



ORDINARY MEETING OF THE COUNCIL
GEWONE VERGADERING VAN DIE RAAD
INTLANGANISO YESIQHELO YEBHUNGA

A G E N D A

I-AJENDA

DATE / DATUM / UMHLA : 24 AUGUST / AUGUSTUS /
AGASTI 2021
VENUE / PLEK / INDAWO : VIRTUAL
TIME / TYD / IXESHA : 11:00

MUNICIPALITY / MUNISIPALITEIT / UMASIPALA WE-OVERSTRAND

Office of the Municipal
Manager
Municipal Offices
HERMANUS

20 August / Augustus / Agasti 2021

NOTICE TO ALL ALDERMEN & COUNCILLORS

ORDINARY MEETING OF THE OVERSTRAND MUNICIPAL COUNCIL

NOTICE IS HEREBY GIVEN that, due to the Covid-19 Lockdown, an **ORDINARY MEETING** of the **OVERSTRAND MUNICIPAL COUNCIL** will be held by means of a virtual platform on **TUESDAY, 24 AUGUST 2021** at **11:00**, of which the agenda will be available on the Overstrand Website (www.overstrand.gov.za).

The attention of Councillors is directed to the Code of Conduct for Councillors and Municipal Officials, Schedules 1 & 2 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

D O'NEILL
MUNICIPAL MANAGER

KENNISGEWING AAN ALLE RAADSHERE & RAADSLEDE

GEWONE VERGADERING VAN DIE OVERSTRAND MUNISIPALE RAAD

KENNIS GESKIED HIERMEE dat, weens die Covid-19 grendeltydperk, 'n **GEWONE VERGADERING** van die **OVERSTRAND MUNISIPALE RAAD** gehou sal word by wyse van 'n virtuele platform op **DINSDAG, 24 AUGUSTUS 2021** om **11:00**, welke agenda op die Overstrand Webtuiste (www.overstrand.gov.za) beskikbaar sal wees.

Raadslede se aandag word gevestig op die Gedragskode vir Raadslede en Munisipale Beampptes, Bylae 1 & 2 van die Wet op Plaaslike Regering : Munisipale Stelsels, 2000 (Wet 32 van 2000).

D O'NEILL
MUNISIPALE BESTUURDER

ISAZISO ESIYA KUBO BONKE OOCEBAKHULU NOOCEBA

INTLANGANISO YESIQHELO YEBHUNGA LIKAMASIPALA WE-OVERSTRAND

OKU KUKWAZISA ukuba, ngenxa yokuvakwa okubangelwe yintsolongwana i-COVID-19, **INTLANGANISO YESIQHELO yeBHUNGA LIKAMASIPALA WE-OVERSTRAND**, iyakubanjwa ngeqonga elibonakalisayo ngo**LWESIBINI, Umhla we 24 AGASTI 2021 ngeye-11:00**. I-ajenda iya kufumaneka yona kwiwebhusayithi ye-Overstrand (www.overstrand.gov.za).

OoCeba bayacelwa ukuba baqwalasele isikhokelo sokuziphatha sooCeba namaGosa kamasipala, amaXwebhu 1 & 2 kaRhulumente wooMasipala: uMthetho weenKqubo zikaMasipala, 2000 (UMthetho 32 wowama-2000).

D O'NEILL
UMPHATHI KAMASIPALA

AGENDA/...

- 1. OPENING**

- 2. APPLICATIONS FOR LEAVE OF ABSENCE**

- 3. CONFIRMATION OF MINUTES**
 - 3.1 Minutes of an **Ordinary Meeting** of the **Council** held on **Wednesday, 26 May 2021** at 11:00
 - 3.2 Minutes of a **Special Meeting** of the **Council** held on **Wednesday, 28 July 2021** at 11:00

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

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)

REMARK

Please note that the following recommendations contained in this agenda are subject to confirmation or amendment by the Executive Mayor in view of the fact that the **compilation of the Council agenda** was done before the Mayoral Committee of 24 August 2021 had formally sat.

5.1

HERMANUS, A PORTION OF REMAINDER ERF 4771 KNOWN AS “DUTCHIES RESTAURANT”: DEVIATION FROM PARAGRAPH 18 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO RENEW THE LEASE OF MUNICIPAL PROPERTY TO TASOCLOX (PTY) LTD

(ITEM 2, PAGE 66 : INFRASTRUCTURE & PLANNING PORTFOLIO [22 JUNE 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RECOMMENDATION TO THE COUNCIL:

that the deviation from paragraph 18 of the Administration of Immovable Property Policy in order to renew the current lease agreement with Tasoclox (Pty) Ltd for a further period of 3 (THREE) years without following a competitive process, **be approved.**

RESPONSIBLE OFFICIAL :

R MARINUS

TARGET DATE FOR IMPLEMENTATION :

