



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

**A G E N D A**

**I-AJENDA**

**DATE / DATUM / UMHLA :**  
**VENUE / PLEK / INDAWO :**

**31 MAY / MAY / MEYI 2017**  
**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

26 May / Mei / Meyi 2017

## **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, 31 MAY 2017** 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).*

**C GROENEWALD**  
**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 **Banketsaal, Burgersentrum, Hermanus**, op **WOENSDAG, 31 MEI 2017** 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).*

**C GROENEWALD**  
**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 **Banqueting Hall, kwiZiko LoLUNTU, eHermanus ngoLWESITHATHU, Umhla we 31 MEYI 2017 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).*

**C GROENEWALD**  
**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, 29 March 2017** at **11:00**
  
  - 3.2 Minutes of a **Special Meeting** of the **Council** held on **Tuesday, 18 April 2017** 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 Mayoral Committee in view of the fact that the **compilation of the Council agenda** was done before the Mayoral Committee of 31 May 2017 had formally sat.

**5.1**

**WRITING OFF OF IRRECOVERABLE DEBT**

**(ITEM 1, PAGE 1 : FINANCE PORTFOLIO - MAYORAL COMMITTEE MEETING : 31 MAY 2017)**

**RECOMMENDATION TO THE COUNCIL:**

that the irrecoverable debt to the value of R372 318.16 as listed below, **be written off** as bad debt:

A	First time write off – Indigent Households	R 91 932.57
B	Indigent water leakages irrecoverable	R190 991.31
C	Final accounts equal or less than R1,500.00	R 1 631.08
D	Other irrecoverable Debt	R 87 763.20
	<b>TOTAL</b>	<b><u>R372 318.16</u></b>

**RESPONSIBLE OFFICIAL :**

**EM HOONEBERG**

**TARGET DATE FOR IMPLEMENTATION :**

**08 JUNE 2017**

**5.2**

**TELEPHONE POLICY AMENDMENT**

**(ITEM 1, PAGE 1 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 31 MAY 2017)**

**RECOMMENDATION TO THE COUNCIL:**

that the amended Telephone Policy **be adopted.**

**RESPONSIBLE OFFICIAL :**

**J VAN ASPEREN**

**TARGET DATE FOR IMPLEMENTATION :**

**MAY 2017**

## 5.3

**DRAFT PRACTICAL EXPERIENTIAL TRAINING POLICY****(ITEM 2, PAGE 23 : MANAGEMENT SERVICES PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 31 MAY 2017)****RECOMMENDATION TO THE COUNCIL:**that the draft Practical Experiential Training Policy **be adopted**.**RESPONSIBLE OFFICIAL :****L BUCCHIANERI****TARGET DATE FOR IMPLEMENTATION :****MAY 2017**

## 5.4

**RISK MANAGEMENT COMMITTEE TERMS OF REFERENCE****(ITEM 3, PAGE 37 : MANAGEMENT SERVICES PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 31 MAY 2017)****RECOMMENDATION TO THE COUNCIL:**that the Risk Management Committee Terms of Reference **be approved**.**RESPONSIBLE OFFICIAL :****A RIDDLES****TARGET DATE FOR IMPLEMENTATION :****1 JULY 2017**

**5.5****RISK MANAGEMENT STRATEGY AND POLICY 2017/2018****(ITEM 4, PAGE 48 : MANAGEMENT SERVICES PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 31 MAY 2017)****RECOMMENDATION TO THE COUNCIL:**

1. that the Risk Management Strategy **be approved**; and
2. that the Risk Management Policy **be approved**.

**RESPONSIBLE OFFICIAL :****A RIDDLES****TARGET DATE FOR IMPLEMENTATION :****1 JULY 2017**

**5.6****WARD COMMITTEE SYSTEM: REVISION OF WARD COMMITTEE RULES****(ITEM 1, PAGE 1 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 31 MAY 2017)****RECOMMENDATION TO THE COUNCIL:**

1. that the revised Ward Committee Rules for Overstrand Municipality **be adopted**; and
2. that the Ward Committees of Wards 1 and 9 who do not comply with the woman equity, be afforded the opportunity to resolve the equity challenge in one of the following manners, whichever may occur first, namely:
  - filling of a vacancy that may arise during the term of office; or
  - replacing an existing male representative with a female secundi, where possible

**RESPONSIBLE OFFICIALS :**

**R WILLIAMS  
D LAKEY  
D KEARNEY  
F MYBURGH  
B PLAATJIES  
P FERREIRA**

**TARGET DATE FOR IMPLEMENTATION :**

**31 MAY 2017**

**5.7**

**AMENDMENTS TO THE SWIMMING BEACH CLEANING POLICY**

**(ITEM 2, PAGE 22 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 31 MAY 2017)**

**RECOMMENDATION TO THE COUNCIL:**

that the amended Swimming Beach Cleaning Policy **be adopted**.

