



**MINUTES OF A MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE BANQUETING HALL, MALMESBURY ON WEDNESDAY, 20 SEPTEMBER 2023 AT 09:00**

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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  
Ald T van Essen

Other councillors:

Ald M A Rangasamy (Speaker)

Officials:

Municipal Manager, mr J J Scholtz  
Director: Financial Services, mr M Bolton  
Director: Civil Engineering Services, mr L D Zikmann  
Director: Electrical Engineering Services, mr T Möller  
Director: Development Services, ms J S Krieger  
Director: Corporate Services, ms M S Terblanche  
Senior Manager: Strategic Services, ms O Fransman  
Manager: Secretarial and Record Services, ms N Brand

**1. OPENING**

The Executive Mayor welcomed all present and opened the meeting with a prayer.

**2. APOLOGIES**

That note is taken of apologies received from councillors N Smit and A K Warnick and the Director: Protection Services, mr P A C Humphreys.

**3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS**

**NOTE TAKEN** of the communication from the Municipal Manager that the following funds have been withdrawn by the National Government for the building of -

- Darling High School
- Access road to new school in Ilinge Lethu.

The committee discussed their unhappiness with the decision made by the National Government, especially in respect of the withdrawal of funds for the Darling High School, because parents were advised by the Department of Education not to register their children elsewhere because the new school was going to be realised.

**RESOLUTION** that, at the request of the Executive Mayor, the public are notified in time of the decisions made by the National Government and the impact of the withdrawal of funds on projects of Provincial nature and municipalities.

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**4. MINUTES**

**4.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 16 AUGUST 2023**

**RESOLUTION**

(proposed by ald T van Essen, seconded by clr D G Bess)

That the minutes of an Ordinary Meeting of the Executive Mayor's Committee held on 16 August 2023 are approved and signed by the Mayor.

**4.2 MINUTES OF A SPECIAL MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 18 AUGUST 2023**

**RESOLUTION**

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

That the minutes of a Special Meeting of the Executive Mayor's Committee held on 18 August 2023 are approved and signed by the Mayor.

**4.3 MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 13 SEPTEMBER 2023**

[Corrections held over as the prerogative of the various committees].

**5. CONSIDERATION OF RECOMMENDATIONS AND MATTERS ARISING FROM THE MINUTES**

**5.1 MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 13 SEPTEMBER 2023**

**5.1.1 MUNICIPAL MANAGER, ADMINISTRATION AND FINANCES**

**RESOLUTION**

(proposed by clr D G Bess, seconded by ald T van Essen)

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

**5.1.2 CIVIL AND ELECTRICAL SERVICES**

**RESOLUTION**

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

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

**5.1.4 PROTECTION SERVICES**

**RESOLUTION**

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

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

**6. MATTERS ARISING FROM THE MINUTES**

None.

## 7. NEW MATTERS

### 7.1 AMENDMENTS TO THE 2023/2024 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) (2/4/2)

The Municipal Manager stated that the approval of the Rollover Adjusted Capital and Operating Budgets by the Council in August 2023 necessitates amendments to the SDBIP.

#### RESOLUTION

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

That the amended Service Delivery and Budget Implementation Plan (SDBIP) for the 2023/2024 financial year be approved in terms of Section 54(1)(c) of the Municipal Finance Management Act (Act 56 of 2003).

### 7.2 FOUNDATION OF THE MUNICIPAL MODERATING COMMITTEE (2/4/2)

The new Personnel Regulations, in accordance with the Local Government: Municipal Systems Act, Act 32 of 2000, stipulate that the Municipality is responsible for the setting up of a Municipal Moderating Committee.

The main purpose of the Moderating Committee is to see that the norms and standards for performance management are applied in a fair, realistic and consistent manner throughout the Municipality's directorate.

#### RESOLUTION

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

That the setting up of a Municipal Moderating Committee is approved consisting of the Municipal Manager (chairman), the Directors, the Senior Manager: Human Resource Services, the Senior Manager: Internal Auditing and the Senior Manager: Strategic Services.

### 7.3 MANDATE FROM THE MUNICIPAL PERFORMANCE, RISK AND AUDIT COMMITTEE (5/15/1/3)

The Charter of the Performance, Risk and Audit Committee contains the roles and responsibilities of members, and must be revised on a regular basis for approval by the Executive Mayor's Committee.

#### RESOLUTION

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

That the Charter of the Performance, Risk and Audit Committee is approved by the Executive Mayoral Committee and adopted by the Performance, Risk and Audit Committee members for them to be aware of their responsibilities.

