



MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD IN THE BANQUET HALL, MALMESBURY, ON WEDNESDAY, 21 FEBRUARY 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: Civil Engineering Services, Mr L D Zikmann
Director: Electrical Engineering Services, Mr T Möller
Director: Protective Services, Mr P A C Humphreys
Director: Development Services, Ms J S Krieger
Director: Corporate Services, Ms M S Terblanche
Manager: Secretariat and Records Services, Ms N Brand

1. OPENING

The chairperson welcomed all present and requested Cllr N Smit to open the meeting with prayer.

2. LEAVE OF ABSENCE

That notice be taken of the apology received from the Speaker, M. A. Rangasamy.

3. SUBMISSIONS/DELEGATIONS/SPEAKING ENGAGEMENTS

3.1 ELECTRICITY: COST OF SUPPLY STUDY, MR H BARNARD

Council has appointed Mr H Barnard to undertake a Cost of Supply study to serve as a basis to determine electricity tariffs for the financial year 2024/2025, as well as the other years. The carrying out of a Cost of Supply study is a new requirement by NERSA to form part of the application for electricity rate increases to be submitted annually to NERSA for consideration and approval.

According to NERSA's new provisions, municipalities must submit their applications for the financial year 2024/2025 as early as 1 March 2024.

Mr H Barnard made a full presentation to the Executive Mayoral Committee, and the following, among others, are highlighted:

- (1) Current tariffs do not reflect the cost of electricity supply;
- (2) Certain categories of consumers are not charged correctly;
- (3) The inclusion of fixed components in the tariffs to protect the Municipality against the decline in sales (kWh) and to be sustainable;
- (4) Setting a capacity charge to help control peak demand;
- (5) More time-of-use consumers are proposed;

- (6) Support for SSEG and wheeling to control bulk purchases and peak demand.

RESOLUTION

(proposal by Ald T van Essen, seconded by Cllr A K Warnick)

- (a) That the process followed in carrying out the Cost of Supply Study be noted;
- (b) That further consideration be given to the results of the Cost of Supply study, the proposed changes to tariff structures and their impact on the various categories of consumers;
- (c) That the Executive Mayoral Committee supports, in principle, the phased implementation of the proposed tariff structures over 3 years, subject to its detailed impact being presented to the Council during the budgetary process;
- (d) That the changes to the process for applying to NERSA for rate increases be noted;
- (e) That the Executive Mayoral Committee recommend the proposed amendments to the tariff structures to the Council for inclusion in the public participation process as part of the proposed 2024/2025 tariffs and budget;
- (f) That the Executive Mayoral Committee support the submission of the Cost of Supply Study to NERSA by 1 March 2024, together with the budgetary projections for the next three years, as required by NERSA.

4. MINUTES

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 24 JANUARY 2024

RESOLUTION

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

That the minutes of an Ordinary Executive Mayoral Committee Meeting held on 24 January 2024, be approved and signed by the Mayor,

4.2 MINUTES OF THE PORTFOLIO COMMITTEE MEETING HELD ON 14 FEBRUARY 2024

[Corrections are left as a prerogative of the respective committees.]

5. CONSIDERATION OF RECOMMENDATIONS AND MATTERS ARISING FROM THE MINUTES

5.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING HELD ON 14 FEBRUARY 2024

5.1.1 MUNICIPAL MANAGER, ADMINISTRATION AND FINANCE

RESOLUTION

(proposal by Ald T van Essen, seconded by Cllr A K Warnick)

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

5.1.2 CIVIL AND ELECTRICAL SERVICES

RESOLUTION

(proposal by Ald T van Essen, seconded by Cllr A K Warnick)

- (a) That the Executive Mayor ratify the recommendations in the relevant minutes;
- (b) That a report by the Director: Civil Engineering Services be submitted to the Portfolio Committee on the challenges with water supply to Chatsworth and possible solutions.

