



MINUTES OF A MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE BANQUETING HALL, MALMESBURY ON WEDNESDAY, 22 MARCH 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
Ald T van Essen
Clr A K Warnick

Other councillors:

The Speaker, ald M A Rangasamy

Officials:

Municipal Manager, mr J J Scholtz
Director: Financial Services, mr M Bolton
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
Director: Electrical Engineering Services, mr T Möller (joined later)
Senior 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

The **NOTE IS TAKEN** of the apology received from clr N Smit.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

3.1 EXPRESSION OF THANKS TO THE TRAFFIC AND LAW ENFORCEMENT SERVICES OF THE SWARTLAND MUNICIPALITY

The Executive Mayor and Municipal Manager invited the officials in uniform to the meeting, who were involved during the past weekend and Monday, 20 March 2023 during the envisaged national 'shutdown'.

The Executive Mayor thanked the officials for their selfless service during the past week in order to ensure the safety of the community and businesses in the Swartland Municipal area, and to ensure that people could arrive at their work places safely.

The Executive Mayor praised the officials for their composure, dedication and loyalty to the Swartland Municipality in spite of the difficult circumstances in which they had to operate sometimes and the averse behaviour of the public.

3.1/...

The Municipal Manager thanked the officials, inter alia, for their preparedness to find and remove ±400 tyres. The Municipal Manager stated that the officials set the standard for what a person's attitude should be in order to rise above challenges.

FOR NOTING

4. MINUTES

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 15 FEBRUARY 2023

RESOLUTION

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

That the minutes of an Ordinary Meeting of the Executive Mayor's Committee held on 15 February 2023 are approved and signed by the Mayor.

5. CONSIDERATION OF THE RECOMMENDATIONS IN THE MINUTES

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

5.1.1 MUNICIPAL MANAGER, ADMINISTRATION AND FINANCES

RESOLUTION

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

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

5.1.2 CIVIL AND ELECTRICAL SERVICES

RESOLUTION

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

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

5.1.3 DEVELOPMENT SERVICES

RESOLUTION

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

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

5.1.4 PROTECTION SERVICES

RESOLUTION

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

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

6. MATTERS ARISING FROM THE MINUTES

6.1 MINUTES OF THE EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 15 FEBRUARY 2023

6.1.1 ITEM 7.13: WRITE-OFF OF DESTITUTE AND IRRECOVERABLE DEBT: FEBRUARY 2023, REAL AMOUNT FOR WRITE-OFF (5/7/3/1)

The write-off of irrecoverable debt was submitted to the Executive Mayor's Committee on 15 February 2023 and the aim of the report was to establish the real amount for write-off.

The enormous amount of irrecoverable debt for write-off in areas where Eskom is the power supplier supports the Municipality's decision not to introduce *Special Rating Areas*, because the decision was based on the risk that credit

management in these areas could not be applied.

The Director: Financial Services confirmed that four new appointments are to be made in the Credit Division and that the officials will be responsible for the daily audit of destitute cases in order to ensure that only qualified households will receive free basic services. The Municipality is also in the process of purchasing a system, which is coupled to the systems of the Department of Internal Affairs, in order to gain first hand access to information, eg if a person is unemployed or not.

RESOLUTION

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

- (a) That cognizance is taken that the actual amount written off in respect of indigent households amounted to R 5 171 706.11 and in respect of other irrecoverable debt amounted to R1 615 410.69.
- (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.

7. NEW MATTERS

7.1 BUDGET MANAGEMENT COMMITTEE: 2022/2023 SPECIAL ADJUSTED CAPITAL AND OPERATING BUDGETS, TECHNICAL RECOMMENDATIONS (5/1/1/1, 5/1/1/2)

The chairman requested the Director: Financial Services to explain the special adjusted budget.

The Director: Financial Services stated that a grant of R10 945 000 was received from the Department of Local Government as a financial contribution to the municipality for the purchase and installation of back-up energy provision for water and sanitation facilities in order to ensure basic service delivery and to prevent potential health risks.

The Director: Civil Engineering Services placed the Municipality in a favourable position in order to obtain the grant by being able to submit complete business plans and he envisages spending the funds by the end of June 2023.

The Special Adjusted Budget was considered by the Budget Committee on 16 March 2023 for recommendation to the Executive Mayor's Committee.

