



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

**A G E N D A**

**I-AJENDA**

**DATE / DATUM / UMHLA : 29 JUNE / JUNIE / JUNI 2022**  
**VENUE / PLEK / INDAWO : AUDITORIUM / OUDITORIUM**  
**CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU**  
**HERMANUS**  
**TIME / TYD / IXESHA : 10:00**

# **MUNICIPALITY / MUNISIPALITEIT / UMASIPALA WE-OVERSTRAND**

Office of the Municipal  
Manager  
Municipal Offices  
HERMANUS

21 June / Junie / Juni 2022

## **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 **Auditorium, Civic Centre, Hermanus**, on **WEDNESDAY, 29 JUNE 2022** at **10:00** to consider the business set forth in the subjoined agenda.

*The attention of Councillors is directed to the Code of Conduct for Councillors, Schedule 7 of the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998).*

**D O'NEILL**  
**MUNICIPAL MANAGER**

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## **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 **Ouditorium, Burgersentrum, Hermanus**, op **WOENSDAG, 29 JUNIE 2022** om **10:00** om die sake op meegaande sakelys te bespreek.

*Raadslede se aandag word gevestig op die Gedragskode vir Raadslede, Skedule 7 van die Wet op Plaaslike Regering : Munisipale Strukture, 1998 (Wet 117 van 1998).*

**D O'NEILL**  
**MUNISIPALE BESTUURDER**

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## **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-Auditorium, kwiZiko LoLUNTU, eHermanus, uLWESITHATHU, Umhla we 29 JUNE 2022**, ngeye-**10:00** ukuqwalasela imicimbi ekule ajenda iqhotyoshelwe apha.

*OCeba bayacelwa ukuba baqwalasele isikhokelo sokuziphatha sooCeba, iShedyuli 7 kaRhulumente wooMasipala: uMthetho weeNkqubo zikaMasipala, uMthetho -1998 (uMthetho we-117 ka-1998).*

**D O'NEILL**  
**UMPHATHI KAMASIPALA**

**AGENDA/...**

# COUNCIL

29 June 2022

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**1. OPENING****2. APPLICATIONS FOR LEAVE OF ABSENCE****3. CONFIRMATION OF MINUTES**

3.1 Minutes of a **Special Meeting** of the **Overstrand Municipal Council** held on **Tuesday, 17 May 2022** at **12:00**

3.2 Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Tuesday, 31 May 2022** at **10:00**

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

4.1 Schulphoek Housing Project

**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 27 June 2022 had formally sat.

**5.1**

**A PORTION OF ERVEN 249, 829 AND 832 HERMANUS (SITUATED IN MARINE DRIVE, HERMANUS): AMENDMENT OF LEASE AGREEMENT WITH KEE PROPERTY INVESTMENTS (PTY) LTD AND DEVIATION OF PARAGRAPH 24 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY IN REGARD TO THE RENTAL AMOUNT**

**(ITEM 3 PAGE 90 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 JUNE 2022)**

**RECOMMENDATION TO THE COUNCIL:**

that the deviation paragraph 24 of the Administration of Immovable Property Policy in order for the rental amount for the abovementioned portion to be used as a children's play area to remain the same as the current rental amount of R32.61/m<sup>2</sup> (THIRTY-TWO RAND AND SIXTY-ONE CENT PER SQUARE METRE) per month, **be approved.**

**RESPONSIBLE OFFICIAL:**

**M ERASMUS**

**TARGET DATE FOR IMPLEMENTATION:**

**30 JULY 2022**

**TARGET DATE TO INFORM APPLICANT:**

**20 JULY 2022**

**TARGET DATE TO INFORM OBJECTOR:**

**N/A**

## 5.2

**APPLICATION TO PURCHASE: A PORTION OF REMAINDER ERF 243 HERMANUS (OPEN SPACE ZONE 1: NATURE RESERVE), ADJACENT TO ERVEN 357 AND 366 HERMANUS (15 AND 17 WESTCLIFF ROAD, HERMANUS) – JL COCKWELL**

**(ITEM 4 PAGE 95 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 JUNE 2022)**

**RECOMMENDATION TO THE COUNCIL:**

that the alienation of a portion of Remainder Erf 243 Hermanus ( $\pm 230\text{m}^2$  in extent) to the owner of the adjoining Erven 357 and 366 Hermanus, JL Cockwell, **not be approved** as the Property must be reserved as a NEMPAA protected area and there are municipal services in the form of a sewer main pipeline located on the Property.

