



MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD IN THE COUNCIL CHAMBER, MALMESBURY ON WEDNESDAY, 18 SEPTEMBER 2024 AT 10:00

PRESENT:

Executive Mayor, cllr 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

Officials:

Municipal Manager, mr J J Scholtz
Director: Financial Services, mr M A C Bolton
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
Manager: Secretariate and Records Services, ms N Brand

1. OPENING

The Chairperson welcomed members and requested cllr N Smit to open the meeting with prayer.

2. LEAVE OF ABSENCE

No apologies were received.

3. PRESENTATIONS/DELEGATIONS/SPEAKING ENGAGEMENTS

None

4. MINUTES

4.1 MINUTES OF AN EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 15 AUGUST 2024

RESOLUTION

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

That the minutes of an Ordinary Executive Committee meeting held on 15 August 2024, be approved and signed by the Executive Mayor.

5. CONSIDERATION OF RECOMMENDATIONS FROM THE MINUTES

5.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING HELD ON 11 SEPTEMBER 2024

5.1.1 MUNICIPAL MANAGER, ADMINISTRATION AND FINANCE

Resolution/...

5.1.1/...

RESOLUTION

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

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

5.1.2 CIVIL AND ELECTRICAL SERVICES**RESOLUTION**

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

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

5.1.3 DEVELOPMENT SERVICES**RESOLUTION**

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

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

5.1.4 PROTECTION SERVICES**RESOLUTION**

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

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

6. MATTERS ARISING FROM MINUTES

None

7. NEW MATTERS**7.1 IMPLEMENTATION OF THE SALARY AND WAGE COLLECTIVE AGREEMENT FOR THE PERIOD 1 JULY 2024 TO 30 JUNE 2029 (4/2/3)**

The negotiations regarding the new Salary and Wage Collective Agreement were completed on 6 September 2024.

The Executive Mayoral Committee proposed on 19 June 2024 that a mandate of a 3% salary increase be passed to SALGA.

The Facilitator's proposal was accepted by SALGA and the other parties on 26 August 2024, despite the mandates provided by municipalities. Swartland Municipality confirmed during the mandate meeting that the proposal was not accepted, but was legally obliged in terms of the Collective Agreement to implement the salary increases.

RESOLUTION

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

- (a) That the Executive Mayoral Committee takes note of the Salary and Wage Collective Agreement for the period 1 July 2024 to 30 June 2029 which the municipality is legally bound to implement;
- (b) That the Executive Mayoral Committee takes note that the 4.5% increase on salary and related benefits that are applicable will be paid with the pay run during September 2024;
- (c) That the Executive Mayoral Committee takes note that the back pay for July 2024 and August 2024 and related benefits, including rectifications of overtime payments, will be paid with the pay run during September 2024;
- (d) That the CFO be tasked to fund the shortfall during the January 2025 Adjustment budget process whether by way of savings or additional realistically anticipated revenue streams;

7.1/...

- (e) That the Executive Mayoral Committee takes note that the once-off, non-pensionable Gap Market allowance of R2 000.00 will be paid with the pay run during February 2025, after approval of the adjustments budget in January 2025;
- (f) That the Executive Mayoral Committee approves that the non-pensionable Gap Market allowance for the four employees who retire between 6 September 2024 and 28 February 2025, to be paid together with the final payment of their salaries and that this approval is also made applicable to employees who are medically boarded (if any) during the aforementioned period;
- (g) That it further be noted that implementation of the new collective agreement will require adjustments to the outer years of the current 2024/25-2026/27 MTREF;
- (h) That the Municipality is concerned about the agreement of SALGA to the generous salary increases and that this is communicated accordingly to SALGA;
- (i) That Council be informed accordingly.

7.2 BUDGET FOR MAINTENANCE OF PROVINCIAL MAIN ROADS: 2025/2026 FINANCIAL YEAR (5/6/1/1/2)

The estimated expenditure on the maintenance of provincial main roads is passed on to the District Road Engineer on an annual basis for consideration and approval.

The table of estimated expenditure is contained in the report to the agenda.

RESOLUTION

- (a) That the budget of expenses for Provincial Main Roads for the 2025/2026 financial year be approved;
- (b) That it is learned from the West Coast District Municipality which roads in the Swartland municipal jurisdiction have been identified for the necessary maintenance and resealing work over the next few years.

