



## MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD IN THE COUNCIL CHAMBER, MALMESBURY ON WEDNESDAY, 11 DECEMBER 2024 AT 10:00

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### PRESENT:

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

#### Members of the Mayoral Committee:

Cllr D G Bess  
Cllr N Smit  
Ald T van Essen  
Cllr A K Warnick

#### Other councillors:

The Speaker, ald M A Rangasamy

#### Officials:

Municipal Manager, mr J J Scholtz  
Director: Electrical Engineering Services, mr T Möller  
Director: Protection Services, mr P A C Humphreys  
Director: Civil Engineering Services, mr L D Zikmann  
Director: Development Services, ms J S Krieger  
Director: Corporate Services, ms M S Terblanche  
Senior Manager: Budget Office, ms H Papier  
Manager: Secretariate and Record Services, ms N Brand

### 1. OPENING

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

### 2. LEAVE OF ABSENCE

No apologies were received.

### 3. DEPUTATIONS/STATEMENTS/COMMUNICATIONS/PRESENTATIONS

#### 3.1 DIRECTOR: ELECTRICAL ENGINEERING SERVICES: FEEDBACK ON OVERSEAS VISIT: USTDA MUNICIPAL REVERSE TRADE MISSION

The Director: Electrical Engineering Services mentioned that the objective of the *USTDA* Municipal Reverse Trade Mission (RTM) is to promote sustainable energy in municipalities and to build partnerships between the public and private sectors in the USA and South Africa.

The visit focused on renewable energy integration, energy efficiency, common policy frameworks and other technical and socio-economic touchpoints. A further main objective was for the USA to identify opportunities in South Africa for possible investment in projects, initiatives and developments.

A report will be prepared by USTDA with the needs identified during the visit and the opportunities for possible collaboration.

#### NOTED

### 4. MINUTES

4.1/...

#### **4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 21 NOVEMBER 2024**

##### **RESOLUTION**

(proposed by cllr N Smit, seconded by cllr D G Bess)

That the minutes of the Ordinary Executive Mayoral Committee meeting held on 21 November 2024, be approved and signed by the Executive Mayor.

#### **5. MATTERS ARISING FROM THE MINUTES**

None

#### **6. MONTHLY REPORT: OCTOBER 2024**

##### **6.1 MUNICIPAL MANAGER (7/1/2/2-7)**

The monthly report of the Office of the Municipal Manager was tabled and the Municipal Manager mentioned that the low capital expenditure raises concern, but that the corrections in the 2024/2025 Adjustment Budget in January 2025 will have a positive effect on the capital expenditure.

##### **RESOLUTION**

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

That the contents of the October 2024 monthly report of the Office of the Municipal Manager are noted.

##### **6.2 DIRECTORATE: CORPORATE SERVICES (7/1/2/2-1)**

The monthly report of the Directorate: Corporate Services was tabled, and –

##### **RESOLUTION**

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

That the contents of the October 2024 monthly report of the Directorate: Corporate Services are noted.

##### **6.3 DIRECTORATE: FINANCIAL SERVICES (7/1/2/2-2)**

The monthly report of the Directorate: Financial Services was tabled, and –

##### **RESOLUTION**

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

That the contents of the October 2024 monthly report of the Directorate: Financial Services are noted.

##### **6.4 DIRECTORATE: CIVIL ENGINEERING SERVICES (7/1/2/2-4)**

The Director: Civil Engineering Services confirmed that water consumption increased by 18,6% compared to the previous hydrological year. Should this trend continue, the Municipality's access to water resources will be depleted more quickly as the maximum withdrawal of water from the system will be reached before the specified target date.

##### **RESOLUTION**

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

That the contents of the October 2024 monthly report of the Directorate: Civil Engineering Services are noted.

##### **6.5 DIRECTORATE: ELECTRICAL ENGINEERING SERVICES (7/1/2/2-6)**

The monthly report of the Directorate: Electrical Engineering Services was is tabled, and –

6.5/...

