

MINUTES OF A MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE BANQUETING HALL, MALMESBURY ON WEDNESDAY, 22 JANUARY 2020 at 10:00

PRESENT

Executive Mayor, ald T van Essen (chairman) Deputy Executive Mayor, add M S I Goliath

Members of the Mayor's Committee:

CIr P E Solomons CIr O M Stemele Ald R F van der Westhuizen Add M van Zyl

Other councillors:

Clr C Daniels Clr J M de Beer Clr N Smit

Officials:

Municipal Manager, mr J J Scholtz Director: Financial Services, mr M Bolton

Director: Civil Engineering Services, mr L D Zikmann Director: Electrical Engineering Services, mr R du Toit Director: Development Services, ms J S Krieger Director: Security Services, mr P A C Humphreys Director: Corporate Services, ms M S Terblanche Manager: Secretarial and Record Services ms N Brand

1. OPENING

The Executive Mayor specially welcomed those present to the first meeting of 2020 and requested clr R F van der Westhuizen to open the meeting with a prayer.

2. APOLOGIES

No apologies were received.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

None

4. MINUTES

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYOR'S COMMITTEE HELD ON 11 DECEMBER 2019

RESOLUTION

That the minutes of an Ordinary Executive Mayor's Committee Meeting held on 11 December 2019 are approved and signed by the Mayor.

5. MATTERS ARISING FROM THE MINUTES

None

6. NEW MATTERS

6.1 SUBMISSION OF THE DRAFT ANNUAL REPORT: 2018/2019 FINANCIAL YEAR (7/1/1/1)

The Director: Financial Services confirmed that the comments from the Office of the Auditor General were received today, and will be incorporated accordingly in the draft annual report for submission to the Council on 30 January 2020.

RESOLUTION

- (a) That cognisance be taken of the annual report in respect of the 2018/2019 financial year, as tabled in terms of section 127(2) of the MFMA, and of which the tabling is done in the format as prescribed 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 130 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 special council meeting on 31 March 2020, 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;
- (c) That the MPAC be authorized in terms of section 79(2)(d) of the Structures Act, 1998 to co-opt advisory members who are not members of the council, including the following:
 - (i) the external financial audit committee:
 - (ii) two ward committee members to be co-opted on the performance assessment panel;
- (d) That the two members representing ward committees also be extended an invitation to attend (1) the MPAC-meeting on the above date and (2) the special council meeting on 31 March 2020;
- (e) 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 committees and ward representatives to encourage inputs and comments for consideration at the full council meeting on 31 March 2020.

6.2 BIANNUAL BUDGET AND PERFORMANCE EVALUATION (7/1/1/2)

The submission of the quarterly report is prescribed by section 52(d) of the Local Government Act: Municipal Financial Management 2003 (Act 56 of 2003) – MFMA.

The submission is made in fulfilment of the Executive Mayor's responsibility to inform the Council in respect of the implementation of the budget and the state of the financial affairs of the Municipality.

RESOLUTION

That cognizance be taken of the mid-year budget and performance assessment i.r.o. the first half of the 2019/20 financial year and more specifically the need to revise the original budget by way of an adjustments budget.

6.3 BUDGET MANAGEMENT COMMITTEE: JANUARY 2020 BIANNUAL ADJUSTED CAPITAL AND OPERATING BUDGET: TECHNICAL RECOMMENDATIONS FOR THE 2019/20 – 2021/22 MULTI-YEAR BUDGET (5/1/1/1, 5/1/1/2, 5/1/4)

The biannual adjustment capital and operating budgets were considered by the Budget Management Committee on 15 January 2020 in order to submit the technical recommendations to the Executive Mayor's Committee and therefore -

RESOLUTION (for recommendation to the Council on 30 January 2020)

