



## **MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD IN THE COUNCIL CHAMBER, MALMESBURY ON THURSDAY, 21 NOVEMBER 2024 AT 15:00**

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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

#### 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 J M de Beer to open the meeting with prayer.

### **2. LEAVE OF ABSENCE**

No apologies were received.

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

None.

### **4. MINUTES**

#### **4.1 MINUTES OF AN EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 15 OCTOBER 2024**

##### **RESOLUTION**

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

That the minutes of an Executive Mayoral Committee meeting held on 15 October 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 13 NOVEMBER 2024**

##### **5.1.1 MUNICIPAL MANAGEMENT, ADMINISTRATION AND FINANCE**

##### **RESOLUTION**

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

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

### **5.1.2 CIVIL AND ELECTRICAL SERVICES**

#### **RESOLUTION**

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

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

### **5.1.3 DEVELOPMENT SERVICES**

#### **RESOLUTION**

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

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

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

### **6.1 MINUTES OF AN EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 15 OCTOBER 2024**

#### **6.1.1 SWARTLAND TOURISM: APPLICATION TO ERECT AN OUTDOOR GYMNASIUM ON A PORTION OF ERF 495, YZERFONTEIN (15/3/3-14)**

An application by Swartland Tourism for the installation of an outdoor gymnasium on part of Erf 495, Yzerfontein served on 15 October 2024 before the Executive Mayor's Committee.

#### **RESOLUTION**

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

- (a) That notice be taken of the site inspection which took place on Friday, 25 October 2024;
- (b) That the approval in principle for the establishment of an outdoor gymnasium on a portion of Erf 495, Yzerfontein be ratified.

## **7. NEW MATTERS**

### **7.1 CONSIDERATION PAYABLE TO LANDOWNERS FOR POWERLINE SERVITUDE (16/2/4/1/3)**

The Director: Electrical Engineering Services provided feedback regarding the construction of the 132/11 kV Substation at De Hoop and confirms that the Municipality's portion of the project will be completed by June 2024.

However, the Municipality is also handling the construction of the 132 kV line and substation on behalf of Eskom by way of Eskom's Self-Build Process. This process is followed by customers of Eskom, as projects can be done over a shorter period of time and at lower costs than Eskom. It also entails that the Municipality is responsible for the negotiation and registration of servitudes over private property.

#### **RESOLUTION**

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

- (a) That the Executive Mayoral Committee take note of the process followed to negotiate the consideration values for each portion of land and the final values as determined for the respective pieces of land.
- (b)/...

7.1/...

- (b) That the Executive Mayoral Committee take note that a servitude will be registered over municipal land for a portion of the line (from the N7 to the De Hoop substation) at no compensation to the municipality since the servitude is to the benefit of Swartland Municipality;
- (c) That the Executive Mayoral Committee take note of the process that will be followed to pay the consideration to the land owners and that it be funded from the INEP Grant;
- (d) That the Executive Mayoral Committee take note of the Eskom Selfbuilt requirements and concur that at the end of the project the Eskom portion of the Project (132 kV Line, 132 kV Switching Station) will be handed over to Eskom (in terms of the Selfbuilt agreement) for inclusion in their asset register and that Eskom will be responsible for the operating and maintenance of these assets.

## **7.2 HIRE OF ADDITIONAL PARKING AT THE CHECKERS CENTRE, MALMESBURY FROM SKH INVESTMENTS LIMITED (12/1/2-8/5)**

The Asset and Fleet Department indicated that there is a need for two additional parking bays under the Checkers building to park municipal vehicles. The parking bays are essential to ensure the safety of the municipal vehicles overnight.

### **RESOLUTION**

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

- (a) That approval be granted for an addendum to the three-year agreement with SKH Investments Limited to be concluded, in order to increase the existing five parking bays below the Checkers Building to seven in total, at the following monthly amounts:

• Year 1 (period 1 December 2024 – 30 June 2025)	R1 600.00 excl VAT
• Year 2 (period 1 July 2025 – 30 June 2026)	R1 696.00 excl VAT
• Year 3 (period 1 July 2026 – 30 June 2027)	R1 797.76 excl VAT

following which the total monthly rental (payable in respect of the Pep Building and seven parking bays), will amount to the following:

• Year 1 (period 1 December 2024 – 30 June 2025) VAT (presently R70 989,04 per month)	R72 589.04	excluding
• Year 2 (period 1 July 2025 – 30 June 2026) VAT (presently R76 234.49 per month)	R76 234.49	excluding
• Year 3 (period 1 July 2026 – 30 June 2027) VAT (presently R78 265.42 per month)	R80 063.18	excluding

- (b) That provision be made in the applicable operating votes for the increased rental payable.

## **7.3 CANCELLATION OF LEASE AND PROPOSED LEASING OF A TRADING SPACE SITUATED ON ERF 7516, JACARANDA STREET, MALMESBURY (CONTAINER NO. 1) VIA A CALL FOR PROPOSALS (12/1/3/1-1/1)**

The Municipality operates an Entrepreneur node from Erf 7516, Jacaranda Street, Malmesbury after approval was granted in 2023 for the leasing of four containers for small businesses for a lease term ending 31 March 2025.