RESOLUTION [for submission to the Council on 30 March 2023]
(proposed by ald T van Essen, seconded by clr D G Bess)

- (a) That it be noted that the Budget Steering Committee convened to consider the explanations and motivations provided by the financial and engineering staff in a bid to advise the Executive Mayor on way forward;
- (b) That approval be granted to amend the high-level capital and operating budget for 2022/2023 with no amendments to the outer years as follows:

	Original Budget 2022/23	Mid-Year Adj Budget 2022/23	Special Adj Budget 2022/23	Adjustments	Original Budget 2023/24	Original Budget 2024/25
Capital budget	191 095 805	167 894 804	178 839 804	10 945 000	195 834 903	165 690 722
Operating Expenditure	1 029 331 855	1 025 575 992	1 025 575 992	-	1 061 375 491	1 139 864 061
Operating Revenue	1 093 983 961	1 087 072 579	1 098 017 579	10 945 000	1 123 993 179	1 174 158 797
Budgeted (Surplus)/ Deficit	(64 652 106)	(61 496 587)	(72 441 587)	(10 945 000)	(62 617 688)	(34 294 736)
Less: Capital Grants & Contributions	77 109 000	67 945 510	78 890 510	10 945 000	73 351 000	35 935 000
(Surplus)/ Deficit	12 456 894	6 448 923	6 448 923	-	10 733 312	1 640 264

- (c) That it be noted that the changes to the budget will have no impact on tariffs in respect of the 2022/2023 financial year or beyond and the budgeted net deficit of R6 448 923 will remain unchanged;
- (d) That the adjusted budget schedules as required by the Budget and Reporting Regulations be approved as set out in **(Annexure B: Budget Report and B-Schedules 2022/23 – 2024/25)**;
- (e) 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;
- (f) That the Service Delivery Budget Implementation Plan (SDBIP) where appropriate be amended accordingly.

7.2 2023 INTEGRATED DEVELOPMENT PLAN (IDP) (2/1/4/4/1)

The chairman gave the Senior Manager: Strategic Services the opportunity to explain, in brief, the structure of the IDP document, which was drawn up in accordance with the Local Government: Municipal Systems Act (Act 32 of 2000). It was also confirmed that a session with councillors would take place on 25 April 2023 in order to work through the IDP in detail.

The Municipal Manager stated that the IDP is the end result of a collective effort of input by various roleplayers during the public participation process which has already been acknowledged by the Province as best practice.

The Municipal Manager confirmed that it will be a privilege to bring the IDP to fruition over the following four years.

Ald T van Essen stated that it must be kept in mind that amendments to the Spatial Development Framework (SDF), which will form part of the IDP, must be completed by the end of March.

The Director: Development Services voiced her concern that old statistics from the 2016 Census had been used and that the recent Census survey was under suspicion in terms of efficiency and accuracy.

RESOLUTION [for submission to the Council on 30 March 2023]
(proposed by ald T van Essen, seconded by clr J M de Beer)

- (a) That the draft Integrated Development Plan (IDP) for the Swartland municipal area be accepted in principle in terms of Chapter 5 of the Municipal Systems Act No 32 of 2000 for the purposes of obtaining public inputs and comments;

- (b) That the draft IDP be advertised for public inputs and comments during April 2023;
- (c) That the draft IDP be submitted to Local Government, Provincial Treasury, National Treasury and the West Coast District Municipality;
- (d) That the IDP be submitted to the Mayoral Committee on 17 May 2023 for a recommendation and to Council on 25 May 2023 for final approval; and
- (e) That the revision of the area plans be approved.

7.3 BUDGET MANAGEMENT TECHNICAL RECOMMENDATIONS FOR THE DRAFT MULTI-YEAR CAPITAL AND OPERATING BUDGETS, AMENDED BUDGETS AND RELATED POLICIES, PROPERTY RATES AND TAXES, TARIFFS AND OTHER LEVIES FOR 2023/2024, 2024/2025 AND 2025/2026 FOR PURPOSES OF THE PUBLIC PARTICIPATION PROCESS (5/1/1/1, 5/1/1/2)

Section 16(2) of the Local Government Act: Municipal Financial Management, Act 56 of 2003 (MFMA) stipulates that the mayor must table the annual budget at a council meeting at least 90 days before the beginning of the budget year

The draft multi-year capital and operating budgets were submitted to the Budget Management Committee on 16 March 2023 in terms of the *Municipal Budget and Reporting Regulations, 2008* for consideration of the technical recommendations.