- (a) That the Budget Steering Committee convened after having considered the explanations and motivations provided by the financial staff and other directors;
- (b) That council grants approval to finance the R 50 000 000 partial financing for the upgrading of the Waste Water Treatment Works of Moorreesburg and Darling from Council's CRR and not an external borrowing, given the municipality's improved financial position but more over to keep the basic basket of goods and services within affordable ranges;
- (c) That council's cash position be monitored and re-assessed over the next year should there be a need to revisit the funding mix in respect of the two aforementioned projects in a bid to ensure financial sustainability over the longer term.
- (d) That council takes note of the amendments as it relate to Section 19 due to the finance sources of the Sewerage Works Project: Moorreesburg that changed (Annexure A-3: 2019/20 2021/22 Capital Projects ito Sec 19);
- (e) That approval be granted to amend the multi-year capital and operating budgets in respect to the 2019/20 2021/22 financial years, as follows:

	Original Budget	Mid-Year Adj Budget	Original Budget	Adjusted Budget	Original Budget	Adjusted Budget
	2019/20	2019/20	2020/21	2020/21	2021/22	2021/22
Capital budget	143 857 572	140 815 524	166 329 719	175 414 520	123 808 556	139 810 340
Operating Expenditure	749 828 067	757 190 607	787 878 112	782 790 042	871 723 962	867 006 599
Operating Revenue	830 826 697	855 620 406	904 995 541	904 995 541	950 674 505	950 674 505
Budgeted (Surplus)/ Deficit	(80 998 630)	(98 429 799)	(117 117 429)	(122 205 499)	(78 950 543)	(83 667 906)
Less: Capital Grants	67 161 000	78 451 000	71 936 000	71 936 000	40 439 000	40 439 000
(Surplus)/ Deficit	(13 837 630)	(19 978 799)	(45 181 429)	(50 269 499)	(38 511 543)	(43 228 906)

- (f) That it be noted that the changes to the main budget will have no impact on tariffs in respect of the 2019/2020 financial year or beyond but will result in an increase in the budgeted surplus from R 13 837 630 to a budgeted surplus of R 19 978 799, with any potential changes to the sewerage tariff forming part of the new main budget considerations;
- (g) That the 2018/2019 unauthorised expenditure illustrated under 2.5 (a) be approved as part of this adjustments budget of 2019/2020 in line with section 32(2)(a)(i) of the Act;

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- (h) That council approves the balance of the 25% discount on property rates to the senior citizens with a monthly income that exceeded the limit of R 12 000 as defined in the 2018/19 approved Property Rates Policy due to the uncertainty that existed with the completion of the rebate form applicable for the 2019-2020 financial year; and that same be credited to the municipal property rates charge with the additional expense of around R 199 500 being insignificant from a total expenditure affordability point of view;
- (i) That the amendments to the budget and related policies as set out in (Annexure C: Budget / Related Policies and System of Delegations) hereto, be approved;
- (j) That the final Cost Containment Policy (incorporating the further communications by the National Treasury) inclusive of the System of Delegations supporting same, be approved;
- (k) That council takes note and approve the additional explanations added to the Water and Electricity tariff structures for purposes of clarity as set out in (Annexure D: Water and Electricity Tariff Charges);
- (I) That the adjusted budget schedules as required by the Budget and Reporting Regulations be approved as set out in (Annexure E: Budget Report and A-Schedules 2019/20 2021/22) inclusive of the corrections to the 2019/20 original budget schedules identified during the verification process;
- (m) hat he 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;
- (n) That the Service Delivery Budget Implementation Plan (SDBIP) where appropriate be amended accordingly.

6.4 AMENDMENT TO THE KPI'S AND GOALS FOR 2019/2020 (2/4/2)

The key performance indicators (KPI's) and goals for the 2019/2020 financial year were revised after the first semester. The amendments resulted in the KPI's and goals being more clearly defined and are also more realistic.

Article 42 of the Local Government Systems Act, 2000 (Act 32 of 2000) stipulates that the amended KPI's and goals are made public.

