



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 APRIL / APRELI 2019
VENUE / PLEK / INDAWO : BANQUETING HALL /
BANKETSAAL
CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU
HERMANUS
TIME / TYD / IXESHA : 11:00

MUNICIPALITY / MUNISIPALITEIT / UMASIPALA WE-OVERSTRAND

Office of the Municipal
Manager
Municipal Offices
HERMANUS

18 April / Apreli 2019

NOTICE TO ALL ALDERMEN & COUNCILLORS

ORDINARY MEETING OF THE OVERSTRAND MUNICIPAL COUNCIL

NOTICE IS HEREBY GIVEN that an **ORDINARY MEETING** of the **OVERSTRAND MUNICIPAL COUNCIL** will be held in the **Banqueting Hall, Civic Centre, Hermanus**, on **WEDNESDAY, 24 APRIL 2019** at **11:00** to consider the business set forth in the subjoined agenda.

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).

S MADIKANE
ACTING MUNICIPAL MANAGER

KENNISGEWING AAN ALLE RAADSHERE & RAADSLEDE

GEWONE VERGADERING VAN DIE OVERSTRAND MUNISIPALE RAAD

KENNIS WORD HIERMEE GEGEE dat 'n **GEWONE VERGADERING** van die **OVERSTRAND MUNISIPALE RAAD** gehou sal word in die **Banketsaal, Burgersentrum, Hermanus**, op **WOENSDAG, 24 APRIL 2019** om **11:00** om die sake op meegaande sakelys te bespreek.

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).

S MADIKANE
WAARNEMENDE MUNISIPALE BESTUURDER

ISAZISO ESIYA KUBO BONKE OOCEBAKHULU NOOCEBA

INTLANGANISO YESIQHELO YEBHUNGA LIKAMASIPALA WE-OVERSTRAND

OKU KUKWAZISA ukuba intlanganiso **YESIQHELO yeBHUNGA LIKAMASIPALA WE-OVERSTRAND**, iza kuba se **I-Banqueting Hall, kwiZiko LoLUNTU, eHermanus** ngo**LWESITHATHU, Umhla we 24 APRELI 2019** ngeye-**11:00** ukuqwalasela imicimbi ekule ajenda iqhotyoshelwe apha.

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

S MADIKANE
IBAMBELA 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, 27 March 2019** 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 April 2019 had formally sat.

5.1

**TRANSFER: OVERSTRAND MUNICIPALITY TO GENEVIEVE TERESA CAROLUS:
ERF 5589, BETTY'S BAY**

**(ITEM 1, PAGE 1 : COMMUNITY SERVICES PORTFOLIO - MAYORAL
COMMITTEE MEETING : 24 APRIL 2019)**

RECOMMENDATION TO THE COUNCIL:

1. that permission **be granted** to transfer erf 5589, Bettys Bay to Genevieve Teresa Carolus; and
2. that the aforementioned approval furthermore be subject to Genevieve Teresa Carolus accepting responsibility for the outstanding municipal services account in respect of erf 5589, Bettys Bay.

RESPONSIBLE OFFICIAL :

FW FRANS

TARGET DATE FOR IMPLEMENTATION :

1 MAY 2019

5.2**TRANSFER: OVERSTRAND MUNICIPALITY TO RUDOLPH MARIUS AND JOHANNA MARIA SEPTEMBER ERF 823, HAWSTON****(ITEM 2, PAGE 6 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 24 APRIL 2019)****RECOMMENDATION TO THE COUNCIL:**

1. that permission be granted to transfer Erf 823, Hawston to Rudolph Marius and Johanna Maria September; and
2. that the aforementioned consent to transfer be subject to Rudolph Marius and Johanna Maria September accepting full responsibility for the outstanding municipal services account in respect of Erf 823, Hawston.

RESPONSIBLE OFFICIAL :**FW FRANS****TARGET DATE FOR IMPLEMENTATION :****1 MAY 2019**

5.3

REQUEST FOR REDUCED BUILDING PLAN FEES - BUILDINGS DESTROYED OR BADLY DAMAGED DURING DISASTERS**(ITEM 5, PAGE 216 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 24 APRIL 2019)****RECOMMENDATION TO THE COUNCIL:**

that a reduced Building Plan Fee to the fixed amount of R500,00 (excluding VAT), for buildings destroyed or badly damaged during disasters, **be approved** for the following items, **for the period up to 30 June 2021:**

Extract from: OVERSTRAND MUNICIPALITY TARIFF LIST 2018/2019

Tariff Code	Detail	2018/2019	
		Exclude VAT	Include VAT 15%
S2	BUILDING CONTROL		
S2A1	Building Plan Fees up to 100 m ² (R/m ²)	28.70	33.00
S2A2	Building Plan Fees from 101 m ² to 200 sq m	33.91	39.00
S2A3	Building Plan Fees from 201 m ² to 300 sq m	40.00	46.00
S2A4	Building Plan Fees greater than 300 m ² (R/m ²)	44.35	51.00

RESPONSIBLE OFFICIAL :

**S MÜLLER
E HOONEBERG**

TARGET DATE FOR IMPLEMENTATION :

APRIL 2019

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

5.4

**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c), MARCH 2019**

**(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING : 24 APRIL
2019)**

RECOMMENDATION TO THE COUNCIL:

1. that the deviations from the procurement processes, approved in terms of the delegated authority for March 2019, **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 March 2019, **be noted**.

