



ORDINARY MEETING OF THE COUNCIL

GEWONE VERGADERING VAN DIE RAAD

INTLANGANISO YESIQHELO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

**DATE / DATUM / UMHLA : 26 FEBRUARY / FEBRUARIE /
FEBHRUWARI 2025**

**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 26 FEBRUARY 2025 AT 10:00**

PRESENT: Councillors were present as per attached attendance register.

OFFICIALS PRESENT: Dr D O'Neill, Municipal Manager
Mr D Louw, Acting CFO
Ms D Arrison, Director : Corporate Services
Mr N Michaels, Director : Municipal Public Safety
Mr S Swartz, Director : Community Services
Mr S Müller, Chief Engineer : Infrastructure Services
Ms A Le Roux, Divisional Manager : Property Management
Mr R Kuchar, Divisional Manager : Town & Spatial Planning
Ms R Louw, Divisional Manager : Strategic Support Services
Mr B King, Financial Accounting
Mr R Fraser, Chief: Traffic
Mr A Aplon, Assistant Chief Fire Officer
Mr J du Toit, Chief : Law Enforcement
Ms M Carelse, Principal Administrator: Incident Command Centre, Emergency Control & Support Services
Mr A Lekay, Senior Clerk
Ms N Nomaqhula, General Assistant
Ms S Swart, Senior Committee Officer

ALSO PRESENT: Members of the Public

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

COUNCIL MEETING
26 FEBRUARY 2025

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. Cllr S Beyi opened with prayer and the Municipal Manager, Dr D O'Neill, read the convening notice.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Ald L Ntsabo

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, 27 November 2024** at **10:00**

RESOLVED:

that the Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 27 November 2024** at **10:00** **be confirmed**.

- 3.2 Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 11 December 2024** at **15:00**

RESOLVED:

that the Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 11 December 2024** at **15:00** **be confirmed**.

- 3.3 Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 29 January 2025** at **10:00**

RESOLVED:

that the Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 29 January 2025** at **10:00** **be confirmed**.

4. MATTERS ARISING FROM THE MINUTES

None

5. STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE**Salga Matters:**

Cllrs H Lombard, A Komani, C Resandt, Ald R de Coning, Ald D Coetzee, Ald E Gillion, Cllrs S Williams, F Africa, R Nutt and the Executive Mayor, Ald A Rabie, gave feedback on their respective working group meetings.

THE MEETING STOOD DOWN AT 10:07 TO SORT OUT SOUND ISSUES**THE MEETING RESUMED AT 10:12**

The Speaker, Ald G Cohen, reminded councillors of the workshops regarding Adjustments Budgets, SDBIP, KPI's, Equitable Share Allocation, Municipal Budget and what it contains and sources of municipal income taking place after this meeting.

The Speaker, Ald G Cohen, withdrew Item 7.3 from the agenda.

The Speaker, Ald G Cohen, extended the agenda and added Item 7.7.

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
KLEINMOND HARBOUR DEVELOPMENT**

(ITEM 2 PAGE 442 : PLANNING & DEVELOPMENT PORTFOLIO - MAYORAL COMMITTEE MEETING : 10 FEBRUARY 2025)

RESOLVED (SUPPORTED BY 26 COUNCILLORS):

1. that the remainder R500 000 be used toward the planning of the envisaged community structure(s) in Kleinmond;
2. that the community liaise with Mr D Hendriks regarding the needs and the vision for the structure(s); and
3. that the community formalise themselves into a registered legal entity in order to submit an application to the Municipality to lease the community structure(s).

RESPONSIBLE OFFICIAL :

R KUCHAR

TARGET DATE FOR IMPLEMENTATION :

25 FEBRUARY 2025

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

6.2**INSUFFICIENT AND NON-COMPLIANT CHILDCARE / PARTIAL CARE FACILITIES IN OVERSTRAND****(ITEM 1 PAGE 1 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 10 FEBRUARY 2025)****RESOLVED (SUPPORTED BY 26 COUNCILLORS):**

1. that the following **be noted**:
 - a) municipal powers and functions with regard to childcare/ partial care facilities;
 - b) the insufficient supply of childcare / partial care facilities in the Overstrand and the risks associated therewith; and
 - c) safety and compliance issues of childcare / partial care facilities, especially in respect of municipal buildings / properties used as childcare / partial care facilities;
2. that the necessary budgetary provisions be made to enable Community Services to address the safety and compliance issues at municipal buildings / properties used as childcare / partial care facilities; and
3. that a by-law be drafted to enable appropriate regulation, planning and monitoring of childcare / partial care facilities in the Overstrand.

