



MINUTES OF AN ORDINARY MEETING OF THE SWARTLAND MUNICIPAL COUNCIL HELD IN THE COUNCIL CHAMBER, MALMESBURY ON THURSDAY, 30 JANUARY 2025 AT 10:00

PRESENT:

Speaker, ald M A Rangasamy
Executive Mayor, ald J H Cleophas
Executive Deputy Mayor, cllr J M de Beer

COUNCILLORS:

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

Officers:

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

1. OPENING

The Speaker welcomed the Executive Mayor, alderlady, aldermen, councillors and officials

The Municipal Manager opened the meeting with scripture reading and prayer at the invitation of the Speaker.

The Speaker congratulated councillors who recently celebrated their birthdays.

2. LEAVE OF ABSENCE

Leave of absence is granted to cllrs M F Gaika and D C Pypers.

3. DELEGATIONS / DECLARATIONS / STATEMENTS / COMMUNICATIONS / PRESENTATIONS

3.1 AWARDING OF ALDERLADYSHIP TO CLLR JM DE BEER IN ACCORDANCE WITH THE POLICY FOR THE ACKNOWLEDGEMENT OF ALDERMANSHIP (3/1/5)

The Speaker confirmed that cllr J M de Beer qualifies for the award of councillorship in terms of the Policy on the Recognition of Councillorship.

The Speaker mentioned that the Policy aims to recognise the exceptional achievements of councillors and the provision of meritorious service in the interest of the Municipality. The Speaker congratulated cllr J M de Beer on the award.

NOTED

3.2 OFFICIAL OPENING OF THE WESTERN CAPE PARLIAMENT: OPENING ADDRESS BY PREMIER ALLAN WINDE (SOPA)

The Municipal Manager mentioned that all councillors are invited to the video broadcast of the official opening of the Western Cape Parliament and opening address (SOPA) of Premier Allan Winde on Wednesday, 26 February 2025 at 18:30 from the Banquet Hall, Malmesbury.

Council members were requested to confirm their presence by Friday, 21 February 21 2025 at the Office of the Speaker.

NOTED

3.3 MEMBERS OF THE PERFORMANCE, RISK AND AUDIT COMMITTEE

The Municipal Manager confirmed the members of the Performance, Risk and Audit Committee (PRAC) after recent new appointments, namely:

- Ms R Gani (Chairperson)
- Mr B J Gouws
- Ms S Jones
- Adv M Mdludlu

NOTED

4. MINUTES FOR CONFIRMATION

4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 29 OCTOBER 2024

RESOLUTION

(proposed by cllr E C O'Kennedy, seconded by cllr J M de Beer)

That the minutes of an Ordinary Council meeting held on 29 October 2024 be approved and signed by the Speaker.

4.2 MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 11 DECEMBER 2024

RESOLUTION

(proposed by cllr E C O'Kennedy, seconded by cllr J M de Beer)

That the minutes of a Special Council meeting held on 11 December 2024 be approved and signed by the Speaker.

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

RESOLUTION

That notice be taken of the Executive Mayor's decisions in terms of delegated power, as contained in the minutes below:

5.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD ON 15 OCTOBER 15, 2024

read with

MINUTES OF A MEETING OF PORTFOLIO COMMITTEES HELD ON 9 OCTOBER 2024

5.2 MINUTES OF AN ORDINARY EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 21 NOVEMBER 2024

read with

MINUTES OF A MEETING OF PORTFOLIO COMMITTEES HELD ON 13 NOVEMBER 2024

5.3 MINUTES OF AN ORDINARY EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 11 DECEMBER 2024

6. REPORTING ON RESOLUTIONS TAKEN BY THE MUNICIPAL MANAGER IN TERMS OF DELEGATED POWER

RESOLUTION

That notice be taken of the Municipal Manager's decisions in terms of delegated power, as contained in the minutes below:

6.1 MINUTES OF THE BID ADJUDICATION COMMITTEE MEETING HELD ON 14 OCTOBER 2024

6.2 MINUTES OF THE BID ADJUDICATION COMMITTEE MEETING HELD ON 30 OCTOBER 2024

6.3 MINUTES OF THE BID ADJUDICATION COMMITTEE MEETING HELD ON 1 NOVEMBER 2024

6.4 MINUTES OF THE BID ADJUDICATION COMMITTEE MEETING HELD ON 27 NOVEMBER 2024

7. MATTERS ARISING FROM THE MINUTES

None.