The Director: Financial Services stated that the financial modulation is not founded on income versus expenditure, but on the effect of tariff increases and the affordability for the tax payers. The Municipality also cannot, given the macro economic predictions, operate sustainably coupled to the inflation and the historic approach to the drawing up of the budget, which will be seriously considered and redisclosed.

The Director: Financial Services urged councillors to deliver comment on the draft budget by 28 April 2023, with reference to observations by ald T van Essen and clr A K Warnick in respect of certain aspects of the latter.

RESOLUTION [for submission to the Council on 30 March 2023]
(proposed by ald van Essen, seconded by clr D G Bess)

- (a) That council takes note that the costs as envisaged by Section 19 (2)(a)(b) were derived after consultation with the respective director(s) who has confirmed the costs as per **(Annexure A: 2023/2024 – 2025/2026 Draft Budget and Tariff File)** and consider same;
- (b) That council prior to approving the capital projects above R50 million as listed in **(Annexure B: 2023/2024 – 2025/2026 Capital Projects ito Sec 19)**, first consider the projected cost covering all financial years until the project is operational and the future operational costs and revenue on the project, including municipal tax and tariff implications;
- (c) That council deemed it appropriate to consider the entire capital program excluding the 3 contractually combined projects above R50 million as the aforementioned capital program's operational cost, inclusive of future costs will be covered by the rates regime and the normal cost centres found in the operational budget;
- (d) That the future capital budgets from year 3 be limited to 16.5% of the operating budget (based on NT's norm for *Capital Expenditure to Total Expenditure* that is between 10% to 20%) because of the upward pressure it has on the operating budget and the affordability of tariffs;
- (e) That council considers the funding sources linked to council's capital program and take note that these funding sources are available and have not been committed for other purposes;

FINANCING SOURCES	Draft Budget 2023/2024	Draft Budget 2024/2025	Draft Budget 2025/2026
Capital Replacement Reserve (CRR)	R 99 051 292	R 103 813 866	R 117 124 689
Municipal Infrastructure Grant (MIG)	R 24 708 000	R 25 664 000	R 26 660 000
Dept. Human Settlements	R 55 314 000	R 64 890 000	R 30 000 000
Integrated National Electrification Programme (INEP)	R 23 658 000	R 25 000 000	R 35 000 000
RSEP	R 500 000	-	-
Contributions / Donations	R 1 224 943	-	-
Dept. Cultural Affairs and Sport	R 1 016 000	-	-
Community Safety Grant	R 40 000	R 40 000	-
Fire Service Capacity Building Grant	R 926 000	-	-
GRAND TOTAL	R 206 438 235	R 219 407 866	R 208 784 689

- (f) That council approves the capital projects as part of its consolidated capital program as per **(Annexure A: 2023/2024 – 2025/2026 Draft Budget and Tariff File)**;
- (g) That council in-principle approves the raising of an external loan to the amount of R50 million in year 2 of the new 2023/24 MTREF for the partial financing of the following capital projects: 132/11kV Eskom Schoonspruit Substation (R30 million) and the Development of Highlands New Landfill site Cell (R20 million), by means of testing the market as envisaged by MFMA section 46, requesting tenders from the financial institutions;
- (h) That the draft high-level multi-year Capital and Operating budgets in respect of the **2023/2024 – 2025/2026** financial years, be approved as draft, in accordance with sections 16, 17 and 19 of the MFMA to allow for public participation;

	Original Budget 2022/23	Mid-Year Adj Budget 2022/23	Draft Budget 2023/24	Draft Budget 2024/25	Draft Budget 2024/25
Capital budget	191 095 805	167 894 804	206 438 235	219 407 866	208 784 689
Operating Expenditure	1 029 331 855	1 025 575 992	1 104 199 609	1 214 888 188	1 421 514 611
Operating Revenue	1 093 983 961	1 087 072 579	1 227 697 725	1 341 922 499	1 525 223 633
Budgeted (Surplus)/ Deficit	(64 652 106)	(61 496 587)	(123 498 116)	(127 034 311)	(103 709 022)
Less: Capital Grants & Contributions	77 109 000	67 945 510	107 386 943	115 594 000	91 660 000
(Surplus)/ Deficit	12 456 894	6 448 923	(16 111 173)	(11 440 311)	(12 049 022)

