



MINUTES OF A MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE BANQUETING HALL, MALMESBURY ON WEDNESDAY, 19 JULY 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
Ald T van Essen
Clr A K Warnick

Other councillors:

ald M A Rangasamy (Speaker)

Officials:

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

1. OPENING

The chairman welcomed members and opened the meeting.

2. APOLOGIES

None.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

None.

4. MINUTES

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 13 JUNE 2023

RESOLUTION

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

That the minutes of an Ordinary Meeting of the Executive Mayor's Committee held on 13 June 2023 are approved and signed by the Executive Mayor.

5. MATTERS ARISING FROM THE MINUTES

5.1.1 REAL AMOUNT WRITTEN OFF IN RESPECT OF DESTITUTE HOUSEHOLDS AND OTHER IRRECOVERABLE DEBT (5/7/3)

5.1.1/...

The Executive Mayor's Committee approved in principle the write-off of irrecoverable debt on 13 June 2023, subject to dealing with all the actions, inter alia, socio-economic investigations, after which the real amounts would be submitted.

RESOLUTION

- (a) That cognizance is taken that the actual amount written off in respect of indigent households amounted to R 3 761 748,91 and in respect of other irrecoverable debt amounted to R 244 409,30;
- (b) That further cognizance is taken that Swartland Municipality reserves the right to do a reversal of any amount that was written off to the relevant debtor and that all necessary steps will be taken to recover the debt, if it comes to light after the date of this approval that -
 - (i) a household did not comply with the indigent criteria (as determined in Chapter 7: of the Indigent Policy); or
 - (ii) a portion of, or the total debt of a debtor was not correct; or
 - (iii) information came forth that was not known to the Executive Mayoral Committee when the writing off was considered, that would have influenced the decision of the committee;
- (c) That cognizance is taken that if the property is alienated in any way; Swartland Municipality reserves the right to refuse clearance on the property in question in order to first recover the amounts written off. A register is kept in this regard at the Property Rates Division in order to determine if any amounts was written off for the previous two years, in order to recover the write-off amount before clearance is given.

6. MONTHLY REPORT: MAY 2023

[Note: The performance and financial information in respect of Quarter 4 will be included in the section 52 MFMA report, which will be submitted to the Council on 27 July 2023, after which only additional reports applicable to the relevant directorates will be submitted.]

6.1 CIVIL ENGINEERING SERVICES (7/1/2/2-4)**RESOLUTION**

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

That note is taken of the contents of the monthly report from the Directorate: Civil Engineering Services in respect of May 2023.

6.2 ELECTRICAL ENGINEERING SERVICES (7/1/2/2-6)**RESOLUTION**

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

That note is taken of the contents of the monthly report from the Directorate: Electrical Engineering Services in respect of May 2023.

6.3 DEVELOPMENT SERVICES (7/1/2/2-5)**RESOLUTION**

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

That note is taken of the contents of the monthly report from the Directorate: Development Services in respect of May 2023.

6.4 PROTECTION SERVICES (7/1/2/2-3)**6.4.1 TRAFFIC AND LAW ENFORCEMENT SERVICES****6.4.2 FIRE SERVICES**

6.4/...

RESOLUTION

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

That note is taken of the contents of the monthly report from the Directorate Protection Services in respect of May 2023.

7. NEW MATTERS

7.1 ADOPTION OF THE REGULATION IN RESPECT OF PROVISION OF ELECTRICITY (1/1; 1/1/3/16)

The draft Regulation in respect of the Provision of Electricity was submitted to the Council on 28 April 2023 in order to initiate the public participation process.

The closing date for comments was 26 June 2023 and no comments/input were received.

The Regulation in respect of the Provision of Electricity was revised, inter alia, in order to include the electricity generating equipment and the wheeling of electricity.

RESOLUTION (for recommendation to the Council on 27 July 2023)

- (a) That the following by-law be adopted by Council, to take effect on date of promulgation in the Provincial Gazette:
 - Swartland Municipality: Electricity Supply By-law;
- (b) That fines for offences of the by-law be determined by the Department of Justice.

7.2 REAPPOINTMENT OF A MEMBER OF THE PERFORMANCE AND RISK AUDIT COMMITTEE (11/1/3/1/7)

Ms R Gani was appointed as a member of the Performance and Risk Audit Committee as of 1 August 2020 for a period of three years.

MFMA Circular 65 dated 12 November 2012 motivated the rotation of members in order to ensure the independence of the Audit Committee and stipulated that the appointment of a member could not be longer than six years continuously.

