



ORDINARY MEETING OF THE COUNCIL

GEWONE VERGADERING VAN DIE RAAD

INTLANGANISO YESIQHELO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

DATE / DATUM / UMHLA : 27 JULY / JULIE / JULAYI 2022

**VENUE / PLEK / INDAWO : BANQUETING HALL /
BANKETSAAL**

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

TIME / TYD / IXESHA: 10:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

**MINUTES OF AN ORDINARY COUNCIL MEETING
HELD IN THE BANQUETING HALL, CIVIC CENTRE,
HERMANUS, ON 27 JULY 2022, AT 10:00**

PRESENT: Councillors were present as per attached attendance register.





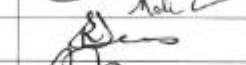
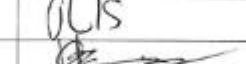
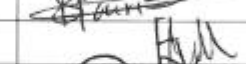




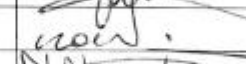



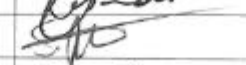
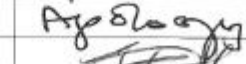










OFFICIALS PRESENT: Mr D O'Neill, Municipal Manager
Ms D Arrison, Director : Management Services
Ms S Reyneke-Naudé, Director : Finance
Mr R Williams, Director : Community Services
Mr N Michaels, Director : Protection Services
Mr S Madikane, Director : LED
Mr D Hendriks, Acting Director : Infrastructure & Planning
Ms R Louw, Senior Manager : Strategic Services
Ms H van Tonder, Manager : Council Support Services
Ms S Swart, Administrative Officer : Council Support Services
Ms G Erasmus : Clerk : Auditorium

ALSO PRESENT: Members of the Public

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

COUNCIL MEETING
27 JULY 2022

ALDERMAN/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 Speaker, Cllr G Cohen, opened the meeting and Cllr J van Staden opened with prayer. The Municipal Manager, Mr D O'Neill, read the notice convening the meeting.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Cllr L Ntsabo

Cllr S Silo

RESOLVED:

that the above-mentioned applications for leave of absence **be approved**.

Cllrs H Lombard and T Els and Ald R de Coning informed the Speaker of their respective dates for leave.

3. CONFIRMATION OF MINUTES

- 3.1 Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Monday, 27 June 2022 at 14:00**

RESOLVED:

that the Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Monday, 27 June 2022 at 14:00 be confirmed**.

- 3.2 Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 29 June 2022 at 10:00**

RESOLVED:

that the Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 29 June 2022 at 10:00 be confirmed**.

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

- The Speaker, Cllr G Cohen, reminded councillors of the delegation workshop scheduled for 09:00 on Thursday, 28 July 2022, during which workshop the dress code for council meetings will also be addressed.

- Schulphoek Housing Project:

The Executive Mayor, Ald A Rabie, informed the meeting that social compacts have been appointed and congratulated Cllr K Ngqandana who was appointed on one of the social compacts. She further reported that the problem regarding affected and interested parties will be addressed.

- The Executive Mayor, Ald A Rabie, requested councillors, especially ward councillors, to serve all members of their wards and elaborated on the intended cycle of the ward committee meetings.
- The Executive Mayor, Ald A Rabie, informed council of a petition from the Land Party which was received on 8 July 2022 (attached as Annexure A to these minutes).
- The Executive Mayor, Ald A Rabie, informed council of a petition from the Zwelihle Residents which was received on 26 July 2022 (attached as Annexure B to these minutes).

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
OVERSTRAND MUNICIPALITY VEHICLE & EQUIPMENT MAINTENANCE AND REPLACEMENT POLICY FOR FIRE & EMERGENCY SERVICES, DISASTER MANAGEMENT AND SECURITY SERVICES**

(ITEM 2 PAGE 10 : PROTECTION SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 25 JULY 2022)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the item **be referred back** and be resubmitted at the next council meeting.