**RESOLUTION**

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

That the contents of the October 2024 monthly report of the Directorate: Electrical Engineering Services are noted.

**6.6 DIRECTORATE: DEVELOPMENT SERVICES (7/1/2/2-5)**

The monthly report of the Directorate: Development Services was tabled, and –

**RESOLUTION**

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

That the contents of the October 2024 monthly report of the Directorate: Development Services are noted.

**6.7 DIRECTORATE: PROTECTION SERVICES (7/1/2/2-3}**

- 6.7.1 PERFORMANCE MANAGEMENT REPORT**
- 6.7.2 TRAFFIC AND LAW ENFORCEMENT SERVICES**
- 6.7.3 FIRE FIGHTING SERVICES**

The monthly reports of the Directorate: Protection Services were tabled and the Director: Protection Services requested that it must be brought to the public's attention that they must exercise caution when making fires and to ensure that braai fires are properly extinguished.

**RESOLUTION**

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

That the contents of the October 2024 monthly reports of the Directorate: Protection Services are noted.

**7. NEW MATTERS**

**7.1 MANDATE OF THE MUNICIPAL PERFORMANCE, RISK AND AUDIT COMMITTEE (5/15/1/3)**

The Charter of the Performance, Risk and Audit Committee contains the roles and responsibilities of members and must be reviewed on a regular basis for approval by the Executive Mayoral Committee.

**RESOLUTION**

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

That the Charter of the Performance, Risk and Audit Committee be approved and adopted by the Performance, Risk and Audit Committee members for them to be aware of their responsibilities.

**7.2 MINUTES OF THE MUNICIPAL PERFORMANCE, RISK AND AUDIT COMMITTEE MEETINGS HELD ON 20 AUGUST 2024 AND 27 AUGUST 2024 (5/15/1/3)**

The Audit Committee serves as a fully-fledged independent committee of Council and performs its function in terms of the provisions of section 166 of the Local Government: Municipal Financial Management Act, No 56 of 2003.

The minutes of the Municipal Performance and Risk Audit Committee meetings held on 20 August 2024 and 27 August 2024, respectively, were circulated with the agenda, and do not contain any recommendations to the Executive Mayoral Committee for consideration.

**RESOLUTION**

That cognizance be taken of the minutes of the meetings of the Municipality's Performance, Risk and Audit Committee of 20 August 2024 and 27 August 2024.

### **7.3 DISPOSAL OF ERF 11793 (PORTION OF ERF 11654), MALMESBURY (TENDER L02/24/25)**

The report to the agenda contains the processes followed to alienate Erf 11783 (portion of Erf 11654), Malmesbury by way of Tender L02/24/25.

#### **RESOLUTION**

(proposed by ald T van Essen, seconded by cllr J M de Beer)

- (a) That cognizance be taken of the processes followed for Tender L02/24/25 (Sale of Erf 11793, portion Erf 11654 Malmesbury) to be awarded to K M Abdi at the amount of R202 500.00 excluding VAT;
- (b) That the transfer of the asset (subject property) to K M Abdi be approved, and the Agreement of Sale be signed by the Director: Corporate Services.

### **7.4 RENEWAL OF LEASE OF A PORTION OF MUNICIPAL BUILDING SITUATED ON A PORTION OF ERF 13044, WESBANK SPORTS GROUNDS, MALMESBURY TO THE MALMESBURY PHYSICAL CULTURE CLUB (17/9/2/2-8)**

The Malmesbury *Physical Culture Club* leases a portion of a municipal building at the Westbank Sports Grounds on an annual basis for the purposes of practicing and promoting weightlifting for those interested in the sport.