**RESPONSIBLE OFFICIAL:****W MURTZ****TARGET DATE FOR IMPLEMENTATION:****14 AUGUST 2022****TARGET DATE TO INFORM APPLICANT:****27 AUGUST 2022****TARGET DATE TO INFORM OBJECTOR:****N/A**

## 5.3

**APPLICATION TO PURCHASE: A PORTION OF ERF 1431 SANDBAAI (ROAD RESERVE), ADJACENT TO ERF 1425 SANDBAAI (1 NICO VAN DER MERWE STREET, SANDBAAI) – RS & H DONALD**

**(ITEM 5 PAGE 104 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 JUNE 2022)**

**RECOMMENDATION TO THE COUNCIL:**

that the alienation of a portion of Erf 1431 Sandbaai ( $\pm 60\text{m}^2$  in extent) to the owners of the adjoining Erf 1425 Sandbaai, RS & H Donald, **not be approved** for the following reasons:

- The consolidation of the section of road with Erf 1425 Sandbaai will result in the property having an unwanted and unpractical cadastral layout and the proposed new cadastral layout will be out of character with the cadastral layouts of surrounding erven.
- The De Zandt Development is in the implementation/construction stage, and it is anticipated that Erf 2909 and the adjacent road reserve (the portion of Erf 1431 Sandbaai applied for) may be required for municipal services and/or storm water management.

**RESPONSIBLE OFFICIAL:****W MURTZ****TARGET DATE FOR IMPLEMENTATION:****14 AUGUST 2022****TARGET DATE TO INFORM APPLICANT:****27 AUGUST 2022**

## 5.4

**PORTIONS OF ERVEN 249 AND 832 HERMANUS: WRITE BACK OF AMOUNTS RAISED– MR MA DE KLERK**

**(ITEM 7 PAGE 173 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 JUNE 2022)**

**RECOMMENDATION TO THE COUNCIL:**

that Council **approves** the writing back of the amount of R532,149.04 (FIVE HUNDRED AND THIRTY-TWO THOUSAND ONE HUNDRED AND FORTY-NINE RAND AND FOUR CENTS) representing basic and infrastructure charges for electricity (Tariffs E1C1 and EF1 as contained in the approved budget) on municipal account number 900000362271 for the period 1 April 2017 to 30 September 2020.

**RESPONSIBLE OFFICIALS :****A LE ROUX  
E HOONENBERG****TARGET DATE FOR IMPLEMENTATION :****15 JULY 2022****TARGET DATE TO INFORM APPLICANT :****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**

## 5.5

**APPLICATION TO PURCHASE: A PORTION OF REMAINDER ERF 1253 HERMANUS (TRANSPORT ZONE: ROAD AND PARKING), ADJACENT TO ERF 12294 HERMANUS (62 MITCHELL STREET, HERMANUS) – MG DELPORT**

**(ITEM 8 PAGE 178 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 JUNE 2022)**

**RECOMMENDATION TO THE COUNCIL:**

that the alienation of a portion of Remainder Erf 1253 Hermanus ( $\pm 380\text{m}^2$  in extent) to the owner of the adjoining Erf 12294 Hermanus, MG Delpport, **not be approved** as the property must be reserved for public parking and due to services located on the erf boundary.

<b>RESPONSIBLE OFFICIAL:</b>	<b>M ERASMUS</b>
<b>TARGET DATE FOR IMPLEMENTATION:</b>	<b>14 AUGUST 2022</b>
<b>TARGET DATE TO INFORM APPLICANT:</b>	<b>27 AUGUST 2022</b>
<b>TARGET DATE TO INFORM OBJECTOR:</b>	<b>N/A</b>

## 5.6

**HERMANUS: IN PRINCIPLE APPROVAL FOR THE ALIENATION OF ERF 7082 HERMANUS (SITUATED AT 20 ASTER STREET, MOUNT PLEASANT), 312m<sup>2</sup> IN EXTENT, BY MEANS OF A COMPETITIVE PROCESS**

**(ITEM 9 PAGE 189 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 JUNE 2022)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the alienation of Erf 7082 Hermanus (312m<sup>2</sup> in extent) for residential purposes by means of a competitive process at a market related price **be approved in principle**;
2. that all the costs pertaining to the transaction, for example the transfer costs, water, sewer and electricity connections and the section 14 advertisement, but excluding the valuation costs, be paid by the successful bidder/purchaser; and
3. 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 MARINUS****TARGET DATE FOR IMPLEMENTATION :****29 JULY 2022****TARGET DATE TO INFORM APPLICANT :****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**

