



**MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD IN THE BANQUET HALL, MALMESBURY, ON WEDNESDAY, 20 MARCH 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:

The Speaker, Ald M A Rangasamy

Officials:

Municipal Manager, Mr J J Scholtz  
Director: Financial Services, Mr M Bolton  
Director: Protective 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  
Senior Manager: Strategic Services, Ms O Fransman  
Manager: Secretariat and Records Services, Ms N Brand

**1. OPENING**

The Executive Mayor welcomed members and asked Cllr A K Warnick to open the meeting with prayer.

**2. LEAVE OF ABSENCE**

No apologies received.

**3. SUBMISSIONS/DEPOSITIONS/SPEAKING ENGAGEMENT**

None.

**4. MINUTES**

**4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 21 FEBRUARY 2024**

**RESOLUTION**

(proposed by Ald T of Essen, seconded by Cllr A K Warnick)

That the minutes of an Ordinary Executive Mayoral Committee Meeting held on 21 February 2024 be approved and signed by the Mayor.

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

**5.1 MINUTES OF PORTFOLIO COMMITTEES MEETING HELD ON 14 MARCH 2024**

**5.1.1 MUNICIPAL MANAGEMENT, ADMINISTRATION AND FINANCE**

**RESOLUTION**

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

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

**5.1.2 CIVIL AND ELECTRICAL SERVICES**

**RESOLUTION**

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

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

**5.1.3 DEVELOPMENT SERVICES**

**RESOLUTION**

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

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

**5.1.4 PROTECTION SERVICES**

**RESOLUTION**

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

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

**6. MATTERS ARISING FROM THE MINUTES**

None.

**7. NEW MATTERS**

**7.1 2024 INTEGRATED DEVELOPMENT PLAN (IGP) (2/1/4/4/1)**

The amendments to the 2024 Integrated Development Plan (IDP) are presented in the report to the agenda and take place pursuant to the requirement of the Local Government: Municipal Systems Act, Act 32 of 2000, to annually review the IDP.

**RESOLUTION** [for submission to the Council on 28 March 2024]

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

- (a) That the Executive Mayoral Committee take cognisance of the amendment of the Integrated Development Plan (IDP) as well as the revision of the area plans in order to table it at the Council meeting in terms of section 17(3) of the MFMA;
- (b) That, although the Council has not approved MFMA Circular 88, Swartland Municipality will take part in the 2024/2025 DCoG pilot project and that the attached indicators that form part of the pilot project be noted;
- (c) That the DCoG indicators not be incorporated in the existing performance indicator tables in the IDP, but included as an annexure to the IDP; and
- (d) That a further consultation and refinement process be followed during April 2024.

**7.2 BUDGET STEERING COMMITTEE TECHNICAL RECOMMENDATIONS FOR THE DRAFT MULTI YEAR CAPITAL AND OPERATING BUDGETS, AMENDED BUDGET AND RELATED POLICIES, PROPERTY RATES, TARIFFS AND OTHER CHARGES FOR 2024/2025; 2025/2026 AND 2026/2027 FOR SPECIFIC PURPOSES OF GIVING EFFECT TO PUBLIC PARTICIPATION (5/1 /1/ 1, 5/1/1/2)**

Section 16 (2) of the Local Government: Municipal Finance Management Act, Act 56 of 2003 (MFMA) provides that the mayor shall table the annual budget at a council meeting at least 90 days before the commencement of the financial year.

The draft multi-year capital and operating budget was also submitted to the Budget Steering Committee on 14 March 2024 for consideration of the technical recommendations in terms of the Municipal Budget and Reporting Regulations, 2008.

The chairperson gave an opportunity for committee members to highlight aspects that are unclear in the draft budget and also notes that the public participation process should be used to address these aspects. It is acknowledged that discussions will be arranged to clarify the practical implementation of funds for ward projects and the need to use these funds for social upliftment.

The recommendations of the Budget Steering Committee held on 14 March 2024 are submitted to the Executive Mayoral Committee for consideration and recommendation to the Council on 28 March 2024 for purposes of the public participation process. The final approval of the budget will take place on 30 May 2024. It is therefore—

**RESOLUTION**

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

- (a) The Budget Steering Committee has, after considering the comprehensive analysis by the Director: Financial Services, which included detailing the risks associated with the Provincial Gazette of Friday, 8 March 2024 and revenue modelling covering the new MTREF, RESOLVED:
- (b) That the administration revisits the outer years, i.e. year 2 and year 3 in the context of the provincial allocations, **GIVEN THE INDICATIVE** nature of Government allocations, which might be reduced again, given the fiscal challenges experienced by the national government;
- (c) That further formal engagement takes place with the Department of Infrastructure in the Province, in order to clarify and obtain reasonable assurance as to the outer year/s allocations to be included in the multi-year budget, with a view of having a final position during approval of the final MREF budget in May;
- (d) 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: 2024/2025 – 2026/2027 Draft Budget and Tariff File)** and consider same;
- (e) That council prior to approving the capital projects above R50 million as listed in **(Annexure B: 2024/2025 – 2026/2027 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;
- (f) That council deemed it appropriate to consider the entire capital program excluding the 2 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;
- (g) That the future capital budgets from year 3 be limited to 17% 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;

