



**MINUTES OF A MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE BANQUETING HALL, MALMESBURY ON THURSDAY, 22 SEPTEMBER 2022 AT 10:00**

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**PRESENT:**

Executive Mayor, ald J H Cleophas (chairman)  
Deputy Executive Mayor, clr J M de Beer

Members of the Mayor's Committee:

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

Officials:

Acting Municipal Manager, mr P A C Humphreys  
Director: Financial Services, mr M Bolton  
Director: Civil Engineering Services, mr L D Zikmann  
Director: Development Services, ms J S Krieger  
Director: Corporate Services, ms M S Terblanche  
Senior Manager: Technical Services, mr M J Swanepoel  
Manager: Secretarial and Record Services, ms N Brand

**1. OPENING**

The Executive Mayor welcomed members and requested clr D G Bess to open the meeting with a prayer.

**2. APOLOGIES**

Apologies received from the Speaker, the Municipal Manager and the Director: Electrical Engineering Services **ARE NOTED.**

**3. SUBMISSIONS/DEPUTATION/COMMUNICATIONS**

**3.1 APPOINTMENT OF COUNCILLOR AS REPRESENTATIVE OF THE SWARTLAND MUNICIPALITY ON THE MUNICIPAL COAST COMMITTEE**

A request has been received from the West Coast District Municipality to appoint a councillor to represent the Swartland Municipality on the Municipal Coast Committee.

**RESOLUTION** that clr A K Warnick is appointed to represent the Swartland Municipality on the Municipal Coast Committee.

**3.2 WATER EMERGENCY SITUATION AS A RESULT OF ESKOM'S LOAD SHEDDING**

The Executive Mayor requested the Director: Civil Engineering to bring the committee up to date in respect of the emergency situation which exists with respect to the provision of water as a result of the stage 6, and later stage 5 load shedding.

The Director: Civil Engineering Services stated that, with the stages of load shedding being experienced at present, not enough water is being pumped from Voëlvlei to the bulk reservoirs on Kasteelberg and in Glen Lily. The levels of the bulk reservoirs are critically low and although the levels of the Swartland Municipality's distribution reservoirs are between 70 % and 80%, it is necessary at this stage to limit water

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distribution to users in order to give the bulk reservoirs the opportunity to fill up.

The emergency situation can only be handled in two ways, namely -

- (1) Co-operation by all users to use water sparingly;
- (2) Obtain approval from Eskom not to switch off the electricity to water pumps.

In the first case it has been communication with users on various platforms to use water sparingly, since Monday.

In the second case the West Coast District Municipality has been in touch with Eskom but the request not to turn off the electricity to the water pumps has not been answered. The Director: Electrical Engineering Services has been in touch with Eskom and the latter has undertaken to keep the water pumps running up to and including Sunday, but the pumps were however switched off yesterday evening at 18:00 by mistake.

The Director: Civil Engineering Services stated that the small bulk distribution reservoirs must be closed in order to limit the flow from the bulk reservoirs. It will therefore mean that certain areas will experience limited water supply eg. Mount Royal, Tafelzicht, Panorama, New Clair and Ilinge Lethu.

In answer to a question from the Executive Mayor the Director: Civil Engineering Services stated that the generator made available by Province cannot be coupled to the system because of the inadequate capacity thereof.

The Director: Civil Engineering Services stated that in order to avert the emergency situation in the future either Eskom must undertake not to switch off the electricity to the water pumps or the Municipality must make provision for satisfactory back up power.

The Senior Manager: Technical Services confirmed that the load shedding situation is not going to improve, and that it is possible to manage without electricity but not without water.

Ald T van Essen also referred to the negative impact which a shortage of water has on the sewerage works.

The Director: Financial Services stated that the Municipal Financial Management Act (MFMA) makes provision for going ahead with processes for emergency expenditure in an emergency situation.

## **RESOLUTION**

- (a) That, as requested by the Executive Mayor, consideration must be given to make provision for backup power during the coming IDP in order to ensure the adequate provision of water during an emergency situation;
- (b) That consideration is given to the declaration of a disaster if the emergency situation continues;
- (c) That there is continual liaison with Eskom in an effort to ensure that the water pumps at Voëlvlei are not switched off during load shedding;
- (d) That the public are informed on a regular basis in respect of the water emergency situation and that residents are requested to use water sparingly.

