



ORDINARY MEETING OF THE COUNCIL

GEWONE VERGADERING VAN DIE RAAD

INTLANGANISO YESIQHELO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

DATE / DATUM / UMHLA : 26 JULY / JULIE / JULAYI 2023

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 26 JULY 2023 AT 10:00**

PRESENT: Councillors were present as per attached attendance register.

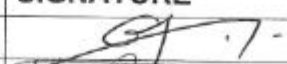


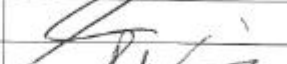
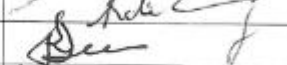
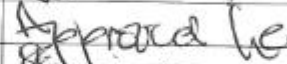




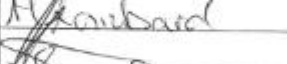
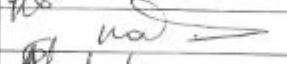

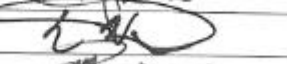

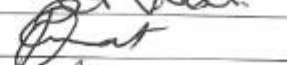

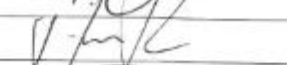









OFFICIALS PRESENT: Mr D O'Neill, Municipal Manager
Ms D Arrison, Director : Management Services
Mr H Vorster, Acting Director : Finance
Mr N Michaels, Director : Protection Services
Mr S Müller, Director : Infrastructure & Planning
Mr J Solomons, Senior Manager : Operational Services
Ms R Louw, Senior Manager : Strategic Planning
Ms A Le Roux, Manager : Property Administration
Ms H van Tonder, Manager : Council Support Services
Ms N Zweni, Manager : Communications
Ms R Steenekamp, Media & Social Media Liaison Officer
Mr T Louw, Technical Support : Auditorium
Ms S Swart, Administrative Officer : Council Support Services

ALSO PRESENT: Members of the Public

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

COUNCIL MEETING
26 JULY 2023

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	
NOMBULA, BG	
NQINATA, NNT	
NTSABO, L	
NUTT, R	
RABIE, AL	
RESANDT, CT	
SIHLAHLA, M	
TAFU-NWONKWO, CC	
VAN STADEN, JA	
WILLIAMS, SH	

1. OPENING

The Speaker, Cllr G Cohen, opened the meeting and welcomed those present. The Municipal Manager, Mr D O'Neill, read the convening notice and Cllr C Resandt opened with prayer.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Cllr T Els

RESOLVED:

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

3. CONFIRMATION OF MINUTES

- 3.1 Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 28 June 2023** at **10:00**

RESOLVED:

that the Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 28 June 2023** at **10:00** be confirmed.

- 3.2 Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Tuesday, 18 July 2023** at **09:00**

RESOLVED:

that the Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Tuesday, 18 July 2023** at **09:00** be confirmed.

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

Schulphoek Housing Project: The Executive Mayor, Ald A Rabie, reported to council that Asla was appointed as the turnkey implementing agent. She requested councillors and members of the public not to engage her on the Schulphoek project.

The Executive Mayor, Ald A Rabie, informed council that the 1st Thursday for August 2023 will be held in Betty's Bay on 3 August 2023.

The Executive Mayor, Ald A Rabie, informed council on the following facts regarding the Valuation Roll process: 1 888 objections were received; 1 191 objections were upheld; approximately 697 objections were dismissed. Objectors whose objections were dismissed, can now follow the appeal process.

The Executive Mayor, Ald A Rabie, informed council that a march will be held tomorrow, 27 July 2023 regarding Operation Dudula. She urged all councillors from Zwelihle to be present as the march will be about service delivery in Zwelihle.

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 SIGNED PERFORMANCE AGREEMENTS OF THE MUNICIPAL MANAGER AND SECTION 56 (DIRECTORS) APPOINTEES FOR 2023/24

(ITEM 5 PAGE 1 : MAYORAL COMMITTEE MEETING : 12 JULY 2023)

RESOLVED (SUPPORTED BY 26 COUNCILLORS):

that the signed performance agreements of the Municipal Manager and Section 56 (Directors) appointees for 2023/24 **be noted**.

