



ORDINARY MEETING OF THE COUNCIL

GEWONE VERGADERING VAN DIE RAAD

INTLANGANISO YESIQHELO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

DATE / DATUM / UMHLA : 27 JUNE / JUNIE / JUNI 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 27 JUNE 2018, AT 11:00**

PRESENT: Councillors were present as per attached attendance register.

OFFICIALS PRESENT:


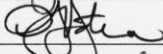
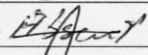


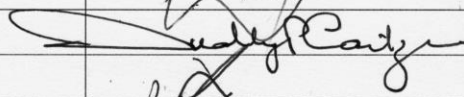




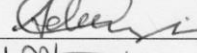
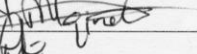
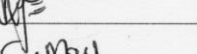



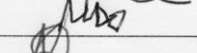
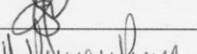
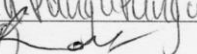
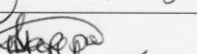



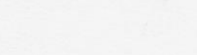

Mr C Groenewald, Municipal Manager
Ms S Reyneke-Naudé, Director : Finance
Mr R Williams, Director : Community Services
Ms D Arrison, Director : Management Services
Mr S Madikane, Director : LED
Mr N Michaels, Director : Protection Services
Mr R Kuchar, Acting Director : Infrastructure & Planning
Mr F Myburgh, Senior Manager : Gansbaai Administration
Mr D Lakey, Senior Manager : Kleinmond Administration
Mr X Kosi, Manager : LED
Mr W Louw, Risk Officer (Intern)
Ms A le Roux, Manager : Property Administration
Mr L Smith, Chief: Fire & Rescue & Disaster Management
Mr R Fraser, Chief : Traffic/Licences
Ms S Swart, Administrative Officer : Council Support Services
ICT
Ms N Zweni, Manager : Communication
Ms R Steenekamp, Social Media & Media Liaison Officer
Ms M de Villiers, Mayoral Committee Secretary
Ms D Laing, Relief Clerk Grade 2

ALSO PRESENT: Members of the Public

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

COUNCIL MEETING
27 JUNE 2018

| ALDERMAN/COUNCILLORS | SIGNATURE |
|----------------------|--|
| AFRICA, F |  |
| BOTHA, D |  |
| BOTHA-GUTHRIE, N | Apologies  |
| 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

The Municipal Manager read the convening notice.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Ald N Botha-Guthrie

RESOLVED

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

3. CONFIRMATION OF MINUTES

- 3.1 Minutes of an **Ordinary Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 30 May 2018 at 11:00**

RESOLVED

that the Minutes of an **Ordinary Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 30 May 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 |
|-----------------------------|---------------------------|----------------------|
| MR MARQUINE VIRJALLE LUKAS | 10 YEARS | 02/06/2018 |
| MR JONATHAN KESNER | 10 YEARS | 02/06/2018 |
| MR BONGEKILE PASCAR MTEYISE | 10 YEARS | 09/06/2018 |
| MR MANDLA MAKHEKE | 10 YEARS | 09/06/2018 |

GANSBAAI ADMINISTRATION

| EMPLOYEE | LONG SERVICE YEARS | DATE ACHIEVED |
|--------------------------|---------------------------|---|
| Mr Henry Kees | 20 years | 05/06/2018 |
| Mr Andile Nyatama | 20 years | 05/06/2018 |
| Mr Francois Myburgh | 20 years | 01/06/2018 |
| Mr Mzwandile Albert Mosi | 20 years | 05/06/2018 (On Sick Leave till end of July 2018) |

KLEINMOND ADMINISTRATION

| EMPLOYEE | LONG SERVICE YEARS | DATE ACHIEVED |
|----------------------------|---------------------------|----------------------|
| Mr Devan Franco Makka | 10 Years | 01/06/2018 |
| Mrs Alfreda Lilian Linde | 20 Years | 01/06/2018 |
| Ms Genene Elizabeth Oliver | 10 Years | 09/06/2018 |

The Speaker, Ald A Coetsee, extended the agenda to include a new Item 5.8: Hermanus, a Portion of Erf 4771 Known as "Dutchies Restaurant" : Deviation from Paragraphs 18 and 24 of the Administration of Immovable Property Policy of 2015 allowing the Municipality to Enter into a Further Temporary Lease Agreement with Tasoclox (Pty) Ltd.

The Speaker informed the meeting that he condoned the absence of Cllr V Macotha from the Portfolio Committee meeting of 19 June 2018.