27 SEPTEMBER 2021

TARGET DATE TO INFORM APPLICANT :

11 SEPTEMBER 2021

TARGET DATE TO INFORM OBJECTOR :

11 SEPTEMBER 2021

5.2

APPLICATION TO PURCHASE: A PORTION OF ERF 1253 HERMANUS ADJACENT TO ERF 6249 HERMANUS (343 MAIN ROAD, EASTCLIFF, HERMANUS) – P LOTZ

(ITEM 3, PAGE 80 : INFRASTRUCTURE & PLANNING PORTFOLIO [22 JUNE 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RECOMMENDATION TO THE COUNCIL:

that the direct alienation of a portion of Erf 1253 Hermanus ($\pm 600\text{m}^2$ in extent), adjacent to Erf 6249 Hermanus, to the owner of Erf 6249 Hermanus, being P Lotz, **not be approved** as the property is needed for the provision of basic municipal services.

RESPONSIBLE OFFICIAL :**R MARINUS****TARGET DATE FOR IMPLEMENTATION :****27 SEPTEMBER 2021****TARGET DATE TO INFORM APPLICANT :****11 SEPTEMBER 2021****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.3

TRANSFER OF A PORTION OF ERF 6804 HERMANUS (ROAD RESERVE) ADJACENT TO ERF 6516 HERMANUS SITUATED AT 2 HEIDE STREET, MOUNT PLEASANT, TO AG & PAM APLON

(ITEM 4, PAGE 87 : INFRASTRUCTURE & PLANNING PORTFOLIO [22 JUNE 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RECOMMENDATION TO THE COUNCIL:

1. that the transfer of a portion of Erf 6804 Hermanus (adjacent to Erf 6516 Hermanus) situated at 2 Heide Street, Mount Pleasant, $\pm 120\text{m}^2$ in extent, to the owners of the adjoining Erf 6516 Hermanus, AG & PAM Aplon, at an amount of R172.00/m² (ONE HUNDRED AND SEVENTY-TWO RAND) (PER SQUARE METRE) (VAT excluded) for the purpose of gardening, parking and erection of a boundary fence or wall **be approved**;
2. that Council take cognisance of the fact that the direct alienation and subsequent transfer is only approved as the subject portion of Erf 6804 Hermanus is classified as a non-viable property;
3. that it be noted that a condition for the transfer will be that the said portion of Erf 6804 Hermanus must be consolidated with the adjoining property of AG & PAM Aplon, being Erf 6516 Hermanus;
4. that a condition be registered against the title deed of the to be consolidated property that the portion of property envisaged to be transferred may only be used for gardening and parking purposes and no structures, excluding a boundary fence or wall, may be erected thereon;
5. that the transfer of a portion of Erf 6804 Hermanus be subject to a suspensive condition that the applicant/purchaser obtains approval for the closure of the public road, subdivision, consolidation and rezoning and all related town planning approvals applicable; and
6. that all the costs pertaining to the transaction, e.g. application cost, valuation cost, subdivision and consolidation, closure of portion of public road, rezoning, transfer and related costs, advertisements, etc. be paid by the applicant/purchaser, AG & PAM Aplon.

RESPONSIBLE OFFICIAL:

W MURTZ

TARGET DATE FOR IMPLEMENTATION:

PROCESS

TARGET DATE TO INFORM APPLICANT:

11 SEPTEMBER 2021

TARGET DATE TO INFORM OBJECTOR:

N/A

5.4

TRANSFER OF ERF 1153 HAWSTON (SITUATED ON THE CORNER OF CHURCH STREET AND WOODLANDS ROAD, HAWSTON), 1980M² IN EXTENT, FOR CHURCH PURPOSES

(ITEM 6, PAGE 101 : INFRASTRUCTURE & PLANNING PORTFOLIO [22 JUNE 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RECOMMENDATION TO THE COUNCIL:

1. that the transfer of Erf 1153 Hawston, 1980m² (one thousand nine hundred and eighty square meters) in extent, for church purposes to David Solomon Fisher and Camee Lesley Liezel Fisher at an amount of R150,000.00 (ONE HUNDRED AND FIFTY THOUSAND RAND) (VAT included), **be approved**;
2. that the costs pertaining to the transaction, e.g. transfer costs, water, sewer and electricity connections, the section 14 advertisement, etc., but excluding the valuation costs, be paid by David Solomon Fisher and Camee Lesley Liezel Fisher;
3. that a condition be registered in the title deed of the Property that the Property may only be used for church purposes (place of worship) and no other usage will be allowed on the Property and/or in any structure erected thereon;
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 the registration of transfer of the Property in the Deeds Office;
5. that a condition be registered in the title deed of the Property that should the Purchaser fail to complete building the church or obtain an extension within the required 2 (TWO) year time period or any extended period, ownership of the Property thereof shall revert back to the Municipality at the cost of the Purchaser; and
6. that it is confirmed that Council has taken cognisance of the fact that the Municipal property is not required for the provision of the minimum level of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act, No 56 of 2003.

