Munisipaliteit • U-Masipala • Municipality

OVERSTRAND

ORDINARY MEETING OF THE COUNCIL

GEWONE VERGADERING VAN DIE RAAD

INTLANGANISO YESIQHELO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

DATE / DATUM / UMHLA : 30 AUGUST / AUGUSTUS / AGASTI 2023

VENUE / PLEK / INDAWO : BANQUETING HALL / BANKETSAAL

CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU HERMANUS

TIME / TYD / IXESHA: 10:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

MINUTES OF AN **ORDINARY COUNCIL** MEETING
HELD IN THE **BANQUETING HALL**, CIVIC CENTRE,
HERMANUS**,** ON **30 AUGUST 2023** AT **10:00**

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 N Michaels, Director : Protection Services Mr R Kuchar, Senior Manager : Town & Spatial Planning Ms R Louw, Senior Manager : Strategic Planning Mr R Fraser, Senior Manager : Traffic, Law Enforcement & Task Team Ms A Le Roux, Manager : Property Administration Ms H van Tonder, Manager : Council Support Services Ms N Zweni, Manager : Communications Ms P Aplon, Manager : Environmental Ms R Steenekamp, Media & Social Media Liaison Officer Ms G Erasmus, Clerk : Auditorium Ms S Swart, Administrative Officer : Council Support Services
ALSO PRESENT:	Members of the Public

MINUTES/….

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

COUNCIL MEETING
30 AUGUST 2023

ALDERMEN/COUNCILLORS	SIGNATURE
AFRICA, F	
BANDEZA, V	
BRICE, KD	
COETZEE, DP	
COHEN, G	
DE CONING, CA	Apology
DEES, RM	
ELS, T	
FOURIE, SH	
GILLION, E	
GRIMBEEK, MD	
GWELE, T	
KOMANI, AS	
LERM, CH	
LOMBARD, H	
NGQANDANA, K	
NOMATITI, M	Apology
NOMBULA, BG	
NQINATA, NNT	
NTSABO, L	
NUTT, R	
RABIE, AL	
RESANDT, CT	
SIHLAHLA, M	
TAFU-NWONKWO, CC	
VAN STADEN, JA	
WILLIAMS, SH	

1. OPENING

The Speaker, Cllr G Cohen, opened the meeting and welcomed those present. Cllr F Africa opened with prayer and the Municipal Manager, Mr D O'Neill, read the convening notice.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Ald R de Coning
Cllr M Nomatiti

RESOLVED:

that the above-mentioned applications for leave of absence **be approved**.

3. CONFIRMATION OF MINUTES

3.1 Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 26 July 2023** at **10:00**

RESOLVED:

that the Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 26 July 2023** at **10:00 be confirmed**.

3.2 Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Monday, 7 August 2023** at **14:00**

RESOLVED:

that the Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Monday, 7 August 2023** at **14:00 be confirmed**.

3.3 Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Thursday, 24 August 2023** at **09:00**

RESOLVED:

that the Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Thursday, 24 August 2023** at **09:00 be confirmed**.

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

Schulphoek Housing Project: The Executive Mayor, Ald A Rabie, refer to item 5.14 on this agenda and requested that this matter be removed as a standing item.

The Executive Mayor, Ald A Rabie, requested Council's support for the Municipal Manager to engage with Eskom on a high level.

The Executive Mayor, Ald A Rabie, informed Council on the progress of the organisational review and reported that the micro structure was approved by the Mayoral Committee. The Municipal Manager will now engage with the Trade Unions and a final report will serve before council at its meeting at the end September 2023.

The Speaker, Cllr G Cohen, thanked all for their condolences after the passing on of his mother-in-law.

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
A PORTION OF ERF 4565 HERMANUS: DEVIATION FROM THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 – SOUTH AFRICAN POLICE SERVICE

(ITEM 5 PAGE 48 : PROTECTION SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 16 AUGUST 2023)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the deviation from paragraphs 26 and 41 of the Administration of Immovable Property Policy of 2015 in order for the Municipality to enter into a memorandum of agreement with the South African Police Service to use floor space in the Incident Command Centre building situated on a portion of Erf 4565 Hermanus, for a period of 3 (THREE) years from 1 October 2023, to operate the control and surveillance service as part of the incident command system in a joint approach to fight crime within the Overstrand, **be approved**;

2. that early occupation be given as soon as possible, allowing SAPS to prepare the allocated floor space for the intended use; and

3. that the Memorandum of Agreement to be entered into clearly stipulate which assets (irrespective of whether non-permanent in nature) will be given to the Municipality in lieu of the rental payable.

