



SPECIAL MEETING OF THE COUNCIL

SPESIALE VERGADERING VAN DIE RAAD

INTLANGANISO EKHETHEKILEYO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

DATE / DATUM / UMHLA : 31 JANUARY / JANUARIE /
JANYUWARI 2023
BANQUETING HALL, CIVIC
CENTRE, HERMANUS

TIME / TYD / IXESHA : 10:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

MINUTES OF A SPECIAL MEETING OF THE COUNCIL HELD IN THE BANQUETING HALL ON 31 JANUARY 2023, AT 10:00

PRESENT: Councillors were present as per attached attendance register.





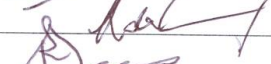






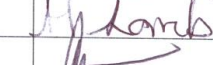

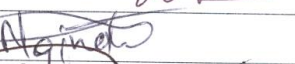




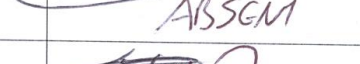







OFFICIALS PRESENT:

- Mr D O'Neill, Municipal Manager
- Ms D Arrison, Director : Management Services
- Mr N Michaels, Director : Protection Services
- Ms S Reyneke-Naudé, Director : Finance
- Mr A Wyngaard, Acting Director : Community Services
- Mr S Müller, Director : Infrastructure & Planning
- Mr F Myburgh, Senior Manager : Gansbaai Administration
- Ms R Louw, Senior Manager : Strategic Services
- Ms H van Tonder, Manager : Council Support Services
- Ms N Zweni, Manager : Communication
- Ms S Block, Senior Administrator Officer : Strategic Services
- Ms G Erasmus, Co-ordinator : Auditorium
- Ms S Swart, Administrative Officer : Council Support Services

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

SPECIAL COUNCIL MEETING : 31 JANUARY 2023

ALDERMEN/COUNCILLORS	SIGNATURE
AFRICA, F	
BANDEZA, V	
BRICE, KD	
COETZEE, DP	
COHEN, G	
DE CONING, CA	
DEES, RM	
ELS, T	
FOURIE, SH	
GILLION, E	
GRIMBEEK, MD	
GWELE, T	
KOMANI, AS	
LERM, CH	
LOMBARD, H	
NGQANDANA, K	
NOMATITI, M	
NQINATA, NNT	
NTSABO, L	
NUTT, R	
RABIE, AL	
RESANDT, CT	
SIHLAHLA, M	
SILO, S	
TAFU-NWONKWO, CC	
VAN STADEN, JA	
WILLIAMS, SH	

1. OPENING

The Municipal Manager, Mr D O'Neill, read the notice convening the meeting. Cllr S Williams opened with prayer.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Cllr T Gwele

RESOLVED:

that the above-mentioned application for leave of absence, **be granted**, but that it be investigated why the apology was not addressed to the Speaker.

The Speaker reported that he is awaiting the outcome of Cllr S Silo's disciplinary hearing.

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

The Speaker, Cllr G Cohen, requested that all councillors inform himself as well as the Executive Mayor, Ald A Rabie, on which committees they represent the Overstrand Municipality.

The Speaker, Cllr G Cohen, requested those councillors who did not return the memory sticks previously distributed to them, to do so as soon as possible.

The Executive Mayor, Ald A Rabie, informed council that the notice for the appointment of a turnkey agent for the Schulphoek Housing Project appeared in the paper and she urged all councillors to not get involved in any way.

The Executive Mayor, Ald A Rabie, informed council that funds were received for electrical work in Marikane, Zwelihle and that work can start once the 2nd Adjustments Budget for 2022/2023, which appears in this agenda, has been approved.

The Municipal Manager, Mr D O'Neill, reported on the vacant positions which occur from the resignation of the Director: Community Services, Mr R Williams, as well as the Senior Manager: Kleinmond Administration, Mr D Lakey. He also mentioned that a vacancy will occur in the post of Senior Manager: Gansbaai Administration at the end of February 2023 when Mr F Myburgh will be retiring. He informed council that restructuring of the municipality is currently being investigated by an appointed service provider and that the content of posts may change.

4. 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)

4.1 MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM) POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR DECEMBER 2022

8/2/2

C Le Roux
09 January 2023

Deputy Director: Finance & SCM

(028) 313 8107

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of all deviations from the Supply Chain Management Policy, approved by the delegated authority in terms of Paragraph 36 of the Supply Chain Management Policy, approvals in terms of Paragraph 16(1)(b) and 17(1)(c) for December 2022.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the deviations from the procurement processes, approved in terms of the delegated authority for December 2022, **be noted**;
2. that the awards made in terms of Paragraph 16(1)(b) and 17(1)(c), approved in terms of the delegated authority for December 2022, **be noted**; and
3. that the awards made through the Bid Committee system, and formal written price quotations in excess of R30 000 and all price quotations below R30 000 for December 2022, **be noted**.

