



SPECIAL MEETING OF THE COUNCIL

SPEZIALE VERGADERING VAN DIE RAAD

INTLANGANISO EKHETHEKILEYO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

**DATE / DATUM / UMHLA : 22 JANUARY / JANUARIE /
JANYUWARI 2019**

**VENUE / PLEK / INDAWO : BANQUETING HALL /
BANKETSAAL**

**CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU
HERMANUS**

TIME / TYD / IXESHA : 11:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

MINUTES OF A SPECIAL MEETING OF THE COUNCIL HELD IN THE BANQUETING HALL, CIVIC CENTRE, HERMANUS, ON 22 JANUARY 2019, AT 11:00

PRESENT: Councillors were present as per attached attendance register.

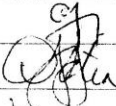





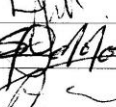
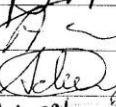
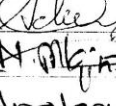
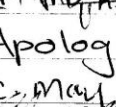
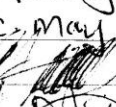

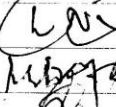
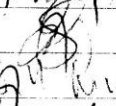
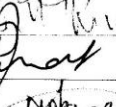
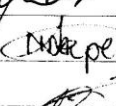






OFFICIALS PRESENT: Mr C Groenewald, Municipal Manager
Ms D Arrison, Director : Management Services
Mr N Michaels, Director : Protection Services
Ms S Reyneke-Naudé, Director : Finance
Mr R Williams, Director : Community Services
Mr D Lakey, Senior Manager : Kleinmond Administration
Mr F Myburgh, Senior Manager : Gansbaai Administration
Mr B King, Senior Manager : Financial Services
Ms R Louw, Senior Manager : Strategic Services
Ms N Zweni, Manager : Communication
Mr D van der Heever : Chief Executive Audit
Mr R Fraser, Chief : Traffic/Licences
Mr L Smith, Chief : Fire & Rescue & Disaster Management
Ms L de Villiers, Senior Manager : Environmental Services
Mr X Kosi, Manager : Local Economic Development
ICT
Ms S Block, Administrator : Strategic Services
Ms H van Tonder, Manager : Council Support Services
Ms E van Zyl, PA : Director : Management Services
Ms R le Roux, PA : Director : Finance
Ms D Laing, Relief Clerk : Grade 2
Ms S Swart, Administrative Officer : Council Support Services

ALSO PRESENT: Members of the Public

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

SPECIAL COUNCIL MEETING
22 JANUARY 2019

| ALDERMAN/COUNCILLORS | SIGNATURE |
|----------------------|---|
| AFRICA, F |  |
| BOTHA, D |  |
| BOTHA-GUTHRIE, N |  |
| BRICE, KD |  |
| COETSEE, A |  |
| COETZEE, DP |  |
| COHEN, G |  |
| DE CONING, CA |  |
| GILLION, E |  |
| KALOLO, SV |  |
| KOMANI, AS |  |
| KRIGE, F |  |
| NQINATA, NNT |  |
| MACOTHA, VC | Apology |
| MAY, C | C. May |
| MOLEFE, B |  |
| MSWELI, X |  |
| NTSABO, L |  |
| OPPERMAN, M |  |
| ORBAN, J |  |
| PUNGUPUNGU, V |  |
| RESANDT, C |  |
| SAPEPA, NM | Nkapepa |
| TAFU-NWONKWO, CC |  |
| TEBELE, S |  |

M. Botha-Guthrie Johnson

Apology

C. May

V. Pungupungu

Nkapepa

1. OPENING

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

2. APPLICATIONS FOR LEAVE OF ABSENCE

Cllr V Macotha

RESOLVED

that the above-mentioned application for leave of absence, **be granted.**

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

The Speaker, Ald A Coetsee, expanded the agenda in terms of Section 5(2) of the Standard By-law on Rules of Order for Internal Arrangements to include Item 5.2 : Declaration of a Local Disaster due to Fires Across the Overstrand.