It has therefore been recommended that ms R Gani is appointed for a further period of three years, because she provides a meaningful contribution to the functioning of the external audit committee.

RESOLUTION

That the term of office of ms R Gani does not exceed six years, as indicated in Circular 65 of the MFMA, in order to ensure the continuity and sustainability of the committee.

- (a) The renewal of Ms. R Gani's contract as member of the combined Performance, Risk and Audit Committee for a further term of office from 01 August 2023 to 31 July 2026;
- (b) That Ms. Gani is committed and have provided an excellent service over her past term of office.

7.3 CAPITAL SPENDING FOR THE 2022/2023 FINANCIAL YEAR (2/4/2)

On 30 March 2023 the Council approved a Special Adjusted Budget for the allocation of R10 945 000, received from the provincial government. The reason of the financial grant to the municipality is for the purchase and installation of backup energy provision for water and sanitation facilities in order to ensure basic service delivery and to prevent potential health risks.

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The Directorate: Civil Engineering Services proceeded with the tender process as quickly as possible after the allocation, and the tenders closed on 21 April 2023. The tender was awarded on 18 May 2023 and the successful tenderer indicated that the delivery time would be 38 weeks.

The Provincial Treasurer approved, on 12 July 2023, the spending of the funds by means of a Rollover Adjusted Budget in the 2023/2024 financial year.

With the above mentioned background the report aims to recommend that the allocated funds are omitted in the calculation of the performance capital spending for the 2023/2024 financial year.

RESOLUTION

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

- (a) That cognisance be taken of the effort by the Directorate: Civil Engineering Services to invite tenders as soon as possible after the announcement of the additional grant funding at the Council meeting of 31 March 2023 for back-up generators to the amount of R10 945 000;
- (b) That cognisance be further taken that the tender was awarded on 18 May 2023 with a completion period of 38 weeks;
- (c) That the percentage of capital spending on capital projects for the 2022/2023 financial year is as follows:
 - R10 945 000 included = 91.23%
 - R10 945 000 excluded = 95.77%
- (d) That, in considering the above, approval be granted to exclude the funding from the calculation of the capital spending on capital projects for the 2022/2023 financial year;
- (e) That it is approved in principle that any monies received after 31 January, are not included in the calculation to determine the performance capital spending on capital projects for the relevant financial year.

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

The report in respect of the quarterly performance evaluation of contractors appointed 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.

RESOLUTION

That cognisance be taken of the quarterly report regarding the performance of contractors for the period 1 April 2023 to 30 June 2023.

7.5 ANNUAL REPORT IN RESPECT OF THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY FOR THE FINANCIAL YEAR ENDING 30 JUNE 2023 (8/1/B/2)

Regulation 6(2)(a)(i) of the *Municipal Supply Chain Management Regulations* stipulates that a report must be submitted to the Council annually in respect of the implementation of the Supply Chain Management Policy.

The annual report for the period 1 July 2022 to 30 June 2023 was circulated with the agenda.

Resolution/...

RESOLUTION

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

- (a) That cognisance is taken of the Annual Report regarding the implementation of the Supply Chain Management Policy in accordance with section 6(2)(a)(i) 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 April 2023 to 30 June 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). It must be noted that payments must still be finalised for the 2022/2023 financial year. To comply with legislation in terms of quarter 4, any differences will be highlighted in the following SCM quarterly report, subject to figures/transactions that would have an impact on the completeness of the financial statements.

7.6 OUTSTANDING DEBTORS: JUNE 2023 (5/7/1/1)

A full report in respect of the outstanding debtors was circulated with the agenda.

RESOLUTION

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

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

7.7 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 30 June 2023 as circulated with the agenda.

7.8 LEASE OF BUILDING IN LONG STREET, ABBOTSDALE (12/1/3/1-1/1)

The Council leases the building on Erf 604, Long Street, Abbotsdale to the ACVV for carrying out their community activities.

The Director: Corporate Services stated that the organization delivers a meaningful service to the community and supports the application to lease the building for a further five year period.

RESOLUTION

(proposed by clr J M de Beer, seconded by clr A K Warnick)

- (a) That the building situated on Erf 604 Abbotsdale be leased to the ACVV for a further term of five (5) years, with effect from 1 August 2023, for purposes of their community activities;
- (b) That a rental tariff of R200.00 per annum, plus VAT excluding be determined.

7.9 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: REPAIRS TO CASE 580T FRONTEND LOADER, CK 43210 (8/1/B/2)

The Case 580T Frontend Loader is used during the construction of the GAP housing project in Darling for the digging of trenches for the laying of cables. The vehicle stopped working and could not be restarted.