## 5.7

**APPLICATION TO PURCHASE: A PORTION OF ERF 3222 ONRUSTRIVIER (PUBLIC OPEN SPACE) ADJACENT TO ERF 3221 ONRUSTRIVIER (16 LAGOON DRIVE, ONRUSTRIVIER) – DR PH VAN NIEKERK**

**(ITEM 10 PAGE 197 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 JUNE 2022)**

**RECOMMENDATION TO THE COUNCIL:**

that the alienation of a portion of Erf 3222 Onrustrivier ( $\pm 356\text{m}^2$  in extent) to the owner of the adjoining Erf 3221 Onrustrivier, Dr PH Van Niekerk, **not be approved** as the property fall within the Coastal Protection Zone (EMOZ).

<b>RESPONSIBLE OFFICIAL:</b>	<b>W MURTZ</b>
<b>TARGET DATE FOR IMPLEMENTATION:</b>	<b>14 AUGUST 2022</b>
<b>TARGET DATE TO INFORM APPLICANT:</b>	<b>27 AUGUST 2022</b>
<b>TARGET DATE TO INFORM OBJECTOR:</b>	<b>N/A</b>

## 5.8

**TRANSFER OF ERF 4913 HERMANUS (ROAD RESERVE) ADJACENT TO ERF 341 HERMANUS, SITUATED AT 24 WESTCLIFF ROAD, HERMANUS TO JC DAVIS**

**(ITEM 12 PAGE 215 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 JUNE 2022)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the transfer of Erf 4913 Hermanus (adjacent to Erf 341 Hermanus) situated at 24 Westcliff Road, Hermanus, 107m<sup>2</sup> in extent, to the owner of the adjoining Erf 341 Hermanus, JC Davis, at an amount of R55,000.00 (FIFTY FIVE THOUSAND RAND) (VAT excluded) for gardening purposes and 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 Erf 4913 Hermanus is classified as a non-viable property;
3. that it be noted that a condition for the transfer is that Erf 4913 Hermanus must be consolidated with the adjoining property of JC Davis, being Erf 341 Hermanus simultaneous with the transfer of the property;
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 purposes and no structures, excluding a boundary fence or wall, may be erected thereon;
5. that the transfer of a portion of Erf 4913 Hermanus be subject to a suspensive condition that the applicant/purchaser obtains approval for the closure of the public road, consolidation and rezoning and all related town planning approvals applicable;
6. that all the costs pertaining to the transaction, e.g. application cost, valuation cost, closure of portion of public road, consolidation, rezoning, transfer and related costs, advertisements, etc. be paid by the applicant/purchaser; and
7. that it be noted that the municipal property 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).

<b>RESPONSIBLE OFFICIAL:</b>	<b>W MURTZ</b>
<b>TARGET DATE FOR IMPLEMENTATION:</b>	<b>14 AUGUST 2022</b>
<b>TARGET DATE TO INFORM APPLICANT:</b>	<b>27 AUGUST 2022</b>
<b>TARGET DATE TO INFORM OBJECTOR:</b>	<b>N/A</b>

**5.9**

**ERF 196 ZWELIHLE (196 KEPKEY STREET, ZWELIHLE): WRITE-OFF RENTAL, THE UNITING REFORMED CHURCH IN SOUTH AFRICA**

**(ITEM 13 PAGE 224 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 JUNE 2022)**

**RECOMMENDATION TO THE COUNCIL:**

that the writing off of an amount of R13,392.68 (THIRTEEN THOUSAND THREE HUNDRED NINETY-TWO RAND AND SIXTY-EIGHT CENTS) (Excluding VAT) representing rental levied on a municipal account of the Uniting Reformed Church in South Africa, in relation to Erf 196 Zwelihle for the period 1 July 2013 until 28 February 2022, **be approved.**

<b>RESPONSIBLE OFFICIAL :</b>	<b>R MARINUS</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>29 JULY 2022</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>15 JULY 2022</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

## 5.10

**A PORTION OF UNREGISTERED ERF 2402 (A PORTION OF ERF 1) HAWSTON (SITUATED IN CHURCH STREET, HAWSTON): DEVIATION FROM PARAGRAPHS 4, 18, 20.1(b) AND 24 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A LEASE AGREEMENT WITH HAROLD HENRY LAMOHR**