RESPONSIBLE OFFICIAL :**S SWARTZ
G SMIT****TARGET DATE FOR IMPLEMENTATION :****1 MARCH 2025**

6.3

DISASTER MANAGEMENT ANNUAL REPORT 2023/2024

**(ITEM 6 PAGE 122 : MUNICIPAL PUBLIC SAFETY PORTFOLIO -
MAYORAL COMMITTEE MEETING : 10 FEBRUARY 2025)**

RESOLVED (SUPPORTED BY 26 COUNCILLORS):

that the Overstrand Municipality Disaster Management Annual Report 2023/2024 **be noted.**

RESPONSIBLE OFFICIAL :

**NJ MICHAELS
L SMITH**

TARGET DATE FOR IMPLEMENTATION :

1 MARCH 2025

7. CONSIDERATION OF REPORTS**7.1****MONTHLY REPORT TO COUNCIL ON THE SUPPLY CHAIN MANAGEMENT (SCM) POLICY FOR JANUARY 2025****C Le Roux
04 February 2025****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 January 2025.

RESOLVED (SUPPORTED BY 26 COUNCILLORS):

1. that the deviations from the procurement processes, approved in terms of the delegated authority for January 2025, **be noted**;
2. that the awards made in terms of Paragraph 17(1)(c), approved in terms of the delegated authority for January 2025, **be noted**; and
3. that the awards made through the Bid Committee system and formal written price quotations for January 2025, **be noted**.

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

7.2**HERMANUS LONG ERVEN, HAWSTON****R Kuchar
5 February 2025****Divisional Manager: Town & Spatial Planning****(028) 313 8087**

EXECUTIVE SUMMARY

This report serves to inform Council of the current status with the Long Erven in Hawston, and to determine a way forward in dealing with these erven.

RESOLVED (SUPPORTED BY 26 COUNCILLORS):

1. that Council confirms its decision taken on 27 February 2013; and
2. that a survey be done to determine the land available for possible future development.

RESPONSIBLE OFFICIAL :**R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****19 MARCH 2025**

7.3

THE ITEM WAS REMOVED

7.4

CONFERRING OF ALDERMANSHIP

H van Tonder **Manager : Administrative Support Services**
10 February 2025

(028) 313 8006

EXECUTIVE SUMMARY

The purpose of this report is to inform Council that, in terms of the approved criteria for conferring of aldermanship, Councillor F Africa qualifies for this title and to therefore request Council to consider the awarding of the title to aforementioned Councillor.

RESOLVED (SUPPORTED BY 26 COUNCILLORS):

that aldermanship **be conferred** upon Councillor F Africa in acknowledgement for services rendered by him to the community.

RESPONSIBLE OFFICIAL :

S SWART

TARGET DATE FOR IMPLEMENTATION :

26 FEBRUARY 2025

The Speaker, Ald G Cohen, and the Municipal Manager, Dr D O'Neill, handed a certificate and name tag over to Ald F Africa. Ald Africa expressed his appreciation to his political party and the administration for their support.

7.5

A PORTION OF ERF 4565 HERMANUS: DEVIATION FROM THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 – DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE OBO THE DEPARTMENT: HOME AFFAIRS**DGI O'Neill**
4 February 2025**Municipal Manager****(028) 313 -8909**

EXECUTIVE SUMMARY

To obtain approval for the deviation from conditions contained in paragraphs 26 and 41 of the Administration of Immovable Property Policy of 2015 in order to:

- (a) waive any rental/compensation payable in lieu of services that will be rendered from municipal property to the community (paragraph 26); and
- (b) waive the Municipality's claim for the payment of rates and taxes and services charges (paragraph 41);

in order for the Municipality to enter into a memorandum of agreement with the Department of Public Works and Infrastructure obo the Department: Home Affairs (hereinafter referred to as "DHA") for the use of the municipal building ($\pm 350\text{m}^2$ in extent) situated on a portion of Erf 4565 Hermanus (hereinafter referred to as the "building"), for a period of 3 (THREE) financial years or part thereof, from a date to be confirmed, to be able to establish a closer Home Affairs Office for the residents of Overstrand.

