



MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD IN THE BANQUET HALL, MALMESBURY, ON WEDNESDAY, 24 JANUARY 2024 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

Officials:

Municipal Manager, Mr J J Scholtz
Director: Financial Services, Mr M Bolton
Director: Protective Services, Mr P A C Humphreys
Director: Electrical Engineering Services, Mr T Möller
Director: Civil Engineering Services, Mr L D Zikmann
Director: Development Services, Ms J S Krieger
Director: Corporate Services, Ms M S Terblanche
Senior Manager: Strategic Services, Ms O Fransman
Manager: Secretariat and Records Services, Ms N Brand

1. OPENING

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

2. LEAVE OF ABSENCE

NOTICE is taken of the apology from the Speaker, Ald M Rangasamy.

3. SUBMISSIONS/DELEGATIONS/SPEAKING ENGAGEMENTS

The Executive Mayor thanked the Fire Services for their assistance during the fire incident at the Shelly Point Hotel in St Helena Bay and the Director: Civil Engineering Services for making the water truck available.

4. MINUTES

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 13 DECEMBER 2023

RESOLUTION

(proposal by Ald T van Essen, seconded by Cllr N Smit)

That the minutes of an Ordinary Executive Mayoral Committee Meeting held on 13 December 2023 be approved and signed by the Mayor.

5. MATTERS ARISING FROM THE MINUTES

None.

6. MONTHLY REPORT: NOVEMBER 2022

6.1 CIVIL ENGINEERING SERVICES (7/1/2/2-6)

The Director: Civil Engineering Services gave background to the high organic load present at the Darling Sewage Works. The wastewater discharge by the industrialists processing the milk is very high, and there was a failure in the industrialists' treatment processes.

The Director: Civil Engineering Services confirmed that a review of tariff structures is underway to encourage industrialists to put in place pre-treatment processes and to carry out the necessary maintenance to avoid the cost of waste treatment falling on the Municipality.

The Director: Civil Engineering Services, referring to the dam levels of the overall system standing at 83%, reports that water consumption has increased considerably and, given the Municipality's allocation from the system and availability of alternative water sources, water consumption will need to be monitored critically.

Furthermore, the Director: Civil Engineering Services notes that the manner in which sewage services is provided to Yzerfontein is not sustainable and that solutions are being explored. It is necessary to identify sites for establishing a sewage plant in Yzerfontein.

On an enquiry by Ald T van Essen about the problems experienced with the water supply at Chatsworth, the Director: Civil Engineering Services mentioned that the measures to turn water off at night to allow the refilling of reservoirs are successful. Furthermore, x4 tanks have been set up for the higher elevations in Chatsworth, and the water truck regularly goes to those areas to ensure water supply.

The Chairperson urges that solutions be found (1) regarding the illegal water connections, including those by residents of Silvertown, and (2) to supply water to the upper portions of Chatsworth sustainably.

The Municipal Manager provided background on the creation of Silvertown and the issues surrounding ownership. Discussions need to be held with the Office of the Prime Minister and with the City of Cape Town regarding the possible inclusion of Chatsworth, Riverlands and Kalbaskraal in the City of Cape Town's jurisdiction.

RESOLUTION

(proposal by Ald T van Essen, seconded by Cllr N Smit)

That notice be taken of the content of the Directorate: Civil Engineering Services monthly report with regard to November 2023.

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

The Director: Electrical Engineering Services handled the Directorate's monthly report for November 2023 and focuses on the effect of load shedding, e.g. in November 2023, there was load shedding every day.

The Director: Electrical Engineering Services confirmed that the progress in implementing the TID switching project is 75%. The energy loss for November 2023 is 2.66% and is yet to be verified.

The Director: Electrical Engineering Services stated that the control box that regulates the traffic lights to the N7 was vandalised during a shift and that all equipment and cables were stolen.

RESOLUTION

(proposal by Ald T van Essen, seconded by Cllr N Smit)

That the contents of the monthly report of the Directorate: Electrical Engineering Services with regard to November 2023 be taken into account.

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

The Director: Development Services provided information on the emerging housing projects in De Hoop, Malmesbury, Darling and Moorreesburg. The housing committees for De Hoop and Darling have been elected, and the contractor, ASLA, will be on-site by January. It is envisaged that services for the Moorreesburg housing project will be put out on tender in January.

