

MINUTES FOR **COGNISANCE**

The following minutes are distributed for cognisance:

- 10.1** Minutes of an Ordinary Mayoral Committee meeting held on Monday, 20 May 2024.

MAYORAL COMMITTEE MEETING MINUTES



**MINUTES OF THE MAYORAL COMMITTEE MEETING
HELD ON MONDAY, 20 MAY 2024 AT 11:00 IN THE
COUNCIL CHAMBERS, RHENIUS STREET,
SWELLENDAM.**

**PLEASE RETAIN THIS DOCUMENT FOR RECORD
PURPOSES AS IT WILL NOT BE CIRCULATED AGAIN.**

Yours sincerely.

**H.F. DU RAND
EXECUTIVE MAYOR**

19/07/2024

DATE

	Item	INDEX	Page
1.		OPENING AND WELCOME	4
2.		ELECTION OF CHAIRPERSON, IF NECESSARY	4
3.		APPLICATION FOR LEAVE OF ABSENCE	4
4.		SPEECHES AND SUBMISSIONS	5
5.		CONFIRMATION OF MINUTES	5
6.		MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING	5
7.		STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR	8
8.		DISCLOSURE OF INTERESTS BY COUNCILLORS	8
9.		FINANCIAL REPORTING	8
9.1		The Section 71 Report for April 2024 (Separate Addendum)	8
10.		MATTERS FOR CONSIDERATION	9
10.1		Items submitted by officials of Council	9
10.1.1	Item A68.	Endorsement of the Integrated Waste Management Plan and the Organics Waste Diversion Plan	9
10.1.2	Item A71.	Resubmission: Application to Purchase a Portion of Street Reserve, Odendaal Street, Swellendam – Mr & Mrs Kral	12
10.1.3	Item A72.	Supply Chain Management Monthly Report – April 2024	16
10.1.4	Item A73.	Monthly Report of Municipal Manager: April and May 2024	18
10.1.5	Item B7	Renewal of a Lease Agreement – P.D. Smit Family Trust – Building on Portion 13 of the Farm 65 In Barrydale, For Internet and Radio Connectivity	23

10.1.6	Item B8.	Application to Lease a Portion of Erf 8481, Industrial Area, Swellendam – Unathi Driving School (UDS)	26
10.2		Consideration Of Matters Which Require Non-Disclosure	30
10.3		Consideration of urgent matters	30
11.		MINUTES OF PORTFOLIO COMMITTEES	30
12.		GENERAL	30
13.		CLOSURE	30

MINUTES OF AN ORDINARY MEETING OF THE MAYORAL COMMITTEE OF SWELLENDAM MUNICIPALITY HELD ON MONDAY, 20 MAY 2024 AT 11:00 IN THE COUNCIL CHAMBERS, RHENIUS STREET, SWELLENDAM.

PRESENT:

Councillor		
H.F. Du Rand		Executive Mayor
E. Lamprecht		Member
F. Kees		Member

IN ATTENDANCE:

A. Vorster	(Municipal Manager)
E. Wassermann	(Director: Financial Services)
K. Stuurman	(Director: Community Services)
J. Bester	(Acting Director: Infrastructure Services)
J. Etzebeth	(Manager: Administrative Support Services)

SECRETARIAT:

K. Opperman

RECORDING OFFICER:

K. Opperman

ALSO PRESENT:

1. OPENING AND WELCOME

At 11:00 the Executive Mayor, Councillor H.F. Du Rand welcomed everyone at the Mayoral Committee meeting and declared the meeting duly constituted with a quorum present. The Director Community Services, Mr K. Stuurman rendered an opening prayer.

2. ELECTION OF CHAIRPERSON, IF NECESSARY

None

3. APPLICATION FOR LEAVE OF ABSENCE

None

4. SPEECHES AND SUBMISSIONS

None

5. CONFIRMATION OF MINUTES

Proposer: Councillor E.J. Lamprecht

Seconded: Councillor F. Kees

RESOLVED:

- 5.1** that the minutes of an ordinary meeting of the Mayoral Committee meeting held on Tuesday, 23 April 2024 copies of which were circulated prior to the meeting, be taken as read and be hereby confirmed.

6. MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING

6.1 Matters arising from the minutes of the Mayoral Committee meeting held on Tuesday, 23 April 2024:

Presentation by Sun Exchange and Utility Consulting Solutions: p.5:

In response to a question raised by the Executive Mayor with regard to what the municipality's plan was in respect of the project proposal, the Municipal Manager, Mrs A. Vorster indicated that the municipality was awaiting the approval of the EIA of a smaller project and has not started with developing specifications for a bigger project as of yet.

The Executive Mayor said that while the municipality awaited the outcome of the EIA, the administration should start with the process of developing specifications for the project. The Municipal Manager said that she would provide a timeline to the Mayoral Committee after the project proposal was discussed with Senior Management.

The Executive Mayor requested that the project proposal be an agenda item on the next Management meeting in order for the municipality to start with a concept plan for the load-shedding relief programme.

