



**ORDINARY MEETING OF THE MAYORAL
COMMITTEE**

**GEWONE VERGADERING VAN DIE
BURGEMEESTERSKOMITEE**

**INTLANGANISO YESIQHELO YEKOMITI
KASODOLOPHU**

MINUTES / NOTULE /

IMIZUZU

**DATE / DATUM / UMHLA : 27 MARCH / MAART / MATSHI
2023**

**VENUE / PLEK / INDAWO : BANQUETING HALL,
CIVIC CENTRE, HERMANUS**

TIME / TYD / IXESHA : 10:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

**MINUTES OF AN ORDINARY MEETING OF THE
MAYORAL COMMITTEE
HELD IN THE BANQUETING HALL
ON 27 MARCH 2023, AT 10:00**

PRESENT:

Councillors were present as per attached attendance register.

OFFICIALS PRESENT:

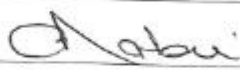



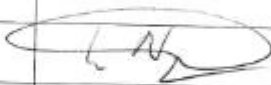

Mr D O'Neill, Municipal Manager
Ms S Reyneke-Naudé, Director : Finance
Mr N Michaels, Director : Protection Services
Ms D Arrison, Director : Management Services
Mr S Müller, Director : Infrastructure & Planning
Mr J Solomons, Acting Director : Community Services
Ms A Le Roux, Manager : Property Administration
Ms R Louw, Senior Manager : Strategic Services
Ms H van Tonder, Manager : Council Support Services
Mr T Louw, Technical Support : Auditorium
Ms S Swart: Administrative Officer : Council Support Services

MINUTES/.....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

MAYORAL COMMITTEE MEETING

27 MARCH 2023

ALDERMAN/COUNCILLORS	SIGNATURE
RABIE, AL	
AFRICA, F	
GILLION, E	
LERM, CH	
NTSABO, L	
NUTT, R	

1. OPENING

The Executive Mayor, Ald A Rabie, opened the meeting and allowed a moment of silence.

2. APPLICATIONS FOR LEAVE OF ABSENCE

None

3. CONFIRMATION OF MINUTES**3.1 Minutes of an Ordinary Meeting of the Mayoral Committee held on Tuesday, 14 February 2023 at 10:00****RESOLVED:**

that the Minutes of an **Ordinary Meeting** of the **Mayoral Committee** on **Tuesday, 14 February 2023 at 10:00, be confirmed.**

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

The Municipal Manager, Mr D O'Neill, informed the meeting that a report was received from Internal Audit regarding an Alleged Fraudulent and/or Corrupt Conduct Committed by Hydraberg (Pty) Ltd under the RT46-2020 Transversal Contract. The report will serve before Council at its meeting in April 2023.

5.

GANSBAAI: ALIENATION OF A PORTION OF REMAINDER ERF 210 GANSBAAI (SITUATED IN INDUSTRY CIRCLE, GANSBAAI), ±5HECTARES IN EXTENT, BY MEANS OF A COMPETITIVE PROCESS

**A Le Roux
28 November 2022**

Manager: Property Administration

(028) 316-5623

EXECUTIVE SUMMARY

To notify Council of the in-principle approval obtained from Council on 23 September 2009 for the alienation of Remainder Erf 210 Gansbaai (extension of industrial area), ±5ha (FIVE HECTARES) in extent (hereinafter referred to as “the Property”), for industrial purposes by means of a competitive process.

RECOMMENDATION TO THE COUNCIL:

that the item **be referred back**.

RESPONSIBLE OFFICIAL :

W MURTZ

TARGET DATE FOR IMPLEMENTATION :

14 APRIL 2023

TARGET DATE TO INFORM APPLICANT :

28 APRIL 2023

TARGET DATE TO INFORM OBJECTOR :

N/A

6.

A PORTION OF ERF 2467 GANSBAAI (PUBLIC OPEN SPACE) AND A PORTION OF ERF 225 GANSBAAI (PUBLIC ROAD), ADJACENT TO ERF 1110 GANSBAAI (48 PARK STREET): LEASE OF MUNICIPAL PROPERTY TO THE OWNER OF ERF 1110 GANSBAAI

**A Le Roux
6 December 2022**

Manager: Property Administration

(028) 316 5623

EXECUTIVE SUMMARY

To obtain approval to enter into a lease agreement with the owner of Erf 1110 Gansbaai, hereinafter referred to as "the Applicant", in respect of municipal properties being a portion of Erf 2467 Gansbaai (public open space) and a portion of Erf 225 Gansbaai (public road) (jointly $\pm 425\text{m}^2$ in extent) situated in Park Street, Gansbaai, hereinafter referred to as "the Properties", for a period of 9 (NINE) years and 11 (ELEVEN) months for beautification, maintenance of the area, a water tank, wooden fence and gardening purposes.

