



## **MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD IN THE COUNCIL CHAMBER, MALMESBURY ON THURSDAY, 21 AUGUST 2025 AT 10:00**

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### **PRESENT:**

Executive Mayor, ald J H Cleophas (Chairman)  
Executive Deputy Mayor, ald J M de Beer

#### Members of the Mayors' Committee:

Cllr D G Bess  
Cllr N Smit  
Cllr A K Warnick

#### Officials:

Municipal Manager, Mr J J Scholtz  
Director: Civil Engineering Services, Mr L D Zikmann  
Director: Electrical Engineering Services, Mr T Möller  
Director: Protection Services, Mr H Witbooi  
Director: Development Services, Ms J S Krieger  
Director: Corporate Services, Ms M S Terblanche  
Manager: Secretariate and Records Services, Ms N Brand

### **1. OPENING**

The Chairperson welcomed members and requested Cllr A K Warnick to open the meeting with prayer.

The Chairman expressed his condolences to ald T van Essen on the passing of his Mother.

### **2. LEAVE OF ABSENCE**

Noted the apologies received from ald T van Essen, the Director: Financial Services, Mr M Bolton and the Speaker, ald M A Rangasamy.

### **3. PRESENTATIONS/DELEGATIONS/SPEAKING ENGAGEMENTS**

#### **3.1 POSSIBLE IMPLEMENTATION OF AARTO IN THE SWARTLAND MUNICIPALITY**

The Municipal Manager provided the information regarding the possible implementation of AARTO in the Swartland Municipality as discussed at the recent Premier Coordination Forum meeting.

The Municipal Manager mentioned the following issues that must first be addressed before implementation of AARTO will be considered, namely –

- (1) Provision of traffic services is an unfunded mandate from which the Municipality receives only 12% (instead of 32%) of the revenue;
- (2) A Service Delivery Agreement will have to be entered into with the SA Post Office – Ig. is currently under business rescue and it is expected that fees will have to be paid to SA Post Office in advance which is contrary to the MFMA;
- (3) The functions and expenses of the so-called "back-office" were not taken into account;
- (4) If a fine is paid within 32 days, a 50% discount is given – which further limits the income to Municipality.

3.1/...

The Municipal Manager mentioned that it cannot continue to deliver a national and provincial function for which the Municipality's taxpayers must vouch.

The Municipal Manager has been co-opted on the committee to investigate this matter further, and Mr Witbooi and Steyn will be involved in discussions. A formal mandate will be obtained from Council in due course as the investigation progresses.

#### **FOR INFORMATION**

### **4. MINUTES**

#### **4.1 MINUTES OF A SPECIAL MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD ON 25 JUNE 2025**

##### **RESOLUTION**

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

That the minutes of a special meeting of the Executive Mayoral Committee held on 25 June 2025 be approved and signed by the Executive Mayor.

#### **4.2 MINUTES OF AN ORDINARY EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 17 JULY 2025**

##### **RESOLUTION**

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

That the minutes of an Ordinary Executive Mayoral Committee meeting held on 17 July 2025 be approved and signed by the Executive Mayor.

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

#### **5.1 MINUTES OF PORTFOLIO COMMITTEE MEETINGS HELD ON 13 AUGUST 2025**

##### **5.1.1 MUNICIPAL MANAGEMENT, ADMINISTRATION AND FINANCE (7/1/2/2-1)**

##### **RESOLUTION**

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

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

##### **5.1.2 CIVIL AND ELECTRICAL SERVICES (7/1/2/2-4)**

##### **RESOLUTION**

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

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

##### **5.1.3 DEVELOPMENT SERVICES (7/1/2/2-5)**

##### **RESOLUTION**

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

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

##### **5.1.4 PROTECTION SERVICES (7/1/2/2-3)**

##### **RESOLUTION**

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

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

## 6. MATTERS ARISING FROM THE MINUTES

None.

## 7. NEW MATTERS

### 7.1 APPROVAL OF THE GOP/BUDGET TIME SCHEDULE (2/1/4/4/1)

In terms of section 21(1)(b) of the Municipal Finance Management Act, Act 56 of 2003 (MFMA), the mayor must submit to Council at least ten months before the start of the budget year a time schedule with key deadlines regarding the revision of the Integrated Development Plan (IDP) and budget process.