8. MATTERS FOR DISCUSSION

8.1 TABLING OF DRAFT ANNUAL REPORT: 2023/2024 FINANCIAL YEAR (7/1/1/1)
[Draft Annual Report attached separately]

The 2023/2024 Draft Annual Report has been prepared in accordance with the format prescribed by MFMA Circular 63 dated 26 September 2012, and was submitted to Council in terms of Section 127(2) of the Local Government: Municipal Finance Management Act, 2003 (MFMA, Act 56 of 2003).

The annual report includes, among others –

- (1) the financial statements;
- (2) audit report of the Auditor-General; and
- (3) the annual performance report.

RESOLUTION

(proposed by ald J H Cleophas, seconded by cllr N Smit)

- (a) That cognisance be taken of the annual report in respect of the 2023/2024 financial year, as tabled in terms of section 127(2) of the MFMA, and of which the tabling is done in the format as pre-scribed by National Treasury's MFMA Circular 63 of 2012;
- (b) That cognisance be taken of the following steps to be taken in terms of section 127 of the MFMA, being
 - (i) disclosure of the annual report;
 - (ii) inviting the public to submit representations in connection with the report;
 - (iii) inviting the public and relevant organs of state to attend the council meeting on 31 March 2025, when the annual report and oversight report will be discussed;
 - (iv) submission of the annual report to the Auditor-General, provincial treasury and the provincial department responsible for local government;

8.1/...

- (c) That the MPAC, after the closing of comments on the annual report, undertake a detailed analysis of the representations received in order to compile the draft oversight report for consideration by the Council on 31 March 2025;
- (d) That councillors who are not members of the MPAC take note that they should also be conducting their own review of the report by inter alia having discussions with their constituents, ward commit-tees and ward representatives to encourage inputs and comments for consideration at the full council meeting on 31 March 2025.

8.2 QUARTERLY REPORT (SECTION 52 OF MFMA): OCTOBER TO DECEMBER 2024 (7/1/2/2-2)

[Annexure attached separately]

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

RESOLUTION

(proposed by ald J H Cleophas, seconded by rdl E C O'Kennedy)

That cognisance be taken that the quarterly report was tabled at the MPAC on 28 January 2025 "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 October to 31 December 2024".

8.3 MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR THE 2024/2025 FINANCIAL YEAR (7/1/2/2-2)

[Annexure attached separately]

Article 72(1) of the the MFMA, Act 56 of 2003 stipulates that by 25 January of each year, the accounting officer must evaluate and submit to the Executive Mayor the performance of the Municipality during the first half of the financial year.

The Executive Mayor submits the Bi-Annual Budget and Performance Report, as prepared in accordance with the provisions of the Municipal Budget and Reporting Regulations (General Notice 393 as promulgated in the Government Gazette dated 17 April 2009).

RESOLUTION

(proposed by ald J H Cleophas, seconded by cllr I S le Minnie)

That cognizance be taken of the mid-year budget and performance assessment in terms of the first half of the 2024/2025 financial year and more specifically the need to revise the original budget by way of an adjustments budget.

8.4 APPROVAL OF THE 2024/2025 MID-YEAR ADJUSTMENTS CAPITAL AND OPERATING BUDGET (5/1/1/1, 5/1/1/2 – 24/25)

[Annexure attached separately]

The 2024/2025 Bi-Annual Adjustment Capital and Operating Budget was considered for approval by Council at an Executive Mayors Committee meeting held on 22 January 2025 and was tabled by the Executive Mayor.

The presentation of the adjustment budget is made in terms of Section 28 of the MFMA, Act 56 of 2003 after the performance of the Municipality during the first half of the financial year has been evaluated – refer item 8.3.

The Speaker brought the matter to a vote and the 2024/2025 Bi-Annual Adjustment Capital and Operating Budget was decided (in the absence of two councillors) with 18 councillors in favour and two abstentions.