- (i) That council approves the notice given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004, to levy the draft property tax rates, exemptions and rebates on property reflected in the schedule below and in the property rates policy for the 2023/24 financial year with effect from 1 July 2023, for purposes of allowing for public participation;

Category of property	Rate ratio	(c/R) rate determined for the relevant property category
Residential properties	1: 1	0,5956
Business and Commercial properties	1: 1,4586	0,8769
Industrial properties	1: 1,4586	0,8769
Agricultural properties	1: 0,25	0,1489

Mining properties	1: 1,4586	0,8769
Public Service Infrastructure	1: 0,25	0,1489
Properties owned by an organ of state and used for public service purposes	1: 1,4586	0,8769
Public Benefit Organizations	1: 0	0,0000
Vacant properties	1: 1,3470	0,8022
Municipal properties	1: 0	0,0000
Conservation Areas	1: 0	0,0000
Protected Areas	1: 0	0,0000
National Monuments	1: 0	0,0000
Informal Settlements	1: 0	0,0000

Exemptions and Reductions

- **Residential Properties:** For all residential properties, the municipality will not levy a rate on the first R15 000 of the property's market value. The R15 000 is the statutory impermissible rate as per section 17(1)(h) of the Municipal Property Rates Act;

Rebates in respect of a category of owners of property are as follows:

- **Indigent owners:** 100 per cent rebate will be granted to registered indigents in terms of the Indigent Policy to a maximum valuation of R105 000;
- **Qualifying senior citizens and disabled persons:** A rebate to an amount equal to the rates payable on the first amount of the valuation of such property to a limit of R300 000.

NB: Please refer to the municipality's property rates policy in respect of all rebates offered.

- (j) That council approve the draft tariff structures and charges for water, refuse removal, sewerage and other sundry charges as set out in **(Annexure A: 2023/2024 – 2025/2026 Draft Budget and Tariff File)** for purposes of allowing for public participation;
- (k) That council approve the electricity tariffs as draft for the 2023/2024 financial year, **bearing in mind that it is still subject to NERSA's final approval;**
- (l) That the annual budget tables as required by the Budget and Reporting Regulations be approved as set out in **(Annexure C: Budget Report and A-Schedules 2023/2024– 2025/2026);**
- (m) That the **amendments** to the budget and related policies as set out in **(Annexure D: Draft Amendments to Budget & Related Policies 2023/2024)** hereto, be approved for purposes of soliciting the views and comment from the public;
- (n) That the training budget limited to **0,60%** of the salary budget in the amount of **R1 968 095** for the 2023/2024 financial year be approved as draft;
- (o) That Council takes note of the increases of the Directors that are contractually linked to the other personnel, which is negotiated and determined at a national level:
 - In respect of all personnel, an increase of **5.3%** for 2023/2024; **5%** for 2024/2025 and **5%** for the 2025/2026 financial years, excluding the increase in other benefits that are applicable and the annual 2.5% notch increase where applicable;
 - All salary adjustments are adequately budgeted for;
 - Provision has been made for a **3%** increase for political office bearers which is within the mid band of the inflation targets set by the South African Reserve Bank (SARB).

- (p) That Council takes note of the budgeted operating surpluses and that the budget is “cash-funded” as a result of cash reserves in table A8, the total expenditure growth of **7.7%** from the current to the new financial year and the revenue streams with growth in revenue of **12.9% (9.9% excluding capital grant income)** for the MTREF period as well as the cash flow statement as per **(A-schedule A7)** for the next three financial years;
- the budgeted risk factor for cash coverage for operating expenses are **9.4 months** for 2023/24, **8.9 months** for 2024/25 and **7.6 months** for the 2025/26 financial year (this can materially be impacted but not possible to determine scientifically at this stage);
 - over the next three financial years the planning is such that operating net surpluses are envisaged for 2023/24 to an amount of **R 16 111 173**, for 2024/25 an amount of **R 11 440 311** and for 2025/26 an amount of **R 12 049 022 (excluding capital grant income)**, which is well below the NT norm of at least a surplus of 10%;
- (q) 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;
- (r) That Council take note that the budget was prepared in the new mSCOA Version 6.7 as required by National Treasury;
- (s) That the process of soliciting public input, views or comments into the draft budget, **revised** budget and related policies (limited to the revisions from the previous year) and budget documents, inclusive of the property taxes and tariffs to close at 12 midday on **28 April 2023**.

