



ORDINARY MEETING OF THE COUNCIL

GEWONE VERGADERING VAN DIE RAAD

INTLANGANISO YESIQHELO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

**DATE / DATUM / UMHLA : 28 AUGUST / AUGUSTUS /
AGASTI 2024**

**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 28 AUGUST 2024 AT 10:00

PRESENT: Councillors were present as per attached attendance register.





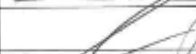



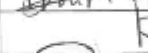
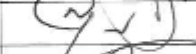

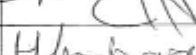
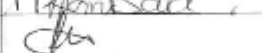





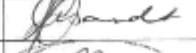








OFFICIALS PRESENT: Dr D O'Neill, Municipal Manager
Ms S Reyneke-Naudé, Chief Financial Officer
Ms D Arrison, Director : Corporate Services
Mr S Swartz, Director : Community Services
Mr S Müller, Chief Engineer : Infrastructure Services
Ms R Louw, Divisional Manager : Strategic Support Services
Ms A Le Roux, Divisional Manager : Property Management
Mr R Fraser, Chief : Traffic
Mr J du Toit, Chief : Law Enforcement
Mr A Aplon, Assistant Chief : Fire Operations
Ms H van Tonder, Manager: Administrative Support Services
Mr D Esau, Assistant Chief : Safety, Security & CCTV
Ms R Steenekamp, Assistant Media Liaison & Social Media Liaison Officer
Ms G Erasmus, Facilities Administrator
Ms S Swart, Senior Committee Officer

ALSO PRESENT: Members of the Public

MINUTES/...

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

COUNCIL MEETING
28 AUGUST 2024

ALDERMEN/COUNCILLORS	SIGNATURE
AFRICA, F	
BANDEZA, V	
BEYI, S	
BRICE, KD	
COETZEE, DP	
COHEN, G	
DE CONING, CA	
DEES, RM	
ELS, T	
FOURIE, SH	
GILLION, E	
GRIMBEEK, MD	
KOMANI, AS	
LERM, CH	
LOMBARD, H	
NGQANDANA, K	
NOMATITI, M	
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, Ald G Cohen, opened the meeting and welcomed those present. The Municipal Manager, Mr D O'Neill, read the convening notice and Ald D Coetzee opened with prayer.

2. APPLICATIONS FOR LEAVE OF ABSENCE

None

3. CONFIRMATION OF MINUTES

- 3.1 Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 31 July 2024** at **10:00**

RESOLVED:

that the Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 31 July 2024** at **10:00** be confirmed.

4. MATTERS ARISING FROM THE MINUTES

None

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

The Speaker, Ald G Cohen, reminded female councillors of the introduction on the SALGA Women's Commission which will be presented by Cllr T Els directly after this council meeting.

The Executive Mayor, Ald A Rabie, reported on the progress by Eskom who is busy repairing the damage to electricity infrastructure on the mountain above Rotary Way after the storm.

Schulphoek Housing Project: The Executive Mayor, Ald A Rabie, requested this matter be removed from future agendas and she informed Council that the implementing agent, Asla, has taken control of the site as from 1 July 2023 and all enquiries on technical matters must be addressed to them or the Municipal Manager. She also informed council that any requests or communications must be addressed to Cllr K Nqgandana, who is the chairperson of the Steering Committee. The Executive Mayor, requested that

it be placed on record that she is not prepared to be engaged in any land use development matter, programmes, actions, whatsoever, in relation to Schulphoek as the Executive Mayor is the final appeal authority, should there be a land use appeal against a decision of the Municipal Planning Tribunal. She further reiterated that she is not willing to put her integrity or the integrity of her office at risk by answering any communication as far as Schulphoek is concerned.

The Executive Mayor, Ald A Rabie, informed Council that the new Portfolio Committees will take effect from 1 October 2024 and requested all Party Whips to submit names of councillors as well as on which Portfolio Committees they would like to serve.

