



NOTULES VAN DIE / MINUTES OF THE

RAADSVERGADERING VAN DIE CEDERBERG MUNISIPALITEIT SOOS GEHOU OP

31 JANUARIE / JANUARY 2024

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COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY, HELD ON

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**MINUTES OF THE COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY HELD ON
31 JANUARY 2024 IN THE COUNCIL CHAMBER AT 2A VOORTREKKER STREET,
CLANWILLIAM.**

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PRESENT AND IN ATTENDANCE:

As per the attendance registers copied into the minutes after the final item:

ABSENT WITHOUT APOLOGY:

Geen / None

1. OPENING

- The Chairperson called the meeting to order and welcomed all present.

2. ELECTION OF (ACTING) SPEAKER, IF NECESSARY

N/A

3. APPLICATIONS FOR LEAVE OF ABSENCE

- Cllr. W Farmer requested leave of absence, the Speaker will grant this request retrospectively, pending on a medical certificate that must be submitted.

4. INTERVIEWS WITH OR PRESENTATIONS BY DEPUTATIONS

- Department Water and Sanitation: Raising of the Clanwilliam Dam
 - o Mr. Steven Arumugam

(See Attached)

5. CONFIRMATION OF MINUTES

- 1) That Council noted the minutes of 14 December 2023, inclusive of all In-Committee minutes as tabled;

- 2) That a more detailed report, and the change and adding of some wording, of 14 December's minutes be submitted at the next Council Meeting in order to obtain approval; and
- 3) It be noted that the Administration will continue with the implementation of resolutions taken in the said minutes.

Proposed: Cllr. F Kamfer

Seconded: Cllr. R Richards

6. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

RB06/31-01-2024

RESIGNATION OF COUNCILLOR M HEINS

RESOLVED:

- a) Council noted:
 1. the resignation of Maxwell Heins, as Ward Councillor of Ward 3 and Councillor of Cederberg Municipality; and
 2. that a vacancy had now been declared in Council and that due processes be followed.

7. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR

- See attached.

8. REPORT BY THE EXECUTIVE MAYOR ON DECISIONS TAKEN BY THE EXECUTIVE MAYOR, THE EXECUTIVE MAYOR TOGETHER WITH THE DEPUTY EXECUTIVE MAYOR AND THE EXECUTIVE MAYOR TOGETHER WITH THE MAYORAL COMMITTEE

- Geen / None

9. MATTERS FOR CONSIDERATION

Rules of Order for Internal Arrangement

Part Four:

2. DECISIONS AND VOTING

- 2.1 In the event that the Speaker enquires from the attendees at a meeting if they are in agreement with recommendation/s and there is no opposition by any member present, recommendations are adopted.
- 2.2 The Speaker must put every apposed motion to the vote by calling upon the members to indicate by a raising of hands unless otherwise prescribed by law, whether they are in favour of or against such motion. The result of the vote must thereafter be declared by the Speaker.
- 2.3 The number of members voting in favour of or against an item, is to be recorded in the minutes. Members may abstain from voting without leaving the meeting and may request that his/her abstention be recorded in the minutes of that meeting. Consequently, subsequent to the speaker's declaration of the result, a member may demand that his or her opposition or support of a decision be recorded in the minutes and the Municipal Manager must accordingly arrange for the same.
- 2.4 All decisions must be taken by a supporting vote of the majority of the members present at any meeting of the Council.
- 2.5 The Municipal Council must reconsider a decision taken if the majority of members lodge a request in writing with the Municipal Manager. This shall apply unless such reconsideration adversely affects existing rights. Motions for the reconsideration of decision must be submitted in terms of Rule 5 of the Rules of Order.
- 2.6 Notwithstanding the provision of this Rule, the Council may at any time following a recommendation by the Mayor, rescind or amend any resolution passed by it.

Part 5

4. Councillor to address chair

A member who speaks at a meeting must address the chair.

Part 5

16. Order of priority

- 16.1 The Speaker must ensure that there is maintenance of order. To this end, the Speaker may, if he / she deems it necessary, at any time in a meeting direct an officer to remove or cause the removal of any person, excluding a member, from the Council Chamber. The Speaker may also direct that the public gallery be vacated.
- 16.2 The removal of any person or persons who refuse to carry out any reasonable instruction given by the Speaker or obstructs the carrying out of such instruction may be ordered by the Speaker.

Part 5

3. Precedence of the Speaker

Silence must be observed by all present in meeting when the Speaker addresses meetings in order for the Speaker to be heard without interruption. Whenever the speaker addresses the meeting, all members must be silent so that the speaker may be heard without any interruption. Council must be addressed by members through the Speaker.

13. Relevance

Speeches by members must address the subject or matter under discussion or to an explanation or to a point of order. In this regard, no discussion shall be tolerated in relation to the anticipation of any matter on the agenda or in respect of any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of inquiry, whether instituted in terms of legislation or not, is pending, provided that such matter may be considered with the permission of Council.

Part 5

5. Right to speak

A member is provided with an opportunity to speak with the permission of the Speaker only once for no longer than 5 (five) minutes on a matter before the meeting unless authorised by the Chairperson.

A member is entitled to speak once on any recommendation, motion or proposal, provided that the Mayor or Member may reply to conclude a debate and shall restrict himself/herself to answering previous speakers rather than the introduction of new matters.

Prior to the consideration of any item contained in the report of the mayor in reply to a specific question or during discussion of the same, the Speaker shall permit the Mayor, MMC or Chairperson of the Committee in terms of section 79 and 80 of the Local Government Municipal Structures Act 117 of 1998 who made the proposal in terms of rule 9 or rule 14 of part 5 of these Rules to make an explanatory statement.

6. Length of speeches

- 6.1 A member may (unless authorised otherwise by the Speaker) only speak once to-
- 6.1.1 the matter and any amendments to that matter that is before the council;
- 6.1.2 any motion before the council;
- 6.1.3 to a matter or an amendment proposed or to be proposed by himself or herself;
- 6.1.4 a point of order or a question of privilege, unless authorised by the speaker or as provided for in terms of these rules.
- 6.2 No new matters may be introduced by a mover that speaks to a motion and replies to previous speakers in a debate. The right of reply shall not extend to the mover of an amendment which, having been carried, has become substantive motion.

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9.1 DISCUSSIONS BY COUNCIL AND RESOLUTIONS TAKEN

9.1A CHANGE IN ORDER OF BUSINESS PERMITTED BY THE SPEAKER

9.2 URGENT ITEMS SUBMITTED BY THE MUNICIPAL MANAGER

RB9.2.1/31-01-2024 NOTICE OF MOTION: SW VAN ZYL TRUST – CASE NUMBER 22969/23

RESOLVED:

1. That Council:

- a. Approve and authorize the Municipal Manager to oppose the Notice of Motion proceedings in the High Court that was served on 16 January 2024 on Cederberg Municipality by SW Van Zyl Trust
- b. Council authorizes and ratifies the action taken by the Municipal Manager to oppose the pending action from SW Van Zyl Trust and to engage in the present application proceedings.

Proposed: Cllr. R Richards

Seconded: Cllr. L Venter

RB9.2.2/31-01-2024 WATER PURIFICATION WORKS

RESOLVED:

- a) That Council takes note of this report.

- b) That Council grants and approve the Administration to facilitate and commence with the necessary processes to obtain development rights and subsequent approvals for the water purification plant.
- c) That Council grants and permit the Administration using Council owned property Remainder Erf 357 Clanwilliam for a water purification plant. Further investigation should commence for the exact location and specifications of the plant as required.

Proposed: Cllr. A Mouton

Seconded: Cllr. L Venter

RB9.1.1/14-12-2023 SUBMISSION AND TABLING OF ANNUAL REPORT 2022/2023

RESOLVED:

1. Council to adopt the Annual Report of Cederberg Municipality for the 2022/23 financial year;
2. That Council take note that outstanding components i.e Audited financial statements and Audit report will be include as soon as the AG has finalised the audit process by 31 January 2024.
3. That Council take note that we informed Department of Local Government and Provincial Treasury about the delay in the audit report and audited financial statements.
4. That the administration submit an OPCAR (Operation Clean Audit Reports), related and relevant to this report to correct all audit findings to the Municipal Public Accounts Committee.

5. That the Municipal Public Accounts Committee within two months from today in terms of Section 129 of the MFMA, submit an Oversight Report containing the Council's comments on the Annual Report.
6. That the administration make the Annual Report public.
7. Invite the local community to submit representations in connection with the Annual Report.
8. Submit the annual report to the Auditor-General, the relevant provincial treasury and the provincial department responsible for local government in the province.