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- (h) 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 2024/2025	Draft Budget 2025/2026	Draft Budget 2026/2027
Capital Replacement Reserve (CRR)	R 95 897 241	R 113 426 861	R 114 641 897
External Loans	R 36 950 588	R 3 000 000	R -
Municipal Infrastructure Grant (MIG)	R 29 332 000	R 25 343 000	R 27 225 000
Integrated National Electrification Programme (INEP)	R 22 818 000	R 23 100 000	R 20 868 000
WCED (Private Funding)	R 20 000 000	R -	R -
Dept. of Infrastructure	R 174 289 166	R 49 520 000	R 33 000 000
Dept. Cultural Affairs and Sport	R 550 000	R -	R -
Community Safety Grant	R 40 000	R -	R -
<b>GRAND TOTAL</b>	<b>R 379 876 995</b>	<b>R 214 389 861</b>	<b>R 195 734 897</b>

- (i) That council approves the capital projects as part of its consolidated capital program as per **(Annexure A: 2024/2025 – 2026/2027 Draft Budget and Tariff File)**;
- (j) That council in-principle approves the raising of an external loan to the amount of R40 million for the new 2024/25 MTREF for the partial financing of the following capital projects: 132/11kV Eskom Schoonspruit Substation (R29 million) and the Development of Highlands New Landfill site Cell (R10 million), by means of testing the market as envisaged by MFMA section 46, requesting tenders from the financial institutions;
- (k) That the draft high-level multi-year Capital and Operating budgets in respect of the **2024/2025 – 2026/2027** financial years, be approved as draft, in accordance with sections 16, 17 and 19 of the MFMA, to allow for public participation;

	Original Budget 2023/24	Adjustments Budget 2023/24	Draft Budget 2024/25	Draft Budget 2025/26	Draft Budget 2026/27
Capital budget	209 052 395	248 689 919	379 876 995	214 389 861	195 734 897
Operating Expenditure	1 071 330 062	1 071 352 206	1 186 633 143	1 433 808 808	1 583 680 923
Operating Revenue	1 192 485 181	1 252 422 713	1 433 295 918	1 534 741 556	1 665 346 695
<b>Budgeted (Surplus)/ Deficit</b>	<b>(121 155 119)</b>	<b>(181 070 507)</b>	<b>(246 662 775)</b>	<b>(100 932 749)</b>	<b>(81 665 772)</b>
Less: Capital Grants & Contributions	107 386 943	119 908 999	227 029 166	97 963 000	81 093 000
<b>(Surplus)/ Deficit</b>	<b>(13 768 176)</b>	<b>(61 161 508)</b>	<b>(19 633 609)</b>	<b>(2 969 749)</b>	<b>(572 772)</b>

- (l) 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 2024/25 financial year with effect from 1 July 2024, for purposes of allowing for public participation;

Table/...

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Category of property	Rate ratio	(c/R) rate determined for the relevant property category
Residential properties	1: 1	0,5624
Business and Commercial properties	1: 1,5592	0,8769
Industrial properties	1: 1,5592	0,8769
Agricultural properties	1: 0,25	0,1406
Mining properties	1: 1,5592	0,8769
Public Service Infrastructure	1: 0,25	0,1406
Properties owned by an organ of state and used for public service purposes	1: 1,5592	0,8769
Public Benefit Organizations	1: 0	0,0000
Vacant properties	1: 1,4264	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.

- (m) That council approve the draft tariff structures and charges for water, refuse removal, sewerage and other sundry charges as set out in **(Annexure A: 2024/2025 – 2026/2027 Draft Budget and Tariff File)** for purposes of allowing for public participation;
- (n) That council approve the electricity tariffs as draft for the 2024/2025 financial year, **bearing in mind that it is still subject to NERSA's final approval;**
- (o) 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 2024/2025 – 2026/2027);**
- (p) That the **amendments** to the budget and related policies as set out in **(Annexure D: Draft Amendments to Budget & Related Policies 2024/2025)** hereto, be approved for purposes of soliciting the views and comment from the public;
- (q) That the amendments to Council's Supply Chain Management Policy and the, Cash Management and Investment policy be approved with immediate effect;

