



MINUTES OF AN ORDINARY MEETING OF THE SWARTLAND MUNICIPAL COUNCIL HELD IN THE TOWN HALL, MALMESBURY, ON TUESDAY, 30 APRIL 2024 AT 10:00

PRESENT:

Speaker, Ald M A Rangasamy
Executive Mayor, Ald J H Cleophas
Executive Deputy Mayor, Cllr J M de Beer

COUNCIL MEMBERS:

Bess, D G (DA)	Pieters, C (ANC)
Booyesen, A M (VF+)	Pypers, D C (DA)
Fortuin, C (ANC)	Smit, N (DA)
Gaika, M F (EFF)	Soldaka, P E (ANC)
Jooste, R J (DA)	Van Essen, T (DA)
Le Minnie, I S (DA)	Vermeulen, G (VF+)
Nel, M (DA)	Warnick, A K (DA)
Ngozi, M (ANC)	White, G E (PA)
O'Kennedy, E C (DA)	Williams, A M (DA)
Penxa, B J (ANC)	

Officials:

Municipal Manager, Mr J J Scholtz
Director: Protection Services, Mr P A C Humphreys
Director: Electrical Engineering Services, Mr T Möller
Director: Financial Services, Mr M A C Bolton
Director: Corporate Services, Ms M S Terblanche
Director: Development Services, Ms J S Krieger
Senior Manager: Public Services and Project Management, Mr J M S Spies
Manager: Secretariat and Records, Ms N Brand

1. OPENING

The Speaker welcomed the Executive Mayor, alderdames, aldermen, councillors, officials and members of the public.

Pastor K du Plessis of the Pentecostal Protestant Church, Malmesbury, opened the meeting with scripture reading and prayer at the request of the Speaker.

The Speaker extended his congratulations to the councillors who have recently celebrated their birthdays.

2. LEAVE OF ABSENCE

Leave of absence is granted to Cllr J R Papier.

3. DEPUTATIONS /DECLARATIONS AND COMMUNICATIONS/SUBMISSIONS

The Executive Mayor, at the invitation of the Speaker, confirmed the notable achievements of Swartland Municipality over recent times, such as –

3./...

(1) Best municipality in South Africa

In March this year, Swartland Municipality was named by Good Governance Africa as the best municipality in South Africa measured against the following core functions:

- service delivery;
- planning, monitoring and evaluation;
- leadership and management;
- administration and government.

Good Governance Africa is an independent source with no interest in Swartland Municipality, and the benchmarks focus on service delivery to the entire community.

(2) During the Western Cape Service Excellence Awards, Swartland Municipality was named the Best municipality in the Western Cape.

The Executive Mayor mentioned that nine projects have been entered for the Western Cape Service Excellence Awards, and Swartland Municipality has received nominations for the following projects –

- IDP in your pocket – 4th place in the Category: Best municipal project
- K9 and LEAP unit – 5th place in the category: Best municipal project
- Acceleration of development in the Swartland – silver in the category: reduction/elimination of red tape.

The Executive Mayor mentions that the awards above confirm Swartland Municipality's commitment to service delivery to all the residents of the municipal area. This ensures that the Swartland municipal area is a preferred destination for investors and individuals, with associated economic growth.

The Executive Mayor took this opportunity to congratulate and thank every official of the Municipality for working hard to achieve these outstanding achievements.

3.1 INAUGURATION OF NEW COUNCILLOR

The Speaker directed a special word of welcome to Cllr G E White and allowed him the opportunity to take and sign the oath of allegiance orally.

Cllr G E White was elected to the Swartland Municipal Council by means of a by-election in Ward 11 on 24 April 2024, and confirmation was accordingly received from the Independent Electoral Commission.

RESOLUTION

- (a) That it be noted that Cllr G E White was elected as ward councillor of Ward 11 during the by-election that was held on 24 April 2024;
- (b) That it be noted that the appointment of Cllr G E White on the municipal council is therefore effective as from 25 April 2024 as representative of the Patriotic Alliance (PA).

4. MINUTES FOR CONFIRMATION

4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD 28 MARCH 2024

RESOLUTION

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

That the minutes of an Ordinary Council Meeting held on 28 March 2024 be approved and signed by the Speaker.

5./...

5. FEEDBACK ON RESOLUTIONS TAKEN BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED AUTHORITY

RESOLUTION

That note be taken of the Executive Mayor's decisions in accordance with his delegated power in the following minutes:

- 5.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR COMMITTEE HELD ON 20 MARCH 2024**
read with
MINUTES OF A MEETING OF PORTFOLIO COMMITTEES HELD ON 13 MARCH 2024

6. FEEDBACK ON RESOLUTIONS TAKEN BY THE MUNICIPAL MANAGER IN TERMS OF DELEGATED AUTHORITY

RESOLUTION

That note be taken of the Municipal Manager's decisions in accordance with his delegated power in the following minutes:

- 6.1 MINUTES OF A BID ADJUDICATION COMMITTEE HELD ON 18 MARCH 2024**

7. MATTERS ARISING FROM MINUTES

None.