The Municipal Manager gave background to the notice that was served on Swartland Municipality by the High Court in Pretoria as a party to the case between AfriForum and NERSA. The case mainly deals with NERSA disregarding the statutory deadlines set by legislation.

Comments were obtained from Provincial Legal Services to create a "*motion to abide*" in support of AfriForum and that, if Ig. is successful in the case, the timeframes will be part of the IDP/Budget time schedule.

**RESOLUTION** (for submission to Council on 27 August 2025)  
(on the proposal of cllr N Smit, seconded by cllr D G Bess)

That the attached IDP/Budget time schedule be recommended for approval by Council, subject to the correction that all councillors are invited to the Budget Workshop on Friday, 27 February 2026.

### 7.2 APPROVAL OF THE NEW EMPLOYMENT EQUITY PLAN FOR THE PERIOD 1 SEPTEMBER 2025 TO 31 AUGUST 2030 (4/9/1/2/B)

The new Employment Equity Plan for the period 1 September 2025 to 31 August 2030 has been prepared in terms of the new Employment Equity Regulations, 2025 as promulgated in Government Gazette No 52515 dated 15 April 2025.

The plan is briefly explained by the Senior Manager: Human Resource Management and emphasises that the Employer, for the reasons stated in the report, cannot be penalised or fined if the pre-set targets cannot be achieved.

**RESOLUTION**  
(on the proposal of cllr N Smit, seconded by ald M J de Beer)

- (a) That the Executive Mayoral Committee note the Employment Equity Analysis (EEA12) that forms the basis for the compilation of the Employment Equity Plan;
- (b) That the Executive Mayoral Committee approve the attached Employment Equity Plan for the period 1 September 2025 to 31 August 2030 for implementation with effect from 1 September 2025;
- (c) That approval is granted that the Municipal Manager sign the Employment Equity Plan (EEA13).

### 7.3 ASSIGNMENT AGREEMENT REGARDING THE OPERATION OF PUBLIC LIBRARIES IN THE WESTERN CAPE (17/8/B)

The Western Cape Department of Cultural Affairs and Sport (DCAS) has initiated a process to review legislation and regulations for the provision of public library services in the Province. On 12 June 2025, the Public Library Services Act, 2025 was signed into law by the Premier of the Western Cape and the new legislation replaces the 1981 Ordinance.

The attached amendment agreement formalises the manner in which DCAS and the Municipality will cooperate in the provision of Public Library Services and is valid for a

period of three years. However, a funding agreement will be signed annually in respect of the transfer of funds from Province to the Municipality.

#### **RESOLUTION**

(on the proposal of cllr N Smit, seconded by ald J M de Beer)

- (a) That the assignment of certain functions related to library services in accordance with section 126 of the Constitution of the Republic of South Africa, 1996 and section 36 of the Constitution of the Western Cape, 1 of 1998 be accepted, to the extent that the assignment agreement sets out the assignment;
- (b) That the last sentence in paragraph 3.1 be replaced with the following: "The extent of the library function rendered by the Municipality will mirror the funding made available by the Department";
- (c) That the Municipal Manager be authorised to sign the Assignment Agreement on the Municipality's behalf, for the period ending 30 June 2028, noting that the commencement date is still to be proclaimed.

#### **7.4 PROPOSED DISPOSAL OF DIE KRAALTJIE (ERF 470), KALBASKRAAL (17/2/2)**

Die Kraaltjie, situated on Erf 470, Kalbaskraal, was purchased from Transnet during 2022 in the amount of R350 000.00, with the initial intention of converting the existing building into a multi-purpose community centre. However, the building and lot size do not lend itself functionally to being properly transformed as a multi-functional socio-economic center. The building has been plagued by vandals since 2022 and there are ongoing complaints about the unwanted elements hanging out there.

In the meantime, the Department of Infrastructure has allocated funding for the establishment of a socio-economic facility, including a community hall, on Erf 622 (large 1819 m<sup>2</sup>), Kalbaskraal.