Decrease of electrical capacity from 20 to 10 Amp for new housing project: p.6:

In response to a question by the Executive Mayor with regard to the response of the Provincial Department on the decrease from 20 to 10 Amp, Mr K. Stuurman, Director Community Services said that it was indicated that it would be an internal decision of Council to decrease the capacity from 20 to 10 Amp as the houses were built with a standard 20 Amp. He added that Province indicated that the municipality would not be able to proceed with the balance of the houses if the capacity was reduced to 10 Amp.

The Acting Director Infrastructure Services Mr J. Bester said that once the upgrade of the Eskom substation was complete, the municipality would be able to connect to the 3 MVA capacity for the total 950 houses on a 20 Amp capacity. Mr Bester said that the upgrading of the Eskom substation could take as long as 18 months for Eskom to complete, taking into consideration all their processes.

Mr Stuurman suggested that the 241 houses of the current phase be completed on the 10 Amp but he would need a Council decision to proceed with the process in order to create an opportunity to start with the 350 houses of the next phase.

Mr Bester said that reducing the capacity of the houses to 10 Amp was the only way to proceed with the following phase of 350 houses otherwise the project would have to stop until the upgrading of the substation was complete after 18 months.

Mr Stuurman indicated that he did not want to create a situation where ASLA would have to withdraw from the project to have to later do a site establishment again.

Councillor F. Kees indicated that he was in support of the idea of reducing the capacity to 10 Amp to accommodate the first phase.

The Municipal Manager indicated that the 10 Amp option would have to be discussed with the beneficiaries to inform them of the impact and the reasons for it. She said that the impact would also have to be discussed with ASLA as it would have an impact on their operational costs. She said that through thorough communication, the beneficiaries would be able to understand that it was not the municipality who held back on the project, but that it was challenges with Eskom's network capacity.

The Director of Financial Services, Ms E. Wassermann suggested that the municipality did not provide a timeframe for usage of the 10 Amp as Eskom could easily take longer than expected and should rather indicate that beneficiaries would remain on 10 Amp until Eskom was ready to provide the 3MVA.

The Executive Mayor thanked the Community and Housing Portfolio Committee members for thoroughly going through the applications to check compliance with the criteria to make sure that the right beneficiaries received a house.

Mr Stuurman shared that the municipality also received an allocation for the planning phase of Suurbraak's housing project but was of the opinion that Suurbraak would experience the same problem in terms of electricity going forward and the administration would have to think about what could be done in that regard. He added that Province indicated that if there was no available electricity, the municipality could not build houses but could provide beneficiaries with serviced erven, however the beneficiaries would have to be informed of the situation.

The Municipal Manager said that it was confirmed by the community of Suurbraak at the recent public meetings that they would be willing to move onto serviced erven and into

houses without electricity until Eskom could provide the necessary capacity. She said that it would only have to be documented and beneficiaries would have to sign an agreement stating that they were willing to receive houses without electricity.

In response to a question by the Executive Mayor Mr Stuurman indicated that the timeframe when houses could be built in Suurbraak was during the 2025/2026 financial year.

RESOLVED

that the Mayoral Committee supports the implementation of the 10 Amp and all its processes together with the load control measures to be installed for the first phase of the 950 housing project.

Deceased Estate Accounts:

In response to a question by the Executive Mayor, Ms Wassermann indicated that the municipality could not do anything if an estate was not registered. She said the idea was to motivate people to register these estates.

The Municipal Manager said that if the value of the estate was less than R500 000 it could be registered at the magistrate's court free of charge.

In response to a question by the Executive Mayor with regard to the arrear accounts, Ms Wassermann suggested that the municipality did not write off 100% of the arrears but rather encourage the descendants to register the estates to be able to allocate the account to someone and then write off 80% of the arrears, or an amount as decided by Council, for the successor to pay the 20% of the arrears account.

Ms Wassermann said that the idea was to make a recommendation to Council with regard to the outstanding estate accounts in June when the yearly write-offs are submitted, for implementation in the next financial year.

STS Conversion:

Ms Wassermann shared that two of the service provider's field operatives would be starting in Swellendam this week and Ward Councillors would be informed when the team would be in their wards. She said that the call centre was not used but her Secretary, Ms O. February has been designated to arrange appointments with residents from her office. She said that Matjoks remained a challenge and they would need Law Enforcement to assist in the area as there were more than 300 meters in Matjoks that still needed to be converted.

She said that soft-blocking remained an option for those households that could not be reached.

The Executive Mayor asked that a notice in this regard be posted daily on the municipal website and facebook to remind residents of the process.

7	STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR
----------	---

None

8	DISCLOSURE OF INTERESTS BY COUNCILLORS
----------	---

None

9	FINANCIAL REPORTING
----------	----------------------------

9.1 Section 71 Report for April 2024

RESOLVED

9.1.1 that cognisance be taken of the Section 71 Report for April 2024.