5.1.3 DEVELOPMENT SERVICES

RESOLUTION

(proposal by Ald T van Essen, seconded by Cllr A K Warnick)

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

5.1.4 PROTECTIVE SERVICES

RESOLUTION

(proposal by Ald T van Essen, seconded by Cllr A K Warnick)

That the Executive Mayor ratify 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)

Section 54 (1) (c) of the Municipal Financial Management Act (Act 56 of 2003) provides that the SDBIP is to be considered and, if necessary, amended after approval of a settlement budget.

The Municipal Manager confirms that the SDBIP has been amended in accordance with the 2023/2024 Refining Capital and Operating Budget as approved by the Council on 30 January 2024 to ensure that the Municipality's approved budget is implemented in accordance with the SDBIP.

RESOLUTION

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

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 CANCELLATION OF WARD COMMITTEE MEETINGS BEFORE THE NATIONAL ELECTION / PAYMENT OF WARD COMMITTEE MEMBERS DURING THIS PERIOD (3/4/4/1)

As in the past, the report aims to consider the cancellation of ward committee meetings before the National and Provincial Elections. It is recommended that ward committee members be compensated for the cancelled meetings, as they are expected to assist the ward councillor and community on an ongoing basis with service delivery issues.

RESOLUTION

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

- (a) That cognisance be taken that die ward committee meetings scheduled for February was cancelled in liaison with the Speaker and Municipal Manager as it was the expectation that the date of the national election will be in May;
- (b) That, if the date of the national election is in August, the quarterly ward committee meeting be held in April and thereafter from August as scheduled in accordance with the 2024 meeting schedule;
- (c) That approval be granted for the remuneration of ward committee members at the normal sitting fee of R500/meeting for the scheduled meetings that will not take place;
- (d) That the remuneration of ward committee members during this period be approved for the following reasons:

- (i) Ward committee members must be available to assist the ward councillor, as the need may arise;
- (ii) Ward committee members must be available to assist members of the public to report service delivery matters;
- (iii) Ward committee members may still communicate urgent service delivery issues to the administration or directly to the relevant directorate;
- (iv) To ensure the continuity of the ward committee structure after the national election.

7.3 PROPOSED PURCHASE OF ERF 3986, RIVERLANDS (5/7/1/1)

The Municipality seized Erf 3986, Riverlands, through a credit recovery process after the owner never took possession of the property. The process followed is similar to the so-called 'black-spot' plots in Chatsworth, which the Municipality acquired ownership of through an edictal citation in the early 2000s.

Erf 3986 (size 1983 m²) is surrounded by Erf 7841, which is zoned as open space and belongs to the Municipality. It would make no sense for any other potential buyer to acquire Erf 3986 since there is no access to the property. It is therefore recommended that the Municipality purchase Erf 3986 to consolidate it with Erf 7841 for meaningful re-planning of the larger area, potentially for housing or for community uses.

RESOLUTION

(proposal by Ald T van Essen, seconded by Cllr A K Warnick)

- (a) That cognizance be taken of the situation regarding Erf 3986, Riverlands, and the auction that will take place;
- (b) That the Municipal Manager (or designated official) be authorized to offer an amount up to a maximum of R55 000,00 for the property at the auction in order to obtain ownership and to thus be in a position to deal with the property in a manner to be decided.

7.4 RENT OF STORAGE SPACE IN MALMESBURY (12/1/2-6/2)

The Council currently leases storage space in Malmesbury from the Bester Family Trust to store garbage bags and water meters. The Financial Services Directorate has indicated that the storage space is needed for a further term.

RESOLUTION

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

- (a) That a rental agreement be entered into with the Bester Family Trust for the use of storage space in Malmesbury, for a further term of 12 months as from 1 April 2024;
- (b) That the rental tariff of R1 452.00, VAT included, per month be paid from vote number 9/241-369-3007 (purchase of refuge bags);
- (c) That the deposit increase of R132.00 (i.e. from R1 320.00 tot R1 452.00) also be approved and paid from the said vote number.

7.5 LEASE AGREEMENT: LITTLE DARLINGS CRÈCHE (17/9/2/R)

In 2018, the Little Darlings Crèche applied to lease Erf 4048, Darling, from the Council to move their crèche to a more permanent structure. It currently accommodates 35 children and has also started a Grade R class.

