTRIAL LAND IN MOORREESBURG FOR AGRICULTURAL PURPOSES (12/2/5/5-9/2)**

The Municipality owns more than ±17,7 ha of land in Moorreesburg which is made available annually by means of a public competitive process to a local Moorreesburg based public welfare organization, which must be concerned with welfare, humanitarian or cultural activities.

The competitive process was not carried out on time and the ±17,7 ha of land was made available, out of hand, to the Wheat Industry Museum, which is the only organization that has provided proposals thus far on an annual basis.

**RESOLUTION**

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

- (a) That consideration be given to making the land available to the Wheat Industry Museum for crop production, with effect from 1 May 2023 until after the annual harvest, on the same terms as have applied so far;

- (b) That it be agreed with the museum to pay compensation in this regard at an amount not to be less than the R800,00 which was offered for the 2022/23 harvest year.

**7.15 LEASE OF ACCOMMODATION FOR THE FIRE FIGHTING SERVICE IN DARLING (12/1/2-3)**

The item has already been submitted to the Executive Mayor's Committee on 18 January and 15 February 2023 and the report aims to establish the lease period.

**RESOLUTION**

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

- (a) That the offer for the rental of accommodation for the Fire Service in Darling from JF & KJ Kirsten Trust be accepted as follows:
  - (i) 1 July 2023 to 30 June 2024 for an amount of R8 500.00 per month plus 1% added to the inflation rate as at 30 June 2023 plus a once-off refundable deposit of R15 000.00 (excluding municipal services of electricity, water and sewerage);
  - (ii) 1 July 2024 to 30 June 2025 the previous year's monthly amount plus 1%, plus inflation as at 30 June 2024;
  - (iii) 1 July 2025 to 30 June 2026 the previous year's monthly amount plus 1%, plus inflation as at 30 June 2025;
- (b) That a lease agreement be put in place with JF & KJ Kirsten Trust for the period 1 July 2023 until 30 June 2026 (36 months), with the option to renew the lease, subject to the lessor obtaining the correct land use rights;
- (c) That the expense be allocated to vote number 9/232-954-2932 (Rent Offices: Fire Services).

**7.16 HUMAN RESOURCES: WORK PLACE SKILLS PLAN (4/2/B)**

The Work Place Skills Plan is one of the policies which must be revised in accordance with the new Municipal Personnel Regulations in order to comply with requirements stipulated by the regulations

The Plan (including the annual skills training plan) was submitted to the unions for comments and input and recommended to the Executive Mayor's Committee for approval during the meeting on 6 April 2023.

**RESOLUTION**

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

That the Executive Mayoral Committee approve the attached Skills Development Plan and Annual Training Report with effect from 1 May 2023.

**7.17 FIRST AMENDMENT TO THE 2022/2023 MIG-PROJECT IMPLEMENTATION PLAN (5/9/2/6/1)**

The Director: Civil Engineering Services stated that any amendments to the MIG project implementation plan must be approved by the Council.

The amendments include a reallocation of funds between the MIG generated projects, because the street construction project has been delayed.

**RESOLUTION**

(proposed by ald T van Essen, seconded by clr N Smit)

- (a) That the Executive Mayoral Committee notes that there has been a delay in the commencement of the construction of roads projects, subsequently requiring an adjustment of the planned spending for 2022/2023;



- (b) That in order to achieve successful project implementation a re-allocation of funds between MIG projects are required and that the 2022/2023 DPIP must be amended accordingly;
- (c) That the following projects and budgets for the first amended of the DPIP for the 2022/2023 financial year be approved:

| <b>Nr</b> | <b>Project</b>                                 | <b>MIG Ref.</b>    | <b>Budget</b>       |
|-----------|--|--------------------|---------------------|
| 1         | Rehabilitate Water Networks                    | WC1287/W/14/17     | R 2 217 712         |
| 2         | De Hoop Development: External Water Supply     | WC1864/W/21/24     | R 2 464 000         |
| 3         | De Hoop Development: Upgrade Bulk Water Supply | WC1865/W/21/25     | R 19 177 500        |
| 4         | Malmesbury: Rehabilitation of Roads            | WC1765/R.ST/19/23  | R 1 250 788         |
| 5         | Abbotsdale: Construction of Roads              | WC1858/R.ST/22/25  | R 1 570 489         |
| 6         | Abbotsdale: Construction of Roads Phase 2      | WC/1912/R.ST/22/25 | R 1 447 316         |
| 7         | Malmesbury: Ilingeletu: Construction of Roads  | WC1859/R.ST/22/25  | R 228 019           |
| 8         | Ilingeletu Construction of Roads Phase 2       | WC/1911/R.ST/22/25 | R 461 112           |
| 9         | Chatsworth: Construction of Roads              | WC1862/R.ST/22/25  | R 810 795           |
| 10        | Riebeek West: Construction of Roads Phase 2    | WC/1909/R.ST/22/25 | R 1 636 682         |
| 11        | Kalbaskraal: Construction of Roads Phase 2     | WC/1913/R.ST/22/25 | R 2 545 587         |
|           |  | <b>Total</b>       | <b>R 33 810 000</b> |

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

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