



ORDINARY MEETING OF THE COUNCIL

GEWONE VERGADERING VAN DIE RAAD

INTLANGANISO YESIQHELO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

DATE / DATUM / UMHLA : 26 SEPTEMBER / SEPTEMBER 2016

**VENUE / PLEK / INDAWO : BANQUETING HALL,
BANKETSAAL,
CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU
HERMANUS**

TIME / TYD / IXESHA: 10:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

**MINUTES OF THE COUNCIL MEETING
HELD IN THE BANQUETING HALL, CIVIC CENTRE,
HERMANUS, ON 26 SEPTEMBER 2016, AT 10:00**

PRESENT/ TEENWOORDIG

Councillors were present as per attached attendance register.

**OFFICIALS PRESENT/
AMPTENARE TEENWOORDIG**

Mr C Groenewald, Municipal Manager
Mr N Michaels, Director : Protection Services
Ms S Reyneke-Naudé, Director : Finance
Mr D Arrison, Director : Management Services
Mr S Madikane, Director : LED
Mr R Williams, Director : Community Services
Mr S Müller, Director : Infrastructure & Planning
Mr C le Roux, Deputy Director : Finance
Mr R Kuchar, Senior Manager : Town Planning/
Property Management
Mr D van der Heever : Chief Audit Executive
Mr F Myburgh, Senior Manager : Gansbaai
Mr B King, Senior Manager : Financial Services
Ms R Louw, Senior Manager : Strategic Services
Mr L Wallace, Legal Advisor
Mr M Bartman, Deputy Director : Community
Services
Mr R Fraser, Chief : Traffic/Licences
Mr L Smith, Chief : Fire & Rescue and Disaster
Management
Ms A Kotzé, Manager : Property Administration
Mr P Africa, Senior Sup : Licences & Admin
Mr A Gcotyelwa, Translator
ICT Staff
Ms H van Tonder, Manager : Council Support
Services
Ms S Swart, Administrative Officer : Council
Support Services
Ms R Steenekamp, Media & Social Media
Co-ordinator
Ms D Laing, Relief Clerk Grade 2

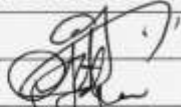
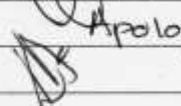
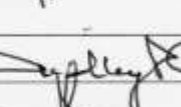

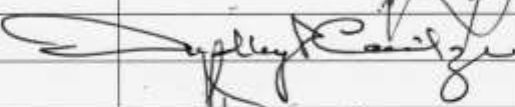
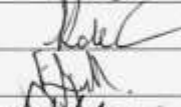
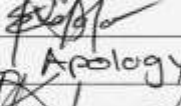
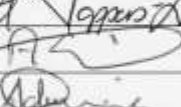

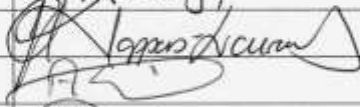


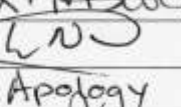
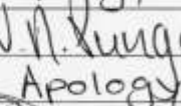
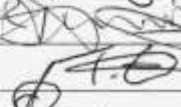
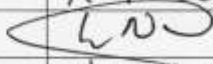
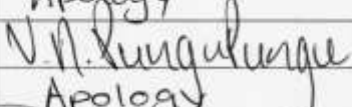
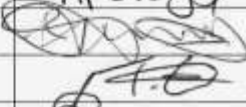


ALSO PRESENT:

Members of the Public

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

COUNCIL MEETING
26 SEPTEMBER 2016

ALDERMAN/COUNCILLORS	SIGNATURE
AFRICA, A	
BOTHA, D	
BOTHA-GUTHRIE, N	Apology
BRICE, KD	
COETSEE, A	
COETZEE, DP	
COHEN, G	
DE CONING, CA	
GILLION, E	
KALOLO, SV	
KLAAS, A	Apology
KLOPPERS-LOURENS J	
KOMANI, AS	
KRIGE, F	
NQINATA, NNT	
MACOTHA, VC	
MOLEFE, B	
MSWELI, X	X. Msweli
NTSABO, L	
OPPERMAN, M	Apology
PUNGUPUNGU, V	
SAPEPA, NM	Apology
SMITH, RJ	
TAFU-NWONKWO, CC	
TEBELE, S	

1. OPENING

The Municipal Manager, Mr C Groenewald, read the notice convening the meeting.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Cllr A Klaas

RESOLVED

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

Cllr M Opperman

RESOLVED

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

Ald N Botha-Guthrie

RESOLVED

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

Ald M Sapepa

RESOLVED

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

3. CONFIRMATION OF MINUTES

3.1 Minutes of an **Inaugural Meeting** of the Overstrand Municipal **Council** held on **Friday, 12 August 2016** at **11:00**

RESOLVED

that the Minutes of an **Inaugural Meeting** of the Overstrand Municipal **Council** held on **Friday, 12 August 2016** at **11:00**, **be confirmed.**

- 3.2 Minutes of a **Special Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 31 August 2016** at **11:00**

RESOLVED

that the Minutes of an **Ordinary Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 26 August 2015** at **11:00**, **be confirmed.**

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

None

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

DRAFT BY-LAW ON SPECIAL RATING AREAS

(ITEM 1, PAGE 1 : FINANCE PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 SEPTEMBER 2016)

RESOLVED (UNANIMOUSLY):

1. that, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the By-law on Special Rating Areas as amended, **be adopted**; and
2. that, in terms of section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the By-law on Special Rating Areas **be published** promptly in the Provincial Gazette.

RESPONSIBLE OFFICIAL :

L WALLACE

TARGET DATE FOR IMPLEMENTATION :

**DATE OF PUBLICATION IN
THE PROVINCIAL GAZETTE**

5.2

PUBLIC PARTICIPATION POLICY

THIS ITEM WAS REMOVED FROM THE AGENDA.

5.3

ERVEN 1554 & 1555, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA : PROPOSED AMENDMENT OF THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK, REZONING, ERF BOUNDARY REALIGNMENT AND DEPARTURE : MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF MA STONE & SJ HOFFMAN

(ITEM 2, PAGE 135 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 SEPTEMBER 2016)

RESOLVED (UNANIMOUSLY):

that, in terms of Section 4(7) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for Amendment of the Overstrand Municipal Wide Spatial Development Framework, 2006 to change the reservation of Erven 1554 and 1555, Pearly Beach from "Resort" to "Residential", **be approved.**

RESPONSIBLE OFFICIAL :**SW VAN DER MERWE****TARGET DATE FOR IMPLEMENTATION :****12 OCTOBER 2016****TARGET DATE TO INFORM APPLICANT :****12 OCTOBER 2016****TARGET DATE TO INFORM OBJECTOR :****12 OCTOBER 2016**

5.4

HERMANUS: IN PRINCIPLE APPROVAL FOR THE ALIENATION OF ERF 189 ZWELIHLE, BY MEANS OF A COMPETITIVE PROCESS

(ITEM 8, PAGE 559 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 SEPTEMBER 2016)

RESOLVED (UNANIMOUSLY):

1. that the alienation of Erf 189 Zwelihle (252m² in extent), by means of a competitive process be **approved in principle**;
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 the purchaser;
3. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provisions of paragraphs 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003); and
4. that the Municipal Manager be authorised to sign all documentation related to the alienation of the subject property.

RESPONSIBLE OFFICIAL :**M MÜLLER****TARGET DATE FOR IMPLEMENTATION :****1 NOVEMBER 2016****TARGET DATE TO INFORM APPLICANT :****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.5

INTEGRATED ENVIRONMENTAL MANAGEMENT SYSTEM: OVERSTRAND MUNICIPALITY**(ITEM 13, PAGE 728 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 SEPTEMBER 2016)****RESOLVED (UNANIMOUSLY):**that the item **be referred back** for further discussions.**RESPONSIBLE OFFICIAL:****P APLON****TARGET DATE FOR IMPLEMENTATION:****12 OCTOBER 2016**

5.6**DRAFT BY-LAW ON PROBLEM BUILDINGS****(ITEM 14, PAGE 859: INFRASTRUCTURE & PLANNING PORTFOLIO -
MAYORAL COMMITTEE MEETING : 26 SEPTEMBER 2016)****RESOLVED (UNANIMOUSLY):**

1. that, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the By-law on Problem Buildings **be adopted**; and
2. that, in terms of section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the By-law on Problem Buildings **be published** as soon as possible.

RESPONSIBLE OFFICIAL :**L WALLACE****TARGET DATE FOR IMPLEMENTATION :****IMMEDIATELY SUBSEQUENT
TO PUBLICATION IN THE
PROVINCIAL GAZETTE**

5.7**DRAFT BY-LAW RELATING TO ELECTRICITY SUPPLY****(ITEM 15, PAGE 875: INFRASTRUCTURE & PLANNING PORTFOLIO -
MAYORAL COMMITTEE MEETING : 26 SEPTEMBER 2016)****RESOLVED (UNANIMOUSLY):**

1. that the whole of the existing By-law relating to Electricity Supply as published in the Provincial Gazette: PN 6589 of 19 December 2008, be repealed as from date of publication of the proposed by-law in the Provincial Gazette;
2. that, in terms of section 156(2) of the Constitution of the Republic of South Africa 1996, read with section 11(3)(m) of the Local Government Municipal Systems Act, No 32 of 2000, the draft By-law relating to Electricity Supply be adopted; and
3. that, in terms of section 13(a) of the Local Government Municipal Systems Act No 32 of 2000, the By-law relating to Electricity Supply be published in the Provincial Gazette as soon as possible.

RESPONSIBLE OFFICIAL :**L WALLACE****TARGET DATE FOR IMPLEMENTATION :****IMMEDIATELY SUBSEQUENT
TO PUBLICATION IN THE
PROVINCIAL GAZETTE**

5.8

**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR AUGUST 2016**

**(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING :
26 SEPTEMBER 2016)**

RESOLVED (UNANIMOUSLY):

1. that the deviations from the procurement processes, approved in terms of the delegated authority for August 2016, **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 August 2016, **be noted**.

RESPONSIBLE OFFICIAL :

C LE ROUX

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

5.9

WRITING OFF OF NON-TECHNICAL WATER AND ELECTRICITY LOSSES

**(ITEM 6, PAGE 8 : MAYORAL COMMITTEE MEETING :
26 SEPTEMBER 2016)**

RESOLVED (UNANIMOUSLY):

1. that the non-technical electricity losses to the value of R2 003 861 for the 2015/16 financial year be written off; and
2. that the non-technical water losses to the value of R5 299 387 for the 2015/16 financial year be written off.

RESPONSIBLE OFFICIAL :

BA KING

TARGET DATE FOR IMPLEMENTATION :

30 SEPTEMBER 2016

5.10**REPORTS OF THE JOINT AUDIT AND PERFORMANCE AUDIT COMMITTEE (JAPAC) TO THE OVESTRAND MUNICIPAL COUNCIL****(ITEM 7, PAGE 14 : MAYORAL COMMITTEE MEETING : 26 SEPTEMBER 2016)****THE DA REQUESTED THE MEETING TO ADJOURN FOR A CAUCUS AT 10:15****THE MEETING RESUMED AT 10:35****THE SPEAKER REQUESTED THAT IT BE MINUTED THAT CLLR V MACOTHA RECUSED HIMSELF FROM THE MEETING AT 10:35 DUE TO OTHER OBLIGATIONS****RESOLVED (UNANIMOUSLY):**that the reports from the JAPAC to the Overstrand Municipal Council **be noted**.**RESPONSIBLE OFFICIAL :****DC VAN DER HEEVER****TARGET DATE FOR IMPLEMENTATION :****26 SEPTEMBER 2016**

5.11**REAPPOINTMENT OF COUNCILLORS ON PORTFOLIO COMMITTEES****(ITEM 8, PAGE 32 : MAYORAL COMMITTEE MEETING :
26 SEPTEMBER 2016)****RESOLVED (UNANIMOUSLY):**

1. that resolutions 1 and 2 under Item 9 adopted on 12 August 2016, **be revoked**;
2. that Committees (so-called Portfolio Committees), in terms of section 80, read with section 79, of the Local Government : Municipal Structures Act, No 117 of 1998, **be reappointed** as follows:

Portfolio Committee :
Finance

Members :
Ald D Coetzee, Cllrs F Africa, K Brice,
S Tebele, X Msweli and B Molefe

Portfolio Committee :
Management Services

Members :
Ald M Sapepa, Cllrs J Kloppers-
Lourens, R de Coning, M Opperman
and N Nqinata

Portfolio Committee :
Community Services

Members :
Ald N Botha-Guthrie, Cllrs A Komani,
L Ntsabo, V Pungupungu and S Kalolo

Portfolio Committee :
Protection Services

Members :
Cllrs K Brice, A Klaas, R de Coning,
V Macotha and S Kalolo

Portfolio Committee :
Economic Development & Tourism

Members :
Cllrs E Gillion, G Cohen, L Ntsabo,
S Tebele and C Tafu-Nwonkwo

Portfolio Committee :
Infrastructure and Planning

Members :
Cllrs, G Cohen, D Botha, F Krige,
S Tebele and V Pungupungu

3. that a simple majority of members of any one of the Committees constitutes a **quorum**.

RESPONSIBLE OFFICIAL:**H VAN TONDER****TARGET DATE FOR IMPLEMENTATION:****26 SEPTEMBER 2016**

6. CONSIDERATION OF REPORTS**6.1****RENEWAL OF THE SERVICE CONTRACT OF THE MUNICIPAL MANAGER****4/3/R****DS Arrison****(028) 313 8001****Corporate Head Office****8 September 2016**

EXECUTIVE SUMMARY

The purpose of the report is to consider the renewal of the employment contract of the Municipal Manager, Mr CC Groenewald, (hereafter referred to as the Municipal Manager).

THE MUNICIPAL MANAGER, MR C GROENEWALD, RECUSED HIMSELF FROM THE MEETING AT 10:43**RESOLVED (UNANIMOUSLY):**

1. that the renewal of the contract of Mr CC Groenewald as Municipal Manager with effect from 1 January 2017, for a period of five (5) years or until he reaches the prescribed retirement age which-ever occurs first, be approved;
2. the Executive Mayor be authorised to, subject to the provisions of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, 2014 (GN 21 dated 17 January 2014) read with the Local Government: Upper Limits of Total Remuneration Packages Payable to the Municipal Manager and Managers Directly Accountable to Municipal Managers, 2016 Regulations (GN 381 dated 4 July 2016), negotiate the terms and conditions of appointment and to conclude the agreement; and
3. that the Minister of Local Government (Western Cape) be advised within 14 days of the resolution in 1 above.

RESPONSIBLE OFFICIAL :**DS ARRISON****TARGET DATE FOR IMPLEMENTATION :****1 JANUARY 2017****THE MUNICIPAL MANAGER, MR C GROENEWALD, REJOINED THE MEETING AT 10:45**

7. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

None

8. CONSIDERATION OF NOTICES OF MOTIONS / QUESTIONS

None

9. CONSIDERATION OF MOTIONS OF EXIGENCY

None

The meeting adjourned at 10:50

DATE

THE SPEAKER – A COETSEE