RESOLUTION

That the attached key performance indicators (KPI's) and targets be approved with effect from 1 July 2019 (retrospective)

6.5 AMENDMENT TO THE SUPPLY CHAIN MANAGEMENT POLICY (8/1/B/2)

The Supply Chain Management Policy is revised annually, in order to keep in step with the latest legal requirements and relevant regulations. The amendments arise from the stipulations laid down by the *Cost Containment* regulations which must be incorporated in the policy.

The amended policy was circulated with the agenda, for submission to the Council on 30 January 2020.

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RESOLUTION

That the proposed amendments to Council's Supply Chain Management Policy in Paragraph 35(5), as presented in Appendix A, be approved with immediate effect.

6.6 REPORT IN RESPECT OF THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT REGULATIONS FOR THE PERIOD 1 OCTOBER 2019 TO 31 DECEMBER 2019 (8/1/B/2)

Section 6(3) of the *Supply Chain Management Regulations* stipulates that the activities of the relevant division must be reported to the Executive Mayor on a quarterly basis.

RESOLUTION

- (a) That cognisance be taken of the Quarterly Report in respect of the implementation of the Supply Chain Management Policy as envisaged by section 6(3) of the Regulations, as well as reports on the Formal Tenders (Annexure A), Informal Tenders (Annexure B), and the Deviation Report (Annexure C);
- (b) That cognisance be taken of the services rendered for the period 1 October 2019 to 31 December 2019 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).

6.7 SWARTLAND MUNICIPALITY: APPROVAL OF THE BY-LAW IN RESPECT OF MUNICIPAL LAND USE PLANNING (1/1)

Since the inception of the Regulation in respect of Municipal Land Use Planning (PK 7741 dated 3 March 2017) the Western Cape Department of Environmental Affairs and Development Planning (DEA&DP) has proposed a number of amendments to the standard regulation.

Since the practical application of the regulation in 2017, shortcomings have also been brought to light and the latter has been thoroughly revised in conjunction with the consultant Munstel, to make the relevant amendments.

After the presentation of the draft by-law to the municipal council on 25 July 2019, a public participation process has been completed.

The comments from DEA&DP have been thoroughly considered and – where appropriate – included in the by-law.

RESOLUTION (for recommendation to the council on 30 January 2020)

- (a) That it is recommended that the draft By-Law on Municipal Land Use Planning be submitted to Council on 30 January 2020 for consideration and approval;
- (b) That, after the approval by Council, the By-Law, in terms of section 13 of the Municipal Systems Act, 2000 (Act 32 of 2000) be published in the Provincial Gazette and be implemented with immediate effect on promulgation;
- (c) That the by-law be placed on the municipal website after promulgation.

6.8 SWARTLAND MUNICIPALITY: APPROVAL OF THE BY-LAW IN RESPECT OF FILMING (1/1)

The draft By-law in respect of Filming, with the aim of managing and regulating filming within the municipal boundaries, was presented to the municipal council on 25 July 2019.

A public participation process was followed and the draft by-law was work shopped with role players in the industry by the Division: Planning, in conjunction with the consultant Munstel, in order to ensure workability of the by-law.

RESOLUTION (for recommendation to the council on 30 January 2020)

- (a) That it is recommended that the draft By-law on Filming be submitted to Council on 30 January 2020 for consideration and approval;
- (b) That, after the approval by Council, the By-Law, in terms of section 13 of the Municipal Systems Act, 2000 (Act 32 of 2000) be promulgated in the Provincial Gazette with immediate effect;
- (c) That the by-law be placed on the municipal website after promulgation.

6.9 LEASE AGREEMENT: DOLFYNTJIES CRÈCHE, MOORREESBURG (17/9/2/R)

The Dolfyntjies Créche in Moorressburg is a registered Early Childhood Development Centre and their activities, according to the Department of Development Services, is of great value to the community.

An application has been received from Dolfyntjies Créche to lease erf 1383, Moorreesburg from the Council for a further period of three years.