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- (r) That the expansion of the fleet by means of adding a new 11 Seater Bus for the Reaction/LEAP unit, be restricted for usage only within the Swartland municipal boundary (WC015) due to council already financing R14 million of the operating cost over and above the grant allocation from 2022/2023;
- (s) That the training budget limited to **0,50%** of the salary budget for the 2024/2025 financial year be approved as draft;
- (t) 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 **5.2%** for 2024/2025; **5%** for 2025/2026 and **5%** for the 2026/2027 financial years, excluding the increase in other benefits that are applicable and the annual 2.415% 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).
- (u) 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 **10.8%** from the current to the new financial year and the revenue streams with growth in revenue of **14.4% (6.5% 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 **5.6 months** for 2024/25, **4.4 months** for 2025/26 and **8.5 months** for the 2026/27 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 net operating surpluses are envisaged for 2024/25 to an amount of **R 19 633 609**, for 2025/26 an amount of **R 2 969 749** and for 2026/27 an amount of **R 572 772 (excluding capital grant income)**, which is well below the NT guideline of at least a surplus of 7.5%.
- (v) 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;
- (w) That Council also note the content of the Provincial and National Treasury Budget Circulars as enclosed in “**Annexure E: Budget Circulars**”;
- (x) That Council take note that the budget was prepared in the new mSCOA Version 6.8 as required by National Treasury;
- (y) That the process of soliciting public input, views or comments into the draft budget, **revised** budget and related policies and budget documents, inclusive of the property taxes and tariffs to close at 12 midday on **30 April 2024**.

### 7.3 IMPLEMENTATION OF NEW ELECTRICITY STRUCTURE (5/4/1/3; 5/4/B)

The result of the Cost of Supply study, as conducted by Mr Hendrik Barnard, was presented to the Executive Mayoral Committee on 22 February 2024.

The Director: Electrical Engineering Services mentioned that instructions have been received to develop a plan to implement the new electricity tariff structures. However, practical and logistical aspects for each individual tariff are to be implemented first,

among others, the public participation process, upgrading of the financial system, upgrading and/or replacement of certain meters, etc.

The Director: Electrical Engineering Services therefore confirmed that the implementation of new tariff structures is being considered for the 2025/2026 financial year.

#### **RESOLUTION**

(proposed by Ald T van Essen, seconded by Cllr A K Warnick)

- (a) That the implementation of the new tariff structures, if approved by NERSA, takes place in the 2025/2026 financial year as a result of the logistical and practical implications (thus allowing enough time for the creation of new budget models for future budgets);
- (b) That approval be granted that the public participation process regarding the proposed new tariff structure to be initiated as part of the 2024/2025 budget process to provide residents with the opportunity to familiarise themselves with the new structure and the potential impact that it might have on them;
- (c) That it be noted that it is proposed to implement the capacity charges over a period of two to three years, in aid to lessen the impact on the customers (This will allow customers to get use to the charges and to plan accordingly as it might be a shock to some customers);
- (d) That it be noted that consideration will be given by the management team, to the appointment of a project manager to do detail planning, budgeting and implementation of the new tariffs;
- (e) That it be noted that consideration will be given to appoint a third party to manage the metering data of all Time of Use customers and SSEG customer until such a time that the municipality has implemented its own AMR (Automated Meter Reading) system;
- (f) That the introduction of a flat rate be approved (@90% of Eskom Summer off peak Tariff) (similar to what we currently have) for export energy for residential SSEG customers who choose to remain on the conventional residential tariff with a network charge and a capacity charge;
- (g) That it be noted that the cost estimate for the implementation of the plan and provision to be made in the next budget cycle for accurate costing and implementation;
- (h) That it be noted and approved that the implementation is subject to, and must be read with the budget and tariffs in the budget, the latter also subject to public participation and final approval.

#### **7.4 DRAFT 2024/2025 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) (2/4/2)**

The Municipal Manager confirmed that each budget should be supported by a Service Delivery and Budget Implementation Plan (SDBIP).

The Local Government: Municipal Finance Management Act, Act 56 of 2003 (MFMA) defines the Service Delivery and Budget Implementation Plan (SDBIP) as a detailed plan approved by the mayor of a municipality under section 53 (1) (c) (ii) of the MFMA for the implementation of the municipality's service delivery and its annual budget.

The submission of the SDBIP is made under regulations 14 and 15 of the Municipal Budget and Reporting Regulations.

The Municipal Manager, supported by the Senior Manager: Strategic Services, confirmed that the upgrade of the SDBIP will be finalised to include all the necessary information for the Council to complete the oversight role.

**RESOLUTION**

(proposed by Ald T van Essen, seconded by Cllr N Smit)

- (a) That the Executive Mayoral Committee take cognisance of the attached draft 2024/2025 Service Delivery and Budget Implementation 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 TABLING OF DRAFT CREDIT CONTROL AND DEBT COLLECTION BY-LAW (1/1; 1/1/3/16)**

The Director: Financial Services stated that the separation of by-law and policy is intended to establish a clear legal framework for credit control and debt collection practices and processes and to bring greater flexibility for implementing enforcement measures and procedures within the legislative framework.