10 MATTERS FOR CONSIDERATION

10.1 Items submitted by officials of the Council

10.1.1

Item number A68. 20.05.2024

ENDORSEMENT OF THE INTEGRATED WASTE MANAGEMENT PLAN AND THE ORGANICS WASTE DIVERSION PLAN

Report by	Johan van Niekerk
Department	Community Services
Section	Environmental and Waste
File Number	17/5/3/9

PURPOSE OF THE REPORT

The National Environmental Management: Waste Act 59 of 2008, (NEM:WA) requires that municipalities develop Integrated Waste Management Plans (IWMP) to ensure proper waste management planning. The Swellendam Municipality (SM) last commissioned an IWMP in 2015 and is required to review and update the IWMP for the municipality. In terms of the new landfill permit conditions, imposed by the Department of Environmental Affairs and Development Planning (DEA&DP) in 2018, the Swellendam Municipality is now also required to prepare an Organic Waste Diversion Plan (OWDP) to detail how organic waste will be diverted from municipal landfills.

The IWMP, Waste Characterisation Study, Implementation Plan and Organic Waste Diversion Plan (OWDP) have gone through DEA&DP for comment and is now ready for Council, thereafter public participation, and finally MEC for approval.

FACTS AND BACKGROUND

- The National Environmental Management: Waste Act 59 of 2008, (NEM:WA) requires that municipalities develop Integrated Waste Management Plans (IWMP) to ensure proper waste management planning every 5 years.
- The purpose of an IWMP is to outline how waste should be managed in terms of the national, provincial and municipal legislation using the waste hierarchy approach wherever possible.
- The IWMP must be included in the Municipal Integrated Development Plan to manage solid waste in conjunction with other essential services and seek synergies wherever possible.

DISCUSSION

The core principles that will be followed in this IWMP are those of the waste management hierarchy and circular economy. By seeking to identify where waste can be reduced and reused before it is recycled, composted, or disposed of, waste will be considered a resource rather than material that must be discarded. The circular economy principles, as defined in the National Waste Management Strategy

2020 (NWMS 2020), have been used in designing the 2023 IWMP for SM to reduce the harmful effects of waste on the environment and ensure that materials are optimally utilised. The three pillars of the NWMS 2020, namely waste minimisation, effective and sustainable waste services and increased compliance, enforcement and awareness are key to the implementation of the IWMP.

The IWMP will include the following:

1. An overview of the guiding legislation for waste management in South Africa
2. A status quo analysis of waste management in SM;
3. The results of the waste characterisation study conducted in July 2023;
4. A summary of the Organic Waste Diversion Plan; A 5-year implementation plan to create a circular economy within Swellendam Municipality;
5. An evaluating and monitoring plan to ensure the implementation targets have been met.

Copies of the Integrated Waste Management Plan, Waste Characterisation Study, Implementation Plan and Organic Waste Diversion Plan are **attached as Annexure A**.

LEGAL IMPLICATIONS

1. **Compliance with National Legislation:** Municipalities must ensure that their IWMP aligns with the National Environmental Management: Waste Act (No. 59 of 2008) and its regulations. This legislation provides the legal framework for waste management practices in South Africa
2. **Municipal By-laws:** Municipalities are required to develop by-laws that govern waste management within their jurisdiction. These by-laws should complement the IWMP and address issues such as waste collection, disposal, recycling, and illegal dumping. Our refuse by-laws are currently being updated to adhere to the IWMP

FINANCIAL IMPLICATIONS

The IWMP will propose numerous projects to minimise waste to landfill as well as manage waste in a more inclusive and environmentally friendly manner in alignment to the Western Capes IWMP.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

None

This item served on the Community Services and Housing Portfolio Committee meeting held on Wednesday, 8 May 2024.

RECOMMENDED TO MAYCO

1. that the Integrated Waste Management Plan, Waste Characterisation Study, Implementation Plan and Organic Waste Diversion Plan be approved for public comment and thereafter discussed for endorsement by the MEC.

RECOMMENDED TO COUNCIL

1. that the Integrated Waste Management Plan, Waste Characterisation Study, Implementation Plan and Organic Waste Diversion Plan be approved for public comment and thereafter discussed for endorsement by the MEC.

10.1.2

Item number A71. 20.05.2024

RESUBMISSION: APPLICATION TO PURCHASE A PORTION OF STREET RESERVE, ODENDAAL STREET, SWELLEDAM – MR & MRS KRAL

Report by	L. Baransky
Department	Municipal Manager
Section	Property Management
File Number	7/2/R

PURPOSE OF REPORT

To reconsider selling municipal property adjacent to a residential property (Erf 758), in Swellendam.

FACTS AND BACKGROUND

An extract from Council meeting of 27 March 2024:

UNANIMOUSLY RESOLVED

Item A41/27/03/2024

1. *"that as there is concern about the visibility at the corner of the property, the application for the purchase of a portion of the street reserve in Odendaal Street adjacent to Erf 758 Swellendam, to build a garage received from Mr R. and Ms C. Kral, be not approved.*
2. *that the applicants in 1 above be advised to apply for the necessary encroachment agreement in respect of the existing encroachment where a fence has been erected, which will be tabled to Council for consideration."*

The application and photos are attached **on Annexure B**.

DISCUSSION

Mr Raymond and Ms Coreen Kral purchased Erf 758, Swellendam, in 2020, with the palisade fencing already erected. They were not aware that the fencing was encroaching on the municipal street reserve.

