



ORDINARY MEETING OF THE COUNCIL

GEWONE VERGADERING VAN DIE RAAD

INTLANGANISO YESIQHELO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

DATE / DATUM / UMHLA : 28 APRIL / APRELI 2016

**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 28 APRIL 2016, AT 11:00**

PRESENT/ TEENWOORDIG

Councillors were present as per attached attendance register.

**OFFICIALS PRESENT/
AMPTENARE TEENWOORDIG**

Mr C Groenewald, Municipal Manager
Ms S Reyneke-Naudé, Director : Finance
Mr S Madikane, Director : Local Economic Development
Mr H Blignaut, Acting Director: Infrastructure & Planning
Mr R Williams, Director : Community Services
Ms D Arrison, Director : Management Services
Mr N Michaels, Director : Protection Services
Mr D van der Heever, Chief Audit Executive
Mr X Kosi, Manager : LED
Ms G Bucchianeri, Manager : Budget Office
Interns
Ms R Louw, Senior Manager : Strategic Services
ICT
Ms H van Tonder, Manager : Council Support Services
Ms S Swart: Administrative Officer : Council Support Services
Ms D Laing, Clerk : Auditorium
Interns

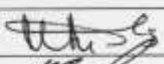

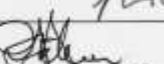






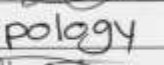


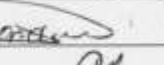
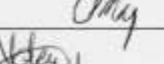
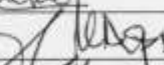
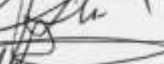

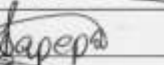

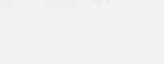
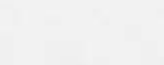



ALSO PRESENT:

Members of the Public

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

COUNCIL MEETING
28 APRIL 2016

| ALDERMAN/COUNCILLORS | SIGNATURE |
|----------------------|--|
| ANDREWS, M |  |
| APPELGREIN, P |  |
| BEYERS-CRONJE, L |  |
| BOTHA, D |  |
| BOTHA-GUTHRIE, N |  |
| BRICE, K |  |
| COETSEE, A |  |
| COETZEE, DP |  |
| DE CONING, R |  |
| DYANI, M |  |
| GXAMESI, S |  |
| JANUARIE, JJS |  |
| KLOPPERS-LOURENS J | Apology |
| NQINATA, NNT |  |
| KRIGE, L |  |
| MACOTHA, VC |  |
| MANDINDI, CQ |  |
| MAY, P |  |
| NDEVU, L |  |
| OPPERMAN, M |  |
| PIE, MT |  |
| PONOANE, MV |  |
| PRINS, A |  |
| SAPEPA, NM |  |
| SMITH, RJ |  |

1. OPENING

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

2. APPLICATIONS FOR LEAVE OF ABSENCE

Cllr J Kloppers-Lourens

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 March 2016 at 11:00****RESOLVED**

that the Minutes of an **Ordinary Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 30 March 2016 at 11:00, be confirmed.**

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

The Executive Mayor, Ald N Botha-Guthrie, reported that Overstrand is a Western Cape finalist for the Town of the Year Competition and now has to compete against nine (9) other provinces.

The Executive Mayor, Ald N Botha-Guthrie, congratulated the Speaker, Ald A Coetsee, on his series of talks on RSG on the functioning of municipalities.

The Executive Mayor, Ald N Botha-Guthrie, thanked the two (2) German interns for their visit to the Overstrand Municipality as they will be leaving Hermanus on 13 May 2016.

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

REVISION OF POLICY ON MEMBERSHIP OF MEDICAL AID FUNDS

(ITEM 1, PAGE 1 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 APRIL 2016)

RESOLVED (UNANIMOUSLY):

that the reviewed Policy on Membership of Medical Aid Funds and Registration of Dependents on Accredited Medical Aid Funds, **be approved.**

RESPONSIBLE OFFICIAL :

L BUCCHIANERI

TARGET DATE FOR IMPLEMENTATION :

1 MAY 2016

5.2**DRAFT DRESS CODE GUIDELINES****(ITEM 2, PAGE 8 : MANAGEMENT SERVICES PORTFOLIO -
MAYORAL COMMITTEE MEETING : 28 APRIL 2016)****RESOLVED (UNANIMOUSLY):**that the draft Dress Code Guidelines, as amended, **be approved.****RESPONSIBLE OFFICIAL :****L BUCCHIANERI****TARGET DATE FOR IMPLEMENTATION :****1 MAY 2016**

