



ORDINARY MEETING OF THE COUNCIL

GEWONE VERGADERING VAN DIE RAAD

INTLANGANISO YESIQHELO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

DATE / DATUM / UMHLA : 28 NOVEMBER / NOVEMBA 2018

VENUE / PLEK / INDAWO : BANQUETING HALL /
BANKETSAAL

CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU
HERMANUS

TIME / TYD / IXESHA: 11:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

**MINUTES OF THE COUNCIL MEETING
HELD IN THE BANQUETING HALL, CIVIC CENTRE,
HERMANUS, ON 28 NOVEMBER 2018, AT 11:00**

PRESENT: Councillors were present as per attached attendance register.


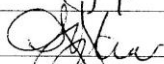
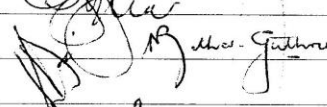

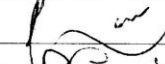
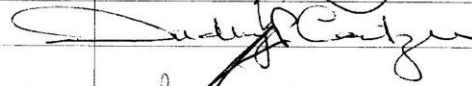

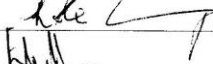

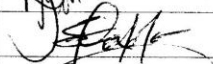
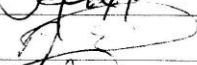

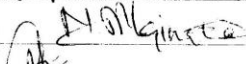





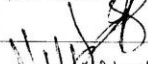
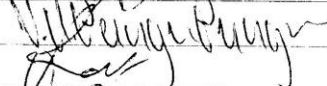




OFFICIALS PRESENT: Mr C Groenewald, Municipal Manager
Ms S Reyneke-Naudé, Director : Finance
Mr X Kosi, Acting Director : LED
Mr N Michaels, Director : Protection Services
Mr S Müller, Director : Infrastructure & Planning
Mr H Blignaut, Deputy Director : Engineering Services
Mr F Myburgh, Senior Manager : Gansbaai Administration
Mr D Lakey, Senior Manager : Kleinmond Administration
Ms E Hooneberg, Senior Manager : Income
Mr G Smit, Manager : Social Development
Ms M Erasmus, Administrative Officer : Property Administration
Mr L Smith, Chief: Fire & Rescue & Disaster Management
Ms H van Tonder, Manager : Council Support Services
Ms S Swart, Administrative Officer : Council Support Services
ICT
Ms N Zweni, Manager : Communication
Ms R Steenekamp, Social Media & Media Liaison Officer
Ms G Erasmus, Clerk : Auditorium
Ms D Laing, Relief Clerk Grade 2

ALSO PRESENT: Members of the Public

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

COUNCIL MEETING
28 NOVEMBER 2018

ALDERMAN/COUNCILLORS	SIGNATURE
AFRICA, F	
BOTHA, D	
BOTHA-GUTHRIE, N	
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	
OPPERMAN, M	
ORBAN, J	
PUNGUPUNGU, V	
RESANDT, C	
SAPEPA, NM	
TAFU-NWONKWO, CC	
TEBELE, S	

1. OPENING

Pastor R Nutt opened the meeting with prayer. The Municipal Manager, Mr C Groenewald, read the convening notice.

2. APPLICATIONS FOR LEAVE OF ABSENCE

None

3. CONFIRMATION OF MINUTES

- 3.1 Minutes of an **Ordinary Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 31 October 2018 at 11:00**

RESOLVED

that the Minutes of an **Ordinary Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 31 October 2018 at 11:00, be confirmed.**

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

Long service certificates were handed over to the following staff members by the Executive Mayor, Ald D Coetzee:

HERMANUS ADMINISTRATION

EMPLOYEE	LONG SERVICE YEARS	DATE ACHIEVED
Mrs Bulelwa Plaatjies	10 Years	01/11/2018
Mrs Maureen Dickson	20 Years	01/11/2018
Mr Cameron Damon	10 Years	01/11/2018
Mr Anthony Blankenberg	10 Years	01/11/2018

