



MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD IN THE COUNCIL CHAMBER, MALMESBURY ON WEDNESDAY, 22 JANUARY 2025 AT 10:00

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 board members:

The Speaker, ald M A Rangasamy

Officials:

Municipal Manager, mr J J Scholtz
Director: Financial Services, mr M 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 extended a special welcome to members, officials and member of the public at the first meeting of the Executive Mayoral Committee of 2025.

The Chairperson opened 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 11 DECEMBER 2024

RESOLUTION

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

That the minutes of an Executive Mayoral Committee meeting held on 11 December 2024 be approved and signed by the Executive Mayor.

5. MATTERS ARISING FROM THE MINUTES

None.

6. MONTHLY REPORT: NOVEMBER 2024

[Note: Performance measurement reports will be submitted to the Council on 30 January 2025 as part of the Section 52 MFMA report.]

6.1 DIRECTORATE: CIVIL ENGINEERING SERVICES (7/1/2/2-4)

The Director: Civil Engineering Services dealt with some aspects from the monthly report, among others, the measures that have been introduced between Swartland Municipality and the West Coast District Municipality with the taking of samples at sewage treatment works in the municipal area.

The Director: Civil Engineering Services mentioned that the arrangement to turn off the daily water imports to Silvertown between 18:00 and 06:00 has proven to be successful in that the water levels of reservoirs have stabilised. However, the recent fires in the area, and water supply to the City of Cape Town's fire vehicles, have caused the level of reservoirs to drop to 20%.

The Director: Civil Engineering Services referred to the 10.3% increase in sewage pumping in Yzerfontein which is in line with the expansion of the town, but confirms that the transport of sewage to Darling-WWTW is not sustainable.

Ald T van Essen mentioned problems experienced at Highlands Landfill, among other things, that the fire road that has been scrapped now gives further access to the landfill for scavengers.

RESOLUTION

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

- (a) That cognisance be taken of the contents of the monthly report of the Directorate: Civil Engineering Services in respect of November 2024;
- (b) That the Director: Civil Engineering Services give consideration to closing the fire road at the Highlands Landfill.

6.2 DIRECTORATE: ELECTRICAL ENGINEERING SERVICES (7/1/2/2-6)

The monthly report of the Directorate: Electrical Engineering Services was tabled and some aspects of it were dealt with by the Director: Electrical Engineering Services.

Cllr A K Warnick requested that the additional costs charged by vendors, e.g. for printing receipts, should be examined. Cllr D G Bess further requested that the tax levy by vendors on purchasing power in Eskom areas be reported to Nersa.

Cllr D G Bess mentioned the problems experienced with the Landis Gyr power boxes in the Eskom areas.

RESOLUTION

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

- (a) That cognisance be taken of the contents of the monthly report of the Directorate: Electrical Engineering Services in respect of November 2024;
- (b) That cognisance be taken of the respective requests from cllrs D G Bess and A K Warnick for further investigation by the relevant directorates.

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

The Director: Development Services confirmed that the progress with the housing projects in the municipal area is satisfactory.

The Director: Development Services mentioned that there are still disaster victims on Riverlands who will be provided with *Temporary Transfer Units* by the Department of Infrastructure, and that the Municipality has undertaken to install water meters to those who had a meter before the disaster, as well as electricity meters by Eskom on the same basis.

Ald T van Essen mentioned that with the ±5 500 housing opportunities being developed in the municipal area, it must be taken into account that the consumption of services is increasing with associated pressure on infrastructure, personnel, equipment, etc. in the engineering departments which may result in service delivery to taxpayers no longer being sustainable.

Cllr D G Bess thanked the Municipality for the installation of toilets and electricity at the Transnet line camp in Kalbaskraal, but requested more attention to this area. Furthermore, cllr Bess enquired about the progress of the transfer of the Nitrophoska houses.

The Director: Development Services confirmed that the Municipality, following a site inspection, is aware of the conditions at the Transnet line camp in Kalbaskraal, but that the upgrading of the area will be considered as part of a subsequent housing project in Kalbaskraal.