RESPONSIBLE OFFICIAL :

RG LOUW

TARGET DATE FOR IMPLEMENTATION :

31 JULY 2023

6. CONSIDERATION OF REPORTS**6.1****MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM) POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR JUNE 2023****C Le Roux
3 July 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 June 2023.

RESOLVED (SUPPORTED BY 26 COUNCILLORS):

1. that the deviations from the procurement processes, approved in terms of the delegated authority for June 2023, **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 2023, **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 2023, **be noted**.

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

6.2**OVERBERG DISTRICT MUNICIPALITY: PROPOSED CLOSURE OF MINOR ROADS 4018, 4019, 4020, 4021, 4022 AND 4023 GANSBAAI****J Solomons
10 July 2023****Senior Manager: Operational Services****(028) 313 8156**

EXECUTIVE SUMMARY

The purpose of this report is informing Council of the de-proclamation process and closure of minor roads 4018, 4019, 4020, 4021, 4022 AND 4023 GANSBAAI, as initiated and applied by Overberg District Municipality and applied to the Department of Transport & Public Works.

The proposal was advertised in the Hermanus Times on 21 June 2023 for public comments or objections by affected landowners and parties of which Overstrand Municipality was listed as an affected landowner and party.

RESOLVED (SUPPORTED BY 26 COUNCILLORS):

1. that Council take note of de-proclamation process and closure of minor roads 4018, 4019, 4020, 4021, 4022 and 4023 GANSBAAI, as initiated and applied by Overberg District Municipality and applied to the Department of Transport & Public Works; and
2. that the Executive Mayor and the Municipal Manager engage with the Overberg District Municipality and Department of Roads and Public Works, and discuss the de-proclamation matters before the process is finalised.

RESPONSIBLE OFFICIALS :**SENIOR MANAGER:
OPERATIONAL SERVICES
GANSBAAI****TARGET DATE FOR IMPLEMENTATION :****01 AUGUST 2023**

6.3**A PORTION OF ERF 4565 HERMANUS: DEVIATION FROM THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 – HERMANUS PUBLIC PROTECTION (NPC)****N J Michaels
2 July 2023****Director : Protection Services****(028) 313 8054****EXECUTIVE SUMMARY**

To obtain approval for the deviation from conditions contained in paragraphs 4, 26 and 41 of the Administration of Immovable Property Policy of 2015 in order to:

- (a) waive the payment of the required application fee payable by the applicant upon submission of an application to use municipal property (paragraph 4);
- (b) waive any rental/compensation payable in lieu of services that will be rendered and the investment in infrastructure on municipal property (paragraph 26); and
- (c) waive the Municipality's claim for the payment of rates and taxes and services charges (paragraph 41);

in order for the Municipality to enter into a memorandum of agreement with the Hermanus Public Protection NPC (hereinafter referred to as "HPP") for the use of floor space in the Incident Command Centre (hereinafter referred to as "ICC") building situated on a portion of Erf 4565 Hermanus (hereinafter referred to as the "floor space"), for a period of 3 (THREE) years from 1 October 2023 to be able to share the incident command system as an integrated joint approach in the fight against crime.

RESOLVED (SUPPORTED BY 26 COUNCILLORS):

that the item **be referred back** and resubmitted at the forthcoming Protection Services Portfolio Committee meeting on 1 August 2023.