RESPONSIBLE OFFICIAL :	**L SMITH**
TARGET DATE FOR IMPLEMENTATION :	**11 SEPTEMBER 2023**
TARGET DATE TO INFORM APPLICANT :	**4 SEPTEMBER 2023**

5.2
EPWP CONSOLIDATED REPORT – 2022/2023

(ITEM 1 PAGE 1 : LOCAL ECONOMIC DEVELOPMENT PORTFOLIO - MAYORAL COMMITTEE MEETING : 16 AUGUST 2023)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the report **be noted**; and

2. that Council deliberate on the new proposal in **March 2024**.

RESPONSIBLE OFFICIAL : **N LIWANI**

TARGET DATE FOR IMPLEMENTATION : **IMMEDIATELY**

5.3
OVERSTRAND MUNICIPALITY: NERSA FINDINGS FROM THE COMPLIANCE AUDITS CONDUCTED

(ITEM 2 PAGE 240 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 16 AUGUST 2023)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that Council takes cognisance of the findings received from NERSA.

RESPONSIBLE OFFICIAL : **S MULLER**

TARGET DATE FOR IMPLEMENTATION : **N/A**

5.4
ERF 170 HAWSTON ("HAWSTON INDUSTRIAL HUB"): SHORT TERM LEASE - THE HAWSTON DEVELOPEMENT FORUM NPC

(ITEM 5 PAGE 306 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 16 AUGUST 2023)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the deviation from paragraphs 4, 18, 21.2(a) and (b), 24, 36, 40 and 41 of the Administration of Immovable Property Policy of 2015 **be approved** in order for the Municipality to enter into a lease agreement with the Hawston Developement Forum NPC for a period 3 (THREE) years from 1 March 2023 for the lease, management and sublease of a portion of Erf 170 Hawston ("Hawston Industrial Hub"), ±2,300m² in extent, for light industrial purposes at an initial rental amount of R2,427.20 (TWO THOUSAND FOUR HUNDRED AND TWENTY SEVEN RAND AND TWENTY CENTS) (VAT included) to be levied from 1 August 2023;

2. that the tariff S34G1: "Temporary use (≤12months) of municipal land for the storage of building materials next to building sites or for general purposes (per m² per month)" be used in calculating the monthly rental instead of a market related rental;

3. that the monthly rental per square metre be calculated on the total building sizes (328m^2) and not the total lease area (2,300m^2);

4. that the monthly rental amount mentioned in 2 above escalates every year on the 1st of July in accordance with the tariffs stipulated in the Annual Budget as approved by Council, the next escalation to be on 1 July 2024;

5. that the lessee be afforded a 5 (FIVE) months rental free period from 1 March 2023 to 31 July 2023 as motivated in the report;

6. that the electricity tariff E1E1: "One part tariff (Pre-paid meters only) Local Economic Development Projects" be applied to the lease for this lease period;

7. that the water tariff W1C: Consumption – All other" be applied to the lease for this lease period;

8. that the Hawston Developement Forum NPC is not exempted from paying the required lease deposit and water deposit;

9. that the Hawston Developement Forum NPC be exempted from paying rates and taxes on the property as well as any connection fees for this lease period only;

10. that the Hawston Developement Forum be exempted from paying the required application fee and costs of the market related rental valuation obtained;

11. that the Hawston Developement Forum NPC not be exempted from paying the pro rata insurance of the property from date the amount is calculated and implemented;

12. that the delegated authority of the Municipality approves every subsequent subtenant of the Hawston Developement Forum NPC during this lease period; and

13. that the Property Administration Department, in the interim, be responsible for the project, manages the process further (with reference also to the comments of the Town Planning Department), as well as the lease to be entered into, if approved, until the organisational review process has been finalised.

RESPONSIBLE OFFICIAL :	**A LE ROUX** **X KOSI**
TARGET DATE FOR IMPLEMENTATION:	**15 SEPTEMBER 2023**
TARGET DATE TO INFORM APPLICANT:	**15 SEPTEMBER 2023**
TARGET DATE TO INFORM OBJECTOR:	**N/A**

5.5
ESTABLISHMENT OF A NEW PUBLIC LIBRARY FOR ZWELIHLE

(ITEM 1 PAGE 1 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 16 AUGUST 2023)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the item **be withdrawn** and resubmitted at a future Council meeting.

RESPONSIBLE OFFICIAL :	**A WYNGAARD**
TARGET DATE FOR IMPLEMENTATION :	**OCTOBER 2023**

5.6
TIME SCHEDULE FOR THE 2024/25 INTEGRATED DEVELOPMENT PLAN (IDP) REVIEW AND BUDGET PROCESS

(ITEM 1 PAGE 1 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 16 AUGUST 2023)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the schedule of key dates for the 2024/25 compilation of an IDP review and Budget process **be noted**.

RESPONSIBLE OFFICIALS :	**RG LOUW** **BA KING**
TARGET DATE FOR IMPLEMENTATION :	**1 SEPTEMBER 2023**

5.7
DRAFT PROBATION POLICY

(ITEM 2 PAGE 13 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 16 AUGUST 2023)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the draft Probation Policy **be approved**.