The Director: Corporate Services mentioned the challenges with regard to the transfer of the Nitrophoska houses that, among others, the semi-detached houses must first have the correct land-use and comply with the land-use conditions (firewalls, creation of individual service connections, servitudes, etc.), before transfer can be considered.

RESOLUTION

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

- (a) That cognisance be taken of the contents of the monthly report of the Directorate: Development Services in respect of November 2024;
- (b) That, at the request of cllr J M de Beer, a list of all lease agreements be provided, taking into account the provisions of the Protection of Personal Information Act so as not to disclose any personal information.

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

6.4.1 TRAFFIC AND LAW ENFORCEMENT SERVICES

6.4.2 FIRE SERVICES

The Director: Protection Services dealt with some aspects from the monthly report and mentioned that there is a backlog with the service of fire hydrants.

Ald T van Essen requested that the location of fire hydrants be clearly installed/painted so that vehicles do not park over them.

The Director: Protection Services mentioned, in response to an enquiry from cllr D G Bess regarding the deployment of law enforcement officers to Riebeek Kasteel, that the officers employed in the CCTV office be transferred to Riebeek Kasteel after the closure of the office.

RESOLUTION

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

That cognisance be taken of the contents of the monthly report of the Directorate: Protection Services in respect of November 2024.

7. NEW MATTERS

7.1 BUDGET STEERING COMMITTEE 2024/2025: MID-YEAR ADJUSTMENTS CAPITAL AND OPERATING BUDGET TECHNICAL RECOMMENDATIONS (5/1/1/1, 5/1/1/2, 5/1/4)

The Director: Financial Services provided background to the submission of the 2024/2025 Bi-Annual Adjustment Capital and Operating Budget in terms of Section 72 of the Municipal Finance Management Act, Act 56 of 2003 (MFMA).

The Director: Financial Services mentioned, among other things, that the capital budget is reduced by R26 000 000, due to a delay on the part of Eskom in providing certain approvals for the *Malmesbury De Hoop 132/11kV Substation, 132kV transmission line and servitudes* (item 41).

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Ald T van Essen gave an explanation for his proposal as outlined below, *inter alia*, that the high rainfall in 2024 has had a negative impact on the roads in the municipal area and urgent resealing work is needed. Furthermore, the operation of the Highlands Landfill is jeopardised if the project to carry out the new cell is postponed to the 2025/2026 financial year.

The Director: Financial Services confirmed the conditions that a budget (as approved by Council in May 2024) must comply with, among other things, if it is determined by the Provincial Treasury whether the necessary legislation has been complied with to confirm that the budget is credible, affordable and accurate. An adjustment budget does not provide this opportunity again, and cannot be reflected on the "main budget" at this stage.

With reference to Section 28 of the MFMA, the Municipal Manager mentioned that the proposal of ald T van Essen brings about a material change in the annual budget and puts the Council at risk. Thus, the proposal does not meet the conditions of the MFMA to authorise a purification.

The Director: Civil Engineering Services mentioned that the explanations of the Director: Financial Services and the Municipal Manager are respectively agreed to, but requests that when considering the multi-year budget, consideration should be given to the resealing programme and the impact of the high rainfall rate on the roads. The Director: Civil Engineering Services confirms that there is a backlog in the resealing programme, but that the Municipality is not in danger of losing the roads in the foreseeable future. However, the condition of the roads must be closely monitored including the influence of weather conditions, the maintenance programme and the expenditure to keep the roads at a functional level.

The Director: Financial Services confirmed that the R18 253 314 cannot be considered as a saving in the 2024/2025 financial year in terms of Section 28(d) of the MFMA, as the tender for the construction of the roads has already been awarded and the project is merely moving forward to the 2025/2026 financial year.