The Executive Mayor, Ald D Coetzee, and the Municipal Manager, Mr C Groenewald, handed certificates over to Councillors R de Coning, F Krige, C Resandt, V Pungupungu, C Tafo-Nwonkwo and L Ntsabo who achieved Certificates of Good Citizenship at a Course attended by them at the Winter School of Public Leadership. Cllr V Macotha was not present to receive his certificate (apology).

The Speaker, Ald A Coetsee, welcomed certain guests who were invited to this meeting where the Draft 2017/2018 Annual Report will be tabled, ie Ms G Schultz from the Auditor-General, as well as Mr B van Staden, Chairperson of JAPAC. An apology was received from National Treasury.

The Speaker, Ald A Coetsee, afforded the Executive Mayor, Ald D Coetzee, time to address Council on the fires experienced across the Overstrand, a copy of which speech is attached to these minutes as Annexure A.

4. 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)

**4.1
MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM) POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR NOVEMBER 2018**

(ITEM 4, PAGE 1 : SPECIAL MAYORAL COMMITTEE MEETING : 22 JANUARY 2019)

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

1. that the deviations from the procurement processes, approved in terms of the delegated authority for November 2018, **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 November 2018, **be noted**.

RESPONSIBLE OFFICIAL :

C LE ROUX

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

4.2

**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR DECEMBER 2018**

**(ITEM 5, PAGE 8 : SPECIAL MAYORAL COMMITTEE MEETING :
22 JANUARY 2019)**

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

1. that the deviations from the procurement processes, approved in terms of the delegated authority for December 2018, **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 December 2018, **be noted**.

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

4.3

**SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT – 2018/2019:
2nd QUARTER: 01 OCTOBER 2018 – 31 DECEMBER 2018**

**(ITEM 6, PAGE 15 : SPECIAL MAYORAL COMMITTEE MEETING :
22 JANUARY 2019)**

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

that the activities undertaken and outcomes achieved in the implementation of the Overstrand Municipality's Supply Chain Management Policy for the 2nd Quarter of 2018/2019 **be noted**.

RESPONSIBLE OFFICIAL :

C LE ROUX

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

4.4**REMUNERATION OF PUBLIC OFFICE BEARERS ACT, 1998 (ACT 20 OF 1998):
DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND
BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS****(ITEM 7, PAGE 32 : SPECIAL MAYORAL COMMITTEE MEETING :
22 JANUARY 2019)****RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that the salaries and allowances in respect of the different members of Council as provided for in Government Notice 1426, dated 21 December 2018, **be approved** and be made applicable **with effect from 1 July 2018**, subject to the concurrence of same by the Provincial Minister of Local Government, Environmental Affairs and Development Planning;
2. that, in terms of Section 14 of the government notice mentioned in 1 above, Councillors provide the Municipality with either all the necessary details regarding the councillor's property or assets to be covered by the special risk insurance to provide for the loss of or damage to a councillor's property, assets, life or disability arising from any riot, civil unrest, strike or public disorder, or with written confirmation that such cover is in place as part of a personal insurance portfolio arrangement already made by themselves; and
3. that it be noted that there is no need to make any additional provision in the annual mid-year review and adjustment budget to accommodate the promulgated increase to the upper limits of the salaries, allowances and benefits of councillors.

RESPONSIBLE OFFICIAL :**J VORSTER
R RUST****TARGET DATE FOR IMPLEMENTATION :****28 FEBRUARY 2019**

4.5

QUARTERLY BANK ACCOUNT WITHDRAWALS IN TERMS OF SECTION 11(4) OF THE MFMA FOR THE QUARTER ENDED DECEMBER 2018

(ITEM 8, PAGE 57 : SPECIAL MAYORAL COMMITTEE MEETING : 22 JANUARY 2019)

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

that the consolidated quarterly report in respect of Bank Account Withdrawals in terms of Section 11(4) of the MFMA for the quarter ended December 2018, **be noted.**

RESPONSIBLE OFFICIAL :

BA KING

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

4.6**BUDGET REPORT FOR THE QUARTER ENDED DECEMBER 2018****(ITEM 9, PAGE 60 : SPECIAL MAYORAL COMMITTEE MEETING :
22 JANUARY 2019)****RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that the budget report for the quarter ended December 2018, prepared as part of the financial reporting obligations arising from the Local Government: Municipal Finance Management Act, 2003 and additional information, **be noted**.

