MINUTES OF AN ORDINARY COUNCIL MEETING OF THE SWARTLAND MUNICIPAL COUNCIL HELD IN THE COUNCIL CHAMBERS, MALMESBURY ON THURSDAY, 30 JULY 2026 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)
Booysen, A M (VF+)
Gaika, M F (EFF)
Jooste, R J (DA)
Le Minnie I S (DA)
Mains, R R (PA)
Nel, M (DA)
Ngozi, M (ANC)
O'Kennedy, E C (DA)
Papier, J R (GOOD)
Pieters, C (ANC)
Smit, N (DA)
Soldaka, P E (ANC)
Van Essen, T (DA)
Vermeulen, G (VF+)
Warnick, A K (DA)
Williams, A M (DA)

Officials:
Municipal Manager, Mr J J Scholtz
Director: Financial Services, Mr M A C Bolton
Director: Civil Engineering Services, Mr L D Zikmann
Senior Manager: Technical Services, Mr M J Swanepoel
Director: Corporate Services, Ms M S Terblanche
Director: Development Services, Ms J S Krieger
Director: Protection Services, Mr H Witbooi
Manager: Secretariat and Records, Ms N Brand

1. OPENING

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

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

The Speaker conveys his congratulations to councillors who have recently celebrated birthdays.

2. APOLOGIES

Leave of absence is granted to cllrs C Fortuin, B J Penxa and D C Pypers.

3. STATEMENTS / COMMUNICATIONS / PRESENTATIONS

3.1 SPEAKER: TRIBUTE TO MUNICIPAL MANAGER WITH 20 YEARS OF SERVICE AS MUNICIPAL MANAGER OF SWARTLAND MUNICIPALITY

The Speaker stated that Mr J J Scholtz was appointed as Municipal Manager of Swartland Municipality with effect from 1 August 2006. It is therefore considered appropriate that Council takes this opportunity to congratulate Mr Scholtz on reaching this special milestone of 20 years of service as Municipal Manager.

The Speaker further states that Mr Scholtz is the Municipal Manager in the country with the longest service at one municipality.

Mr Scholtz is thanked by the Speaker and other councillors for his exceptional contribution to the successes of Swartland Municipality, which can be attributed to a large extent to the way in which he has managed and led the Municipality over the past 20 years.

Mr Scholtz's ethical leadership and unwavering pursuit of excellence testify to firmness, fairness, integrity, consistency and compassion. Through his commitment to the Batho Pele Principles, he has succeeded in establishing an organisational culture in which the Council, the administration, and the community work together as partners to achieve sustainable and meaningful results. As a result, Swartland Municipality is regarded as one of the best municipalities in the country.

FOR INFORMATION

4. MINUTES FOR RATIFICATION

4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 28 MAY 2026

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

That the minutes of an Ordinary Council meeting held on 28 May 2026 be approved and signed by the Speaker.

4.2 MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 25 JUNE 2026

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

That the minutes of a Special Council meeting held on 25 June 2026 be approved and signed by the Speaker.

4.3 MATTERS ARISING FROM THE MINUTES OF 25 JUNE 2026

[Note: Ald T van Essen leaves the meeting for the discussion of the item]

ITEM 4.5: IRREGULAR EXPENDITURE: EMERGENCY REPAIRS TO THE MOORREESBURG WWTW (5/1/B)
ITEM 4.6: IRREGULAR EXPENDITURE: THE ACCELERATION OF THE DE HOOP SERVICED ERVEN AND CONSEQUENT VIREMENT (5/1/B)
ITEM 4.7: IRREGULAR EXPENDITURE: ENGINEERING ASSIGNMENTS IN TERMS OF TENDER T23/22/23: PROVISION OF PROFESSIONAL CIVIL AND ELECTRICAL SERVICES FOR THE PERIOD ENDING 30 JUNE 2026 (5/1/B)

The proposed amendments to the minutes of a Special Council meeting held on 25 June 2026 are presented by cllr E C O'Kennedy as Chair of the Municipal Public Accountability Committee (MPAC), as considered at an MPAC meeting held on 28 July 2026 –

RESOLUTION
(proposed by cllr E C O'Kennedy, seconded by cllr A M Booysen)

(a) That it is noted that the Municipal Public Accountability Committee (MPAC) has already taken note of the relevant facts and recommendations on 19 June 2026, and that Council has likewise considered the matter on 25 June 2026. Council further notes that **the facts, circumstances, motivation and recommendations as reported to MPAC and Council at that time have not changed in any way and continue to apply unchanged.**

(b) That it be noted that the following amendments to **Items 4.5, 4.6 and 4.7** of the minutes of the Council meeting held on 25 June 2026 arise exclusively from the closure of the 2025/2026 financial year and the finalisation of the respective financial amounts. The amendments are –

Item 4.5: Irregular Expenditure: Emergency Repairs to the Moorreesburg WWTW (5/1/B)

That the amount of **R198 672,48** be amended to **R228 473,35**, as the original amount excluded VAT, while the final amount to be recorded must include VAT.