5.3**SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
THIRD QUARTERLY REPORT: JANUARY- MARCH 2016****(ITEM 3, PAGE 14 : MANAGEMENT SERVICES PORTFOLIO -
MAYORAL COMMITTEE MEETING : 28 APRIL 2016)****RESOLVED (UNANIMOUSLY):**

that the content of the report for the third quarter of the 2015/16 financial year on the top level Service Delivery and Budget Implementation Plan, **be noted.**

RESPONSIBLE OFFICIAL :**R LOUW****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

5.4

**TRANSFER : OVERSTRAND MUNICIPALITY TO MR GERCHAN JOHN HENN :
ERF 995, HAWSTON**

**(ITEM 1, PAGE 1 : COMMUNITY SERVICES PORTFOLIO - MAYORAL
COMMITTEE MEETING : 28 APRIL 2016)**

RESOLVED (UNANIMOUSLY):

1. that the permission be granted to transfer of Erf 995, Hawston to Mr Gerchan John Henn; and
2. that the aforementioned approval furthermore be subject to Mr Gerchan John Henn accepting responsibility for the outstanding municipal services account in respect of Erf 995, Hawston.

RESPONSIBLE OFFICIAL :**FW FRANS****TARGET DATE FOR IMPLEMENTATION :****01 MAY 2016**

5.5

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 SUPERFECTA TRADING 608 CC

(ITEM 9, PAGE 367 : INFRASTRUCTURE AND PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 APRIL 2016)

RESOLVED (UNANIMOUSLY):

1. that the deviation from paragraph 18 of the Administration of Immovable Property Policy of 2015 in order to renew the current lease agreement with Superfecta Trading 608 CC for a further period of 2 (TWO) years without following a competitive process, **be approved;**
2. that the deviation from paragraph 24 of the Administration of Immovable Property Policy of 2015 in order to lease the property at the current lease amount (to escalate on 1 July 2016 in terms of the current lease agreement and thereafter on 1 July 2017 and 1 July 2018) being paid and not having to determine the fair market value by appointing a professional valuer; **be approved;**
3. that the renewal of the lease of Municipal Property, being a portion of Erf 4771 Hermanus to Superfecta Trading 608 CC for the management of a kiosk/restaurant at Grotto Beach, Hermanus at a monthly rental amount of R4,209.85 (FOUR THOUSAND TWO HUNDRED AND NINE RAND AND EIGHTY FIVE CENTS) (VAT excluded) until 30 June 2016, where-after the lease amount will escalate on 1 July 2016 with a percentage equal to the prevailing consumer price index (all items) for a period of 2 (TWO) years as from 1 October 2016 in terms of the Administration of Immovable Property Policy of the Overstrand Municipality, **be approved;** and
4. that the lease amount mentioned in 3 above escalate on 1 July 2017 and 1 July 2018, by a percentage fixed in accordance with the prevailing consumer price index (all items) in accordance with paragraph 40 of the Administration of Immovable Property Policy of 2015.

RESPONSIBLE OFFICIAL :**M MÜLLER****TARGET DATE FOR IMPLEMENTATION :****20 JUNE 2016****TARGET DATE TO INFORM APPLICANT :****11 MAY 2016****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.6**SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT – 2015/2016 :
3RD QUARTER: 01 JANUARY TO 31 MARCH 2016****(ITEM 5, PAGE 1 : - MAYORAL COMMITTEE MEETING : 28 APRIL
2016)****RESOLVED (UNANIMOUSLY):**

that **cognisance be taken** of the activities undertaken and outcomes achieved in the implementation of the Overstrand Municipality Supply Chain Management Policy for the 3rd Quarter of 2015/2016.

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

5.7

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

**(ITEM 6, PAGE: 12 - MAYORAL COMMITTEE MEETING : 28 APRIL
2016)**

RESOLVED (UNANIMOUSLY):

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

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

5.8**QUARTERLY BANK ACCOUNT WITHDRAWALS NOT IN TERMS OF AN APPROVED BUDGET FOR MARCH 2016****(ITEM 7, PAGE: 18 - MAYORAL COMMITTEE MEETING : 28 APRIL 2016)****RESOLVED (UNANIMOUSLY):**

that the consolidated quarterly report in respect of Bank Account Withdrawals not in terms of an Approved Budget for the quarter ended March 2016, **be noted**.