RESOLVED:

1. that the lease of portions of municipal properties, being a portion of Erf 2467 Gansbaai and a portion of Erf 225 Gansbaai (jointly $\pm 425\text{m}^2$ in extent), to the owner of Erf 1110 Gansbaai, for beautification, maintenance of the area, a water tank, wooden fence and gardening purposes at the rental amount of R425.00 (FOUR HUNDRED AND TWENTY FIVE RAND) (VAT excluded) per month for a period of 9 (NINE) years and 11 (ELEVEN) months in terms of the Administration of Immoveable Property Policy of the Overstrand Municipality, **be approved**; and
2. that the rental amount mentioned in 1 above escalate every year on the 1st of July in accordance with the consumer price index (all items), the next escalation to be on 1 July 2023.

RESPONSIBLE OFFICIAL :

W MURTZ

TARGET DATE FOR IMPLEMENTATION :

28 APRIL 2023

TARGET DATE TO INFORM APPLICANT :

14 APRIL 2023

TARGET DATE TO INFORM OBJECTOR :

N/A

**7.
RECISSION OF COUNCIL RESOLUTION DATED 24 MAY 1995 FOR THE
AUTOMATIC RENEWAL FOR PERIODS OF SIX MONTHS - LEASES FOR SEMI-
PERMANENT STANDS ON A PORTION OF ERF 207 GANSBAAI (GANSBAAI
CARAVAN PARK)**

**A Le Roux
3 January 2023**

Manager: Property Administration

(028) 316 - 5623

EXECUTIVE SUMMARY

To obtain approval for the rescission of Council resolution dated 24 May 1995 in respect of the automatic renewal for periods of 6 (SIX) months of leases for semi-permanent stands on a portion of Erf 207 Gansbaai (Gansbaai Caravan Park).

RECOMMENDATION TO THE COUNCIL:

1. that the whole of Council's resolution dated 24 May 1995 in respect of the automatic renewal for periods of six months of leases for semi-permanent stands on a portion of Erf 207 Gansbaai (Gansbaai Caravan Park), be rescinded, on the reasons discussed in this report; and
2. that the recommendations as contained in the legal opinion of Fairbridges Wertheim Becker Attorneys be implemented.

RESPONSIBLE OFFICIAL:

A LE ROUX

TARGET DATE FOR IMPLEMENTATION:

28 APRIL 2023

TARGET DATE TO INFORM APPLICANT:

N/A

TARGET DATE TO INFORM OBJECTOR:

N/A

8.

A PORTION OF ERF 10572, A CLOSED PORTION OF GOLF STREET, HERMANUS: SERVITUDE RIGHT OF WAY IN FAVOUR OF THE OWNERS OF ERF 1272 HERMANUS, THE EDC HOUSE TRUST

**A Le Roux
2 November 2022**

Manager: Property Administration

(028) 316 5623

EXECUTIVE SUMMARY

To obtain approval for the registration of a servitude right of way over municipal property, being a portion of Erf 10572 Hermanus, a closed portion of Golf Street, Hermanus (hereinafter referred to as "the Property") in favour of the owners of Erf 1272 Hermanus, Hermanus being the EDC House Trust.

RECOMMENDATION TO THE COUNCIL:

that, subject to the outcome of the Land Use Planning application, the registration of a servitude right of way over Municipal property, being a portion of Erf 10572 Hermanus, a closed portion of Golf Street, Hermanus in favour of the owners of Erf 1272 Hermanus at a market related price, **be approved**.

RESPONSIBLE OFFICIAL :	M ERASMUS
TARGET DATE FOR IMPLEMENTATION :	28 APRIL 2023
TARGET DATE TO INFORM APPLICANT :	28 APRIL 2023
TARGET DATE TO INFORM OBJECTOR :	N/A

9.