### 7.4 MINUTES OF A MUNICIPAL PERFORMANCE, RISK AND AUDIT COMMITTEE MEETING HELD ON 22 MAY 2023 (5/15/1/3)

The Audit Committee serves as a completely independent committee from the Council and fulfils its function in accordance with the stipulations of section 166 of the Local Government: Municipal Financial Management Act, Act 56 of 2003.

The minutes of the Municipal Performance and Risk Audit Committee meeting held on 22 May 2023 were circulated with the agenda and do not contain any recommendations to the Executive Mayor's Committee for consideration.

#### RESOLUTION

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

That cognizance be taken of the minutes of the meeting of the Municipality's Performance, Risk and Audit Committee of 22 May 2023.

## **7.5 BUDGET FOR THE MAINTENANCE OF PROVINCIAL MAIN ROADS: 2024/2025 FINANCIAL YEAR (5/6/1/1/2)**

The report contains estimated costs for the maintenance and rehabilitation of Provincial Main Roads within the municipal area, which must be submitted to the District Roads Engineer for consideration and approval.

### **RESOLUTION**

(proposed by ald T van Essen, seconded by clr D G Bess)

- (a) That the budget for the Maintenance of Provincial Main Roads for the 2024/2025 financial year is approved;
- (b) That, as a matter of urgency, Transnet is requested to evaluate all railway crossings in the Swartland Municipal area of jurisdiction for repair work and upgrading.

## **7.6 AMENDMENT TO THE 2023/2024 ROAD CONSTRUCTION PROGRAMME (16/5/5/1)**

The Director: Civil Engineering Services provided the background to the downscaling of the Road Construction Programme since the approval given by the Executive Mayor's Committee on 17 May 2023. Except for the addition of 5th Avenue, Yzerfontein and Abbatoir Street, Moorreesburg the downscaling took into consideration the following factors, which were not known during the initial planning:

- additional stormwater infrastructure for Chatsworth;
- moving of existing infrastructure;
- increased cost of the basal layer in Abbatoir Street, Moorreesburg due to the poor quality of the in-situe material;
- huge increase in the cost of bitumen.

After committee members voiced their unhappiness that some streets had been taken off the road construction programme, the Municipal Manager stated that according to law the roads must be named during the budget process. It is therefore important that expectations must be managed and that adjustments must be made during the Adjusted Budget.

The Municipal Manager stated that internal discussions will take place in respect of the planning of the upgrading of roads in order to avoid drastic amendments to the road construction programme.

### **RESOLUTION**

(proposed by ald T van Essen, seconded by clr D G Bess)

- (a) That cognizance be taken of the downscaled and updated 2023/2024 construction/upgrading of roads programme attached as Annexure B to this report;
- (b) That the amendments to the budget due to the downscaling will be effected by means of the 2023/2024 Adjusted Budget in January 2024;
- (c) That further cognizance be taken of the virement of R 750 000 from resealing of roads CRR (9/110-724-838) to construction of new roads CRR (9/110-725-841) needed for the construction of 5th Avenue, Yzerfontein.

## **7.7 OUTSTANDING DEBTORS: AUGUST 2023 (5/7/1/1)**

A complete list 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 August 2023.

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

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

**RESOLUTION**

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

**7.9 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: REPLACEMENT OF STREAMING TRANSFORMERS AT KLIPFONTEIN SUBSTATION (8/1/B/2)**

The Director: Electrical Engineering Services stated that with the testing of the new De Grendel Substation, which must provide electricity to the new Mall, De Swartland Werf development, which connects the existing Klipfontein and N7 substations, it was discovered that the cable on the N7 supply at the Klipfontein substation did not conform to testing standards.

**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 grant approval for the emergency replacement of the 11 kV CT's at Klipfontein Substation by ABB to the value of R67 505.26 excluding VAT;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as deterioration of the insulation on the CT's that could have resulted in a network emergency had the CT's exploded;
- (d) That the expenditure amounting to R 67 505.26 (VAT excluded) is settled against vote number: 9/117-789-921 and that there are sufficient funds available;
- (e) That the Manager: Financial Statements and Control be requested to include the above reasons as a note to the financial statements, when same are compiled.

**7.10 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: APPOINTMENT OF ELEXPRT (PTY) LTD FOR THE STUDY IN RESPECT OF PROVISION COSTS AND TARIFF STRUCTURE (8/1/B/2)**

A request has been received from NERSA that all benefit services (Eskom, municipalities and private distributors) who will be making application for tariff increases in 2024/2025, must provide a Cost of Provision study not older than 5 years.

NERSA also requested this study for the 2023/2024 financial year if tariff increases were above the guidelines approved by NERSA – the last study carried out by Swartland is dated 2016/2017. NERSA therefore approved a tariff increase of 15,1% against the 18,49% approved by the Swartland Municipal Council for the 2023/2024 financial year.