RESPONSIBLE OFFICIAL :**BA KING****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

5.9

QUARTERLY BUDGET REPORT FOR APRIL 2016

(ITEM 8, PAGE: 21 - MAYORAL COMMITTEE MEETING : 28 APRIL 2016)

THE ANC REQUESTED THE MEETING TO ADJOURN FOR A CAUCUS AT 11:25

THE MEETING RESUMED AT 11:30

RESOLVED (UNANIMOUSLY):

that the budget report for the quarter ended April 2016, prepared as part of the financial reporting obligations arising from the Local Government: Municipal Finance Management Act, 2003, **be noted**.

RESPONSIBLE OFFICIAL :

BA KING

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

5.10**4th ADJUSTMENTS BUDGET 2015/2016 (ADDITIONAL WESTERN CAPE PROVINCIAL ALLOCATIONS)****(ITEM 9, PAGE: 58 - MAYORAL COMMITTEE MEETING : 28 APRIL 2016)****THE ANC REQUESTED THE MEETING TO ADJOURN FOR A CAUCUS AT 11:35****THE MEETING RESUMED AT 11:40****RESOLVED (UNANIMOUSLY):**

1. that, in terms of section 28(2)(b) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the 4th Adjustments Budget for 2015/2016 **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 :****29 APRIL 2016**

5.11**REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOR 2015/16****(ITEM 10, PAGE: 134 - MAYORAL COMMITTEE MEETING : 28 APRIL
2016)****RESOLVED (UNANIMOUSLY):**

1. that the revised SDBIP for 2015/16, as amended, **be approved**;
2. that the amendments to the Departmental and Top Layer SDBIP for 2015/16, as amended, **be approved**; and
3. that the revised SDBIP for 2015/16 **be made public**.

RESPONSIBLE OFFICIAL :**R LOUW****TARGET DATE FOR IMPLEMENTATION :****5 MAY 2016**

6.1

APPEAL LODGED IN TERMS OF SECTION 62 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000) : ERF 966, 73 MAIN ROAD, SANDBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING : MESSRS OVERPLAN & ASSOCIATES ON BEHALF OF EAGLE VALLEY PROPERTIES 125 CC

3/2/3/6**S Swart****7 April 2016****(028) 313 8006****Corporate Head Office**

EXECUTIVE SUMMARY

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

RESOLVED (UNANIMOUSLY):

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

1. that the appeal **be upheld**, subject thereto that condition 1(a) of the Executive Mayor's resolution dated 30 September 2015 **be removed**; and
2. that the full deposit **be refunded** to the appellant.

RESPONSIBLE OFFICIAL :**H OLIVIER/S SWART****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

6.2

IRREGULAR EXPENDITURE: SCMIE 2015/002: NON-COMPLIANCE WITH SUPPLY CHAIN MANAGEMENT POLICY AFTER THE EXPIRY DATE OF THE THEN EXISTING SECURITY MONITORING CONTRACTS

3/2/3/8**H van Tonder****(028) 313 8037****Corporate Head Office****3 April 2016**

EXECUTIVE SUMMARY

The purpose of the report is to request Council to approve the writing off of irregular expenditure incurred for the payments for security monitoring services to the amount of R763 236.62.

RESOLVED (UNANIMOUSLY):

that, in view of the municipality having received value for money, the irregular expenditure of R763 236.62 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:****6 MAY 2016**

6.3**FRUITLESS AND WASTEFUL EXPENDITURE: MUNICIPAL FINANCIAL MANAGEMENT DEVELOPMENT PROGRAMME (MFMDP) - FUNDING FOR EMPLOYEE NUMBER 1295****3/2/3/8****H van Tonder****(028) 313 8037****Corporate Head Office****3 April 2016**

EXECUTIVE SUMMARY

The purpose of the report is to request Council to approve the writing off of fruitless and wasteful expenditure in the amount of R27 000.00.

