



**ORDINARY MEETING OF THE COUNCIL**

**GEWONE VERGADERING VAN DIE RAAD**

**INTLANGANISO YESIQHELO YEBHUNGA**

**MINUTES / NOTULE /**

**IMIZUZU**

**DATE / DATUM / UMHLA : 24 APRIL / APRELI 2019**

**VENUE / PLEK / INDAWO : AUDITORIUM / OUDITORIUM /**  
**I-ODITHORIYAM**

**CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU**  
**HERMANUS**

**TIME / TYD / IXESHA: 11:00**

# OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

**MINUTES OF THE COUNCIL MEETING  
HELD IN THE AUDITORIUM, CIVIC CENTRE,  
HERMANUS, ON 24 APRIL 2019, AT 11:00**

---

**PRESENT:** Councillors were present as per attached attendance register.





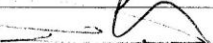

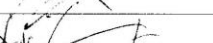
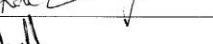






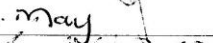

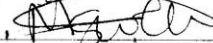




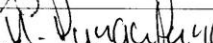

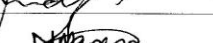
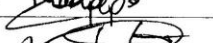
**OFFICIALS PRESENT:** Ms S Reyneke-Naudé, Acting Municipal Manager  
Mr R Williams, Director : Community Services  
Ms D Arrison, Director : Management Services  
Mr S Madikane, Director : LED  
Mr N Michaels, Director : Protection Services  
Mr R Kuchar, Acting Director : Infrastructure & Planning  
Mr C le Roux, Deputy Director : Finance  
Mr D van der Heever : Internal Audit Executive  
Mr D Lakey, Senior Manager : Kleinmond Administration  
Mr F Myburgh, Senior Manager : Gansbaai Administration  
Mr B King, Senior Manager : Financial Services  
Mr X Kosi, Manager : LED  
Ms R Louw, Senior Manager : Strategic Services  
Mr L Smith, Chief: Fire & Rescue & Disaster Management  
Ms H van Tonder, Manager : Council Support Services  
Mr R Fraser, Chief : Traffic/Licences  
Mr I Witbooi, Manager : Demand & Procurement  
Ms S Swart, Administrative Officer : Council Support Services  
ICT  
Ms N Zweni, Manager : Communication  
Ms M de Villiers, Mayoral Committee Secretary  
Ms G Erasmus, Clerk : Auditorium

**ALSO PRESENT:** Members of the Public

**MINUTES/....**

OVERSTRAND MUNICIPALITY  
ATTENDANCE REGISTER

COUNCIL MEETING  
24 APRIL 2019

ALDERMAN/COUNCILLORS	SIGNATURE
AFRICA, F	
BOTHA, D	
BRICE, KD	
COETSEE, A	
COETZEE, DP	
COHEN, G	
DE CONING, CA	
GILLION, E	
KALOLO, SV	
KOMANI, AS	
KRIGE, F	
NQINATA, NNT	
MACOTHA, VC	
MAY, C	
MOLEFE, B	
MSWELI, X	
NTSABO, L	
NUTT, R	
OPPERMAN, M	
ORBAN, J	
PUNGUPUNGU, V	
RESANDT, C	
SAPEPA, NM	
TAFU-NWONKWO, CC	
TEBELE, S	

**1. OPENING**

The Acting Municipal Manager, Ms S Reyneke-Naudé, read the notice convening the meeting.

