



ORDINARY MEETING OF THE COUNCIL

GEWONE VERGADERING VAN DIE RAAD

INTLANGANISO YESIQHELO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

DATE / DATUM / UMHLA : 25 NOVEMBER /NOVEMBA 2021

VENUE / PLEK / INDAWO : AUDITORIUM / OUDITORIUM
CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU
HERMANUS

TIME / TYD / IXESHA: 11:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

MINUTES OF AN ORDINARY COUNCIL MEETING HELD IN THE AUDITORIUM, CIVIC CENTRE, HERMANUS, ON 25 NOVEMBER 2021, AT 11:00

PRESENT: Councillors were present as per attached attendance register.





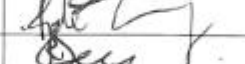
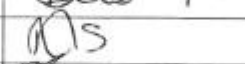
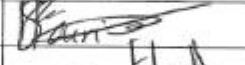


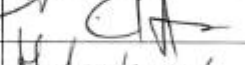
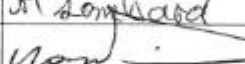
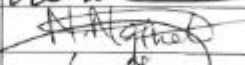



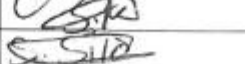
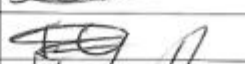








OFFICIALS PRESENT: Mr D O'Neill, Municipal Manager
Ms D Arrison, Director : Management Services
Ms S Reyneke-Naudé, Director : Finance
Mr R Williams, Director : Community Services
Mr N Michaels, Director : Protection Services
Mr S Müller, Director : Infrastructure & Planning
Ms F Lloyd, Manager : Cape Whalecoast Tourism
Ms M Erasmus, Acting Manager : Property Administration
Mr L Smith, Chief : Fire & Rescue & Disaster Management
Mr D Lakey, Senior Manager : Kleinmond Administration
Mr F Myburgh, Senior Manager : Gansbaai Administration
Mr B King, Senior Manager : Financial Services
Ms B Plaatjies, Manager : Hermanus Administration
Ms R Louw, Senior Manager : Strategic Services
Ms H van Tonder, Manager : Council Support Services
Ms N Zweni, Manager : Communication
Ms J Hendriks, Project Manager : Baboon Management Programme
Mr R Fraser, Chief : Traffic/Licences
Ms S Block, Administrator : Strategic Services
Ms S Swart, Administrative Officer : Council Support Services
Ms R Steenekamp, Media & Social Media Liaison Officer
Ms M Harmse, PA to Director : Infrastructure & Planning
Ms R le Roux, PA to CFO

ALSO PRESENT: Members of the Public

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

COUNCIL MEETING
25 NOVEMBER 2021

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	
KOMANI, AS	
LERM, CH	
LOMBARD, H	
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 Silo opened with prayer.

2. APPLICATIONS FOR LEAVE OF ABSENCE

None

3. CONFIRMATION OF MINUTES

- 3.1 Minutes of an **Inaugural Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 17 November 2021** at **16:00**

RESOLVED:

that the Minutes of an **Inaugural Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 17 November 2021** at **16:00**, be confirmed.

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

The Executive Mayor, Cllr A Rabie, congratulated Cllr C Lerm on his birthday.

The Executive Mayor, Cllr A Rabie, referred to the 16 days of activism of violence against women and children and urged everybody to live a life of peace and prosperity for all.

The Executive Mayor, Cllr A Rabie, then requested all Councillors to indicate which portfolios they wish to sit on by not later than Wednesday, 1 December 2021.

The Executive Mayor, Cllr A Rabie, then announced her Mayoral Committee and respective chairpersons as follows:

Protection Services	:	Cllr L Ntsabo
Local Economic Development	:	Ald E Gillion
Community Services	:	Cllr R Nutt
Management Services (Including Communication)	:	Cllr F Africa
Investment & Infrastructure	:	Cllr C Lerm

Finance/Schulphoek/Tourism will reside under the Executive Mayor for the foreseeable future.

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

A PORTION OF REMAINDER ERF 210 GANSBAAI: SIZISA UKHANYO TRADING (PTY) LTD - COMPENSATION AGREEMENT

(ITEM 5, PAGE 187 : MAYORAL COMMITTEE MEETING : 24 NOVEMBER 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the item **be withdrawn** and resubmitted by the relevant Portfolio.

