



ORDINARY MEETING OF THE COUNCIL

GEWONE VERGADERING VAN DIE RAAD

INTLANGANISO YESIQHELO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

**DATE / DATUM / UMHLA : 31 MARCH / MAART / MATSHI
2021**

VENUE / PLEK / INDAWO : VIRTUAL

TIME / TYD / IXESHA: 11:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

MINUTES OF THE COUNCIL MEETING HELD BY MEANS OF A VIRTUAL PLATFORM ON 31 MARCH 2021, AT 11:00

PRESENT: Councillors were present as per attached attendance register.

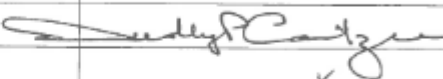
OFFICIALS PRESENT: Mr D O'Neill, Municipal Manager
Ms D Arrison, Director : Management Services
Ms S Reyneke-Naudé, Director : Finance
Mr R Williams, Director : Community Services
Mr N Michaels, Director : Protection Services
Mr S Madikane, Director : Economic Development & Tourism
Mr S Müller, Director : Infrastructure & Planning
Mr C Le Roux, Deputy Director : Finance
Mr T Steenberg, Deputy Director : Community Services
Ms B Plaatjies, Manager : Hermanus Administration
Mr F Myburgh, Senior Manager : Gansbaai Administration
Mr D Lakey, Senior Manager : Kleinmond Administration
Mr B King, Senior Manager : Financial Services
Ms A Le Roux, Manager : Property Administration
Ms R Louw, Senior Manager : Strategic Services
Mr L Smith, Chief : Fire & Rescue and Disaster Management
Mr D van der Heever, Chief Audit Executive
Ms H van Tonder, Manager : Council Support Services
Ms N Zweni, Manager : Communication
Ms S Block, Administrator : Strategic Services
Ms L Tait, Accountant : Capital Budget
Mr R Fraser, Chief : Traffic/Licences
Ms S Swart, Administrative Officer : Council Support Services

ALSO PRESENT: Members of the Public

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

COUNCIL MEETING
31 MARCH 2021

ALDERMAN/COUNCILLORS	SIGNATURE
AFRICA, F	✓
BOTHA, D	✓
BRICE, KD	✓
COETSEE, A	✓
COETZEE, DP	
COHEN, G	✓
DE CONING, CA	✓
GILLION, E	✓
KALOLO, SV	✓
KOMANI, AS	✓
KRIGE, F	✓
NQINATA, NNT	✓
MAY, C	✓
MHANA, M	✓
MOLEFE, B	✓
MORGAN, H	✓
MSWELI, X	✓
NTSABO, L	✓
NUTT, R	✓
ORBAN, J	✓
PUNGUPUNGU, V	✓
RESANDT, C	✓
SAPEPA, NM	11/11/21
TAFU-NWONKWO, CC	✓
TEBELE, S	✓

1. OPENING

The Municipal Manager, Mr D O'Neill, read the notice convening the meeting. The Speaker, Ald A Coetsee, allowed 30 seconds for silent prayer.

2. APPLICATIONS FOR LEAVE OF ABSENCE

None

Ald M Sapepa joined the meeting at 11:10

3. CONFIRMATION OF MINUTES**3.1 Minutes of an Ordinary Meeting of the Council held on Wednesday, 24 February 2021 at 11:00****RESOLVED:**

that the Minutes of an **Ordinary Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 24 February 2021 at 11:00, be confirmed.**

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

The Executive Mayor, Ald D Coetzee, informed the meeting that the 2021/2022 Draft Budget will be tabled at this meeting.

The Speaker, Ald A Coetsee, reported on certain councillors who failed to attend the Portfolio Committee meeting on 23 March 2021, namely Ald M Sapepa, Cllrs X Msweli, C Resandt, B Molefe and M Mhana. He then condoned all these councillors' absence from the meeting, except for Cllr M Mhana's, which will be further investigated and reported on at the next Council meeting.

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

TRANSFER: OVERSTRAND MUNICIPALITY TO BERTRAM JULIAN JULIUS: ERF 736, HAWSTON

(ITEM 3, PAGE 14 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 31 MARCH 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that permission **be granted** to transfer erf 736, Hawston to Mr Bertram Julian Julius (ID Number 6404046125082); and
2. that the aforementioned consent to transfer be subject to Mr Bertram Julian Julius accepting responsibility for the outstanding municipal services account in respect of erf 736, Hawston.