RESPONSIBLE OFFICIAL :

C LE ROUX

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

4.2**SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT – 2022/2023:****2nd QUARTER: 01 OCTOBER 2022 TO 31 DECEMBER 2022****8/2/2****C Le Roux****10 January 2023****Deputy Director: Finance & SCM****(028) 313 8107**

EXECUTIVE SUMMARY

In terms of Paragraph 6(3) of Overstrand Municipality's Supply Chain Management Policy, the Municipal Manager must, within 6 business days of each quarter, submit a report on the implementation of the Supply Chain Management Policy to the Executive Mayor.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the activities undertaken, and outcomes achieved in the implementation of the Overstrand Municipality's Supply Chain Management Policy for the 2nd Quarter of 2022/2023 **be noted**.

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

4.3**APPOINTMENT OF A SELECTION PANEL FOR THE RECRUITMENT AND SELECTION PROCESS FOR THE APPOINTMENT OF A DIRECTOR: COMMUNITY SERVICES****4/3/R****D Arrison****Director: Management Services****9 January 2023****(028) 313 8001**

EXECUTIVE SUMMARY

The purpose of this report is for Council to appoint a selection panel for the recruitment and selection process and for recommendations in the appointment of a Director: Community Services.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that a selection panel for the recruitment and selection process and for recommendations to Council in the appointment of a Director: Community Services, be instituted as follows:

- Mr Dean O'Neill, Municipal Manager – Chairperson;
- Cllr Ronald Nutt, MMC for Community Services; and
- A visiting Municipal Manager from a Municipality in the Western Cape.

RESPONSIBLE OFFICIAL :**D ARRISON****TARGET DATE FOR IMPLEMENTATION :****IMMEDIATELY**

4.4**SIGNED PERFORMANCE AGREEMENT OF THE MUNICIPAL MANAGER FROM 1 NOVEMBER 2022 FOR THE 2022/23 FINANCIAL YEAR**

2/12/1

RG Louw

17 January 2023

Senior Manager: Strategic Services

(028) 313 8071

EXECUTIVE SUMMARY

The purpose of this report is for Council to note the signed performance agreement of the Municipal Manager from 1 November 2022 for the 2022/23 financial year. The Municipal Manager was re-appointed from 1 November 2022.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the signed performance agreement of the Municipal Manager from 1 November 2022 for the 2022/23 financial year **be noted**.

RESPONSIBLE OFFICIAL :**RG LOUW****TARGET DATE FOR IMPLEMENTATION :****1 FEBRUARY 2023**

4.5

PROPOSED AMENDMENT TO CHAPTER 13: PERFORMANCE MANAGEMENT IN THE APPROVED INTEGRATED DEVELOPMENT PLAN (IDP) FOR THE CURRENT FINANCIAL YEAR (2022/23)

2/12/1

R Louw

13 January 2023

Senior Manager: Strategic Services

(028) 313 8071

EXECUTIVE SUMMARY

The purpose of this report is to table a proposed amendment to Chapter 13: Performance Management in the approved Integrated Development Plan (IDP) for 2022/2027 of 31 May 2022.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the proposed amendment to Chapter 13: Performance Management in the approved Integrated Development Plan (IDP) of 31 May 2022 **be noted**; and
2. that the proposed amendment **be advertised** for public comment in order for Council to consider the final amended document during the March 2023 Council meeting.

RESPONSIBLE OFFICIAL :**R LOUW****TARGET DATE FOR IMPLEMENTATION :****9 FEBRUARY 2023**

4.6**TABLING OF THE DRAFT AUDITED ANNUAL REPORT FOR THE 2021/22 FINANCIAL YEAR****5/15/1/1****R Louw****17 January 2023****Senior Manager: Strategic Services****(028) 313 8071**

EXECUTIVE SUMMARY

The purpose of this report is to table the draft audited Annual Report for the 2021/22 financial year to Council.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the tabling of the 2021/22 draft audited Annual Report by the Executive Mayor, **be noted**;
2. that the draft audited Annual Report **be made public** immediately after the tabling in Council; and
3. that the local community **be invited** to submit representations in connection with the draft annual report.

