



ORDINARY MEETING OF THE COUNCIL

GEWONE VERGADERING VAN DIE RAAD

INTLANGANISO YESIQHELO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

DATE / DATUM / UMHLA : 24 JUNE / JUNIE / JUNI 2020

VENUE / PLEK / INDAWO : VIRTUAL

TIME / TYD / IXESHA: 11:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

**MINUTES OF THE COUNCIL MEETING
HELD BY MEANS OF A VIRTUAL PLATFORM
ON 24 JUNE 2020, AT 11:00**

PRESENT:

Councillors were present as per attached attendance register.

OFFICIALS PRESENT:

Mr C Groenewald, Municipal Manager
Ms D Arrison, Director : Management Services
Ms S Reyneke-Naudé, Director : Finance
Mr R Williams, Director : Community Services
Mr S Madikane, Director : LED
Mr S Müller, Director : Infrastructure & Planning
Mr R Kuchar, Senior Manager : Town Planning
Mr A Wyngaard, Senior Manager : Hermanus
Administration
Mr A Le Roux, Manager : Property Administration
Ms Z Mazuthu, Chief Risk Officer
Ms H van Tonder, Manager : Council Support
Services
Ms D van der Heever, Chief Audit Executive
Ms D Taljaard, PA to Executive Mayor
Ms S Swart, Administrative Officer : Council
Support Services
ICT

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

COUNCIL MEETING
24 JUNE 2020

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	✓
MORGAN, H	✓
MSWELI, X	✓
NTSABO, L	✓
NUTT, R	✓
ORBAN, J	✓
PUNGUPUNGU, V	<i>Joined 11H13.</i> →
RESANDT, C	<i>PRESENT</i> ✓
SAPEPA, NM	✓
TAFU-NWONKWO, CC	✓
TEBELE, S	✓

1. OPENING

The Municipal Manager, Mr C Groenewald, read the notice convening the meeting. Cllr A Komani opened with prayer.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Cllr C Resandt

RESOLVED

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

CLLR S TEBELE INFORMED THE SPEAKER THAT CLLR V PUNPUNGU WILL BE LATE AS SHE HAD TO DEAL WITH A PROBLEM

CLLR V PUNGUPUNGU JOINED THE MEETING AT 11:13

3. CONFIRMATION OF MINUTES

- 3.1 Minutes of an **Ordinary Meeting** of the **Council** held on **Wednesday, 27 May 2020** at **11:00**

RESOLVED:

that the Minutes of an **Ordinary Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 27 May 2020** at **11:00**, **be confirmed.**

- 3.2 Minutes of a **Special Meeting** of the **Council** held on **Friday, 12 June 2020** at **11:00**

RESOLVED:

that the Minutes of a **Special Meeting** of the **Council** held on **Friday, 12 June 2020** at **11:00**, **be confirmed.**

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

The Executive Mayor, Ald D Coetzee, delivered a speech regarding Covid-19, a copy of which is attached as Annexure A 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: AMENDMENT OF THE OVERSTRAND MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING, ADOPTION OF THE OVERSTRAND MUNICIPALITY LAND USE SCHEME AND OVERLAY ZONES AND INCORPORATION INTO THE SAID BY-LAW

(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING : 24 JUNE 2020)

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

1. that the Reviewed Overstrand Municipality By-Law on Municipal Land Use Planning and the Overstrand Municipality Land Use Scheme and Overlay Zones **be adopted** by Council;
2. that the following policies **be rescinded**:
 - Overstrand Policy on Playschools on Single Residential erven, dated 2001 (Executive Committee Meeting, dated 7 August 2001)
 - Policy on Guidelines and requirements in respect of applications for the erection/establishment of additional dwelling units and accommodation for farm workers/ staff on agricultural land units within the jurisdiction area of the Overstrand Municipality, dated 2009 (Council dated 1 September 2009) and
 - Policy for conducting an accommodation establishment on a single residential erf, dated 2001 (Executive Committee meeting, dated 31 May 2001)
3. that the determination of the zoning of various erven to be aligned with Fernkloof Nature Reserve Proclamation, 2000, **be approved**; and
4. that the determination of bulk areas of the towns of Hermanus, Kleinmond and Gansbaai, **be approved**.

RESPONSIBLE OFFICIAL :

R KUCHAR

TARGET DATE FOR IMPLEMENTATION :

8 JULY 2020

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

5.2

REPORTS OF THE JOINT AUDIT AND PERFORMANCE AUDIT COMMITTEE (JAPAC) TO THE OVERSTRAND MUNICIPAL COUNCIL

(ITEM 6, PAGE 377 : MAYORAL COMMITTEE MEETING : 24 JUNE 2020)

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

that the reports from the Joint Audit and Performance Audit Committee to the Overstrand Municipal Council **be noted**.

