



MINUTES OF AN ORDINARY MEETING OF THE SWARTLAND MUNICIPAL COUNCIL HELD AT THE TOWN HALL, MALMESBURY ON TUESDAY, 29 OCTOBER 2024 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)	Pypers, D C (DA)
Gaika, M F (EFF)	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)

Officials:

Municipal Manager, mr J J Scholtz
Director: Protection Services, mr P A C Humphreys
Director: Financial Services, mr M A C Bolton
Director: Corporate Services, ms M S Terblanche
Director: Development Services, ms J S Krieger
Senior Manager: Information, Communication and Technology Services, mr J Pienaar
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, alderdames, aldermen, councillors, officials and members of the public.

Pastor J Philander of the Sofar Congregation, Malmesbury opened the meeting with scripture reading and prayer at the invitation of the Speaker.

Councillors and officials are congratulated by the Speaker on their recent birthdays.

2. LEAVE OF ABSENCE

No apologies were received.

3. DEPUTATIONS/STATEMENTS AND COMMUNICATIONS/PRESENTATIONS

3.1/...

3.1 PRESENTATION BY CLLR D G BESS ON GENDER-BASED VIOLENCE AND CHILD ABDUCTION

Cllr D G Bess presented statistics.

4. MINUTES FOR CONFIRMATION

4.1 MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 15 AUGUST 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 15 August 2024 be approved and signed by the Speaker.

4.2 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 22 AUGUST 2024

RESOLUTION

(proposed by ald M Nel, seconded by cllr D C Pypers)

That the minutes of an Ordinary Council meeting held on 22 August 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 authority, as contained in the minutes below:

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

read with

MINUTES OF PORTFOLIO COMMITTEE MEETINGS HELD ON 7 AUGUST 2024

5.2 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD ON 18 SEPTEMBER 2024

read with

MINUTES OF PORTFOLIO COMMITTEE MEETINGS HELD ON 11 SEPTEMBER 2024

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

RESOLUTION

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

6.1 MINUTES OF A BID ADJUDICATION COMMITTEE MEETING HELD ON 5 AUGUST 2024

6.2 MINUTES OF A BID ADJUDICATION COMMITTEE MEETING HELD ON 12 AUGUST 2024

6.3 MINUTES OF A BID ADJUDICATION COMMITTEE MEETING HELD ON 23 AUGUST 2024

6.4 MINUTES OF A BID ADJUDICATION COMMITTEE MEETING HELD ON 4 SEPTEMBER 2024

6.5 MINUTES OF A BID ADJUDICATION COMMITTEE MEETING HELD ON 11 SEPTEMBER 2024

7. MATTERS ARISING FROM THE MINUTES

None.

8. MATTERS FOR DISCUSSION

8.1 COUNCILLOR'S REMUNERATION: 2023/24 FINANCIAL YEAR (5/10/1)

The increased allowances and fringe benefits for councillors for the 2023/2024 financial year were promulgated in the Government Gazette 51407 dated 17 October 2024, as announced per Government Notice 5435.

The report to the agenda and appendices contains the financial implications for Swartland Municipality as a Grade 4 local authority – sufficient funds have been budgeted for in the 2024/2025 financial year to implement the increase retroactively.