RESPONSIBLE OFFICIAL :**R LOUW****TARGET DATE FOR IMPLEMENTATION :****8 FEBRUARY 2023**

4.7**REPORT ON THE PROPOSED 7TH ADJUSTMENTS BUDGET FOR 2021/2022
(SPECIAL ADJUSTMENTS BUDGET)**

5/1/1/23 – 2021/22

BA King

20 January 2023

Senior Manager: Financial Services**(028) 313 8154****EXECUTIVE SUMMARY**

Report prepared in terms of section 28(2)(g) of the Local Government: Municipal Finance Management Act, 2003 (MFMA) to address unauthorised expenditure in an adjustments budget in respect of the 2021/2022 financial year.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that, in terms of section 28(2)(g) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the 7th Adjustments Budget for 2021/2022 **be approved**, in order to address unauthorised expenditure incurred, amounting to R14 108 285 in respect of operational expenditure, as set out in the following schedules:

- Schedule 1:** Budgeted financial performance (revenue & expenditure by municipal vote)
- Schedule 2:** Budgeted financial performance (revenue by source & expenditure by type)
- Schedule 3:** Budgeted multi-year capital appropriations by standard classification (vote) and associated funding by source
- Schedule 4:** Budgeted financial position
- Schedule 5:** Budgeted cash flow
- Schedule 6:** Cash backed reserves and acc. surplus reconciliation
- Schedule 7:** Asset management
- Schedule 8:** Basic service delivery measurement

2. that the following schedules **be noted**:

- Schedule 9:** Budgeted financial performance (revenue & expenditure by standard classification)
- Schedule 10:** Budgeted capital appropriations by municipal vote

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

4.8

**QUARTERLY BANK ACCOUNT WITHDRAWALS IN TERMS OF SECTION 11(4)
OF THE MFMA FOR THE QUARTER ENDED DECEMBER 2022**

5/18/R

BA King

18 January 2023

Senior Manager: Financial Services

(028) 313 8154

EXECUTIVE SUMMARY

Report prepared as part of the financial reporting obligations arising from section 11(4) of the Local Government: Municipal Finance Management Act, 2003 (MFMA).

RESOLVED (SUPPORTED BY 25 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 December 2022, **be noted**.

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

4.9**BUDGET REPORT AND SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) FOR THE QUARTER ENDED DECEMBER 2022****5/1/1/24-2022/2023 & 2/12/1/1****BA King****Senior Manager: Financial Services****20 January 2023****(028) 313 8154**

EXECUTIVE SUMMARY

Report prepared as part of the reporting obligations arising from section 52(d) of the Local Government: Municipal Finance Management Act, 2003 (MFMA).

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the budget report and service delivery and budget implementation plan for the quarter ended December 2022, prepared as part of the reporting obligations arising from the Local Government: Municipal Finance Management Act, 2003 and additional information, **be noted**; and
2. that the content of the report, for the second quarter of the 2022/2023 financial year, on the top-level Service Delivery and Budget Implementation Plan **be noted**.

RESPONSIBLE OFFICIALS :**BA KING
RG LOUW****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

4.10**MIDYEAR BUDGET AND PERFORMANCE ASSESSMENT AS AT 31 DECEMBER 2022****5/15/1//2/1****BA King****20 January 2023****Senior Manager: Financial Services****(028) 313 8154**

EXECUTIVE SUMMARY

Report prepared as part of the reporting obligations arising from section 72 and 54(1)(f) of the Local Government: Municipal Finance Management Act, 2003 (MFMA).

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the Midyear Budget and Performance Assessment Report **be noted**.

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

4.11

**REPORT ON THE PROPOSED 2ND ADJUSTMENTS BUDGET FOR 2022/2023
(GENERAL ADJUSTMENTS BUDGET)**

5/1/1/24 – 2022/2023

BA King

24 January 2023

Senior Manager: Financial Services

(028) 313 8154

EXECUTIVE SUMMARY

Report prepared in terms of section 28(2)(b) to (g) of the Local Government: Municipal Finance Management Act, 2003 (MFMA) for the 2nd Adjustments Budget proposals emanating from the midyear review and various adjustments identified on the operating and capital budgets, which must be approved by Council in terms of legislation.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that, in terms of section 28(2)(b) to (g) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the 2nd Adjustments Budget for 2022/2023 **be approved** as set out in the following schedules:
 - Schedule 1:** Budgeted financial performance (revenue & expenditure by municipal vote)
 - Schedule 2:** Budgeted financial performance (revenue by source & expenditure by type)
 - Schedule 3:** Budgeted multi-year capital appropriations by standard classification (vote) and associated funding by source
 - Schedule 4:** Budgeted financial position
 - Schedule 5:** Budgeted cash flow
 - Schedule 6:** Cash backed reserves and acc. surplus reconciliation
 - Schedule 7:** Asset management
 - Schedule 8:** Basic service delivery measurement;
2. that the following schedules be noted:
 - Schedule 9:** Budgeted financial performance (revenue & expenditure by standard classification)
 - Schedule 10:** Budgeted capital appropriations by municipal vote
3. that the changes (adjusted financial figures) to the Service Delivery and Budget Implementation Plan (SDBIP) for 2022/23 **be approved**; and
4. that the revised SDBIP for 2022/23 **be made public**.

RESPONSIBLE OFFICIAL :

**BA KING
RG LOUW**

TARGET DATE FOR IMPLEMENTATION :

1 FEBRUARY 2023

The meeting adjourned at 10:34

DATE

THE SPEAKER – G COHEN