The person operating the clothing store gave notice by 31 October 2024. It is imperative that the container be rented out as soon as possible by way of a request for proposals to prevent vandalism.

Resolution/...

7.3/...

**RESOLUTION**

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

- (a) That cognisance be taken of the termination of the lease that expires 31 March 2025 in respect of Ms J Meyer who operated a clothing store from Erf 7516, Malmesbury, taking effect on 31 October 2024;
- (b) 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 proposed lease of the vacant container (no.1) at the entrepreneurial hub, situated on Erf 7516, Jakaranda Street via a call for proposals process, subject to the standard conditions of lease and the following further conditions:
  - (i) That the call for proposals be advertised in the press, whereby interested entrepreneurs will have the opportunity to submit their proposals for business purposes;
  - (ii) That the proposals be evaluated in conjunction with the Municipal Community Development Department, whereafter a report for final approval in respect of the allocation of the proposed lease, shall be submitted for consideration to the mayoral committee;
  - (iii) That the lease will endure for a period of two years;
  - (iv) That the successful applicant shall be responsible for payment of a monthly rental of an amount of R100.00, VAT excluded, as well as payment for service consumption;
- (c) That, due to the fact that the proposed transaction forms part of the Municipality's strategic objectives to encourage economic transformation, the container be leased to a successful applicant to operate a business from.

**7.4 PROPOSED LEASE OF THE TENNIS FACILITY SITUATED ON A PORTION OF ERF 1528, DIEP RIVER, MALMESBURY TO THE MALMESBURY TENNIS CLUB (17/9/2/2-8)**

The Council leases the Malmesbury tennis facilities (at the Diep River sports grounds) to the Malmesbury Tennis Club. The lease term expires on 1 December 2024.

**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 together with the Municipal Asset Transfer Policy (2014), approval be granted for the lease of the municipal tennis facility, including the clubhouse and five tennis courts, situated on a portion of Erf 1528 (Dieprivier Sportsground), Voortrekker Road to the Malmesbury Tennis Club, subject to the standard conditions of lease and the following further conditions:
  - (i) That the lease will endure for a period of three years from 01 December 2024 to 30 November 2027;
  - (ii) That a lease amounting to R120.00 per annum, excluding VAT be levied in respect of year 1, subject to escalation based on the Consumer Price Index (CPI) from year 2;
  - (iii) That the lessee be responsible for payment of service consumption charges;
  - (iv) That the minor and internal maintenance works and upkeeping be undertaken by and at the cost of the lessee;
  - (v) That the larger maintenance works/upgrading of the facility be undertaken by and at the cost of the Municipality.

7.4/...

- (b) That it be noted in terms of paragraphs 13.1.1 and 13.1.3 of the Asset Transfer Policy, that the Malmesbury Tennis Club previously leased the tennis facility and all obligations were met by the lessee, and that the proposed lease will further fulfil the need of the community to utilise the facility not only for leisure, but also for league matches/tournaments.

#### **7.5 PROPOSED RENEWAL OF LEASE OF A PORTION OF THE YZERFONTEIN COMMUNITY HALL SITUATED ON ERF 208, OUTER ROAD/BUITEKANT STREET TO THE WESTERN CAPE GOVERNMENT: DEPARTMENT OF HEALTH AND WELLNESS FOR PURPOSES OF OPERATING A CLINIC (17/9/2/R)**

A portion of the Yzerfontein Community Hall is used by the Department of Health and Wellness as a clinic to provide health services to the community of Yzerfontein.

The relevant department has indicated that an independent appraiser will be appointed to evaluate the monthly rental. If there is a deviation from the proposed rent of R1 356.24 (excluding VAT) per annum, a further report will be submitted following the valuation obtained from the independent appraiser.

#### **RESOLUTION**

(proposed by cllr A K Warnick, 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 proposed renewal of lease of a portion of the Yzerfontein Community Hall, situated on Erf 208, Outer Road / Buitekant Street, measuring approximately 21m<sup>2</sup> in extent, to the Western Cape Government: Department of Health and Wellness, 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 March 2025 to 28 February 2028;
  - (ii) That a monthly rental of R1 356.24 (VAT excl.) and 5.5% escalation per annum be payable by the lessee;
  - (iii) That a further report be submitted to Council after a valuation has been obtained from an independent valuer appointed by and the cost of the Western Cape Government: Department of Health and Wellness in respect of the monthly rental;
  - (iv) That the property only be utilised for operation of a clinic and for no other purposes;
  - (v) That all administrative, technical and legal requirements be adhered to;
- (b) That, due to the fact that the lessee is an organ of state, the renewal of lease is supported and by leasing the property to the institution, it assists with their continued provision of health services to the community of Yzerfontein.

#### **7.6 OUTSTANDING DEBT: OCTOBER 2024 (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 October 2024.

#### **7.7 PROGRESS: 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 30 September 2024 as circulated with the agenda.