RESPONSIBLE OFFICIAL :

**NJ MICHAELS
L SMITH**

TARGET DATE FOR IMPLEMENTATION :

1 AUGUST 2022

5.2

A PORTION OF UNREGISTERED ERF 12212 HERMANUS (SITUATED IN MUSSEL ROAD, HERMANUS): DEVIATION FROM PARAGRAPHS 26 AND 41 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 – SOUTH AFRICAN POLICE SERVICE

(ITEM 3 PAGE 25 : PROTECTION SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 25 JULY 2022)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the deviation from paragraphs 26 and 41 of the Administration of Immovable Property Policy of 2015 in order for the Municipality to enter into a memorandum of agreement with the South African Police Service to use a portion of a room in the Fire Brigade Service Building situated on unregistered Erf 12212 Hermanus, to install monitoring equipment for monitoring purposes as part of the incident command system in a joint approach to fight crime within the Overstrand, **be approved.**

RESPONSIBLE OFFICIAL :

L SMITH

TARGET DATE FOR IMPLEMENTATION :

31 AUGUST 2022

TARGET DATE TO INFORM APPLICANT :

10 AUGUST 2022

5.3**OVERSTRAND MUNICIPALITY: CEMETERY POLICY****(ITEM 1 PAGE 1 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 25 JULY 2022)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

that the Overstrand Municipal Cemetery Policy **be approved**.

RESPONSIBLE OFFICIALS :

**DEPUTY DIRECTOR:
OPERATIONAL SERVICES
AREA MANAGERS:
KLEINMOND, GANSBAAI,
HERMANUS
SENIOR OPERATIONAL
MANAGERS: KLEINMOND,
GANSBAAI, HERMANUS**

TARGET DATE FOR IMPLEMENTATION :

01 AUGUST 2022

5.4

DRAFT REVIEWED PERFORMANCE MANAGEMENT FRAMEWORK (PMF)**(ITEM 1 PAGE 1 : MANAGEMENT SERVICES PORTFOLIO -
MAYORAL COMMITTEE MEETING : 25 JULY 2022)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the draft reviewed Performance Management Framework **be noted**; and
2. that the local community **be invited** to submit representations in connection with the draft reviewed performance management framework.

RESPONSIBLE OFFICIAL :**R LOUW
L BUCCHIANERI
D VAN DER HEEVER
C ROETS****TARGET DATE FOR IMPLEMENTATION :****NONE**

5.5**REVIEW: RECORDS MANAGEMENT POLICY****(ITEM 2 PAGE 49 : MANAGEMENT SERVICES PORTFOLIO -
MAYORAL COMMITTEE MEETING : 25 JULY 2022)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**that the reviewed Records Management Policy **be approved.****RESPONSIBLE OFFICIAL :****H VAN TONDER****TARGET DATE FOR IMPLEMENTATION :****5 AUGUST 2022**

5.6

REVIEW STUDY AID POLICY FOR EMPLOYEES

**(ITEM 3 PAGE 66 : MANAGEMENT SERVICES PORTFOLIO -
MAYORAL COMMITTEE MEETING : 25 JULY 2022)**

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the review of the Study Aid Policy for Employees **be approved.**

RESPONSIBLE OFFICIAL :

L BUCCHIANERI

TARGET DATE FOR IMPLEMENTATION :

01 AUGUST 2022

5.7

**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR JUNE 2022****(ITEM 2 PAGE 12 : FINANCE AND TOURISM PORTFOLIO - MAYORAL
COMMITTEE MEETING : 25 JULY 2022)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the deviations from the procurement processes, approved in terms of the delegated authority for June 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 June 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 June 2022, **be noted**.

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

5.8**SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT – 2021/2022:****4th QUARTER: 01 APRIL 2022 TO JUNE 2022****(ITEM 3 PAGE 27 : FINANCE AND TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 25 JULY 2022)****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 4th Quarter of 2021/2022 **be noted**.