Proposed: Cllr. L Venter

Seconded: Cllr. A Mouton

Counter Proposal: Cllr. A Scheepers

Seconded: Cllr. P Strauss

VOTE

FOR	AGAINST	ABSTAIN
3 – CE 2 – DA 1 – FF+	3 - ANC	-

RB9.1.2/31-01-2024 MID-YEAR BUDGET & PERFORMANCE REPORT (SECTION 72) 2023/2024

RESOLVED:

1. Council take note and approve the: Section 72 Mid-Year budget and performance report for the first half of the 2023/2024 financial year;

2. That the Municipal Manager and Executive Management compile an adjustment budget for 2023/2024.
3. That the 2023/2024 Adjustment Budget be tabled to the Council by not later than 28 February 2024.
4. That copies of the Mid-Year Budget and Performance Report be made available on the Municipal Website
 - Copies sent to Provincial Treasury, National Treasury and Department of Local Government.

Proposed: Cllr. L Venter

Seconded: Cllr. A Mouton

Counter Proposal: Cllr. F Kamfer

(Not in support. ANC component not given the opportunity to participate in due processes and input)

Seconded: Cllr. Strauss

VOTE

FOR	AGAINST	ABSTAIN
3 – CE	3 - ADC	-
2 – DA		
1 – FF+		

RB9.1.3/31-01-2024 PROGRESS REPORT: REGIONAL LANDFILL SITE

RESOLVED:

1. Council wait for the final report from the expert Mr Jan Palm with regards to options A & B in the progress report. That Mr Jan Palm presents his findings to Council.

2. That the municipality make provision in the Adjustment Budget for the proportional contribution to the interest amount of the construction of the Regional Landfill site: ± R2 000 000 (R2 million rand).

Proposed: Cllr. R Richards

Seconded: Cllr. F Kamfer

RB9.1.4/31-01-2024 RENTING OF MUNICIPAL OFFICE SPACE

RESOLVED:

- A) That Council approved / condoned the regulation 36(1) (b): Deviation of Prescribed Procurement Processes for Renting of Municipal Office Space for the Supply Chain and Financial Department.

Proposed Cllr. R Richards

Seconded: Cllr. F Kamfer

RB9.1.5/31-01-2024 SALE OF OBSOLETE ASSETS BY PUBLIC AUCTION

RESOLVED:

1. That Council approved the sale of obsolete vehicles.
2. Council approved that the assets are permanently removed from the asset register.

Proposed: Cllr. R Richards

Seconded: Cllr. F Kamfer

RB9.1.6/31-01-2024 REVISION EVENTS POLICY AND EVENTS BY-LAW

RESOLVED:

1. The draft Events policy and by-law is approved by Council;
2. That the draft Events by-law is published for public comment with the following amendments:
 - a) **Heading of Column 4 to read:** Maximum time for the municipality to respond;
 - b) Time to respond for all mentioned categories is **7 working days**.
3. That the public comments be collated and be re-submitted to Council for final approval into section 12 to 15 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

Proposed: Cllr. R Richards

Seconded: Cllr. F Kamfer

RB9.1.7/31-01-2024 ERF 168 LAMBERTS BAY GOLF-CLUB

RESOLVED:

1. That council rescind the decision referred to as "RB6.1.7/26-02-2021 OPPORTUNITIES FOR ALIENATION OF MUNICIPAL PROPERTIES" referring to the alienation of erf 168, Lambertsbay, otherwise referred to as Lambertsbay Golf club.

2. That Council acknowledge that said property is urgently needed to create a safe and healthy environment for the broader Cederberg urban and informal settlement communities, in co-operation with animal welfare organisations.
3. That the Municipal Manager be mandated to enter into discussions with all animal rights organisation in the Cederberg Municipal area, with a view to entering into a MOU for services, aligned with Cederberg by-laws, as required i.t.o. our constitutional mandate.
4. It was further resolved that all Council properties will be dealt with in terms of the same principles.

Proposed: Cllr. R Richards

Seconded: Cllr. F Kamfer

No Counter Proposals

RB9.1.8/31-01-2024 MUNICIPAL PUBLIC ACCOUNT COMMITTEE (MPAC) CHARTER AND WORK PLAN

RESOLVED:

1. Council approved the Cederberg Municipal Public Accounts Committee Charter and annual work plan.

Proposed: Cllr. R Richards

Seconded: Cllr. F Kamfer

RB9.1.9/31-01-2024 **TABLING OF THE BI-ANNUAL PROGRESS
REPORT ON THE IMPLEMENTATION OF
COUNCIL RESOLUTIONS FOR THE PERIOD
01/07/2023 - 31/12/2023**

RESOLVED:

- a) That Council take cognisance of the progress made with regard to the implementation of Council resolutions for the period 01 January 2023 until 30 June 2023; and
- b) It also be noted that the progress report is incomplete, and that the completed progress report be tabled at the next Council meeting scheduled in February 2024.

Proposed: Cllr. R Richards

Seconded: Cllr. F Kamfer

IN-COMMITTEE RESOLUTIONS TAKEN BY COUNCIL ON 31 JANUARY 2024

RB9.1.11/31-01-2024 UPDATE ON CLACKSON POWER SETTLEMENT DISCUSSION

RESOLVED:

- a) That council take note of the progress on settlement discussions for Item no RB9.1.11/31-01-2024 "UPDATE ON CLACKSON POWER SETTLEMENT DISCUSSION"

RB9.1.12A/31-01-2024 ELECTION OF ACTING SPEAKER TO HANDLE THE MATTER PERTAINING CLLRS HAYES AND FARMER:

RESOLVED:

- a) That Cllr. Van Heerden be elected as interim Speaker to handle the said matter.

Unopposed

RB9.1.12/31-01-2024

**ITEM 16: BREACH OF ITEM 2(B) OF
SCHEDULE 7 OF THE LOCAL
GOVERNMENT: MUNICIPAL STRUCTURES
ACT 1998 (ACT 117 OF 1998) CODE OF
CONDUCT FOR COUNCILLORS: CLLR. J
FARMER**

RESOLVED:

1. That Council, in terms of the Code of Conduct approved the appointment of a suitably qualified person for the completion of preliminary investigation;
2. That the Municipal Manager be mandated to procure the services of a suitably qualified person in terms of the Supply Chain Management Policy of Council.
3. That the person appointed, submit a complete report to Council on their findings and make recommendations to Council in terms of their findings.

Proposed: Cllr. L Venter

Seconded: Cllr. A Mouton

Counter Proposal: Cllr. A Scheepers
(Processes is wrong)

Seconded: Cllr. F Kamfer

VOTE

FOR	AGAINST	ABSTAIN
3 – CE 2 – DA 1 – FF+	3 - ANC	-

RB9.1.10A/31-01-2024

**ELECTION OF ACTING SPEAKER TO
HANDLE THE FOLLOWING MATTER:
THIRD SUBMISSION: GAP MANAGEMENT**

RESOLVED:

- a) That Cllr. Van Heerden be elected as interim Speaker to handle the said matter.

Unopposed

RB9.1.10/31-01-2024

**THIRD SUBMISSION RE: GAP
MANAGEMENT**

RESOLVED:

1. That the administration be mandated to proceed with the Notice of Motion, including an urgent application to suspend the Writ of Execution (attached hereto as **Annexure D** and **E**);
2. That the administration be mandated to proceed to implement the resolutions included in **RB7.1.10/24-11-2023 CONTINUED : SECOND SUBMISSION ON GAP MANAGEMENT SECURITY CONTRACT** and provide timeous feedback to Council.

Proposed: Cllr. L Venter
Seconded: Cllr. A Mouton
Counter Proposal: Cllr. F Kamfer
Seconded: Cllr. P Strauss

VOTE

FOR	AGAINST	ABSTAIN
3 – CE 2 – DA 1 – FF+	3 - ANC	-

9.3 Matters for notification

- Geen / None

9.4 Consideration of notices of questions

- Geen / None

10. CLOSURE

- Meeting adjourned.