Item 4.6: Irregular Expenditure: Accelerating the De Hoop serviced erven and resulting virement (5/1/B)

That the amount of **R7 869 930,95** be amended to **R9 454 094,14**, as the final amount of the write-off must include the retention amount of R822 095,00, together with the applicable VAT on both amounts.

Item 4.7: Irregular Expenditure: Engineering Assignments in terms of Tender T23/22/23: Provision of Professional Civil and Electrical Services for the period ending 30 June 2026 (5/1/B)

That the amount of **R46 754 935,45** be amended to **R46 918 250,54**, as the final year-end closing amount includes payments of **R163 315,09** processed and paid **during the period** 19 June 2026 to 30 June 2026.

5. REPORT ON RESOLUTIONS TAKEN BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED POWER

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 20 MAY 2026
read with

MINUTES OF PORTFOLIO COMMITTEE MEETINGS HELD ON 6 MAY 2026

5.2 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD ON 17 JUNE 2026

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

RESOLUTION

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

6.1 MINUTES OF THE BID ADJUDICATION COMMITTEE MEETING HELD ON 18 MAY 2026
6.2 MINUTES OF THE BID ADJUDICATION COMMITTEE MEETING HELD ON 8 JUNE 2026

7. MATTERS ARISING FROM THE MINUTES

7.1 MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 25 JUNE 2026

Note - see Item 4.3.

8. MATTERS FOR DISCUSSION

8.1 (1) REPORTING OF SECTION 56 VACANCY: MS M S TERBLANCHE; (2) FILLING OF SECTION 56 MANAGER POST: DIRECTOR: CORPORATE SERVICES; (3) APPOINTMENT OF SELECTION PANEL (4/3/B, 4/3/1)

The Director: Corporate Services, Ms M S Terblanche, has given notice of her early retirement at the end of November 2026.

As part of Council's succession planning, it is necessary to proactively commence with the process of filling the vacancy of Director: Corporate Services in order to ensure that the effective handover of duties and responsibilities.

The Municipal Manager explains that because Swartland Municipality's budget exceeds one billion rand, the minimum requirements in terms of the upper limit regulations must be complied with, *inter alia*, a minimum of two years in a director position at a local authority. The effect of this requirement is that middle-level managers at a post levels 16 or 17 will not qualify for this position, whereas a director from a much smaller municipality with a much smaller budget would qualify.

The Municipal Manager mentions that the aforementioned minimum requirement was raised with Mr Graham Paulse at a meeting held on 21 July 2026, and that the latter understands the problem. There are other municipalities that are struggling to fill director’s positions, e.g. Overstrand and Hessequa advertising same for the third time at enormous advertising costs.

Mr Paulse undertook to prepare a viewpoint in collaboration with the Minister, but the proposed process must be implemented until such time as the outcome from the Minister is received.

RESOLUTION
(proposed by cllr I S le Minnie, seconded by cllr D G Bess)

(a) That notice is taken of the vacancy that will arise in the post of Director of Corporate Services with the early retirement of Ms Madelaine Terblanche at the end of November 2026;

(b) That the Council approve and confirm that the macro personnel structure as shown on the approved organizational structure, is in line with the IDP and the post of Director Corporate Services is relevant and needed to achieve the strategic objectives of the IDP;

(c) That it be approved that the post of Director Corporate Services be filled and that approval be granted for filling and advertising - in accordance with the attached advertisement and regulations;

(d) That the post is filled on an all-inclusive "cost to company" package in accordance with the provisions of the upper limits for senior managers, in terms of 14 April 2026 notice, or as amended;

(e) That the selection panel consisting of the following persons, be approved –
   (i) The Municipal Manager - Mr. Joggie Scholtz (Chairperson of the panel);
   (ii) One councillor to be nominated by Council who must be a member of the mayoral committee or a councillor who is the portfolio head of the relevant portfolio, namely cllr N Smit;
   (iii) Director Corporate Services of a neighbouring municipality, namely West Coast District Municipality;

(f) That it be noted that a service provider will be appointed by the Municipal Manager to assist in the recruitment and selection process for the appointment of a Director Corporate Services;

(g) That the process plan attached hereto be noted and approved;

(h) That approval be granted that Ms Madelaine Terblanche is used in a mentorship role after the appointment of her successor for the remaining period of her contract period, provided that she also be used for other tasks, functions and responsibilities, as and when required.