## **7.8 SELLING OF OBSOLETE ASSETS ON PUBLIC AUCTION (6/1/3)**

The Asset Management Policy regulates the disposal of assets by ensuring that it is fair, equitable, transparent, competitive and cost-effective and that the Supply Chain Management Policy of the Municipality is complied with.

The criteria for asset disposal involve the following:

- The useful life of the asset has expired;
- The asset is obsolete;
- It is uneconomical to restore the asset or it is irrecoverable.

The lists of obsolete assets of the respective directorates were circulated with the agenda.

### **RESOLUTION**

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

That the Executive Mayoral Committee approves the attached list of assets to be sold by public auction and for same to be removed from the asset register.

## **7.9 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIR WORK OF A SUBMERSIBLE PUMP AT THE ROSENBURG PUMPSTATION IN MALMESBURY (8/1/B/2)**

The Rosenberg sewage pumpstation located at the Malmesbury WWTW collects and transports raw sewage from the West Bank to the Malmesbury WWTW. The pumpstation is equipped with two pump sets. One of the pumps had mechanical failure 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 Rosenberg sewer pumpstation by CAW for the amount of R 65 730.00 (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 interruption 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 R 65,730.00 (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 WORK OF A SUBMERSIBLE PUMP AT THE RIEBEEK WEST SEWAGE PUMPSTATION (8/1/B/2)**

The sewage pumpstation in Riebeek West collects and transports raw sewage from Riebeek West to the Riebeek Kasteel WWTW. The pumpstation is equipped with two pump sets. One of the pumps had mechanical failure which led to the frequent overflow of raw sewage at the pumpstation.

Resolution/...

7.10/...

**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 Riebeek West sewer pumpstation 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 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 interruption 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 R35 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.

**7.11 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIR WORK OF A SUBMERSIBLE PUMP AT THE INLET WORKS AT THE RIEBEEK KASTEEL WWTW (8/1/B/2)**

The inlet works at a WWTW are a critical component in the sewage treatment process in that they are, among other things, equipped with submersible pumps that allow gravity flow to the rest of the WWTW. It is therefore essential that the inlet works function optimally to ensure the flow of sewage to the treatment process and that sewage does not push back into the system.

**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 be condoned with regards to the repair of a submersible pump at the inlet works of the Riebeek Kasteel Wastewater Treatment Works by CAW for the amount of R 53,400.00 (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 following due process;
  - (ii) This would have resulted in treatment process failure, the flooding of the sewerage drainage system and an interruption 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: 9/239-851-689 and that there is sufficient funding available for the quoted amount of R53 400.00 (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 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: REPAIR WORK TO DRUM SCREEN AT THE INLET WORKS OF THE RIEBEEK KASTEEL WWTW (8/1/B/2)**

The inlet works at the Riebeek Kasteel WWTW are, among other things, equipped with a drum screen that prevents non-degradable items from ending up in the purification works that could cause damage to the mechanical equipment.

7.12/...

**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 Riebeeck WWTW by GW Trautmann for the amount of R 64,494.95 (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;
- (d) That the expenditure was allocated to mSCOA Code: 9/239-851-689 and that there is sufficient funding available for the quoted amount of R64 494.95 (excluding VAT);
- (e) That the Senior Manager Financial Statements be instructed to include the abovementioned reasons as a note to the financial statements.

**7.13 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIR WORK TO COMPACTOR TRUCK CK 37359 (8/1/B/2)**

The compactor truck CK 37359 is used in Malmesbury and surrounding areas for the delivery of a refuse removal service.

**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 has approved the repair of the pocket boxes and replacement of the lower and upper crusher plates of compactor truck CK 37359 for the amount of R 81,726.21 excluding VAT by Transtech;
- (c) That cognisance 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: 9/4-36-5 and that there is sufficient funding available for the quoted amount of R81 726.21 (excluding VAT);
- (e) That the Senior Manager Financial Statements be instructed to include the abovementioned reasons as a note to the financial statements.

**7.14 APPLICATION FOR ANNUAL LEAVE BY THE MUNICIPAL MANAGER AND DIRECTORS AND APPOINTMENT OF ACTING MUNICIPAL MANAGER (4/8/3)**

The application for leave by the Municipal Manager must be submitted to the Executive Mayoral Committee for consideration. The opportunity is also taken to appoint an acting municipal manager to ensure continued service delivery and communication.

**RESOLUTION**

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

- (a) That the application for leave of the Municipal Manager for the following days is approved in principle, namely:
  - 17 to 31 December 2024 (8 days).
  - 1 to 10 January 2025 (7 days).
  - 24 to 27 March 2025



- (b) That it be noted that the Director: Electrical Engineering Services, Mr T Möller, will act as Municipal Manager during 17 to 29 December 2024;
- (c) That it be noted that the Director: Civil Engineering Services, Mr L Zikmann, will act as Municipal Manager during 30 December 2024 to 10 January 2025;
- (d) That each Director will appoint the acting Directors in their respective department, in order to ensure good communication and service delivery.

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