**(ITEM 14 PAGE 232 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 JUNE 2022)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the deviation from paragraph 4 of the Administration of Immovable Property Policy exempting Mr Harold Henry Lamohr from paying the prescribed application fee, **be approved**;
2. that the deviation from paragraph 18 of the Administration of Immovable Property Policy allowing a direct lease to Mr Harold Henry Lamohr, **be approved**;
3. that the deviation from paragraph 20.1(b) of the Administration of Immovable Property Policy, exempting Mr Harold Henry Lamohr from payment of the prescribed advert cost and that the Municipality bears the advert cost, **be approved**; and
4. that the deviation from paragraph 24 of the Administration of Immovable Property Policy, exempting Mr Harold Henry Lamohr from obtaining a valuation from an independent valuer to determine the market related rental amount and that the rental amount be an amount equal to the tariff approved for Wetcore Stands (Social Housing) in the Municipality's annual budget, **be approved**.

**RESPONSIBLE OFFICIAL :****R OCTOBER****TARGET DATE FOR IMPLEMENTATION :****29 JULY 2022****TARGET DATE TO INFORM APPLICANT :****15 JULY 2022****TARGET DATE TO INFORM OBJECTOR :****N/A**

**5.11****OVERSTRAND MUNICIPALITY: KLEINMOND CBD UPGRADING PLAN, 2022****(ITEM 17 PAGE 258 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 JUNE 2022)****RECOMMENDATION TO THE COUNCIL:**

1. that the Kleinmond CBD Upgrading Plan be approved as a guiding document to the Overstrand Spatial Development Framework, 2020 and the Overstrand Integrated Development Plan; and
2. that funding be applied for to implement the proposal.

<b>RESPONSIBLE OFFICIAL:</b>	<b>H VAN DER STOEP</b>
<b>TARGET DATE FOR IMPLEMENTATION:</b>	<b>14 JUNE 2020</b>
<b>TARGET DATE TO INFORM APPLICANT:</b>	<b>N/A</b>
<b>TARGET DATE TO INFORM OBJECTOR:</b>	<b>N/A</b>

## 5.12

**TOWN PLANNING: ADMINISTRATIVE PENALTY IN TERMS OF AMENDMENT OF BY-LAW ON MUNICIPAL LAND USE PLANNING, 2020**

**(ITEM 18 PAGE 402 : INVESTMENT & INFRASTRUCTURE PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 JUNE 2022)**

**RECOMMENDATION TO THE COUNCIL:**

that the process regarding administration penalty applications **be noted**.

**RESPONSIBLE OFFICIAL:****R KUCHAR****TARGET DATE FOR IMPLEMENTATION:****N/A**

**5.13****DRAFT PROCESS PLAN FOR INTEGRATED DEVELOPMENT PLANNING AND BUDGET PREPARATION FOR 2022/2027****(ITEM 1 PAGE 1 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 JUNE 2022)****RECOMMENDATION TO THE COUNCIL:**

1. that the draft Process Plan for Integrated Development Planning and Budget preparation for 2022/2027 **be noted**;
2. that the draft Process Plan be advertised for public comment; and
3. that the final Process Plan be tabled to Council for approval in August 2022.

**RESPONSIBLE OFFICIAL :****RG LOUW****TARGET DATE FOR IMPLEMENTATION :****8 JULY 2022**

**5.14**

**REVIEW: PERSONAL PROTECTIVE EQUIPMENT POLICY**

**(ITEM 2 PAGE 40 : MANAGEMENT SERVICES PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 27 JUNE 2022)**

**RECOMMENDATION TO THE COUNCIL:**

that the Personal Protective Equipment Policy **be approved.**

**RESPONSIBLE OFFICIAL :**

**N FLOORS**

**TARGET DATE FOR IMPLEMENTATION :**

**1 JULY 2022**

5.15

REVIEW: SUBSTANCE ABUSE : ALCOHOL AND DRUG POLICY AND PROCEDURE

(ITEM 3 PAGE 76 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 JUNE 2022)

RECOMMENDATION TO THE COUNCIL:

that the Substance Abuse: Alcohol and Drug Policy and Procedure **be approved**.

RESPONSIBLE OFFICIAL :

N FLOORS

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2022

## 5.16

**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, MAY 2022**

**(ITEM 2 PAGE 12 : FINANCE & TOURISM PORTFOLIO - MAYORAL COMMITTEE MEETING : 27 JUNE 2022)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the deviations from the procurement processes, approved in terms of the delegated authority for May 2022, **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 May 2022, **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 May 2022, **be noted**.