7.4 DRAFT 2023/2024 SERVICE DELIVERY AND BUDGET IMPLIMENTATION PLAN (SDBIP) (2/4/2)

The Municipal Manager confirmed that each and every budget must be backed up by a Service Delivery and Budget Implimentation Plan (SDBIP).

The Local Government Act: Municipal Financial Management, Act 56 of 2003 (MFMA) defines the Service Delivery and Budget Implimentation Plan (SDBIP) as a detailed plan, which is approved by the mayor of a municipality in accordance with section 53(1)(c)(ii) of the MFMA for implimentation of the municipality’s service delivery and of its annual budget.

The submission of the SDBIP takes place in accordance with regulations 14 and 15 of the *Municipal Budget and Reporting Regulations*.

RESOLUTION

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

- (a) That the Executive Mayoral Committee take cognisance of the attached draft 2023/2024 Service Delivery and Budget Implimentation Plan (SDBIP) in order to table it at the Council meeting in terms of regulation 14 of the Municipal Budget and Reporting Regulations; and
- (b) That the SDBIP be submitted to National Treasury and Provincial Treasury in terms of regulation 15 of the Municipal Budget and Reporting Regulations.

7.5 CONTRACTS WITH FUTURE BUDGET IMPLICATIONS: TERMINATION OF A WATER SUPPLY AGREEMENT WITH THE DEPARTMENT OF WATER AFFAIRS AND SANITATION: IN COMPLIANCE WITH SECTION 33 OF THE MFMA (16/1/1/B)

The Director: Civil Engineering Services confirmed that the application for an increased allocation of 1.66 million m³/year from the Bergriver Voëlvlei replenishment scheme (BVRAS) was successful and that the following step is to terminate a water supply agreement with the Department of Water Affairs and Sanitation.

In answer to a question in respect of alternative water sources for the Swartland municipal area, the Director: Civil Engineering Services stated that the Swartland is not

in a favourable position because underground water sources are very salty. A sustainable alternative is to purchase water from Cape Town which will be considered in the future.

RESOLUTION [for submission to the Council on 30 March 2023]
(proposed by ald T van Essen, seconded by clr A K Warnick)

- (a) That cognisance be taken of the increased allocation from the BRVAS from the initial 0.66 million m³/annum to 1.66 million m³/annum;
- (b) That it be noted further that in order to secure the allocation a Water Supply Agreement must be concluded with the DWS;
- (c) That it be noted further that the conclusion of the Water Supply Agreement will impose future financial obligations outside the approved multi year budget estimated at R7,088,000 per year at current year prices; and
- (d) That it be noted further that the process as stipulated by Section 33 of the MFMA will be followed.

7.6 REVISION OF THE DISASTER MANAGEMENT PLAN FOR SWARTLAND (17/5/1/1)

The Director: Protection Services confirmed that the submission of a disaster management plan for Swartland serves as a revision of contact details of the various roleplayers and the identification of risks for the municipal area.

It is requested that the following matters are investigated:

- (1) Readiness to support Old Age Homes in a disaster situation;
- (2) Readiness to deal with a hazmad situation, in terms of equipment, training etc;
- (3) Regular reviewing of fire hydrants.

RESOLUTION

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

- (a) That the content of the 2023 reviewed disaster management plan be noted as well as the agreement of all departments to pay attention to risk reduction as part of their daily tasks;
- (b) That the Mayoral Committee approves the 2023 reviewed Disaster Management Plan for the Swartland Municipal Area with the undertaking that the plan will be reviewed annually to ensure that the content is always relevant and up to date;
- (c) That, as prescribed by the Disaster Management Act, a copy of the approved reviewed plan is provided to the West Coast Disaster Management Centre, Provincial Disaster Management Centre as well as the National Disaster Management Centre.