A PORTION OF REMAINDER ERF 4771 HERMANUS KNOWN AS THE “NAUTILUS PROPERTY”: DEVIATION FROM PARAGRAPH 18 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A FURTHER TEMPORARY LEASE AGREEMENT WITH JACKALSVLEI (PTY) LTD FOR SHORT-TERM PERIOD PENDING THE FINALISATION OF THE TENDER PROCESS

**A Le Roux
20 February 2023**

Manager: Property Administration

(028) 316-5623

EXECUTIVE SUMMARY

To obtain approval from Council to deviate from paragraph 18 of the Administration of Immovable Property Policy (as approved by Council on 25 November 2015) allowing the Municipality to enter into another short-term lease agreement with Jackalsvlei (Pty) Ltd (the “Applicant”) for a period of 2 (TWO) months, from 1 March 2023 to 30 April 2023, in respect of a portion of Remainder Erf 4771 Hermanus ($\pm 500\text{m}^2$ in extent) (the “Property”), for the purpose of operating a summer lounge, without following a competitive bidding process.

RECOMMENDATION TO THE COUNCIL:

1. that the deviation from paragraph 18 of the Administration of Immovable Property Policy (2015) in order to enter into a lease agreement with Jackalsvlei (Pty) Ltd for another short-term period of 2 (TWO) months to lease a portion of Remainder Erf 4771 Hermanus, $\pm 500\text{m}^2$ in extent, for the purpose of operating a summer lounge at a total rental amount of R29,001.64 (TWENTY-NINE THOUSAND AND ONE RAND AND SIXTY-FOUR CENTS) (VAT included) for the period, without following a competitive process, **be approved**; and
2. that a condition be included in the lease agreement that the lessee must make use of local labour (as waiters/waitresses/cleaners/etc.) during the period of the lease.

RESPONSIBLE OFFICIAL :

M ERASMUS

TARGET DATE FOR IMPLEMENTATION :

15 MARCH 2023

TARGET DATE TO INFORM APPLICANT :

15 MARCH 2023

TARGET DATE TO INFORM OBJECTOR :

N/A

**10.
MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR FEBRUARY 2023**

**C Le Roux
02 March 2023**

Deputy Director: Finance & SCM

(028) 313 8107

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of all deviations from the Supply Chain Management Policy, approved by the delegated authority in terms of Paragraph 36 of the Supply Chain Management Policy, approvals in terms of Paragraph 16(1)(b) and 17(1)(c) for February 2023.

RECOMMENDATION TO THE COUNCIL:

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

RESPONSIBLE OFFICIAL :

C LE ROUX

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

11.

REPORT OF THE JOINT AUDIT AND PERFORMANCE AUDIT COMMITTEE (JAPAC) TO THE OVERSTRAND MUNICIPAL COUNCILDC Van Der Heever
13 March 2023

Chief Audit Executive

(028) 313 5035

EXECUTIVE SUMMARY

The purpose of the report is to present Council with the Report of the Joint Audit and Performance Audit Committee (JAPAC) in terms of the reporting requirements as per paragraph 3 of the JAPAC Charter, approved by Council on 24 February 2021.

RECOMMENDATION TO THE COUNCIL:

that the report from the JAPAC to the Overstrand Municipal Council **be noted**.

RESPONSIBLE OFFICIAL :**DC VAN DER HEEVER****TARGET DATE FOR IMPLEMENTATION :****27 MARCH 2023**

12.

AMENDMENT TO THE JOINT AUDIT AND PERFORMANCE AUDIT COMMITTEE (JAPAC) CHARTER PURSUANT TO ITS REVIEW BY THE JAPACDC Van Der Heever
13 March 2023

Chief Audit Executive

(028) 313 5035

EXECUTIVE SUMMARY

The purpose of this report is to recommend to Council amendments made to the existing Joint Audit and Performance Audit Committee (JAPAC) Charter pursuant to its review by the JAPAC.

RECOMMENDATION TO THE COUNCIL:

that the amendments be made to the current JAPAC Charter and **be adopted**.

RESPONSIBLE OFFICIAL :**DC VAN DER HEEVER****TARGET DATE FOR IMPLEMENTATION :****27 MARCH 2023**

13.

FINAL AMENDMENT TO CHAPTER 13: PERFORMANCE MANAGEMENT IN THE APPROVED INTEGRATED DEVELOPMENT PLAN (IDP) FOR THE CURRENT FINANCIAL YEAR (2022/23)

R Louw

Senior Manager: Strategic Services

28 February 2023

(028) 313 8071

EXECUTIVE SUMMARY

The purpose of this report is to present the final amendment to Chapter 13: Performance Management in the approved Integrated Development Plan (IDP) for 2022/2027 of 31 May 2022.