7.3 CASE NUMBER 1394/2022: SWARTLAND MUNICIPALITY (EXECUTION CREDITOR) SYDNEY DAWNDALE JACOBS (JUDGMENT DEBTOR): PROPOSED PURCHASE OF ERF 3986, RIVERLANDS (5/7/1/1)

The Executive Mayoral Committee was briefed on 21 February 2024 regarding the situation of Erf 3986, Riverlands. The Municipality was able to succeed in seizing the property in question through a credit collection process, which property will soon be auctioned in cooperation with the Sheriff.

It was also indicated that it would be advantageous for the Municipality to acquire the land itself.

Since then, the required judicial steps have been complied with and the attorneys have confirmed that the auction will take place on 18 October 2024 at 10:00 a.m.

RESOLUTION

(proposed by cllr D G Bess, seconded by cllr J M de Beer)

That the Municipal Manager (or designated official) be authorized to offer an amount up to a maximum of R65 000.00 for the property at the auction in order to obtain ownership and to thus be in a position to deal with the property in a manner to be decided.

7.4 LEASE OF A PORTION OF ERF 327, KLIPKOPPIE, MALMESBURY TO COMTEL COMMUNICATIONS (PTY) LTD FOR TELECOMMUNICATION PURPOSES (12/2/4-8/4)

A request has been received from Comtel Communications (Pty) Ltd to extend the lease agreement in order to continue with the lease of a portion of Erf 327, Klipkoppie for the construction of telecommunication infrastructure.

The request was circulated to the relevant departments that imposed additional lease conditions.

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 Erf 327, Klipkoppie, Malmesbury to Comtel Communications (Pty) Ltd, subject to the standard conditions of lease and the following further conditions;
 - (i) That the lease term will endure for a period of three years from 01 August 2024 to 31 July 2027;
 - (ii) That a monthly rental of R479.23 (VAT excluded and 6% escalation per annum) be payable by the lessee;
 - (iii) That the property only be utilised for telecommunications purposes 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;
 - (v) That the infrastructure erected by the lessee be clearly labelled for identification of infrastructure on site;
 - (vi) That the lessee provides the wireless interface MAC Address of all wireless equipment installed in the 2.4GHz and 5.8Ghz ranges to the Municipal ICT Department;
 - (vii) That the lessee be compliant with all license regulations imposed by the Independent Communication Authority of SA (ICASA) with regards to the service rendered by the lessee, and that proof must be submitted to the Municipality;
 - (viii) That building plans for the existing as well as additional infrastructure be submitted to the Municipal Building Control Section for approval by 31 March 2025.

7.5 LEASE OF A PORTION OF ERF 327, KLIPKOPPIE, MALMESBURY TO CORNERGATE TECHNOLOGIES FOR TELECOMMUNICATION PURPOSES (12/2/4-8/4)

A request has been received from Cornergate Technologies to extend the lease agreement in order to continue with the lease of a portion of Erf 327, Klipkoppie for the construction of telecommunication infrastructure.

The request was circulated to the relevant departments that imposed additional lease conditions.

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 Erf 327, Klipkoppie, Malmesbury, to Comtel Communications (Pty) Ltd, subject to the standard conditions of lease and the following further conditions;
 - (i) That the lease term will endure for a period of three years from 01 August 2024 to 31 August 2027;

- (ii) That a monthly rental of R2 570.75 (VAT excluded and 6% escalation per annum) be payable by the lessee;
- (iii) That the property only be utilised for telecommunications purposes 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;
- (v) That the infrastructure erected by the lessee be clearly labelled for identification of infrastructure on site;
- (vi) That the lessee provide the wireless interface MAC Address of all wireless equipment installed in the 2.4GHz and 5.8Ghz ranges to the Municipal ICT Department;
- (vii) That the lessee be compliant with all license regulations imposed by the Independent Communication Authority of SA (ICASA) with regards to the service rendered by the lessee and that proof must be submitted to the Municipality;
- (viii) That the infrastructure erected near the municipal facility (as depicted on photograph marked **Annexure C**) be removed and relocated to the approved leased site as depicted on photograph marked **Annexure B**) by 30 June 2025;
- (ix) That building plans for the existing as well as additional infrastructure be submitted to the Municipal Building Control Section for approval by 31 March 2025.