A local workshop, Darling Herstel Dienste, which is well known for repairs to heavy vehicles,

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was approached to tow the frontend loader to the workshop where the damage was ascertained.

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 Digger Loader CK 43210 by *Darling Herstel Dienste* for the value of R69 506 (excluding VAT);
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The digger loader broke down while being used for the execution of capital work on the Darling Gap Project;
 - (ii) The Supplier had to strip and inspect the engine to determine the problem and provide a quote;
 - (iii) The repair of the machine was urgent to ensure completion of the project and was handled as an emergency;
- (d) That it be noted that the expenditure was allocated to mSCOA vote 9/7-25-5 and that there was sufficient funding available for the order in the amount of R69 510.00 excluding VAT;
- (e) That the Manager: Financial Statements and Control be requested to include the above reasons as a note to the financial statements, when same are compiled.

7.10 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: REPAIRS TO THE SWITCH GEAR AT THE BRIDGE SUBSTATION (8/1/B/2)

An internal fault on one of the circuit-breakers was experienced during bad weather at the 11kV Bridge Substation. The supply could be fixed temporarily by making use of the ring network, but the repairs to the substation were treated as an emergency in order to prevent further loss of power.

RESOLUTION

(proposed by clr A K Warnick, 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 emergency repair of the Switchgear at Brug Substation by ABB to the value of R104 419.00 excluding VAT;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as damage to the switchgear at Brug substation due to internal insulation breakdown resulting in a network emergency;
- (d) That the expenditure was allocated to mSCOA vote 9/117-547-342 and that there was sufficient funding available for the order in the amount of R 104 419.00 excluding VAT;
- (e) That the Manager: Financial Statements and Control be requested to include the above reasons as a note to the financial statements, when same are compiled.

7.11 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: REPAIRS TO DAMAGED TRAFFIC LIGHTS (8/1/B/2)

The cable which supplies electricity to the traffic lights on the c/r of Bokomo Road and Hoog Street was damaged by a building contractor. Three traffic lights at the Darling crossing with the N7 off-ramp to Moorreesburg were also knocked down by a drunk driver.

Both intersections are very busy and the repair work to the traffic lights was handled as an emergency.

RESOLUTION

(proposed by clr A K Warnick, 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 further notice be taken of the action of the Municipal Manager to approve the repair of the Traffic lights in Darling and Bokomo Streets, which were damaged by external forces, by RJV Works to the value of R 103 300.62 (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, namely -
 - contractor damaging a cable and
 - an intoxicated driver;
- (d) That it be noted that the expenditure was allocated to mSCOA vote 9/253-747-1123 and Vote 9/252-1103-3450 and that there was sufficient funding available for the order in the amount of R103 300.62 Including VAT;
- (e) That the Manager: Financial Statements and Control be requested to include the above reasons as a note to the financial statements, when same are compiled.

7.12 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: APPOINTMENT OF A SERVICE PROVIDER FOR THE UPGRADING OF THE BRAKE TESTING MACHINE'S SOFTWARE AND CALIBRATION OF THE EQUIPMENT AT THE MALMESBURY VEHICLE TESTING CENTRE (8/1/B/2)

The Municipality has two testing centres, one in Malmesbury and one in Moorreesburg Traffic Departments respectively. The software and brake testing machine at the Malmesbury Traffic Department is old with the result that readings are not immediately available and do not comply with the SANS standards. The latter also stipulates that the equipment must be calibrated annually.

RESOLUTION

(proposed by clr A K Warnick, 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 further notice be taken of the action of the Municipal Manager not to invite further quotations but to approve the acceptance of the quotation for the appointment of WORKSHOP ELECTRONICS (PTY) Ltd for the upgrade of the brake testing machine software and calibration of the equipment at the Malmesbury Vehicle Testing Station;
- (c) That the reasons for the deviation from the prescribed procurement process be recorded as:
 - (i) the Miltron brake testing machine was purchased from Workshop Electronics (Pty) Ltd who is the manufacturer of this type of equipment;

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- (ii) Only Workshop Electronic (Pty) Ltd can calibrate their own equipment and make adjustments to the testing machines;
- (iii) It would be impractical to request three quotations;
- (d) The expenditure of R36 064.80 (excluding VAT) be allocated against mSCOA Code :9/245-677-317 and that there is sufficient funding available;
- (e) That the Manager Financial Statements and Control be instructed to include the above mentioned reasons as a note to the financial statements.

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