The Executive Mayor, Ald A Rabie, reported that, as far as Overstrand Halls where there are long-term leases with third parties are concerned, the following councillors will represent Council on the management committees of the halls, namely:

Cllr T Els	:	Crussula and Pringle Bay Community Hall
Cllr H Lombard	:	Sandbaai Hall
Cllr C Resandt	:	De Wet Hall
Cllr F Africa	:	Selfbou Stoor
Cllr R Nutt	:	Mount Pleasant Business Centre (Blou Dak)

The Executive Mayor, Ald A Rabie, then took the opportunity to wish Ms S Reyneke-Naudé, who is retiring as CFO and leaving the services of the municipality on 30 August 2024, all the best for her next journey and thanked her for doing wonderful work at Overstrand Municipality. The Speaker gave Ms Reyneke-Naudé the opportunity to address Council.

6. 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)

6.1

A PORTION OF REMAINDER ERF 243 HERMANUS (OLIFANTSBERG, ROTARY WAY): DEVIATION FROM PARAGRAPH 18 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A FURTHER LEASE AGREEMENT WITH ESKOM HOLDINGS SOC LTD

(ITEM 2 PAGE 218 : PLANNING & DEVELOPMENT PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 AUGUST 2024)

RESOLVED (SUPPORTED BY 27 COUNCILLORS):

that the deviation from paragraph 18 of the Administration of Immovable Property Policy allowing a direct lease to Eskom Holdings SOC Ltd to retain equipment on the mast and space in the building for telecommunication purposes, **be approved.**

RESPONSIBLE OFFICIAL :	R OCTOBER
TARGET DATE FOR IMPLEMENTATION :	28 AUGUST 2024
TARGET DATE TO INFORM APPLICANT :	4 SEPTEMBER 2024
TARGET DATE TO INFORM OBJECTOR :	N/A

6.2

A PORTION OF REMAINDER FARM NO. 581 ONRUSTRIVIER (NEXT TO BERGHOF ESTATE, ONRUSTRIVIER): DEVIATION FROM PARAGRAPH 18 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A FURTHER LEASE AGREEMENT WITH MAST SERVICES (PTY) LTD

(ITEM 3 PAGE 227 : PLANNING & DEVELOPMENT PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 AUGUST 2024)

RESOLVED (SUPPORTED BY 27 COUNCILLORS):

that the deviation from paragraph 18 of the Administration of Immovable Property Policy allowing a direct lease to Mast Services (Pty) Ltd of a portion of Remainder Farm No. 581 Onrustrivier ($\pm 70,7\text{m}^2$ in extent), to retain an existing mast and related infrastructure for telecommunication purposes, **be approved.**

RESPONSIBLE OFFICIAL :	R OCTOBER
TARGET DATE FOR IMPLEMENTATION :	28 AUGUST 2024
TARGET DATE TO INFORM APPLICANT :	4 SEPTEMBER 2024
TARGET DATE TO INFORM OBJECTOR :	N/A

6.3

A PORTION OF REMAINDER OF FARM NR 562 SITUATED OUTSIDE KLEINMOND: SERVITUDE RIGHT OF WAY IN FAVOUR OF THE OWNER OF PORTION 126 OF FARM NR 559 SITUATED OUTSIDE KLEINMOND

(ITEM 8 PAGE 259 : PLANNING & DEVELOPMENT PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 AUGUST 2024)

RESOLVED (SUPPORTED BY 27 COUNCILLORS):

that a servitude right of way over Municipal property, being a portion of Remainder Farm Nr 562, situated outside Kleinmond in favour of the owners of portion 126 of Farm Nr 559, situated outside Kleinmond on the R44 provincial road, at a market related price of R30.00/m² (THIRTY RAND PER SQUARE METRE), **be approved.**

RESPONSIBLE OFFICIAL :

M ERASMUS

TARGET DATE FOR IMPLEMENTATION :

17 SEPTEMBER 2024

TARGET DATE TO INFORM APPLICANT :

17 SEPTEMBER 2024

6.4

A PORTION OF ERF 3476 BETTY'S BAY: SERVITUDE RIGHT OF WAY IN FAVOUR OF THE OWNER OF ERF 3477 BETTY'S BAY

(ITEM 9 PAGE 266 : PLANNING & DEVELOPMENT PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 AUGUST 2024)

RESOLVED (SUPPORTED BY 27 COUNCILLORS):

that a servitude right of way over municipal property, being a portion of Erf 3476 Betty's Bay, in favour of the owner of Erf 3477 Betty's Bay, at a market related price of R460.00/m² (FOUR HUNDRED AND SIXTY RAND PER SQUARE METRE), **be approved.**

RESPONSIBLE OFFICIAL :