7.7 MINUTES OF A MUNICIPAL PERFORMANCE AND RISK AUDIT COMMITTEE MEETING HELD ON 29 NOVEMBER 2022, AS WELL AS THE HALF-YEARLY REPORT FOR THE PERIOD ENDING 31 DECEMBER 2022 (5/14/1/3)

The Audit Committee serves as a wholly independent committee from the Council and fulfils its function according the stipulations of section 66 of the Local Government: Municipal Financial Management Act, No 56 of 2003.

The minutes of the Municipal Performance and Risk Audit Committee for the period ending 29 November 2022 were circulated with the agenda, and do not contain any recommendations to the Executive Mayor's Committee for consideration.

The half-yearly report from the Performance and Risk Audit Committee for the period ending 31 December 2022 was circulated with the agenda.

RESOLUTION

That cognizance be taken of the minutes of the meeting of the Municipality's Performance, Risk and Audit Committee of 29 November 2022 as well as the Audit Committee's bi-annual report for the period ending 31 December 2022.

7.8 REQUEST RECEIVED IN RESPECT OF WESTERN CAPE RENTAL HOUSING (17/2/2)

There is a lot of focus on providing ownership to first time buyers of housing opportunities, but rental housing is, especially in the economic circumstances in South Africa, necessary in order to provide a home to persons who cannot afford to get ownership of their own properties.

The main objective of the Rental Housing Tribunal is to further stability in the rental housing sector and to provide mechanisms to deal with disputes. In every municipal area a rental housing information office must be established in order to inform lessors and lessees of their rights and responsibilities in order to prevent illegal and unfair dealings.

During a meeting with the Rental Housing Tribunal held on 27 February 2023 a request was received to establish a rental housing information office in the Swartland municipal area.

RESOLUTION

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

- (a) That cognizance been taken of the request by the Western Cape Housing Tribunal (WCRHT) to establish a Rental Housing Information Office (RHIO) at the Municipality;
- (b) That due to capacity constrains the Municipality is not able to establish a Rental Housing Information Office to advise tenants and landlords with regards to their rights and obligations in relations to dwellings within its area of jurisdiction ;
- (c) In decentralization of the Western Cape Rental Housing Tribunal (WCRHT) services to our municipal area the municipality will make venues available when the need arise;
- (d) The Municipality will assist the Western Cape Rental Housing Tribunal (WCRHT) to provide information to Landlords and tenants of the roles and objectives of the Rental Housing Tribunal through our Thusong Mobile Outreaches in communities.

7.9 APPROVAL FOR THE USE OF FACILITIES AS VIEWING CENTRES DURING THE NETBAL WORLD CUP (17/9/1/3)

The Netball World Cup takes place from 26 July to 6 August 2023 in Cape Town. The Department of Cultural Affairs and Sport have identified a number of viewing centres in order to expose the community to the championship.

The Department has made funding available on a 50/50 basis up to a maximum of R50 000/centre in order to fit out the centres with the necessary equipment to show the netball tournaments. The equipment will revert back to the Municipality after the tournament.

RESOLUTION

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

- (a) That the Executive Mayoral Committee approves that the following venues as identified by the Western Cape Department of Cultural Affairs and Sport be made available as viewing centres for the upcoming Netball World Cup that will take place in Cape Town from 26 July 2023 to 06 August 2023:
 - Darling: Community Hall
 - Moorreesburg: Community Hall

- Malmesbury: Indoor Sport Centre
- (b) That the Executive Mayoral Committee notes the funding of R50 000 per viewing centre from Western Cape Department of Cultural Affairs and Sport for operational expenses and the purchasing of audio/visual equipment;
 - (c) That the Executive Mayoral Committee further notes that the above mentioned funding is available only on a 50/50 contribution basis;
 - (d) That sufficient funding in support of 4.3 above has been provided for in council's new MREF.

7.10 UTILIZATION OF THE FORMER DANCKERTVILLE POST OFFICE (12/1/3/1-8/2)

For many years the Council has leased Erf 7516, situated in Jakaranda Street, Malmesbury, to the SA Post Office. The Post Office suspended their service to the relevant community and gifted the facility erected there to the Municipality.

After an on-site inspection by some of the councillors it was agreed in principle that the office should be made available to the SAPS as a satellite police station or alternatively established as a paypoint.

After discussions with the SAPS an application was received from the Community Policing Forum to utilize the facilities by the SAPS, the GPF and the local Neighbourhood Watch.