RESOLUTION

(proposed by ald J H Cleophas, seconded by cllr N Smit)

- (a) That it be noted that the Budget Steering Committee convened to consider the explanations and motivations provided by the financial staff and other directors in a bid to advise the Executive Mayor on way forward;
- (b) That it be noted that the R2.935 million adjustment to overtime was as a result of the emergency situation caused by severe flooding to parts of Chatsworth and Riverlands, due to the three dams that collapsed. This caused destruction of municipal roads and the water supply network;
- (c) That the following total expenditure by vote (per directorate) be approved, which includes both operating and capital expenditure per directorate, in order that departments pro-actively prevent unauthorised expenditure;

Budget Year 2024/25	Capital Expenditure by Vote			Operating Expenditure by Vote			Total Expenditure by Vote		
	Original Budget	Total Adjusts.	Adjusted Budget	Original Budget	Total Adjusts.	Adjusted Budget	Original Budget	Total Adjusts.	Adjusted Budget
R thousands									
Vote 1 - Corporate Services	778	(300)	478	46 746	918	47 664	47 524	618	48 142
Vote 2 - Civil Services	127 036	(32 667)	94 369	393 895	23 549	417 444	520 930	(9 118)	511 813
Vote 3 - Council	1 278	9	1 287	26 049	(675)	25 374	27 327	(666)	26 660
Vote 4 - Electricity Services	68 971	(27 010)	41 961	458 585	17 349	475 934	527 556	(9 661)	517 895
Vote 5 - Financial Services	698	(130)	568	81 680	(2 379)	79 301	82 378	(2 508)	79 869
Vote 6 - Development Services	174 824	(8 612)	166 212	51 379	(9 439)	41 940	226 203	(18 051)	208 152
Vote 7 - Municipal Manager	12	88	100	10 030	(46)	9 985	10 042	42	10 085
Vote 8 - Protection Services	2 882	173	3 055	120 682	(7 352)	113 330	123 564	(7 179)	116 385
Grand Total	376 478	(68 448)	308 030	1 189 046	21 925	1 210 971	1 565 523	(46 523)	1 519 000

- (d) That approval be granted to amend the 2024/2025 capital projects as part of its consolidated capital program as per (**Annexure A-1: Adjusted 2024/25 Capital Budget**), with no amendments to the outer years;
- (e) That council considers the amended 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	Original Budget 2024/25	Mid-Year Adj Budget 2024/25	Increase / (Decrease)
Capital Replacement Reserve (CRR)	93 535 241	71 023 189	(22 512 052)
External Loan	36 950 588	-	(36 950 588)
Municipal Infrastructure Grant (MIG)	29 332 000	29 302 000	(30 000)
Dept. Human Settlements (DHS)	174 289 166	165 670 203	(8 618 963)
Integrated National Electrification Programme (INEP)	22 818 000	22 401 642	(416 358)
Western Cape Education Department (PRIVATE FUNDING)	19 033 109	19 033 109	-
Dept. Cultural Affairs and Sport	484 783	484 783	-
Community Safety Grant	34 783	34 783	-
Donations	-	80 000	80 000
GRAND TOTAL	376 477 670	308 029 709	(68 447 961)

8.4/...

- (f) That council takes note of the proposed adjustments (as it relates to Section 19) in respect of the projects listed in **(Annexure A-2: Capital Projects ito Sec 19)**;
- (g) That approval be granted to amend the high-level capital and operating budget for 2024/2025 as per **(Annexure B: Adjusted 2024/25 Operating Budget)**, with no amendments to the outer years, as follows:

	Original Budget 2024/25	Mid-Year Adj Budget 2024/25	Adjustments	Original Budget 2025/26	Original Budget 2026/27
Capital budget	376 477 670	308 029 709	(68 447 961)	216 639 861	197 984 897
Operating Expenditure	1 189 045 717	1 210 970 777	21 925 060	1 434 463 775	1 584 420 812
Operating Revenue	1 458 996 894	1 475 819 204	16 822 310	1 535 862 828	1 666 597 277
Budgeted (Surplus)/ Deficit	(269 951 177)	(264 848 427)	5 102 750	(101 399 053)	(82 176 465)
Less: Capital Grants and Donations	246 062 275	238 036 010	(8 026 265)	97 963 000	81 093 000
(Surplus)/ Deficit	(23 888 902)	(26 812 417)	(2 923 515)	(3 436 053)	(1 083 465)

- (h) That it be noted that the changes to the operating budget will have no impact on tariffs in respect of the 2024/2025 financial year or beyond but will result in an increased budgeted net surplus from R23 888 902 to a budgeted net surplus of R26 812 417;
- (i) That the adjusted budget schedules (B1 to B10) as required by the Budget and Reporting Regulations be approved as set out in **(Annexure C: Budget Report and B-Schedules 2024/25 – 2026/27)**;
- (j) 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;
- (k) That the Service Delivery Budget Implementation Plan (SDBIP) where appropriate be amended accordingly.