RESPONSIBLE OFFICIAL :**L SMITH****TARGET DATE FOR IMPLEMENTATION :****31 AUGUST 2023****TARGET DATE TO INFORM APPLICANT :****10 AUGUST 2023**

6.4**A PORTION OF ERF 4565 HERMANUS: DEVIATION FROM THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 – SOUTH AFRICAN POLICE SERVICE****N J Michaels
2 July 2023****Director : Protection Services****(028) 313 8054****EXECUTIVE SUMMARY**

To obtain approval for the deviation from conditions contained in paragraphs 26 and 41 of the Administration of Immovable Property Policy of 2015 in order to:

- (a) waive any rental/compensation payable in lieu of services that will be rendered from municipal property (paragraph 26); and
- (b) waive the Municipality's claim for the payment of rates and taxes and services charges (paragraph 41);

in order for the Municipality to enter into a memorandum of agreement with the South African Police Service (hereinafter referred to as "SAPS") for the use of floor space in the Incident Command Centre (hereinafter referred to as "ICC") building situated on a portion of Erf 4565 Hermanus (hereinafter referred to as the "floor space"), for a period of 3 (THREE) years from 1 October 2023, to be able to share the incident command system as an integrated joint approach in the fight against crime.

RESOLVED (SUPPORTED BY 26 COUNCILLORS):

that the item **be referred back** and resubmitted at the forthcoming Protection Services Portfolio Committee meeting on 1 August 2023.

RESPONSIBLE OFFICIAL :**L SMITH****TARGET DATE FOR IMPLEMENTATION :****31 AUGUST 2023****TARGET DATE TO INFORM APPLICANT :****10 AUGUST 2023**

6.5**ERF 1179 HAWSTON: RECOMMENDATION TO USE THE PROPERTY AS AN EXTENSION OF THE HAWSTON THUSONG CENTRE****A Le Roux
30 March 2023****Manager: Property Administration****(028) 316-5609**

EXECUTIVE SUMMARY

To obtain approval from Council to use the building on Erf 1179 Hawston, known as the "Selfboustoor", as an extension of the Hawston Thusong Centre.

RESOLVED (SUPPORTED BY 26 COUNCILLORS):

that the item **be withdrawn** and resubmitted at the next Council meeting.

RESPONSIBLE OFFICIAL :**M ERASMUS
G SMIT****TARGET DATE FOR IMPLEMENTATION :****31 AUGUST 2023****TARGET DATE TO INFORM APPLICANT :****17 AUGUST 2023**

6.6**SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT – 2022/2023:****4th QUARTER: 01 APRIL 2023 TO 30 JUNE 2023****C Le Roux
05 July 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 26 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 2022/2023 **be noted**.

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

**6.7
ANNUAL SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT IN
TERMS OF PARAGRAPH 6(2)(a) OF THE POLICY: 2022/2023**

**C Le Roux
14 July 2023**

Deputy Director : Finance & SCM

(028) 313 8080

EXECUTIVE SUMMARY

The Local Government: Municipal Finance Management Act, No. 56 of 2003 (MFMA), requires the municipality to have and implement a Supply Chain Management (SCM) Policy which gives effect to the provisions of Part 1 of Chapter 11 of the Act that deals with 'Supply Chain Management'.

On 30 May 2005, the Municipal Supply Chain Management Regulations were promulgated. The Overstrand Municipality's Supply Chain Management Policy was approved in terms of these Regulations by Council on 25 June 2008.

Although the MFMA prohibits a Councillor from being a member of a bid committee or any other committee evaluating or approving quotations or tenders, Council has an oversight role to ensure that the accounting officer implements all supply chain management activities in accordance with this policy. For the purposes of such oversight, Council's Supply Chain Management Policy, Paragraph 6(2)(a) requires that the Accounting Officer must "Within 22 business days of the end of each financial year, submit a report on the implementation of the policy to the Council."

RESOLVED (SUPPORTED BY 26 COUNCILLORS):

1. that the Supply Chain Management Implementation Report for the 2022/2023 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 2022/2023 financial year.

RESPONSIBLE OFFICIAL :

C LE ROUX

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

**A WORKSHOP ON SUPPLY CHAIN MANAGEMENT TO BE HELD WITH ALL
COUNCILLORS**

6.8**ANNUAL STOCK TAKING FOR 2022/2023: MUNICIPAL STORES****C ROETS****7 July 2023****Manager: Contracts & Logistics****(028) 313 8951**

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the annual stock-take conducted:

On Friday 23 June 2023 at:

Gansbaai Store (08h30 to 13h00)

Kleinmond Store (13h45 to 16h30)

On Monday 27 June 2023 at:

Hermanus Store: (08h30 to 16h30)

RESOLVED (SUPPORTED BY 26 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 2023 be **written off**; and
3. that the stock as recorded on 30 June 2023 be taken as the starting balance of the 2023/2024 stock register.