RESPONSIBLE OFFICIAL :

R MARINUS

TARGET DATE FOR IMPLEMENTATION :

PROCESS

TARGET DATE TO INFORM APPLICANT :

11 SEPTEMBER 2021

TARGET DATE TO INFORM OBJECTOR :

N/A

5.5**DRAFT INTEGRATED WASTE MANAGEMENT BY-LAW FOR REVIEW AND APPROVAL FOR ADOPTION****(ITEM 8, PAGE 116 : INFRASTRUCTURE & PLANNING PORTFOLIO [22 JUNE 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)****RECOMMENDATION TO THE COUNCIL:**

1. that the Draft Integrated Waste Management By-law **be approved**;
2. that the new approved Integrated Waste Management By-law **be gazetted**; and
3. that the By-law **be workshopped**.

RESPONSIBLE OFFICIAL :**C MITCHELL****TARGET DATE FOR IMPLEMENTATION :****ONCE GAZETTED**

5.6

IN PRINCIPLE APPROVAL FOR THE ALIENATION OF UNREGISTERED ERF 11869 (A PORTION OF REMAINDER ERF 243), HERMANUS (SITUATED ON THE CORNER OF SCHULPHOEK BOULEVARD AND THE R43), OVERSTRAND MUNICIPAL AREA, BY MEANS OF A COMPETITIVE PROCESS

(ITEM 10, PAGE 222 : INFRASTRUCTURE & PLANNING PORTFOLIO [22 JUNE 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RECOMMENDATION TO THE COUNCIL:

1. that the alienation of unregistered Erf 11869 (a portion of Remainder Erf 243), Hermanus (1,09 ha in extent), for commercial and predominantly residential purposes by means of a competitive process, **be approved in principle**;
2. that all costs pertaining to the transaction, e.g. the transfer costs, water-, sewer- and electricity connections, the Section 14 advertisement, the cost for the feasibility study, etc., but excluding the valuation costs and application fee, be paid by the successful bidder/purchaser;
3. that a reversion condition will be included in the Deed of Sale as well as the Title Deed that the Property be predominantly utilised for development and management of Social Housing in terms of the Western Cape Department of Human Settlements and the Social Housing Regulatory Authority Social Housing Programs and should the successful Bidder fails to erect such buildings and obtain an Occupancy Certificate for the proposed use within ten (10) years from date of registration and not use the Property as specified, the Property will revert back to the Municipality for the same amount as the original purchase price;
4. that the alienation of the Property be subject to the approval of land use rights in terms of the Overstrand Municipality's Amendment By-Law on municipal Land Use Planning, if applicable;
5. that the alienation of the Property be subject to the successful bidder/purchaser conducting a feasibility study in order to lay a solid foundation for the project;
6. that the successful bidder/purchaser appoint a botanist who will ground-truth the area for any endangered plant species. Based on the findings, a "search and rescue" operation to relocate species can be done;
7. that the alienation of the Property be subject to a viability study by the successful bidder/purchaser which must be approved by the Social Housing Regulatory Authority for funding purposes;

8. that the Social Housing Units or Property be managed as affordable rental stock and not sold under Sectional Title without permission of the Overstrand Municipality and the Social Housing Regulatory Authority and this condition must also be included in the Title Deed; and
9. that it is hereby confirmed by Council 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 approved by Council on 25 November 2015 and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

RESPONSIBLE OFFICIAL:**R KUCHAR****TARGET DATE FOR IMPLEMENTATION:****13 SEPTEMBER 2021****TARGET DATE TO INFORM APPLICANT:****N/A****TARGET DATE TO INFORM OBJECTOR:****N/A**

5.7

ONRUS CARAVAN PARK: RENEWAL OF LEASE AGREEMENTS SUBJECT TO CONDITIONS

(ITEM 1, PAGE 1 : COMMUNITY SERVICES PORTFOLIO [17 AUGUST 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RECOMMENDATION TO THE COUNCIL:

1. the deviation from paragraph 18 of the Administration of Immovable Property Policy of 2015 allowing the Municipality to enter into an initial 3 (three) year lease agreements with holiday makers to the Onrus Caravan Park without following a competitive process; and
2. the deviation from paragraph 20.1(b) of the Administration of Immovable Property Policy of 2015 in relation to all the stands allocated as discussed in this report whether the current leases or any future leases **be approved**.

