



MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD IN THE COUNCIL CHAMBER, MALMESBURY ON WEDNESDAY, 19 FEBRUARY 2025 AT 10:00

PRESENT:

Executive Mayor, ald J H Cleophas (Chairperson)
Executive Deputy Mayor, ald 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: 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 Records Services, ms N Brand

1. OPENING

The Chairperson welcomed members and requested cllr J M de Beer to open the meeting with prayer.

2. LEAVE OF ABSENCE

That notice be taken of the apology received from the Director: Financial Services.

3. DEPUTATIONS / STATEMENTS / COMMUNICATIONS / PRESENTATIONS

None.

4. MINUTES

4.1 MINUTES OF AN EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 22 JANUARY 2025

RESOLUTION

(proposed by cllr N Smit, seconded by ald T van Essen)

That the minutes of an Ordinary Executive Mayoral Committee meeting held on 22 January 2025, be approved and signed by the Executive Mayor, subject to the following addition:

ITEM 7.2: STATUS QUO AND AMENDMENT OF THE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK 2023-2027 (15/1/4/1)
[addition of paragraph (e)]

- (e) That the amendment includes the process of removal of the "restructuring zones" 4 and 5, Malmesbury for future institutional use.

5. CONSIDERATION OF RECOMMENDATIONS FROM THE MINUTES

5.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING HELD ON 12 FEBRUARY 2025

5.1.1 MUNICIPAL MANAGEMENT, ADMINISTRATION AND FINANCE

RESOLUTION

(proposed by ald T van Essen, seconded by cllr D G Bess)

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

5.1.2 CIVIL AND ELECTRICAL SERVICES

A discussion followed regarding the upgrade of the Riverlands Sports grounds to make them playable for the rugby season that has already commenced.

The Director: Civil Engineering Services confirmed that there are three officials assigned to the Riverlands Sports Grounds for clearing up the stones that washed onto the site from the train track. However, there are no funds available to upgrade the sports grounds with a grass playing field.

Cllr A K Warnick mentioned that the Riverlands Rugby Club, the *Young Eagles*, therefore will not be able to play any matches on their home ground and this will result in cost implications for the club and that consideration should be given to exempt the club from any fees for the use of alternative sports grounds.

Cllr A K Warnick further mentioned that most matches of the *Young Eagles* will take place on the Kalbaskraal Sports Grounds and that an investigation will have to be undertaken whether the latter will be able to accommodate matches of both clubs.

The Municipal Manager mentioned that the focus after the disaster is to restore all basic services. Discussions are already being had with the government on, when there are authorities that are unable to spend allocations, the funds are to be reallocate to Swartland Municipality, as there are projects ready to be implemented.

RESOLUTION

(proposed by ald T van Essen, seconded by cllr D G Bess)

- (a) That the Executive Mayor ratify the recommendations in the relevant minutes;
- (b) That considering the condition of the Riverlands Sports Grounds following the disaster and its repair, the *Young Eagles* are exempt from paying the tariff for the use of any other municipal sports grounds.

5.1.3 DEVELOPMENT SERVICES

RESOLUTION

(proposed by ald T van Essen, seconded by cllr D G Bess)

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

5.1.4 PROTECTION SERVICES

RESOLUTION

(proposed by ald T van Essen, seconded by cllr D G Bess)

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

6. MATTERS ARISING FROM THE MINUTES

None.

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7. NEW MATTERS

7.1 AMENDMENTS TO THE 2024/2025 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) (4/2/2)

Section 54(1)(c) of the Municipal Finance Management Act (Act 56 of 2003) determines that the SDBIP must be considered and, if necessary, must be amended after the approval of an adjustment budget.

The Municipal Manager confirmed that the SDBIP has been amended in accordance with the 2024/2025 Adjustment Capital and Operating Budget as approved by Council on 30 January 2025 to ensure that the Municipality's approved budget is implemented in accordance with the SDBIP.

RESOLUTION

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

That the amended Service Delivery and Budget Implementation Plan (SDBIP) for the 2024/2025 financial year be approved in terms of Section 54(1)(c) of the Municipal Finance Management Act (Act 56 of 2003).

7.2 EXTENSION OF AMNESTY PERIOD FOR CONSIDERATION OF AMNESTY FOR ILLEGAL CONSTRUCTION: SWARTLAND MUNICIPALITY (15/4/1)

Granting amnesty for the submission of building plans in respect of illegal construction work is an attempt by Swartland Municipality to give owners the opportunity to get their properties in order in terms of the National Building Regulations and Building Standards Act, Act 103 of 1977, without the levying of additional fees.

The frequency of participation in the amnesty initiative up to and including the deadline of 15 February 2025 was very low. However, an indication has been received from architects and building draftsmen that approximately forty (40) requests have been received for assistance with building plans for illegal construction.