8. MATTERS FOR CONSIDERATION

- 8.1 2023/2024 MID-YEAR ADJUSTMENTS BUDGET: FEEDBACK FROM PROVINCIAL TREASURY (5/7/1/1)**

The result of the high-level assessment by the Provincial Treasury of the 2023/2024 Mid-year Adjustments Budget was circulated with the agenda with the request of the relevant department that it should be presented to the Council.

RESOLUTION

That notice be taken of the high-level assessment of the 2023/2024 Mid-Year Adjustment Budget (as approved by Council on 30 January 2024) by the Provincial Treasury and confirmation that it, among other things, meets all the general legal requirements.

- 8.2 IRREGULAR EXPENDITURE AS REPORTED BY THE AUDITOR-GENERAL (AGSA) IN THEIR REPORT FOR 2022/2023 FINANCIAL YEAR AND OTHER MATTERS IDENTIFIED BY MANAGEMENT THROUGH INTERNAL CONTROLS (5/15/1/5)**

The Municipal Manager explained the requirements in terms of section 32 of the Local Government: Municipal Financial Management Act, Act 56 of 2003 (MFMA) to deal with irregular expenditure and the various cases pointed out by the Auditor-General and internal controls.

The irregular expenses, as indicated by internal controls, were referred to the Disciplinary Board in terms of the Council's policy. The investigations of the respective cases contain the recommendations of the writing off of expenses, seeing that no losses were suffered by the Council.

Resolution/...

RESOLUTION

(proposed by Cllr A K Warnick, seconded by Cllr A M Williams)

- (a) That notice be taken of the investigation by the Disciplinary Board in respect of the irregular expenses as reported by the Auditor-General, as well as other irregular expenses that were identified by the management;
- (b) That the final conclusion and recommendation to the Disciplinary Board as indicated in the report is as follows:
 - (i) That the irregular expenditure of R522 691.16 related to matters 1 to 3 above be certified as irrecoverable and written off as the municipality received value for money and suffered no loss;
 - (ii) That the staff members involved in the supply chain management processes acted in good faith and the non-compliance was not as a result of deliberate or gross negligence or as a result of fraud or other dishonest intent by the relevant staff members;
- (c) That the MEC for Local Government as well as the Auditor-General to be notified of the outcome of the investigation.

8.3 RE-APPOINTMENT OF PERFORMANCE, RISK AND AUDIT COMMITTEE MEMBER (11/1/3/1/7)

Under section 166 of the Local Government: Municipal Financial Management Act, Act 56 of 2003 (MFMA), the Municipality is obliged to maintain an independent audit unit.

Mr B J Gouws has been appointed as a member of the Performance, Risk and Audit Committee for a term of three years with effect from 1 May 2021. It is recommended that Mr Gouws be appointed for a further term of three years as he makes a valuable contribution to the functioning of the external audit committee.

RESOLUTION

(proposed by Cllr E C O'Kennedy, seconded by Cllr N Smit)

- (a) That notice be taken that the term of office of Mr. Gouws will not exceed the six-year period as indicated in Circular 65 of the MFMA, therefore Council is requested to consider the following proposal to ensure continuity and further existence of the committee:
 - (i) The renewal of Mr. Gouws' contract as member of the combined Performance, Risk and Audit Committee for a further term of office from 01 May 2024 to 30 April 2027;
- (b) That Mr. Gouws is committed and have provided an excellent service over his past term of office.

8.4 PROPOSED ALIENATION OF MUNICIPAL IMMOVABLE PROPERTY, ERF 12874 (CHURCH SITE) IN MALMESBURY (12/2/5/2-8/4)

Swartland Municipality is the registered owner of Erf 12874, located in Kwartel Street, De Hoop Housing Project, Malmesbury, which has been identified as a church site. Much interest in the acquisition of the church site has been received, and it is recommended that it be disposed of by means of a tender process.

Cllr B J Penxa mentioned that there is much interest, especially in Ilinge Lethu, to acquire church sites, but the people are not familiar with the process. The Director: Corporate Services will prepare an information sheet to explain the tender process and further requirements.

The Municipal Manager mentioned that the sales agreement should also be considered, as many church societies do not meet the requirements to, for example, start building within a certain period of time, after which the church site then falls back to the Municipality.