**THE SPEAKER STOOD THE MEETING DOWN AT 11:05 IN ORDER TO ESTABLISH IF CLLRS V MACOTHA AND V PUNGUPUNGU WILL JOIN THE MEETING BEFORE START OF BUSINESS.**

**THE MEETING RESUMED AT 11:15 AND CLLRS V MACOTHA AND V PUNGUPUNGU JOINED THE MEETING AT THIS POINT. THE SPEAKER REQUESTED THAT IT BE MINUTED THAT, ALTHOUGH THE AFRICAN NATIONAL CONGRESS COUNCILLORS JOINED THE MEETING AFTER COUNCIL WAS SEATED AND STARTED WITH THE MEETING, THEY JOINED THE MEETING BEFORE THE START OF BUSINESS OF THE DAY AND, IN TERMS OF ITEM 4(1)(b) OF SCHEDULE 1 TO THE MUNICIPAL SYSTEMS ACT 2000 (ACT 32 OF 2000), THESE COUNCILLORS WERE ABSENT. THE SPEAKER HOWEVER, ON GOOD CAUSE SHOWN AND IN HIS DISCRETION, CONDONED THE LATECOMING OF THE AFRICAN NATIONAL CONGRESS COUNCILLORS ON THE BASIS THAT THEY DID JOIN THE MEETING BEFORE THE START OF BUSINESS OF THE MEETING.**

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

**Cllr L Ntsabo**

**RESOLVED:**

that the above-mentioned application for leave of absence, **be granted.**

**3. CONFIRMATION OF MINUTES**

**3.1 Minutes of an Ordinary Meeting of the Overstrand Municipal Council held on Wednesday, 27 March 2019 at 11:00**

**RESOLVED:**

that the Minutes of an **Ordinary Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 27 March 2019 at 11:00, be confirmed.**

**4. STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE SPEAKER / EXECUTIVE MAYOR**

The Speaker, Ald A Coetsee, in good cause shown, condoned Cllr V Macotha's absence from the Portfolio Committee meeting of 16 April 2019.

The Speaker, Ald A Coetsee, reported on complaints about Cllr L Ntsabo's appearance at public places during his sick leave. The Speaker requested that it be minuted that he accepted and granted Cllr L Ntsabo's leave of absence.

The Speaker, Ald A Coetsee, moved Item 6.2 (in committee) to the last item on the agenda in order for it to be dealt with after Item 9.

The Executive Mayor, Ald D Coetzee, expressed his dismay and disapproval on the Government Performance Index contained in the Good Governance Africa Report for April 2019. The report states that Overstrand Municipality is placed 14<sup>th</sup> and that the Democratic Alliance governs in coalition with COPE, which is false. The municipal capacity, financial soundness and compliance all state that the information is based on the Auditor-General's assessment. Overstrand Municipality has received six (6) clean audits in a row and municipalities rated far higher than Overstrand Municipality, have in fact lost their clean audit status. The statistics stated in the report do also not correlate with the information in the socio-economic profile for 2019. Both documents claim to base their statistics on that provided by Statistics SA.

**5. CONSIDERATION OF RECOMMENDATIONS MADE BY THE EXECUTIVE MAYOR TO COUNCIL, IN TERMS OF SECTION 160(2) OF THE CONSTITUTION, 1996, AND SECTION 59(1)(a) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 2000 (ACT 32 OF 2000)**

**5.1**

**TRANSFER: OVERSTRAND MUNICIPALITY TO GENEVIEVE TERESA CAROLUS: ERF 5589, BETTY'S BAY**

**(ITEM 1, PAGE 1 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 24 APRIL 2019)**

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that permission **be granted** to transfer erf 5589, Bettys Bay to Genevieve Teresa Carolus; and
2. that the aforementioned approval furthermore be subject to Genevieve Teresa Carolus accepting responsibility for the outstanding municipal services account in respect of erf 5589, Bettys Bay.

**RESPONSIBLE OFFICIAL :**

**FW FRANS**

**TARGET DATE FOR IMPLEMENTATION :**

**1 MAY 2019**

**5.2****TRANSFER: OVERSTRAND MUNICIPALITY TO RUDOLPH MARIUS AND JOHANNA MARIA SEPTEMBER ERF 823, HAWSTON****(ITEM 2, PAGE 6 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 24 APRIL 2019)****RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that permission be granted to transfer Erf 823, Hawston to Rudolph Marius and Johanna Maria September; and
2. that the aforementioned consent to transfer be subject to Rudolph Marius and Johanna Maria September accepting full responsibility for the outstanding municipal services account in respect of Erf 823, Hawston.