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

5.9**ANNUAL SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT IN TERMS OF PARAGRAPH 6(2)(a) OF THE POLICY: 2021/2022****(ITEM 4 PAGE 53 : FINANCE AND TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 25 JULY 2022)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the Supply Chain Management Implementation Report for the 2021/2022 financial year submitted in terms of Paragraph 6(2)(a) of the Supply Chain Management Policy, **be noted**;
2. that, following the provisions of Paragraph 6(2)(a) of the Supply Chain Management Policy, **the report be made public** in accordance with Section 21A of the Local Government: Municipal Systems Act, No. 32 of 2000; and
3. that the schedules of Deviations and Irregular Expenditure **be disclosed** as a note to the Annual Financial Statements for the 2021/2022 financial year.

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

5.10

ANNUAL STOCK TAKING FOR 2021/2022: MUNICIPAL STORES**(ITEM 5 PAGE 100 : FINANCE AND TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 25 JULY 2022)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the surplus and deficit stock be accounted against the appropriate vote numbers and permission granted to correct stock values;
2. that the redundant stock as recorded on 30 June 2022 be **written off**; and
3. that the stock as recorded on 30 June 2022 be taken as the starting balance of the 2022/2023 stock register.

RESPONSIBLE OFFICIAL :**C ROETS****TARGET DATE FOR IMPLEMENTATION :****15 AUGUST 2022**

5.11

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

(ITEM 6 PAGE 149 : FINANCE AND TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 25 JULY 2022)

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 June 2022, **be noted**.

RESPONSIBLE OFFICIAL :

BA KING

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

5.12

BUDGET REPORT AND SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) FOR THE QUARTER ENDED JUNE 2022**(ITEM 7 PAGE 152 : FINANCE AND TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 25 JULY 2022)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the budget report and service delivery and budget implementation plan for the quarter ended June 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 fourth quarter of the 2021/2022 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**

5.13**SIGNED PERFORMANCE AGREEMENTS OF THE MUNICIPAL MANAGER AND SECTION 56 (DIRECTORS) APPOINTEES FOR 2022/23****(ITEM 5 PAGE 101 : MAYORAL COMMITTEE MEETING : 25 JULY 2022)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

that the signed performance agreements of the Municipal Manager and Section 56 (Directors) appointees for 2022/23 **be noted**.

RESPONSIBLE OFFICIAL :**RG LOUW****TARGET DATE FOR IMPLEMENTATION :****27 JULY 2022**

5.14

FREEDOM OF ENTRY TO HERMANUS TO 22 ESQUADRON, YSTERPLAAT AIR FORCE BASE

(ITEM 6 PAGE 375 : MAYORAL COMMITTEE MEETING : 25 JULY 2022)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the conferment of the Freedom of Entry to Hermanus on 22 Squadron, Ysterplaat Air Force Base **be approved**; and
2. that the expenses regarding the Freedom of Entry to Hermanus activities **be approved**.

RESPONSIBLE OFFICIAL :

D O'NEILL

TARGET DATE FOR IMPLEMENTATION :

10 AUGUST 2022

5.15

**A PORTION OF ERF 645 HERMANUS (SITUATED IN MAIN ROAD, HERMANUS):
DEVIATION FROM PARAGRAPHS 26 AND 41 OF THE ADMINISTRATION OF
IMMOVABLE PROPERTY POLICY OF 2015 – OVERSTRAND TAXI ASSOCIATION**

**(ITEM 7 PAGE 380 : MAYORAL COMMITTEE MEETING : 25 JULY
2022)**

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the deviation from paragraphs 26 and 41 of the Administration of Immovable Property Policy of 2015 in order for the Municipality to enter into a memorandum of agreement with the Overstrand Taxi Association to use a portion of a room, free of charge, in the municipal building used by the Municipality's Social Development Department situated, on a portion of Erf 645 Hermanus, for administrative purposes, **be approved.**