The fence is needed for security purposes and they don't want to incur unnecessary costs by moving the fence back to their actual border. The fence is transparent and does not impede traffic on the corner of Lind- and Odendaal Streets. No complaints have been received regarding the fence.

They re-applied to rather purchase the mentioned portion of street reserve and consolidate it with their property, than entering into an encroachment agreement or moving the fence.

LEGAL IMPLICATIONS

The following legislation regulates property management:

- The stipulations of Section 14 of the Municipal Finance Management Act, 2003, (Act 56 of 2003) (MFMA);
- The By-Law relating to the Management and Administration of Immovable Property, 2018.
- The Asset Transfer Regulations, 2008.
- Land Disposal Policy, 2018

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

According to the resolution.

COMMENTS FROM DEPARTMENTS

Corporate Services

Town Planning & Building Control – Mr W. Schutte

The application is supported. The road reserve is unusually wide in this location. The adjustment of the property boundary will not have any impact on visibility as the fencing is permeable.

The fence has been in place for a number of years in its current position. A similar arrangement should be offered to the adjacent owner of Erf 757.

Director: Community Services

No objection

Director: Financial Services

None received.

Acting Director: Infrastructure Services

No further comment

Municipal Manager

If they wish to purchase the erf it will be subject to the fact that the fence must be see-through and that the street set back line must be amended so that the buildings cannot exceed the original set back building lines.

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Wednesday, 15 May 2024.

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Wednesday, 15 May 2024.

RECOMMENDED TO MAYCO

1. that the application to purchase a portion of Erf 1, adjacent to Erf 758, Swellendam received from Mr and Mrs R. Kral be noted.
2. that a portion of Erf 1, adjacent to Erf 758, Odendaal Street, Swellendam (*approximately 170 square metres*), is not needed to provide the minimum level of basic municipal services;
3. that Council, in principle, has no objection to alienating the land described in (1) above according to the following conditions:
 - that the fencing stays transparent;
 - that the amended building line be identified by the Building Control Section;
4. that the decision of Council, to alienate a portion of the street reserve in Odendaal Street, Swellendam, be advertised for public comments;
5. that should any objections be received in respect of this application, the matter be referred back to Council, for consideration;
6. that should no objection be received; the Municipal Manager be mandated to commence with the Supply Chain Process.
7. that the land described in (1) above be alienated by way of a competitive bidding process, led by the Supply Chain Management Unit, based on a fair market value, as determined by an average of two valuation reports;
8. that the cost of the valuation reports and advertisement be for the account of the applicant, before the tender process commences, no matter the outcome of the tender;
9. that the Municipal Manager sign all the applicable documentation, regarding processes of alienation, according to her delegations.

RECOMMENDED TO COUNCIL

1. that the application to purchase a portion of Erf 1, adjacent to Erf 758, Swellendam received from Mr and Mrs R. Kral be noted.
2. that a portion of Erf 1, adjacent to Erf 758, Odendaal Street, Swellendam (*approximately 170 square metres*), is not needed to provide the minimum level of basic municipal services;
3. that Council, in principle, has no objection to alienating the land described in (1) above according to the following conditions:
 - that the fencing stays transparent;
 - that the amended building line be identified by the Building Control Section;

4. that the decision of Council, to alienate a portion of the street reserve in Odendaal Street, Swellendam, be advertised for public comments;
5. that should any objections be received in respect of this application, the matter be referred back to Council, for consideration;
6. that should no objection be received; the Municipal Manager be mandated to commence with the Supply Chain Process.
7. that the land described in (1) above be alienated by way of a competitive bidding process, led by the Supply Chain Management Unit, based on a fair market value, as determined by an average of two valuation reports;
8. that the cost of the valuation reports and advertisement be for the account of the applicant, before the tender process commences, no matter the outcome of the tender;
9. that the Municipal Manager sign all the applicable documentation, regarding processes of alienation, according to her delegations.

10.1.3

Item number A72. 20.05.2024

SUPPLY CHAIN MANAGEMENT MONTHLY REPORT – APRIL 2024

Report by the Director Financial Services:

Ms. E Wassermann

Department

Financial Services

Section

Supply Chain Management

File number

9/2/1/5

PURPOSE OF REPORT

The SCM monthly report is prepared to inform Council on key SCM monthly activities and adhere to the reporting requirements in terms of the legislative framework.

FACTS AND BACKGROUND

In terms of section 6 of the Supply Chain Management Regulations, Council has a responsibility to maintain oversight over the implementation of the Supply Chain Management Policy.

Section 36(2) of the Supply Chain Management Regulation requires that the accounting officer must record the reasons for any deviation from the procurement process and report it to the next council meeting.

DISCUSSION

The SCM monthly report for April 2024 is **attached as Annexure C** to enable the council to fulfil its oversight role. The report informs on the following matters:

- Procurement Statistics for the month
- Awards made above R 100 000 which was reported to National Treasury
- SCM deviations

There are no material problems with the implementation of SCM Policy.

LEGAL IMPLICATIONS

- Municipal Finance Management Act, 2003
- Municipal Supply Chain Management Regulation, 2005
- Municipal Supply Chain Management Policy, 2022

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

None

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Wednesday, 15 May 2024.