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

4.7

MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR DECEMBER 2018

(ITEM 10, PAGE 117 : SPECIAL MAYORAL COMMITTEE MEETING : 22 JANUARY 2019)

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

that the Mid-Year Budget and Performance Assessment Report **be noted**.

RESPONSIBLE OFFICIAL :

B KING

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

4.8**SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
SECOND QUARTERLY REPORT: OCTOBER – DECEMBER 2018****(ITEM 11, PAGE 168 : SPECIAL MAYORAL COMMITTEE MEETING :
22 JANUARY 2019)****RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that the content of the report for the second quarter of the 2018/19 financial year on the top level Service Delivery and Budget Implementation Plan **be noted**.

RESPONSIBLE OFFICIAL :**R LOUW****TARGET DATE FOR IMPLEMENTATION :****28 JANUARY 2019**

5. CONSIDERATION OF REPORTS**5.1****SUBMISSION OF THE DRAFT AUDITED ANNUAL REPORT FOR THE FINANCIAL YEAR 2017/18**

5/15/1/1

R Louw

11 December 2018

(028) 313 8071

Corporate Head Office

THE SPEAKER, ALD A COETSEE, AFFORDED THE OFFICIAL FROM THE AUDITOR-GENERAL, MS G SCHULTZ, AN OPPORTUNITY TO SPEAK IN TERMS OF SECTION 130(2) OF THE MFMA

EXECUTIVE SUMMARY

The purpose of this report is to present the draft audited Annual Report, for the 2017/18 financial year to Council.

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

1. that the tabling of the 2017/18 draft audited Annual Report by the 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 :****31 JANUARY 2019**

5.2**DECLARATION OF A LOCAL DISASTER DUE TO FIRES ACROSS THE OVERSTRAND****THE AFRICAN NATIONAL CONGRESS REQUESTED A CAUCUS AT 11:30****THE MEETING RESUMED AT 11:40****Background**

Section 55 of the Disaster Management Act, No. 57 of 2002, provides for a local state of disaster to be declared in order for Council to *inter alia* authorise the issue of directions provided for in section 55. It also provides for the funding of post-disaster recovery and rehabilitation by other spheres of government.

The declaration of a local state of disaster is a result of the wild fires experienced across the Overstrand over the past few weeks. The total costs at this stage, as estimated, amounts to R9 348 000. The exact details will be finalised as soon as possible and will be appropriated in a forthcoming adjustment budget at the end of February 2019.

The remaining process to be followed is:

- A council resolution is to be submitted to Overberg District Disaster Management Centre.
- If the District Disaster Management Centre supports the decision, they will forward their council resolution together with that of the Overstrand municipality to the Western Cape Disaster (WCDMC) Management Centre.
- The WCDMC will assess the situation in order to support / or not to support the request for a declaration.
- The WCDMC will recommend or not recommend the declaration process to the Provincial Cabinet. The WCDMC will submit the Cabinet recommendation to the NDMC for classification.

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

that, as is provided for in the Disaster Management Act, No 57 of 2002 and the municipality's Disaster Management Policy, the necessary processes be implemented for the declaration of a state of local disaster as a result of the recent wild fires in the Overstrand.

RESPONSIBLE OFFICIAL:**N MICHAELS
L SMITH****TARGET DATE FOR IMPLEMENTATION:****IMMEDIATELY**

The meeting adjourned at 11:53

DATE

THE SPEAKER – A COETSEE

EXECUTIVE MAYOR ANNOUNCEMENT**APPROVAL OF UNFORESEEN AND UNAVOIDABLE EXPENDITURE DUE TO
FIRES EXPERIENCED ACROSS THE OVERSTRAND****22 January 2019, COUNCIL MEETING**

Mr Speaker,

The fire season for the period to date proved to be extreme, posing a serious financial challenge for the municipality, for our own staff for overtime payment, for vehicle fuel costs as well as for external resources obtained to ensure that the municipality had the necessary capacity to deal with these abnormal circumstances.