RESPONSIBLE OFFICIAL :**A WYNGAARD****TARGET DATE FOR IMPLEMENTATION :****7 SEPTEMBER 2021**

5.8

WARD COMMITTEE SYSTEM: REVISION OF WARD COMMITTEE RULES**(ITEM 3, PAGE 31 : COMMUNITY SERVICES PORTFOLIO
[17 AUGUST 2021] - MAYORAL COMMITTEE MEETING :
24 AUGUST 2021)****RECOMMENDATION TO THE COUNCIL:**that the revised Ward Committee Rules for Overstrand Municipality **be adopted**.**RESPONSIBLE OFFICIAL :****R WILLIAMS
F MYBURGH
D LAKEY
A WYNGAARD
B PLAATJIES****TARGET DATE FOR IMPLEMENTATION :****1 SEPTEMBER 2021**

5.9

APPLICATION TO PURCHASE: A PORTION OF ERF 7238 KLEINMOND, A PORTION OF ERF 7442 KLEINMOND, AS WELL AS A PORTION OF REMAINDER ERF 5462 KLEINMOND – WC JANUARY & SC ONCHER

(ITEM 4, PAGE 182 : INFRASTRUCTURE & PLANNING PORTFOLIO [17 AUGUST 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RECOMMENDATION TO THE COUNCIL:

that the direct alienation of a portion of Erf 7238 Kleinmond ($\pm 17\text{m}^2$ in extent), a portion of Erf 7442 Kleinmond ($\pm 78\text{m}^2$ in extent), as well as a portion of Remainder Erf 5462 Kleinmond ($\pm 54\text{m}^2$ in extent), adjacent to Erf 7441 Kleinmond, to the owners, WC January and SC Oncher, **not be approved** on the following reasons:

- (a) A portion of Erf 7238 Kleinmond ($\pm 17\text{m}^2$ in extent) contains important sewer link lines to the bulk sewer line in Main Road;
- (b) A portion of Erf 7442 Kleinmond ($\pm 78\text{m}^2$ in extent) contains important sewer link lines to the bulk sewer line in Main Road. The property should further remain municipal property for community purposes and should the existing Early Childhood Development Centre (ECD) on Erf 4772 Kleinmond need to expand; and
- (c) A portion of Remainder Erf 5462 Kleinmond ($\pm 54\text{m}^2$ in extent) contains a gravity sewer line and also a pressure sewer rising main from the pump station running in that location and the portion is further intended for a future fibre-optic services and future planning of the road.

RESPONSIBLE OFFICIAL:**W MURTZ****TARGET DATE FOR IMPLEMENTATION:****17 SEPTEMBER 2021****TARGET DATE TO INFORM APPLICANT:****30 SEPTEMBER 2021****TARGET DATE TO INFORM OBJECTOR:****N/A**

5.10

GANSBAAI: IN PRINCIPLE APPROVAL FOR THE ALIENATION OF ERF 1886 FRANSKRAALSTRAND (SITUATED AT FOUCHE STREET, FRANSKRAALSTRAND) BY MEANS OF A COMPETITIVE PROCESS

(ITEM 5, PAGE 191 : INFRASTRUCTURE & PLANNING PORTFOLIO [17 AUGUST 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RECOMMENDATION TO THE COUNCIL:

that the item **be referred to** the upcoming Mayoral Committee meeting.

RESPONSIBLE OFFICIAL :	R MARINUS
TARGET DATE FOR IMPLEMENTATION :	25 OCTOBER 2021
TARGET DATE TO INFORM APPLICANT :	3 SEPTMEBER 2021
TARGET DATE TO INFORM OBJECTOR :	N/A

5.11

TRANSFER OF UNREGISTERED ERF 9828 HERMANUS (A PORTION OF ERF 572 HERMANUS) (ROAD RESERVE) ADJACENT TO ERF 624 HERMANUS SITUATED AT 63 MARINE DRIVE, HERMANUS, TO HERMANUS ESPLANADE 1970 (PTY) LTD

(ITEM 6, PAGE 208 : INFRASTRUCTURE & PLANNING PORTFOLIO [17 AUGUST 2021] - MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RECOMMENDATION TO THE COUNCIL:

1. that the transfer of unregistered Erf 9828 (a portion of erf 572) Hermanus, 25m² in extent, (adjacent to Erf 624 Hermanus) situated at 63 Marine Drive, Hermanus, to the owners of the adjoining Erf 624 Hermanus, Hermanus Esplanade 1970 (Pty) Ltd, at an amount of R100.00 (ONE HUNDRED RAND) (VAT Incl.) **be approved;**
2. that Council take cognisance of the fact that the direct alienation and subsequent transfer is approved as the unregistered Erf 9828 (a portion of erf 572) Hermanus can be classified as a non-viable property;
3. that it be noted that a condition for the transfer will be that unregistered Erf 9828 (a portion of erf 572) Hermanus must be consolidated with the adjoining properties of Hermanus Esplanade 1970 (Pty) Ltd, being Erven 624 and 642 Hermanus;
4. that all the costs pertaining to the transaction, including, but not limited to, transfer and related costs, advertisements, etc. be paid by the applicant/purchaser, Hermanus Esplanade 1970 (Pty) Ltd; and
5. that it be noted that the municipal property herewith envisaged to be transferred is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