#### **RESOLUTION** (for submission to Council on 27 August 2025)

(on the proposal of ald J M de Beer, seconded by cllr A K Warnick)

- (a) That cognisance be taken of the socio-economic facilities that are planned on Erven 622 and 623, Kalbaskraal, and which means that Die Kraaltjie on Erf 470 is considered surplus land in that it is not required for a basic municipal service;
- (b) That it be recommended to Council that Erf 470, Kalbaskraal voetstoots be offered for sale, in terms of conditions to be finalized by the Council.

#### **7.5 PROPOSED RENEWAL OF LEASE OF ERF 2651, RIEBEEK KASTEEL TO THE IMPENDULA YOUTH AND COMMUNITY DEVELOPMENT NPO FOR USE AS A COMMUNITY VEGETABLE GARDEN (12/2/3/1-3/1)**

An application has been received from the Impendula Youth and Community Development NPO for the renewal of the lease of Erf 2651, Riebeek Kasteel for use as a community vegetable garden.

The Director: Corporate Services confirms that the garden can be operated successfully and that external funding has been allocated for the NPO.

#### **RESOLUTION**

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

- (a) That, in terms of Regulation 34 of the Municipal Asset Transfer Regulations (MATR), read together with the Municipal Asset Transfer Policy (2014), approval be granted for the proposed renewal of lease of municipal property, Erf 2651 Riebeek Kasteel (public open space), situated in Rondeberg Street, measuring approximately 358m<sup>2</sup> in extent, to the Impendulo Youth and Community Development NPO (287-154 NPO), subject to the standard conditions of lease and the following further conditions:
  - (i) That the lease period will endure for a period of one year, from 01 September 2025 to 31 August 2026;

- (ii) That a rental amounting to R120.00 per annum, excluding VAT be levied;
  - (iii) That the property be used only as a community vegetable garden and for no other purpose;
  - (iv) That the lessee accepts the responsibility for maintaining the community vegetable garden and everything that is associated with it, at own costs; and
  - (v) That all administrative, technical and legal requirements be adhered to;
- (b) That, in terms of paragraph 13.1.3 of the Municipal Asset Transfer Policy, it be noted that the lease is by way of direct negotiations, given that the tenant is satisfying a priority need of the community by encouraging self sustainability in actively participating in the community vegetable garden.

#### **7.6 RENEWAL OF LEASE OF TWO CONTAINERS LOCATED ON ERF 1540, RIEBEEK KASTEEL (12/2/3/1-3/1)**

The Municipality operates an entrepreneur centre consisting of two shipping containers on Erf 1540, Lily Street, Riebeek Kasteel.

The lease agreements of the two entrepreneurs have expired and the Department: Development Services has indicated that the renewal of the lease agreements can proceed as the two entrepreneurs are running successful businesses.

#### **RESOLUTION**

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

- (a) That, in terms of Regulation 34 of the Municipal Asset Transfer Regulations (MATR), read together with the Municipal Asset Transfer Policy (2014), approval be granted for the proposed renewal of leases with the following entrepreneurs:
- Ms Ntombizodwa Mkuzo for operation of a Clothing shop (selling clothing, etc.) - Eyoqhama Fashion Clothing
  - Mr Thandisizwe Mnyango for operation of a Take-aways - Mnyango Take-aways
- at the entrepreneurial hub, situated on Erf 1540, Lelie Street, Riebeek Kasteel, subject to the standard conditions of lease and the following further conditions:
- (i) That the leases will endure for a period of two years from 01 August 2025 until 31 July 2027; and
  - (ii) That the lessees shall be responsible for payment of a monthly rental to an amount of R100.00, VAT excluded, as well as for payment for services consumption;
- (b) That, due to the fact that the proposed transaction forms part of the Municipality's strategic objectives to encourage economic transformation, and the entrepreneurs showing commitment to operate their small businesses, the approval of the renewal for the leases of the containers be supported.

#### **7.7 TENDER L04/24/25: SALE OF ERF 11350 (IRIS STREET), MALMESBURY (8/2/2/8)**

On 31 March 2025, Council gave approval for the disposal of Erf 11350, Iris Street, Malmesbury. A reserve price of R309 000,00 (excluding VAT) was determined by Council as a fair market-related value for the property.