RESOLUTION

- (a) That the following proposal by ald T van Essen is not supported:
 - reallocation of R18 253 314 from *Roads Swartland: Construction of New Roads* (item 9) to *Roads Swartland: Resealing of Roads* (item 8);
 - budget for an amount of R18 253 314 in the 2025/2026 for *Roads Swartland: Construction of New Roads*;
 - budget for an amount of R4 000 000 in the 2024/2025 Bi-Annual Adjustment Budget for *Highlands: Development of new cell* to have the project completed before 1 June 2025;
- (b) That, at the request of ald T van Essen, the proposal is withdrawn, but that it is recorded that ald Van Essen does not support the approval of the 2024/2025 Bi-Yearly Adjustment Capital and Operating Budget.

FURTHER RESOLUTION

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

- (c) That it be noted that the Budget Steering Committee convened to consider the explanations and motivations provided by the financial staff and other directors in a bid to advise the Executive Mayor on way forward;
- (d) That it be noted that the R2.935 million adjustment to overtime was as a result of the emergency situation caused by severe flooding to parts of Chatsworth and Riverlands, due to the three dams that collapsed. This caused destruction of municipal roads and the water supply network;
- (e) That the following total expenditure by vote (per directorate) be approved, which includes both operating and capital expenditure per directorate, in order that departments pro-actively prevent unauthorised expenditure;

7.1/(e)...

Budget Year 2024/25	Capital Expenditure by Vote			Operating Expenditure by Vote			Total Expenditure by Vote		
	Original Budget	Total Adjusts.	Adjusted Budget	Original Budget	Total Adjusts.	Adjusted Budget	Original Budget	Total Adjusts.	Adjusted Budget
R thousands									
Vote 1 - Corporate Services	778	(300)	478	46 746	918	47 664	47 524	618	48 142
Vote 2 - Civil Services	127 036	(32 667)	94 369	393 895	23 549	417 444	520 930	(9 118)	511 813
Vote 3 - Council	1 278	9	1 287	26 049	(675)	25 374	27 327	(666)	26 660
Vote 4 - Electricity Services	68 971	(1 010)	67 961	458 585	20 850	479 435	527 556	19 840	547 396
Vote 5 - Financial Services	698	(130)	568	81 680	(2 379)	79 301	82 378	(2 508)	79 869
Vote 6 - Development Services	174 824	(8 612)	166 212	51 379	(9 439)	41 940	226 203	(18 051)	208 152
Vote 7 - Municipal Manager	12	88	100	10 030	(46)	9 985	10 042	42	10 085
Vote 8 - Protection Services	2 882	173	3 055	120 682	(7 352)	113 330	123 564	(7 179)	116 385
Grand Total	376 478	(42 448)	334 030	1 189 046	25 426	1 214 472	1 565 523	(17 022)	1 548 501

- (f) That approval be granted to amend the 2024/2025 capital projects as part of its consolidated capital program as per (**Annexure A-1: Adjusted 2024/25 Capital Budget**), with no amendments to the outer years;
- (g) That council considers the amended funding sources linked to council's capital program and take note that these funding sources are available and have not been committed for other purposes;

FINANCING SOURCES	Original Budget 2024/25	Mid-Year Adj Budget 2024/25	Increase / (Decrease)
Capital Replacement Reserve (CRR)	93 535 241	100 524 065	6 988 824
External Loan	36 950 588	-	(36 950 588)
Municipal Infrastructure Grant (MIG)	29 332 000	29 302 000	(30 000)
Dept. Human Settlements (DHS)	174 289 166	165 670 203	(8 618 963)
Integrated National Electrification Programme (INEP)	22 818 000	18 900 766	(3 917 234)
Western Cape Education Department (PRIVATE FUNDING)	19 033 109	19 033 109	-
Dept. Cultural Affairs and Sport	484 783	484 783	-
Community Safety Grant	34 783	34 783	-
Donations	-	80 000	80 000
GRAND TOTAL	376 477 670	334 029 709	(42 447 961)