RESPONSIBLE OFFICIAL:**M ERASMUS****TARGET DATE FOR IMPLEMENTATION:****PROCESS****TARGET DATE TO INFORM APPLICANT:****16 SEPTEMBER 2021****TARGET DATE TO INFORM OBJECTOR:****N/A**

5.12

ERF 425, MFUNDO STREET, ZWELIHLE, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR DEPARTURE: MESSRS WRAP ON BEHALF OF MC BHALA

**(ITEM 7, PAGE 217 : INFRASTRUCTURE & PLANNING PORTFOLIO
[17 AUGUST 2021] - MAYORAL COMMITTEE MEETING :
24 AUGUST 2021)**

RECOMMENDATION TO THE COUNCIL:

that the application in terms of Spatial Planning and Land Use Management Act No. 16 of 2013 read with Section 12 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 in order to accommodate the temporary approval to deviate from the Business Corridors, Zwelihle in order to allow for the operation of a bottle store on Erf 425, Zwelihle for a period of three (3) years, **be approved.**

RESPONSIBLE OFFICIAL :**R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****8 SEPTEMBER 2021****TARGET DATE TO INFORM APPLICANT :****8 SEPTEMBER 2021****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.13

**COVID-19 FINANCIAL RELIEF ARRANGEMENTS
EXEMPTION FROM PAYMENT OF RENTAL FOR THE MONTH OF JULY 2021
(ADJUSTED LOCKDOWN LEVEL 4) – SPECIFIC TENANTS****(ITEM 8, PAGE 250 : INFRASTRUCTURE & PLANNING PORTFOLIO
[17 AUGUST 2021] - MAYORAL COMMITTEE MEETING :
24 AUGUST 2021)****RECOMMENDATION TO THE COUNCIL:**

that the exemption from the payment of rental for the month of July 2021 in relation to the following tenants of the Municipality **be approved:**

- (a) Bientang's Cave CC;
- (b) CJ & JC Partnership;
- (c) De Vette Mossel;
- (d) Tasoclox (Pty) Ltd (Dutchies);
- (e) Tasoclox (Pty) Ltd (Fick's Pool);
- (f) Ingwesec (Pty) Ltd;
- (g) Kee Properties Investments (Pty) Ltd (Oskar's);
- (h) Kee Properties Investments (Pty) Ltd (Marine Drive Cafes);
- (i) Route 44 Reservations (Pty) Ltd;
- (j) Shoprite Checkers (Pty) Ltd;
- (k) Joshgro Investments 9 (Pty) Ltd;
- (l) Stonewater Holdings (Pty) Ltd;
- (m) Van Niekerk, Shawn; and
- (n) Vincenzo Romano.

RESPONSIBLE OFFICIAL :

**R MARINUS
E HOONEBERG**

TARGET DATE FOR IMPLEMENTATION :

30 SEPTEMBER 2021

TARGET DATE TO INFORM APPLICANT :

1 SEPTEMBER 2021

TARGET DATE TO INFORM OBJECTOR :

N/A

5.14

IMPLEMENTATION OF MFMA CIRCULAR NO 88, ADDENDUM 2 OF 17 DECEMBER 2020

(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RECOMMENDATION TO THE COUNCIL:

that the implementation of MFMA Circular No 88, Addendum 2 of 17 December 2020 **be noted.**

RESPONSIBLE OFFICIAL :

R LOUW

TARGET DATE FOR IMPLEMENTATION :

25 AUGUST 2021

5.15

MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM) POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) AND PARAGRAPH 6(7)(4)(F) OF THE DIRECTIONS OF THE DISASTER MANAGEMENT ACT, JULY 2021

(ITEM 6, PAGE 23 : MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RECOMMENDATION TO THE COUNCIL:

1. that the deviations from the procurement processes, approved in terms of the delegated authority for July 2021, **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 2021, **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 2021, **be noted**.

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

5.16**WRITING OFF OF 2020/21 NON-TECHNICAL WATER AND ELECTRICITY LOSSES****(ITEM 7, PAGE 40 : MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)****RECOMMENDATION TO THE COUNCIL:**

1. that the non-technical electricity losses to the value of R 5 480 026.74 for the 2020/21 financial year be written off; and
2. that the non-technical water losses to the value of R 2 438 768.70 for the 2020/21 financial year be written off.

RESPONSIBLE OFFICIAL :**BA KING****TARGET DATE FOR IMPLEMENTATION :****1 SEPTEMBER 2021**

5.17

SUBMISSION OF THE DRAFT UNAUDITED ANNUAL REPORT FOR THE FINANCIAL YEAR 2020/21

(ITEM 8, PAGE 49 : MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RECOMMENDATION TO THE COUNCIL:

that tabling of the 2020/21 **DRAFT** unaudited Annual Report, **be noted**.