RESOLUTION

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

- (a) That approval be granted for erf 7516, Malmesbury with existing improvements to be made available to the South African Police Services, to be utilized for the activities of the Police, the Community Policy Forum and the Local Neighbourhood Watch to be used for the benefit of the local community;
- (b) That a memorandum of agreement with relevant conditions be entered into with the SAPS regarding the use of the facilities, to be reviewed and assessed from time to time.

7.11 OFFICE ACCOMMODATION: SINETHEMBA (12/13/1-1/1)

The Council leases a portion of the building situated on Erf 1216, Abbotsdale to Sinethemba for the provision of community based health services.

The lease agreement expired on 28 February 2023 and Sinethemba requested to extend the lease agreement for a further term of one (1) year.

RESOLUTION

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

- (a) That a lease agreement be entered into with Sinethemba for the lease of a portion of the building on Erf 1217, Abbotsdale for the purpose of rendering community based healthcare services;
- (b) That a lease tariff of R120.00 per annum, plus VAT, be approved;
- (c) That the current conditions of lease remain applicable.

[Note: Clr D G Bess left the hall for the remainder of the meeting.]

7.12 LEASE AGREEMENT: LITTLE DARLING CRÈCHE (17/9/2/R)

Erf 4048, Darling has been leased since 2018 to Little Darling Crèche for the purpose of operating an Early Childhood Development facility.

The Director: Corporate Services explained that the Municipality will sell the facility to the crèche if it can be demonstrated that the Early Childhood Development facility can be sustainably operated. The Director: Corporate Services confirmed that the crèche does very good work and that the lease conditions must put the crèche in a position to purchase the land at a later stage.

RESOLUTION

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

- (a) That a one (1) year lease agreement be entered into with Little Darlings Crèche with effect from 1 March 2023 for the lease of erf 4048, Darling, for utilization for purposes of an Early Childhood Development Centre;
- (b) That the rental amount be established at R120.00 per annum plus VAT;
- (c) That should Little Darlings Crèche prove itself as a financially sustainable enterprise, consideration be given in future to the alienation of erf 4048, Darling, to said institution.

7.13 LEASE OF STORAGE SPACE IN MALMESBURY (12/1/2-6/2)

At present the Council leases storage space in Malmesbury from the Bester Family Trust for the storage of black bags and water meters.

The storage space is needed for a further period of time.

RESOLUTION

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

- (a) That a rental agreement be entered into with the Bester Family Trust for the use of storage space in Malmesbury, for a further term of 12 months as from 1 April 2023;
- (b) That the rental tariff of R1 320.00, VAT included, per month be paid from voting number 9/241-369-3007 (purchase of refuge bags);
- (c) That the existing conditions of lease remain unchanged.

7.14 OUTSTANDING DEBTORS: FEBRUARY 2023 (5/7/1/1)

A complete list of outstanding debtors up to the end of January 2023 was circulated with the agenda.

RESOLUTION

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

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

7.15 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 28 February 2023 as circulated with the agenda.

7.16 DEPARTURE FROM THE PRECIBED PROCUREMENT PROCEDURE: PAYMENT OF ANNUAL LICENSES (8/1/B/2)

The Municipality makes use of specialized software for preparing the financial statements in order to comply with the format of the latest audit requirements.

The license holder and only supplier of the license (Caseware) is AdaptIT.

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 payment of the annual license fee to AdaptIT to the amount of R 92,669.65(excluding VAT);
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) AdaptIT is the sole distributor of the software in South Africa.
- (d) That there are sufficient funds available and that the expenditure amounting to R92 669.65 (excluding VAT) is settled against post number 9/216-655-1925;
- (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.

7.17 DEPARTURE FROM THE PRECRIBED PROCUREMENT PROCEDURE: URGENT REPAIRS TO THE GEARBOX MIXER AT RIEBEEK KASTEEL WWTW (8/1/B/2)

The Riebeek Kasteel Sewerage Purification Works consists of various components and mechanical equipment which enables the transport and purification of sewerage through the various processes. The gearbox of a mixer stopped working and urgent repairs were necessary to prevent a total failure in the purification process and serious damage to the mechanical components further on in the process.