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

## 5.17

**PROPOSED EXTENSION: “SOLVEM CONSULTING (PTY) LTD; BYTES SYSTEMS INTEGRATION A DIVISION OF ALTRON TMT (PTY) LTD; WATER MANAGEMENT SERVICES CC; BUSINESS ENGINEERING (PTY) LTD; IGNITE ADVISORY SERVICES; PAYDAY SOFTWARE SYSTEMS (PTY) LTD; GEODEBT SOLUTIONS CC; ONTEC SYSTEMS (PTY) LTD; MAX INTERNET TECHNOLOGIES CC T/A MAXITEC**

**(ITEM 5 PAGE 1 : MAYORAL COMMITTEE MEETING : 27 JUNE 2022)****RECOMMENDATION TO THE COUNCIL:**

1. that cognisance be taken that no recommendations or representations were received from the local community by closing date of 22 April 2022; and
2. that **cognisance be taken** of the reasons for the amendment of the contracts or agreements for ICT related systems and services as listed in the schedule below, in terms of the enabling provisions of Section 116(3) (a) & (b) of the Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003), and that the amendment be consented to:

<b>Ref no</b>	<b>Service Provider Name</b>
SC1327(vii)/2013	Business Engineering (Pty) Ltd
SC1327(ii)/2013	Bytes Systems Integration A Division of Altron TMT (Pty) Ltd
SC1327(i)/2013	Solvem Consulting (Pty) Ltd
SC1327(x)(viii)/2013	Geodebt Solutions CC
SC1327(vi)/2013	Ignite Advisory Services
SC1327(ix)/2013	Payday Software Systems (Pty) Ltd
SC1327(iv)/2013	Water Management Services CC
SC1961/2019	Ontec Systems (Pty) Ltd
SC1970/2019	Max Internet Technolo-gies cc t/a Maxitec

**RESPONSIBLE OFFICIALS :**

**D ARRISON  
R WILLIAMS  
N MICHAELS  
S REYNEKE-NAUDE  
S MULLER  
C ROETS  
E HOONEBERG  
H VAN TONDER  
H VORSTER  
J VAN ASPEREN  
L BUCCHIANERI  
R LOUW  
L COETZEE  
L SMITH  
T STEENBERG  
N ZWENI**

**TARGET DATE FOR IMPLEMENTATION :**

**01 JULY 2022**

## 5.18

**CONTRACT SC1995/2019: REPLACEMENT OF WATER METERS IN THE OVERSTRAND AREA, PHASE 4 FOR A PERIOD ENDING 20 JUNE 2022**

**(ITEM 6 PAGE 71 : MAYORAL COMMITTEE MEETING : 27 JUNE 2022)**

**RECOMMENDATION TO THE COUNCIL:**

1. that **cognisance be taken** of the reasons for the proposed amendment of **Contract SC1995/2019: REPLACEMENT OF WATER METERS IN THE OVERSTRAND AREA, PHASE 4 FOR A PERIOD ENDING 20 JUNE 2022**, in terms of the enabling provisions of Section 116(3) (a) & (b) of the Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003), and that the amendment be consented to; and
2. that **cognisance be taken** that no recommendations or representations were received from the local community by closing date, 13 May 2022.

**RESPONSIBLE OFFICIAL :****T STEENBERG****TARGET DATE FOR IMPLEMENTATION :****01 JULY 2022****TARGET DATE TO INFORM APPLICANT:****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**

## 5.19

**CONTRACT SC1966/2019: CLEANING OF STORMWATER AND SEWERAGE PIPELINES ON AN "AS AND WHEN" REQUIRED BASIS**

**(ITEM 7 PAGE 117 : MAYORAL COMMITTEE MEETING : 27 JUNE 2022)**

**RECOMMENDATION TO THE COUNCIL:**

1. that **cognisance be taken** of the reasons for the proposed amendment of **Contract SC1966/2019: CONTRACT SC1966/2019: CLEANING OF STORMWATER AND SEWERAGE PIPELINES ON AN "AS AND WHEN" REQUIRED BASIS**, in terms of the enabling provisions of Section 116(3) (a) & (b) of the Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003), and that the amendment be consented to; and
2. that **cognisance be taken** that no recommendations or representations were received from the local community by closing date, 13 May 2022.