- (h) That council takes note of the proposed adjustments (as it relates to Section 19) in respect of the projects listed in (**Annexure A-2: Capital Projects to Sec 19**);
- (i) That approval be granted to amend the high-level capital and operating budget for 2024/2025 as per (**Annexure B: Adjusted 2024/25 Operating Budget**), with no amendments to the outer years, as follows:

	Original Budget 2024/25	Mid-Year Adj Budget 2024/25	Adjustments	Original Budget 2025/26	Original Budget 2026/27
Capital budget	376 477 670	334 029 709	(42 447 961)	216 639 861	197 984 897
Operating Expenditure	1 189 045 717	1 214 471 653	25 425 936	1 434 463 775	1 584 420 812
Operating Revenue	1 458 996 894	1 475 819 204	16 822 310	1 535 862 828	1 666 597 277
Budgeted (Surplus)/ Deficit	(269 951 177)	(261 347 551)	8 603 626	(101 399 053)	(82 176 465)
Less: Capital Grants and Donations	246 062 275	234 535 134	(11 527 141)	97 963 000	81 093 000
(Surplus)/ Deficit	(23 888 902)	(26 812 417)	(2 923 515)	(3 436 053)	(1 083 465)

7.1/...

- (j) That it be noted that the changes to the operating budget will have no impact on tariffs in respect of the 2024/2025 financial year or beyond but will result in an increased budgeted net surplus from R23 888 902 to a budgeted net surplus of R26 812 417;
- (k) That the adjusted budget schedules (B1 to B10) as required by the Budget and Reporting Regulations be approved as set out in **(Annexure C: Budget Report and B-Schedules 2024/25 – 2026/27)**;
- (l) That the 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;
- (m) That the Service Delivery Budget Implementation Plan (SDBIP) where appropriate be amended accordingly.

7.2 STATUS QUO AND AMENDMENT OF THE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK 2023-2027 (15/1/4/1)

The Municipal Manager mentioned that the amendments to the Municipal Spatial Development Framework are important to accommodate new developments within the urban periphery and under the correct zoning.

The proposed amendments are for Malmesbury, Darling and Riebeek Kasteel and will take place there on open days to be available for the public's input/comments.

RESOLUTION – for recommendation to Council on 30 January 2025
(proposed by ald T van Essen, seconded by cllr A K Warnick)

- (a) That in principle approval is granted by the Swartland Municipal Council for the amendment of the Spatial Development Framework for the towns of Malmesbury, Darling and Riebeek Kasteel together with the inclusion of the Capital Expenditure Framework as an addendum;
- (b) That approval is granted for the publication of the amendment of the Municipal Spatial Development Framework for public comment in terms of section 7(1)(b) of the By-Law;
- (c) That the Municipality submit the amendment of the Municipal Spatial Development Framework to the Provincial Minister and other organs of state for comments;
- (d) That the commenting period will be the months of February and March 2025 with open days in the relevant wards of the towns of Malmesbury, Darling and Riebeek Kasteel.

7.3 AMENDMENT OF THE KPI'S AND TARGETS FOR 2024/2025 (2/4/2)

The KPI's and targets for 2024/2025 were approved by the Executive Mayoral Committee during June 2024. Following the review of the KPI's and targets at the end of the first six months of 2024/2025 and taking into account the new Personnel Regulations, certain amendments are proposed to ensure that all KPI's are aligned with the *SMART* principle.

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

That cognisance be taken of the amendments to the KPIs and targets for the 2024/2025 financial year.

7.4 QUARTERLY REPORT ON THE PERFORMANCE OF CONTRACTORS (8/1/B/2)

The report in respect of the quarterly performance evaluation of contractors appointed in terms of the Supply Chain Management Policy is submitted in compliance with Section 116(2) of the MFMA and the core performance indicator of the Municipal Manager.

RESOLUTION

That cognisance be taken of the quarterly report regarding the performance of contractors for the period 1 October 2024 to 31 December 2024.