RESPONSIBLE OFFICIAL :

FW FRANS

TARGET DATE FOR IMPLEMENTATION :

01 APRIL 2021

5.2

APPLICATION TO PURCHASE: A PORTION OF REMAINDER ERF 1178 DE KELDERS (ROAD RESERVE), ADJACENT TO ERF 825 DE KELDERS (133 MAIN ROAD, DE KELDERS) – JJK & LP WHITEMAN

(ITEM 2, PAGE 152 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 31 MARCH 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the direct alienation of a portion of Remainder Erf 1178 De Kelders ($\pm 30\text{m}^2$ in extent), adjacent to Erf 825 De Kelders, to the owners of the adjoining Erf 825 De Kelders, JJK & LP Whiteman, **not be approved** as the property must be reserved for current as well as future municipal services.

RESPONSIBLE OFFICIAL:	N LIEBENBERG
TARGET DATE FOR IMPLEMENTATION:	16 APRIL 2021
TARGET DATE TO INFORM APPLICANT:	30 APRIL 2021
TARGET DATE TO INFORM OBJECTOR:	N/A

5.3

A PORTION OF REMAINDER ERF 294 STANFORD (SITUATED NEAR “DIE KOP”, STANFORD): DEVIATION FROM PARAGRAPH 20.1(b) OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A LEASE AGREEMENT WITH VODACOM (PTY) LTD

(ITEM 3, PAGE 159 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 31 MARCH 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the deviation from paragraph 20.1(b) of the Administration of Immovable Property Policy in order to enter into a lease agreement with Vodacom (Pty) Ltd for a period of 9 (NINE) years and 11 (ELEVEN) months without following a public participation process, **be approved.**

RESPONSIBLE OFFICIAL:	W MURTZ
TARGET DATE FOR IMPLEMENTATION:	31 MARCH 2021
TARGET DATE TO INFORM APPLICANT:	18 MARCH 2021
TARGET DATE TO INFORM OBJECTOR:	N/A

5.4

A PORTION OF ERF 249 AND A PORTION OF ERF 832 HERMANUS (KNOWN AS THE HERMANUS MARKET SQUARE SITUATED IN MARKET SQUARE STREET): PARTIAL REBATE ON RENTAL TO BE LEVIED, COTTON4U4EVER (PTY) LTD

(ITEM 5, PAGE 177 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 31 MARCH 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that a partial rebate in the rental payable by COTTON4U4EVER (Pty) Ltd to an amount of R565.00 (FIVE HUNDRED AND SIXTY FIVE RAND) (VAT included) per stall per month for a period of 6 (SIX) months from 1 March 2021, **be approved.**

RESPONSIBLE OFFICIAL :

**M ERASMUS
E HOONEBERG**

TARGET DATE FOR IMPLEMENTATION :

30 April 2021

TARGET DATE TO INFORM APPLICANT :

14 April 2021

TARGET DATE TO INFORM OBJECTOR :

N/A

5.5

REPORT OF THE JOINT AUDIT AND PERFORMANCE AUDIT COMMITTEE (JAPAC) TO THE OVERSTRAND MUNICIPAL COUNCIL

(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING : 31 MARCH 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the report from the JAPAC to the Overstrand Municipal Council **be noted**.

RESPONSIBLE OFFICIAL :

DC VAN DER HEEVER

TARGET DATE FOR IMPLEMENTATION :

31 MARCH 2021

5.6

ICT SYSTEMS SECURITY POLICY

(ITEM 6, PAGE 15 : MAYORAL COMMITTEE MEETING : 31 MARCH 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the ICT Systems Security Policy **be approved.**

RESPONSIBLE OFFICIAL :

C JOHNSON

TARGET DATE FOR IMPLEMENTATION :

APRIL 2021

5.7

**ERF 384, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA:
AMENDMENT OF THE OVERSTRAND MUNICIPALITY SPATIAL DEVELOPMENT
FRAMEWORK, 2020 AND THE OVERSTRAND GROWTH MANAGEMENT
STRATEGY, 2020: MESSRS INTERACTIVE TOWN AND REGIONAL PLANNING
ON BEHALF OF OVERSTRAND MUNICIPALITY**

**(ITEM 7, PAGE 34 : MAYORAL COMMITTEE MEETING : 31 MARCH
2021)**

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the application in terms of the provisions of Section 10 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 as well as the provisions of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) to deviate from the Overstrand Municipality Spatial Development Framework, 2020 and the Overstrand Municipality Growth Management Strategy, 2010 in order to change the reservation on Erf 384, Hermanus from urban development to community facility, **be approved.**

RESPONSIBLE OFFICIAL:	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION:	14 APRIL 2021
TARGET DATE TO INFORM APPLICANT:	14 APRIL 2021
TARGET DATE TO INFORM OBJECTOR:	N/A

5.8

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, FEBRUARY 2021

(ITEM 8, PAGE 82 : MAYORAL COMMITTEE MEETING : 31 MARCH 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

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

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

5.9

DRAFT INTEGRATED DEVELOPMENT PLAN (IDP) REVIEW 2021/22

(ITEM 9, PAGE 104 : MAYORAL COMMITTEE MEETING : 31 MARCH 2021)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the draft reviewed IDP for 2021/22 **be noted**; and
2. that the draft IDP review **be advertised** for public comment in order for Council to consider the final document during the May 2021 Council meeting.