RESOLUTION

- (a) That a three (3) year lease agreement be entered into with Dolfyntjies Crećhe Moorreesburg as of 1 January 2020 for the lease of erf 1383, Moorreesburg, for the operating of an Early Childhood Development Centre;
- (b) That the rental amount be established at R120,00 per annum plus VAT;
- (c) That the existing conditions of lease remain unchanged.

6.10 PROPOSED LEASE OF INDUSTRIAL LAND IN MOORREESBURG FOR AGRICULTURAL PURPOSES (12/2/5/5-9/2)

The Municipality owns ±17,7 ha of land in Moorreesburg which is made available, on an annual basis, for agricultural purposes, by means of a public competitive process.

The tender will only be awarded for the benefit of a locally (Moorreesburg) based public welfare organization, which is involved in welfare, humanitarian or cultural activities.

RESOLUTION

- (a) That approval be granted for proposals to be invited for the leasing of a portion (± 17.7 ha in extent) of erf 1133, Moorreesburg for a period not exceeding twelve months, with effect from 1 April 2020;
- (b) That proposals be invited on the basis of and conditions as contained in the draft notice as per Annexure B to the report;

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- (c) That the Municipal Manager be authorized to appoint a committee to consider the proposals received and to make an award in consultation with the relevant ward councilor:
- (d) That the Director: Corporate Services be authorized to finalize the contents, as well as the signing of the lease agreement.

6.11 OUTSTANDING DEBTORS: NOVEMBER 2019 (5/7/1/1)

A full report in respect of outstanding debtors was circulated with the agenda.

RESOLVED that cognisance be taken of the report with reference to the state of the outstanding debtors of Swartland Municipality for December 2019.

6.12 PROGRESS IN RESPECT OF OUTSTANDING INSURANCE CLAIMS: NOVEMBER 2019 (5/14/3/5)

In accordance with the Asset Management Policy outstanding insurance claims must be reported monthly.

RESOLVED that cognisance be taken of the outstanding insurance claim for the period ending 31 December 2019 as circulated with the agenda.

6.13 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: REPAIR TO THE BOREHOLE, IRRIGATION PUMP AT RIEBEEK WEST SPORTS GROUNDS (8/1/B/2)

The irrigation system at the Riebeek West Sports Grounds is provided with water from a borehole. The borehole pump broke down and urgent repairs were necessary to maintain the sports fields at the sports ground.

RESOLUTION

- (a) That cognisance be taken of the departure from the prescribed procurement procedures in terms of section 36(2) of the Supply Chain Management Policy;
- (b) That it be noted and the action of the Municipal Manager be condoned with regards to the repair of the irrigation borehole pump at the Riebeek Wes Sportsgrounds by Conradie Besproeiing for the amount of R 45,630.00 (excluding VAT).
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The borehole pump located at the Riebeek Wes sportsgrounds that supplies water to the irrigation systems at the sports field suffered mechanical failure and had to be repaired as an emergency to prevent damage to the playing fields at the sport fields.
- (d) That it be noted that the expenditure was allocated mSCOA Code: 9/249-849-259 and that there is sufficient funding available for the quoted amount of R 45,630.00 (excluding VAT).
- (e) That the Senior Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements, when same are compiled.

6.14 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIRS TO THE FLOATING AERATOR NO 1 AT THE MALMESBURY WWTW (8/1/B/2)

Aeration is an important step in the handling of effluent. The aerators must always be in good working order in order to supply oxygen to the biological handling process. If

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an aerator stops functioning and is not urgently repaired the quality of the effluent can be negatively impacted.