RECOMMENDED TO MAYCO

1. that Council takes cognisance of the Supply Chain Management Report for April 2024 attached as **Annexure C**.

RECOMMENDED TO COUNCIL

1. that Council takes cognisance of the Supply Chain Management Report for April 2024 attached as **Annexure C**.

10.1.4

Item number A73.

20.05.2024

MONTHLY REPORT OF MUNICIPAL MANAGER: APRIL AND MAY 2024

SANPARKS DONATION OF LAND

Following our site inspection on [20 March 2024](#) (see below), a Purchase Order was issued to Muhl & Theron Land Surveyors for the survey of the denoted portion of municipal land ("Portion 7") which is to be consolidated with Bontebok Park, as per Council resolution. Attached is a Sketch Plan of the land parcel, as collectively identified. Note the Sketch Plan boundary attached follows the 2 portions of sensitive vegetation which was agreed to be included in Bontebok Park. Once the Municipality has a survey diagram, it will be forwarded to SANPARKS. The Surveyor will be asked to mark the corner pegs so that SANParks can look to fence the denoted area ASAP – given the pressure of the adjoining informal settlement.

In the interim Town Planning will prepare an Item in terms of LUPA (Subdivision and Consolidation) to be tabled with the Swellendam Municipal Planning Tribunal for a decision. On receipt, the Land Surveyor will lodge the concept Surveyor General Diagram with the SG's office for approval – hereafter the Municipality will handle the transfer and registration process.

TRANSNET TRANSACTION

Council's attorney was instructed to follow up on the transfer of the Transnet land in Swellendam to the Municipality. The contract of sale was signed by all and the property needs to be transferred by the transferring attorney. Instruction was given that an invoice must be provided to Swellendam Municipality so that the grant funding can be paid over to the account of the conveyancer before 30 June 2024.

ERF 422 MALAGAS

The Swellendam Municipality has recently been registered as the owner of Erf 422 Malagas, which is the property located on either side of Divisional Road 1263, where the pont operates across the Breede River Estuary. As you are aware there is a need to make provision for a permanent, safe berth for the new motorised pont, but also to re-establish the Public Launch Site, which is to be formally constructed. Key to these uses is the need to undertake an EIA process and to appoint an engineer to prepare the requisite designs.

An initial meeting with the WCG Department Infrastructure, as the competent authority, was organised to discuss the way forward. Other participants included the Overberg District Municipality, Swellendam Municipality, WCG: DEA&DP (Directorate Biodiversity and Coastal Management) and WCG: DEA&DP (Directorate Development Management). The idea was to initiate the consultation process so that the relevant Departments can include the project of a new launch site in their future planning.

PIG FARMER ENGAGEMENTS

On 9 May 2024, a small grouping of emerging farmers visited the Municipal offices expressing their dissatisfaction with the internal operation of the representative body of camp 50 on the municipal commonage. This camp was set aside on the commonage for pig farming. Council leased the camp to the Swellendam Small Scale Farmers as the new organisation representing the pig farmers. A meeting was held with the Small-Scale Farmers management representatives on 9 May and it was resolved that a meeting of members be held on Monday 13 May 2024 at the library hall. The Department of

Agriculture was also invited and attended with the Municipal Manager and the Director: Community Services. The Municipal Manager explained the Municipality's position and requested that an inclusive membership meeting be held by the small-scale farmers to discuss their challenges internally and then resolve the matters amicably. The Municipality and the Department of Agriculture will provide support where and when needed. It was also recommended that the farmers apply to the Department of Agriculture for additional infrastructure on camp 50 that can be used by the established cooperative.

ORGANISATIONAL DESIGN

The organisational design for Swellendam Municipality will be finalised after the approval of the budget. It was resolved on 16 May 2024 that an acting Director: Technical Services, Mr E Delpont, will be temporarily appointed from 1 July 2024 for a period of three months or until a new director can take office, if shorter.

The application process for the permanent filling of the position has closed and a shortlisting meeting will be organised soonest.

ETHICAL LEADERSHIP TRAINING

Five staff members from the Office of the Municipal Manager and another five staff members from other departments attended an online course on ethical leadership on 14 May 2024. The Municipality must compile an Integrity Management Framework and instruction has been given that the completion of an online ethical leadership course will be included as a requirement of all new appointees during their probationary period. Supply Chain Management was also instructed to in future include a declaration of ethical conduct by all future service providers in all procurement processes. The need for the latter is emphasised by the recent happenings with the Security Services' Service Provider.

PUBLIC PARTICIPATION INITIATIVES

From 3 April to 16 May 2024, the Municipality had 34 public engagements on various matters. These include eight community safety engagements, three civic education sessions, ward committees, and IDP and budget meetings. In total 744 people attended one or other form of public meetings. A quarterly report on public participation will be tabled to the Council in May 2024.

This year there was a low number of physical attendees during the public participation processes on the budget and the IDP. The written input received from the public, however, was the highest it has ever been.