RESPONSIBLE OFFICIAL :

R LOUW

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

5.10**DRAFT WATER SERVICES DEVELOPMENT PLAN FOR 2021/22****(ITEM 10, PAGE 107 : MAYORAL COMMITTEE MEETING :
31 MARCH 2021)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the Draft Water Services Development Plan (WSDP) for 2021/22 be **noted**;
and
2. that it furthermore **be noted** that the Final Draft WSDP for 2021/22, with inputs from the public and other stakeholders taken into account, is to be considered for approval at the Council meeting to be held on 26 May 2021.

RESPONSIBLE OFFICIAL:**H BLIGNAUT****TARGET DATE FOR IMPLEMENTATION:****1 JULY 2021**

5.11**DRAFT BUDGET FOR 2021/2022, INDICATIVE BUDGET FORECASTS FOR 2022/2023 TO 2023/2024 AND DRAFT BUDGET RELATED POLICIES****(ITEM 11, PAGE 109 : MAYORAL COMMITTEE MEETING : 31 MARCH 2021)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):**

1. that the tabling of the Draft Budget for 2021/2022, indicative budget forecasts for 2022/2023 to 2023/2024 and the draft budget related policies **be noted**; and
2. that the tabling of the Draft Budget for the 2021/2022 MTREF **be advertised** for public comment in order for Council to consider the final budget at the Council meeting to be held on 26 May 2021.

RESPONSIBLE OFFICIALS:**S REYNEKE-NAUDE
BA KING****TARGET DATE FOR IMPLEMENTATION:****TO BE NOTED**

5.12**DRAFT SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOR 2021/22****(ITEM 12, PAGE 111 : MAYORAL COMMITTEE MEETING :
31 MARCH 2021)****RESOLVED (SUPPORTED BY 25 COUNCILLORS):****that the draft Service delivery and Budget Implementation plan (SDBIP) for 2021/22 be
noted.****RESPONSIBLE OFFICIAL :****R LOUW****TARGET DATE FOR IMPLEMENTATION :****NOT APPLICABLE**

6. REPORTS**6.1****SUBMISSION OF THE DRAFT AUDITED ANNUAL REPORT FOR THE FINANCIAL YEAR 2019/20**

5/15/1/1

R Louw

11 March 2021

Senior Manager: Strategic Services**(028) 313 8071**

EXECUTIVE SUMMARY

The purpose of this report is to present the draft audited Annual Report, for the 2019/20 financial year to Council.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the tabling of the 2019/20 draft audited Annual Report by die 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 :****7 APRIL 2021**

6.2

APPEAL LODGED IN TERMS OF SECTION 62 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000) : TREE OPPOSITE ERF 522, HAWSTON : MR S DAVIDS

3/2/3/6**H van Tonder****18 February 2021****Manager : Council Support Services****(028) 313 8037**

EXECUTIVE SUMMARY

To submit a resolution of the proceedings of the Appeal Committee to Council for information.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the decision of the Section 62 Committee be noted, namely:

1. that there is no valid appeal before the Committee;
2. that, for various reasons, but, in essence, because the threshold requirements of Section 62(1) were not satisfied, that the appeal be dismissed *In Limine*; and
3. that the full deposit **be refunded** to the Appellant, in that the Appellant was never afforded the opportunity to appeal, and was subsequently given no advice to this effect.

RESPONSIBLE OFFICIAL :**R WILLIAMS
S SWART****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

6.3**ALLEGED MISCONDUCT: CLLR L NTSABO****3/2/3/1****H van Tonder****Manager : Council Support Services****9 March 2021****(028) 313 8037**

EXECUTIVE SUMMARY

The purpose of this report is to afford Council the opportunity to take note of the alleged misconduct by Cllr L Ntsabo and a disciplinary hearing which was supposed to take place on 25 February 2021 but was cancelled due to the main witness indicating, shortly before the hearing, that she was not available to testify.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the procedure followed by the Speaker **be noted**;
2. that the cancellation of the disciplinary hearing **be noted**, specifically that no finding was made against Cllr L Ntsabo;
3. that the conduct of Ms C Nel be brought to the attention of the Municipal Manager to be dealt with as he deems fit; and
4. 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 :****15 APRIL 2021**

6.4**INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE:
SCIE 2019/005: NON-COMPLIANCE WITH CLAUSE 16 OF THE SUPPLY CHAIN
MANAGEMENT POLICY WITH REGARDS TO RENDERING TRANSLATION
SERVICES WITHOUT FOLLOWING AN OFFICIAL PROCUREMENT PROCESS**