Tenders were invited on 8 April 2025 and three tenders were received by the closing date in the amount of R320 000.00, R309 000.00 and R40 000.00 respectively.

However, the tender could not be awarded, due to the incompleteness of the tender documents and was consequently cancelled.

Resolution/...

7.7/...

**RESOLUTION**

(on the proposal of ald J M de Beer, seconded by cllr A K Warnick)

- (a) That cognisance be taken that no award could be made in relation to Tender L04/24/25 for the Sale of Erf 11350 Malmesbury, due to non-compliance with the tender requirements by all the tenderers;
- (b) That it be noted that tenders will be re-invited as soon as possible, in order to attract competitive bids and to avoid possible vandalism of the property.

**7.8 TENDER L06/24/25: SALE OF ERF 12874, MALMESBURY (12/2/5/2-8/4)**

On 30 April 2024, Council approved the disposal of Erf 12874, Malmesbury by way of a two-envelope tender process to go through a competitive process in soliciting development proposals and monetary offers.

Erf 12874, Quail Street, Malmesbury is zoned as Community Zone 2 with a Place of Worship as primary use.

Tenders were issued on two occasions, being 21 May 2024 and 10 June 2025 and in both cases the tender could not be awarded due to the fact that tenderers did not comply with the minimum requirements.

**RESOLUTION**

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

- (a) That cognisance be taken that Tender L06/24/25 for the Sale of Erf 12874 Malmesbury could not be considered and awarded, in that the bids received did not comply with the tender requirements for Round 1 of the two-envelope system;
- (b) That tenders again be invited in due course for the sale of Erf 12874 Malmesbury.

**7.9 TENDER L05/24/25: SALE OF ERF 2652, RIEBEEK KASTEEL (12/2/5/2-11/1)**

On 28 March 2024, Council approved the disposal of Erf 2652, Riebeek Kasteel by way of a two-envelope tender process to go through a competitive process in soliciting development proposals and monetary offers.

The zoning of Erf 2652, Riebeek Kasteel is Community Zone 2, with a Place of Worship as primary use.

Tenders were issued on two occasions, being on 16 April 2024 and again on 10 June 2025, and both times the tenders received did not meet the minimum tender requirements.

**RESOLUTION**

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

- (a) That cognisance be taken that Tender L05/24/25 for the Sale of Erf 2652 Riebeek Kasteel could not be considered and awarded, in that the bids received did not comply with the tender requirements for Round 1 of the two-envelope system;
- (b) That tenders again be invited in due course for the sale of Erf 2652 Riebeek Kasteel.

**7.10 SWARTLAND MUNICIPALITY: PAUPER BURIAL POLICY (17/4/2/B)**

Regulations issued under the National Health Act (Act 61 of 2003) stipulate that the Municipality is responsible for the removal and burial of an unclaimed body.

The Policy on Funerals/...

7.10/...

The Policy on Funerals for the Poor stipulates that the Municipality shall provide support to deceased needy persons within its jurisdiction by providing a dignified burial or cremation for such person.

**RESOLUTION**

(on the proposal of ald J M de Beer, seconded by cllr A K Warnick)

That the Policy on Pauper Burial be approved;

That the Register of Delegations be updated with the relevant delegations to the Director: Development Services.

**7.11 REPORT ON COMMUNITY DEVELOPMENT PROJECTS, 2024/2025: OUTCOMES AND IMPACTS (17/2/2)**

The Department: Community Development must report on an annual basis regarding the outcomes and impacts of community development projects in terms of the Swartland Municipal Social Development Policy and Strategy.

The Director: Development Services presents some highlights from the report and mentions that the two officials involved in the implementation of this project should get all the credit.

**RESOLUTION**

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

- (a) That the Executive Mayoral Committee takes cognizance of the outcomes and impacts measured of the Community Development projects of 2024/2025;
- (b) That the Community Development Division report yearly by August on the outcome and impact of community development projects of the previous financial year.

**7.12 OUTSTANDING DEBTORS: JULY 2025 (5/7/1/1)**

A full report of the state of outstanding debtors was circulated with the case list.

**RESOLUTION**

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

That cognizance be taken of the report with reference to the state of the outstanding debtors of Swartland Municipality for July 2025.