PEER LEARNING

Cape Agulhas Municipality was approached to partner with Swellendam Municipality to undertake a peer learning exercise on records management. The initial visit of two Cape Agulhas Municipality's Records personnel took place at the end of April. As the disposal of records has not taken place since before 2016, all relevant records must be prepared according to the approved disposal authority. As Swellendam Municipal staff have never done this, Cape Agulhas Municipality was approached and conceded to assist and lead this process. The Municipal Manager is the Records Manager at Swellendam but due to time constraints does not have the time to lead this process. Cape Agulhas Municipal staff will also assist in establishing Standard Operating Procedures and undertake a skills transfer.

A Records Management audit was conducted by the Western Cape Archives on 13 May 2024 with the outcome being awaited.

SECURITY TENDER

After the poor performance of the physical guard security tender, the contract was cancelled with a three-month notice period by the Municipality. The Service Provider, however, was unable to continue with service delivery and cancelled his contracted services with immediate effect, leaving the Municipal assets without the necessary protection. Law Enforcement officers were used in the interim to safeguard key service delivery points, while a deviation process was followed to contract an interim service provider for a period of three months. Two bids were received and Sibakulu was appointed for a temporary period of three months, while the Municipality goes out on a new bid. An allegation of foreign employment was made against the temporarily employed company and is currently being investigated.

SIME ENGAGEMENT

An inter-governmental engagement with several provincial departments on the municipal budget took place on 15 May 2024. The municipal risk of the implementation of AARTO was highlighted as well as the impact of in-migration on the municipal budget. It was requested that the unfair burden of access to shelter that rests on the Municipality be addressed on a provincial level. There is a need for increased staff levels in the Immigration office allocated to the Overberg. An engagement with the agricultural sector and other role players is needed and must be facilitated by the Province. Further support was agreed upon to address the challenges around the procurement, and the VAT dispute for assignments (libraries), whilst the limited human resource capacity of Swellendam Municipality was emphasised and the request for non-financial intern support noted. Swellendam Municipality was commended for its positive financial control and performance amidst the very challenging operational circumstances.

INSURANCE CLAIM ON DESTROYED BUILDINGS

The insurance claim on the destroyed municipal administrative headquarters in Voortrek Street as well as the Thusong Centre is still not finalised. The Thusong Centre as the less complex claim, will hopefully be at an offer stage by the end of May 2024.

The Administration plans to do an external evaluation of its assets in the coming financial year to ensure that the insurance portfolio is competitive. This is a control measure to be implemented.

RISK MANAGEMENT

A Farmco meeting was held where the risk register was updated. The combined risk report is attached as well as the updated risk register. The Municipal Manager will provide a risk report on each strategic risk over the next financial year.

See supporting documents attached as **Annexures D.1 to D.3.**

DISCUSSION

SANParks Donation of Land

The Municipal Manager, Mrs A. Vorster indicated that the municipality was in the process of processing the transaction and measurements of 'Portion 7'. She said that SANParks did not want to pay the recommended price for the portion of land and indicated that they would write a letter to Council in this regard.

Transnet Transaction

Mrs Vorster said that it was important for the municipality to transfer the money to Transnet before 30 June 2024. She said that everything has been done by the municipality but was now awaiting the invoice from the Conveyancing Attorney for the money to be transferred to the trust account. She said that the municipality have been writing to them to request the invoice to no avail as yet.

Erf 422 Malagas

Mrs Vorster shared that people erected a structure on Erf 422 and the municipality would have to engage with them to go into a lease agreement. She said that the normal procurement processes would not be followed due to the people already living there.

She said that the next LBRCT meeting was scheduled for 28 May 2024.

Pig Farmer Engagements:

Mrs Vorster said that the pig farmers had issues with the usage of camp 50 but it was indicated to them that they should address their issues internally.

Organisational Design:

Mrs Vorster shared that the organogram would be finalised after the approval of the budget. Referring to the recruitment process of the Director Infrastructure Services, she said that the municipality was awaiting the outcome of the short listing from the consultant.

Public Participation Initiatives:

Mrs Vorster said that a quarterly report would be tabled to Council in May 2024 on public participation.

Peer Learning:

Ms Vorster shared that Cape Agulhas Municipality was approached for assistance in the records division on how to transfer records to the Western Cape Archives seeing that Swellendam Municipality never transferred its records. She said that the Records Manager of Cape Agulhas Municipality would then be in charge of the process while she was teaching the officials in the division on how the processes worked.

Security Tender:

Mrs Vorster shared that the security tender had to be advertised again on short notice due to the previous security company not having the capacity to perform the job. She said that the idea was to put alarms in the building but that batteries would be needed for the purpose.

Insurance Claim on Destroyed Buildings:

Ms Wassermann said that the municipality requested an official letter on the progress and timeframes of the insurance claim and they indicated that they were ready to make an offer in respect of the Thusong Building.

Request from IEC:

Mrs Vorster said that a letter was received from the IEC to request leave for employees who worked as election officials during the election. She said that normally they would have to get Council's permission to do other paid work but in this case it would suffice if they took three days leave for the purpose.

RECOMMENDED TO COUNCIL

that cognisance be taken of the monthly report of the Municipal Manager for April 2024.