GANSBAAI ADMINISTRATION

EMPLOYEE	LONG SERVICE YEARS	DATE ACHIEVED
Mrs Hantie Vermeulen	35 years	20 November 2018

Mr James Opperman	20 years	16 November 2018
Mr Reduwaan Presslin	10 years	01 November 2018
Mr Leonard Newman	10 years	17 November 2018
Mr Franklin Pieterse	10 years	17 November 2018

CLLR S TEBELE LEFT THE MEETING AT 11:10 WITH PERMISSION FROM THE SPEAKER

CLLR S TEBELE JOINED THE MEETING AT 11:14

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

WRITING OFF OF IRRECOVERABLE DEBT

(ITEM 1, PAGE 1 : FINANCE PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 NOVEMBER 2018)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the irrecoverable debt to the value of R286 176.06 as listed below, **be written off** as bad debt:

A	First time write off – Indigent Households	R 28 069.90
B	Indigent water leakages irrecoverable	R251 673.78
C	Other Irrecoverable Debt (refer par 6.2.3)	R 6 432.38
	TOTAL	R286 176.06

RESPONSIBLE OFFICIAL :

EM HOONEBERG

TARGET DATE FOR IMPLEMENTATION :

7 DECEMBER 2018

5.2**AMENDMENTS TO SECTION 1 AND SECTION 7 OF THE OVERSTRAND MUNICIPALITY PARKING MANAGEMENT BY-LAW 2015****(ITEM 2, PAGE 33 : PROTECTION SERVICES, ECONOMIC DEVELOPMENT & TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 NOVEMBER 2018)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

that, in terms of section 11(3)(e) and (m) of the Local Government: Municipal Systems Act No 32 of 2000, the Amendments to the Parking Management By-law 2015, as provided for in Annexure A to the report which served before the Portfolio Committee for Protection Services on 20 November 2018 and the Executive Mayor on 28 November 2018, **be adopted.**

RESPONSIBLE OFFICIAL :**N MICHAELS****TARGET DATE FOR IMPLEMENTATION :****DATE OF PROMULGATION IN
GOVERNMENT GAZETTE**

5.3

HERMANUS, ERF 9515 ZWELIHLE: DEVIATION FROM PARAGRAPHS 18 AND 24 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A FURTHER LEASE AGREEMENT WITH PEMZO CONTRUCTION CC

(ITEM 2, PAGE 89 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 NOVEMBER 2018)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the deviation from paragraph 18 of the Administration of Immovable Property Policy in order to renew the current lease agreement with Pemzo Construction CC for a further period of 3 (THREE) years without following a competitive process, **be approved**; and
2. that the deviation from paragraph 24 of the Administration of Immovable Property Policy in order to renew the current lease agreement with Pemzo Construction CC without having a new market related valuation being done, **be approved**.

RESPONSIBLE OFFICIAL :**M ERASMUS****TARGET DATE FOR IMPLEMENTATION :****31 DECEMBER 2018****TARGET DATE TO INFORM APPLICANT :****17 DECEMBER 2018****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.4

GANSBAAI, A PORTION OF REMAINDER OF ERF 210: 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 GANSBAAI PERDERY KLUB

(ITEM 6, PAGE 115 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 NOVEMBER 2018)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the deviation from paragraph 18 of the Administration of Immovable Property Policy in order to renew the current lease agreement with Gansbaai Perdery Klub 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 Gansbaai Perdery Klub 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 Gansbaai Perdery Klub without having a new market related valuation being done, **be approved**.