**RESPONSIBLE OFFICIAL :** T STEENBERG

**TARGET DATE FOR IMPLEMENTATION :** 01 JULY 2022

**TARGET DATE TO INFORM APPLICANT:** N/A

**TARGET DATE TO INFORM OBJECTOR :** N/A

**5.20**

**AMENDMENTS TO THE 2022/2023 PROPERTY RATES POLICY / TARIFF POLICY/  
CUSTOMER CARE, CREDIT CONTROL AND DEBT COLLECTION POLICY /  
TRAVEL & SUBSISTENCE POLICY**

**(ITEM 8 PAGE 130 : MAYORAL COMMITTEE MEETING : 27 JUNE  
2022)**

**RECOMMENDATION TO THE COUNCIL:**

that the following amended policies be approved and implemented with effect from  
1 July 2022:

Overstrand Municipality: Property Rates Policy

Overstrand Municipality: Tariff Policy

Overstrand Municipality: Customer Care, Credit Control & Debt Collection Policy

Overstrand Municipality: Travel & Subsistence Policy

**RESPONSIBLE OFFICIAL :**

**S REYNEKE-NAUDE/  
E HOONEBERG/  
H VORSTER**

**TARGET DATE FOR IMPLEMENTATION :**

**1 JULY 2022**

## 5.21

**PROPOSED AMENDMENT NO. 01 OF CONTRACT NO. SC 1969/2019:  
APPOINTMENT OF CONSULTANTS FOR VARIOUS ENGINEERING AND  
GROUNDWATER PROJECTS IN THE OVERSTRAND MUNICIPAL AREA**

**(ITEM 9 PAGE 212 : MAYORAL COMMITTEE MEETING : 27 JUNE  
2022)**

**RECOMMENDATION TO THE COUNCIL:**

1. that **cognisance be taken** of the reasons for the proposed amendment of Contract SC 1969/2019 for the appointment of consultants for various engineering and groundwater projects in the Overstrand municipal area between Overstrand Municipality and those originally appointed professional service providers that currently comply with relevant SCM requirements, in terms of the enabling provisions of Section 116(3) of the Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003);
2. that **cognisance be taken** of the representation received from Messrs Bergstan South Africa (Pty) Ltd and the advice received from National Treasury in this regard; and
3. that the amendment of the contract **be consented to**.

**RESPONSIBLE OFFICIAL:****H BLIGNAUT****TARGET DATE FOR IMPLEMENTATION :****1 JULY 2022**

**6. CONSIDERATION OF REPORTS****6.1****APPOINTMENT OF A SELECTION PANEL FOR THE RECRUITMENT AND SELECTION PROCESS, FOR THE APPOINTMENT OF A MUNICIPAL MANAGER WITH EFFECT 1 NOVEMBER 2022**

4/3/R

D Arrison

13 June 2022

Director: Management Services

(028) 313 8001

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**1. Executive Summary**

The purpose of this report is for Council to appoint a selection panel for the recruitment and selection process and for recommendations in the appointment of a Municipal Manager with effect 1 November 2022.

**2. Service Delivery and Budget Implementation Plan Reference - IGNITE**

Directorate: Management Services

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

None

**5. Legal Requirements**

Section 160(1)(d) of the Constitution of the Republic of South Africa, 1996  
Sections 67, and 72 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)

Section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)

Chapter 3 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)

Local Government Regulations on Appointment and Conditions of Employment of Senior Managers (GN 21 dated 17 January 2014)

**6. Discussion**

The recruitment and selection process for the appointment of a Municipal Manager, after the termination of the contract of the current Municipal Manager Mr Dean O'Neill, on 30 October 2022, has commenced.

Council, at its meeting on 31 May 2022, approved the filling of the envisaged vacancy. The post was advertised in the Rapport, Sunday Times, Burger, Cape Times as well as the Argus over the weekend of 10 – 12 June 2022. Advertisements were also placed on the Municipality's Website.

Sub-regulation 12(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): Local Government Regulations on Appointment and Conditions of Employment of Senior Managers, **(GN 21 dated 17 January 2014)**, provides for *a municipal council to appoint a selection panel to make recommendations for the appointment of candidates to vacant senior manager posts.*

Sub-regulation 12(2) further prescribes that *in deciding who to appoint to a selection panel, the following considerations must inform the decision:*

- (a) the nature of the post;*
- (b) the gender balance of the panel; and*
- (c) the skills, expertise, experience and availability of the persons to be involved.*

Sub-regulation 12(3) provides that the selection panel for a municipal manager to be appointed, must consist of at least three and not more than five members, and constitutes it as follows:

- (a) The mayor, who will be the chairperson, or his or her delegate*
- (b) A councillor designated by the municipal council; and*
- (c) At least one other person, who is not a councillor or staff member of the municipality, and who has expertise or experience in the area of the advertised post.*

The Executive Mayor's inputs are as per the recommendation hereunder.