**RESPONSIBLE OFFICIAL :****FW FRANS****TARGET DATE FOR IMPLEMENTATION :****1 MAY 2019**

## 5.3

**REQUEST FOR REDUCED BUILDING PLAN FEES - BUILDINGS DESTROYED OR BADLY DAMAGED DURING DISASTERS****(ITEM 5, PAGE 216 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 24 APRIL 2019)****RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that a reduced Building Plan Fee to the fixed amount of R500,00 (excluding VAT), for buildings destroyed or badly damaged during disasters, **be approved** for the following items, **for the period up to 30 June 2021:**

Extract from: OVERSTRAND MUNICIPALITY TARIFF LIST 2018/2019

Tariff Code	Detail	2018/2019	
		Exclude VAT	Include VAT 15%
<b>S2</b>	<b>BUILDING CONTROL</b>		
S2A1	Building Plan Fees up to 100 m <sup>2</sup> (R/m <sup>2</sup> )	28.70	33.00
S2A2	Building Plan Fees from 101 m <sup>2</sup> to 200 sq m	33.91	39.00
S2A3	Building Plan Fees from 201 m <sup>2</sup> to 300 sq m	40.00	46.00
S2A4	Building Plan Fees greater than 300 m <sup>2</sup> (R/m <sup>2</sup> )	44.35	51.00

**RESPONSIBLE OFFICIAL :**

**S MÜLLER  
E HOONEBERG**

**TARGET DATE FOR IMPLEMENTATION :**

**APRIL 2019**

**TARGET DATE TO INFORM APPLICANT :**

**N/A**

**TARGET DATE TO INFORM OBJECTOR :**

**N/A**

**5.4**

**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)  
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c), MARCH 2019**

**(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING : 24 APRIL  
2019)**

**THE AFRICAN NATIONAL CONGRESS REQUESTED A CAUCUS AT 11:25**

**THE MEETING RESUMED AT 11:45**

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that the deviations from the procurement processes, approved in terms of the delegated authority for March 2019, **be noted**; and
2. that the awards made in terms of Paragraph 16(1)(b) and 17(1)(c), approved in terms of the delegated authority for March 2019, **be noted**.

**RESPONSIBLE OFFICIAL :**

**C LE ROUX**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**

**5.5****SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT – 2018/2019:****3<sup>rd</sup> QUARTER: 01 JANUARY 2019 – 31 MARCH 2019****(ITEM 6, PAGE 9 : MAYORAL COMMITTEE MEETING : 24 APRIL 2019)****RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that the activities undertaken and outcomes achieved in the implementation of the Overstrand Municipality's Supply Chain Management Policy for the 3<sup>rd</sup> Quarter of 2018/2019 **be noted**.

**RESPONSIBLE OFFICIAL :****C LE ROUX****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

**5.6****BUDGET REPORT FOR THE QUARTER ENDED MARCH 2019****(ITEM 7, PAGE 25 : MAYORAL COMMITTEE MEETING : 24 APRIL 2019)****RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that the budget report for the quarter ended March 2019, prepared as part of the financial reporting obligations arising from the Local Government: Municipal Finance Management Act, 2003 and additional information, **be noted**.

**RESPONSIBLE OFFICIAL :****BA KING****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

**5.7**

**QUARTERLY BANK ACCOUNT WITHDRAWALS IN TERMS OF SECTION 11(4) OF THE MFMA FOR THE QUARTER ENDED MARCH 2019**

**(ITEM 8, PAGE 95 : MAYORAL COMMITTEE MEETING : 24 APRIL 2019)**

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that the consolidated quarterly report in respect of Bank Account Withdrawals in terms of Section 11(4) of the MFMA for the quarter ended March 2019, **be noted**.

**RESPONSIBLE OFFICIAL :**

**BA KING**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**

**5.8****SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)****THIRD QUARTERLY REPORT: JANUARY- MARCH 2019****(ITEM 9, PAGE 98 : MAYORAL COMMITTEE MEETING : 24 APRIL 2019)****RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that the content of the report for the third quarter of the 2018/19 financial year on the top level Service Delivery and Budget Implementation Plan **be noted**; and
2. that the approved Departmental KPI amendment list of March 2019 **be noted**.