RESPONSIBLE OFFICIAL :

M ERASMUS

TARGET DATE FOR IMPLEMENTATION :

31 DECEMBER 2018

TARGET DATE TO INFORM APPLICANT :

22 DECEMBER 2018

TARGET DATE TO INFORM OBJECTOR :

N/A

5.5**HERMANUS AFFORDABLE HOUSING: RESCINDING OF APPROVAL TO ALLOW FOR SERVICED SITES AND BNG HOUSING****(ITEM 8, PAGE 136 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 NOVEMBER 2018)****THE AFRICAN NATIONAL CONGRESS REQUESTED A CAUCUS AT 11:20****THE MEETING RESUMED AT 11:30****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that Council rescind decisions nr 5, 7, 8, 10, 11 and 12 on its resolution of 25 October 2017 in terms of the updated proposal and that the termination of the Hermanus Affordable Housing Project **be approved**;
2. that the proposal to develop the 150 erven serviced under the IRDP programme in Site C1, Swartdam Road, Zwelihle, as BNG housing for those potential beneficiaries on the housing demand database, **be approved**;
3. that the proposal to make the 22 sites referred to as Mount Pleasant Village in lower Mount Pleasant, available as serviced sites, **be approved**;
4. that the proposal to do a re-layout on the 17 sites referred to as Mount Pleasant Heights in upper Mount Pleasant and after Land Use Planning Approval is obtained, and making it available as serviced sites, **be approved**;
5. that all costs recovered in terms of the National Housing Code (NHC) from the sales of 22 erven referred to as Mount Pleasant Village in Lower Mount Pleasant, be paid into the Housing Development Fund (HDF) as per the conditions of the IRDP programme, **be approved**; and
6. that all costs recovered in terms of the NHC from the sales of the erven referred to as Mount Pleasant Heights in upper Mount Pleasant be paid to the Municipality, **be approved**.

RESPONSIBLE OFFICIAL :**A JACOBS****TARGET DATE FOR IMPLEMENTATION :****28 NOVEMBER 2018****TARGET DATE TO INFORM APPLICANT :****12 DECEMBER 2018****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.6**FOUNTAIN HILL AFFORDABLE HOUSING DEVELOPMENT, GANSBAAI:
LAPSING OF MEMORANDUM OF AGREEMENT****(ITEM 9, PAGE 235 : INFRASTRUCTURE & PLANNING PORTFOLIO -
MAYORAL COMMITTEE MEETING : 28 NOVEMBER 2018)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the outstanding civil infrastructure costs due on the already transferred 20 erven remaining in Phase 1 of the Fountain Hill development, plus interest on outstanding civil infrastructure cost calculated at 2% above the Prime Rate from the due date of actual payment, payable to the Municipality within 30 days after date of the Council decision, **be approved**;
2. that the request for extension of time of the Memorandum of Agreement and indivisible Deed of Sale entered into between the Municipality and Implementing Agent for a period of 24 months, **not be approved**;
3. that all applicable bulk service contributions on the remaining 124 erven not transferred to the Implementing Agent be waived, **be approved**;
4. that all applicable land costs on the remaining 124 erven not transferred to the Implementing Agent be waived only in relation to the erven made available to beneficiaries earning between R3 501 – R7 000, **be approved**; and
5. that the proposal to make the remaining 124 erven available as serviced sites to those qualifying beneficiaries in terms of the FLISP programme, **be approved**.

RESPONSIBLE OFFICIAL :**A JACOBS****TARGET DATE FOR IMPLEMENTATION :****28 NOVEMBER 2018****TARGET DATE TO INFORM APPLICANT :****28 NOVEMBER 2018****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.7

**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) OCTOBER 2018**

**(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING :
28 NOVEMBER 2018)**

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the deviations from the procurement processes, approved in terms of the delegated authority for October 2018, **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 October 2018, **be noted**.