Our fire department had to utilize Working on Fire (WOF) ground crew on 2 November 2018, for the Mountain Fire in Hermanus due to Civil Unrest.

On Saturday 15 December 2018 a veld fire in Hawston was reported. The first arriving officer informed the Chief: Fire Services that property was in danger in Marine road, Hawston. The Fire Chief requested approval to utilize aerial as well as ground resources, for Overstrand Municipality's account.

On 25 December 2018 a fire was reported on the R43 near Fisherhaven. The first arriving officer reported that the fire was already out of control and was spreading towards the Karwyderskraal and Afdaksrivier area. Life and property was in danger therefore additional resources were requested including Aerial support and Working on Fire ground crews.

But, the worst was still to come - a fire occurred in the Betty's Bay mountain in the early morning of the 1st of January 2019. Due to prevailing conditions, aerial support had to be called on as the area was inaccessible to our firefighters. Other municipalities were also asked for assistance in providing additional ground teams. This incident impacted on resources over the next few days.

On the 11th of January 2019 the Chief Fire Services, confirmed that the Fire Department had a number of fires to attend to, hence a code red was declared at provincial government. Resources had been stretched beyond its capacity with the following major incidents:

- * Betty's Bay Wild Fire
- * Masakhane fire which spread rapidly to the Franskraal Wild Fire
- * Karwyderskraal Fire, also rapidly escalating, threatening several communities including Camp Hill and the Hemel en Aarde Valley. This fire spread across the mountain to Fern Kloof.

Aerial support had been requested however due to the gusting gale force winds the helicopters had to stand down and were unable to assist with firefighting operations.

Subsequent to the initial support requested, additional resources were required during the next few days, such as additional Working on Fire crews and other ground teams, additional aerial resources, digger loaders and chain saw operators, etc., in order to assist our municipality with the ongoing fires in Betty's Bay, Hermanus and Gansbaai.

Approximately 200ha of indigenous vegetation of the Fernkloof Nature Reserve burned. The area previously burned in 2008 and therefore the veld is currently about 11 years old. Mountain Fynbos usually burns between 12-15yrs without extensive damage to the integrity of the veld.

The following provisional estimated cost of unforeseen and unavoidable expenditure for these fires is at this stage:

| | |
|--|----------------|
| The current estimate for Fire Fighting Services (external): (We still await final accounts from other municipalities). | R 3 500 000.00 |
| Estimated replacement costs of Fire Engine destroyed in fire: | R 2 420 000.00 |
| Estimated Additional Vehicle Fuel costs for December 2018 & January 2019 Fires : | R 450 000.00 |
| Overtime estimates: (based on Overtime submissions) | R 1 900 000.00 |
| - Estimated Water services infrastructure: (Booster pumps, Replacement of domestic water meters and connections, Markers of fire hydrants and valves, Signage) | R 978 000,00 |
| - The estimated infrastructure damaged on the Fernkloof Reserve | R 100 000.00. |

This brings us to a total estimated amount of R 9 348 000.

Apart from having to make the following announcement now at this special meeting of Council in terms of section 29 of the Local Government: Municipal Finance Management, Act 56 of 2003 (MFMA). I am also to urgently provide the information to the Provincial Ministers of Finance and of Local Government, Environmental Affairs and Development Planning:

Mr Speaker,

I need to inform you in terms of the provisions of section 29 of the MFMA that I have, on request from the Municipal Manager, authorised unforeseen and unavoidable expenditure for which no provision was made in the 2018 / 2019 Budget of the Municipality.

This authorisation was as a result of discussions to consider the excessive expenditure incurred with regard to the various Wild Fires experienced across the Overstrand over the past few weeks, of which the extent could not reasonably be foreseen.

The total costs at this stage as estimated, which exact details will be finalised as soon as possible, and will be appropriated in a forthcoming adjustment budget at the end of February 2019, to address requirements.

I thank you