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 repairs of the gearbox of a mixer in the de-aeration zone at the Riebeek Kasteel WWTW by GW Trautman for the amount of R 53,929.50 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 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 gearbox therefore had to be handled as an emergency.
- (d) That there are sufficient funds available and that the expenditure amounting to R53 929.50 (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.

7.18 DEPARTURE FROM THE PRECRIBED PROCUREMENT PROCEDURE: REPAIRS TO THE WEIGHBRIDGE AT HIGHLANDS DUMPING GROUND (8/1/B/2)

The weighbridge at the Highlands Dumping Ground is necessary to weigh the refuse which is dumped by the vehicles and to then make out an invoice accordingly, and also for the purpose of reporting.

The digital meter began to generate faulty information and the agent Weighcomm Cape (Pty) Ltd, the original manufacturer, was requested to deliver a quotation for the repairs.

RESOLUTION

(proposed by clr J M de Beer, 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 repairs to the Avery Weigh-tronix weighbridge at the Highlands landfill site by Weighcomm Cape (Pty) Ltd for the amount of R R64 636.80 excluding VAT;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) Weighcomm Cape (Pty) Ltd is the original manufacturer's local service and support agent and the service can therefore only be obtained from this single service provider.
- (d) That there are sufficient funds available and that the expenditure amounting to R64 636.80 (excluding VAT) is settled against post number 9/244-419-695;
- (e) That the Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements when compiled.

7.19 DEPARTURE FROM THE PRECIBED PROCUREMENT PROCEDURE: URGENT REPAIRS TO THE BERMAD PRESSURE VALVE AT MOORREESBURG WATER PUMP STATION (8/1/B/2)

The water booster pump in Moorreesburg from the Withoogte Purification Works is fitted with a pressure valve which regulates the water flow through the booster pump. The pressure valve stopped working and urgent repairs were needed in order to ensure sustained water delivery to Moorreesburg.

RESOLUTION

(proposed by clr A K Warnick, 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 replacement of the pressure sustaining valve at the Moorreesburg booster pump station by Macsteel for the amount of R152 921.25 (VAT included);
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The water booster pump station would have been left out of service for an extended period of time while following due process.
 - (ii) This would have resulted in a failure of bulk water supply to Moorreesburg ultimately resulting in a prolonged interruption of water supply throughout the whole town.
 - (iii) The replacement of the pressure sustaining valve therefore had to be handled as an emergency.
- (d) That there are sufficient funds available and that the expenditure amounting to R152 921.25 (VAT included) is settled against post number 9/249-679-259;
- (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.

7.20 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: REPAIRS TO DEZZI MOTORGRADER (8/1/B/2)

The Dezzi motorgrader is used in Darling for the maintenance of gravel roads. The machine stopped working and the original manufacturer of spares was approached for a quotation for repair work.

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 repairs to the Dezzi motorgrader by Cape Diggers for the amount of R30 936.00 (VAT included);
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The extent of work Cape Diggers has done on the machine to be able to inspect the faulty components and prepare a quotation;
 - (ii) It would be impractical to follow the official procurement processes as it would require re-assembly and re-fitting of the faulty components; and
 - (iii) The fact that Cape Diggers is the authorised service agent for Dezzi equipment in the Western Cape.
- (d) That there are sufficient funds available and that the expenditure amounting to R30 936.00 (excluding VAT) is settled against post number 9/7-22-5;
- (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.

7.21 APPLICATION FOR SICK LEAVE BY THE MUNICIPAL MANAGER (4/8/3)

The Municipal Manager must apply to the Executive Mayor's Committee for leave.

An application for sick leave for ±16 working days has been received from the Municipal Manager for a medical procedure.

RESOLUTION

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

- (a) That notice be taken of the Municipal Manager's sick leave with effect from 4 April 2023;
- (b) That it be noted that the Director: Development Services, after consultation between the Executive Mayor and Municipal Manager, has been requested to act as Municipal Manager, and if the Director: Development Services is unavailable for whatever reason, the Director: Corporate Services as the acting Municipal Manager will act;
- (c) That it is noted that both the Director: Development Services and the Director: Corporate Services have the necessary experience, qualifications and minimum requirements to act as Municipal Manager;
- (d) That it be noted that the Municipal Manager's exact sick leave days will be finalized by the middle of April 2023 on the leave system, depending on the actual amount of sick leave taken.