RESOLVED (SUPPORTED BY 26 COUNCILLORS):

1. that the deviation from paragraphs 26 and 41 of the Administration of Immovable Property Policy of 2015 in order for the Municipal Manager to negotiate a memorandum of agreement with the Department of Public Works and Infrastructure obo the Department: Home Affairs to use the building currently occupied by the Socio-Economic Programme Section of the Overstrand Municipality, situated on a portion of Erf 4565 Hermanus, for a period of 3 (THREE) financial years or part thereof from a date to be confirmed, to establish a closer Home Affairs Office for the residents of Overstrand, **be approved**;
2. that the Municipal Manager be mandated to impose the following conditions as part of the negotiation:
 - 2.1 that the provision of Municipal appointed EPWP workers to assist the Department: Home Affairs is subject to the availability of the Expanded Public Works Programme Integrated Grant;

- 2.2 that the Department of Public Works and Infrastructure obo the Department: Home Affairs be liable for their own day-to-day expenses (i.e. telephone services, internet, cleaning of the offices, toilet paper, etc.), furniture and fixtures, appliances, computer/laptops and equipment, etc.;
- 2.3 that the Department of Public Works and Infrastructure obo the Department: Home Affairs bears the costs related to basic shop fitting and refurbishment of the building to address their needs, which must be done in consultation with the relevant Municipal Department;
- 2.4 that a memorandum of agreement be entered into between the parties before 30 June 2025;
3. that, if the conditions imposed by the Municipality were accepted and agreed to, the Department of Public Works and Infrastructure obo the Department: Home Affairs be exempted from paying rental, rates, taxes and services charges; and
4. that the memorandum of agreement to be entered into be re-evaluated at the end of the second financial year from commencement date.

RESPONSIBLE OFFICIAL :**DGI O'NEILL****TARGET DATE FOR IMPLEMENTATION :****30 JUNE 2025****TARGET DATE TO INFORM APPLICANT :****14 MARCH 2025**

7.6

VAT ON MUNICIPAL LIBRARY GRANTS: CONSIDERATIONS TO RESOLVE SARS DISPUTE**B King**

17 February 2025

Divisional Manager: Financial Accounting**(028) 313 8154**

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the options available to resolve the VAT on Municipal Library dispute with the South African Revenue Service (SARS) and to obtain approval on the implementation of the recommended action.

RESOLVED (SUPPORTED BY 26 COUNCILLORS):

that council notes the contents of the report and **approves** the implementation of Option 3: Institute legal proceedings by obtaining a written opinion from senior counsel to advise on the prospects of success of such litigation proceedings before instituting any proceedings.

RESPONSIBLE OFFICIAL :**BA KING****TARGET DATE FOR IMPLEMENTATION :****31 AUGUST 2025**

7.7**APPOINTMENT OF AN ACTING CHIEF FINANCIAL OFFICER (CFO) :
DIRECTORATE FINANCIAL SERVICES****D Arrison
25 February 2025****Director: Corporate Services****(028) 313 8001**

EXECUTIVE SUMMARY

The purpose of this report is for Council to appoint an acting Chief Financial Officer (CFO), whilst the position of CFO could not be filled after a second round of recruitment.

RECOMMENDATION TO THE COUNCIL:

that Ms Reyneke-Naude be appointed as acting CFO for a minimum period of two (2) months, with effect from 1 March 2025.

RESPONSIBLE OFFICIAL :**D ARRISON****TARGET DATE FOR IMPLEMENTATION :****IMMEDIATELY**

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

The Municipal Manager, Dr D O'Neill, gave feedback on the new operating hours of the organisation which was implemented on 1 January 2025, and informed the meeting that staff are in general positive about the change.

9. CONSIDERATION OF NOTICES OF MOTIONS / QUESTIONS

None

10. CONSIDERATION OF MOTIONS OF EXIGENCY (IF ANY)

None

The meeting adjourned at 11:04

DATE

THE SPEAKER – G COHEN