**RESOLUTION**

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

- (a) That approval be granted for the following draft by-law to be submitted in Council on 28 March 2024 for adoption in principle and for implementation with effect from 1 July 2024:
  - Swartland Municipality: Credit Control and Debt Collection By-law;
- (b) That, following on in principle approval by the Council, the draft by-law be published for public comment in terms of section 12(3)(b) of the Systems Act, 2000 in both the local media and on the municipal website.

**7.6 ADOPTION OF AMENDED BY-LAW: SWARTLAND MUNICIPALITY: MUNICIPAL LAND USE PLANNING BY-LAW (1/1/3/14)**

The Director: Corporate Services deals with the single amendments to the by-law, inter alia, determining trading hours for house shops in the municipal area.

**RESOLUTION** (for submission to the Council on 28 March 2024)

(proposed by Cllr A K Warnick, seconded by Ald T van Essen)

- (a) That the amendments and additions to the Swartland Municipality: Municipal Land Use Planning By-law be adopted by Council, to take effect on date of promulgation in the Provincial Gazette;
- (b) That fines for offences of the by-law be determined by the Department of Justice.

**7.7 RECOMMENDATION FOR APPROVAL OF THE ORGANISATIONAL STRUCTURE TAKING INTO ACCOUNT AMENDMENTS TO FINANCIAL SERVICES, PROTECTION SERVICES AND THE OFFICE OF THE MUNICIPAL MANAGER (4/1/1/2/1)**

Section 66 of the Municipal Systems Amendment Act, 2011, provides that the organisational structure is to be approved by the Municipal Manager.

The proposed amendments to the structure of the Office of the Municipal Manager, Office of Public Office Bearers, Directorates: Electrical Engineering Services and Infrastructure and Civil Engineering Services, as detailed in the report, were presented to the unions.

The Executive Mayor requests that provision be made for–

- (1) two (2) firefighters on the structure, as no progress is being made in talks to deploy the service to the West Coast District Municipality; and
- (2) one official to manage the online purchases of electricity.



**RESOLUTION** (for submission to the Council on 28 March 2024)

- (a) That the Executive Mayoral Committee take note that the amendments to the organizational structure in paragraph (b) and (c) were recommended by the Local Labour Forum meeting held on 22 February 2024:
- (b) That the Executive Mayoral Committee recommends the amendments to the organisational structure for the directorates Office of the Municipal Manager and Office of the Public Office Bearers for approval by Council for implementation with effect from 1 June 2024;
- (c) That the Executive Mayoral Committee recommends the amendments to the organisational structure for the directorates Electrical Engineering Services and Infrastructure and Civil Engineering Services for approval by Council for implementation with effect from 1 July 2024.

**RESOLUTION FURTHER**

- (d) That the further amendment of the organisational structure, by adding the following positions, subject to the availability of funding with effect from 1 July 2024, be recommended to the Council on 28 March 2024:
  - (i) Directorate: Protection Services, Department of Disaster Management, Fire and Emergency Services: 2 x firefighters (T8) – location still to be determined;
  - (ii) Directorate: Financial Services, Revenue Management Division: 1 x accountant (T12, subject to evaluation);
- (e) That the motivation for creating the above positions is taken into account:
  - (i) Directorate: Protection services, 2 x firefighters: To achieve the delivery of a full Fire Brigade Service, as it is indicated that the service will not be deployed to the West Coast District Municipality;
  - (ii) Directorate: Financial Services, accounting officer: To manage the online sales of electricity, which will be implemented from 1 July 2024, and as such to adopt the Smart City concept of service delivery.

**7.8 HOUSING PROJECT: DARLING (36) FLISP/GAP HOUSING (17/4/2/3)**

There are 36 housing opportunities in Darling for beneficiaries who meet the requirements of the GAP/FLISP programme after civil engineering services are completed at the end of 2023. The GAP/FLISP housing market consists of beneficiaries earning between R3 500 and R22 000 per month, i.e., with incomes too low to enter the private property market and too high to receive state assistance.

**RESOLUTION**

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

- (a) That the Executive Mayoral Committee supports the objectives of the FLISP programme;
- (b) That the proposed housing typologies received from Asla/Devco be accepted based on the following conditions:
  - (i) Priority be given to applicants on the Darling waiting list who are first time home buyers/owners;
  - (ii) The subsidy received from the Department of Infrastructure of R 55 594.00 per erf, in total R 2 001 384.00 be transferred to the Council, Housing Special Operating Account for future housing developments.
- (c) That Asla be instructed to apply for funding from the Asset Finance Reserved fund programme for an incremental Flisp project on the basis of deferred ownership which will enable the municipality to make available FLISP opportunities to the broader low income families of Darling;
- (d) That, in order to provide affordable housing for first time home buyers/owners and no monies be levied for land cost and capital contributions.

**7.9 CONSIDERATION OF AMNESTY FOR ILLEGAL BUILDINGS: SWARTLAND MUNICIPALITY (15/4/1)**

[The report is withdrawn.]