10.1.5

Item number B7. 20.05.2024

RENEWAL OF A LEASE AGREEMENT – P.D. SMIT FAMILY TRUST – BUILDING ON PORTION 13 OF THE FARM 65 IN BARRYDALE, FOR INTERNET AND RADIO CONNECTIVITY

Report of: L Baransky
Department: Corporate Services
Section: Property Management
File number: 7/1/4/1

PURPOSE OF REPORT

To submit a renewal for a lease agreement, that expired on 31 March 2024, in respect of a building on portion 13 of the Farm 65, Barrydale, leased by the municipality from PD Smit Family Trust.

FACTS AND BACKGROUND

The lease agreement of three years, has expired on 31 March 2024 and needs to be renewed, because of a building on the farm being used for IT and radio connectivity by the municipality.

The following decision was made with the previous lease agreement:

RESOLVED

Item B27/25/11/2020

1. "that a lease agreement between Swellendam Municipality and P.D. Smit Family Trust, in respect of a building on portion 13 of the Farm 65, Barrydale for a satellite dish and servers, for a further period of three (3) years, from 1 April 2021, be approved;
2. that the lease amount of R550.00 per month, plus VAT, (consisting of R300 for the rent and R250 for the electricity), be approved;
3. that an annual increase of 7%, be approved;
4. that a lease agreement be signed by the Municipal Manager, in terms of his delegations."

Supporting documents attached **on Annexure E.**

DISCUSSION

An e-mail was received from Mrs Carien Smit, who is handling the P.D. Smit Family Trust's administration, to give permission for renewal of the lease agreement for a further three-year period.

She proposed that the lease amount be R600.00 per month (VAT included), with a 7% escalation annually. The fixed amount for electricity stays R250 per month.

LEGAL IMPLICATIONS

The following legislation regulates property management:

- The stipulations of Section 14 of the Municipal Finance Management Act, 2003, (Act 56 of 2003) (MFMA);
- The By-Law relating to the Management and Administration of Immovable Property, 2018.

- The Asset Transfer Regulations, 2008.
- Land Disposal Policy, 2018.

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Corporate Services –

Town Planning & Building Control – W. Schutte:

No objection.

Director: Community Services

None received

Director: Financial Services

None received

Acting Director: Infrastructure Services

The understanding is that IT would require the building for their equipment, in order to provide internet connectivity to the municipality.

It would therefore be advisable to extend the lease agreement or engage in a new agreement, to allow for the provision of connectivity for the municipality.

Municipal Manager

The application is supported.

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Wednesday, 15 May 2024.

RECOMMENDED TO MAYCO

1. that a Lease Agreement between Swellendam Municipality and P.D. Smit Family Trust, in respect of a building on portion 13 of the Farm 65, Barrydale used for Internet and radio connectivity, for a further period of three (3) years, from 1 April 2024, be approved;
2. that the lease amount of R600.00 per month, VAT included, plus a fixed amount of R250, VAT included, per month for electricity, be approved;

3. that an annual rental increase of 7%, be approved;
4. that the Lease Agreement be signed by the Municipal Manager, in terms of her delegations.

RESOLVED

Item B7/20/05/2024

1. that a Lease Agreement between Swellendam Municipality and P.D. Smit Family Trust, in respect of a building on portion 13 of the Farm 65, Barrydale used for Internet and radio connectivity, for a further period of three (3) years, from 1 April 2024, be approved;
2. that the lease amount of R600.00 per month, VAT included, plus a fixed amount of R250, VAT included, per month for electricity, be approved;
3. that an annual rental increase of 7%, be approved;
4. that the Lease Agreement be signed by the Municipal Manager, in terms of her delegations.

10.1.6

Item number B8. 20.05.2024

APPLICATION TO LEASE A PORTION OF ERF 8481, INDUSTRIAL AREA, SWELLENDAM – UNATHI DRIVING SCHOOL (UDS)

Prepared the report:	L Baransky
Department:	Corporate Services
Section:	Property Management
File number:	7/1/4/1

PURPOSE OF REPORT

To submit a request to lease a portion of Industrial land for a driving school and parking purposes.

FACTS AND BACKGROUND

A letter was received from Mr Jason Riddles, on behalf of the Unathi Driving School (UDS), to lease a portion (*approximately 2,225.96 square metres*) of a municipal plot, Erf 8481, Swellendam.

The intention of the applicant is to utilize the mentioned portion for driving school lessons and parking.

Find the letter attached on **Annexure F**.

DISCUSSION

The mentioned plot was recently created by the Town Planning department and is zoned for General Industrial use. The area is very overgrown and rough at this stage to be used as a parking bay.

A portion of Erf 8481 is already in the process to be subdivided and transferred to SANPARKS, as it is a biodiversity area and needs to be preserved and protected.

Another portion will be kept to develop a road, connecting Produksie Street and the Matjoks Area.

At this stage there are no other use for the remainder of Erf 8481, from Town Planning's perspective, and can be leased out. It should be noted that the mentioned plot does not have any services available.

LEGAL IMPLICATIONS

The following legislation regulates property management:

- The stipulations of Section 14 of the Municipal Finance Management Act, 2003, (Act 56 of 2003) (MFMA);
- The By-Law relating to the Management and Administration of Immovable Property, 2005.
- The Asset Transfer Regulations, 2008.
- Land Disposal Policy, 2018

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

As per resolution.