**RESPONSIBLE OFFICIAL :****R LOUW****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

**5.9****SC1689/2016: SUPPLY & ERECTING OF FENCES ON AN “AS AND WHEN BASIS” IN OVERSTRAND AREA****(ITEM 10, PAGE 137 : MAYORAL COMMITTEE MEETING : 24 APRIL 2019)****RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that **cognisance be taken** of the reasons for the proposed amendment of Contract number SC1689/2016A: Supply & erecting of fences on an “as and when basis” in Overstrand area, in terms of the enabling provisions of Section 116(3) of the Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003), and that the amendment be approved;
2. that **cognisance be taken** that no recommendations or representations were received from the local community by closing date, 25 September 2018; and
3. that it be proposed that the escalation date be adjusted to 08 April 2018 and 08 April 2019 respectively to correspond with the conditions contained in the tender document.

**RESPONSIBLE OFFICIAL :****J DE VILLIERS  
R WILLIAMS****TARGET DATE FOR IMPLEMENTATION :****8 APRIL 2019**

**6. CONSIDERATION OF REPORTS****6.1****APPOINTMENT OF A COUNCILLOR TO THE MANAGEMENT SERVICES PORTFOLIO COMMITTEE****3/2/3/5****H van Tonder****(028) 313 8037****Council Support Services****15 April 2019**

---

**EXECUTIVE SUMMARY**

The purpose of the report is to grant Council an opportunity to appoint a councillor to the Management Services Portfolio Committee.

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that Cllr R Nutt be appointed to the Portfolio Committee of Management Services.

**RESPONSIBLE OFFICIAL:****H VAN TONDER****TARGET DATE FOR IMPLEMENTATION:****24 APRIL 2019**

**6.2****REPORT OF THE DISCIPLINARY BOARD REGARDING THEIR PRELIMINARY INVESTIGATION PERTAINING TO ALLEGATIONS OF FINANCIAL MISCONDUCT: OFFICIAL EMPLOYED AT LOCAL ECONOMIC DEVELOPMENT**

This item was distributed under separate cover to Councillors for consideration.

In terms of Section 20(2) of the Local Government: Municipal Systems Act, No 32 of 2000, read with Rule 17 of the Overstrand Municipality's Standard By-law on Rules of Order for Internal Arrangements, this item must be considered "in committee".

**THE SPEAKER CHANGED THE ORDER OF BUSINESS IN TERMS OF SECTION 5(2) OF THE BY-LAW ON RULES OF ORDER FOR INTERNAL ARRANGEMENTS. THIS ITEM WAS THEN CONSIDERED BY COUNCIL AFTER ITEM 9.**

**THE MEETING STOOD DOWN AT 12:00 IN ORDER TO GIVE OFFICIALS THE OPPORTUNITY TO LEAVE THE BANQUETING HALL**

**THE MEETING RESUMED AT 12:10**

The recommendation under this item shall be minuted in a separate minute book in terms of Section 20(2) of the Local Government: Municipal Systems Act, No 32 of 2000 read with Rule 17 of the Overstrand Municipality's Standard By-law on Rules of Order for Internal Arrangements.

**7. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER (IF ANY)**

None

**8. CONSIDERATION OF NOTICES OF MOTIONS / QUESTIONS**

None

**9. CONSIDERATION OF MOTIONS OF EXIGENCY (IF ANY)**

The Executive Mayor, Ald D Coetzee, submitted a motion of exigency to the effect that a dispute be raised against SALGA on the annual fee charged by them and the process followed to calculate the fee.

The Speaker recognised the urgency of the motion, because if the matter is not considered at this meeting, Overstrand Municipality will miss the 5% discount.

The motion was seconded by Cllr R de Coning.

**RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that Council authorise the Executive Mayor to raise a dispute with SALGA on the annual fee charged by them, as well as the process followed to calculate the fee.

**The meeting adjourned at 12:20**

---

**DATE**

---

**THE SPEAKER – A COETSEE**