The Director: Development Services provided further background regarding the Municipality's visit to the social housing project in Glenhaven, Bellville, that is being established by the Devmark Property Group.

The Municipal Manager stated that the City of Cape Town's specifications were requested to consider the availability of land, bulk services, etc., for budgetary purposes to establish a similar project for Swartland Municipality.

RESOLUTION

(proposal by Ald T van Essen, seconded by Cllr N Smit)

That notice be taken of the content of the monthly report of the Directorate: Development Services with regard to November 2023.

6.4 PROTECTIVE SERVICES (7/1/2/2-3)

The Director: Protective Services stated that processes are underway to examine the viability of the Moorreesburg Test Centre, as its service delivery is very low.

The Director: Protection Services referred to the list of challenges continuously contained in the monthly report. A strategic session should be organised to find solutions to the challenges, including a meeting with Minister McKenzie on tackling taxi-related problems.

6.4.1 TRAFFIC AND LAW ENFORCEMENT SERVICES

6.4.2 FIRE SERVICES

RESOLUTION

(proposal by Ald T van Essen, seconded by Cllr N Smit)

- (a) That the contents of the monthly report of the Directorate: Protective Services with regard to November 2023 be taken into account;
- (b) That a strategic session with the relevant stakeholders and members of the Executive Mayoral Committee be arranged to find solutions to the challenges identified by the Department: Protection Services, among others –
 - (i) Illegal land occupations (*Land grabs*);
 - (ii) Illegal littering;
 - (iii) Handling of stray animals;
 - (iv) Handling of "pirate" taxis;
- (c) That a high-level meeting be arranged with Minister McKenzie regarding handling the taxi problems.

7. NEW MATTERS

7.1 PROPOSED AMENDMENT OF WHEELING TARIFF FOR 2023/2024 (5/4/1/3)

The Director: Electrical Engineering Services handles the report and mentions that with the preparation of the 2023/2024 tariff file, little information was available on determining tariffs and the maximum demand to be charged and that the concept does not work in practice. The Director: Electrical Engineering Services confirms that no revenue has been budgeted for levying the maximum demand of wheeling tariff and that it is therefore removed from the tariff file.

7.1/...

RESOLUTION

(proposal by Cllr D G Bess, seconded by Ald T Essen)

- (a) That the Executive Mayoral Committee take note of the error in the existing wheeling tariff;
- (b) That the amendment of the Wheeling Tariff (to exclude the Demand Charge);
- (c) That the amendment of the Wheeling Tariff will have no adverse impact on the budgetted revenue and no impact on the overall budget of Swartland Municipality;
- (d) That the approval of the amended wheeling tariff be recommend to Council;
- (e) That the Executive Mayoral Committee approves the inclusion of the amended Wheeling Tariff in the Adjustment Budget that will be tabled at Council.

7.2 BUDGET STEERING COMMITTEE 2023/2024: SEMI-ANNUAL ADJUSTMENT CAPITAL AND OPERATING BUDGET TECHNICAL RECOMMENDATIONS (5/1/1/1, 5/1/1/2, 5/1/4)

The semi-annual capital and operating budget was prepared after consideration of the Article 72 MFMA report containing the semi-annual budget and performance assessment. The 2023/2024 Semi-Annual Purification Budget was held by the Budget Control Committee on 18 January 2024 for consideration for recommendation to the Executive Mayoral Committee.

RESOLUTION (for recommendation to the Council on 30 January 2024)
(proposal by Cllr N Smit, seconded by Cllr A K Warnick)

- (a) 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;
- (b) That council takes note of the proposed adjustment (as it relates to Section 19) in respect of the Construction of New Roads in the Swartland and the Malmesbury De Hoop 132/11kV Substation project (**Annexure A-2: Capital Projects ito Sec 19**);
- (c) That approval be granted to amend the high-level capital and operating budget for 2023/2024 with an amendment to the 2024/2025 capital budget, with no other amendments to the outer years, as follows:

	Original Budget 2023/24	Special Adj Budget 2023/24	Mid-Year Adj Budget 2023/24	Adjustments Budget 2024/25	Original Budget 2025/26
Capital budget	209 052 395	240 803 827	248 689 919	225 529 245	208 303 329
Operating Expenditure	1 071 330 062	1 073 385 062	1 071 588 058	1 174 132 994	1 371 930 505
Operating Revenue	1 192 485 181	1 222 223 458	1 252 658 565	1 311 049 716	1 489 696 468
Budgeted (Surplus)/ Deficit	(121 155 119)	(148 838 396)	(181 070 507)	(136 916 722)	(117 765 963)
Less: Capital Grants and Donations	107 386 943	135 980 220	119 908 999	115 594 000	91 660 000
(Surplus)/ Deficit	(13 768 176)	(12 858 176)	(61 161 508)	(21 322 722)	(26 105 963)

- (d) That it be noted that the changes to the budget will have no impact on tariffs in respect of the 2023/2024 financial year or beyond but will result in an increased budgeted net surplus from R12 858 176 to a budgeted net surplus of R61 161 508;

7.2/...

