



**MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD IN THE BANQUET HALL, MALMESBURY, ON WEDNESDAY, 17 APRIL 2024 AT 10:00**

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**PRESENT:**

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

Members of the Mayoral Committee:

Cllr D G Bess  
Cllr N Smit  
Ald T van Essen  
Cllr A K Warnick

Other council members:

Speaker, Ald M A Rangasamy

Officials:

Municipal Manager, Mr J J Scholtz  
Director: Financial Services, Mr M Bolton  
Director: Civil Engineering Services, Mr L D Zikmann  
Director: Electrical Engineering Services, Mr T Möller  
Director of Protection Services, Mr P A C Humphreys  
Director: Development Services, Ms J S Krieger  
Director: Corporate Services, Ms M S Terblanche  
Manager: Secretariat and Records Services, Mrs N Brand

**1. OPENING**

The chairman welcomed all in attendance and requested Cllr J M de Beer to open the meeting with prayer.

**2. LEAVE OF ABSENCE**

No apologies received.

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

**3.1 REQUEST FROM CLLR M NGOZI TO ATTEND COMMUNITY MEETING ON 17 APRIL 2024**

The Municipal Manager gave background to the request of Cllr M Ngozi to delegate officials to attend the community meeting on 17 April 2024.

A memorandum was handed to the Municipality during the protest march of 8 March 2024, to which the Municipality responded within the 14-day period.

A meeting was held with Cllr Ngozi on 9 April 2024 to discuss the feedback by the Municipality on the memorandum, as the community indicated that they did not understand the content and therefore invited the Municipality to attend the community meeting.

The Municipal Manager/...

3.1/...

The Municipal Manager confirmed the position of the Municipality to engage with representatives of the community rather than attend a community meeting, as the issues at hand cannot be discussed constructively at a community meeting.

**RESOLUTION**

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

That Cllr Ngozi be requested to convene a meeting between representatives of the community and the Municipality on a date after the end of the community meeting to ensure that the issues listed in the memorandum of 8 March 2024 are discussed constructively.

**4. MINUTES**

**4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 20 MARCH 2024**

**RESOLUTION**

(on the proposal of Ald T van Essen, seconded by Cllr N Smit)

That the minutes of an Ordinary Executive Mayoral Committee meeting held on 20 March 2024 be approved and signed by the Mayor.

**4.2 MINUTES OF PORTFOLIO COMMITTEES MEETING HELD ON 10 APRIL 2024**

[Corrections left as prerogative of the respective committees.]

**5. CONSIDERATION OF RECOMMENDATIONS FROM THE MINUTES**

**5.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING HELD ON 10 APRIL 2024**

**5.1.1 MUNICIPAL MANAGER, ADMINISTRATION AND FINANCE**

**RESOLUTION**

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

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

**5.1.2 CIVIL AND ELECTRICAL SERVICES**

**RESOLUTION**

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

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

**5.1.3 DEVELOPMENT SERVICES**

**RESOLUTION**

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

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

**5.1.4 PROTECTIONSERVICES**

**RESOLUTION**

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

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

## 6. MATTERS ARISING FROM THE MINUTES

### 6.1 WRITE-OFFS OF INDIGENT AND IRRECOVERABLE DEBT: MARCH 2024 – ACTUAL AMOUNT WRITTEN OFF (5/7/3)

On 20 March 2024, the Executive Mayoral Committee was briefed on the intention to write off debts from indigent households and other uncollectible debts.

The report aims to confirm the actual amounts written off.

#### RESOLUTION

(on the proposal of Cllr A K Warnick, seconded by Cllr N Smit)

- (a) That cognizance is taken that the actual amount written off in respect of indigent households amounted to **R 6 834 093.78** and in respect of other irrecoverable debt amounted to **R 1 084 471.05**;
- (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 QUARTERLY REPORT ON THE PERFORMANCE OF CONTRACTORS (8/1/B/1)

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

The Municipal Manager explained that the report was prepared in accordance with legislative requirements to address contractor underperformance in good time.

#### RESOLUTION

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

That notice be taken of the report regarding the performance of contractors for the period 1 January 2024 to 31 March 2024;

That further notice be taken of the two contracts that are not on schedule, and that they will be monitored on a regular basis.

### 7.2 REPORT IN RESPECT OF THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY FOR THE PERIOD 1 JANUARY 2024 TO 31 MARCH 2024 (8/1/B/2)

A report on the implementation of the Supply Chain Management Policy shall be submitted to the Executive Mayor every quarter in terms of paragraph 6 (3) of the Municipal Supply Chain Management Regulations.

The report for the period 1 January 2024 to 31 March 2024 has been circulated with the agenda.