M ERASMUS

TARGET DATE FOR IMPLEMENTATION :

17 SEPTEMBER 2024

TARGET DATE TO INFORM APPLICANT :

17 SEPTEMBER 2024

6.5

TRANSFER OF UNREGISTERED ERF 12308 HERMANUS (A CONSOLIDATION OF TWO PORTIONS OF ERF 384) (SITUATED ON THE CORNER OF CHURCH STREET AND ALBERTYN STREET, HERMANUS) TO HUNTA PROPERTY PROJECTS (PTY) LTD

(ITEM 10 PAGE 273 : PLANNING & DEVELOPMENT PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 AUGUST 2024)

RESOLVED (SUPPORTED BY 27 COUNCILLORS):

1. that the transfer of Unregistered Erf 12308 (a consolidation of two portions of Erf 384) Hermanus (7342m² in extent), for the purpose of developing medical facilities and related community facilities to Hunta Property Projects (Pty) Ltd at an amount of R15,000,000.00 (FIFTEEN MILLION RAND) (VAT included), **be approved;**
2. that all costs pertaining to the transaction, including but not limited to, the transfer cost, water, sewer and electricity connections, the section 14 advertisement, service relocation costs and servitude registration cost (if needed), but excluding the valuation cost, be paid by the Purchaser;
3. that a condition be registered in the title deed of the Property that it may only be used for the development of medical facilities and related community facilities in accordance with the parameters set out in Tender SC2331/20022 and the deed of sale;
4. that a condition be registered in the title deed of the Property that the Purchaser shall complete the development of the Property, in the form of a building or other acceptable structure, within a period of 2 (TWO) years, starting from the date of registration of transfer of the Property in the Deeds Office. Should it become apparent that the Purchaser shall not be able to complete the development within the aforementioned 2 (TWO) year period, the Purchaser shall be entitled to request an extension of the time period within which to complete the development; and
5. that it is confirmed that Council has taken cognisance of the fact that the municipal property herewith envisaged to be alienated is not required for the provision of basic municipal services in terms of paragraph 5 of the Administration of Immovable Property Policy (2015) and section 14 of the Local Government: Municipal Finance Management Act, No 56 of 2003.

RESPONSIBLE OFFICIAL :

W MURTZ

TARGET DATE FOR IMPLEMENTATION :

28 AUGUST 2024

TARGET DATE TO INFORM APPLICANT :

4 SEPTEMBER 2024

6.6

A PORTION OF ERF 1969 PEARLY BEACH (SITUATED ON THE CORNER OF DASI AND CHURCH STREET, ELUXOLWENI, PEARLY BEACH: PEARLY BEACH HEALTH & WELFARE ORGANISATION (FOR DOLFYNTJIES ECD)

(ITEM 13 PAGE 293 : PLANNING & DEVELOPMENT PORTFOLIO - MAYORAL COMMITTEE MEETING : 14 AUGUST 2024) (IN COMMITTEE)

This item was distributed under separate cover.

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 item was withdrawn.

6.7

TIME SCHEDULE FOR THE 2025/26 INTEGRATED DEVELOPMENT PLAN (IDP) REVIEW AND BUDGET PROCESS

(ITEM 8 PAGE 29 : MAYORAL COMMITTEE MEETING : 14 AUGUST 2024)

RESOLVED (SUPPORTED BY 27 COUNCILLORS):

that the schedule of key dates for the 2025/26 compilation of an Integrated Development Plan (IDP) review and Budget process **be noted**.

RESPONSIBLE OFFICIALS :

**RG LOUW
BA KING**

TARGET DATE FOR IMPLEMENTATION :

6 SEPTEMBER 2024

7. CONSIDERATION OF REPORTS**7.1****MONTHLY REPORT TO COUNCIL ON THE SUPPLY CHAIN MANAGEMENT (SCM) POLICY FOR JULY 2024****C Le Roux
06 August 2024****Divisional Manager: Supply Chain Management
(028) 313 8107**

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of procurement by the delegated authority in terms of the Supply Chain Management Policy for July 2024.

RESOLVED (SUPPORTED BY 27 COUNCILLORS):

1. that the deviations from the procurement processes, approved in terms of the delegated authority for July 2024, **be noted**;
2. that the awards made in terms of Paragraph 17(1)(c), approved in terms of the delegated authority for July 2024, **be noted**; and
3. that the awards made through the Bid Committee system and formal written price quotations for July 2024, **be noted**.