RESPONSIBLE OFFICIAL :

RG LOUW

TARGET DATE FOR IMPLEMENTATION :

NONE

5.18

FIXED ASSETS: DISPOSAL / DERECOGNITION OF ASSETS FOR THE 2020/21 FINANCIAL YEAR**(ITEM 9, PAGE 55 : MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)****RECOMMENDATION TO THE COUNCIL:**

1. that it **be noted** that the assets disposed of during the period 01 July 2020 to 30 June 2021 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 2020 to 30 June 2021, **be approved**.

RESPONSIBLE OFFICIAL :**J VORSTER****TARGET DATE FOR IMPLEMENTATION :****31 AUGUST 2021**

5.19

TIME SCHEDULE FOR THE 2022/23 IDP/ BUDGET PROCESS AND GUIDANCE ON THE NEW 5-YEAR IDP COMPILATION**(ITEM 10, PAGE 64 : MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)****RECOMMENDATION TO THE COUNCIL:**

1. that the time schedule for the 2022/23 IDP/Budget process **be approved** in terms of section 21 (1) (b) of the Municipal Finance Management Act No 56 of 2003;
2. that the guidance on the new 5-year IDP compilation **be noted**;
3. that the guidance on the new 5-year IDP compilation be presented to the new incoming Council **for approval**; and
4. that the time schedule for the 2022/23 IDP/Budget process **be made public**.

RESPONSIBLE OFFICIAL :**RG LOUW****TARGET DATE FOR IMPLEMENTATION :****2 SEPTEMBER 2021**

5.20

AMENDMENT TO THE 2021/2022 CUSTOMER CARE, CREDIT CONTROL AND DEBT COLLECTION POLICY

(ITEM 11, PAGE 80 : MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)

RECOMMENDATION TO THE COUNCIL:

that the amended Customer Care, Credit Control & Debt Collection Policy be approved and implemented with effect from 1 October 2021.

RESPONSIBLE OFFICIAL :

**S REYNEKE-NAUDE
E HOONEBERG**

TARGET DATE FOR IMPLEMENTATION :

1 OCTOBER 2021

5.21**NON-COLLECTABLE TRAFFIC FINES****(ITEM 12, PAGE 94 : MAYORAL COMMITTEE MEETING :
24 AUGUST 2021)****RECOMMENDATION TO THE COUNCIL:**

1. that it be noted that, according to the Director of Public Prosecutions, if a summons cannot be served on the registered owner or driver of the vehicle within 18 months, the case cannot be prosecuted;
2. that it be noted that, according to the Director of Public Prosecutions, warrants must also be carried out within 2 years after the date of authorisation or it must be returned to the magistrate for cancellation;
3. that it be noted that due to "housekeeping" of the back office the cases in 1 and 2 above were withdrawn as the fines are non-collectable;
4. that an amount of R769,720-87, relating to the impairment of these traffic fines, be written back; and
5. that the amount of R5,528,650-00, relating to non-collectable traffic fines, be written off as irrecoverable debt.

RESPONSIBLE OFFICIAL :**N MICHAELS
R FRASER****TARGET DATE FOR IMPLEMENTATION :****31 AUGUST 2021**

5.22**REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOURTH QUARTERLY REPORT: APRIL - JUNE 2021****(ITEM 13, PAGE 101 : MAYORAL COMMITTEE MEETING :
24 AUGUST 2021)****RECOMMENDATION TO THE COUNCIL:**

1. that the content of the revised report for the fourth quarter of the 2020/21 financial year on the top level Service Delivery and Budget Implementation Plan **be noted**; and
2. that the amendments to the Departmental and Top layer SDBIP for the revised fourth quarter of the 2020/21 financial year **be approved**.

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

5.23

REPORT ON THE PROPOSED ADJUSTMENTS BUDGET (ROLL-OVERS) FOR 2021/2022**(ITEM 14, PAGE 126 : MAYORAL COMMITTEE MEETING : 24 AUGUST 2021)****RECOMMENDATION TO THE COUNCIL:**

1. that, in terms of section 28(1) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the Adjustments Budget (Roll-overs) for 2021/2022 **be approved** as set out in the following schedules:

Schedule 1: Budgeted financial performance (revenue & expenditure by municipal vote)

Schedule 2: Budgeted financial performance (revenue by source & expenditure by type)

Schedule 3: Budgeted multi-year capital appropriations by standard classification (vote) and associated funding by source

Schedule 4: Budgeted financial position

Schedule 5: Budgeted cash flow

Schedule 6: Cash backed reserves and acc. surplus reconciliation

Schedule 7: Asset management

Schedule 8: Basic service delivery measurement;

2. that the following schedules **be noted**:

Schedule 9: Budgeted financial performance (revenue & expenditure by standard classification)

Schedule 10: Budgeted capital appropriations by municipal vote; and

3. that the letter from the Department of Human Settlements regarding the reduction in the DOHS Grant **be noted**.