**7.10 COLLABORATION BETWEEN SWARTLAND MUNICIPALITY AND THE GOEDGEDACHT TRUST AND IMPENDULO (17/2/2)**

Goedgedacht Trust has been identified by the government as one of the leading partners in rolling out the SEF (Social Employment Fund) programme in the Swartland Municipal Area, thereby creating 400 jobs.

Talks took place in December 2023 between the Municipality, Goedgedacht Trust and Impendulo regarding the possibility of establishing certain projects in Riebeek-Kasteel, among others, vegetable gardens on certain open spaces.

The proposals were discussed at a Management Team meeting held on 29 February 2024, and it was decided not to enter into a cooperation agreement with Goedgedacht Trust and Impendulo for the reasons stated in the report.

**RESOLUTION**

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

- (a) That cognisance be taken of the initiatives of The Goedgedacht Trust and *Impendulo* in Riebeek Kasteel under the Social Employment Fund, as well as their needs pertaining thereto, i.e. (1) for the Municipality to avail a pump to relay water from the Darling Cellars to the community vegetable gardens, and (2) fencing of the skips in Esterhof;
- (b) That cognisance be taken of the outcome of the site visits that took place on 12 February 2024, and during which it came to light that one of the public open space (erf 2651) is already being operated as a vegetable garden, without proof of permission;
- (c) That it be determined in what manner water is being provided to erf 2651;
- (d) That approval not be granted for any of the identified premises to be made available to the institutions for vegetable gardens, given the unsustainability thereof as well as the precedent being set in respect of the rest of the municipal area; Further, that the water connection (if illegal) be terminated and the users be given notice to vacate the property by end June 2024;
- (e) That the applicants also be informed that the skips will not be fenced, given expected vandalism during times it is left unmanned;
- (f) That appreciation however be expressed for the collection of litter, distribution of refuse bags and manning of the skips as being contributory in combating illegal dumping;
- (g) That a cooperation agreement not be concluded at this stage.

**7.11 UTILISATION OF FORMER CLINIC BUILDING ON ERF 806, CHATSWORTH (12/2/2-2/1)**

The building on Erf 806, Chatsworth, was donated to the Department of Public Works by the Municipality in 2002 to be used for clinical purposes, subject to a retroactive clause.

The Department established a satellite clinic on Erf 1071, Chatsworth, in 2016/2017. The transfer of Erf 806, Chatsworth, under the fallback clause, was finalised in 2023.

The intention is to extend the Library, currently operated from a container, to include the former clinic building, and the need has already been registered with the Provincial Library Services. The indication is, however, that funding for this project will not materialise in the near future.

The building is currently unused and is increasingly being vandalised despite the steel fence.

**RESOLUTION**

(proposed by Ald T van Essen, seconded by Cllr A K Warnick)

- (a) That discussions be entered into with SASSA regarding the possible voetstoots use of the building (former clinic) on Erf 806 Chatsworth for their engagements with the public, provided that a formal agreement be entered into regarding the conditions of use;
- (b) That should SASSA not be interested, proposals be invited from non-governmental institutions or other non-profitable organisations for the management and operation of the building, for a period not exceeding three years, provided that the building will be made available voetstoots without any improvements/repairs;
- (c) That the outcome of the process be reported to the committee for a final decision in this regard.

**7.12 ENCROACHMENT ONTO STREET RESERVE: LOEDOLF HOUSE, ERF 10295, MALMESBURY (15/3/1)**

CSM Consulting Services was commissioned by West Coast College Malmesbury to prepare the necessary documentation for restoring the collapsed Loedolf House on Erf 10295 at the corner of Loedolf and Church Streets, Malmesbury.

A report summarising the restoration of the heritage-listed building, considering its historic original typology, was submitted to Heritage Western Cape and approved by the Minister on 2 December 2021.

Building plans were drawn up accordingly and submitted to the Municipality for consideration and approval. The building plan indicates an extension of the stoep over the property's boundary within the road reserve of Loedolf Street, and consequently, a crossing agreement must be entered into.

**RESOLUTION**

(proposed by Ald T van Essen, seconded by Cllr A K Warnick)

- (a) That approval be granted for an encroachment agreement to be concluded with the West Coast College Malmesbury, owner of Erf 10295 Malmesbury, for an unlimited period to be allowed to encroach on the Loedolf Street road reserve, as shown on the architectural drawings;
- (b) That the West Coast College Malmesbury be waived of the annual excess fees;
- (c) That the Director: Corporate Services be authorized to finalise the terms of the agreement, with the input of internal role-players.

**7.13 KALBASKRAAL: LEASE OF BUSINESS PREMISES FOR BICYCLE SHOP/ WORKSHOP (12/2R)**

A letter was received from Mr Harry de Koker to acquire land from the Municipality to establish and operate a bicycle shop and workshop from two containers in Kalbaskraal.