7.6 OUTSTANDING DEBT: AUGUST 2024 (5/7/1/1)

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

RESOLUTION

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

- (a) That cognizance be taken of the report with reference to the state of the outstanding debtors of Swartland Municipality for August 2024;
- (b) That, when low-cost houses are handed over to the beneficiaries, a water control mechanism is installed in line with the allocation requirements of the Department of Infrastructure;
- (c) That notice is taken that the Municipal Manager, in terms of the latest Code of Conduct for Councillors, brings it to the attention of the relevant councillor on a monthly basis if his/her municipal account is in arrears. In doing so, councillors are warned in advance not to exceed the Code of Conduct, necessitating further action against the councillor in question.

7.7 PROGRESS: 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

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

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

7.8 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: REPAIR OF FINE BUBBLE DEFUSED AIR BLOWER NO. 2, MALMESBURY WWTW (8/1/B/2)

[Ald T van Essen leaves the room for the discussion of the item, due to family ties with one of the service providers from which a quotation has been obtained.]

The air blowers at the Malmesbury WWTW are important components in the process of providing sufficient oxygen for the biological treatment process.

It is of utmost importance that the air blowers are always in a good working condition to ensure outflow that meets the necessary standards and is not harmful to the environment.

RESOLUTION

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

- (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 further notice be taken of the action of the Municipal Manager to approve that the repairs to air blower Nr 2 at the Malmesbury waste water treatment works be performed by VWE Installasies BK for the quoted amount of R148,276.50 (excluding VAT);
- (c) That the reasons for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The blower unit would be left out of action for some time if the normal procurement process was followed;
 - (ii) The aforementioned would lead to a failure in the treatment process and outcome that is not up to standard;
 - (iii) The repair of the blower unit was therefore treated as an emergency;
- (d) That the expenditure was allocated to mSCOA Code: 9/239-57-1041 and that there is sufficient funding available for the quoted amount of R148,276.50 (excluding VAT);
- (e) That the Senior Manager Financial Statements be instructed to include the abovementioned reasons as a note to the financial statements.

7.9 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIR WORK TO RETURN ACTIVATED SLUDGE PUMP NO. 2 (RAS) AT THE RIEBEEK KASTEEL WWTW (8/1/B/2)

The WWTW system at Riebeek Kasteel consists of various mechanical components that allow the sewage to flow between the different zones by means of the RAS pumps.

One of the RAS pumps broke down and urgent repairs were required.

RESOLUTION

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

- (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 further notice be taken of the action of the Municipal Manager to approve the repair of the RAS pump at the Riebeek Valley WWTW by CAW for the amount of R 35,060.00 excluding VAT;
- (c) That the reasons for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The RAS pump would have been left out of service for an extended period of time while following due process;
 - (ii) This would have had the consequence of treatment process failure and further damages to other mechanical components;
 - (iii) The repair work to the pump therefore had to be handled as an emergency;

7.9/...

- (d) That the expenditure was allocated mSCOA Code: 9/240-849-381 and that there is sufficient funding available for the quoted amount of R 35,060.00 excluding VAT;
- (e) That the Senior Manager Financial Statements be instructed to include the abovementioned reasons as a note to the financial statements.

7.10 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIR OF HIGH VELOCITY SEWER JET TRUCK, CK 18526 (8/1/B/2)

The sewer blockage truck is equipped with specialised equipment to remove blockages in the sewer system. It is the only truck in the municipal fleet to provide this specialised service and was essential to get repairs done as soon as possible.

RESOLUTION

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

- (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 further notice be taken of the action of the Municipal Manager to approve the repairs to the sewer jet truck be CK18526 performed by Afgri Equipment amounting to R79 758.25 (VAT included);
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The truck would have been left out of service for an extended period of time;
 - (ii) This would have resulted in a failure in the sewerage blockage clearing service with serious environmental and public health risks;
 - (iii) The repair works to the truck therefore be handled as an emergency;
- (d) That the expenditure was allocated to mSCOA Code: 9/4-19-5 and that there is sufficient funding available for the quoted amount of R79 758.25 (including VAT);
- (e) That the Senior Manager Financial Statements be instructed to include the abovementioned reasons as a note to the financial statements.

7.11 PRESENTATION OF THE MINUTES OF A MUNICIPAL PERFORMANCE, RISK AND AUDIT COMMITTEE MEETING HELD ON 28 MAY 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 Finance Management Act, No 56 of 2003.

The minutes of the Municipal Performance and Risk Audit Committee meeting held on 28 May 2024 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 meeting of the Municipality's Performance, Risk and Audit Committee of 28 May 2024.

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