The Municipal Administrator, referring to the size of the award of tenders in the 1st Quarter amounting to R162 155 686.59, confirms that, following the submission of the draft budget in March, the preparation of tender specifications has already begun. This ensures that tenders can be launched soon after the final approval of the budget.

#### **RESOLUTION**

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

- (a) That cognisance is taken of the Quarterly Report in respect of the implementation of the Supply Chain Management Policy as envisaged by section 6(3) of the Regulations, as well as reports on the Formal Tenders (Annexure A), Informal Tenders (Annexure B), and the Deviation Report (Annexure C);
- (b) That cognisance is taken of the services rendered for the period 1 January 2024 to 31 March 2024 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).

#### **7.3 SONDEZA AFRI-YOUTH INITIATIVE: EVALUATION REPORT 2023 (17/2/21)**

The 18th Sondeza Afri-Youth Initiative was hosted from 6 to 15 December 2023 at Ganzekraal. The positive feedback from learners, as contained in the Evaluation Report, testifies to the camp's success.

The full Evaluation Report was circulated along with the agenda.

#### **RESOLUTION**

That cognisance is taken of the Evaluation Report of the 18th Sondeza Afri-Youth Initiative prepared by Ms I Looek as camp coordinator.

#### **7.4 LEASE AGREEMENT: MALMESBURY INFORMAL TRADERS' ASSOCIATION (17/12/2/2/1/2)**

The informal trading area at Bokomo Way, Malmesbury, and other demarcated areas have been leased to the Malmesbury Informal Traders Association since 2003.

The Malmesbury Informal Merchants Association has requested an extension of the lease.

#### **RESOLUTION**

(on the proposal of Cllr J M de Beer, seconded by Ald T of Essen)

- (a) That approval be granted for an agreement to be entered into with the Malmesbury Informal Traders Association to rent the informal traders area at Bokomo Road (and other demarcated areas) in Malmesbury for a term of three years to the amount of R1 030.00, plus VAT, per month;
- (b) That the current conditions of lease remain applicable.

#### **7.5 LEASING OF FORMER 'KOMMANDOGEBOU' IN MOORREESBURG (15/4/6)**

The Municipal Manager gave background to the visit to the Imibala Trust (a Rupert Trust) in Somerset West, which offers a range of programmes to make a difference in the lives of children.

There are, among other things, support programmes that equip children with school and sports uniforms of the respective schools the children attend, skills programmes in art, computers, etc.

The Director: Development Services mentioned that, in the GOP, there is a strong focus on the development of skills (skills centres) and that existing buildings should be used for these purposes. The programmes offered by Imibala Trust can be duplicated if facilities and funds are available because – as confirmed by the Chairman – it will

positively impact the community.

The Municipal Manager stated that the administrator of the Imibale Trust in Somerset West confirmed this morning that the Rupert Trustees have approved the establishment of a similar centre in Moorreesburg. Moorreesburg was identified, seeing that the Moorreesburg Chamber of Commerce introduced the Municipality to the Imibale Trust initiative.

#### **RESOLUTION**

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

- (a) That cognisance be taken that the lease agreement with Sinethemba in respect of the building located on portions of Erf 43 and Erf 122 in 6 Main Street, Moorreesburg, expires on 30 April 2024 and shall not be renewed;
- (b) That the future utilization of the 'Kommandogebou' be referred to the Administration for investigation, for feedback to the Executive Mayoral Committee.

#### **7.6 LEASING OF TRADING SPACES AT THE DE VLEI AMPHITREATRE, DARLING (12/1/3/1-1/1)**

The Council will make four purpose-built shipping containers available as part of the project to establish an Entrepreneurship Node at Erf 155, De Vlei Amphitheater, Darling.

A transparent public participation process was followed, and interviews were held with the prospective tenants to identify four SMMEs to operate their businesses from the shipping containers.

#### **RESOLUTION**

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

- (a) That the application process for identifying lessees for the available trading spaces at the entrepreneurial node on Erf 155, Darling, be noted as well as the outcome of same;
- (b) That lease agreements be entered into for a period of two years and subject to a monthly rental of R100.00 excluding VAT in respect of the successful applicants as follows:
  - (i) Takeaways: Ms Nomakwezi Yedwa
  - (ii) Hair Salon: Ms Sunell Sias
  - (iii) Tuck Shop: Mr Andre Derks
  - (iv) Clothing Shop: Ms Rebecca Qametsi
- (c) That the Director: Corporate Services be authorized to determine the terms and conditions of the lease agreements, in conjunction with the Director: Development Services;
- (d) That approval be granted that the connection rates for services to promote PEO (LED) for SMMEs be waived;
- (e) That approval is granted for the service connections to be made in the name of the respective entrepreneurs, instead of Swartland Municipality;
- (f) That approval be given for a policy to be drawn up for PEO initiatives in support of SMMEs as far as service connections are concerned.