RESOLUTION

- (a) That cognisance be taken of the departure from the prescribed procurement procedures in terms of section 36(2) of the Supply Chain Management Policy;
- (b) That it be noted and the action of the acting Municipal Manager be condoned with regards to the repairs of floating aerator no 1 at the Malmesbury Wastewater Treatment Works by GW Trautman for the amount of R61,190.10 excluding VAT.
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - The aerator would have been left out of service for an extended period of time following due process;
 - (ii) This would have resulted in a failure of the biological reactor resulting in a complete failure of the treatment process and consequently poor quality effluent and harm to the environment:
 - (iii) The repair work to the floating aerator therefore had to be handled as an emergency.
- (d) That it be noted that the expenditure was allocated mSCOA Code: 9/239-57-1041 and that there is sufficient funding available for the quoted amount of R 61,190.10 excluding VAT.
- (e) That the Senior Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements, when same are compiled.

6.15 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: REPLACEMENT OF THE *ENDRESS+HAUSER LEVEL SENSOR* AT THE MALMESBURY WWTW (8/1/B/2)

The Malmesbury WWTW is equipped with sensors which regulate the liquid levels in the membrane system. The German firm, Endress+Hausesr, are the only manufacturers of these instruments and the repairs can only be done by Endress+Hauser South Africa.

RESOLUTION

- (a) That cognisance be taken of the departure from the prescribed procurement procedures in terms of section 36(2) of the Supply Chain Management Policy;
- (b) That it be noted and the action of the acting Municipal Manager be condoned with regards to the repairs of the Endress + Hauser level sensor units at the Malmesbury Waste Water Treatment Works by Endress + Hauser South Africa for the amount of R 27,820.51 (excluding VAT).
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) Endress + Hauser South Africa is the local original manufacturer support and service agent for the Endress + Hauser South Africa level sensor instrumentation;
 - (ii) The replacement parts are only available from the single service provider.
- (d) That it be noted that the expenditure was allocated mSCOA Code: 9/239-851-689 and that there is sufficient funding available for the quoted amount of R 27,820.51 (excluding VAT).

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(e) That the Senior Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements, when same are compiled.

6.16 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIRS TO THE SEWERAGE TRUCK, CK 18526 (8/1/B/2)

The municipality only has one sewerage truck which is equipped with specialized apparatus for the clearing of sewerage blockages. The apparatus broke down and urgent repairs were necessary.

RESOLUTION

- (a) That cognisance be taken of the departure from the prescribed procurement procedures in terms of section 36(2) of the Supply Chain Management Policy;
- (b) That it is noted and the action of the acting Municipal Manager be condoned with regards to the urgent repairs to the power take off of the sewerage blockage truck CK 18526 for the amount of R 74,080.00 (VAT excluded) by Hydromatic.
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The sewerage blockage truck CK 18526 would have been left out of service for an extended period of time following due process;
 - (ii) This would have severely impeded the ability of the sewer division to clear sewer blockages in sewer mains resulting in the failure of certain sections of sewer drainage network;
 - (iii) The repair work to the power take off of the sewerage blockage truck CK 18526 therefore had to be handled as an emergency.
- (d) That it be noted that the expenditure was allocated mSCOA Code: 9/240-1253-684 and that there is sufficient funding available for the quoted amount of R 74,080.00 (excluding VAT).
- (e) That the Senior Manager: Financial Statements and Control be instructed to include the above reasons as notes to the financial statements, when same are compiled.

6.17 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: HOUSING OF MR P S MARAIS (8/1/B/2)

Mr P S Marais was appointed as the Manager: Solid Waste Services in place of mr F H Bruwer as of 13 January 2020. Mr Marais's former employer was stationed in Oman, and the indication was that the family would move to Malmesbury early in January 2020.

In the interim, Mr Marias's wife, got quotations from moving companies and requested that removals must be arranged for 23 December 2019.