RESOLUTION

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

- (a) That in-principle approval be granted by Council in terms of Section 14 of the Municipal Finance Management Act, 2003 and the By-law and Policy relating to the Transfer of Municipal Assets for a competitive two phase bid process to be followed for the disposal of the following vacant immovable property:
 - Erf 12874, Kwartel Street, Malmesbury (± 864 m² in extent);
- (b) That cognizance be taken that the property to be sold has been identified from the outset for alienation for community purposes (place of worship) in terms of its zoning and at no stage have been earmarked for the provision of a minimum or any other level of basic municipal services;
- (c) That the subsidized price below be determined as reserve price (VAT exclusive) for the property in terms of the competence thus granted by paragraph 15.2.2 of the Municipal Asset Transfer Policy:
 - Erf 12874, Kwartel Street, Malmesbury R34 560,00 (20% x R172 800,00);
- (d) That authorization be given as follows:
 - (i) to the Executive Mayoral Committee to
 - to deal with any comments and/or objections received in respect of the proposed transaction; and
 - to finalise a decision regarding the transfer of the asset after all applicable Supply Chain and other legal prescripts have been complied with;
 - (ii) to the Director: Corporate Services to finalise the evaluation criteria and conditions of sale for tender purposes, with due consideration of the applicable conditions in the Municipal Asset Transfer Policy, such as the inclusion of a suitable reversionary clause.

8.5 PROPOSED OUT-OF-HAND ALIENATION OF IMMOVABLE RESIDENTIAL PROPERTIES (FORMER TRANSNET HOMES) IN KALBASKRAAL (12/2/B)

The so-called line camp in Kalbaskraal was acquired from Transnet, and the transfer occurred in 2022. The report contains the details of the properties (former Transnet houses) that will be offered for out-of-hand alienation to beneficiaries.

The properties in question are earmarked for housing purposes, and the existing residents all qualify as first-time homebuyers under the Department of Infrastructure's (formerly the Department of Human Settlements) individual housing subsidy scheme. The Municipality will assist the beneficiaries with the application for housing subsidies.

It was further recommended that, where the value amount exceeds the subsidy amount (currently R261 000.00), the suggested selling price, including transfer costs, be limited to the subsidy amount since the beneficiaries do not have the financial ability to pay the difference. Thus, the housing needs of needy persons in the community are addressed.

RESOLUTION

(proposed by Cllr A M Williams, seconded by Cllr I S le Minnie)

- (a) That approval be granted by Council in terms of Section 14 of the Municipal Finance Management Act, 2003 that Erven 947 to 955, Kalbaskraal, i.e. nine properties in total, be alienated out-of-hand to the respective beneficiaries as detailed in Annexure A to this report, and at the proposed selling-prices as indicated;
- (b) That cognizance be taken that the properties to be sold have been identified from the outset for alienation for housing purposes and at no stage have been earmarked for the provision of a minimum or any other level of basic municipal services;

- (c) That cognizance be taken that a competitive process in this instance is not considered feasible, and that is considered fair and equitable to alienate the properties to the persons as indicated above, to help address the housing need of the poor in the community;
- (d) That the proposed out-of-hand sales be publicized in the media, for comment and/or objections;
- (e) That the Executive Mayoral Committee be authorized to deal with any comment and/or objections received;
- (f) That the Directorate Development Services (Housing Division) be tasked to assist the beneficiaries concerned to apply for subsidies under the individual housing subsidy scheme of the Department of Infrastructure.

8.6 ILINGE LETHU: MEMORANDUM OF GRIEVANCES RECEIVED ON 8 MARCH 2024 (14/2/1/1; 7/1/1/1)

The report to the agenda contains an account of the grievances received during a protest march by residents of Ilinge Lethu on 8 March 2024, as well as the response to it dated 20 March 2024.

There was also a request by Cllr M Ngozi, in his capacity as a ward councillor, for representatives of the Municipality to attend a community meeting to explain the contents of the Municipality's response to the community.

RESOLUTION

(proposed by Cllr A K Warnick, seconded by Cllr N Smit)

- (a) That notice be taken of the content of the petition, the response thereto dated 20 March 2024 and the content of the report;
- (b) That the decision of the Executive Mayor and the Municipal Manager to speak to representatives of the community rather than calling a community meeting is supported;
- (c) That, following the recent events in Abbotsdale on 24 April 2024 and associated requests from pressure groups, it is decided not to convene any community meetings at the request of pressure and community groups six weeks before an election, as this is a creating platform to be used/abused for political exploitation.

8.7 QUARTERLY REPORT (SECTION 52 OF MFMA): JANUARY TO MARCH 2024 (7/1/2/2-2)

The submission of the quarterly report to the Council is prescribed by section 52 (d) of the Local Government: Municipal Financial Management Act, Act 56 of 2003 (MFMA).

RESOLUTION

(proposed by Cllr E C O Kennedy, seconded by Cllr D C Pypers)

That cognizance be taken that the quarterly report was tabled at the MPAC on 26 April 2024 and that the MPAC, by way of reporting to the Council, recommends that the Council takes note of the quarterly report as required by Section 52 of the Municipal Finance Management Act, Act 56 of 2003 in respect of the implementation of the budget as well as the performance against the Top Layer Service Delivery and Budget Implementation Plan of the municipality for the period 1 January to 31 March 2024.

**SIGNED:
SPEAKER**