## **3.3 APPOINTMENT OF ACTING MUNICIPAL MANAGER (4/8/3)**

### **RESOLUTION**

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

That note is taken that the Director: Protection Services is appointed as Acting Municipal Manager for the period 20 September to 16 October 2022 (provisionally) and that the action of the Municipal Manager is ratified accordingly by the Executive Mayor's Committee.

**4. MINUTES**

**4.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 17 AUGUST 2022**

**RESOLUTION**

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

That the Minutes of an Ordinary Meeting of the Executive Mayor's Committee held on 17 August 2022 are approved and signed by the Mayor.

**5.1 MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 14 SEPTEMBER 2022**

**5.1.1 MUNICIPAL MANAGER, ADMINISTRATION AND FINANCES**

**RESOLUTION**

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

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

**5.1.2 CIVIL AND ELECTRICAL SERVICES**

**RESOLUTION**

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

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

**5.1.3 DEVELOPMENT SERVICES**

**RESOLUTION**

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

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

**5.1.4 PROTECTION SERVICES**

**RESOLUTION**

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

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

**6. MATTERS ARISING FROM THE MINUTES**

**6.1 MINUTES OF AN EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 17 AUGUST 2022**

**6.1.1 ITEM 7.10: APPLICATION FOR THE ESTABLISHMENT OF A CREMATORIUM, DARLING (12/2/R)**

An application has been received from mr Christo Vermaak for the acquisition of a piece of land at the Darling cemetery for the establishment of a crematorium.

**RESOLUTION**

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

- (a) That the establishment of a crematorium in the Swartland Municipal area is supported in principle, subject to the required legal processes, including the identification of suitable premises;
- (b) That the Darling cemetery is not seen as a suitable property for the establishment of a crematorium given that it is adjacent to a residential area, and that the application from mr Vermaak is therefore not approved.

## 7. NEW MATTERS

### 7.1 SUBMISSION OF THE MINUTES OF THE MUNICIPAL PERFORMANCE AND RISK AUDIT COMMITTEE MEETING HELD ON 24 MAY 2022 (5/15/1/3)

The Performance and Risk Audit Committee serves as a wholly independent body which is appointed by the Council to fulfil its functions in terms of Section 166 of the Local Government: Municipal Financial Management Act (Act 56 of 2003).

The minutes of a meeting of the Municipal Performance and Risk Audit Committee held on 24 May 2022 were circulated with the agenda and do not contain any recommendations to the Council for further consideration.

#### RESOLUTION

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

That cognizance be taken of the minutes of the meeting of the Municipality's Performance and Risk Audit Committee of 24 May 2022.

### 7.2 ADJUSTMENT TO THE FOOD PARCELS FOR VICTIMS OF SMALL SCALE DISASTERS (17/3/1/1)

The Swartland Municipality has a policy, with guidelines, to support victims of small scale disasters, which, inter alia, includes the provision of food parcels.

During the recent Disaster Management Meeting it was decided to revise the contents of the food parcels, because the contents are seen as incomplete and not valuable enough for the victims.

#### RESOLUTION

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

- (a) That the adjusted list of contents, with planned amounts, for distributing to victims of small scale disasters is approved and will be revised annually to determine if the contents are still applicable;
- (b) That the contents are placed in clear packets and that the parcels will be clearly marked, with a sticker showing the Municipality's logo, as an indication of the aid given by the Municipality to victims of small scale disasters.

### 7.3 ACCEPTANCE OF CONTRACTOR'S MANAGEMENT POLICY (8/1/B)

The Contractor's Management Policy was drawn up in compliance with section 116(2) of the Local Government: Municipal Financial Management Act (Act 56 of 2003).

The purpose of the policy is to regulate the closing and management of contracts which arise from the procurement of goods and services or grants made in accordance with the Municipality's Supply Chain Management Policy and other formal contracts concluded.

#### RESOLUTION

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

- (a) That the attached Contract Management Policy be approved for implementation with effect from 1 October 2022;
- (b) That it be noted that the delegations arising from the policy will be included in the Municipal Manager's system of delegations, and will be tabled in Council at the end of May 2023 for cognisance.

### 7.4 HUMAN RESOURCES: NEW POLICY AND REVISION OF EXISTING POLICY (4/2/B)

The New Municipal Personnel Regulations necessitate the drawing up of a number of new policies, as well as the revision of the existing policies in order to comply with the requirements determined by the Regulations.