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

5.5**SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT – 2018/2019:****3rd QUARTER: 01 JANUARY 2019 – 31 MARCH 2019****(ITEM 6, PAGE 9 : MAYORAL COMMITTEE MEETING : 24 APRIL 2019)****RECOMMENDATION TO THE COUNCIL:**

that the activities undertaken and outcomes achieved in the implementation of the Overstrand Municipality's Supply Chain Management Policy for the 3rd Quarter of 2018/2019 **be noted**.

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

5.6

BUDGET REPORT FOR THE QUARTER ENDED MARCH 2019**(ITEM 7, PAGE 25 : MAYORAL COMMITTEE MEETING : 24 APRIL 2019)****RECOMMENDATION TO THE COUNCIL:**

that the budget report for the quarter ended March 2019, 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**

5.7

QUARTERLY BANK ACCOUNT WITHDRAWALS IN TERMS OF SECTION 11(4) OF THE MFMA FOR THE QUARTER ENDED MARCH 2019

(ITEM 8, PAGE 95 : MAYORAL COMMITTEE MEETING : 24 APRIL 2019)

RECOMMENDATION TO THE COUNCIL:

that the consolidated quarterly report in respect of Bank Account Withdrawals in terms of Section 11(4) of the MFMA for the quarter ended March 2019, **be noted**.

RESPONSIBLE OFFICIAL :

BA KING

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

5.8

SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)**THIRD QUARTERLY REPORT: JANUARY- MARCH 2019****(ITEM 9, PAGE 98 : MAYORAL COMMITTEE MEETING : 24 APRIL 2019)****RECOMMENDATION TO THE COUNCIL:**

1. that the content of the report for the third quarter of the 2018/19 financial year on the top level Service Delivery and Budget Implementation Plan **be noted**; and
2. that the approved Departmental KPI amendment list of March 2019 **be noted**.

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

5.9

SC1689/2016: SUPPLY & ERECTING OF FENCES ON AN “AS AND WHEN BASIS” IN OVERSTRAND AREA

(ITEM 10, PAGE 137 : MAYORAL COMMITTEE MEETING : 24 APRIL 2019)

RECOMMENDATION TO THE COUNCIL:

1. that **cognisance be taken** of the reasons for the proposed amendment of Contract number SC1689/2016A: Supply & erecting of fences on an “as and when basis” in Overstrand area, in terms of the enabling provisions of Section 116(3) of the Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003), and that the amendment be approved;
2. that **cognisance be taken** that no recommendations or representations were received from the local community by closing date, 25 September 2018; and
3. that it be proposed that the escalation date be adjusted to 08 April 2018 and 08 April 2019 respectively to correspond with the conditions contained in the tender document.

RESPONSIBLE OFFICIAL :**J DE VILLIERS
R WILLIAMS****TARGET DATE FOR IMPLEMENTATION :****8 APRIL 2019**

6. CONSIDERATION OF REPORTS

6.1

APPOINTMENT OF A COUNCILLOR TO THE MANAGEMENT SERVICES PORTFOLIO COMMITTEE

3/2/3/5

H van Tonder

(028) 313 8037

Council Support Services

15 April 2019

1. Executive Summary

The purpose of the report is to grant Council an opportunity to appoint a councillor to the Management Services Portfolio Committee.

2. Service Delivery and Budget Implementation Plan - IGNITE

Not applicable

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

None

5. Legal Requirements

- Section 79 and 80 of the Local Government: Municipal Structures Act, No 117 of 1998 (Structures Act)
- Section 160(8) of the Constitution of the Republic of South Africa, 1996 (Constitution)

6. Discussion

Council resolved on 28 February 2018, *inter alia*, as follows:

“RESOLVED (SUPPORTED BY 22 COUNCILLORS):

Portfolio Committee :
Management Services

Members :
Cllr A Komani (Chairperson), Ald N Botha-Guthrie, Cllr M Opperman, Ald M Sapepa, Cllr N Nqinata”

Cllr R Nutt, to wit the newly appointed councillor in the vacancy on the Democratic Alliance's proportional list due to the resignation of Ald N Johnson (Botha-Guthrie), necessitates the appointment of Cllr R Nutt to the Portfolio Committee of Management Services.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

None

RECOMMENDATION TO THE COUNCIL:

that Cllr R Nutt be appointed to the Portfolio Committee of Management Services.

RESPONSIBLE OFFICIAL:**H VAN TONDER****TARGET DATE FOR IMPLEMENTATION:****24 APRIL 2019**

6.2**REPORT OF THE DISCIPLINARY BOARD REGARDING THEIR PRELIMINARY INVESTIGATION PERTAINING TO ALLEGATIONS OF FINANCIAL MISCONDUCT: OFFICIAL EMPLOYED AT LOCAL ECONOMIC DEVELOPMENT**

This item was distributed under separate cover to Councillors for consideration.

In terms of Section 20(2) of the Local Government: Municipal Systems Act, No 32 of 2000, read with Rule 17 of the Overstrand Municipality's Standard By-law on Rules of Order for Internal Arrangements, this item must be considered "in committee".

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)