8.5 STATUS QUO AND AMENDMENT OF THE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK 2023-2027 (15/1/4/1)

The amendments to the Municipal Spatial Development Framework are important to accommodate new developments within the urban periphery and under the correct zoning.

The proposed amendments are for Malmesbury, Darling and Riebeek Kasteel and will take place on open days to provide an opportunity for the public to provide input/comments on them.

Cllr A K Warnick requested that Ward 6 be added to the advertisement regarding the open days, as there are also proposed amendments in Ward 6.

RESOLUTION

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

- (a) That in principle approval be granted by the Swartland Municipal Council for the amendment of the Municipal Spatial Development Framework for the towns of Malmesbury, Darling and Riebeek Kasteel together with the inclusion of the Capital Expenditure Framework as an addendum;

8.5/...

- (b) That the publication of the amendment of the Municipal Spatial Development Framework for public comment in terms of section 7(1)(b) of the By-Law be approved;
- (c) That the amendment of the Municipal Spatial Development Framework be submitted to the Provincial Minister and other organs of state for comments;
- (d) That the commenting period will be the months of February and March 2025 with open days in the relevant wards of the towns of Malmesbury, Darling and Riebeeck Kasteel.

8.6 APPOINTMENT OF DISCIPLINARY BOARD MEMBERS (5/15/1/5)

The Disciplinary Board was established as an independent advisory body to make decisions in terms of the *Financial Misconduct Regulations* to assist the Council in investigations into financial misconduct.

The purpose of the report is to recommend to the Council the composition of the Disciplinary Board, as was considered at an Executive Mayoral Committee meeting on 22 January 2025, and to give approval accordingly for the appointment of members.

RESOLUTION

(proposed by cllr N Smit, seconded by cllr I S le Minnie)

- (a) That the Chairperson of the PRAC be appointed as a member of the Disciplinary Board from 01 November 2024 to 31 December 2025. The Chairperson of the PRAC can nominate any member of the PRAC to attend a meeting on his/her behalf should he/ she not be available;
- (b) That the Senior Manager: Treasury and the Senior Manager: Budget, Costing and Reporting be appointed as secundi's for the municipal officials serving on the Disciplinary Board;
- (c) That the Chief Audit Executive be appointed as a member of the Disciplinary Board again from 01 June 2025 to 31 December 2025;
- (d) That only the designations of the officials be approved to prevent the administrative burden of getting Council approval should an official leave the municipality during their three-year term. See the table below:

Member of the Disciplinary Board	Secundi	Term
Chairperson of the PRAC	Any nominated member of the PRAC	01 November 2024 – 31 December 2025
Director Corporate Services	Senior Manager: Treasury / Senior Manager: Budget, Costing and Reporting.	1 January 2023 to 31 December 2025
Senior Manager Human Resources	Senior Manager: Treasury / Senior Manager: Budget, Costing and Reporting.	1 January 2023 to 31 December 2025
Chief Audit Executive	Senior Manager: Treasury / the Senior Manager: Budget, Costing and Reporting.	1 June 2022 to 31 May 2025 & 01 June 2025 – 31 December 2025

- (e) The remuneration payable to the external member of the Disciplinary Board will be the same as the attendance of the Performance, Risk and Audit Committee.

8.7 CODE OF CONDUCT FOR COUNCILLORS: DECLARATION OF INTERESTS (3/1/1)

The Code of Conduct for Councillors as contained in Schedule 7 of the Municipal Structures Act, stipulates, *inter alia*, that councillors must declare their interests on an annual basis, including gifts received by a councillor.

The 2023 Regulations stipulate that the interests must be declared for a calendar year and therefore councillors are required to declare interests for the period 1 January 2024 to 31 December 2024.

RESOLUTION

(proposed by cllr A K Warnick, cllr E C O'Kennedy)

- (a) That councillors take cognisance of the requirements in terms of Item 6 to 8 of the Code of Conduct;
- (b) That councillors take cognisance that the nature or detail of the financial interests of a councillor referred to in Item 8 of the Code of Conduct for Councillors, must be **declared in writing to the Municipal Manager**, including gifts received by such councillor in excess of R1 000,00;
- (c) That cognisance be taken that the declaration referred to in paragraph (b) must be submitted to the Director: Corporate Services by no later than Wednesday 12 February 2025.

**SIGNED
SPEAKER**