RESPONSIBLE OFFICIAL :

DC VAN DER HEEVER

TARGET DATE FOR IMPLEMENTATION :

24 JUNE 2020

**5.3
COMBINED ASSURANCE POLICY FRAMEWORK**

(ITEM 7, PAGE 440 : MAYORAL COMMITTEE MEETING : 24 JUNE 2020)

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

that the Combined Assurance Policy Framework **be approved.**

RESPONSIBLE OFFICIAL : Z MAZUTHU

TARGET DATE FOR IMPLEMENTATION : 1 JULY 2020

5.4**FRAUD PREVENTION & ANTI-CORRUPTION STRATEGY, POLICY AND PLAN****(ITEM 8, PAGE 450 : MAYORAL COMMITTEE MEETING : 24 JUNE 2020)****RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that the Fraud Prevention & Anti-Corruption Strategy **be approved**;
2. that the Fraud Prevention & Anti-Corruption Policy **be approved**; and
3. that the Fraud Prevention & Anti-Corruption Plan **be approved**.

RESPONSIBLE OFFICIAL :**Z MAZUTHU****TARGET DATE FOR IMPLEMENTATION :****1 JULY 2020**

5.5

A PORTION OF ERF 775 FISHERHAVEN: DEVIATION FROM PARAGRAPHS 18, 20.1(b) AND 24 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A FURTHER TEMPORARY LEASE AGREEMENT WITH LAKE MARINA YACHT AND BOAT CLUB

(ITEM 9, PAGE 510 : MAYORAL COMMITTEE MEETING : 24 JUNE 2020)

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

1. that the deviation from paragraph 18 of the Administration of Immovable Property Policy in order to renew the current lease agreement with Lake Marina Yacht and Boat Club for a further period of 12 (TWELVE) months without following a competitive process, **be approved**;
2. that the deviation from paragraph 20.1(b) of the Administration of Immovable Property Policy in order to renew the current lease agreement with Lake Marina Yacht and Boat Club for a further period of 12 (TWELVE) months without following a public participation process, **be approved**; and
3. that the deviation from paragraph 24 of the Administration of Immovable Property Policy in order to renew the current lease agreement with Lake Marina Yacht and Boat Club without having a new market related valuation being done, **be approved**.

RESPONSIBLE OFFICIAL :	M ERASMUS
TARGET DATE FOR IMPLEMENTATION :	31 JULY 2020
TARGET DATE TO INFORM APPLICANT :	30 JUNE 2020
TARGET DATE TO INFORM OBJECTOR :	N/A

5.6**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR MAY 2020****(ITEM 10, PAGE 517 : MAYORAL COMMITTEE MEETING : 24 JUNE
2020)****RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that the deviations from the procurement processes, approved in terms of the delegated authority for May 2020, **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 May 2020, **be noted**.

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

5.7

ERF 8643 KLEINMOND - KLEINMOND COMMUNITY INVESTMENT HOLDINGS (PTY) LTD (KCIH): TRANSFER OF PROPERTY TO THE MUNICIPALITY AND WRITE OFF OF AMOUNTS RAISED

(ITEM 11, PAGE 524 : MAYORAL COMMITTEE MEETING : 24 JUNE 2020)

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

that Council **approves** the writing off of the amount of R77 616.57 (SEVENTY SEVEN THOUSAND SIX HUNDRED AND SIXTEEN RAND AND FIFTY SEVEN CENTS), representing the municipal rates and taxes, services charges, interest, penalties and collection costs levied on the municipal account number 311864300011 in order for the Municipality to attend to the transfer of Erf 8643 Kleinmond as ordered by the Court.

RESPONSIBLE OFFICIAL :

**A LE ROUX
E HOONENBERG**

TARGET DATE FOR IMPLEMENTATION :

30 JUNE 2020

TARGET DATE TO INFORM APPLICANT :

N/A

5.8**PROPOSED AMENDMENT OF TWO CONTRACTS REGARDING GEOGRAPHIC INFORMATION SYSTEMS SERVICES:**

**CONTRACT SC1634A/2015: PROVISION OF GEOGRAPHICAL INFORMATION SYSTEMS (GIS) SERVICES IN THE OVERSTRAND MUNICIPAL AREA; AND
CONTRACT SC1793/2017: THE ACQUISITION OF CAPPED ELA LICENSING FEE FOR THE GIS SYSTEM FOR A CONTRACT PERIOD ENDING 30 JUNE 2020**

(ITEM 12, PAGE 529 : MAYORAL COMMITTEE MEETING : 24 JUNE 2020)

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

1. that cognisance be taken of the reason for the proposed amendments of the following contracts:
 - (a) SC1634A/2015 for the GIS Services Level Agreement Contract; and
 - (b) SC1793/2017 for the GIS Enterprise License Agreement Contract;
2. that cognisance be taken that no recommendations or representations were received from the local community by the closing date 28 April 2020; and
3. that Council consents to these amendments.

RESPONSIBLE OFFICIAL :**L RAUCH****TARGET DATE FOR IMPLEMENTATION :****1 JULY 2020****TARGET DATE TO INFORM APPLICANT:****1 JULY 2020**

6. CONSIDERATION OF REPORTS**6.1
APPOINTMENT OF MUNICIPAL MANAGER****4/3/R****DS Arrison****Director : Management Services****07 June 2020****(028) 313 8001**

Executive Summary

The purpose of this report is to consider the appointment of a Municipal Manager with effect 1 November 2020.