RESPONSIBLE OFFICIAL :

R MARINUS

TARGET DATE FOR IMPLEMENTATION :

3 DECEMBER 2021

TARGET DATE TO INFORM APPLICANT :

3 DECEMBER 2021

TARGET DATE TO INFORM OBJECTOR :

N/A

5.2

ERF 3454 HAWSTON: DEVIATION FROM PARAGRAPHS 20.1(b) AND 26 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A FURTHER LEASE AGREEMENT WITH THE DEPARTMENT OF TRANSPORT AND PUBLIC WORKS AT A FIXED ESCALATION RATE

(ITEM 6, PAGE 195 : MAYORAL COMMITTEE MEETING : 24 NOVEMBER 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the deviation from paragraph 20.1(b) of the Administration of Immovable Property Policy in order to renew the current lease agreement with the Western Cape Government via its Department of Transport and Public Works for a period of 5 (FIVE) years without following a public participation process, **be** approved; and
2. that the deviation from paragraph 26 of the Administration of Immovable Property Policy in order for the lease amount to escalate every year on 1 July with a fixed percentage of 5% and not as to be approved in the said annual budget; **be approved.**

RESPONSIBLE OFFICIAL :**R OCTOBER****TARGET DATE FOR IMPLEMENTATION :****30 DECEMBER 2021****TARGET DATE TO INFORM APPLICANT :****15 DECEMBER 2021****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.3

HERMANUS: TRANSFER OF ERF 7373 HERMANUS (SITUATED AT 84 ANGELIER STREET, MOUNT PLESANT), 354m² IN EXTENT, FOR RESIDENTIAL PURPOSES

(ITEM 8, PAGE 209 : MAYORAL COMMITTEE MEETING : 24 NOVEMBER 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the transfer of Erf 7373 Hermanus, 354m² (three hundred and fifty-four square meters) in extent, to Julian and Victoria Bouwers for residential purposes at an amount of R135,000.00 (ONE HUNDRED AND THIRTY FIVE THOUSAND RAND)(VAT Inclusive), **be approved**;
2. that the costs pertaining to the transaction, e.g. transfer costs, water, sewer and electricity connections, the section 14 advertisement, etc., but excluding the valuation costs, be paid by Julian and Victoria Bouwers;
3. that a condition be registered in the title deed of the Property that the Property may only be used for residential purposes and no other usage will be allowed on the Property and/or in any structure erected thereon;
4. that a condition be registered in the title deed of the Property that the Purchaser shall complete the development of the Property, in the form of a building or other acceptable structure, within a period of 2 (TWO) years, starting from the date of the registration of transfer of the Property in the Deeds Office;
5. that a condition be registered in the title deed of the Property that should the Purchaser fail to complete building the development or obtain an extension within the required 2 (TWO) year time period or any extended period, ownership of the Property thereof shall revert back to the Municipality at the cost of the Purchaser; and
6. that it is confirmed that Council has taken cognisance of the fact that the Municipal property is not required for the provision of the minimum level of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act, No 56 of 2003.

RESPONSIBLE OFFICIAL :**R MARINUS****TARGET DATE FOR IMPLEMENTATION :****PROCESS****TARGET DATE TO INFORM APPLICANT :****1 DECEMBER 2021**

5.4

**HERMANUS SPORTS CENTRE: FUNDING FOR FURTHER DEVELOPMENT:
2021/2022 CAPITAL BUDGET**

THIS ITEM WAS REMOVED

5.5

MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM) POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) AND PARAGRAPH 6(7)(4)(F) OF THE DIRECTIONS OF THE DISASTER MANAGEMENT ACT, OCTOBER 2021

(ITEM 12, PAGE 314 : MAYORAL COMMITTEE MEETING : 24 NOVEMBER 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the deviations from the procurement processes, approved in terms of the delegated authority for October 2021, **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 October 2021, **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 October 2021, **be noted**.

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

5.6**GUIDANCE ON THE NEW 5-YEAR IDP COMPILATION FOR 2022/2027****(ITEM 13, PAGE 329 : MAYORAL COMMITTEE MEETING :
24 NOVEMBER 2021)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the existing IDP in terms of section 25 (3) of the Municipal Systems Act No 32 of 2000 be adopted;
2. that the existing Process Plan that was approved by Council on 31 August 2016 be amended by extending the term of the plan by one year;
3. that Council, in terms of section 29 of the Municipal Systems Act No 32 of 2000, initiate an IDP amendment process on the existing IDP in order to table a draft amended IDP by 30 March 2022; and
4. that Council commence with the process to draft a new 5-year IDP in 2022/23.