Mr De Koker is a beneficiary of the SMME Booster Fund of the Department of Economic Affairs and Tourism and has received the necessary tools, training and other resources, as well as two dedicated shipping containers using the Bicycling Empowerment Network NPC to operate the bicycle shop and workshop.

**RESOLUTION**

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

- (a) That approval be granted that one of the business sites in Bloekom Street, Kalbaskraal be made available to Mr de Koker from Kalbaskraal *Cycles* to establish his bicycle shop and workshop;
- (b) That 'n lease agreement be concluded with Mr de Koker (or the Bicycle Empowerment Network in the alternative) at payment of R100.00 per month, excluding VAT, for a period of three years;
- (c) That Mr de Koker shall be responsible for all costs related to preparation of the land, the relocation of the containers, as well as all services connections and deposits, and safeguarding of the site.

**7.14 LEASING OF INDUSTRIAL LAND IN MOORREESBURG FOR CROP PRODUCTION (12/2/5/5-9/2)**

On 24 January 2024, the Executive Mayoral Committee approved that proposals be received for the lease of a portion (large  $\pm 17,7$  ha) of Erf 1133, Moorreesburg, for a period not exceeding twelve months, with effect from 1 May 2024.

A public tender process has been conducted to make the land available for arable farming purposes for the benefit of a locally (Moorreesburg) based public welfare organisation, which must be concerned with either welfare, humanitarian or cultural activities.

**RESOLUTION**

(proposed by Ald T van Essen, seconded by Cllr N Smit)

- (a) That approval be granted for the lease of a portion ( $\pm 17.7$  ha in extent) of erf 1133, Moorreesburg at the amount of R1 000.00 per annum, excluding VAT, to the Wheat Industry Museum for a period of one year, with effect from 1 May 2024 until 30 April 2025;
- (b) That the Director: Corporate Services be empowered to finalize the terms of the lease and sign the agreement.

**7.15 LEASE AGREEMENT: MOORREESBURG PIGEON CLUB (17/9/2/R)**

The Council established a building on Erf 42, Moorreesburg, to relocate the Pigeon Club after the land on which the former clubhouse was located was acquired by Prospect Park CC, which subsequently failed to meet its obligation to resettle the Pigeon Club.

A three-year lease agreement has been concluded with Moorreesburg Pigeon Club, effective 1 June 2017. However, a recent audit found that the lease agreement was not renewed.

**RESOLUTION**

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

- (a) That approval be granted for a lease agreement to be entered into with the Moorreesburg Pigeon Club for a period of three years with effect from 1 April 2024 in respect of the pigeon club facilities located on Erf 42, Moorreesburg;
- (b) That the lease amount be determined at R120.00 per annum, excluding VAT;
- (c) That the conditions of lease that apply to the Malmesbury Pigeon Association, also be applied to the Moorreesburg Pigeon Club, including an option to renew for a further three year period upon termination of the agreement on 31 March 2027.

**7.16 LEASE AGREEMENT: VUYOLWETHU CRêCHE MOORREESBURG (17/9/2/R)**

The Vuyolwethu Crêche has been leasing Erf 4175, Moorreesburg, from the Council for the operation of an Early Childhood Development Centre since 1 March 2018.

An onsite inspection was undertaken on 13 March 2024 by the Department: Community

Development to check the requirements for the operation of an Early Childhood Development Centre and to provide motivation for the lease extension.

**RESOLUTION**

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

- (a) That a three (3) year lease agreement be entered into with Vuyolwethu Crèche Moorreesburg with effect from 1 March 2024 for the lease of erf 4175, Moorreesburg, for the operating of an Early Childhood Development Centre;
- (b) That the rental amount be determined at R120.00 per annum, plus VAT.

**7.17 LEASE AGREEMENT: VUYA FOUNDATION CRÈCHE (17/9/2/R)**

The Vuya Foundation is an established and registered NGO operating an Early Childhood Development Centre at Erf 2502, Riebeek-Kasteel, since May 2021. Due to the Vuya Foundation's exemplary record of operating a crèche facility for 150 children in Prince Alfred's Hamlet for several years, it was decided to enter into a lease agreement to operate an Early Childhood Development Centre.

Following the approval of the lease agreement in 2021, the Vuya Foundation undertook a public naming process with the community of Riebeek-Kasteel to choose a suitable name for the centre. A decision was made to use the name New Rest Valley Crèche.

An onsite inspection was undertaken on 28 February 2024 by the Department: Community Development to verify the requirements for the operation of an Early Childhood Development Centre and to provide motivation for extending the lease agreement.

**RESOLUTION**

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

- (a) That a three (3) year lease agreement be entered into with the Vuya Foundation with effect from 1 May 2024 for the lease of erf 2502, Riebeek Kasteel, for the operation of the New Rest Valley Crèche;
- (b) That the rental amount be determined at R120.00 per annum, plus VAT.