8.2 (1) REPORTING OF SECTION 56 VACANCY: MR M J MöLLER; (2) FILLING OF SECTION 56 MANAGER POSITION: DIRECTOR: ELECTRICAL ENGINEERING SERVICES; (3) APPOINTMENT OF SELECTION PANEL (4/3/B, 4/3/1)

The Director: Electrical Engineering Services, Mr M J Möller, has given notice of his early retirement at the end of January 2027.

As part of the Council's succession planning, it is necessary to proactively commence with the process of filling the vacancy of Director: Electrical Engineering Services in order to ensure that the effective handover of duties and responsibilities.

The Municipal Manager draws the Council's attention to the unfair consequences of the upper limits regulations in that senior managers in the Directorate: Electrical Engineering Services earn a higher income than the director. The Municipal Manager further refers to the minimum requirements of the position, specifically the following that make the recruitment of a suitable candidate extremely difficult, namely:

- *"registration with the Engineering Council of South Africa (ECSA) as Professional Engineer (Electrical) or Professional Engineering Technologist (Electrical);*
- *Government Certificate of Competency (GCC) as required in terms of the General Machinery Regulation, 1988".*

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

(a) That notice is taken of the vacancy that will arise in the post of Director of Electrical Engineering Services with the early retirement of Mr Thys Möller at the end of January 2027;

(b) That the Council approve and confirm that the macro personnel structure as shown on the approved organizational structure, is in line with the IDP and the post of Director of Electrical Engineering Services is relevant and needed to achieve the strategic objectives of the IDP;

(c) That it be approved that the post of Director Electrical Engineering Services be filled and that approval be granted for filling and advertising - in accordance with the attached advertisement and regulations;

(d) That the post is filled on an all-inclusive "cost to company" package in accordance with the provisions of the upper limits for senior managers, in terms of 14 April 2026 notice, or as amended;

(e) That the selection panel consisting of the following persons, be approved –

(i) The Municipal Manager - Mr. Joggie Scholtz (Chairperson of the panel);
(ii) One councillor to be nominated by Council who must be a member of the mayoral committee or a councillor who is the portfolio head of the relevant portfolio, namely ald T van Essen;
(iii) Director: Electricity Generation and Distribution of a neighbouring municipality, namely City of Cape Town or as alternative the Executive Director: Engineering Services, mr L Pienaar of Drakenstein Municipality;

(f) That it be noted that a service provider will be appointed by the Municipal Manager to assist in the recruitment and selection process for the appointment of a Director Electrical Engineering Services;

(g) That the process plan attached hereto be noted and approved;

(h) That approval be granted that Mr Thys Möller is used in a mentorship role after the appointment of his successor for the remaining period of his contract period, provided that he also be used for other tasks, functions and responsibilities, as and when required.

8.3 APPROVAL OF THE ORGANISATIONAL STRUCTURE TAKING INTO ACCOUNT AMENDMENTS TO CORPORATE SERVICES (4/1/1/2/1)

In terms of Section 66 of the Amended Municipal Systems Act, 2011, the approval of the organisational structure is the responsibility of the Municipal Manager.

With the construction of the Kalbaskraal Socio-Economic Facility, it is necessary to appoint a hall caretaker, and the position was considered for approval by the management team on 29 May 2026.

The amendment to the organisational structure of the Directorate: Corporate Services with the addition of a hall caretaker for the Kalbaskraal SEF with effect from 1 August 2026 has been submitted for consideration to the Labour Forum and Executive Mayoral Committee respectively.

RESOLUTION
(proposed by cllr N Smit, seconded by cllr A M Williams)

(a) That Council takes note that the amendment was recommended at the meeting of the Local Labour Forum held on 18 June 2026;

(b) That Council approved the amendment to the organisational structure for the directorate Corporate Services for implementation with effect from 1 August 2026.

8.4 CONTINUATION OF EXISTING PROFESSIONAL ENGINEERING SERVICES ALLOCATED UNDER TENDER T23/22/23 AND SECTION 116(3) MFMA PROCESS (8/2/2/12)

The Municipal Manager explains that the report aims to obtain approval from Council for the continuation and completion of professional engineering services allocated under Tender T23/22/23 by a panel for the respective projects listed in Appendix B after completion of the process in terms of Section 116(3) of the Local Government: Financial Management Act, Act 56 of 2003 (MFMA).

The Municipal Manager further mentions that correspondence has been received from the Deputy National Chairman of the United Independent Movement (UIM), Mr M Truter, as an objection to the Section 116(3) MFMA notice in respect of the continuation of existing services in terms of Tender T23/22/23. The Municipal Manager confirms that the correspondence was received after the deadline of Wednesday, 22 July 2026 at 15:45, but that it is being presented to Council for transparency.