VOORSITTER / CHAIRPERSON

DATUM / DATE

Speech at a full sitting of the Cederberg Municipal Council meeting held on 31 January 2024 (10h00), Clanwilliam Council Chambers

Speech delivered by
Executive Mayor, Dr Ruben Richards



Speech title

2024 - THE YEAR OF GOOD GOVERNANCE IN THE CEDERBERG

Service delivery protests, Ministerial protests and the quest for clean water

WELCOME BACK

Good morning Speaker, Dr John Hayes, fellow councillors, MM (Gerrit Matthyse), Directors and all participants in this council meeting including those online. Allow me to add my words of welcome to Ms Ntombizanele Bila-Mupariwa (Western Cape Provincial Head of the Department of Water and Sanitation [DWS]) and her team who are joining us in this council meeting today. I look forward to the DWS presentation as we eagerly join hands with DWS to make the raising of the Clanwilliam Dam Wall a reality in our lifetime. I say this because many have given up hope that this Clanwilliam Dam Wall project would be completed. Ms Bila-Mupariwa (or Zanele as you insist we call you), please convey to the Minister, Senzo Mchunu, our sincerest thanks for his commitment and energy to ensure that the Raising of the Clanwilliam Dam Wall project is successfully completed within the next 54 months as has been promised by the engineers.

Speaker, this is our first council meeting for 2024. I therefore want to wish everyone, including our guests, a happy new year. I wish you all the best for 2024. I will resist the temptation to provide you with a motivational speech here today, save to challenge and beg you that in this new year of 2024 you do so much that people will think that you lived five years in one year.

Mr Speaker, this mayoral report to council is essentially what I shared at the Mayco meeting last week. I believe it has relevance for our council meeting today, so I beg the indulgence of my Mayco colleagues as I read into this council record what I had shared at Mayco last week.

A DISRUPTIVE FESTIVE SEASON

Speaker, as you know, on 14 December 2023 council went into recess. It would seem that as we went into recess to rest, the forces of disruption awoke and were determined to attack and undermine the municipality. Fortunately, our Disaster Management and Festive Readiness Plan was in place and we seem to have managed to bring both calm and order to our municipality over the festive season.

Mr MM, please convey to your team the sincerest thanks from the Mayor for the professional manner in which the administration managed the challenges of the festive season. Of course there is room for improvement. But thank you MM and the acting MM, Nico Smit, for the leadership you provided during this period. A special thanks to the Acting Manager Resorts, Mr Patrick Donn, for the super efficient and transparent manner in which he managed our resorts over the festive season.

Unfortunately, the festive challenges included legal challenges and demands from former service providers to demands from residents and altercations in the public eye involving Cederberg Councillors.

It is most unfortunate that on 2 January 2024, two of our councillors (Speaker John Hayes and Cllr William Farmer) were involved in an incident involving physical assault which was captured on video and circulated on social media. This matter will be subject to an official enquiry as we follow due process to establish the facts and put in place remedies where deemed appropriate.

RESIDENTS PROTEST – demand for removal of councillor and lifting of suspension of municipal workers

On 18 January 2024, the Cederberg municipality experienced its first “service delivery” protest march since the 2021 LGE (local government elections). This took place in Lamberts Bay, and is linked to the 2 January 2024 Hayes/Farmer incident. The acting Mayor on that day, Leone Venter, received the memorandum from the protestors in Lamberts Bay which had three demands which were addressed within the 48-hour timeline demanded by the protestors:

- Demand 1 - The Speaker John Hayes, should be removed as a councillor and Speaker as we have voice notes implicating him in unlawful interference in the affairs of the municipality.
- Demand 2 - The immediate lifting of the suspension of the following employees: Bino Farmer, Sachin Farmer, Andries Titus, Anthony Mlata, Craig Sheldon, Johan Muller, Andre Dirk
- Demand 3 - Explanation to us on how a copy of the occupation certificate of Andries Booysen ended up in the possession of Willem Engelbrecht.

I attach a copy of the memorandum and MM’s response to the demands as Annex 1. In short, the response was that we adhere to principles of good governance and furthermore, the removal of people from office does not happen on demand but follows due process. And that is how the protest action from residents was dealt with.

MINSTERIAL PROTEST – demand for clean water

The 2024 year also started with a bang from a National government Minister point of view. I refer here to the Minister of Water and Sanitation, Senzo Mchunu, who held a no nonsense naming and shaming water indaba where defaulting Mayors were not only put on the red carpet but also received a tongue lashing from a minister determined to fix the water crisis facing South Africa.

The Tech Director (Riaan) and I attended the Water Indaba in Joburg (18-19 Jan 2024) as hosted by the Minister of DWS – Senzo Mchunu and co-hosted by COGTA Minister Nkadimeng. It was a crisis-oriented meeting. The long and short is the following: There are 144 water authorities in South Africa provides and processes South Africa’s water via the more than 250 municipalities in South Africa. Of these 144 water authorities, only 12 municipalities (18%) are doing an acceptable job.

Worryingly 105 water authorities (73%) are critical or poor - UNDERPERFORMING. Cederberg is classified as one of the underperforming authorities.

All the underperforming municipalities (i.e. water authorities) were clustered into a room and we were given a tongue lashing by the Minister. That was the tone of the Water Indaba. Mayors were asked to stand up etc etc in front of the whole conference and pledge that they would take accountability and implement urgent measures. As Mayor of Cederberg I stood up, knowing full well that I am having to take responsibility for what happened in the Cederberg before I became Mayor. I guess that is the challenge of leadership – to take responsibility and not hide behind blaming others. Our water situation in Cederberg deteriorated dramatically during the previous dispensation and under the leadership of other political parties.

Speaker, I am glad to report that since we have taken the reins of governance things have improved. Like the Minister, we have also called for SKOON WATER – CLEAN WATER.

The Water Indaba in Joburg (18-19 Jan 2024) passed a number of urgent resolutions including that all underperforming water authorities must outsource their water function – yet retain their control as a water authority. Underperforming authorities were given three years to “get their act together”. The Deputy Minister threatened jail time for non-compliant Mayors etc. That gives you some idea of the tone and urgency from a ministerial point of view.

The Technical Director who accompanied me to the Water Indaba provided Mayco with a detailed feedback report and our water challenges and proposed interventions will certainly be a critical part of our upcoming strategic planning session tomorrow.

I am comforted that the concerns raised by the Minister were indeed raised by ourselves at our own Cederberg Water Indaba which the Mayor hosted on 13 November 2023 (Annex 3 below). It would seem that the Cederberg and the National Minister of Water and Sanitation are on the same page.

And so, Speaker, we not only had residents protesting but also National Ministers protesting about among others service delivery. All I can conclude is that everyone is now desperate for the delivery of basic services, something which we in the Cederberg are beginning to get right.

2024 – THE YEAR OF GOOD GOVERNANCE

Let me conclude with a few comments about our 2024 focus which will be on good governance. Our municipality remains under the constraints and guidance of the 154 turnaround plan as prescribed by provincial government. I am happy to report that we have improved dramatically with room for improvement, obviously. I will leave the finer details of the turnaround to the MM, the CFO and their teams. I just want to say thank you to the MM and his team for the dedication and determination to turnaround our municipality. My quest for clean water, clean towns and clean administration has been heeded. I invite everyone to fasten their seatbelts. And as is usually the case, if you have no fear of the ride, you will enjoy the ride. The converse is also true.

My focus for Cederberg for 2022 and 2023 was essentially one of stabilisation in terms of service delivery amidst extreme political dysfunction. Fortunately, we have stabilised both politically and at the level of service delivery although serious challenges still remain. However, this time round, we at least have a handle on it and we are blessed to now have a competent technical team appointed. All the best to you Riaan (our new technical director who started on 15 November 2023) and your team. It bears mention that with Riaan’s appointment the Cederberg, for the first time in 13 years,

now have a complete fulltime top management team. I need not belabour the point that there is much to be done to rectify 13 years of mismanagement and administrative dysfunction.

The focus for 2024 will be good governance at all levels but with particular reference to the implementation of Consequence Management. So to the MM (Gerrit) and your team, I wish you strength and courage to implement consequence management promptly, professionally and restoratively.

Oops, let me conclude otherwise I will talk all day.

Thanks and blessings to you all.

Executive Mayor

Dr Ruben Richards

ANNEX 1 - LAMBERTS BAY PROTESTORS' MEMORANDUM (18 JANUARY 2014)

Memorandum of Grievances with the Cederberg Municipality

This is a scan

Chapter 43 of our Bill of Rights provides for freedom of assembly and creates the space both to speak and to be heard. A single voice is likely to be drowned out in our society. A choir is far more likely to get its message across. Moreover, power in modern nation societies invariably concentrates in and around large social formations: meaningful dialogue between these large social formations often requires the collective efforts of demonstrators, picketers and protestors. That freedom to speak one's mind is now an inherent quality of the type of society contemplated by the Constitution as a whole and is specifically promoted by the freedoms of conscience, expression, assembly, association and political participation protected by Sections 15 - 19 of the Bill of Rights.