RESPONSIBLE OFFICIAL :

BA KING

TARGET DATE FOR IMPLEMENTATION :

1 SEPTEMBER 2021

5.24**REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOR 2021/22****(ITEM 15, PAGE 218 : MAYORAL COMMITTEE MEETING :
24 AUGUST 2021)****RECOMMENDATION TO THE COUNCIL:**

1. that the revised SDBIP for 2021/22 **be approved**;
2. that the amendments to the Top Layer SDBIP for 2021/22 **be approved**; and
3. that the revised SDBIP for 2021/22 **be made public**.

RESPONSIBLE OFFICIAL :**RG LOUW****TARGET DATE FOR IMPLEMENTATION :****1 SEPTEMBER 2021**

6. CONSIDERATION OF REPORTS**6.1****DEED OF SETTLEMENT: CLLR M MHANA**

3/2/3/1

H van Tonder

Manager : Council Support Services

31 May 2021

(028) 313 8037

1. Executive Summary

The purpose of this report is to afford Council the opportunity to take note and confirm a Deed of Settlement in respect of Cllr M Mhana's failure to be present at the start of the Portfolio Committee meeting of 23 March 2021.

2. Service Delivery and Budget Implementation Plan Reference

Not applicable

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

None

5. Legal Requirements

- Schedule 1 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) (the Systems Act).
- Overstrand Municipality's By-law on Rules of Order for Internal Arrangements
- Procedure for investigation regarding any allegation of misconduct against a member of Overstrand Municipal Council

6. Discussion

Items 2, 3 and 4 of Schedule 1 of the Systems Act provides as follows:

"2. General conduct of councillors.—A councillor must—

- (a) perform the functions of office in good faith, honestly and a transparent manner; and*

- (b) *at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.*
3. *Attendance at meetings.—A councillor must attend each meeting of the municipal council and of a committee of which that councillor is a member, except when—*
- (a) *leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or*
- (b) *that councillor is required in terms of this Code to withdraw from the meeting.*
4. *Sanctions for non-attendance of meetings - (1) A municipal council may impose a fine as determined by the standing rules and orders of the municipal council on a councillor for*
- (a) *not attending a meeting which that councillor is required to attend in terms of item 3; or*
- (b) *failing to remain in attendance at such a meeting.*
2. ...
3. ...”

Rules 9 and 10 of the By-law on Rules of Order for Internal Arrangements provide as follows:

- “9(1) *A councillor must, before absenting himself or herself from a meeting, make an application to the Speaker by submitting a written application for leave by means of e-mail, facsimile or hard copy to the Speaker at least 72 hours before the meeting.*
- (2) *Upon receipt of the application referred to in sub rule (1) the Speaker must consider the application, and may, approve or reject the application. The Speaker must notify the councillor of his or her decision at least 24 hours before the meeting.*
- (3) *The Speaker, on good cause shown, may grant leave of absence to a councillor who has been prevented by special circumstances from applying for leave of absence in accordance with sub rule (1).*
- (4) *The special circumstances referred to in sub rule (4) may include –*

- (a) *Illness of the councillor; or*
- (b) *Illness or death in the family of the councillor.*
- (5) *The names of all councillors present at a meeting and of all councillors to whom leave of absence from the meeting has been granted must be entered into the minutes.*
- (6) *If the Speaker rejects the application referred to in sub rule (1) he or she must provide a reason there for.*
- (7) *Sub rules (1) to (6), apply, with the necessary changes, in respect of the Speaker, and in such application a reference in those sub rules to the Speaker is regarded to be a reference to the Mayor.”*
- “10(1) *Except for the instances contemplated in rule 9(4) and (5), a councillor is in breach of the rules if he or she without leave –*
- (a) *absents himself or herself from a meeting;*
- (b) *fails to be in attendance at the commencement of a meeting; or*
- (c) *fails to remain in attendance until the end of a meeting.*
- (2) ...
- (3) ...
- (4) *When the Speaker becomes aware of an alleged contravention of the code he or she must commence with a preliminary investigation. The Speaker must notify the councillor in writing of his or her alleged breach of the rules or the Code. The councillor must be given seven days from date of the written notice to respond in writing regarding the alleged breach. If the Speaker is not satisfied that the reasons provided is compelling enough, then the Speaker must refer the matter to a Disciplinary Committee to investigate the allegations, and to report the outcome of the investigation to the Council. In the event that the accused member is a ward committee member, the Speaker may in his or her sole discretion decide, after conclusion of the preliminary investigation, whether the member should be removed or not.*
- (5) *The Council must decide whether the rules or the Code has been breached or not, after receiving a report from the Disciplinary committee.*

(6) ...