COMMENTS FROM DEPARTMENTS

Corporate Services

Manager: Town Planning & Building Control (W. Schutte)

The lease area boundary to be adjusted to not obstruct the end of the Produksie Street road reserve.

Director: Community Services

None received

Director: Financial Services

None received

Acting Director: Infrastructure Services

The portion of Erf 8481 is earmarked as a turning circle for trucks.

The portion of Erf 6715 is recommended, as an alternative. There are currently no planned developments for the immediate foreseeable future. The surface area has already been hardened, hence making it ideal for driving school lessons and parking.

Municipal Manager

The proposed lease is not opposed subject to a cancellation period of three months and that no permanent structures may be erected on the premises.

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Wednesday, 15 May 2024.

RECOMMENDED TO MAYCO

1. that a portion of Erf 8481, Swellendam (approximately 2,225.96 square metres) is not needed for essential services and that a Lease Agreement between Swellendam Municipality and Unathi Driving School be approved in principle, by way of a public tender process, subject to the following;

- 1.1 that the applicant submits a site map, indicating the exact area of lease;
- 1.2 that the lease agreement be for a three-year (3) period;
- 1.3 that the lease amount be determined by the average of two valuation reports, drafted by Council's two professional valuers;
- 1.4 that the successful bidder be responsible for clearing the area of alien vegetation and preparing the land for the purpose it will be utilized for;
- 1.5 that the successful bidder be responsible for fencing in the leased area;
- 1.6 that no permanent structures may be erected on the leased premises.
- 1.7 that both parties could cancel the contract by giving the other party three (3) months' notice in writing;
2. that the Mayoral Committee's intention, as per paragraph 1 above, be advertised for public comment;
3. that the cost of the valuation reports and advertisement be for the account of the applicant, before the tender process commences, no matter the outcome of the tender;
4. that should any objections be received in respect of this application, the matter be referred back to the Mayoral Committee, for consideration;
5. that should no objection be received, the Municipal Manager be mandated to sign the Lease Agreement, according to her delegated powers.

DISCUSSION

Councillor E.J. Lamprecht indicated that the preferred Erf 8481 has already been reserved for a turning circle for heavy vehicles in the Industrial Area at the end of Produksie Street.

The Executive Mayor said that it could only be approved if an alternative space could be provided.

The Acting Director of Infrastructure Services, Mr J. Bester indicated that Erf 6715 could be made available for the purpose as no development was currently planned for the area.

The Municipal Manager suggested that point 1 of the recommendation be amended as follows:

1. *that the applicant, Unathi Driving School, be advised that their initial application to lease a portion of Erf 8481 Swellendam was not granted as it has already been committed for other purposes, but that a portion of Erf 6715, Swellendam was available and if they were interested, a Lease Agreement be approved in principle, by way of a public tender process.*

The Executive Mayor confirmed that the Mayoral Committee was in support of the amended recommendation.

RESOLVED

Item B8/20/05/2024

1. that the applicant, Unathi Driving School, be advised that their initial application to lease a portion of Erf 8481 Swellendam was not granted as it has already been committed for other purposes, but that a portion of Erf 6715, Swellendam was available and if they were interested, a Lease Agreement be approved in principle, by way of a public tender process, subject to the following:
 - 1.1 that the applicant submits a site map, indicating the exact area of lease;
 - 1.2 that the lease agreement be for a three-year (3) period;
 - 1.3 that the lease amount be determined by the average of two valuation reports, drafted by Council's two professional valuers;
 - 1.4 that the successful bidder be responsible for clearing the area of alien vegetation and preparing the land for the purpose it will be utilized for;
 - 1.5 that the successful bidder be responsible for fencing in the leased area;
 - 1.6 that no permanent structures may be erected on the leased premises.
 - 1.7 that both parties could cancel the contract by giving the other party three (3) months' notice in writing;
2. that the Mayoral Committee's intention, as per paragraph 1 above, be advertised for public comment;
3. that the cost of the valuation reports and advertisement be for the account of the applicant, before the tender process commences, no matter the outcome of the tender;
4. that should any objections be received in respect of this application, the matter be referred back to the Mayoral Committee, for consideration;
5. that should no objection be received, the Municipal Manager be mandated to sign the Lease Agreement, according to her delegated powers.

10.2 Consideration of matters which require non-disclosure

None

10.3 Consideration of urgent matters

None

11 MINUTES OF THE PORTFOLIO COMMITTEES

RESOLVED:

that cognisance be taken of the following minutes:

- 11.1** Minutes of a Community Services and Housing Portfolio Committee meeting held on Wednesday, 10 April 2024.
- 11.2** Minutes of a Corporate and Financial Services Portfolio Committee meeting held on Monday, 15 April 2024.
- 11.3** Minutes of an Infrastructure Services Portfolio Committee meeting as held on Monday, 15 April 2024.

12 GENERAL

None

13 CLOSURE

The Executive Mayor thanked everybody for their time and commitment to attend the meeting.

The meeting adjourned at 12:07.