RESOLUTION

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

- (a) That an extension of the amnesty period to submit building plans for consideration and approval be granted from 20 February to 29 August 2025;
- (b) That all owners of land and buildings where building work take place without the necessary approval, be encouraged to submit building plans for consideration and approval;
- (c) That no additional fees will be applicable if the building plan application be received within the amnesty period;
- (d) That the invitation to submit building plans be made available in all 3 languages of the Western Cape and on various platforms;
- (e) That after the lapsing of the amnesty period the relevant processes/procedure be followed in terms of the National Building Regulations and Building Standards Act 103 of 1977.

7.3 SWARTLAND MUNICIPALITY SOCIAL REGENERATION STRATEGY (17/2/B)

The Swartland municipal area, like many other areas, is experiencing challenges with socio-economic inequality, youth unemployment, social ills etc. The Social Regeneration Strategy seeks to address these issues in promoting social cohesion, economic growth and sustainable development in collaboration with various role players.

The strategy will focus on five initiatives, namely:

- (1) Early Childhood Development / Discipline starts at home
- (2) Abuse of drugs / alcohol
- (3) Gender-based violence

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- (4) SMME development
- (5) Youth development

RESOLUTION

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

That the attached Social Regeneration Strategy be approved.

7.4 HOUSING ACCREDITATION (17/4/2/B)

The accreditation from municipalities for the implementation of certain housing programmes was discussed during a SALGA Working Group on 17 October 2022.

Accreditation was introduced as a tool to enable municipalities to administer housing programmes in terms of delegated power.

The Director: Development Services confirmed that accreditation is not being considered at this stage, as sufficient support is received from the Provincial Department of Infrastructure to successfully execute housing programmes.

RESOLUTION

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

- (a) That cognizance been taken of the resolution of SALGA regarding Housing Accreditation;
- (b) That council don't consider the idea of pursuing housing accreditation at this stage, in light of the fact that the provincial Department of Infrastructure (Human Settlements) is currently providing substantial support for housing delivery in Swartland;
- (c) That the Municipality continuously investigates the pros and cons of Housing Accreditation for future reconsideration.

7.5 PROPOSED DISPOSAL OF DIE KRAALTJIE (ERF 470), KALBASKRAAL (17/2/2)

RESOLUTION

That the report, at the request of the Municipal Manager, be withdrawn in anticipation of the construction of the Kalbaskraal Socio-Economic Facility.

7.6 PROPOSED RENEWAL OF LEASE FOR SPACE TO USE AS AN ICT-CENTRE AT THE ILINGE LETHU THUSONG CENTRE, MALMESBURY SITUATED ON A PORTION OF ERF 7456 (12/1/3/1-8/1)

The Director: Corporate Services confirmed that the Western Cape Government *WCG Cape Access Programme and Library Business Corners* initiative has been operating for some time as ICT centres. The ICT give the public access to computers, the internet etc., for research, school projects, typing documents, etc.

A request was received to lease a portion of the Ilinge Lethu Thusong Centre (size 22 m²) from the Council for a further term of three years for utilising it as an ICT centre.

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 to-gether with the Municipal Asset Transfer Policy (2014), approval be granted for the proposed renewal of lease of space at the Ilinge Lethu Thusong Centre, situated on a portion of Erf 7456, Malmesbury, measuring approximately 22m² in extent, to Library Business Corners, subject to the standard conditions of lease and the following further conditions:

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- (i) That the lease will endure for a period of three years from 1 April 2025 to 31 March 2028;
 - (ii) That a monthly rental of R2 334,37 (10% escalation per annum, from 1 April annually) (VAT excl.) be payable;
 - (iii) That the leased space only be utilised as an ICT centre and for no other purpose;
- (b) That, in terms of paragraph 13.1.1 of the Municipal Asset Transfer Policy the leasing of the space be done by direct negotiations as the lessee historically enjoyed a property right granted by the Municipality since 2014 and has fulfilled its responsibilities and obligations in terms of the lease agreement.

7.7 OUTSTANDING DEBTORS: JANUARY 2025 (5/7/1/1)

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

RESOLUTION

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

7.8 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 January 2025 as circulated with the agenda.

7.9 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: REPAIR WORK TO DRUM SCREEN AT THE INLET WORKS OF THE MOORREESBURG WWTW (8/1/B/2)

The inlet works at the Moorreesburg WWTW are, among others, equipped with a drum screen which prevents non-degradable items from entering the purification works which could damage the mechanical equipment.

The Director: Civil Engineering Services confirmed on an enquiry from ald T van Essen, that the equipment is no longer under warranty.

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 further notice be taken of the action of the Municipal Manager to approve repairs to the drum screen at the inlet works of the Moorreesburg WWTW by GW Trautmann for the amount of R 70,072.19 (excluding VAT);
- (c) That the reasons for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The drum screen would have been left out of service for an extended period of time;
 - (ii) This would have resulted in failure and damages to downstream mechanical equipment;
 - (iii) The repair of the drum screen therefore had to be handled as an emergency;

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- (d) That the expenditure was allocated to mSCOA Code: 9/239-677-425 and that there is sufficient funding available for the quoted amount of R70 072.19 (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 WORK TO THE SUBMERSIBLE PUMP NO 2 AT THE ESTERHOF PUMPSTATION, RIEBEEK KASTEEL (8/1/B/2)

The sewage pumpstation in Riebeek Kasteel collects and transports raw sewage from the residential areas of Riebeek Kasteel and Riebeek West to the Riebeek Kasteel WWTW. The pumpstation is equipped with two pump sets. One of the pumps failed mechanically, which led to the frequent overflow of raw sewage at the pumpstation.