(7) ...

(8) ...”

The duty of the Chairperson (Speaker) of the Council in so far as the Code of Conduct of Councillors is concerned, is embedded in Item 13 of the Code and reads as follows:

“13(1) If the chairperson of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the chairperson must—

- (a) authorise an investigation of the facts and circumstances of the alleged breach;*
- (b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and*
- (c) report the matter to a meeting of the municipal council after paragraphs (a) and (b) have been complied with.*

(2) A report in terms of subitem (1) (c) is open to the public.

(3) The chairperson must report the outcome of the investigation to the MEC for local government in the province concerned.

(4) ...”

Item 14 of the Code of Conduct of Councillors provides as follows:

“14. Breaches of Code. – (1) A municipal council may –

- (a) investigate and make a finding on any alleged breach of a provision of this Code; or*
- (b) establish a special committee –*
 - (i) to investigate and make a finding on any alleged breach of this Code; and*
 - (ii) to make appropriate recommendations to the Council.*
- (2) If the council or a special committee finds that a councillor has breached a provision of this Code, the council may –*

- (a) *issue a formal warning to the councillor;*
- (b) *reprimand the councillor;*
- (c) *request the MEC for local government in the province to suspend the councillor for a period;*
- (d) *fine the councillor; and*
- (e) *request the MEC to remove the councillor from office.”*

The Disciplinary Committee of Council resolved as follows:

that the Deed of Settlement attached as Annexure A, **be accepted**.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexure

Annexure A : Deed of Settlement between the Disciplinary Committee of Council and Cllr M Mhana

RECOMMENDATION TO THE COUNCIL:

1. that the Deed of Settlement between the Disciplinary Committee of Council and Cllr M Mhana, attached as Annexure A, **be accepted**; and
2. that, in terms of Item 13(3) of the Code of Conduct for Councillors, a copy of Council's decision be forwarded to the Minister of Local Government, Environmental Affairs and Development Planning.

RESPONSIBLE OFFICIAL :

H VAN TONDER

TARGET DATE FOR IMPLEMENTATION :

15 SEPTEMBER 2021

Annexure A
1/2

In the matter between:

OVERSTRAND MUNICIPALITY

PLAINTIFF

And

CLR. M MHANA

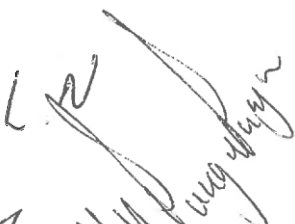
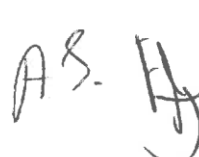

IMPLICATED CLR.


DEED OF SETTLEMENT

I, Clr. M MHANA

1. Acknowledge that I failed to be present at the start of the Portfolio Committee Meeting on 23 March 2021.
2. I acknowledge furthermore that I was obliged to obtain leave of absence from the Speaker prior to the meeting, which I failed to do.
3. I accept therefore that I am guilty of contravening Item 3 read with Item 4 of Schedule 1 to the Local Government : Municipal Systems Act, and that in terms of the Standing Rules of Council I will be sanctioned.
4. In order to expedite the matter I wish to make an offer of settlement on sanction, similar to the sanction that was accepted by Council for councillors who previously was found to be absent from a meeting for the first time. My offer is as follows :
 - 4.1 I accept responsibility and undertake to pay to the Overstrand Municipality an amount equal to 10% of one month's remuneration
 - 4.2 That the aforesaid offer to pay be suspended for a period of 12 months, or the end of the current term, whichever is the shorter term.

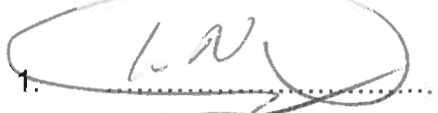
DATED AT HERMANUS ON THIS 28 DAY OF April 2021.

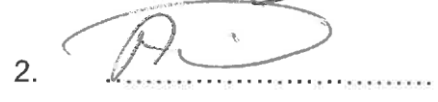






2/2

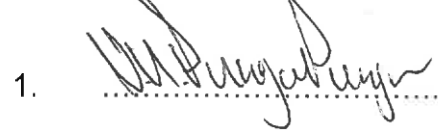
AS WITNESSES:

1. 

2. 


Chairperson : DC

AS WITNESSES:

1. 

2. 


Clr M Mhana

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

8. CONSIDERATION OF NOTICES OF MOTIONS / QUESTIONS

At the time of the closing of the agenda, no notices of motions/questions were received.

9. CONSIDERATION OF MOTIONS OF EXIGENCY (IF ANY)