The draft policies were submitted to the Labour Forum and both unions – Imatu and Samwu – had the opportunity to comment/provide input. The final draft policies were submitted to the unions on 21 June 2022 and the policies are submitted to the Executive Mayor's Committee for consideration and approval.

#### **RESOLUTION**

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

- (a) That the Executive Mayoral Committee approve the attached amended Acting Allowance Policy with effect from 1 October 2022 taking cognisance of the unions' objections;
- (b) That the Executive Mayoral Committee approve the attached new Exit Management Policy with effect from 1 October 2022;
- (c) That the Executive Mayoral Committee approve the attached new Induction Policy with effect from 1 October 2022;
- (d) That the Executive Mayoral Committee approve the attached new Scarce Skills Policy with effect from 1 October 2022;
- (e) That the Executive Mayoral Committee approve the attached new Succession Planning Policy with effect from 1 October 2022;
- (f) That the Executive Mayoral Committee approve the attached amended Overtime Policy with effect from 1 October 2022;
- (g) That the Executive Mayoral Committee approve the attached Relocation Assistance Policy for New Employees with effect from 1 October 2022;
- (h) That cognisance is taken that the delegations arising from the policies concerned will be submitted to Council at the end of May 2023 as part of the System of Delegation.

#### **7.5 CAPE/WEST COAST SWARTLAND TOURISM ORGANIZATION, 2021/2022: VARIOUS REPORTS (9/1/3/2/1)**

The relevant reports from the Cape/West Coast Swartland Tourism Organization in respect of the 2021/2022 financial year were submitted to the Executive Mayor's Committee in accordance with the requirements of the Council's Service Level Agreement with the organization for the delivery of the tourism function.

#### **RESOLUTION**

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

That cognisance be taken of:

- (a) The content of the Chairman's report;
- (b) The key performance areas as measured for the period 1 July 2021 to 30 June 2022;
- (c) The contents of the financial statements for the 2021/22 financial year.

#### **7.6 RIEBEEK KASTEEL: "THE OUKLOOF HERITAGE LEGACY" (17/13/3)**

A request has been received that the Municipality supports the heritage project - "The Oukloof Heritage Legacy". The project contains, inter alia, the erection of a memorial on the Riebeeck town square in remembrance of those persons who were removed violently from their homes during 1965.

#### **RESOLUTION**

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

That the Municipality expresses its support for The Oukloof Heritage Legacy project, subject thereto that all public participation and legislative requirements shall be complied with where applicable.

**7.7 OUTSTANDING DEBTORS: AUGUST 2022(5/7/1/1)**

A complete list of outstanding debtors was circulated with the agenda.

**RESOLUTION**

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

That cognizance be taken of the report with reference to the state of the outstanding debtors of Swartland Municipality for August 2022.

**7.8 PROGRESS IN RESPECT OF OUTSTANDING INSURANCE CLAIMS (5/14/3/5)**

In accordance with the Asset Management Policy outstanding insurance claims must be reported monthly.

**RESOLUTION**

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

That cognizance be taken of the state of outstanding insurance claims up to and including 31 August 2022 as circulated with the business list.

**7.9 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIRS TO 11 KV, N7 FEEDER 1, DISTRIBUTION TRANSFORMER AT THE KLIPFONTEIN SUBSTATION (8/1/B/2)**

It was confirmed that the 11kV distribution transformer of the N7 feeder 1 in the Klipfontein Substation was about to fail. The circuit breakers were manufactured and installed by ABB and the latter were called in. It was discovered that the insulation of the distribution transformer was about to fail which could have led to a short. Repairs were urgently needed.

**RESOLUTION**

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

- (a) That the Executive Mayoral Committee take note of the deviation from the prescribed procurement procedures in terms of clause 36 (2) of the Supply Chain Management Policy;
- (b) That further notice be taken of the action of the Municipal Manager not to invite tenders but to approve the acceptance of the quotation for the emergency repair of the 11kV circuit breaker by the company ABB for the amount of R90 896.00 excluding VAT;
- (c) That the reasons for the deviation from the prescribed procurement process to alleviate the emergency situation be recorded as follows:
  - (i) If the breakdown is not repaired by experts on the specific circuit breaker panel there is a risk of damage to adjacent municipal infrastructure;
  - (ii) The risk of overload on the existing 11kV network;
  - (iii) The risk of failure of another 11kV feeder can disrupt the electrical supply to the Tafelzigt, Panorama, Mount Royal and Wesbank areas;
- (d) That it be noted that the expenditure was allocated to mSCOA vote 9/117-547-342 and that there was sufficient funding available for the order in the amount of R90 896.00 excluding VAT;
- (e) That the Manager: Financial Statements and Control be requested to include the above reasons as a note to the financial statements, when they are compiled.