## **7. Financial Implications**

Sufficient funds are available on the 2022/2023 salary budget for the funding of this post and for subsistence and travel allowances for visiting members of the panel.

## **8. Staff Implications**

Vacancy of the position of Municipal Manager.

## **9. Comments from other Departments, Divisions and Administrations**

Not applicable

## **10. Annexures**

None

**RECOMMENDATION TO THE COUNCIL:**

1. that a selection panel for the recruitment and selection process and for recommendations to Council in the appointment of a new Municipal Manager with effect 1 November 2022, be instituted as follows:
  - Ald Annelie Rabie, Executive Mayor – Chairperson
  - Cllr Lindile Ntsabo, Deputy Executive Mayor
  - A representative from the Provincial Department of Local Government; and
  - A visiting Municipal Manager from a Municipality in the Western Cape (subject to resolution hereunder);
2. that it be noted that a member from the main opposition in Council, to be appointed by said party, is invited to observe the process; and
3. that the Executive Mayor be authorised to engage any Municipal Manager in the Western Cape to serve on the selection panel for the recruitment and selection process of a new Municipal Manager with effect 1 November 2022.

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

## 6.2

**WRITING OFF OF AN IRRECOVERABLE AMOUNT AFTER INVESTIGATION OF THEFT OF REGISTRATION FEES FOR 13 DECEMBER 2019**

8/2/2

SG Reyneke-Naude

Director: Finance

20 June 2022

(028) 313 8040

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**1. Executive Summary**

The purpose of this report is to provide the necessary information to rescind the council decision to write off an amount as Fruitless & Wasteful Expenditure, and to recommend to Council to write off the monies not deposited into the Nedbank account of the municipality with regard to registration fees collected on 13 December 2019.

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Directorate: Finance  
Department: Director: Finance

**3. Compliance with Strategic Priorities**

Provision of democratic, accountable and ethical governance  
Provision and maintenance of municipal services

**4. Delegated Authority**

None

**5. Legal Requirements**

Local Government: Municipal Finance Management Act 2003, (Act 56 of 2003)  
Local Government: Municipal Systems Act 2000, (Act 32 of 2000)

**6. Background/Discussion/Evaluation/Conclusion****Background**

The Municipal Manager requested Internal Audit Services (IAS) to investigate an incident discovered, where license fees collected on 13 December 2019, were not deposited into the Nedbank account of the municipality. A request was submitted through the office of the Municipal Manager, for IAS to investigate the cash shortage, which did not reflect on the Nedbank account of the municipality. This request was sent to IAS for further investigation,

based on the results of a preliminary investigation performed by the Senior Superintendent: Registrations, Admin & Fines.

### **Discussion**

The Internal Audit Services investigation resulted in the following facts during the immediate period of the incident, in accordance with the following reporting stated in the audit report issued –

- Records indicate that both controllers were on duty 13 and 17 December 2019.
- There was one bag given to Fidelity on 17 December 2019, this was for TCS (fines) and the amount of R 6 800.00 was deposited on the same day. This amount is equal the cash collected by TCS on 13 December 2019. The R27 817.60 for registrations collected on 13 December 2019 was never deposited.
- The deposit slip and book has not been recovered and there is no collection receipt from Fidelity.
- Ms. L Smith was a cashier on 13 December 2019, and it is doubtful that she was managing the cash up.
- Cash statements before and after 13 December 2019 are signed by supervisor however, the cash statements for 13 December 2019 are not signed.
- Ms. Z Davids admitted on 19 December 2019 that she still has the cashier statements for 13 December 2019, however she never submitted this to financial services. The figures were only provided to the system administrator on 16 January 2020 although there were multiple queries regarding the deposit and the cashier statements for 13 December 2019.
- The cash amount not reflecting on the Nedbank account was calculated through scrutinization of the eNaTis reports, the total cash for 13 December 2019 as verified by eNaTis reports was R27 817.60, this was also the amount provided to the computer administration on 16 January 2020.
- Confirmation of the cash amount of R27 817.60 was again confirmed on 06 June 2020 when a copy of the signed cash statements was found at Financial Services, during an interview with the Accountant: Internal Control. Strangely, there is no record of when these cash statements were brought to the financial services department. Email evidence indicated that on 20 February 2020 the Accountant: Internal Control requested cash statements for 13 December 2019 which was still outstanding. Also, on 04 June 2020 during interviews with Traffic Services staff, the Traffic Chief and the acting controller confirmed to IAS that the cash statements and deposit slip of 13 December 2019 are still missing and that the Fidelity receipt for collection on 17 December 2019 was also missing.
- Based on evidence, IAS is of the opinion that Ms. Z Davids never gave the money collected for registration on 13 December 2019 to Fidelity during their collection on 17 December 2019.
- On 19 December 2019 the Accountant: Internal Control sent an email regarding work for 12 and 13 December 2019 that was not received by the department. Ms. Z Davids replied to this email on the same day that she still has the work