RESPONSIBLE OFFICIAL :	**L BUCCHIANERI**
TARGET DATE FOR IMPLEMENTATION :	**AUGUST 2023**

5.8
DRAFT STRATEGIC TALENT MANAGEMENT FRAMEWORK

(ITEM 3 PAGE 25 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 16 AUGUST 2023)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the Draft Strategic Talent Management Framework **be approved**.

RESPONSIBLE OFFICIAL : **L BUCCHIANERI**

TARGET DATE FOR IMPLEMENTATION : **AUGUST 2023**

5.9
COMBINED ASSURANCE POLICY FRAMEWORK

(ITEM 5 PAGE 1 : MAYORAL COMMITTEE MEETING : 16 AUGUST 2023)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

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

RESPONSIBLE OFFICIAL :	**Z MAZUTHU**
TARGET DATE FOR IMPLEMENTATION :	**30 AUGUST 2023**

5.10
FRAUD AND RISK MANAGEMENT STRATEGY

(ITEM 6 PAGE 16 : MAYORAL COMMITTEE MEETING : 16 AUGUST 2023)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the revised Fraud and Risk Management Strategy **be approved**.

RESPONSIBLE OFFICIAL :	**Z MAZUTHU**
TARGET DATE FOR IMPLEMENTATION :	**30 AUGUST 2023**

5.11
FRAUD AND RISK MANAGEMENT POLICY

(ITEM 7 PAGE 41 : MAYORAL COMMITTEE MEETING : 16 AUGUST 2023)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the revised Fraud and Risk Management Policy **be approved**.

RESPONSIBLE OFFICIAL :	**Z MAZUTHU**
TARGET DATE FOR IMPLEMENTATION :	**30 AUGUST 2023**

5.12
MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM) POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR JULY 2023

(ITEM 8 PAGE 68 : MAYORAL COMMITTEE MEETING : 16 AUGUST 2023)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the deviations from the procurement processes, approved in terms of the delegated authority for July 2023, **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 July 2023, **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 July 2023, **be noted**.

RESPONSIBLE OFFICIAL : C LE ROUX

TARGET DATE FOR IMPLEMENTATION : TO BE NOTED

5.13
FIXED ASSETS: DISPOSAL / DERECOGNITION OF ASSETS FOR THE 2022/23 FINANCIAL YEAR

(ITEM 9 PAGE 83 : MAYORAL COMMITTEE MEETING : 16 AUGUST 2023)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that it **be noted** that the assets disposed of during the period 01 July 2022 to 30 June 2023 are not needed to provide the minimum level of basic municipal services; and

2. that the derecognition of the Infrastructure Assets replaced / abandoned / disposed of during the period 01 July 2022 to 30 June 2023**, be approved**.

RESPONSIBLE OFFICIAL : J VORSTER

TARGET DATE FOR IMPLEMENTATION : 31 AUGUST 2023

THE EXECUTIVE MAYOR, ALD A RABIE, REQUESTED THE MUNICIPAL MANAGER TO SUBMIT A REPORT ON MUNICIPAL VEHICLES ACROSS THE OVERSTRAND AT THE NEXT COUNCIL MEETING

5.14
PROPOSED LONG-TERM CONTRACT FOR THE PROVISION OF SERVICES AS IMPLEMENTING AGENT FOR THE SCHULPHOEK DEVELOPMENT PROJECT, HERMANUS

(ITEM 10 PAGE 93 : MAYORAL COMMITTEE MEETING : 16 AUGUST 2023)

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that Council takes cognisance of the reasons for and the estimated financial implications of the proposed long-term contract, Contract SC 2368/2023 between Overstrand Municipality and Asla Construction (Pty) Ltd, for the Provision of Services as Implementing Agent, for the Schulphoek Development Project, Hermanus, in terms of the enabling provisions of Section 33 of the Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003);

2. that Council takes cognisance of the comments received from National Treasury in respect of the proposed long-term contract, Contract. SC 2368/2023 between Overstrand Municipality and Asla Construction (Pty) Ltd for the Provision of Services as Implementing Agent, for the Schulphoek Development Project, Hermanus, in terms of the enabling provisions of Section 33 of the Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003), as well as the Municipal Manager's response to National Treasury;

3. that Council takes cognisance that the municipality will derive a significant financial benefit from the contract; and

4. that Council consents to the proposed long-term contract, Contract SC2368/2023 between Overstrand Municipality and Asla Construction (Pty) Ltd for the Provision of Services as Implementing Agent, for the Schulphoek Development Project, Hermanus.