**7.10 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: REPAIRS TO THE VOLVO FRONT END LOADER (8/1/B/2)**

The Volvo front end loader (FEL) is one of the important components of the equipment needed for the clearing up of illegal refuse dumping in the municipal area. It was discovered that the brakes on the front end loader were not functioning properly and urgent repairs were necessary.

**RESOLUTION**

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

- (a) That the Executive Mayoral Committee take note of the deviation from the prescribed procurement procedures in terms of clause 36 (2) of the Supply Chain Management Policy;
- (b) That further notice be taken of the action of the Municipal Manager to approve repairs to the Volvo front-end loader by Babcock Equipment;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
  - (i) The extent of work Babcock Equipment has done on the machine to be able to inspect the faulty components and prepare a quotation;
  - (ii) It would be impractical to follow the official procurement processes as it would require re-assembly and re-fitting of the faulty components and transporting the FEL to a different work shop; and
  - (iii) The fact that Babcock Equipment is the authorised service agent for Volvo equipment in the Western Cape;
- (d) That it be noted that the expenditure was allocated to mSCOA Code: 9/241-1253-709 and that there is sufficient funding available for the quoted amount of R49,276.12 (excluding VAT);
- (e) That the Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements, when same are compiled.

**7.11 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIRS TO THE REFUSE REMOVAL TRUCK, CK 44823 (8/1/B/2)**

The relevant refuse removal truck, CK 44823, is used for the removal of solid waste in the municipal area.

**RESOLUTION**

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

- (a) That the Executive Mayoral Committee take note of the deviation from the prescribed procurement procedures in terms of clause 36 (2) of the Supply Chain Management Policy;
- (b) That further notice be taken of the action of the Municipal Manager to approve repairs of the waste removal truck CK44823, for the amount of R 101 624.90 excluding VAT;
- (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 waste removal services capacity and public health risks;
  - (iii) The repair works to the truck therefore is handled as an emergency;
- (d) That it be noted that the expenditure was allocated mSCOA Code: 9/241-1253-709 and that there is sufficient funding available for the quoted amount of R 101 624.90 excluding VAT;
- (e) That the Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements when compiled.

**7.12 DIRECTOR: ELECTRICAL ENGINEERING SERVICES: APPOINTMENT TO SALGA ENERGY REFERENCE GROUP (16/2/1/1/1)**

A letter was received from SALGA which confirmed the appointment of the Director: Electrical Engineering Services to the SALGA *Electricity Reference Group*. Representatives on the SALGA ERG are appointed on the grounds of their knowledge, skill and experience in the industry, because the main purpose of the SALGA ERG is to provide

skilled advice in the development of sustainable service delivery models for the electricity industry.

**RESOLUTION**

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

That the Director: Electrical Engineering Services' appointment to the SALGA Electricity Reference Group be noted and approved.

**7.13 PROVISION OF TWO FREE GRAVES, MOORREESBURG (16/6/5)**

The municipal swimming pools are closed during the winter months and only visited from occasionally for routine maintenance. On 9 September 2022 the bodies of two boys were discovered in the Moorreesburg municipal swimming pool. The indication is that the boys gained illegal entry to the property and drowned.

A request has been received from the families of the deceased to support them in providing two free graves in the Moorreesburg cemetery.

**RESOLUTION**

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

- (a) That the Executive Mayoral Committee notes the tragic incident at the Moorreesburg Swimming Pool when two young boys drowned between 08/09 September 2022;
- (b) That the Executive Mayoral Committee notes the action of the Municipal Manager who made two graves available free of charge to the families of the boys for the following reasons:
  - (i) The boys both come from households that experience socio-economic difficulties; and
  - (ii) The Municipality is indirectly linked to the incident as it occurred at a Municipal sport/recreational facility;
- (c) That the Executive Mayoral Committee condones the action of the Municipal Manager in this regard;
- (d) That the aforementioned decision by the Executive Mayor's Committee in no way suggests that the Municipality accepts any responsibility for the tragic drowning of the two boys.

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