**D Arrison
S Müller
25 March 2021**

**Director: Management Services
Director: Infrastructure & Planning**

(028) 313 8000

EXECUTIVE SUMMARY

The purpose of this report is to request Council for the writing-off of the irregular expenditure in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act (56/2003) for rendering translation services without following an official procurement process.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that, in view of the municipality having received value for money, the irregular expenditure in the amount of R9,322.80 for the provisioning of translation services, be certified as irrecoverable and written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

RESPONSIBLE OFFICIAL :

**B KING
C LE ROUX**

TARGET DATE FOR IMPLEMENTATION:

12 APRIL 2021

6.5**INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE:
SCIE 2018/008: NON-COMPLIANCE WITH CLAUSE 16 OF THE SUPPLY CHAIN
MANAGEMENT POLICY WITH REGARDS TO RENDERING TRANSLATION
SERVICES WITHOUT FOLLOWING AN OFFICIAL PROCUREMENT PROCESS****D Arrison
25 March 2021****Director: Management Services****(028) 313 8001**

EXECUTIVE SUMMARY

The purpose of this report is to request Council for the writing-off of the irregular expenditure in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act (56/2003) for rendering translation services without following an official procurement process.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that, in view of the municipality having received value for money, the irregular expenditure in the amount of R8,153.95 for the provisioning of translation services, be certified as irrecoverable and written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

RESPONSIBLE OFFICIAL :**B KING
C LE ROUX****TARGET DATE FOR IMPLEMENTATION:****12 APRIL 2021**

6.6**INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE:
SCIE 2019/006: NON-COMPLIANCE WITH CLAUSE 16 OF THE SUPPLY CHAIN
MANAGEMENT POLICY WITH REGARDS TO RENDERING OF COURIER
SERVICES WITHOUT FOLLOWING AN OFFICIAL PROCUREMENT PROCESS****D Arrison
25 March 2021****Director: Management Services****(028) 313 8001**

EXECUTIVE SUMMARY

The purpose of this report is to request Council for the writing-off of the irregular expenditure in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act (56/2003) for the rendering of courier services without following an official procurement process.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that, in view of the municipality having received value for money, the irregular expenditure in the amount of R4,860.50 (Vat Incl) for the provisioning of courier services, be certified as irrecoverable and written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

RESPONSIBLE OFFICIAL :**B KING
C LE ROUX****TARGET DATE FOR IMPLEMENTATION:****12 APRIL 2021**

6.7**INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE:
SCIE 2019.20.11: NON-COMPLIANCE WITH CLAUSE 17 OF THE SUPPLY
CHAIN MANAGEMENT POLICY WITH REGARDS TO: HIRING OF A CONTAINER
WITHOUT AN OFFICIAL ORDER****N Michaels
25 March 2021****Director: Protection Services****(028) 316 - 8054**

EXECUTIVE SUMMARY

The purpose of this report is to request Council for the writing-off of the expenditure in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act (56/2003) when services were rendered for hiring of a container without an official order.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that, in view of the fact that the municipality have received value for money, the irregular expenditure in the amount of R951.05 (Vat Incl) for the hiring of a container, be certified as irrecoverable and written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

RESPONSIBLE OFFICIAL:**B KING
C LE ROUX****TARGET DATE FOR IMPLEMENTATION:****12 APRIL 2021**

6.8**INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE: SCIE 2019.20.05: NON-COMPLIANCE WITH SECTION 19 & 39(1)(d) OF THE SUPPLY CHAIN MANAGEMENT POLICY WITH REGARDS TO THE HAWSTON CAMPSITE & SWIMMING POOL FENCING PROJECT****3/2/3/8****R Williams****Director: Community Services****25 March 2021****(028) 313 8156**

EXECUTIVE SUMMARY

The purpose of this report is to request Council for the writing off of expenditure in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act (56/2003) with regard to the Hawston campsite & swimming pool fencing project.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that, in view of the municipality having received value for money, the irregular expenditure in the amount of R2,178,048,25 (incl vat) for the installation of a fence, be certified as irrecoverable and written off in terms of section 32(2) (b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

RESPONSIBLE OFFICIAL :**B KING
C LE ROUX****TARGET DATE FOR IMPLEMENTATION :****12 APRIL 2021**

7. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER (IF ANY)

None

8. CONSIDERATION OF NOTICES OF MOTIONS / QUESTIONS

At the time of the closing of the agenda, no notices of motions/questions were received.

None

9. CONSIDERATION OF MOTIONS OF EXIGENCY (IF ANY)

None

The meeting adjourned at 11:52

DATE

THE SPEAKER – A COETSEE