RESOLUTION
(proposed by cllr A K Warnick, seconded by cllr R Jooste)

(a) That Council notes that various Civil and Electrical Professional Engineering assignments allocated under Tender T23/22/23, as indicated in Annexure B, relate to current municipal infrastructure projects under construction and require continued professional involvement until completion;

(b) That Council recognises that the termination of the existing assignments and the transfer thereof to other service providers on the newly appointed panel may result in duplication of costs, unnecessary delays, prejudice to the Municipality, disruption of ongoing infrastructure projects and the inefficient utilisation of municipal resources;

(c) That Council notes the public participation process undertaken in accordance with section 116(3)(b) of the Municipal Finance Management Act, 56 of 2003, as reflected in Notice 04/2026/2027 attached as Annexure A, and further notes that no written comments, objections or representations were received within the advertised public participation period which closed at 15:45 on Wednesday, 22 July 2026;

(d) That Council further notes that subsequent to the closure of the advertised public participation period, an email dated 24 July 2026, received from Mr Marlon Truter, in his capacity as Deputy National Chairperson of the United Independent Movement South Africa (UIM SA), was submitted to the Municipality. The correspondence was received after expiry of the advertised public participation period and therefore does not constitute a representation received as part of the section 116(3) public participation process. Council further notes that the correspondence consists primarily of requests for legislative clarification and access to documentation, rather than new factual information relating to the proposed continuation of the existing professional engineering assignments. The Municipality will deal with any requests for access to records in accordance with the applicable legislative framework;

(e) That Council approves the continuation of the existing assignments allocated under Tender T23/22/23, as reflected in Annexure B, until completion of the respective assignments.

8.5 ANNUAL REPORT REGARDING THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY FOR THE FINANCIAL YEAR ENDED 30 JUNE 2026 (8/1/B/2)

Regulation 6(2)(a)(i) of the Municipal Supply Chain Management Regulations stipulates that an annual report must be submitted to Council regarding the implementation of the Supply Chain Management Policy.

The annual report for the period 1 July 2025 to 30 June 2026 has been circulated with the Agenda.

RESOLUTION
(proposed by cllr N Smit, seconded by cllr A K Warnick)

(a) That cognisance is taken of the Annual Report regarding the implementation of the Supply Chain Management Policy in accordance with section 6(2)(a)(i) of the Regulations, as well as reports on the Formal Tenders (Annexure A), Informal Tenders (Annexure B), and the Deviation Report (Annexure C & C.1);

(b) That cognisance is taken of the services rendered for the period 1 April 2026 to 30 June 2026 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). It must be noted that some payments must still be finalised for the 2025/2026 financial year. To comply with legislation in terms of quarter 4, any differences will be highlighted in the following SCM quarterly report, subject to figures/transactions that would have an impact on the completeness of the financial statements.

8.6 QUARTERLY REPORT (SECTION 52 OF MFMA): APRIL TO JUNE 2026 (7/1/2/2-2)

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

The Section 52 MFMA Quarterly Report also contains non-financial information in the form of the performance measured against the targets in the Top-Level Service Delivery and Budget Implementation Plan.

The aforementioned report was considered by the Municipal Public Accountability Committee (MPAC) on 28 July 2026 for recommendation to Council and cllr E C O'Kennedy as chairman of the MPAC, congratulates the administration on achieving the 95% target in terms of capital expenditure.

RESOLUTION
(proposed by cllr E C O'Kennedy, seconded by cllr A M Williams)

That cognisance be taken that the quarterly report was tabled at the MPAC on 28 July 2026 "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 April to 30 June 2026".

8.7 NOTICE OF MOTION (16/3/B)

[Ald T van Essen leaves the meeting for the discussion of the item]

The Executive Mayor tables the motion submitted in terms of paragraph 37 of the Swartland Municipality: Bylaw in respect of Conduct of Meetings for consideration by Council.

The motion involves the proposal to designate the Malmesbury WWTW as the Van Essen Sewage Treatment Works. The Executive Mayor mentions that ald Van Essen is thereby being recognised for his contribution to long-term planning, sustainable development and the proactive development of infrastructure capacity to meet future demand.

The Speaker brings the matter to a vote and decided (in the absence of three councillors), with fifteen (15) votes in favour and three (3) councillors abstaining.

RESOLUTION
(proposed by ald J H Cleophas, seconded by cllr J M de Beer)

(a) That the Council approve the name change of the Malmesbury Sewage Treatment Works to the Van Essen Sewage Treatment Works.

(b) That it is noted that the aforesaid name change is intended to recognise ald T van Essen for his role, as former Executive Mayor, in creating infrastructure capacity that will be able to meet future demand and thereby ensure sustainable development of the Swartland.

SIGNED:
SPEAKER