- (e) That the unauthorised expenditure of R5 556 386 for the 2022/2023 financial year be authorised in this adjustments budget in line with section 32(2)(a)(i) of the Act;
- (f) That the adjusted budget schedules as required by the Budget and Reporting Regulations be approved as set out in **(Annexure C: Budget Report and B-Schedules 2023/24– 2025/26)**;
- (g) 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;
- (h) That the Service Delivery Budget Implementation Plan (SDBIP) where appropriate be amended accordingly.

7.3 AMENDMENT OF KPIS AND TARGETS FOR 2023/2024 (2/4/2)

The KPIs and targets for 2023/2024 were approved by the Executive Mayoral Committee in June 2023. Following the review of KPIs and targets after the first six months of 2023/2024, certain amendments are proposed to ensure that all KPIs comply with the SMART principle.

RESOLUTION

(proposal by Cllr N Smit, seconded by Cllr J M de Beer)

That the attached key performance indicators (KPI's) and targets be approved with effect from 1 July 2023 (retrospective).

7.4 PROPOSED AMENDMENT OF THE SWARTLAND MUNICIPALITY: MUNICIPAL LAND USE PLANNING BY-LAW (PK 8226 DATED 25 MARCH 2020) (1/1/13/14)

The Swartland Municipality: Regulation on Municipal Land Use Planning (PK 8226 dated 25 March 2020) does not contain a provision for establishing home shop trading hours.

Following the turbulent events in 2023 in the communities of Saamstaan, Ilinge Lethu and Phola Park, among others, the need was expressed to set trading hours for home shops.

RESOLUTION (for submission to the Council on 30 January 2024)

(proposal by Cllr D G Bess, seconded by Cllr N Smit)

- (a) That the below amendment of the Swartland Municipal: By-law regarding Municipal Land Use Planning (PG 8226 of 25 March 2020) be approved, namely:

Section 96(1): A person may be accused of an offence and is liable upon conviction to a fine or imprisonment or to both a fine and such imprisonment if he or she –

Section 96(1)(a): contravenes or fails to comply with sections 25(1), ~~25(5)~~ 25(4), 30(1), 31(4), 41(1), 69(3), 72(2) of 98(2) (*amendment*);

Section 96(1)(h): Failure to comply with any of the conditions imposed in terms of Schedule 2 to this by-law (*addition*); and

Schedule 2 (Swartland Municipality Development Management Scheme – Residential zone 2: Medium Density (R2), paragraph 1.2.7(g): The trading hours of the house shop will be from 07:00 to 20:00 and may not be extended (*addition*); and

- (b) That, following on in principle approval by the Council, the amendment of the By-law be published for public comment in terms of section 12(3)(b) of the Systems Act, 2000 in both the local media and on the municipal website.

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

The report regarding the quarterly performance evaluation of contractors appointed under the Supply Chain Management Policy is submitted in compliance with Article 116 (2) of the MFMA and the Municipal Manager's core performance indicator.

RESOLUTION

That notice be taken of the report regarding the performance of contractors for the period 1 October 2023 to 31 December 2023.

7.6 REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY FOR THE PERIOD 1 OCTOBER 2023 TO 31 DECEMBER 2023 (8/1/B/2)

A report on the implementation of the Supply Chain Management Policy shall be submitted to the Executive Mayor every quarter under paragraph 6 (3) of the Municipal Supply Chain Management Regulations.

The report from 1 October 2023 to 31 December 2023 has been circulated with the agenda.

RESOLUTION

- (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 2023 to 31 December 2023 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).

7.7 PROPOSED LEASING OF INDUSTRIAL LAND AT MOORREESBURG FOR FARMING PURPOSES (12/2/5/5-9/2)

The Municipality owns ±17.7 ha of land in Moorreesburg, which is leased to the Corn Industry Museum until April 2024.