The Speaker put the matter to a vote with a –

UNANIMOUS RESOLUTION

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

- (a) That the contents of Government Notice 5435 as published in Government Gazette 51407 dated 17 October 2024 be noted, as well as the implications of same in respect of the increased allowances and benefits payable in respect of the 2023/24 financial year by the Municipality as a Grade 4 local authority, as explained in Annexure B to this report;
- (b) That cognisance be taken that adequate provision has been made in the 2024/25 operating budget in order to cover the increased allowances and benefits, and that the implementation of same thereof be approved, with retrospective effect from 1 July 2023;
- (c) That the consultation prescripts of the MEC for local government be complied with in order to obtain the latter's concurrence with the implementation of the amended allowances and benefits;
- (d) That, as soon as the approval of the Provincial MEC is received – based on the late publication of the upper limit notice in the Government Gazette for the preceding financial year (2023/24) – the payment be made as soon as possible, since the latter action cannot be considered an advance in terms of Section 167 of the MFMA, because it was already payable, and the payment is approved and supported by the Provincial MEC as well as the announcement in the Government Gazette;
- (e) That the Municipal Manager ensures that the information required in terms of Item 18 of the Government Notice be submitted to the MEC for local government, by no later than 16 November 2024;
- (f) That the Executive Mayor be mandated to notify the National Minister and the Department (Cogta) that the late publication, with reference to the 2023/24 financial year (Notice of 17 October 2024), has far reaching implications in respect of taxation, as well as the recording of transactions in the financial statements in a previous financial year.

8.2 COUNCILLOR'S REMUNERATION: 2024/25 FINANCIAL YEAR (5/10/1)

The increased allowances and fringe benefits for councillors for the 2024/2025 financial year were promulgated in the Government Gazette 51419 dated 21 October 2024, as per Government Notice 5446.

8.2/...

The report to the agenda and appendices contains the financial implications for Swartland Municipality as a Grade 4 local authority – sufficient funds have been budgeted for in the 2024/2025 financial year to implement the increase retroactively.

The Speaker put the matter to a vote with a –

UNANIMOUS RESOLUTION

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

- (a) That the contents of Government Notice 5446 as published in Government Gazette 51419 dated 21 October 2024 be noted, as well as the implications of same in respect of the increased allowances and benefits payable in respect of the 2024/25 financial year by Swartland Municipality as a Grade 4 local authority, as explained in Annexure B to this report;
- (b) That cognisance be taken that adequate provision has been made in the 2024/25 operating budget in order to cover the increased allowances and benefits, and that the implementation of same thereof be approved, with retrospective effect from 1 July 2024;
- (c) That the consultation prescripts of the MEC for local government be complied with in order to obtain the latter's concurrence with the implementation of the amended allowances and benefits;
- (d) That, as soon as the the approval of the Provincial MEC is received – based on the late publication of the upper limit notice in the Government Gazette for the current financial year (2024/25) – the payment be made as soon as possible, since the latter action cannot be considered as an advance in terms of Section 167 of the MFMA, because it was already payable, and the payment is approved and supported by the Provincial MEC as well as the announcement in the Government Gazette;
- (e) That the Municipal Manager ensures that the information required in terms of Item 18 of the Government Notice be submitted to the MEC for local government, by no later than 20 November 2024.

8.3 ADOPTION OF THE CODE FOR ETHICAL LEADERSHIP IN LOCAL GOVERNMENT (2/B)

The Code of Ethical Leadership in Local Government was drafted to provide guidance to leaders on how to deal with issues that have the greatest impact on ethical governance in municipalities.

The Municipal Manager confirmed that the Code does not replace existing legislation and policy provisions, e.g. the Code of Conduct for Councillors in terms of the Structures Act, but rather strengthens it. The Code applies to both political and administrative leaders.

The Speaker put the matter to a vote with a –

UNANIMOUS RESOLUTION

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

- (a) That Council adopts the attached Code for Ethical Leadership in Local Government;
- (b) That measures to institutionalise the Code be put in place by the Department Human Resource Management with effect from 1 November 2024;
- (c) That the council resolution for the adoption of the Code be submitted to the MEC for Local Government in the Western Cape within sixty (60) days of the date of signature on the Circular from DCoG, namely 9 October 2024.

**8.4 QUARTERLY REPORT (SECTION 52 OF MFMA): JULY TO SEPTEMBER 2024
(7/1/2/2-2)**

The submission to Council of the quarterly report 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 was considered by the Municipal Public Accountability Committee (MPAC) held on 28 October 2024 for recommendation to Council.

RESOLUTION

(proposed by cllr E C O'Kennedy, seconded by ald M Nel)

That cognisance be taken that the quarterly report was tabled at the MPAC on 28 October 2024 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 July to 30 September 2024.

**SIGNED:
SPEAKER**