7.5 REPORT IN RESPECT OF THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY FOR THE PERIOD 1 OCTOBER 2024 TO 31 DECEMBER 2024 (8/1/B/2)

The report regarding the implementation of the Supply Chain Management Policy must be submitted to the Executive Mayor on a quarterly basis in terms of paragraph 6(3) of the Municipal Supply Chain Management Regulations.

The report for the period 1 October 2024 to 31 December 2024 was circulated with the case list.

RESOLUTION

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

- (a) That cognisance is 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 is taken of the services rendered for the period 1 October 2024 to 31 December 2024 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).

7.6 APPOINTMENT OF DISCIPLINARY BOARD MEMBERS TO BE RECOMMENDED TO COUNCIL (5/15/1/5)

The Disciplinary Board was established as an independent advisory body to make decisions under the *Financial Misconduct Regulations* to assist the Council in investigations into financial misconduct.

The purpose of the report is to recommend the composition of the Disciplinary Board to the Municipal Council and accordingly the appointment of members.

RESOLUTION – for recommendation to Council on 30 January 2025

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

- (a) That the Chairperson of the PRAC be appointed as a member of the Disciplinary Board from 01 November 2024 to 31 December 2025. The Chairperson of the PRAC can nominate any member of the PRAC to attend a meeting on his/her behalf should he/ she not be available;
- (b) That the Senior Manager: Treasury and the Senior Manager: Budget, Costing and Reporting be appointed as secundi's for the municipal officials serving on the Disciplinary Board;
- (c) That the Chief Audit Executive be appointed as a member of the Disciplinary Board again from 01 June 2025 to 31 December 2025;
- (d) That only the designations of the officials be approved to prevent the administrative burden of getting Council approval should an official leave the municipality during their three-year term. See the table below:

7.6/(d)...

Member of the Disciplinary Board	Secundi	Term
Chairperson of the PRAC	Any nominated member of the PRAC	01 November 2024 – 31 December 2025
Director Corporate Services	Senior Manager: Treasury / Senior Manager: Budget, Costing and Reporting.	1 January 2023 to 31 December 2025
Senior Manager Human Resources	Senior Manager: Treasury / Senior Manager: Budget, Costing and Reporting.	1 January 2023 to 31 December 2025
Chief Audit Executive	Senior Manager: Treasury / the Senior Manager: Budget, Costing and Reporting.	1 June 2022 to 31 May 2025 & 01 June 2025 – 31 December 2025

- (e) The remuneration payable to the external member of the Disciplinary Board will be the same as the attendance of the Performance, Risk and Audit Committee.

7.7 PROPOSED LEASING OF INDUSTRIAL LAND IN MOORREESBURG FOR CROP PRODUCTION (12/2/5/5-9/2)

The Municipality has ±17,7 ha of land in Moorreesburg that is leased to the Wheat Industry Museum until April 2024.

It is proposed that a public competition process be re-run to make the land available for arable farming purposes for the benefit of or to a local charity.

RESOLUTION

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

- 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 May 2025;
- That proposals be invited on the basis of and conditions as contained in the draft notice as per Annexure B to the report;
- That the Municipal Manager be authorized to appoint a committee, if deemed necessary, to consider the proposals received and to make an award in consultation with the relevant ward councillor;
- That the Director: Corporate Services be authorized to finalize the contents, as well as the signing of the lease agreement;
- That the prospective lessee be made aware that planting is not to exceed on erf 5520, which belongs to Boland Diesel t/a AfricOil and which is currently vacant.

7.8 PROPOSED GRANTING OF A RIGHT TO USE A PORTION OF ERF 2046 SITUATED IN KAREEBOOM STREET AND DARLING ROAD, MALMESBURY TO LIEBENBERG PRIMARY SCHOOL (12/2/R)

In 2024, Liebenberg Primary School applied for the leasing of a portion of Erf 2046, located in Kareeboom Street and Darling Road, for use as a play space for learners.

The school intends to fence the portion (area ±6 037 m²) at its own expense and incorporate it into the school grounds.