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

7.2

FIXED ASSETS: DISPOSAL / DERECOGNITION OF ASSETS FOR THE 2023/24 FINANCIAL YEAR

J Vorster
13 August 2024

Divisional Manager : Expenditure, Fleet
& Asset Management

(028) 313 8046

EXECUTIVE SUMMARY

The purpose of the report is to allow Council to consider the implications for Fixed Assets that were disposed of during the period 01 July 2023 to 30 June 2024, to be reflected in the annual financial statements for the year ended 30 June 2024.

RESOLVED (SUPPORTED BY 27 COUNCILLORS):

1. that it **be noted** that the assets disposed of during the period 01 July 2023 to 30 June 2024 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 2024

7.3

MUNICIPAL PUBLIC ACCOUNTS COMMITTEE: ANNUAL PLAN 2024/25

H van Tonder
16 August 2024

Manager: Administrative Support Services

(028) 313 8037

EXECUTIVE SUMMARY

The purpose of the report is to present Council with the Annual Plan 2024/25 of the Municipal Public Accounts Committee (MPAC).

RESOLVED (SUPPORTED BY 27 COUNCILLORS):

that the Annual Plan 2024/25 of the Municipal Public Accounts Committee **be noted**.

RESPONSIBLE OFFICIAL :

**ALL DIRECTORS
CHIEF AUDIT EXECUTIVE
MANAGER:
ADMINISTRATIVE SUPPORT
SERVICES
SENIOR COMMITTEE
OFFICER**

TARGET DATE FOR IMPLEMENTATION :

28 AUGUST 2024

7.4**WRITING OFF OF 2023/24 NON-TECHNICAL WATER AND ELECTRICITY LOSSES****H Blignaut
16 August 2024****Principal Engineer: Civil Infrastructure Planning
(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 2023/24.

RESOLVED (SUPPORTED BY 27 COUNCILLORS):

1. that the non-technical electricity losses to the value of R8 484 270.78 for the 2023/24 financial year be written off; and
2. that the non-technical water losses to the value of R6 085 845.48 for the 2023/24 financial year be written off.

RESPONSIBLE OFFICIAL :**BA KING****TARGET DATE FOR IMPLEMENTATION :****1 SEPTEMBER 2024**

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

8.1 Appointment of an Acting Chief Financial Officer (CFO) : Directorate Financial Services

EXECUTIVE SUMMARY

The purpose of the report is for Council to appoint an acting Chief Financial Officer (CFO), whilst the recruitment and selection process is underway.

RESOLVED (SUPPORTED BY 27 COUNCILLORS):

that Mr Davy Louw be appointed as acting CFO for a minimum period of two (2) months or until the vacancy is filled.

RESPONSIBLE OFFICIAL : D ARRISON

TARGET DATE FOR IMPLEMENTATION : IMMEDIATELY

9. CONSIDERATION OF NOTICES OF MOTIONS / QUESTIONS

A Motion of No Confidence against the Mayor was submitted by the African National Congress in terms of Section 26 of the By-Law on Rules of Order for Internal Arrangements for consideration. The motion was proposed by Cllr C Tafu-Nwonkwo and seconded by Cllr M Sihlahla. The Speaker, Ald G Cohen, requested Cllr C Tafu-Nwonkwo to read the motion into the record. He allowed Cllr Sihlahla to address the meeting.

THE SPEAKER, ALD G COHEN, LET THE MEETING STOOD DOWN AT 10:11 IN ORDER TO CONSIDER HIS RULING

THE MEETING RESUMED AT 11:23

THE SPEAKER GRANTED FOR THE MATTER TO BE DECIDED UPON BY MEANS OF OPEN VOTING

WHEN THE MATTER WAS PUT TO VOTE, 4 MEMBERS VOTED IN FAVOUR OF THE MOTION, 22 MEMBERS VOTED AGAINST THE MOTION AND 1 MEMBER ABSTAINED FROM VOTING.


THE MOTION OF NO CONFIDENCE AGAINST THE MAYOR WAS THUS NOT CARRIED

10. CONSIDERATION OF MOTIONS OF EXIGENCY (IF ANY)

None

The meeting adjourned at 11:26

25/09/2024
DATE



THE SPEAKER - G COHEN