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

5.8**PROPOSED AMENDMENT OF CONTRACT SC 878/2010: OPERATION OF THE GANSBAAI LANDFILL SITE AND PUBLIC DROP-OFF FACILITIES IN GREATER GANSBAAI AND STANFORD****(ITEM 6, PAGE 8 : MAYORAL COMMITTEE MEETING : 28 NOVEMBER 2018)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that **cognisance be taken** of the reasons for the proposed amendment of Contract SC878/2010 for the Operation of the Gansbaai Landfill Site and Public Drop-Off Facilities in Greater Gansbaai and Stanford, 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 consented to**; and
2. that **cognisance be taken** that no recommendations or representations were received from the local community by the closing date of 25 October 2018.

RESPONSIBLE OFFICIAL :**J VAN TAAK****TARGET DATE FOR IMPLEMENTATION :****1 DECEMBER 2018****TARGET DATE TO INFORM APPLICANT :****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.9

LONG TERM WATER AND WASTE WATER TREATMENT OPERATIONS MANAGEMENT CONTRACT : CONTRACT SC 1890/2018

(ITEM 7, PAGE 14 : MAYORAL COMMITTEE MEETING : 28 NOVEMBER 2018)

CLLR D BOTHA MOVED A MOTION IN TERMS OF RULE 36 OF THE STANDARD BY-LAW ON RULES OF ORDER FOR INTERNAL ARRANGEMENTS THAT THE MATTER BE PUT TO THE VOTE. THE MOTION WAS SECONDED BY ALD N BOTHA-GUTHRIE.

THE AFRICAN NATIONAL CONGRESS REQUESTED A CAUCUS AT 12:00

THE MEETING RESUMED AT 12:10

WHEN PUT TO VOTE 16 MEMBERS VOTED IN FAVOUR OF THE MOTION OF CLLR D BOTHA AND 8 MEMBERS VOTED AGAINST THE MOTION OF CLLR D BOTHA.

THE AFRICAN NATIONAL CONGRESS INDICATED THAT THEY ARE AGAINST THE RECOMMENDATION OF THE EXECUTIVE MAYOR AND CLLR S TEBELE MADE A COUNTER PROPOSAL TO THE EFFECT THAT THE WATER AND WASTE WATER TREATMENT OPERATIONS NEED TO BE DONE INHOUSE AND NOT GO ON TENDER.

WHEN PUT TO VOTE 8 MEMBERS VOTED IN FAVOUR OF THE RECOMMENDATION BY THE AFRICAN NATIONAL CONGRESS AND 16 MEMBERS VOTED AGAINST THE RECOMMENDATION BY THE AFRICAN NATIONAL CONGRESS.

THE RECOMMENDATION BY THE EXECUTIVE MAYOR WAS THUS CARRIED.

RESOLVED (SUPPORTED BY 16 COUNCILLORS):

1. that **cognisance be taken** that no response was received from the public or any other stakeholder following the invitation for comments, representations, views and recommendations in respect of the long term contract and the right to use the water and waste water treatment works;
2. that the right to use, control and manage the water and waste water treatment works for the contract period of 15 years to Veolia Water Solutions & Technologies (Pty) Ltd **be granted**;

3. that the determination of significant economic financial benefit from the long term contract for the Overstrand Municipality **be noted**;
4. that the long term contract for the Management of the Operation and Maintenance of the Water and Waste Water Treatment Works under the jurisdiction of Overstrand Municipality **be approved**; and
5. that the Municipal Manager **be authorised** to sign the long term contract on behalf of Overstrand Municipality.

RESPONSIBLE OFFICIAL :

H BLIGNAUT

TARGET DATE FOR IMPLEMENTATION :

8 DECEMBER 2018

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

5.10**PROPOSED AMENDMENT OF CONTRACT SC 1706/2016: OPERATION OF CELL 3 OF THE KARWYDERSKRAAL LANDFILL SITE FOR OVERSTRAND MUNICIPALITY****(ITEM 8, PAGE 79 : MAYORAL COMMITTEE MEETING : 28 NOVEMBER 2018)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that **cognisance be taken** of the reasons for the proposed amendment of Contract SC1706/2016 for the Operation of Cell 3 of the Karwyderskraal Landfill Site for Overstrand Municipality, 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 **consented to**; and
2. that **cognisance be taken** that no recommendations or representations were received from the local community by the closing date of 15 October 2018.