#### **RESOLUTION**

(proposed by cllr J M de Beer, seconded by ald T van Essen)

- (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 lease of a portion of the municipal building, situated on a portion of Erf 13044 Malmesbury at the Wesbank Sportsgrounds, Alfa Street to the Malmesbury Physical Culture Club, subject to the standard conditions of lease and the following further conditions:
  - (i) That the lease will endure for a period of one year from 01 January 2025 to 31 December 2025;
  - (ii) That a lease amounting to R120.00 per annum, excluding VAT be payable;
  - (iii) That no service consumption charges is payable;
  - (iv) That the minor and internal maintenance works and upkeeping be undertaken by and at the cost of the lessee; and
  - (v) That the larger maintenance works/upgrading of the facility be undertaken by and at the cost of the municipality.
- (b) That in terms of paragraph 13.1.3 of the Asset Transfer Policy, the Malmesbury Physical Culture Club will satisfy a priority need in the community by accommodating members who are practicing weightlifting and those that may want to pursue this sport.

### **7.5 RENEWAL OF LEASE OF A PORTION OF ERF 327, KLIPKOPPIE, MALMESBURY TO THE NATIONAL TRANSMISSION COMPANY SOUTH AFRICA SOC LIMITED (REGISTRATION NO. 021/539129/30) FOR PURPOSES OF A RADIO REPEATER STATION (12/2/4-8/4)**

There are several institutions that lease portions of Erf 327, Klipkoppie Malmesbury, from the Council for communication-related activities.

The lease contract with *ESKOM SOC Ltd* expired and the National Transmission Company of South Africa (*NTCSA*) *SOC Ltd*, a subsidiary of ESKOM, requested that the lease contract be renewed in the name of the NTCSA to operate a radio repeater station.

#### **RESOLUTION**

(proposed by ald T van Essen, seconded by cllr 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 lease of a portion of Erf 327, Klipkoppie, Malmesbury, to National Transmission Company South Africa (NTCSA) SOC Ltd, subject to the standard conditions of lease and the following further conditions;

## 7.5/(a)...

- (i) That the lease term will endure for a period of three years from 01 January 2025 to 31 December 2027;
  - (ii) That a monthly rental of R4 858.62 (VAT excluded and 6% escalation per annum) be payable by the lessee;
  - (iii) That the property only be utilised as a radio repeater station and for no other purposes;
  - (iv) That the lessee ensures that its infrastructure does not cause any interferences or affect the infrastructure of the Municipality or infrastructure of any of the other lessees and must adhere to the required safety conditions; and
  - (v) That the infrastructure erected by the lessee be clearly labelled for identification of infrastructure on site.
- (b) That, in terms of paragraph 13.1.1 of the Asset Transfer Policy, the lessee leased the property previously from the Municipality and all obligations were adhered to by the lessee in terms of the lease agreement.

**7.6 PROPOSED LEASE OF A PORTION OF THE MUNICIPAL PROPERTY, SITUATED ON ERF 1217 ABBOTSDALE, SITUATED IN SONNEBLOM STREET TO ABBOTSDALE YOUTH DEVELOPMENT ORGANISATION (12/1/3/1-1/1)**

The building on Erf 1217, Abbotsdale is a duplex and one part of it is leased by the Abbotsdale Neighbourhood Watch. Sinethemba leased the other portion, but terminated the lease earlier in the year.

Council has given approval for the property to be leased for community development purposes.

**RESOLUTION**

(proposed by cllr J M de Beer, seconded by cllr A K Warnick)

- (a) That, in terms of Regulation 34 of the Municipal Asset Transfer Regulations (MATR), read with the Municipal Asset Transfer Policy (2014), approval be granted for the direct lease of a portion of the municipal building, situated on Erf 1217 Abbotsdale, Sonneblom Street, to the Abbotsdale Youth Development Organisation, subject to the standard conditions of lease and the following further conditions:
- (i) That the lease term will endure for a period of one year from 01 January 2025 to 31 December 2025;
  - (ii) That an annual rental of R120.00 (VAT excl.) shall be payable including payment for service consumption;
  - (iii) That the municipal building be utilised for the provision of community development services only and for no other purposes; and
  - (iv) That the lessee provides the NGO registration certificate to the Municipality, as soon as it has been received from the Department of Social Development;
- (b) That, in terms of paragraph 12.2.1.4 of the Asset Transfer Policy, it will be in the interest of the community to lease the property for community development purposes.