Little Darlings Crèche's dream is to set up a full-fledged Early Childhood Development Centre, but there is not enough funding yet.

RESOLUTION

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

- (a) That a one (1) year lease agreement be entered into with Little Darlings Crèche with effect from 1 March 2024 for the lease of erf 4048, Darling, for utilization for purposes of an Early Childhood Development Centre;
- (b) That the Director: Development Services conduct an investigation into the activities of the Little Darlings Crèche;
- (c) That the rental amount be established at R120.00 per annum plus VAT;
- (d) That the Director: Development Services conduct an investigation into the activities;
- (e) That should Little Darlings Crèche prove itself as a financially sustainable enterprise, consideration be given in future to the alienation of erf 4048, Darling, to said institution.

7.6 OFFICE ACCOMMODATION: SINETHEMBA (12/1/3/1-1/1)

The Council leases a part of the building located at Erf 1217, Abbotsdale, to Sinethemba annually to provide community-based health services.

Sinethemba has requested to lease the building for a further term of one year.

RESOLUTION

(proposal by Cllr D G Bess, seconded by Cllr J M de Beer)

- (a) That a lease agreement be entered into with Sinethemba for the lease of a portion of the building on Erf 1217, Abbotsdale for the purpose of rendering community based healthcare services;
- (b) That a lease tariff of R120.00 per annum, plus VAT, be approved;
- (c) That the current conditions of lease remain applicable.

7.7 OUTSTANDING DEBTORS: JANUARY 2024 (5/7/1/1)

A full report of the balance 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 January 2024.

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

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

RESOLUTION

That cognizance be taken of the state of outstanding insurance claims up to and including 31 January 2024 as circulated with the agenda.

7.9 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIRS TO MOUNTING PLATES OF X6 MIXERS AT THE RIEBEEK VALLEY WWTW (8/1/B/2)

The Riebeek Valley WWTW consists of several biological treatment zones, and mixers are used to ensure the flow between the respective zones.

During a routine inspection, the mixers were found to be moving unevenly and were shut down immediately to limit any further damage.

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 repairs to six mixers at the Riebeek Valley WWTW in terms of 36(1)(a) of the Supply Chain Management Policy as an emergency by GW Trautmann cc for the amount of R43 429.80 (excl. VAT);
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The six mixers would have been left out of service for an extended period of time;
 - (ii) This would have resulted poor quality final effluent that does not meet required legislative standards and possible damages to other mechanical equipment; and
 - (iii) The repairs to the six mixers were therefore treated as an emergency;
- (d) That the expenditure of R43 429.80 (excl. VAT) was allocated to mSCOA Code: 9/239-851-689 and that there is sufficient funding available;
- (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.

7.10 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIRS TO COMPACTOR TRUCK, CK 21988 (8/1/B/2)

The compactor on the garbage truck, CK 21988, broke down, and the truck was taken to Transtech immediately for assessment as the truck provides an essential service.

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 repairs to the compactor truck CK 21988 for the amount of R 167,840.97 (excluding VAT) by Transtech;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:

The truck would have been left out of service for an extended period of time;
This would have resulted in a failure in the waste removal services and public health risks;
The repair works to the compactor truck therefore had to be handled as an emergency;
- (d) That the expenditure of R167 940.97 (excl. VAT) was allocated to mSCOA Code: 9/4-51-5 and that there is sufficient funding available;
- (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 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: CABLE INSTALLATION ON THE GARBAGE TRUCK, CK 56748 (8/1/B/2)

The Department of Forestry, Fisheries and Environment donated the garbage truck, CK 65748, to the Municipality in February 2023. The truck has a compactor but not the necessary cable system to handle wheely bins.

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 has approved the fitting of a reefer cable system to the waste removal truck CK 56748 for the amount of R 275,765.00 (excluding VAT) by 600CT Manufacturing;
- (c) That the reason for the deviation from the prescribed procurement process is that 600CT Manufacturing is the original manufacturer and service and support agent of the HYVA BU compacting unit;
- (d) That the expenditure of R275 765.00 (excl. VAT) was allocated to mSCOA Code: 9/104-852-995 and that there is sufficient funding available;
- (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.

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