RESPONSIBLE OFFICIAL : **D HENDRIKS**

TARGET DATE FOR IMPLEMENTATION : **01 SEPTEMBER 2023**

6.1
MUNICIPAL PUBLIC ACCOUNTS COMMITTEE: ANNUAL PLAN 2023/24

H van Tonder **Manager: Council Support Services**
24 July 2023 **(028) 313 8037**

EXECUTIVE SUMMARY

The purpose of the report is to present Council with the Annual Plan 2023/24 of the Municipal Public Accounts Committee (MPAC).

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the Annual Plan 2023/24 of the Municipal Public Accounts Committee **be noted**.

RESPONSIBLE OFFICIAL :	**ALL DIRECTORS** **CHIEF AUDIT EXECUTIVE** **MANAGER: COUNCIL SUPPORT SERVICES** **ADMINISTRATIVE OFFICER: COUNCIL SUPPORT SERVICES**
TARGET DATE FOR IMPLEMENTATION :	**30 AUGUST 2023**

6.2
IMPLEMENTATION OF INDIGENT BENEFITS IN ACCORDANCE WITH THE INDIGENT POLICY

S Reyneke-Naude **Director : Finance**
11 Aug 2023 **(028) 313 8040**

EXECUTIVE SUMMARY

The purpose of the item is to request Council's approval for the retrospective/backdated implementation date of 1 July 2023 for all approved applications for indigent subsidy received between 1 July 2023 and 30 September 2023.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

that the allocation of approved indigent subsidies be approved and implemented retrospectively with effect from 1 July 2023, for applications received between 1 July 2023 and 30 September 2023.

RESPONSIBLE OFFICIAL : **S REYNEKE-NAUDE**
E HOONEBERG

TARGET DATE FOR IMPLEMENTATION : **31 OCTOBER 2023**

6.3
REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) FOURTH QUARTERLY REPORT: APRIL - JUNE 2023

RG Louw **Senior Manager: Strategic Services**
16 August 2023 **(028) 313 8071**

EXECUTIVE SUMMARY

The purpose of this report is to provide an executive summary of service delivery performance in terms of the revised top level SDBIP for the fourth quarter, 1 April 2023 to 30 June 2023.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the adjusted service delivery performance for the fourth quarter of the 2022/23 financial year on the top-level Service Delivery and Budget Implementation Plan **be approved**;

2. that the adjusted service delivery performance for the fourth quarter of the 2022/23 financial year be updated on the electronic performance management system; and

3. that, should there be further adjustments to the service delivery performance for the fourth quarter of the 2022/23 financial year on submission of the draft AFS to the Auditor-General (AG) at the end of August 2023, the revisions may be updated on the electronic performance management system.

RESPONSIBLE OFFICIAL : **RG LOUW**

TARGET DATE FOR IMPLEMENTATION : **31 AUGUST 2023**

6.4
WRITING OFF OF 2022/23 NON-TECHNICAL WATER AND ELECTRICITY LOSSES

H Blignaut **Deputy Director : Engineering Planning**
17 August 2023 **(028) 313 5047**

EXECUTIVE SUMMARY

National Treasury issued guidelines (MFMA Circular No. 70, December 2013) on how to deal with non-revenue water and electricity. Annexure B of Circular No. 70 provides guidance on the accounting treatment of non-technical losses and mentions that a council resolution is required to write off the losses. The purpose with this report is to obtain Council's approval for writing off the water and electricity losses for 2022/23.

RESOLVED (SUPPORTED BY 25 COUNCILLORS):

1. that the non-technical electricity losses to the value of R3 742 954.46 for the 2022/23 financial year be written off; and

2. that the non-technical water losses to the value of R4 454 879.28 for the 2022/23 financial year be written off.

RESPONSIBLE OFFICIAL : **BA KING**

TARGET DATE FOR IMPLEMENTATION : **1 SEPTEMBER 2023**

THE SPEAKER, CLLR G COHEN, CHANGED THE ORDER OF BUSINESS AND DEALT WITH THIS MATTER AT THE END OF THE MEETING

THE MEETING STOOD DOWN AT 11:26 TO ALLOW OFFICIALS AND THE PUBLIC TO LEAVE THE BANQUETING HALL

THE MEETING RESUMED AT 11:40

6.5
A PORTION OF ERF 4565 HERMANUS: DEVIATION FROM THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 – HERMANUS PUBLIC PROTECTION (NPC)

This item was distributed under separate cover at the meeting.

In terms of Section 20(1) of the Local Government: Municipal Systems Act, No 32 of 2000, read with Rule 17 of the Overstrand Municipality's By-law on Rules of Order for Internal Arrangements, this item was considered "in committee".

The resolutions under this item shall be minuted in a separate minute book in terms of section 20(1) of the Local Government: Municipal Systems Act, No 32 of 2000 read with Rule 17 of the Overstrand Municipality's 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 11:51

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DATE **THE SPEAKER – G COHEN**