RESOLUTION

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

- (a)/...

7.8/...

- (a) That, in terms of Regulation 34 of the Municipal Asset Transfer Regulation, read together with the Municipal Asset Transfer Policy (2014), approval is granted for the proposed right of use in respect of a portion of Erf 2046, approximately 6037m² in size, located Kareeboom Street and Darling Weg, Malmesbury to Liebenberg Primary School, subject to the standard lease conditions as well as the following further conditions:
- (i) That the property is only used for the development of a fenced playground by and at the expense of the applicant;
 - (ii) That a gate be installed in the enclosure to ensure that the Electrical Engineering Services Directorate will have access for a crane truck to undertake maintenance of the street lights and electrical services located on the boundary of the school premises;
 - (iii) That no structures may be erected on the site, considering that there is an irrigation pipe that crosses the plot on the side where it borders the school;
 - (iv) That the school must obtain the prior approval of the Municipality (Civil and Electrical Engineering Services Directorates) for the fence and access gate to be installed;
 - (v) That the land use rights (including, closure, rezoning and subdivision) in respect of the site are obtained by and at the expense of the applicant;
 - (vi) That a usage agreement with the applicant will be concluded and reviewed every three years;
 - (vii) That all administrative, technical and legal requirements are met;
- (b) That, in terms of paragraphs 13.2 and 13.2.4 of the Asset Transfer Policy, the free use of the municipal property is supported by the fact that the property will be used by the school for an additional play area to accommodate the increasing number of learners at the school.

7.9 LEASE OF STORAGE SPACE SITUATED ON A PORTION OF ERF 7590, NYWERHEIDSINGEL, MALMESBURY FROM THE BESTER FAMILY TRUST (12/1/2-6/2)

The Directorate: Financial Services has indicated that Council needs the storage space of the Bester Family Trust for a further term for the storage of garbage bags and water meters.

The lease agreement will be concluded accordingly for a term commencing 1 April 2025 until 31 March 2026.

PROPOSAL

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

- (a) That a rental agreement be entered into with The Bester Family Trust for the use of storage space, unit 10, situated on a portion of Erf 7590, 4 Nywerheidsingel, Malmesbury, for a further term of 12 months as from 1 April 2025 to 31 March 2026;
- (b) That a monthly rental of R1 554.00 (VAT included) be payable from vote number 9/241-369-2979 (purchase of refuge bags);
- (c) That the existing conditions of lease remain unchanged.

7.10 PROPOSED RENEWAL OF LEASE OF ERF 4048, SITUATED MADELIEFIE AVENUE, DARLING TO LITTLE DARLING CRÈCHE FOR EARLY CHILDHOOD DEVELOPMENT PURPOSES (17/9/2/R)

The Little Darling Crèche applied in 2018 to lease Erf 4048, Darling from the Council with the aim of setting up an early childhood development centre and thereby moving the crèche to a more permanent structure.

7.10/...

Little Darling Crèche has not yet been able to obtain sufficient funds for the construction of the centre and is requesting that the lease be extended.

RESOLUTION

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

- (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 pro-posed renewal of lease of Erf 4048, situated in Madeliefie Avenue, Darling, measuring ap-proximately 896m² in extent, to Little Darlings Crèche, subject to the standard conditions of lease and the following further conditions:
 - (i) That the lease period will endure for a period of two years, from 01 March 2025 to 28 February 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 property be used only for early childhood development purposes and for no other purpose;
 - (iv) That the applicant be monitored in terms of building plan approval and securing of funds;
 - (v) That all administrative, technical and legal requirements be adhered to;
- (b) That, in terms of paragraph 12.2.1.4 of the Asset Transfer Policy, the property be leased by way of direct negotiations, as the property is earmarked for early child development purposes for which it will be used, and to provide the current lessee with an opportunity to develop the property;
- (c) That the lessee be informed that this will be the last concession, and that after the end of the two-year period the Council reserves the right to offer the land by way of public competition.