RESOLVED (UNANIMOUSLY):

that the amount of R27 000.00, in terms of Section 32(2)(b) of the Local Government : Municipal Finance Management Act, No. 56 of 2003, be certified as irrecoverable and **be written off.**

RESPONSIBLE OFFICIAL :**B KING
C LE ROUX****TARGET DATE FOR IMPLEMENTATION :****6 MAY 2016**

6.4**IRREGULAR EXPENDITURE: SCMI 2014/05: IN RELATION TO THE PAYMENTS FOR THE SECOND (2012) AND THIRD (2013) YEAR FOR THE ENTERPRISE LICENSE AGREEMENT WITH ESRI FOR THE GIS SYSTEM****3/2/3/8****H van Tonder
3 April 2016****(028) 313 8037****Corporate Head Office**

EXECUTIVE SUMMARY

The purpose of the report is to request Council to approve the writing off of irregular expenditure incurred for the payments for the second (2012) and third (2013) year to the amount of R277 200.00 (excl VAT) for the Enterprise License Agreement with ESRI for the GIS System.

RESOLVED (UNANIMOUSLY):

that, in view of the municipality having received value for money, the irregular expenditure of R277 200.00 (VAT excluded) 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:****6 MAY 2016**

6.5**IRREGULAR EXPENDITURE: THE EXECUTION OF A CONTROLLED FIRE IN KLEINMOND FOR TRAINING PURPOSES WITHOUT FOLLOWING THE OFFICIAL PROCUREMENT PROCESS****3/2/3/8****H van Tonder****(028) 313 8037****Corporate Head Office****1 April 2016**

EXECUTIVE SUMMARY

The purpose of the report is to request Council to approve the writing off of irregular expenditure incurred for the execution of a controlled fire in Kleinmond.

RESOLVED (UNANIMOUSLY):

that, in view of the municipality having received multiple benefits and value for money, the irregular expenditure of R3 867.41 (VAT excluded) 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:****6 MAY 2016**

6.6**IRREGULAR EXPENDITURE: PROVISION OF FOOD DURING DISASTER MANAGEMENT AND FIRE SUPPRESSIONS****3/2/3/8****H van Tonder
3 April 2016****(028) 313 8037****Corporate Head Office**

EXECUTIVE SUMMARY

The purpose of the report is to request Council to approve the writing off of irregular expenditure incurred for the payments for food/catering suppliers during disaster management and fire suppressions over the period February till March 2015 to the amount of R6 200.00.

RESOLVED (UNANIMOUSLY):

that, in view of the municipality having received value for money, the irregular expenditure of R6 200.00 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:****6 MAY 2016**

6.7**IRREGULAR EXPENDITURE: SCMIE 003/2014: NON-COMPLIANCE WITH THE SUPPLY CHAIN MANAGEMENT POLICY IN RELATION TO THE PROVISION OF COMMUNICATION LINES FOR CARD MACHINES****3/2/3/8****H van Tonder****(028) 313 8037****Corporate Head Office****3 April 2016**

EXECUTIVE SUMMARY

The purpose of the report is to request Council to approve the writing off of irregular expenditure incurred for the provision of communication lines for debit/credit card machines for the payments of municipal accounts/fines, et cetera to the amount of R57 928.37.

RESOLVED (UNANIMOUSLY):

that, in view of the municipality having received value for money, the irregular expenditure of R57 928.37 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:****6 MAY 2016**

6.8

RECESS : JUNE / AUGUST 2016

3/2/1/4

H van Tonder
8 April 2016

(028) 313 8037

Corporate Head Office

EXECUTIVE SUMMARY

The purpose of the report is to, in view of the Municipal Elections which are to take place on 3 August 2016, obtain confirmation of Council's recess from 25 May 2016 (**immediately after conclusion of the Council Meeting**) until 26 July 2016 and from 28 July 2016 until the outcome of the election is proclaimed by the Electoral Commission, concomitant with related matters. A Special Council Meeting is to take place on 27 July 2016.

RESOLVED (UNANIMOUSLY):

1. that, in view of the Municipal Elections which are to take place on 3 August 2016, **Council be in recess from 25 May 2016** (immediately after conclusion of the Council Meeting) **to 26 July 2016** (the latter included) **and from 28 July 2016 until the date on which the outcome of the election is proclaimed by the Electoral Commission (the latter date included);**
2. that, during the period of recess, all urgent matters/emergency situations be dealt with by the Executive Mayor (or acting) in consultation with the Municipal Manager (or acting), except those reserved by law for full Council; and
3. that **cognisance be taken** that a **Special Council Meeting** will take place on **Wednesday, 27 July 2016** in the Banqueting Hall, Civic Centre, Hermanus, the time of which is to be confirmed in due course.

RESPONSIBLE OFFICIAL :**H VAN TONDER****TARGET DATE FOR IMPLEMENTATION :****NOT APPLICABLE**

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 11:52

DATE

THE SPEAKER – A COETSEE