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

RISK MANAGEMENT STRATEGY AND POLICY 2018/2019

(ITEM 1, PAGE 1 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 JUNE 2018)

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

1. that the Risk Management Strategy **be approved**; and
2. that the Risk Management Policy **be approved**;

RESPONSIBLE OFFICIAL :

A RIDDLES

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2018

5.2

COMBINED ASSURANCE POLICY FRAMEWORK 2018/2019

**(ITEM 2, PAGE 67 : MANAGEMENT SERVICES PORTFOLIO -
MAYORAL COMMITTEE MEETING : 27 JUNE 2018)**

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

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

RESPONSIBLE OFFICIAL :

A RIDDLES

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2018

5.3

HERMANUS: IN PRINCIPLE APPROVAL FOR THE ALIENATION OF A PORTION OF THE REMAINDER OF ERF 4771 HERMANUS ADJACENT TO ERF 2737 HERMANUS TO BRUCE NEIL ROYDEN HUXTER

(ITEM 6, PAGE 94 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 JUNE 2018)

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

1. that the direct alienation of a portion of the remainder of Erf 4771 Hermanus, adjacent to Erf 2737 Hermanus, ($\pm 295,8\text{m}^2$ in extent) to the owner of the adjoining erf, Bruce Neil Royden Huxter, at an amount of R666.78/m² (SIX HUNDRED AND SIXTY SIX RAND AND SEVENTY EIGHT CENTS PER SQUARE METER)(VAT excluded) for safety and access purposes be **approved in principle**;
2. that it be noted that a condition for alienation will be that there will be no construction allowed on the subject portion of the remainder of Erf 4771 Hermanus besides a boundary fence or wall;
3. that Council take cognisance of the fact that the direct alienation is only possible as subject portion of the remainder of Erf 4771 Hermanus applied for can be classified as a non-viable property;
4. that the abovementioned approval in principle be subject to a public participation process being followed at the cost of the Applicant due to the non-viability of the property;
5. that it be noted that a condition for alienation will be that the subject portion of the remainder of Erf 4771 Hermanus must be consolidated with the adjoining property of BNR Huxter, being Erf 2737 Hermanus;
6. that the alienation of the subject portion of the remainder of Erf 4771 Hermanus, be subject to obtaining the necessary closure of public place, subdivision and consolidation and rezoning approvals;
7. that all the costs pertaining to the transaction, e.g. application cost, valuation cost, subdivision and consolidation, closure of public space, rezoning, transfer and related costs, advertisement, etc., be paid by the Applicant; and

8. 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 paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

| | |
|---|---------------------|
| RESPONSIBLE OFFICIAL : | N LIEBENBERG |
| TARGET DATE FOR IMPLEMENTATION : | PROCESS |
| TARGET DATE TO INFORM APPLICANT: | 11 JULY 2018 |
| TARGET DATE TO INFORM OBJECTOR: | N/A |

5.4**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c), FOR MAY 2018****(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING : 27 JUNE 2018)****RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

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

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

5.5

CONTRACT SC 1660A/2015: PROPOSED AMENDMENT: PROVISION OF MULTI-FUNCTIONAL OFFICE MACHINES TO OVERSTRAND MUNICIPALITY FOR A CONTRACT PERIOD ENDING 30 NOVEMBER 2018

(ITEM 6, PAGE 7 : MAYORAL COMMITTEE MEETING : 27 JUNE 2018)

THE AFRICAN NATIONAL CONGRESS REQUESTED A CAUCUS AT 11:15

THE MEETING RESUMED AT 11:25

THE SPEAKER REQUESTED THAT IT BE MINUTED THAT HE ALLOWED CLLR R DE CONING TO LEAVE THE MEETING AT 11:25

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

1. that **cognisance be taken** of the reasons for the proposed amendment of Contract number SC1660/2015A: Provision of Multi-functional Office Machines to Overstrand Municipality for a contract period ending 30 November 2018, 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;
2. that **cognisance be taken** that no recommendations or representations were received from the local community by closing date, 21 May 2018;
3. that the contract be terminated on 30 November 2018 or an earlier date when the successful bidder appointed on tender no. SC 1870/2018 has replaced all the existing machines in use; and
4. that the contract be terminated on the completion of the section 33 process of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) in the event that the successful bidder appointed on tender SC 1870/2018 is Konica Minolta South Africa a Division of Bidvest Office (Pty) Ltd.