RESOLUTION

- (a) That cognisance be taken of the departure from the prescribed procurement procedures in terms of section 36(2) of the Supply Chain Management Policy;
- (b) That it be noted and the action of the acting Municipal Manager be condoned with regards to the services obtained from JH Retief Transport CC for the relocation of Mr P S Marais from Rynfield (Benoni), Gauteng to Malmesbury for the amount of R113 000,00, VAT included;

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- (c) That the exceptional circumstances of the matter be recorded as reason for the deviation from the prescribed procurement process, i.e.
 - (i) the short timespan available to organise the move on short notice; and
 - (ii) the fact that specifications could not be compiled by the Municipality itself as a result of the Marais' dwelling being in Benoni and the extent of the move (e.g. inventory items) being unknown,
- (d) That it be noted that the expenditure was allocated to mSCOA Code: 9/213-917-2371 (Relocation Costs) and that there is sufficient funding available for the quoted amount of R113 000,00 (VAT included);
- (e) That the Senior Manager: Financial Statements and Control, in terms of the Supply Chain Management Policy be instructed to include the aforementioned reasons as a note to the financial statements, when the statements are compiled.

6.18 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: CONSULTATION FEE: ANNUAL FINANCIAL STATEMENTS (8/1/B/2)

The services of Ducharme Consulting (Pty) Ltd were obtained to consult with the Office of the Auditor General, on behalf of the Swartland Municipality, in respect of the negative findings by the Auditor General. The company also has the necessary expertise and capacity from a GRAP and accounting framework perspective.

The company, in conjunction with other role players, was successful in persuading the Auditor General to amend the audit findings.

RESOLUTION

- (a) That cognisance be taken of the departure from the prescribed procurement procedures in terms of section 36(2) of the Supply Chain Management Policy;
- (b) That it be noted and the action of the Municipal Manager be condoned with regards to the appointment of *Durcharme Consulting (Pty) Ltd* on an urgent basis.
- (c) That the reasons for the deviation from the prescribed procurement processes be recorded as follows:
 - (i) The audit findings that were regarded as material misstatements are considered as an emergency as it would result in an unfavourable audit opinion. As the audit opinion was in the process of being finalised, no time was available to follow the informal tender proses as it had to be advertised for 7 days.
 - (ii) Following the normal procurement procedure would result in an unfavourable audit opinion which will have a detrimental effect on the municipality.
- (d) That the appointment be implemented to the amount of R60 000.00 (VAT excluded) and paid from vote number 9/209-298-884 (Financial Support Grant" mSCOA) in the 2019/20 budget;
- (e) That the Senior Manager: Financial Statements and Control, in terms of the Supply Chain Management Policy be instructed to include the aforementioned reasons as a note to the financial statements, when the statements are compiled.

6.19 APPOINTMENT OF WASTE MANAGEMENT OFFICIAL FOR SWARTLAND MUNICIPALITY (16/4/1/1)

Section 10(3) of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) stipulates that a Waste Management Official is appointed from within the ranks of the administration to co-ordinate aspects pertaining to solid waste management within the Municipality.

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RESOLUTION

- (a) That the Manager Solid Waste, Mr PS Marais, be appointed by Swartland Municipality as the Waste Management Officer in terms of the National Environmental Management: Waste Act (Act No. 59 of 2008);
- (b) That said resolution be submitted to the Department of Environmental Affairs and Development Planning.

6.20 REAPPOINTMENT OF MEMBERS OF THE VALUATIONS APPEAL BOARD FOR SWARTLAND MUNICIPALITY (15/2/2/1)

The functioning of the Valuations Appeal Board is very effective and it is intended to keep the same members on the board. It has therefore been proposed that an application is made to the Minister of Local Government to appoint the members for a further term of four years.

RESOLUTION

(a) It is hereby recommended that the names of the following persons be submitted to the Minister of Local Government for reappointment as chairperson and members of the valuation appeal board of Swartland Municipality:

Mr E W Mostert : Chairperson
Ms T Kuyk : Valuer/Member
Mr N C Clough : Valuer/Member

(b) That the appointment of the members is for a period of 4 years effective from 1 March 2020.

(SGD) T VAN ESSEN EXECUTIVE MAYOR