RESPONSIBLE OFFICIAL :**RG LOUW****TARGET DATE FOR IMPLEMENTATION :****3 DECEMBER 2021**

5.7**PORTION 3 OF THE FARM NO 585 SITUATED IN THE HEMEL AND AARDE VALLEY HERMANUS: SERVITUDE RIGHT OF WAY IN FAVOUR OF THE OWNERS OF PORTION 2 OF THE FARM NO 578 HERMANUS****(ITEM 14, PAGE 334 : MAYORAL COMMITTEE MEETING : 24 NOVEMBER 2021)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

that a servitude right of way over Municipal property, being a portion of Portion 3 of the Farm No 585 situated in the Hemel and Aarde Valley, Hermanus in favour of the owners of Portion 2 of the Farm No 578 situated in the Hemel and Aarde Valley, Hermanus at a market related price, **be approved.**

RESPONSIBLE OFFICIAL :**M ERASMUS****TARGET DATE FOR IMPLEMENTATION :****31 DECEMBER 2021****TARGET DATE TO INFORM APPLICANT :****31 DECEMBER 2021****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.8**REPORT ON THE PROPOSED 2ND ADJUSTMENTS BUDGET FOR 2021/2022**

**(ITEM 15, PAGE 340 : MAYORAL COMMITTEE MEETING :
24 NOVEMBER 2021)**

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that, in terms of section 28 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the 2nd Adjustments Budget for 2021/2022 **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

RESPONSIBLE OFFICIAL :

BA KING

TARGET DATE FOR IMPLEMENTATION :

30 NOVEMBER 2021

5.9

**REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOR 2021/22**

**(ITEM 16, PAGE 444 : MAYORAL COMMITTEE MEETING :
24 NOVEMBER 2021)**

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the revised SDBIP for 2021/22 **be approved**; and
2. that the revised SDBIP for 2021/22 **be made public**.

RESPONSIBLE OFFICIAL :

RG LOUW

TARGET DATE FOR IMPLEMENTATION :

29 NOVEMBER 2021

5.10**WARD COMMITTEE SYSTEM: ESTABLISHMENT OF NEW GENERATION OF WARD COMMITTEES****(ITEM 17, PAGE 500 : MAYORAL COMMITTEE MEETING : 24 NOVEMBER 2021)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**that the results of the ward committee elections for the term 2021-2026 **be noted.****RESPONSIBLE OFFICIAL :****R WILLIAMS
F MYBURGH
A WYNGAARD
D LAKEY
B PLAATJIES****TARGET DATE FOR IMPLEMENTATION :****19 NOVEMBER 2021**

6. CONSIDERATION OF REPORTS

6.1

ELECTION OF COUNCIL'S REPRESENTATIVES TO THE OVERBERG DISTRICT MUNICIPALITY

THIS ITEM WAS DEALT WITH DURING A SPECIAL COUNCIL MEETING ON TUESDAY, 23 NOVEMBER 2021

6.2**RECESS: DECEMBER 2021 HOLIDAYS****3/2/1/4****H van Tonder****Manager : Council Support Services****8 November 2021****(028) 313 8037**

EXECUTIVE SUMMARY

The purpose of the report is to obtain confirmation of Council's recess for the December 2021 holidays.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that Councillors do not go into recess;
2. that the municipal offices in the Overstrand area including libraries, but excluding other essential services, **be closed as from 13:00 on Friday, 24 December 2021 and Friday, 31 December 2021** and respectively reopen at 07:45 on Tuesday, 28 December 2021, and Monday, 3 January 2022;
3. that the public and personnel be informed timeously and in an appropriate way, of the arrangement in 2 above; and
4. that **cognisance be taken** that a **Special Council Meeting** will take place on **Wednesday, 26 January 2022** as per the 2022 meeting schedule already distributed.

RESPONSIBLE OFFICIAL :**H VAN TONDER****TARGET DATE FOR IMPLEMENTATION :****25 NOVEMBER 2021**

The Municipal Manager, Mr D O'Neill, informed Council that no Mayoral Committee or Council meeting will take place during December 2021, but that himself and the Executive Mayor will deal with emergency matters.

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 11:24

DATE

THE SPEAKER – G COHEN