RESPONSIBLE OFFICIAL :**J VAN TAAK****TARGET DATE FOR IMPLEMENTATION :****1 JANUARY 2019****TARGET DATE TO INFORM APPLICANT :****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.11

**SUBSIDY APPLICATION ON PROCLAIMED MAIN ROADS FOR THE PERIOD
1 JULY 2019 TO 30 JUNE 2020**

**(ITEM 9, PAGE 85 : MAYORAL COMMITTEE MEETING :
28 NOVEMBER 2018)**

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the subsidy application to be submitted to the Provincial Department of Roads and Transport for proclaimed main roads in Overstrand for the 2019/20 financial year to the amount of R240 000, **be supported.**

RESPONSIBLE OFFICIAL :

M BARTMAN

TARGET DATE FOR IMPLEMENTATION :

NOVEMBER 2019

5.12**2nd ADJUSTMENTS BUDGET 2018/2019 (UNFORESEEN AND UNAVOIDABLE EXPENDITURE, GRANT FUNDING ROLL-OVERS APPROVED AND THE WESTERN CAPE ADJUSTED ESTIMATES, 2018)****(ITEM 10, PAGE 89 : MAYORAL COMMITTEE MEETING : 28 NOVEMBER 2018)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that, in terms of section 28(2)(b) & (c) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the 2nd Adjustments Budget (Unforeseen and Unavoidable Expenditure, Grant Funding Roll-overs Approved and the Western Cape Adjusted Estimates, 2018) for 2018/2019 **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 roll-over approval letters received from the National and Provincial Treasuries, regarding capital roll-over projects, **be noted**.

RESPONSIBLE OFFICIAL :

B KING

TARGET DATE FOR IMPLEMENTATION :

7 DECEMBER 2018

5.13

**REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOR 2018/19**

**(ITEM 11, PAGE 190 : MAYORAL COMMITTEE MEETING :
28 NOVEMBER 2018)**

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the revised SDBIP for 2018/19 **be approved**; and
2. that the revised SDBIP for 2018/19 **be made public**.

RESPONSIBLE OFFICIAL :

R LOUW

TARGET DATE FOR IMPLEMENTATION :

3 DECEMBER 2018

6. CONSIDERATION OF REPORTS**6.1****DEED OF SETTLEMENT: CLLR M OPPERMAN****3/2/3/1****H van Tonder****(028) 313 8037****Corporate Head Office****14 November 2018**

EXECUTIVE SUMMARY

The purpose of this report is to afford Council the opportunity to take note and confirm a Deed of Settlement in respect of Cllr M Opperman's failure to attend the Portfolio Committee meeting of 23 October 2018.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the Deed of Settlement between the Disciplinary Committee of Council and Cllr M Opperman **be accepted**; and
2. that, in terms of Item 13(3) of the Code of Conduct for Councillors, a copy of Council's decision be forwarded to the Minister of Local Government, Environmental Affairs and Development Planning.

RESPONSIBLE OFFICIAL :**H VAN TONDER****TARGET DATE FOR IMPLEMENTATION :****12 DECEMBER 2018**

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 Municipal Manager, Mr C Groenewald, wished Council a Merry Christmas and Prosperous New Year on behalf of the Administration.

Cllr B Molefe wished Council a Merry Christmas and Prosperous New Year on behalf of the Economic Freedom Fighters.

Cllr S Tebele wished Council a Merry Christmas and Prosperous New Year on behalf of the African National Congress.

The Executive Mayor, Ald D Coetzee, wished Council a Merry Christmas and Prosperous New Year on behalf of the Democratic Alliance.

The meeting adjourned at 12:31

DATE

THE SPEAKER – A COETSEE