**7.7 PROPOSED LEASE OF VACANT CONTAINER SITUATED ON A PORTION OF REMAINDER ERF 551, DARLING (DE VLEI AMPHITHEATRE) (ENTREPRENEURIAL BUSINESS HUB), TO THE COMMUNITY POLICE FORUM (CPF DARLING) AS OFFICE SPACE (17/2/2)**

The vacant cargo container forms part of the RSEP project in Darling of which four cargo containers are leased to local entrepreneurs.

The management committee of the RSEP project requested that proposals be sought from security companies for lease of the vacant cargo container – no proposals were received. In consultation with the management committee it was decided to lease a portion of the vacant cargo container to the *Community Police Forum* of Darling.

Resolution/...

**RESOLUTION**

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

- (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 lease of the container, situated on a portion of Remainder Erf 551 Darling (Entrepreneurial Business Hub at De Vlei Amphitheatre) to the Community Police Forum (CPF Darling), subject to the standard conditions of lease and the following further conditions:
  - (i) That the lease will endure for a period of one year from 01 January 2025 until 31 December 2025;
  - (ii) That no rental and service consumption charges be payable by the lessee;
  - (iii) That the lessee shall be responsible for the internal upkeep of the container.
- (b) That, due to the fact that the proposed transaction forms part of the Municipality's strategic objectives to encourage community safety, the container be leased to the CPF to render community safety services to the community at no charge.

**7.8 OUTSTANDING DEBTORS: OCTOBER 2024 (5/7/1/1)**

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

**RESOLUTION**

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

That cognizance be taken of the report with reference to the state of the outstanding debtors of Swartland Municipality for October 2024.

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

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

**RESOLUTION**

That cognizance be taken of the state of outstanding insurance claims up to and including 31 October 2024 as circulated with the agenda.

**7.10 DEVIATION OF PRESCRIBED PROCUREMENT PROCEDURES: REPAIRS TO COMPACTOR TRUCK, CK 21988 (8/1/B/2)**

The compactor truck, CK 21988 is used in the Swartland municipal area for the delivery of a refuse removal service.

**RESOLUTION**

(proposed by ald T van Essen, seconded by cllr A K Warnick)

- (a) That cognizance be taken of the deviation from the prescribed procurement procedures in terms of Section 36 of the Supply Chain Management Policy;
- (b) That further notice be taken of the action of the Municipal Manager has approved the replacement of the hopper floor, one blade cylinder and one slide cylinder of compactor truck CK 21988 for the amount of R 121,726.11 excluding VAT by Transtech;
- (c) That cognizance be taken that in terms of paragraph 2(6)(g) of the SCM Policy a formal tender process was not followed as Transtech is the support agent for Heil compactor bodies in the Western Cape;
- (d) That the expenditure was allocated to mSCOA Code: 9/4-51-5 and that there is sufficient funding available for the quoted amount of R121 726.11 (excluding VAT);
- (e) That the Senior Manager Financial Statements be instructed to include the abovementioned reasons as a note to the financial statements.

**7.11 ADDENDUM TO CONTRACT: *DARLING GREEN UTILITY SOLAR PV PLANT* (8/2/21; 16/2/2)**

The Executive Mayoral Committee granted approval in September 2024 for the postponement of the commissioning of the *Darling Green Utility Solar Plant* until 20 January 2025.

A request was received from *Darling Green Utility* to postpone the date to 28 February 2025.

**RESOLUTION**

(proposed by cllr A K Warnick, seconded by ald T van Essen)

- (a) That the latest notification by DGU be noted;
- (b) That the acceptance of the additional delay in terms of the specific clauses in the PPA be noted;
- (c) That it be noted that it is not necessary to follow a Section 116 (3)b process due to the original Force Majeure event and the resultant impact on the commissioning date of the Solar Plant;
- (d) That the Municipal Manager be mandated to sign an 2nd Addendum to the PPA to confirm the new Commissioning date as 28 February 2025;
- (e) That DGU be informed that no further delays will be tolerated or agreed to.

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