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 further notice be taken of the action of the Municipal Manager to approve the repair of the pump at the Esterhof Pump station by CAW for the amount of R 50,950.00 (excluding VAT);
- (c) That the reasons for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The submersible pump would have been left out of service for an extended period of time while following due process;
 - (ii) This would have resulted in the flooding of the sewerage pump station and an in-terruption in the sewerage service;
 - (iii) The repair work to the pump had therefore to be handled as an emergency;
- (d) That the expenditure was allocated to mSCOA Code: 9/240-849-381 and that there is sufficient funding available for the quoted amount of R50 950.00 (excluding VAT);
- (e) That the Senior Manager Financial Statements be instructed to include the abovementioned reasons as a note to the financial statements.

7.11 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: CAPTURE AND RELEASE OF OSTRICHES AT YZERFONTEIN (8/1/B/2)

The free-roaming ostriches in the town of Yzerfontein pose a threat to the residents and road users. The ostriches are aggressive and the number of birds are multiplying. Therefore, it was necessary to hire a service provider for the capture and release of the ostriches.

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 further notice be taken of the action of the Municipal Manager to approve the quotation from West Industries (Pty) Ltd of the amount of R27 120.00 (VAT included) for the capture and release of ostriches in Yzerfontein;
- (c) That the reasons for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The capture and release of the ostriches was handled as an emergency;

(d)/...

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- (d) That the expenditure was allocated to mSCOA Code: 9/233-1076-1022 and that there is sufficient funding available for the quoted amount of R27 120,00 (excluding VAT);
- (e) That the Senior Manager Financial Statements be instructed to include the abovementioned reasons as a note to the financial statements.

7.12 WRITE-OFF OF IRRECOVERABLE DEBT AND OTHER DEBT: JANUARY 2025 (5/7/3)

The Municipality has a responsibility based on the accounting framework and General Recognised Accounting Practice (GRAP) to consider outstanding amounts that will not be received to be written off, especially in the case of registered indigent households.

The attached schedules show the outstanding amounts classified as uncollectable, namely

- Schedule A – depreciable in respect of compassion attitudes = R6 401 715.41
- Schedule B – depreciable in respect of outstanding debtors = R2 947 276.82.

Every effort has been made to collect the fees from outstanding debtors, but there are cases where account holders have died, or could not be traced or do not have the financial capacity to make any payments.

RESOLUTION

(proposed by cllr N Smit, seconded by ald T van Essen)

- (a) That the Executive Mayoral Committee approves that the amount of **R6 401 715.41** be written off as irrecoverable, in respect of indigent households;
- (b) That the Executive Mayoral Committee approves that the amount of **R2 947 276.82** be written off as irrecoverable, in respect of other debtors linked to and as a direct result of the individual reasons per case;
- (c) That, if after the date of this approval, it comes to light that a portion of the debt owed by a debtor is not correct, or that any information was not made known to the Executive Mayoral Committee at the time of write-off, which would have led to the committee not considering the amount for write-off, the Executive Mayoral Committee retains the right to write back the debt to the relevant debtor and that the necessary steps will be taken to recover the debt;
- (d) That, if a property is in any way alienated, the Council retains the right to refuse clearance on the relevant property in order to recover the amounts written-off, before clearance is given. In order to enforce this decision a register is kept by the Rates and Taxes Division which enables the department to see if any debts were written-off within the previous two years, and if so to recover the amounts before clearance is considered;
- (e) That approval is also given that the current levies, which is not yet incorporated in the current list due to the period from the starting of the administrative process of compiling the write-off list and the period thereafter, form part of the write-off, providing that the Credit Control Division is convinced that the new debt is also irrecoverable under the same circumstances;
- (f) That approval is also given that the amounts owed to the Council, which to date, do not appear on the schedule as a result of the non-completion of socio-economic investigations at all indigent households, will also form part of the write-off, providing that the Credit Control Division is convinced that the new debt is also irrecoverable under the same circumstances;
- (g) That the actual amount for write-off be submitted to the Executive Mayoral Committee at the next meeting;
- (h) That any VAT levied on the services is claimed back from the Receiver of Revenue in the prescribed manner;
- (i) That the Credit Control Division attempt to pay a personal visit to each indigent household in order to explain the write-off and the future obligations of 'responsible

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users', as well as to explain the installation and workings of water demand management systems, as a proactive credit control measure;

- (j) That approval be given that the costs relating to the replacement of the credit meter with a prepaid electricity meter are for the municipality to bear and that the Chief Financial Officer will recover the costs from the Equitable Share allocation;
- (k) That the Mayoral Committee takes cognizance of the fact that the administration will attempt to put measures in place in a bid to force those users of services not on our financial system to agree and complete the necessary services connection form/s.

(SIGNED) J H CLEOPHAS
EXECUTIVE MAYOR