**7.13 PROGRESS ON OUTSTANDING INSURANCE CLAIMS (5/14/3/5)**

In terms of the Asset Management Policy, a monthly report must be made regarding the outstanding insurance claims.

**RESOLUTION**

That cognizance be taken of the state of outstanding insurance claims up to and including 31 July 2025 as circulated with the agenda.

**7.14 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: PAYMENT OF FLIGHT COSTS FOR YOUTH EXCHANGE PROGRAM TO GERMANY VIA COUNCIL'S REGISTERED TRAVEL AGENCY (8/1/B/2)**

The report aims to report on the final issue attached to the flight tickets for the Youth Exchange Program to Germany.

**RESOLUTION**

That cognizance be taken that the deviation amount in respect of the flight tickets for the Youth Exchange Programme to Germany, amounted to R181 609.72 in total.

**7.15 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: SERVICE AND REPAIR OF AIR SCOUR BLOWER, MALMESBURY WWTW (8/1/B/2)**

The Malmesbury WWTW uses membrane technology for the tertiary treatment process and requires the membranes to be cleaned through an aeration process.

Aeration is provided by four Aerzen air blowing units that are maintained and repaired by the original manufacturer in South Africa.

**RESOLUTION**

- (a) That cognisance be taken of the deviation from the prescribed procurement procedures in terms of Section 36 of the Supply Chain Management Policy;
- (b) That cognisance be taken of the action of the Municipal Manager to approve that the service and repairs of an Aerzen blower unit at the Malmesbury waste water treatment works be performed by the original manufacturer support in South Africa, Aerzen Airgas (Pty)Ltd;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
  - (i) Aerzen Airgas (Pty)Ltd is the original manufacturer support in South Africa for the German manufactured Aerzen blower units; and
  - (ii) The service is only available from the single service provider;
- (d) That cognisance be taken that the expenditure was allocated to mSCOA Code: 9/239-57-1041 and that there is sufficient funding available for the quoted amount of R 146,397.52 (excluding VAT);
- (e) That the Senior Manager: Financial Statements and Asset Management be instructed to include the above reason as a note to the financial statements, when same are compiled.

**7.16 BUDGET FOR MAINTENANCE OF PROVINCIAL MAIN ROADS: 2026/2027 FINANCIAL YEAR (5/6/1/1/2)**

The Director: Civil Engineering Services confirms the projects approved by the Western Cape Government over two financial years (2025/2026 and 2026/2027) for the maintenance of Provincial Main Roads in the amount of R16 289 000.00.

The report aims to apply for funding for the upgrade of Voortrekker Road in the amount of R10 500 822.00 for the 2026/2027 financial year.

**RESOLUTION**

That the budget for expenditure on the maintenance of Provincial Main Roads for the 2026/2027 financial year in the amount of R10 500 822.00 be approved.

**7.17 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: REPAIR OF 11KV CTS AND REPLACEMENT OF HEATING ELEMENTS AT KLIPFONTEIN SUBSTATION (8/1/B/2)**

After the 11 kV switchgear at the Klipfontein Substation kicked out on two occasions, ABB South Africa (Pty) Ltd was approached to inspect the equipment.

Upon examination, it was found that the 11 kV current transformers (CTs) showed signs of partial discharge between the phases and that the CT insulation was deteriorating. It was further found that the panel shutdown elements of all the switchgear in the substation were ineffective.

Urgent repairs are required to prevent prolonged electricity outages.

Resolution/...



7.17/...

**RESOLUTION**

- (a) That cognisance be taken of the deviation from the prescribed procurement procedures in terms of Section 36(1)(a)(v) of the Supply Chain Management Policy;
- (b) That cognisance be taken of the action of the Municipal Manager to approve the appointment of ABB South Africa (Pty) Ltd to the amount of R238 377.00 (Excluding VAT);
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
  - (i) Failure of insulation levels on the Current transformers as well as the heating elements of the panels;
- (d) That cognizance is taken that the cost will be accounted for against Vote nr 9/253-743-1001;
- (e) That the Senior Manager: Financial Statements and Asset Management be requested to include the above reasons as a note to the financial statements, when same are compiled.

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