**7.18 MINUTES OF THE MUNICIPAL PERFORMANCE AND RISK AUDIT COMMITTEE MEETING HELD ON 28 NOVEMBER 2023 AS WELL AS THEIR BI-ANNUAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2023 (5/14/1/3)**

The Audit Committee serves as a fully independent committee of the Council and fulfils its function in terms of the provisions of section 166 of the Local Government: Municipal Financial Management Act, No. 56 of 2003.

The minutes of the Municipal Performance and Risk Audit Committee meeting held on 28 November 2023 were circulated with the agenda and do not contain any recommendations to the Executive Mayoral Committee for consideration.

The Bi-Annual Report of the Performance and Risk Audit Committee for the period ending 31 December 2023 has been 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 28 November 2023 as well as the Audit Committee's bi-annual report for the period ending 31 December 2023.

**7.19 OUTSTANDING DEBT: FEBRUARY 2024 (5/7/1/1)**

A full report of the state of outstanding debt at the end of February 2024 was circulated with the agenda.

**RESOLUTION**

That cognizance be taken of the report with reference to the state of the outstanding debtors of Swartland Municipality for February 2024.

**7.20 WRITE-OFF OF IRRECOVERABLE DEBT AND OTHER DEBT, FEBRUARY 2024 (5/7/3)**

The attached schedules show the outstanding amounts classified as irrecoverable, namely:

- Schedule A – irrecoverable with respect to welfare benefits = R5 409 829,08
- Schedule B – irrecoverable with respect to outstanding debtors = R1 083 465,38

All possible attempts have been made to collect the funds from outstanding debtors, but there are cases where account holders have died or could not be traced or do not have the financial ability to make any payments.

**RESOLUTION**

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

- (a) That the Executive Mayoral Committee approves that the amount of **R5 409 829,08** be written off as irrecoverable, in respect of indigent households;
- (b) That the Executive Mayoral Committee approves that the amount of **R1 083 465.38** be written off as irrecoverable, in respect of other debtors linked to and as a direct result of the individual reasons per case;
- (c) That, if after the date of this approval, it comes to light that a portion of the debt owed by a debtor is not correct, or that any information was not made known to the Executive Mayoral Committee at the time of write-off, which would have led to the committee not considering the amount for write-off, the Executive Mayoral Committee retains the right to write back the debt to the relevant debtor and that the necessary steps will be taken to recover the debt;
- (d) That, if a property is in any way alienated, the Council retains the right to refuse clearance on the relevant property in order to recover the amounts written-off, before clearance is given. In order to enforce this decision a register is kept by the Rates and Taxes Division which enables the department to see if any debts were written-off within the previous two years, and if so to recover the amounts before clearance is considered;
- (e) That approval is also given that the current levies, which is not yet incorporated in the current list due to the period from the starting of the administrative process of compiling the write-off list and the period thereafter, form part of the write-off, providing that the Credit Control Division is convinced that the new debt is also irrecoverable under the same circumstances;
- (f) That approval is also given that the amounts owed to the Council, which to date, do not appear on the schedule as a result of the non-completion of socio-economic investigations at all indigent households, will also form part of the write-off, providing that the Credit Control Division is convinced that the new debt is also irrecoverable under the same circumstances;
- (g) That the actual amount for write-off be submitted to the Executive Mayoral Committee at the next meeting;
- (h) That any VAT levied on the services is claimed back from the Receiver of Revenue in the prescribed manner;
- (i) That the Credit Control Division attempt to pay a personal visit to each indigent household in order to explain the write-off and the future obligations of 'responsible users', as well as to explain the installation and workings of water demand management systems, as a proactive credit control measure;
- (j) That approval be given that the costs relating to the replacement of the credit

meter with a prepaid electricity meter are for the municipality to bear and that the Chief Financial Officer will recover the costs from the Equitable Share allocation;

- (k) That the Mayoral Committee takes cognizance of the fact that the administration will attempt to put measures in place in a bid to force those users of services not on our financial system to agree and complete the necessary services connection form/s.

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

According to the Asset Management Policy, monthly reporting is required for outstanding insurance claims.

##### **RESOLUTION**

That cognizance be taken of the state of outstanding insurance claims up to and including 29 February 2024 as circulated with the agenda.

#### **7.22 REVIEW OF THE CORE MUNICIPAL DISASTER MANAGEMENT PLAN OF SWARTLAND (17/5/1/1)**

The Director: Protection Services confirmed that the submission of the Disaster Management Plan for Swartland serves as a review of contact details of the respective stakeholders and identification of risks for the municipal area.

Following a risk assessment, the following risks were identified:

- Loadshedding
- Alien and invasive plant species
- Water supply interruptions
- Floods
- Seismic activity
- Veld fires
- Animal diseases
- Service delivery protests
- COVID-19
- Drought

##### **RESOLUTION**

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

- (a) That the content of the 2024 reviewed Core 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 2024 reviewed Core 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.