for 12 & 13 December 2019 with her in the office and will personally bring it to Lorraine. There were numerous follow-ups about the deposits between the two departments after this initial email, however, from Flexgen information the receipts for 12 and 13 December 2019 were only receipted on Flexgen on 16 January 2020, the money was never banked.

- Ms. Z Davids resigned on 17 January 2020 and Ms. L Smith resigned on 31 December 2019.

It must be noted that the municipality had no other recourse in considering disciplinary action since Ms. Z Davids resigned on 17 January 2020 and Ms. L Smith resigned on 31 December 2019, as mentioned.

On 12 May 2022 the Municipal Public Accounts Committee (MPAC) resolved that, in view of the Internal Audit investigation and reporting to the JAPAC, inclusive of the outcome of a case of theft registered at the SAPS, the theft of registration fees to the amount of R27 817.60 for 13 December 2019, be declared as Fruitless and Wasteful expenditure, and recommended to be certified as irrecoverable and written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

On 31 May 2022 Council resolved as follows:

**“RESOLVED (SUPPORTED BY 26 COUNCILLORS):**

1. that, in view of the Internal Audit investigation and reporting to the JAPAC, inclusive of the outcome of a case of theft registered at the SAPS, the theft of registration fees to the amount of R27 817.60 for 13 December 2019, thus declared as Fruitless and Wasteful expenditure, be certified as irrecoverable and written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003; and
2. that it be noted that all disciplinary and legislative processes will be followed timeously in future to mitigate the occurrence of similar incidences.”

On implementation of the resolution, it was discovered that the nature of the transaction was indeed theft and losses and not fruitless and wasteful expenditure as the item is revenue related and not expenditure. Therefore, it does not meet the definition of fruitless and wasteful expenditure as there was no expenditure that was incurred in vain.

There are however the monies not deposited into the Nedbank account of the municipality regarding registration fees collected on 13 December 2019. that is now irrecoverable and should be written-off for the reasons as stated above.

**7. Financial Implications**

Business Key: 20220614054129  
Cost Code: 10750200020000  
Item: Bad debts written off  
Amount: R27 817.60

**8. Staff Implications**

None

**9. Comments from other Departments, Divisions and Administrations**

None

**10. Annexures**

Annexure A: Council Minutes of 31 May 2022

**RECOMMENDATION TO THE COUNCIL:**

1. that Council resolution 6.4 dated 31 May 2022 be rescinded; and
2. that the monies not deposited into the Nedbank account of the municipality regarding registration fees collected on 13 December 2019 for the theft of license fees to the amount of R27 817.60 be certified as irrecoverable and written off.

**RESPONSIBLE OFFICIAL :**

**SG REYNEKE-NAUDE  
C LE ROUX  
B KING**

**TARGET DATE FOR IMPLEMENTATION :**

**01 JULY 2022**

**6.4  
INVESTIGATION INTO THE INSTANCE OF FRUITLESS & WASTEFUL  
EXPENDITURE: THEFT OF REGISTRATION FEES FOR 13 DECEMBER 2019**

3/2/3/8

**N Michaels****Director : Protection Services****28 April 2022****(028) 313 8054****EXECUTIVE SUMMARY**

The purpose of this report is to provide the necessary information and request Council to write off the Fruitless and Wasteful expenditure in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act (56/2003). This report contains the background of reasons for the incurrence of the Fruitless and Wasteful Expenditure due to theft of vehicle registration fees for 13 December 2019.

**RESOLVED (SUPPORTED BY 26 COUNCILLORS):**

1. that, in view of the Internal Audit investigation and reporting to the JAPAC, inclusive of the outcome of a case of theft registered at the SAPS, the theft of registration fees to the amount of R27 817.60 for 13 December 2019, thus declared as Fruitless and Wasteful expenditure, be certified as irrecoverable and written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003; and
2. that it be noted that all disciplinary and legislative processes will be followed timeously in future to mitigate the occurrence of similar incidences.

**RESPONSIBLE OFFICIAL :****C LE ROUX  
B KING  
N MICHAELS**

**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)**