The Municipality envisages a lawsuit against NERSA, due to the loss of income over the multi-year budget and NERSA's inability to remain within the regulations of the MFMA.

**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 shortened procurement process as an emergency measure, supported by the very real potential of loss of budgeted revenue in the order of around R12 million, to appoint a service provider on an urgent basis to conduct the Cost of Supply and Tariff Restructuring study in support of the municipality's pending court matter against NERSA;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as an emergency to support the NERSA tariff application process for 2024/25 and the urgent need to support the current legal challenge that we have with NERSA regarding the 2023/24 application;
- (d) That the expenditure amounting to R710 512.00 (VAT included) is settled against vote number: 9/253-699-967 and that there are sufficient funds available;
- (e) That the Manager: Financial Statements and Control be requested to include the above reasons as a note to the financial statements, when same are compiled.

**7.11 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: URGENT REPAIRS TO PERMEATE PUMP SYSTEM, NO 1 AT THE MALMESBURY WWTW (8/1/B/2)**

The Malmesbury WWTW is equipped with membrane technology and a *permeate* pump system is used to drive the flow of sewerage through the membranes. One of the pump systems stopped working which caused a decrease of 25% in the flow of sewerage through the membranes. Urgent repairs were needed to the handling process, and to prevent further damage to the membranes.

**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 repair of the permeate pump no 1 at the Malmesbury WWTW by CAW for the amount of R 79,210.00 excluding VAT;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
  - (i) The permeate pump would have been left out of service for an extended period of time following due process;
  - (ii) This would have resulted in treatment process failure and further damages to the membrane train serviced by the permeate pump;
  - (iii) The repair work to the permeate pumps therefore had to be handled as an emergency;
- (d) That there are sufficient funds available and that the expenditure amounting to R79 210.00 (excluding VAT) is settled against vote number 9/239-57-1041;
- (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 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: URGENT REPLACEMENT OF THE TRAFFIC LIGHT CENTRAL CONTROLLER AT THE BOKOMO/VOORTREKKER ROADS CROSSING (8/1/B/2)**

The traffic light at the Bokomo/Klipheuwel Roads crossing has been out of order for a considerable time due to the signal controller which had to be upgraded.

The faulty traffic light created a back up of traffic during peak periods and an unsafe situation for road users.

**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 traffic signal controller at the Bokomo/Voortrekker intersection;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
  - (i) The traffic signal would have been left out of service for an further extended period of time while following due processes;
  - (ii) This will result in the continued poor level of service and congestion at the intersection;
  - (iii) That the replacement there had to be handled as an emergency;
- (d) That there are sufficient funds available and that the expenditure amounting to R124 094.40 (excluding VAT) is settled against post number 9/247-1185-727;
- (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.

**7.13 DRAFT POLICY: USE OF MAYOR'S CAR (CK 1) 6/2/1/B**

The policy in respect of the use of the Mayoral Car, CK 1, was drawn up keeping in mind that a municipal vehicle must be available to the Executive Mayor for carrying out his official duties.

**RESOLUTION**

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

That the Policy regarding the Use of Mayoral Vehicle (CK 1) be approved for implementation with immediate effect.

**7.14 YZERFONTEIN MUSIC FESTIVAL 16 TO 17 DECEMBER 2023: USE OF YZERFONTEIN HARBOUR (1/1/3/9)**

An application has been received from West Coast Festivals (Pty) Ltd, in accordance with Opportunities, for holding a music festival in the Yzerfontein harbour on 16 and 17 December 2023, daily from 17:00 to 22:00 for 5001-10 000 persons.

The Director: Corporate Services stated that there are certain documents which are outstanding, as well as comment from the Department of Public Works, which occupies a huge part of the harbour, which could influence the application.

There are also certain residents, as experienced in the past, who are not inclined towards the use of the harbour for this type of activity, specifically because of the noise nuisance level. It is therefore recommended that a public and involved organisations' participation process is followed to obtain input/comments for consideration.

7.14/...

**RESOLUTION**

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

- (a) That a public participation process be launched to obtain the public's comments regarding the hosting or not of a music festival in the Yzerfontein harbour on 16 and 17 December 2023;
- (b) That the intention to hold the festival be advertised in the media, as well as by means of a "knock-and-drop" leaflet at affected properties, and that the input also be obtained from the ward committee and from organisations in Yzerfontein such as the Yzerfontein Residents Association, the Yzerfontein Conservancy and Swartland Tourism;
- (c) That, depending on the comments received, the Municipal Manager be authorised to take a final decision regarding whether or not the Yzerfontein harbour may be made available for the hosting of an event on this scale.

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