With this in mind we, the People of Lamberts Bay, hereby want to bring the following matters to the attention of the Municipal Manager, with the absolute intention to get answers within 48 hours of receipt of this Memorandum:

1. Unlawful interference of the Speaker of Cederberg Municipality, Johan Hayes, in the affairs of the municipality.
2. The suspension of seven employees of the Cederberg Municipality.
3. The occupation certificate of Andries Booysen in the possession of Willem Engelbrecht.

We therefore demand the following:

Demand 1

The Speaker John Hayes, should be removed as a councillor and Speaker as we have voice notes implicating him in unlawful interference in the affairs of the municipality.

Demand 2

The immediate lifting of the suspension of the following employees:

Bino Farmer

Sachin Farmer

Andries Titus

Anthony Mhlata

Craig Sheldon

Johan Muller

Andre Dirk

Demand 3

Explanation to us how a copy of the occupation certificate of Andries Booysen ended up in the possession of Willem Engelbrecht.

Signed on the 16th January 2024 in Lamberts bay

Signed by

11 
Municipal Manager


Aggrieved Community Members

ANNEX 2 – MM RESPONSE TO LAMBERTS BAY PROTEST MEMORANDUM



**MUNISIPALITEIT
MUNICIPALITY
UMASIPALA**

Meld asb. in u antwoord / In your reply please quote

Verwysing / Reference

Navrae / Enquiries GF MATTHYSE

☎ (027) 482 8000

☎ (027) 482 1933

✉ admin@cederbergraad.co.za

✉ Privaatsak/Private Bag X2

CLANWILLIAM

Mr Ashley Cloete

Kooperasie Street

LAMBERT'S BAY

8130

Dear Mr Cloete

RE: MEMORANDUM OF GRIEVANCES WITH THE MUNICIPALITY

We acknowledge receipt of your Memorandum of Grievances with the Cederberg Municipality dated 18 January 2024 which you submitted on behalf of the aggrieved community members/residents of Lamberts Bay.

We respect the rights enshrined in our country's Constitution and Bill of Rights as quoted by yourselves, and in that spirit we herewith happily respond to your Memorandum of Grievances.

We shall respond to each of the demands as set out in your memorandum.

Your Demand 1:

"The Speaker John Hayes, should be removed as a councillor and Speaker as we have voice notes implicating him in unlawful interference in the affairs of the municipality."

- 1.1 Please be informed that the removal of a councillor is regulated by prescripts of law and not demands from the public. In this regard I bring to your attention the relevant legislation as set out in the Local Government: Municipal Structures Act, 117 of 1998 as amended which prescribes certain provisions in terms of which a councillor vacates office, with particular reference to sections 27 and 40 of the Act.

Rig alle korrespondensie aan die Munisipale Bestuurder / Address all correspondence to the Municipal Manager

- 1.2 I confirm that Councillor John Hayes is the speaker of Council. We advise that you submit evidence or copies of same that you allege regarding Cllr John Hayes so that the regulatory processes can be activated to test the said allegations.

Your Demand 2:

The immediate lifting of the suspension of the following employees: Bino Farmer, Sachin Farmer, Andries Titus, Anthony Mlata, Craig Sheldon, Johan Muller, Andre Dirk

- 2.1 Please be advised that suspension of employees are done in terms of a process as stipulated in the Disciplinary Procedure Collective Agreement of the South African Local Government Bargaining Council (SALGBC) and must also be lifted / ended in terms of the same Collective Agreement.
- 2.2 Therefore, and as such, disciplinary actions are not done in terms of a demand by the public.
- 2.3 Furthermore, without prejudice to the legitimate rights of our employees, in terms of various pieces of legislation, we want to state that none of the employees named, barring the first two names mentioned in your demand are suspended.
- 2.4 We assume that the last employee mentioned in your list, namely, Andre Dirk, is possibly reference to Mr Andre Dirkse. If this is the case then I can inform you that Andre Dirkse is no longer an employee of the municipality. He resigned.
- 2.5 We may unfortunately not divulge any further information pertaining to any of the employees mentioned, due to the possibility of infringement of their legal rights.

Your Demand 3:

Explanation to us on how a copy of the occupation certificate of Andries Booysen ended up in the possession of Willem Engelbrecht.

- 3.1 The allegation made in demand number three is not known to council.
- 3.2 You will need to provide all information in terms of demand number 3, as council cannot respond to why an occupation certificate of one resident is in the possession of another.

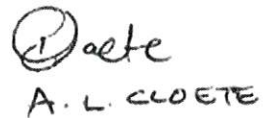
3.3 Therefore, in order for council to meaningfully respond to the allegation, please provide further and concise information

We thank you for your interest in the municipality. We invite all citizens to actively and constructively engage with the municipality. The vision of the municipality is to be the home of good governance, service excellence and opportunities for all. All constructive criticism and suggestions are therefore welcome as we collectively try to fix and repair many years of dysfunction and neglect of the municipality.

Kind regards



G MATTHYSE
MUNICIPAL MANAGER



A. L. CLOETE

ANNEX 3 – CEDERBERG WATER INDABA – 15 November 202



MUNISIPALITEIT MUNICIPALITY UMASIPALA

Meld asb. in u antwoord / In your reply please quote

Ons Verwysing / Our Reference : Water Indaba 15 Nov 2023

Navrae / Enquiries : **Dr R Richards (Executive Mayor)**
U Verwysing / Your Reference : Water Indaba 15 Nov 2023, Clanwilliam

☎ (027) 482 8000

☎ (027) 482 1933

✉ admin@cederbergraad.co.za

or mayor@cederbergraad.co.za

📮 Privaatsak/Private Bag X2
CLANWILLIAM
8135

KANTOOR VAN BURGEMEESTER / OFFICE OF THE EXECUTIVE MAYOR

13 November 2023

Attention: Frikkie De Wet (en Bernie v/d Heever; Dirkie Mouton); Jannie Toerien; Martli Slabber; Kobus Steenkamp

Copy: MM (Gerrit Matthyse) & Technical Team

SUBJECT: WATER INDABA – 15 NOVEMBER 2023 – 14H00 - COUNCIL CHAMBERS, CLANWILLIAM

Dear Stakeholders and Colleagues

I wish to formalise the invitation you received last week from my office to attend what I call a “Water Indaba”. Thank you for agreeing to attend.

The purpose and agenda for the meeting is straightforward: My mission is “Scoon Water”. As a municipality we must do what we can to improve the quality of all our water in the

Cederberg region. You have been invited because you represent the water users in our municipal region and therefore would have a broad perspective and I am sure you have some solutions to the challenges we face.

I look forward to a fruitful engagement – the first of perhaps a few such engagements into the future.

The Municipal team will include the Municipal Manager, the newly appointed Director-Technical Services and our Water specialist/manager. Mayco and MPAC will also be invited.

Sincerely

A handwritten signature in blue ink that reads "Ruben Richards". The signature is written in a cursive style with a horizontal line underneath the name.

Dr Ruben Richards

Executive Mayor

Draft Agenda for Water Indaba hosted by
Executive Mayor, Dr Ruben Richards
15 November 2023 (14h00 to 16h00)
Council Chambers, Clanwilliam

	Topic	Time	Description / Focus	Responsible person
1	WELCOME	3 min		Mayor
2	INTRODUCTIONS Identifying roles and mandates	5 min	<ul style="list-style-type: none"> Each participant locates him/herself in terms of "mandate" or "responsibility linked to a water user constituency" 	ALL
3	QUANTITY – *Water Demand and Supply	20 min	<ul style="list-style-type: none"> Water demand – volumes deduced from readings taken from household usage Water supply – Is there a gap between supply and demand 	Heiny Adams
4	QUALITY – *Blue and Green Drop status	20 min	<ul style="list-style-type: none"> Do we meet the required standards and prescribed thresholds Are we polluting the environment? 	ALL
5	RISK & IMPACT *Identify factors *Mitigation solutions	20 min	<ul style="list-style-type: none"> Impact on downstream users Riverview case study – the Night Soil factor DWS standards review (1: 5 ratio for toilets) (1 to 25 service ratio for stand pipe within 80m radius re: population of households serviced) 	ALL
6	GROWTH *Impact of population growth	20 min	<ul style="list-style-type: none"> Impact of population growth/users on the current bulk water supply (bearing in mind the additional workers linked to the Clanwilliam Dam construction, for example) Bulk Water challenges (per town). E.G.-Citrusdal (new 3ML to cost R6m; 2ML for Lamberts Bay to cost R2,5m) 	ALL
7	NEXT STEPS	10 min	<ul style="list-style-type: none"> List of actions to be taken 	MM
8	FOLLOW UP MEETING	3 min	<ul style="list-style-type: none"> When?? 	Mayor