#### **7.7 LEASE AGREEMENT: ERF 4360, DARLING (12/2/4-3/1)**

The Director: Corporate Services stated that it should be noted that Erf 4360, Darling, is not fenced or fenced off as a separate entity from Erf 4359 and, therefore, cannot be leased as an economic agricultural entity to any other party.

The application of the adjacent owner, Anicol Properties, is therefore supported to lease Erf 4360 for agricultural purposes for a further term.

**RESOLUTION**

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

- (a) That approval be granted for a lease agreement to be entered into with Anicol Properties Pty Ltd for a period of three years with effect from 1 July 2024 for the lease of Erf 4360, Darling for agricultural purposes;
- (b) That the lease amount be determined at R2 788.00 per month, excluding VAT;
- (c) That the Director: Corporate Services be authorised to determine the conditions of lease.

**7.8 LEASE AGREEMENT: MAST SERVICES (VODACOM) (15/4/6)**

The Director: Corporate Services stated that it has recently been brought to the attention of the Municipality that a cellular base station has been set up at the Yzerfontein Caravan Park.

The purpose of the report is to enter into a formal rental agreement, similar to the other cellular base stations, with the service provider.

**RESOLUTION**

(on the proposal of Ald T van Essen, seconded by Cllr J M de Beer)

- (a) That a lease agreement be entered into with MAST Services (Pty) Ltd for a period of three years with effect from 1 July 2024 for the use of space, ± 10 m<sup>2</sup> in extent, on Erf 208, Yzerfontein, to provide communication network services in Yzerfontein;
- (b) That the monthly rental be determined at R1 745.00 (excluding VAT), to escalate at 6% per annum;
- (c) That the Director: Corporate Services be mandated to finalise the applicable terms and conditions for purposes of the lease agreement.

**7.9 OUTSTANDING DEBT: MARCH 2024 (5/7/1/1)**

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

**RESOLUTION**

That Council takes cognizance of the report with reference to the state of the outstanding debtors of Swartland Municipality for March 2024.

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

The Asset Management Policy requires monthly reporting of outstanding insurance claims.

**RESOLUTION**

That cognizance be taken of the state of outstanding insurance claims up to and including 31 March 2024 as circulated with the agenda.

**7.11 DEVIATION FROM THE PRESCRIBED SUPPLY CHAIN MANAGEMENT PROCESS: REPAIR AND TESTING OF CHERRY PICKER, CK 47512 (8/1/B/2)**

The Director: Electrical Engineering Services stated that it is a safety requirement to inspect the cherry pickers annually, and this includes, among other things, an inspection to detect any oil leaks and the performance of a load test.

Resolution/...

**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 Cherry Picker CK 47512 by Alpha Hydraulic Lifting Services for the value of R47 082.00 (Excl VAT);
- (c) That the reasons for the deviation from the prescribed procurement process be recorded as follows:
  - (i) The need to have annual inspections and loading test done as per Safety Requirements;
  - (ii) Due to the strip and quote basis it is not reasonable to follow the normal procurement process;
  - (iii) The urgency to have the equipment repaired to ensure service delivery;
- (d) That it be noted that the expenditure was allocated to mSCOA vote 9/4-17-5 and that there was sufficient funding available for the order in the amount of R47 082.00 excluding VAT;
- (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 DEVIATION FROM THE PRESCRIBED SUPPLY CHAIN MANAGEMENT PROCESS: REPAIR AND TESTING OF CHERRY PICKER, CK 14498 (8/1/B/2)**

The Director: Electrical Engineering Services stated that it is a safety requirement to inspect the cherry pickers annually, and this involves, among other things, an inspection to detect any oil leaks and the performance of a load test.

**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 Cherry Picker CK 14498 by 600CT for the value of R39 420.00 (Excl VAT);
- (c) That the reasons for the deviation from the prescribed procurement process be recorded as follows:
  - (i) The need to have annual inspections and loading test done as per Safety Requirements;
  - (ii) Due to the strip and quote basis it is not reasonable to follow the normal procurement process;
  - (iii) The supplier 600CT is the OEM of the equipment;
  - (iv) The urgency to have the equipment repaired to ensure service delivery;
- (d) That it be noted that the expenditure was allocated to mSCOA vote 9/4-17-5 and that there was sufficient funding available for the order in the amount of R39 420.00 excluding VAT;
- (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.

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