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

1. that Mr Dean O'Neill **be appointed** as Municipal Manager with effect from 1 November 2020;
2. that, in terms of sub-section 60(1)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the Executive Mayor **be authorised** to negotiate the terms and conditions of appointment, as is provided for in Chapter 3 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): Local Government Regulations on Appointment and Conditions of Employment of Senior Managers, (GN 21 dated 17 January 2014) and the Local Government Regulations: Upper Limits Payable to Municipal Managers and Managers Directly Accountable to Municipal Managers (GN 351 dated 20 March 2020, with the successful candidate and to conclude the necessary contract of employment; and
3. that, as is provided for in sub-regulation 17(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): Local Government Regulations on Appointment and Conditions of Employment of Senior Managers (GN 21 dated 17 January 2014), the Minister for Local Government of the Western Cape **be advised** within 14 days of the appointment process and outcome.

RESPONSIBLE OFFICIAL:**DS ARRISON****TARGET DATE FOR IMPLEMENTATION:****1 NOVEMBER 2020**

**6.2
INVESTIGATION INTO COMPLAINT/ACCUSATION OF ALLEGED
MISCONDUCT: MR CC GROENEWALD, MUNICIPAL MANAGER**

4/3/R

D Arrison

Director: Management Services

18 June 2020

(028) 313 8001

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the outcome of an investigation into a complaint/accusation of alleged misconduct brought by Mr Anton Kruger, on behalf of a group referred to as LiberTAS, against the Municipal Manager, Mr CC Groenewald.

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

1. that the outcome of the investigation by Adv Pieter-Schalk Bothma from the Cape Town Bar, assisted by Messrs VisagieVos Attorneys from Cape Town, that *there was no evidence found to support the allegation(s) of misconduct against the Municipal Manager*, be noted and that *the allegation(s) of misconduct be dismissed*; and
2. that the Executive Mayor, with the assistance of the Municipality's Legal Department, investigates the viability of instituting legal proceedings against the complainant, Mr Anton Kruger and others, for the recovery of all costs and expenses incurred by the Municipality as a result of, and subsequent to, the investigation of the allegations made by them against the Municipal Manager.

RESPONSIBLE OFFICIAL:

DS ARRISON

TARGET DATE FOR IMPLEMENTATION:

IMMEDIATELY

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 12:17

DATE

THE SPEAKER – A COETSEE

The South African government has officially gazetted regulations for the advanced lockdown level 3 protocols on 19 June 2020.

Moving to Level 3 advanced this week has seen businesses such as hairdressing and beauty services re-opening and people in the personal care services (formal and informal) are getting back to work; which is great for our Overstrand community.

But, we still need to be vigilant about COVID-19 for the risk of infection inevitably increases as we resume more activities.

The latest number of positive Coronavirus cases for the Western Cape, Overberg and Overstrand as on Monday, 22 June 2020:

- The Western Cape has 51 351 confirmed cases • In the Overberg, there are a total of 789 cases (485 active cases) and 16 deaths.
- In the Overstrand, there are a total of 416 cases (268 active cases) and 4 deaths.

The rapid increase in the number of people testing positive is very worrying and the positive COVID-19 cases are rising fast in the Overberg and more specifically the Overstrand.

The first deaths as a result of the pandemic were reported in the Overstrand on 17 June. Since then 2 more deaths were reported in our area as a result of COVID-19. Our thoughts go out to the family and friends of the deceased.

Having said this notice must be taken that the National Health Act provides that all information concerning a patient, including their health status, treatment or stay in a health establishment, is confidential. This information may thus not be disclosed. Please respect the privacy of others, especially during these hard times and refrain from comments naming or alluding to the name and or address of the deceased.

The 2 main hotspots in the district are Zwelihle in the Overstrand Municipality and Grabouw in the Theewaterskloof Municipality.

Our frontline teams from the Department of Health, the municipalities and the SAPS are working and do their level best in assisting to stop the spread of the virus. But this cannot be done without your help and each and every individual living in or visiting our area.

A special plea is directed to those who are over the age of 60 or those having underlying illnesses to take extra care. You are at higher risk of becoming seriously ill or dying. It is therefore important that you take extra precautions and stay at home whenever possible.

The most effective defences against the virus are the simplest. Please:

- Wear your mask when you leave your home;
- Maintain social distancing;
- Sanitise your hands regularly;
- Stay HOME as much as possible (don't shop if you don't have to);
- And ensure those vulnerable to COVID-19 also remain at home.

Lastly, thank you to all our essential services workers - we really appreciate the work you do. Thank you also, to all the wonderful non-profit organisations providing humanitarian relief during lock down. You are doing this amazing work, for no recognition and no reward. Thank you to all our councillors who have been assisting with the various food relief programmes as well as broadcasting messages in various areas encouraging people to stay at home and to take the necessary precautions when leaving their homes.