OLIFANTS DOORN RIVER WATER RESOURCES PROJECT

Raising of Clanwilliam Dam

Presented by : Steven Arumugam
Designation : Chief Director
Chief Directorate : Infrastructure Development
Date : 31 January 2024

WATER IS LIFE - SANITATION IS DIGNITY



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

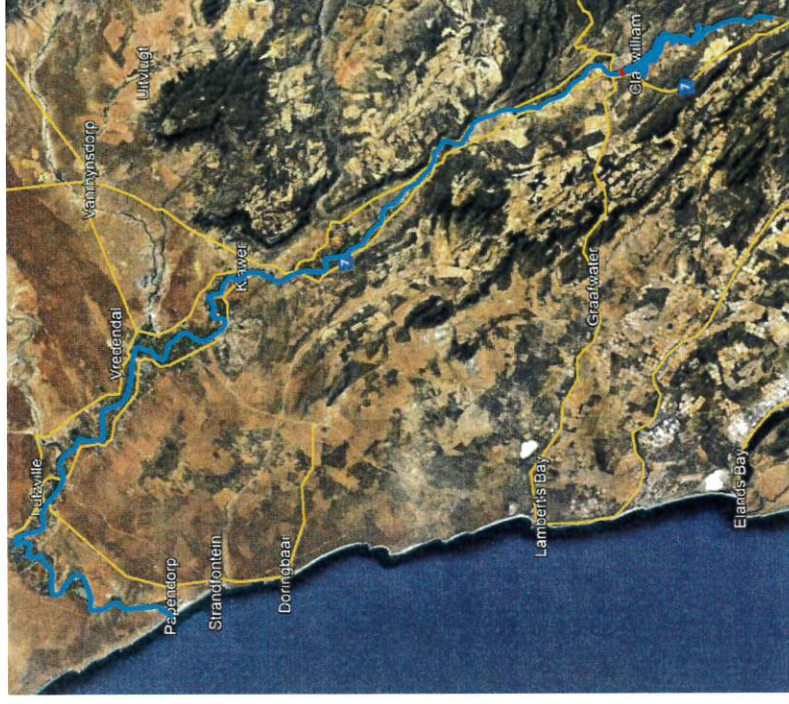
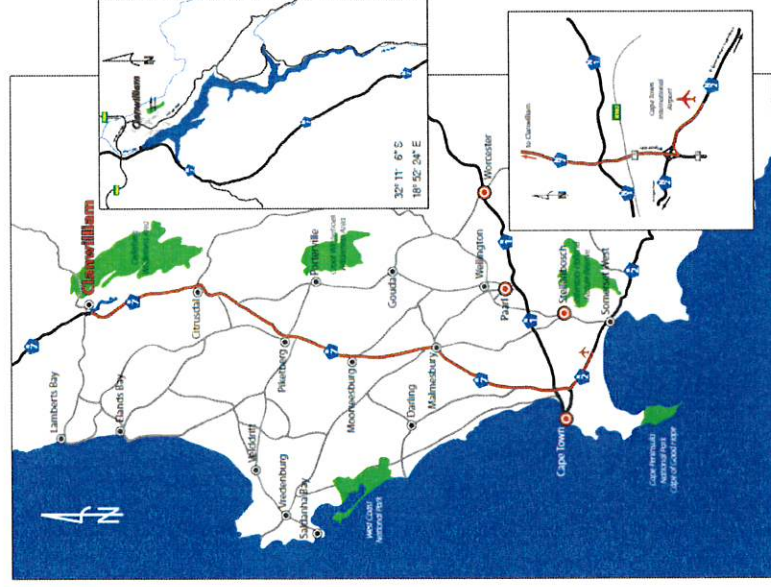


OLIFANTS DOORN RIVER WATER RESOURCES PROJECT

PROJECT

BACKGROUND: historic background on dam

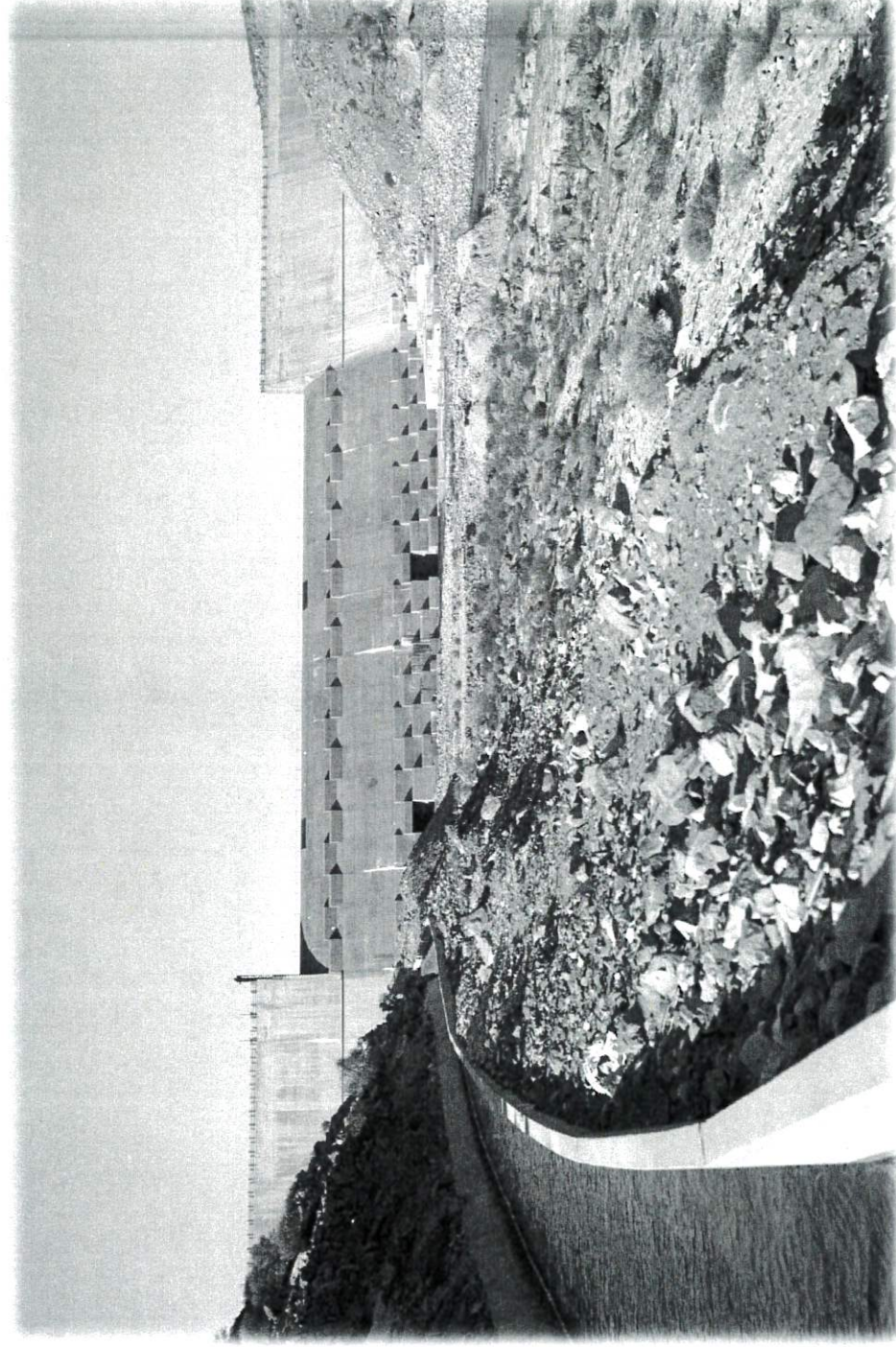
The Olifants-Doorn River Water Resources Project (ODRWRP) supplies raw water from the Clanwilliam Dam to farmers, municipalities, mines and industries in the Olifants River valley between the dam and the estuary.