RESPONSIBLE OFFICIAL :**C ROETS****TARGET DATE FOR IMPLEMENTATION :****15 AUGUST 2023**

6.9**QUARTERLY BANK ACCOUNT WITHDRAWALS IN TERMS OF SECTION 11(4) OF THE MFMA FOR THE QUARTER ENDED JUNE 2023****BA King
18 July 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 26 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 2023, **be noted**.

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

6.10**BUDGET REPORT AND SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) FOR THE QUARTER ENDED JUNE 2023****BA King
17 July 2023****Senior Manager: Financial Services****(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 26 COUNCILLORS):

1. that the budget report and service delivery and budget implementation plan for the quarter ended June 2023, prepared as part of the reporting obligations arising from the Local Government: Municipal Finance Management Act, 2003 and additional information, **be noted**;
2. that the content of the report for the 4th quarter of the 2022/2023 financial year, on the top level Service Delivery and Budget Implementation Plan **be noted**; and
3. that the income foregone in terms of the Local Government: Municipal Property Rates Act, for the 2022/2023 financial year, **be noted**.

RESPONSIBLE OFFICIALS :**BA KING
RG LOUW
EH HOONEBERG****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED****THE DEMOCRATIC ALLIANCE REQUESTED A CAUCUS AT 10:47****THE MEETING RESUMED AT 10:55**

THE SPEAKER, CLLR G COHEN, CHANGED THE ORDER OF BUSINESS AND THE FOLLOWING ITEM WAS DEALT WITH AFTER ITEM 9 ON THE AGENDA.

THE MEETING STOOD DOWN AT 11:04 IN ORDER TO GIVE OFFICIALS AND MEMBERS OF THE PUBLIC TIME TO LEAVE THE BANQUETING HALL.

THE MEETING RESUMED AT 11:10

6.11

RIGHT OF PRE-EMPTION: ERF 2793 HAWSTON SITUATED AT 4 BEVERLEY STREET, HAWSTON

This item was distributed under separate cover at the meeting.

In terms of Section 20(1) of the Local Government: Municipal Systems Act, No 32 of 2000, read with Rule 17 of the Overstrand Municipality's By-law on Rules of Order for Internal Arrangements, this item was considered "in committee".

The resolutions under this item shall be minuted in a separate minute book in terms of section 20(1) of the Local Government: Municipal Systems Act, No 32 of 2000 read with Rule 17 of the Overstrand Municipality's By-law on Rules of Order for Internal Arrangements.

6.12**AMENDMENTS TO THE CUSTOMER CARE, CREDIT CONTROL AND DEBT COLLECTION POLICY AND THE INDIGENT POLICY****S Reyneke-Naude**
21 July 2023**Director : Finance****(028) 313 8040**

EXECUTIVE SUMMARY

The purpose of the item is to approve amendments to the Customer Care, Credit Control and Debt Collection Policy and to the Indigent Policy.

The budget related policies were reviewed this year, tabled with the budget for 2023/2024 and presented to Council for approval on 31 May 2023, with implementation date for these policies on 1 July 2023, in order to conform to the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003).

Further minor amendments to the policy are now recommended in this report, which can be regarded as further enhancements.

RESOLVED (SUPPORTED BY 26 COUNCILLORS):

that the amended Customer Care, Credit Control and Debt Collection Policy and the amended Indigent Policy be approved and implemented retrospectively with effect from July 2023.

RESPONSIBLE OFFICIAL :**S REYNEKE-NAUDE**
E HOONEBERG**TARGET DATE FOR IMPLEMENTATION :****4 AUGUST 2023**

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 11:16

DATE

THE SPEAKER – G COHEN