RESPONSIBLE OFFICIAL :

G SMIT

TARGET DATE FOR IMPLEMENTATION :

1 AUGUST 2022

TARGET DATE TO INFORM APPLICANT :

25 JULY 2022

5.16

DRAFT PROCESS PLAN FOR INTEGRATED DEVELOPMENT PLANNING AND BUDGET PREPARATION FOR 2022/2027**(ITEM 8 PAGE 384 : MAYORAL COMMITTEE MEETING : 25 JULY 2022)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the draft Process Plan for Integrated Development Planning and Budget preparation for 2022/2027 **be noted**;
2. that the draft Process Plan be advertised for public comment; and
3. that the final Process Plan be tabled to Council for approval in August 2022.

RESPONSIBLE OFFICIAL :**RG LOUW****TARGET DATE FOR IMPLEMENTATION :****28 JULY 2022**

5.17**MEMORANDUM OF AGREEMENT BETWEEN OVERSTRAND MUNICIPALITY AND NATIONAL DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE****(ITEM 9 PAGE 422 : MAYORAL COMMITTEE MEETING : 25 JULY 2022)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the draft MOA **be noted**;
2. that Council agrees in principle to the Hermanus Harbour Multi-Purpose Centre project;
3. that the Municipal Manager be authorised to negotiate and sign an agreement with the Department of Public Works and Infrastructure for the period of three (3) years as stipulated in the MOA;
4. that, the management and operations of the Multi-Purpose Centre be conducted in the spirit as espoused in the MOA; and
5. that LED, in consultation with the Municipal Manager and Mayoral Committee, develop a project plan detailing staff component, management structure and functions involved, as well as a monthly programme for implementation and submission to Council and DPWI, on a regular basis.

RESPONSIBLE OFFICIAL:**S MADIKANE****TARGET DATE FOR IMPLEMENTATION:****15 AUGUST 2022**

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)

None

The meeting adjourned at 10:42

DATE

THE SPEAKER – G COHEN

Annexure A
1/2**LAND PARTY MEMORANDUM****DATE: 08 JULY 2022****TIME: 13:00****PLACE: OVERSTRAND MUNICIPALITY****DIRECTED: EXECUTIVE MAYOR DR ANNELIE RABIE**

Dear Executive Mayor Dr Annelie Rabie!

Please find our memorandum to you and your executive council.

The Land Party would like to ask your office to look the following demands:

1. Give service stands to the people of Dubai and Marikana so that those who are able to build themselves can do so and those who can not afford can be assisted through government subsidies
2. Water, Electricity, sanitation and roads for both the people of Dubai and Marikana
- ✓ 3. Sale agreement of Schulphoek land
4. Made available the Hemel en Aarde farm available to the community for collective farming
5. Provide the Land Party with lease agreements for all abalone farms
6. Provide the Land Party with all lease agreements that involve one of your Councillors Mr Clinton Lerm
7. Scrap all municipality debts and allow citizens to start afresh as you did to business
8. Provide title deeds for the people of Peach House and in the Admin site

S45 (Sec
1, 3, 5

The Land Party trusts that you are going to take seriously all demands that have been made to your office.

2/2

The Land Party will give your office until the end of this month to respond to all its demands.
The Land Party will come back on the 5th of August to your office together with people present here today if its demands are not met.

Signed at.....

Witness number 1 *[Signature]*

Witness number 2 *[Signature]*

Witness number 3 *[Signature]*



SUBMISSION ZWELIHLE PETITION WITH 2,736
SIGNITURES AND 36 SUPPORTING AFFIDAVIT

TIME: 11H00am DATE: 26 JULY 2022

VENUE: OVERSTRAND MUNICIPALITY

MEMORANDUM OF DEMANDS

RE: THIS DOCUMENT SERVES AS A MEMORANDUM OF DEMANDS OF THE ZWELIHLE RESIDENTS TO THE MAYOR OF THE OVERSTRAND MUNICIPALITY.