WATER IS LIFE - SANITATION IS DIGNITY

PROJECT

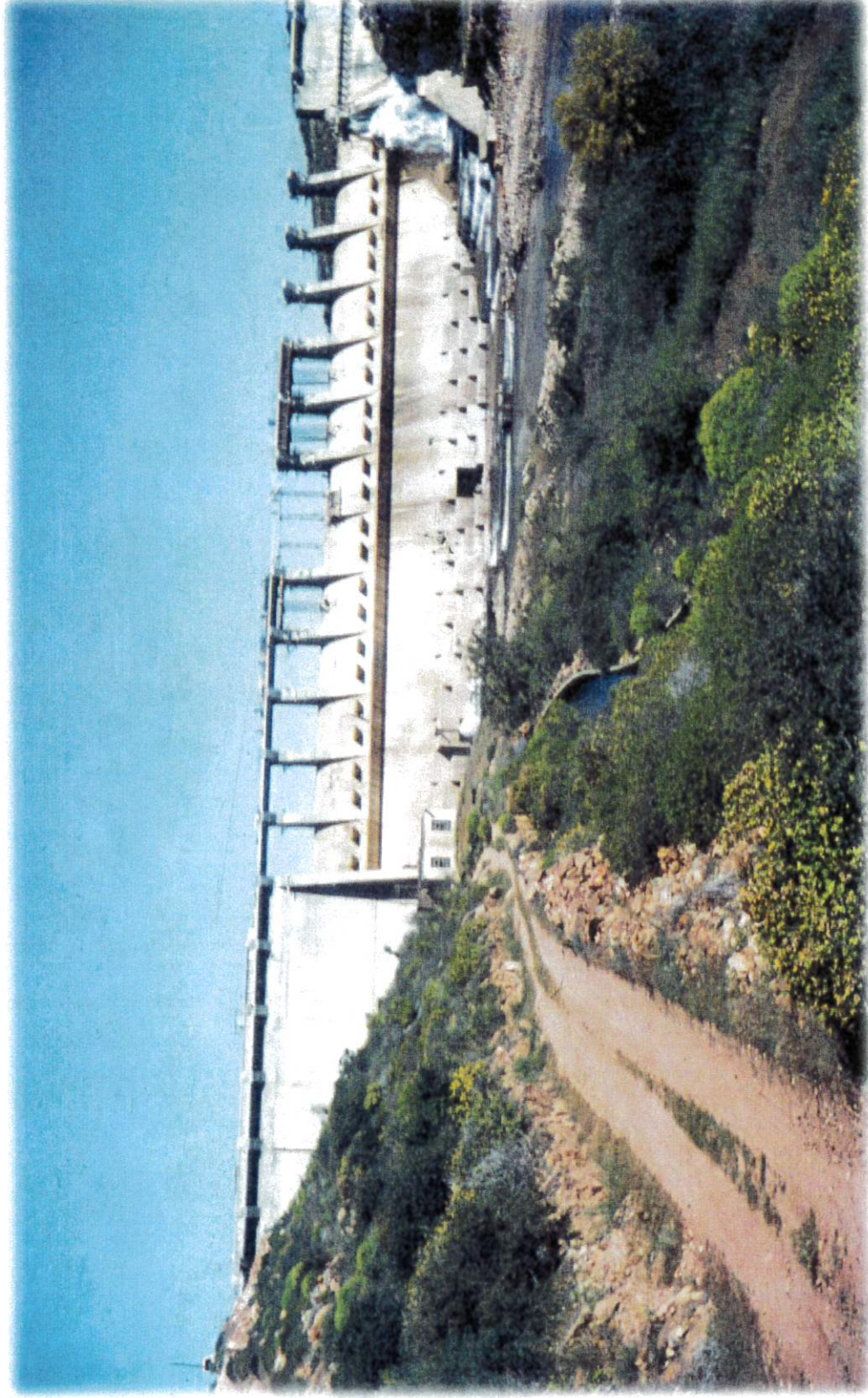
The **BACKGROUND** William Dam was constructed in 1935.



PROJECT

BACKGROUND

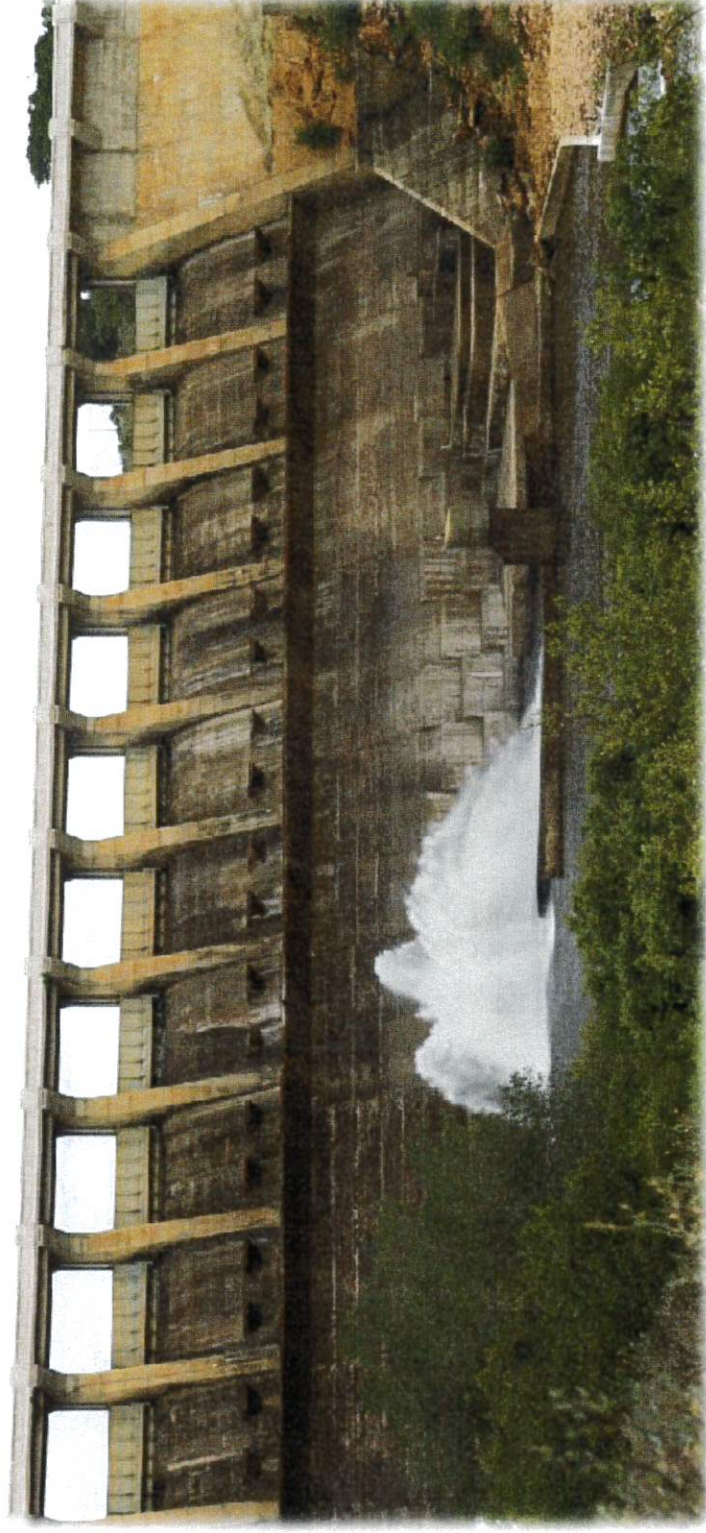
Between 1966 and 1969 the dam was raised by 3 m to its current level.



PROJECT

BACKGROUND

The current storage capacity of the dam is 123 million m³



PROJECT BACKGROUND

2. Reasons for raising the dam

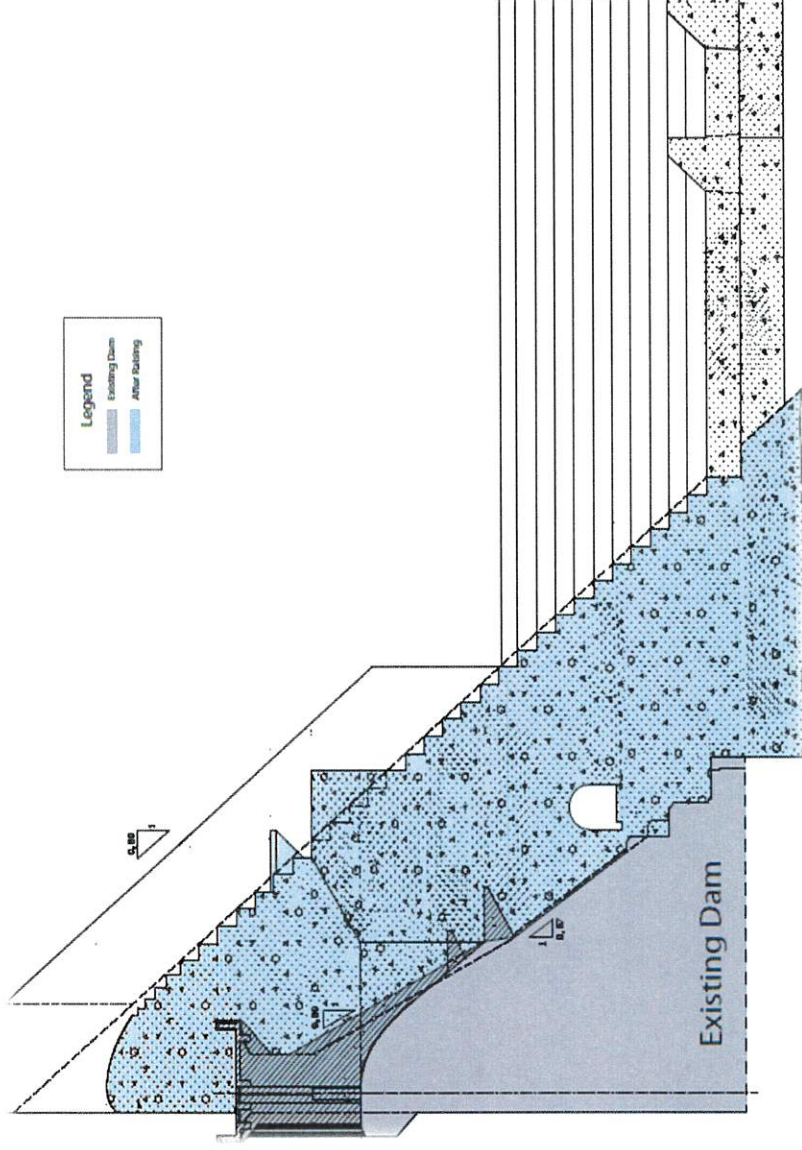
The National Water Act, Act 36 of 1998 (NWA), Chapter 12, as well as the Dam Safety Regulations of 2012 (DSR) is aimed at “*improving the safety of new and existing dams with a safety risk so as to reduce the potential harm to the public, damage to property or to resource quality*”.

In **compliance with the NWA and DSR dam safety inspections** on the Clanwilliam Dam showed that remedial work is required to stabilise the dam wall and to improve the safety of the dam **under high flood conditions** to comply with best practice dam safety standards. This would involve major construction work.

PROJECT

BACKGROUND

Conducting these remedial works provided an opportunity to further raise the dam wall. A feasibility study, completed in October 2007, found that raising the dam was both technically feasible and economically viable and it was recommended that the dam wall be raised by 13 m.



PROJECT

3. BACKGROUND

Project scope

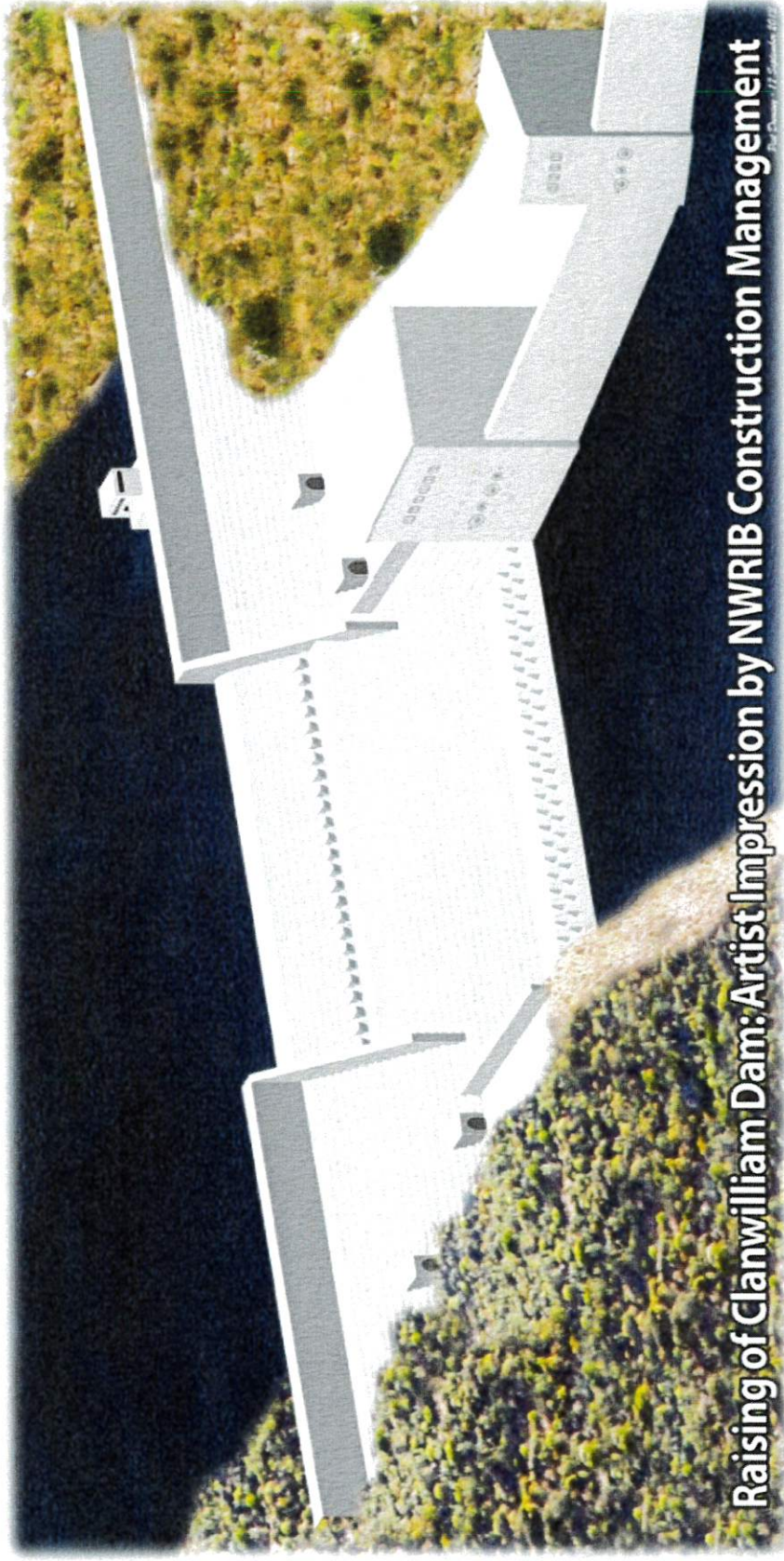
The ODRWRP consists of eight components, subdivided into two phases:

Phase 1:

- Realignment of N7 National Route. This work was done by SANRAL and was completed in early 2017.
- Protection of N7 towards Citrusdal. Work was also done by SANRAL.
- Remedial works to dam foundations and raising of dam wall by 13 m (DWS CD:CM)
- Raising and realignment (as necessary) of Old Cape Road. This work will be done on collaboration with the Western Cape Department of Transport and Public Works (WC DTPW)
- Raising of Algeria Road crossing of Olifants River in collaboration with the WC DTPW
- Maintenance to farm and residences along Renbaan Road.

PROJECT BACKGROUND

- Upgrading and expansion of conveyance network downstream of Bulshoek Dam
- Other affected infrastructure, including hydropower plant and irrigation schemes



Raising of Clanwilliam Dam: Artist Impression by NWRIB Construction Management

WATER IS LIFE - SANITATION IS DIGNITY

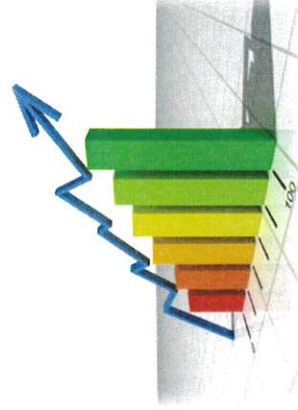
PROJECT BACKGROUND

The biggest benefit once the Clanwilliam Dam is raised is that the safety of the dam under high flood conditions has been improved to comply with best practice dam safety standards.

The raising will increase the annual yield of the dam by 69.5 million m³. A portion of this increased yield will be made available to assist in the development of small-scale farmers.

The project will also benefit local municipalities in terms of:

- additional income due to additional irrigation activities;
- economic development; and
- enhance the tourism potential of these municipalities.



PROGRESS TO DESIGN DATE

- DWS Internal Engineering Unit was appointed as Employer's Agent for the design of the dam wall raising and for the rendering of professional services.
- Some of the professional services was outsourced to a PSP, Bigen Africa, including the APP services (Approved Professional Person)
- The civil, mechanical and electrical designs are complete
- Civil drawings were issued to DWS Contractor for construction.
- Mechanical drawings currently being finalized.
- APP has issued an emergency scope of work to stabilize the dam before the rainy season.

PROGRESS TO DATE CONSTRUCTION:

- Internal DWS Construction Unit was appointed as the contractor.
- Pre-construction activities commenced in October 2018.
- Construction progress is currently at 12%.
- DWS intends to appoint WCDTPW as an implementing agent for the re-alignment of the provincial roads affected by the dam raising.
- The MoA is in the final review stages by the DWS prior to routing for approval.
- 8 bids have been awarded, with two critical bids successfully awarded and service providers (subcontractors) currently on site:
 - Drilling and Blasting; and
 - Drilling and Grouting
- The appointment of a term contractor for the relocation of the power lines for the electricity supply to Clanwilliam was finalised.
- The relocation of the power lines is ongoing.



PROGRESS TO DATE CONSTRUCTION

- The tender for the appointment of a sub-contractor for the N7 is to be procured through the Framework Agreement for the Services of a Management Contractor.
- The latest blasting on the Right bank was done just after the Technical Site meeting on 24 January 2024.
- Excavation is ongoing, the drilling work is underway and will be followed by the grouting.
- The Engineer is currently reviewing the revised program and cash flow submitted by the contractor

SOCIAL ECONOMIC DEVELOPMENT

- Two nominated Enterprise Development partners, namely Tlou Integrated Tech cc and Batseta Engineering Services, are part of the PSP project team.
- A total of 132 workers have been appointed on the project, of which 55 unskilled, 37 semi-skilled and 40 skilled.
- 54% of procurement value has been awarded to black-owned enterprises, of which 41% has been to women-owned enterprises, 31% to youth-owned enterprises and 54% to local enterprises.



COMMUNICATIONS AND STAKEHOLDERS

- Set-up of a Communications Committee in line with the approved Clanwilliam Stakeholder Communication Management Plan. The Western Cape Regional Office (WCRO) will take the lead in this.
- Establishment of the Political Oversight Committee/Project Steering Committee (PSC).
- The Clanwilliam Stakeholder Communication Management Plan was signed by the acting Chief Director: Communications in 2020
- Discussion held between Eskom, Cederberg Municipality and the Department of Energy regarding the power supply to the Clanwilliam and the project, in view of existing Independent Power Producer (IPP) agreement that must be concluded.
- Local Small and Medium Enterprises were trained on amongst other Government's procurement processes

EXPROPRIATION OF AFFECTED PROPERTIES

- 205 (of 243 total applicable) properties have been expropriated to date.
- All PAJA notices have been issued and 38 expropriations are at various stages of processing.
- Some of the expropriated properties will be temporarily used to accommodate by DWS personnel for the duration of the project implementation and thereafter demolished as per the Dam Safety Regulations.
- Those properties which will not be used to accommodate DWS personnel will also be demolished as they are within the dam boundary line.
- The case affidavits for the evictions of Clackson Power and Mr Gerald Stone have been filed in court and are awaiting court dates.



PHASE 2 : CONVENIENCE SYSTEM FEASIBILITY STAGE

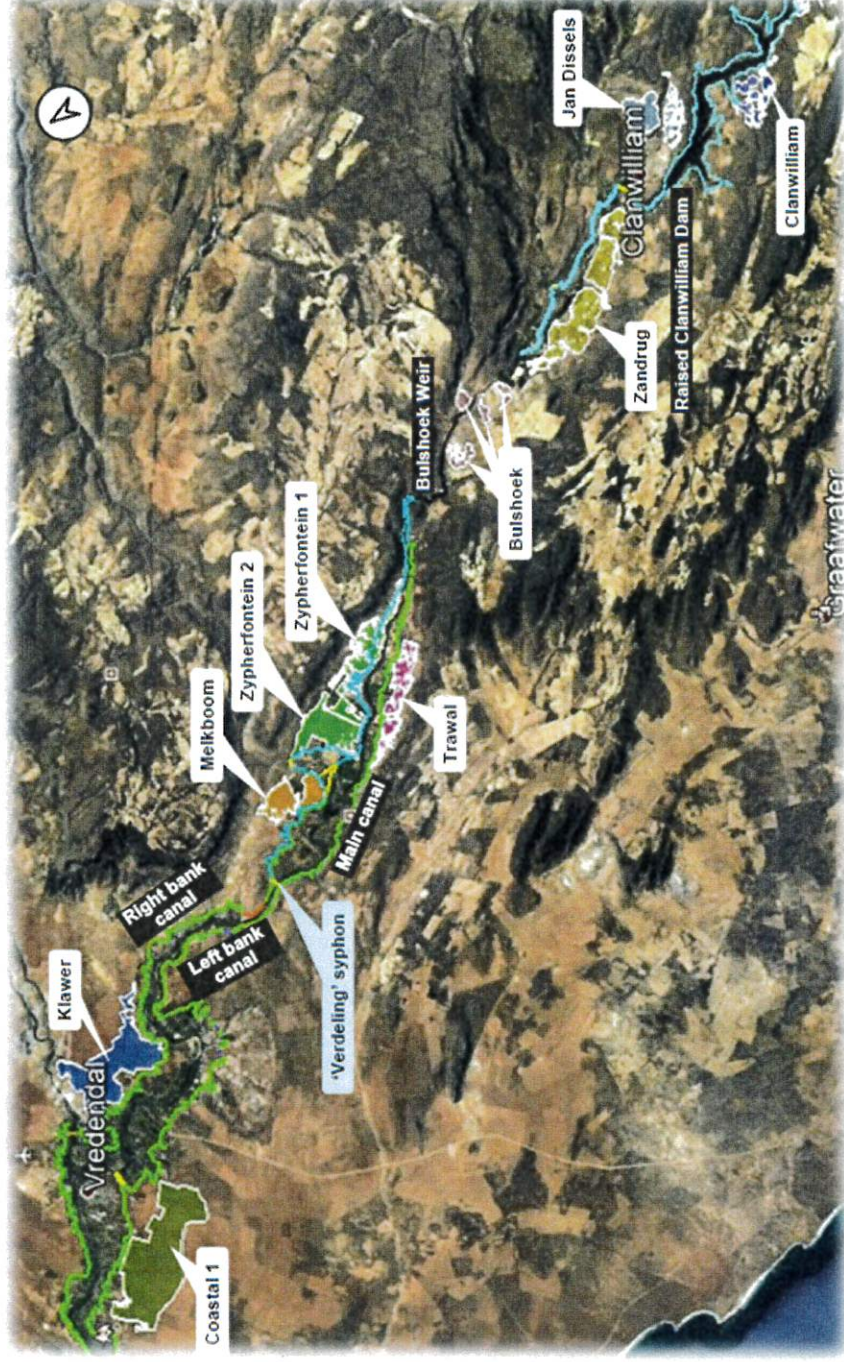
PROGRESS ON CONVEYANCE NETWORK

- Post Feasibility Bridging Study for the Proposed Bulk Conveyance Infrastructure from the Raised Clanwilliam Dam was completed end July 2021
- The additional water available following the raising of Clanwilliam Dam by 13 m, after first supplying the ecological water requirements, is 82.0 million m³/a, of which 61.1 million m³/a will be used for new irrigation by emerging farmers
- The proposal is that a Government Water Scheme consisting of 9 irrigation areas for the emerging farmers be developed

PROGRESS ON CONVEYANCE

2. Phase 2 (FINAL WORK)

Below are locations of the proposed new irrigation schemes although no dates can be confirmed for the commencement of the upgrading and expansion of conveyance network downstream of Bulshoek Dam.



PROJECT

FUNDING

- Project cost estimate: R 3,920 billion (for Phase 1)
- Expenditure to date: R 1,124 billion
- % expenditure: 28.7%
- MTEF current (2023/24): R 707 000 000
- No cost estimates are available at present for the upgrading and expansion of conveyance network downstream of Bulshoek Dam and development of the proposed new irrigation schemes, as it is still within the DWS planning.

KEYS ISSUES / RISKS

KEY ISSUE/RISKS	MITIGATION
<p>DSO rated the condition of Clanwilliam Dam as F (Dam Unsafe) in September 2022</p> <p>Delays in procurement outsourced services and goods</p>	<p>Immediate action to rectify the dam safety issue. Implement Emergency scope identified by APP</p> <p>Expedite processing of tenders for procurement of critical goods and services</p>
<p>Unsafe access to and from site to the N7 National Road</p> <p>Delay in decommissioning of hydropower scheme</p>	<p>Expedite new procurement process</p> <p>Finalisation of legal process for eviction of Clackson Power through State Attorney and DWS Legal</p>
<p>Risk of the project not being fully funded with regards to future funding.</p>	<p>Engage NT on BFI allocation once revised project costs established</p>

Thank you