#### **7.23 SWARTLAND MUNICIPALITY: 2024 REVIEWED BUSINESS CONTINUITY AND DISASTER RECOVERY PLAN (17/5/1/1)**

The purpose of the Business Continuity and Disaster Recovery Plan is to prepare the Municipality for extended service interruptions and to restore service delivery as soon as possible.

##### **RESOLUTION**

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

- (a) That cognisance is taken of the changes that was made to the Business Continuity and Recovery Plan;
- (b) That the reviewed 2024 Swartland Business Continuity and Recovery Plan be approved.

**7.24 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIRS TO THE BELT FILTER PRESS AT THE MALMESBURY WWTW (8/1/B/2)**

The belt filter press is mechanical equipment at the Malmesbury WWTW that forms part of the process of removing sludge from the treated sewage. If the treatment process is not carried out effectively, it causes the final effluent not to meet the required standards, which can negatively impact the environment.

**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 to approve the repair of the drive unit of the belt filter press at the Malmesbury WWTW by GW Trautmann for the amount of R 35,264.43 (excluding VAT);
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
  - (i) The belt filter press would be left out of service for an extended period of time;
  - (ii) This would have resulted in failure of the treatment process, sludge losses, final effluent of poor quality that does not conform to the required standards and a detrimental impact on the environment; and
  - (iii) The repair of the drive unit of the belt filter press therefore had to be handled as an emergency;
- (d) That the expenditure of R35 264,43 (excl. VAT) was allocated to mSCOA Code: 9/239-349-689 and that there is sufficient funding available;
- (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.

**7.25 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIR WORK TO THE SUBMERCIBLE PUMP AT THE RIVERLANDS PUMPSTATIONSTATION (8/1/B/2)**

The sewer pump station at Riverlands collects sewage from households in Riverlands and transfers it to evaporation dams near Chatsworth. One of the sewer pumps suffered mechanical failure, causing sewage spills at the pump station.

**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 to approve the repair of the pump at the Riverlands Pump station by CAW for the amount of R 36,515.00 (excluding VAT);
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:



- (i) The submersible pump would have been left out of service for an extended period of time while following due process;
  - (ii) This would have resulted in continued flooding of the sewerage pump station, failure of the service and the spillage of raw sewerage;
  - (iii) The repair work to the pump therefore had to be handled as an emergency.
- (d) That the expenditure of R36 515,00 (excl. VAT) was allocated to mSCOA Code: 9/240-849-381 and that there is sufficient funding available;
  - (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.

**7.26 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIR WORK TO COMPACTOR TRUCK CK 37359 (8/1/B/2)**

The compactor truck, CK 37359, is used in Malmesbury for the weekly refuse removal.

**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 to approve repairs to the compactor truck CK 37359 for the amount of R 136,440.74 (excluding VAT) by Transtech;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
  - (i) The truck would have been left out of service for an extended period of time;
  - (ii) This would have resulted in a failure in the waste removal services and public health risks;
  - (iii) The repair works to the compactor truck therefore had to be handled as an emergency.
- (d) That the expenditure of R136 440,74 (excl. VAT) was allocated to mSCOA Code: 9/4-36-5 and that there is sufficient funding available;
- (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.

**7.27 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: REPAIRS OF DRUM SCREEN AND GEARBOX AT THE INLET WORKS OF THE RIEBEEK KASTEEL WWTW (8/1/B/2)**

The inlet works at the Riebeek-Kasteel WWTW are equipped with a drum screen that ensures that no foreign objects that could cause damage to the mechanical components get into the WWTW.

**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 to approve repairs to the drum screen and gearbox at the inlet works of the Riebeek WWTW by

GW Trautmann for the amount of R 63,228.47 (excluding VAT);

- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
  - (i) The drum screen would have been left out of service for an extended period of time;
  - (ii) This would have resulted in failure and damages to downstream mechanical equipment;
  - (iii) The repair of the drum screen and gearbox drive unit of the belt filter press therefore had to be handled as an emergency.
- (d) That the expenditure of R63 228,47 (excl. VAT) was allocated to mSCOA Code: 9/239-851-689 and that there is sufficient funding available;
- (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.

**7.28 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: REPAIRS TO CK 49106 VOLVO FRONT-END LOADER (8/1/B/2)**

The Volvo front-end loader, CK 49106, is used in the Swartland municipal area to clear illegally dumped waste.

**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 has approved the repair of the compressor unit to the front-end-loader CK 49106 for the amount of R 34,374.42 by Babcock Equipment;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
  - (i) It would be impractical to follow the official procurement processes as Babcock Equipment is the authorized service agent for Volvo Earthmoving Equipment in South Africa;
- (d) That the expenditure of R34 374,42 (excl. VAT) was allocated to mSCOA Code: 9/7-18-5 and that there is sufficient funding available;
- (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**