It is proposed that a public tender process be rerun to make the land available for arable farming purposes so that the successful tenderer can generate a return from the land for the benefit of a local charity.

RESOLUTION

(proposal by Cllr N Smit, seconded by Cllr J M de Beer)

- (a) 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 2024;
- (b) That proposals be invited on the basis of and conditions as contained in the draft notice as per Annexure B to the report;
- (c) 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;
- (d) That the Director: Corporate Services be authorized to finalize the contents, as well as the signing of the lease agreement;

- (e) 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 FIRE INCIDENT AT SIBANYE, MOORREESBURG: FREE AVAILABILITY OF GRAVES AND HALL FACILITIES (17/3/1/1)

During a fire incident in Sibanye Square, Moorreesburg, on 17 December 2023, five residential structures fell victim to the blaze. These households were/are assisted under the disaster management policy. Sadly, two children from two families died in this fire.

RESOLUTION

(proposal by Cllr A K Warnick, seconded by Cllr D G Bess)

- (a) That cognizance be taken of the tragic incident on 17 December 2023 at Sibanye Square, Moorreesburg, during which two minor children lost their lives;
- (b) That the Municipal Manager's actions be noted, i.e. to make the hall facilities as well as two graves available free of charge to the families of the deceased, for the following reasons:
 - (i) the tragic way in which the Moorreesburg community lost two minors to death at the same time;
 - (ii) the children both come from households experiencing socio-economic problems, and who lost everything during the fire;
- (c) That the actions of the Municipal Manager in this regard be condoned.

7.9 OUTSTANDING DEBTORS: DECEMBER 2022 (5/7/1/1)

A full report of the balance of outstanding debtors was circulated with the agenda.

The Director: Financial Services once again confirms that the amount of debt in the towns where Eskom supplies electricity is growing tremendously because credit control cannot be applied.

RESOLUTION

(proposal by Ald T van Essen, seconded by Cllr N Smit)

That cognizance be taken of the report with reference to the state of the outstanding debtors of Swartland Municipality for December 2023.

7.10 PROGRESS WITH OUTSTANDING INSURANCE CLAIMS (5/14/3/5)

According to the Asset Management Policy, monthly reporting is required for outstanding insurance claims.

RESOLUTION

(proposal by Ald T van Essen, seconded by Cllr N Smit)

That cognizance be taken of the state of outstanding insurance claims up to and including 31 December 2023 as circulated with the agenda.

7.11 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIR OF SEWAGE SUCTION TRUCKS, CK 50003 AND CK 12625 (8/1/B/2)

The Municipality has four sewage suction trucks to remove sewage from sites that use storage tanks. Two of these trucks' pumps have broken down.

RESOLUTION

- (a) That the Executive Mayoral Committees 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

the replacement of the vacuum pumps of vacuum tanker truck CK50001 and vacuum tanker truck CK12625 by Ian Dickie and Company for the amount of R34 121.88 (including VAT) for each of the trucks;

- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The vacuum tanker trucks would have been left out of service for an extended period of time;
 - (ii) This would have resulted in a failure of the sewage removal service with associated health risks; and
 - (iii) The replacement of the vacuum pumps of both truck were therefore treated as an emergency.
- (d) That there are sufficient funds available and that the expenditure is settled as follows:
 - (i) R34 121.88 (VAT included) in relation to CK 50003 against vote number 9/4-46-5; and
 - (ii) R34 121.88 (VAT included) in relation to CK 12625 against vote number 9/6-63-5;
- (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.

7.12 AMENDMENT OF THE PERFORMANCE MANAGEMENT AND DEVELOPMENT POLICY (2/4/2)

[The directors leave the premises for the discussion of the item.]

The Municipal Manager deals with the report and confirms that the Performance Management and Development policy has been adjusted in line with Article 32 of the Municipal Performance Regulations.

RESOLUTION

(proposal by Cllr N Smit, seconded by Ald T van Essen)

- (a) That the Performance Management and Development Policy be amended with effect from 1 July 2023 by adapting the “assessment calculator” as reflected in the attachment to the report;
- (b) That the section regarding the payment of performance bonuses of a maximum of 9% payable to the Municipal Manager and directors (excluding the Director: Electrical Engineering Services who qualifies for 14%) be amended in respect of the 2022/2023 financial year.

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