1. THE COMMUNITY OF ZWELIHLE DEMANDS THE OVERSTRAND MUNICIPALITY TO HAND OVER THE RIGHTS OF BEING THEIR ELECTRICITY PROVIDER TO ESKOM.
2. ZWELIHLE RESIDENTS NEED NO BROKER OR MIDDLEMAN NO MORE THEY WANT TO PURCHASE ELECTRICITY DIRECTLY FROM ESKOM.
3. NEGOTIATION TALKS OF THE HAND OVER PROCESS BETWEEN OVERSTRAND AND ESKOM TO COMMENCE AS SOON AS POSSIBLE AFTER THE RECEIVAL OF THIS MEMORANDUM.
4. THE OVERSTRAND MUNICIPALITY HAS OVER DECADES BEEN THE ONLY SERVICE PROVIDER OF ELECTRICITY TO ZWELIHLE AND HAS BEEN USING THIS ADVANTAGE TO OPPRESS THE COMMUNITY BY:
 - FORCING THE COMMUNITY TO PAY FOR WATER AND SEWAGE THROUGH BUYING ELECTRICITY, SAYING IT'S AUX, KNOWING THAT THE DUE DATE WHICH IS THE 20TH IS NOT ALL PEOPLE GETTING PAID BEFORE THAT.
 - DISCONNECT WATER WHEN THE RESIDENT CANNOT AFFORD TO PAY CONTINUES TO REDUCE THE UNITS OF ELECTRICITY AS AUX IS CHARGED.
 - RESTRICTIONS ARE TOO HIGH, ELECTRICITY IS A NEED WHILE OVERSTRAND MUNICIPALITY USES IT AS A WEAPON AGAINST THE RESIDENTS OF ZWELIHLE.
 - THIS ACT IS VIOLATING THE CONSTITUTIONAL RIGHTS OF THE RESIDENTS OF ZWELIHLE BY MONOPOLISING AND CHARGING HIGH ELECTRICITY RATES THAN ESKOM.
5. THE COUNCIL MUST OPEN UP AN IMMEDIATE HELP DESK TO REGISTER PEOPLE WHO ARE NOT WORKING, AS MANY COMPANIES CLOSED

3/3

DOWN DURING COVID AND UNEMPLOYMENT RATE IS VERY HIGH. ELDERLY PEOPLE NEED TO BE INCLUDED ON THE INDIGENOUS GRANT.

6. ILLIGAL CONNECTIONS ARE DUE TO THE NEEDS OF ELECTRICITY AS IT IS A BASIC NEED AND RIGHTS (STATED CLEAR TO OUR SOUTH AFRICAN CONSTITUTION):

- PEOPLE HAVE CHILDREN WHO STUDIES AND NEED ELECTRICITY TO DO THEIR SCHOOL HOMEWORKS.
- THE INFORMAL SETTLEMENT RESIDENTS WANT THEIR OWN ELECTRICAL METER-BOX TO PURCHASE THEIR OWN ELECTRICITY AND DO AWAY WITH ILLEGAL CONECTIONS.

WE HOPE THIS MEMORANDUM WHICH IS ACCOMPANIED BY THE PETITION OF SIGNITURE OF THE ZWELIHLE RESIDENTS THAT SAY ENOUGH IS ENOUGH OF OPPRESSION.

WE ARE EXPECTING TO HEAR FROM OVERSTRAND MUNICIPALITY WITHIN 10 WORKING DAYS FROM THE RECEIVING OF THIS PETITION.

SIGNITURES:



OM Mayor



MMC Cllr R. Nutt

Steven Muller

District Cllr A. Klass

Human Right Commissioner

Roderick Williams

Zwelihle Resident:

