



**SPECIAL MEETING OF THE COUNCIL**

**SPEZIALE VERGADERING VAN DIE RAAD**

**INTLANGANISO EKHETHEKILEYO YEBHUNGA**

**MINUTES / NOTULE /**

**IMIZUZU**

**DATE / DATUM / UMHLA : 26 JANUARY / JANUARIE /  
JANYUWARI 2022**

**AUDITORIUM**

**TIME / TYD / IXESHA : 10:00**

# OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

## MINUTES OF A SPECIAL MEETING OF THE COUNCIL HELD IN THE AUDITORIUM ON 26 JANUARY 2022, AT 10:00

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**PRESENT:** Councillors were present as per attached attendance register.

**OFFICIALS PRESENT:** Mr D O'Neill, Municipal Manager  
Ms D Arrison, Director : Management Services  
Mr N Michaels, Director : Protection Services  
Ms S Reyneke-Naudé, Director : Finance  
Mr R Williams, Director : Community Services  
Mr S Müller, Director : Infrastructure & Planning  
Mr B King, Senior Manager : Financial Services  
Mr D van der Heever, Chief Audit Executive  
Mr L Smith, Chief: Fire & Rescue & Disaster Management  
Mr R Fraser, Chief : Traffic/Licences  
Mr F Myburgh, Senior Manager : Gansbaai Administration  
Ms H van Tonder, Manager : Council Support Services  
Ms R Steenekamp, Media & Social Media Liaison Officer  
Ms S Swart, Administrative Officer : Council Support Services

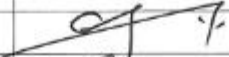


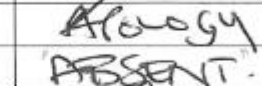
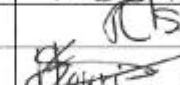
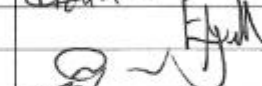

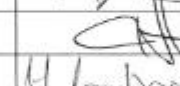
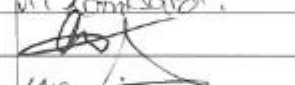
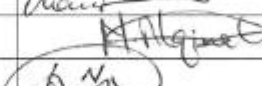
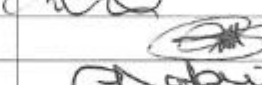

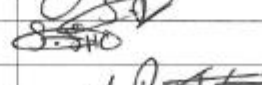








**ALSO PRESENT:** Members of the Public

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**MINUTES/....**

OVERSTRAND MUNICIPALITY  
ATTENDANCE REGISTER

SPECIAL COUNCIL MEETING  
26 JANUARY 2022

ALDERMAN/COUNCILLORS	SIGNATURE
AFRICA, F	
BANDEZA, V	
BRICE, KD	
COETZEE, DP	
COHEN, G	
DE CONING, CA	
DEES, RM	ABSENT.
ELS, T	
FOURIE, SH	
GILLION, E	
GRIMBEEK, MD	
GWELE, T	
KOMANI, AS	
LERM, CH	
LOMBARD, H	
NGQANDANA, K	
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 M Sihlahla opened with prayer.

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

**Ald R de Coning**

**RESOLVED:**

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

**Cllr R Dees**

**RESOLVED:**

that it be noted that Cllr R Dees was **absent without leave.**

**ALD T NQINATA AND CLLR T GWELE WERE NOT PRESENT AT THE START OF THE MEETING. ALD T NQINATA JOINED THE MEETING AT 10:04 AND CLLR T GWELE JOINED THE MEETING AT 10:20.**

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

The Speaker, Cllr G Cohen, requested Director N Michaels, Chief R Fraser and Chief L Smith to step on to the stage. The Executive Mayor, Cllr A Rabie, requested the Deputy Executive Mayor and the MMC for Protection Services, Cllr L Ntsabo, to also stand up and she then expressed her sincere appreciation towards these gentlemen for their and their team's manner in which they dealt with the recent fires. She also acknowledged the roles of the Municipal Manager, Mr D O'Neill, as well as the CFO, Ms S Reyneke-Naudé.

The Executive Mayor, Cllr A Rabie, reported on the unacceptable electrical problems occurring in Ward 10 and she has requested Minister A Bredell to declare an inter-governmental relations dispute between the Overstrand Municipality and Eskom. The Mayor then further reported on the issue of water pipe bursts in the Betty's Bay area and that the problem needs to be addressed urgently.

The Executive Mayor, Cllr A Rabie, informed Council that the first Ward Committee meetings were held and that all operational matters within wards

will from now on appear on the ward committee agendas and from there to the relevant portfolio committees.

The Executive Mayor, Cllr A Rabie, informed Council that a meeting was held in Hawston regarding the municipal accounts and that the CFO was requested to develop a simple and understandable account system so that people can read the accounts themselves. She further reported on the water reading contract which is not successful and needs to be mitigated before 31 March 2022.

The Executive Mayor, Cllr A Rabie, informed Council that the 'First Thursday' process will commence on 3 February 2022 in the Auditorium and all Councillors are welcome to attend. No discussion on municipal accounts will take place at this event as financial personnel will deal with these issues themselves.

The Executive Mayor, Cllr A Rabie, requested that it be put on record her Council's utmost horror and disgust about the increased levels of gender-based violence across this community and referred specifically to young Sisipho who had to die because of this. She requested that Council go to court collectively to support the family.

The Executive Mayor, Cllr A Rabie, announced the Portfolio Committees as follows:

Protection Services: Cllr L Ntsabo (Chairperson)  
Cllr H Lombard  
Cllr S Fourie  
Cllr C Tafu-Nwonkwo  
Cllr M Grimbeek

Infrastructure & Investment: Cllr C Lerm (Chairperson)  
Cllr M Nomatiti  
Ald R de Coning  
Cllr M Sihlahla  
Cllr V Bandeza

Management Services: Cllr F Africa (Chairperson)  
Cllr A Komani  
Cllr C Resandt  
Ald T Nqinata  
Cllr T Gwele

Local Economic Development: Ald E Gillion (Chairperson)  
Ald D Coetzee  
Cllr R Nutt  
Cllr S Silo  
Cllr R Dees

Community Services: Cllr R Nutt (Chairperson)  
Ald K Brice  
Cllr S Williams  
Cllr S Silo  
Cllr K Ngqandana

Finance & Tourism: Cllr A Rabie (Chairperson)  
Cllr T Els  
Cllr C Lerm  
Ald T Nqinata  
Cllr J van Staden

Local Labour Forum:  
From Employer's Component: Cllr F Africa  
Cllr L Ntsabo  
Cllr V Bandeza  
Cllr S Silo

**4. 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)**

**4.1**

**FUTURE OF DE MOND CARAVAN PARK AND ADJACENT LAND : PORTIONS OF ERVEN 4831 & 5327, HERMANUS**

**(ITEM 4, PAGE 1 : SPECIAL MAYORAL COMMITTEE MEETING : 10 JANUARY 2022) (Agenda available on Overstrand Website)**

**EXECUTIVE SUMMARY**

To submit an item to Council setting out the detailed information of De Mond properties. Further giving information and background of the process followed for outsourcing De Mond and to discuss the reasons and the terms for the outsourcing.

**RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that Council request for proposals for the development of the De Mond property; and
2. that a public participation process commence after the proposals have been received.

**RESPONSIBLE OFFICIAL :**

**R KUCHAR**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**

## 4.2

**A PORTION OF REMAINDER ERF 210 GANSBAAI: SIZISA UKHANYO TRADING (PTY) LTD - COMPENSATION AGREEMENT****(ITEM 5, PAGE 147 : SPECIAL MAYORAL COMMITTEE MEETING : 10 JANUARY 2022) (Agenda available on Overstrand Website)****EXECUTIVE SUMMARY**

To obtain approval to enter into a compensation agreement with Sizisa Ukhanyo Trading (Proprietary) Limited in respect of a portion of Remainder Erf 210 Gansbaai, 28,1193 (TWENTY-EIGHT COMMA ONE ONE NINE THREE) hectares in extent.

**THE DEMOCRATIC ALLIANCE REQUESTED A CAUCUS AT 10:20****THE MEETING RESUMED AT 10:30**

**CLLR J VAN STADEN FROM THE FREEDOM FRONT PLUS, SECONDED BY CLLR M GRIMBEEK, INDICATED THAT THEY ARE AGAINST THE RECOMMENDATION BY THE EXECUTIVE MAYOR AND PROPOSED THAT THE RECOMMENATION BE OPPOSED.**

**CLLR C LERM FROM THE DEMOCRATIC ALLIANCE, SECONDED BY CLLR L NTSABO, PROPOSED THAT THE RECOMMENDATION BY THE EXECUTIVE MAYOR BE ACCEPTED.**

**WHEN PUT TO VOTE, 4 MEMBERS VOTED AGAINST THE RECOMMENDATION OF THE EXECUTIVE MAYOR, 16 MEMBERS VOTED IN FAVOUR OF THE RECOMMENDATION BY THE EXECUTIVE MAYOR AND 5 MEMBERS ABSTAINED FROM VOTING.**

**THE RECOMMENATION OF THE EXECUTIVE MAYOR WAS THUS CARRIED.****RESOLVED (SUPPORTED BY 16 COUNCILLORS):**

1. that the entering into of a compensation agreement with Sizisa Ukhanyo Trading (Proprietary Limited) for an amount of R33.03 (THIRTY-THREE RAND AND THREE CENTS) (VAT Included) per cubic meter of materials mined in respect of a portion of Remainder Erf 210 Gansbaai, 28,1193 (TWENTY-EIGHT COMMA ONE ONE NINE THREE) hectares, **be approved**;
2. that the compensation agreement be subject to the Applicant, at its cost, making application for and obtaining final approval for:
  - (a) the necessary town planning applications for its activities on the municipal property; and

- (b) the right to mine sand and/or gravel in terms of the Mineral and Petroleum Resources Act No. 28 of 2002;
3. that the compensation agreement contains the following conditions:
- (a) the rate of compensation payable per cubic meter of materials mined shall increase annually on 1 July in accordance with the consumer price index; and
  - (b) the agreement's term shall be linked to the duration for which the Applicant is in possession of a valid mining right and/or permit.

**RESPONSIBLE OFFICIAL :**

**R MARINUS**

**TARGET DATE FOR IMPLEMENTATION :**

**26 JANUARY 2022**

**TARGET DATE TO INFORM APPLICANT :**

**26 JANUARY 2022**

**4.3**

**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, NOVEMBER 2021**

**(ITEM 4, PAGE 1 : SPECIAL MAYORAL COMMITTEE MEETING : 24 JANUARY 2022)**

**RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

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

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

**4.4**

**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, DECEMBER 2021**

**(ITEM 5, PAGE 17 : SPECIAL MAYORAL COMMITTEE MEETING : 24 JANUARY 2022)**

**RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

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

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

**4.5**

**SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT – 2021/2022:  
2<sup>nd</sup> QUARTER: 01 OCTOBER 2021 TO 31 DECEMBER 2021**

**(ITEM 6, PAGE 28 : SPECIAL MAYORAL COMMITTEE MEETING :  
24 JANUARY 2022)**

**RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

that the activities undertaken and outcomes achieved in the implementation of the Overstrand Municipality's Supply Chain Management Policy for the 2<sup>nd</sup> Quarter of 2021/2022 **be noted**.

**RESPONSIBLE OFFICIAL :**

**C LE ROUX**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**

**4.6****CURRENT COMPOSITION OF THE MUNICIPAL PLANNING TRIBUNAL****(ITEM 7, PAGE 57 : SPECIAL MAYORAL COMMITTEE MEETING :  
24 JANUARY 2022)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that Council rescinds its full decision of 28 October 2020;
2. that the Policy for the appointment of members on the Municipal Tribunal be urgently reviewed to ensure that the Municipality's Policy and the SPLUMA legislation are in sync with one another; and
3. that the incumbent Municipal Planning Tribunal continues with its work until a new decision is taken by Council.

**RESPONSIBLE OFFICIAL :****R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****14 FEBRUARY 2022**

4.7

**QUARTERLY BANK ACCOUNT WITHDRAWALS IN TERMS OF SECTION 11(4) OF THE MFMA FOR THE QUARTER ENDED DECEMBER 2021**

**(ITEM 8, PAGE 88 : SPECIAL MAYORAL COMMITTEE MEETING : 24 JANUARY 2022)**

**RESOLVED (SUPPORTED BY 25 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 December 2021, **be noted**.

**RESPONSIBLE OFFICIAL :**

**BA KING**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**

4.8

**BUDGET REPORT AND SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) FOR THE QUARTER ENDED DECEMBER 2021****(ITEM 9, PAGE 91 : SPECIAL MAYORAL COMMITTEE MEETING : 24 JANUARY 2022)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

that the budget report and service delivery and budget implementation plan for the quarter ended December 2021, prepared as part of the reporting obligations arising from the Local Government: Municipal Finance Management Act, 2003 and additional information, **be noted**.

**RESPONSIBLE OFFICIALS :****BA KING  
RG LOUW****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

**4.9**

**MIDYEAR BUDGET AND PERFORMANCE ASSESSMENT AS AT 31 DECEMBER 2021**

**(ITEM 10, PAGE 170 : SPECIAL MAYORAL COMMITTEE MEETING : 24 JANUARY 2022)**

**RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

that the Midyear Budget and Performance Assessment Report **be noted**.

**RESPONSIBLE OFFICIAL :**

**BA KING**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**

## 4.10

REPORT ON THE PROPOSED 3<sup>RD</sup> ADJUSTMENTS BUDGET FOR 2021/2022(ITEM 11, PAGE 243 : SPECIAL MAYORAL COMMITTEE MEETING :  
24 JANUARY 2022)

## RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that, in terms of section 28(2)(b) to (g) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the 3<sup>rd</sup> 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, and

**RESPONSIBLE OFFICIAL :**

**BA KING**

**TARGET DATE FOR IMPLEMENTATION :**

**1 FEBRUARY 2022**

**4.11****REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)  
FOR 2021/22****(ITEM 12, PAGE 325 : SPECIAL MAYORAL COMMITTEE MEETING :  
24 JANUARY 2022)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the changes (adjusted financial figures and revisions to the service delivery indicators) to the Service Delivery and Budget Implementation Plan (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 :****3 FEBRUARY 2022**

**4.12****RAISING OF NEW EXTERNAL LOANS****(ITEM 13, PAGE 329 : SPECIAL MAYORAL COMMITTEE MEETING :  
24 JANUARY 2022)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the raising of total external loans amounting to R150 000 000 (R50 000 000 per year) for the 2021/2022, 2022/2023 & 2023/2024 financial years and the loan agreement **be approved**;
2. that the Municipal Manager be authorised to sign the necessary agreements and documents for the above-mentioned external loans; and
3. that the comments received from the Western Cape Provincial Treasury be noted.

**RESPONSIBLE OFFICIAL:****B A KING****TARGET DATE FOR IMPLEMENTATION :****31 MARCH 2022**

**5. CONSIDERATION OF REPORTS****5.1****APPOINTMENT OF MEMBERS: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE AND ADOPTION OF CHARTER****3/2/3/7****H van Tonder****Manager : Council Support Services****4 November 2021****(028) 313 8037**

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**EXECUTIVE SUMMARY**

The purpose of this report is to afford Council an opportunity to appoint members to serve on the Municipal Public Accounts Committee (MPAC).

**RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the Overstrand Municipal Public Accounts Charter, attached as Annexure A to the item, **be adopted**;
2. that the following members **be appointed** on the **Municipal Public Accounts Committee**:  
  
Cllr C Tafu-Nwonkwo, Ald R de Coning, Cllrs K Ngqandana, S Williams and M Nomatiti; and
3. that Cllr C Tafu-Nwonkwo **be appointed** as **Chairperson** and Ald R de Coning as **Vice-chairperson**.

**RESPONSIBLE OFFICIAL:****H VAN TONDER****TARGET DATE FOR IMPLEMENTATION:****26 JANUARY 2022**

**5.2****SUBMISSION OF THE DRAFT AUDITED ANNUAL REPORT FOR THE FINANCIAL YEAR 2020/21**

5/15/1/1

R Louw

11 January 2022

Senior Manager: Strategic Services

(028) 313 8071

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**EXECUTIVE SUMMARY**

The purpose of this report is to present the draft audited Annual Report, for the 2020/21 financial year to Council.

**RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the tabling of the 2020/21 draft audited Annual Report by the Executive Mayor, **be noted**;
2. that the draft audited Annual Report **be made public** immediately after the tabling in Council; and
3. that the local community **be invited** to submit representations in connection with the draft annual report.

**RESPONSIBLE OFFICIAL :****R LOUW****TARGET DATE FOR IMPLEMENTATION :****3 FEBRUARY 2022**

**5.3  
REPORT ON THE PROPOSED 5<sup>TH</sup> ADJUSTMENTS BUDGET FOR 2020/2021  
(SPECIAL ADJUSTMENTS BUDGET)**

**5/1/1/22 – 2020/21**

**BA King**

**Senior Manager: Financial Services**

**19 January 2022**

**(028) 313 8154**

**EXECUTIVE SUMMARY**

Report prepared in terms of section 28(2)(g) of the Local Government: Municipal Finance Management Act, 2003 (MFMA) to address unauthorised expenditure in an adjustments budget in respect of the 2020/2021 financial year.

**RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that, in terms of section 28(2)(g) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the 5<sup>th</sup> Adjustments Budget for 2020/2021 **be approved**, in order to address unauthorised expenditure incurred, amounting to R14 253 808 in respect of operational expenditure, 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 :**

**TO BE NOTED**

**The meeting adjourned at 10:45**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**THE SPEAKER – G COHEN**