RECOMMENDATION TO THE COUNCIL:

that the final amendment to Chapter 13: Performance Management in the approved Integrated Development Plan (IDP) of 31 May 2022 **be approved**.

RESPONSIBLE OFFICIAL :**R LOUW****TARGET DATE FOR IMPLEMENTATION :****29 MARCH 2023**

14.

CONSIDERATION OF THE 2021/22 ANNUAL REPORT AND ADOPTION OF AN OVERSIGHT REPORT

R Louw

Senior Manager: Strategic Services

7 March 2023

(028) 313 8071

EXECUTIVE SUMMARY

The purpose of this report is to consider the 2021/22 Annual Report and to adopt an Oversight Report. **FOR PURPOSES OF CONSIDERING THIS ITEM COUNCILLORS ARE REQUESTED TO ALSO REFER TO THE ANNUAL REPORT, WHICH WAS TABLED ON 31 JANUARY 2023.**

RECOMMENDATION TO THE COUNCIL:

that, in terms of Section 129 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA) and having duly considered the 2021/22 Annual Report of the Overstrand Municipality and the content of this item, the said report **be approved** without reservation.

RESPONSIBLE OFFICIAL :**R LOUW****TARGET DATE FOR IMPLEMENTATION :****NOT APPLICABLE**

15.

DRAFT INTEGRATED DEVELOPMENT PLAN (IDP) REVIEW FOR 2023/24

R Louw

Senior Manager: Strategic Services

13 March 2023

(028) 313 8071

EXECUTIVE SUMMARY

The purpose of this report is to table the draft reviewed IDP for the 2023/24 financial year. This will be the 1st reviewed document for the 2022/2027 IDP cycle.

RECOMMENDATION TO THE COUNCIL:

1. that the draft IDP review for 2023/24 **be noted**; and
2. that the draft IDP review for 2023/24 **be advertised** for public comment in order for Council to consider the final document during the May 2023 Council meeting.

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

16.

REVIEW OF THE DISASTER MANAGEMENT PLANNJ Michaels
20 March 2023

Director: Protection Services

(028) 313 8054

EXECUTIVE SUMMARY

The purpose of this report is to present to council a Disaster Management Plan aimed to identify, reduce or prevent disasters from happening and mitigate or minimise the impacts of disasters which are inevitable.

RECOMMENDATION TO THE COUNCIL:

that the Overstrand Municipality Disaster Management Plan **be adopted**.

RESPONSIBLE OFFICIAL :**NJ MICHAELS
L SMITH****TARGET DATE FOR IMPLEMENTATION :****1 APRIL 2023**

17.

DRAFT BUDGET FOR 2023/2024, INDICATIVE BUDGET FORECASTS FOR 2024/2025 TO 2025/2026 AND DRAFT BUDGET RELATED POLICIES**BA King
17 March 2023****Senior Manager: Financial Services****(028) 313 8154**

EXECUTIVE SUMMARY

The purpose of this report is to table the Draft Budget for 2023/2024, indicative budget forecasts for 2024/2025 to 2025/2026 and draft budget related policies.

RECOMMENDATION TO THE COUNCIL:

1. that the tabling of the Draft Budget for 2023/2024, indicative budget forecasts for 2024/2025 to 2025/2026 and the draft budget related policies **be noted**; and
2. that the Draft Budget for the 2023/2024 MTREF **be advertised** for public comment in order for Council to consider the final budget at a Council meeting to be held on 31 May 2023.

RESPONSIBLE OFFICIALS:**S REYNEKE-NAUDE
BA KING****TARGET DATE FOR IMPLEMENTATION:****TO BE NOTED**

**18.
DRAFT SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOR 2023/24**

**RG Louw
28 February 2023**

Senior Manager: Strategic Services

(028) 313 8071

EXECUTIVE SUMMARY

The purpose of this report is to notify Council of the Draft Service Delivery and Budget Implementation Plan (SDBIP) for 2023/24.

RECOMMENDATION TO THE COUNCIL:

that the draft Top Layer Service Delivery and Budget Implementation plan (SDBIP) for 2023/24 **be noted**.

RESPONSIBLE OFFICIAL :

RG LOUW

TARGET DATE FOR IMPLEMENTATION :

NOT APPLICABLE

The meeting adjourned at 11:44

DATE

DR. A RABIE - EXECUTIVE MAYOR