7.11 OUTSTANDING DEBTORS: DECEMBER 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 December 2024.

7.12 OUTSTANDING INSURANCE PROGRESS (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 December 2024 as circulated with the agenda.

7.13 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: REPAIR WORK TO JCB BACKHOE LOADER, CK 45744 (8/1/B/2)

The JCB Backhoe Loader, CK 45744 is used for construction work within the Swartland municipal area. The machine is not due for replacement in the multi-year budget, and repairing the engine is considered necessary.

Resolution/...

7.13/...

RESOLUTION

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

- (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 of the engine of the JCB Backhoe Loader CK45744 for the amount of R 192,576.61 excluding VAT by Kanu Equipment;
- (c) That further notice be taken that, in terms of paragraph 36(1)(a) of the Supply Chain Management Policy, a formal tender process could not be followed, since:
 - (i) In order to assess the extent of repairs, a strip down of the engine and ancillary equipment had to be performed;
 - (ii) Reassembly to obtain more quotations would be impractical;
- (d) That the expenditure was allocated to mSCOA Code: 9/7-26-5 and that there is sufficient funding available for the quoted amount of R192 575.51 (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 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: REPAIR TO CRANE TRUCK, CK 21380 (8/1/B/2)

The Isuzu Truck, CK 21380 on which a crane is fitted, is used to service the recycling igloos in the municipal area. It is the only truck capable of performing this essential 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 to approved the repairs of the brakes of CK 18526 for the amount of R 63,462.70 excluding VAT by Isuzu Malmesbury t/a Perdeberg Motors;
- (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 Isuzu Malmesbury t/a Perdeberg Motors is an authorised agent of Isuzu;
- (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 R63 462.70 (excluding VAT);
- (e) That the Senior Manager Financial Statements be instructed to include the abovementioned reasons as a note to the financial statements.

7.15 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: REPAIR WORK TO HIGH PRESSURE SEWER JET TRUCK, CK 18526 (8/1/B/2)

The Isuzu Truck, CK 18526 is equipped with specialised equipment to clean sewer systems. The brakes have failed and urgent repair work is required to ensure a sustainable 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 to approved the replacement of the clutch, release bearing and flywheel of crane truck CK 21380 for the amount of R 59,688.00 excluding VAT by UD Trucks Malmesbury;
- (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 UD Trucks Malmesbury is the support agent for UD trucks;

7.15/...

- (d) That the expenditure was allocated to mSCOA Code: 9/4-16-5 and that there is sufficient funding available for the quoted amount of R59 688.00 (excluding VAT);
- (e) That the Senior Manager Financial Statements be instructed to include the abovementioned reasons as a note to the financial statements.

7.16 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIR WORK TO PUMP AT THE YZERFONTEIN PUMPSTATION (8/1/B/2)

The rural areas in Yzerfontein are supplied with water from a reservoir in Yzerfontein. A booster pumpstation in was erected to supply water to the higher altitude rural areas. One of the pumps failed mechanically and Tricom Africa was approached to do the repairs which prevented sections in Yzerfontein without water supply.

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 Yzerfontein water pump station by TRICOM AFRICA for the amount of R 48,114.80 (excluding VAT);
- (c) That further notice be taken that, in terms of paragraph 36(1)(a) of the Supply Chain Management Policy, a formal tender process could not be followed, since:
 - (i) The CR45-5 Grundfos end suction pump would have been left out of service for an extended period of time while following due process;
 - (ii) This would have resulted in an extended period of interruption of normal pressure and flow conditions in the water network of higher areas of Yzerfontein;
 - (iii) The repair work to the pump had therefore to be handled as an emergency;
- (d) That the expenditure was allocated to mSCOA Code: 9/249-849-259 and that there is sufficient funding available for the quoted amount of R48 114.80 (excluding VAT);
- (e) That the Senior Manager Financial Statements be instructed to include the abovementioned reasons as a note to the financial statements.

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