RESPONSIBLE OFFICIAL :

**J VAN ASPEREN
C ROETS**

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2018

5.6

CONTRACT SC 1601A/2015: PROPOSED AMENDMENT: PROVISION AND ADMINISTRATION OF ELECTRICITY PRE-PAYMENT VENDING SYSTEM FOR A CONTRACT PERIOD ENDING 30 JUNE 2018

(ITEM 7, PAGE 38 : MAYORAL COMMITTEE MEETING : 27 JUNE 2018)

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

1. that **cognisance be taken** that no recommendations or representations were received from the local community by closing date, 18 June 2018; and
2. that **cognisance be taken** of the reasons for the proposed amendment of Contract number SC1601A/2015: Provision and Administration of Electricity Prepayment Vending System to Overstrand Municipality for a contract period ending 30 June 2019, 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.

RESPONSIBLE OFFICIAL :**EM HOONEBERG****TARGET DATE FOR IMPLEMENTATION :****01 JULY 2018**

5.7

CONTRACT SC 1675A/2016: PROPOSED AMENDMENT: UPGRADE, MAINTENANCE AND SUPPORT OF OVERSTRAND MUNICIPALITY'S RADIO FREQUENCY NETWORK FOR A CONTRACT PERIOD ENDING 30 JUNE 2021

(ITEM 8, PAGE 48 : MAYORAL COMMITTEE MEETING : 27 JUNE 2018)

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

1. that **cognisance be taken** of the reasons for the proposed amendment of SC1675A/2016: Upgrade, Maintenance and Support of Overstrand Municipality's Radio Frequency Network for a contract period ending 30 June 2021, 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 closing date, 18 June 2018.

RESPONSIBLE OFFICIAL :

**C JOHNSON
C ROETS**

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2018

5.8

**HERMANUS, A PORTION OF ERF 4771 KNOWN AS “DUTCHIES RESTAURANT”:
DEVIATION FROM PARAGRAPHS 18 AND 24 OF THE ADMINISTRATION OF
IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO
ENTER INTO A FUTHER TEMPORARY LEASE AGREEMENT WITH TASOCLOX
(PTY) LTD**

**(ITEM 5, PAGE 85 : MAYORAL COMMITTEE MEETING : 27 JUNE
2018)**

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

1. that the deviation from paragraph 18 of the Administration of Immovable Property Policy in order to renew the current lease agreement with Tasoclox (Pty) Ltd for a further period of 2 (TWO) 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 Tasoclox (Pty) Ltd without having a new market related valuation being done, **be approved**.

RESPONSIBLE OFFICIAL :

M ERASMUS

TARGET DATE FOR IMPLEMENTATION :

30 JULY 2018

TARGET DATE TO INFORM APPLICANT :

19 JULY 2018

TARGET DATE TO INFORM OBJECTOR :

N/A

6. CONSIDERATION OF REPORTS**6.1****DEED OF SETTLEMENT: CLLR C MAY****3/2/3/1****H van Tonder****(028) 313 8037****Corporate Head Office****28 May 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 C May's failure to attend the Portfolio Committee meeting of 17 April 2018.

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

1. that the Deed of Settlement between the Disciplinary Committee of Council and Cllr C May, **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 :****9 JULY 2018**

6.2**DEED OF SETTLEMENT: CLLR J ORBAN****3/2/3/1****H van Tonder****(028) 313 8037****Corporate Head Office****28 May 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 J Orban's failure to attend the Portfolio Committee meeting of 17 April 2018.

RESOLVED (SUPPORTED BY 23 COUNCILLORS):

1. that the Deed of Settlement between Disciplinary Committee of Council and Cllr J Orban **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 :****9 JULY 2018**

6.3**ALLEGATIONS OF FINANCIAL MISCONDUCT: OFFICIAL EMPLOYED AT LOCAL ECONOMIC DEVELOPMENT, HERMANUS**

This item was distributed under separate cover to Councillors for consideration.

In terms of Section 20(2) of the Local Government: Municipal Systems Act, No 32 of 2000, read with Rule 17 of the Overstrand Municipality's Standard By-law on Rules of Order for Internal Arrangements, this item must be considered "in committee".

THE SPEAKER CHANGED THE ORDER OF BUSINESS IN TERMS OF SECTION 5(2) OF THE BY-LAW ON RULES OF ORDER FOR INTERNAL ARRANGEMENTS. THIS ITEM WAS THEN CONSIDERED BY COUNCIL AFTER ITEM 9.

THE MEETING STOOD DOWN AT 11:40 IN ORDER TO GIVE OFFICIALS THE OPPORTUNITY TO LEAVE THE BANQUETING HALL

THE MEETING RESUMED AT 11:45

The recommendation under this item shall be minuted in a separate minute book in terms of Section 20(2) of the Local Government: Municipal Systems Act, No 32 of 2000 read with Rule 17 of the Overstrand Municipality's Standard By-law on Rules of Order for Internal Arrangements.

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 12:30

DATE

THE SPEAKER – A COETSEE