**RESPONSIBLE OFFICIAL :**

**M BARTMAN**

**TARGET DATE FOR IMPLEMENTATION :**

**1 JUNE 2017**

**5.8**

**ERF 8168, 104 MAIN ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA :  
SUBDIVISION, REZONING AND AMENDMENT OF SPATIAL DEVELOPMENT  
FRAMEWORK: MESSRS PLAN ACTIVE ON BEHALF OF THE GRAIL CENTRE TRUST**

**(ITEM 16, PAGE 298 : INFRASTRUCTURE & PLANNING PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 31 MAY 2017)**

**RECOMMENDATION TO THE COUNCIL:**

that, in terms of Sections 4(7) and 34 of the Local Government: Municipal Systems Act (Act 32 of 2000), for the Amendment of the Overstrand Municipal Spatial Development Framework in order to accommodate the business premises as proposed (Portion A), **be approved.**

**RESPONSIBLE OFFICIAL :****H VAN DER STOEP****TARGET DATE FOR IMPLEMENTATION :****10 MAY 2017****TARGET DATE TO INFORM APPLICANT :****10 MAY 2017****TARGET DATE TO INFORM OBJECTORS :****10 MAY 2017**

## 5.9

**HERMANUS: TRANSFER OF UNREGISTERED ERF 11456 (A PORTION OF ERF 243) HERMANUS, ±838M<sup>2</sup> IN EXTENT, FOR RESIDENTIAL PURPOSES**

**(ITEM 19, PAGE 413 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 31 MAY 2017)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the transfer of unregistered Erf 11456 (a portion of Erf 243) Hermanus, ±838m<sup>2</sup> in extent, for residential purposes to TL & EH Havenga for the amount of R747,000.00 (SEVEN HUNDRED AND FORTY SEVEN THOUSAND RAND) (VAT excluded), **be approved**;
2. that the Municipal Manager be authorised to sign all documents relating to the transfer of unregistered Erf 11456 (a portion of Erf 243) Hermanus to TL & EH Havenga;
3. that cognisance be taken of the fact that the subject portion of 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; and
4. that TL & EH Havenga be responsible for all the costs pertaining to the advertisement of the transfer and all costs involved with the registration of the transfer in the Deeds Office and other costs as may be stipulated.

**RESPONSIBLE OFFICIAL :**

**M ERASMUS**

**TARGET DATE FOR IMPLEMENTATION :**

**30 JUNE 2017**

**TARGET DATE TO INFORM APPLICANT :**

**N/A**

## 5.10

**HERMANUS: PARTIAL AMENDMENT AND RATIFICATION OF RESOLUTION DATED 22 APRIL 2008 FOR THE EXCHANGE OF A PORTION OF MUNICIPAL PROPERTY (ERF 572 HERMANUS)**

**(ITEM 21, PAGE 443 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 31 MAY 2017)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the exchange of a portion of Erf 572 Hermanus,  $\pm 44.2\text{m}^2$  in extent, for a portion equal in size of Erf 569 Hermanus owned by Peter Anthony Sham for the purpose of widening the sidewalk free of any compensation by any party to the other in terms of Council's Asset Management Policy of 2004 and subsequent Administration of Immoveable Property Policy of 2015, **be approved**; and
2. that the following conditions 2 and 3 of the Resolution dated 22 April 2008 be ratified and **approved**:
  - (a) that, since the transaction is to the advantage of both parties, **all costs** pertaining the transaction, e.g. survey, advertisement, valuation, subdivision, rezoning, etc. be equally shared and borne by the municipality and the applicant;
  - (b) that cognisance be taken of the fact that the municipal property herewith exchanged is **not required** for municipal purposes in terms of the provisions of paragraph 1.3.2 of Council's Asset Management Policy and Section 14 of the Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003);

**RESPONSIBLE OFFICIAL :**

**A KOTZE**

**TARGET DATE FOR IMPLEMENTATION :**

**PROCESS**

**TARGET DATE TO INFORM APPLICANT :**

**14 JUNE 2017**

**TARGET DATE TO INFORM OBJECTOR :**

**N/A**

## 5.11

**UPDATE ON THE PROGRESS OF AFFORDABLE HOUSING DEVELOPMENTS IN OVERSTRAND****(ITEM 22, PAGE 461 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 31 MAY 2017)****RECOMMENDATION TO THE COUNCIL:**

that the availability and progress on the Affordable Housing Developments in the Overstrand, **be noted**.

**RESPONSIBLE OFFICIAL :****A JACOBS****TARGET DATE FOR IMPLEMENTATION :****28 JUNE 2017****TARGET DATE TO INFORM APPLICANT:****N/A****TARGET DATE TO INFORM OBJECTOR:****N/A**

## 5.12

**HERMANUS: TRANSFER OF UNREGISTERED ERF 12199, HERMANUS, ±2,4818 HA IN EXTENT, FOR INDUSTRIAL PURPOSES**

**(ITEM 23, PAGE 470 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 31 MAY 2017)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the transfer of unregistered Erf 12199, Hermanus, ±4,818 ha in extent, for industrial purposes to Massbuild (Pty) Ltd t/a Builders Express for the amount of R22,800,000.00 (TWENTY TWO MILLION EIGHT HUNDRED THOUSAND RAND ALONE) (VAT included), **be approved**;
2. that Massbuild (Pty) Ltd t/a Builders Express at their cost register a public access servitude over the unregistered Erf 12199, Hermanus in co-operation with the Town Planning Department, which servitude will link up with the service servitude and with Mussel Road;
3. that Massbuild (Pty) Ltd t/a Builders Express at their cost register a service servitude east of the right-of-way servitude (the existing Mussel Road) for the 11kV cable transgressing the property and access to the Main Road;
4. that cognisance be taken of the fact that the subject portion of 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;
5. that Massbuild (Pty) Ltd t/a Builders Express be responsible for all the costs pertaining to the advertisement of the transfer and all costs involved with the registration of the transfer in the Deeds Office, including the registering of the Certificate of Registered Title and Certificate of Consolidated title and subsequent transfer and other costs as may be stipulated;
6. that a grant-in-aid to the amount of R7 613 660 (SEVEN MILLION SIX HUNDRED AND SIXTY RAND) be made available to Hermanus Sport Club, to be included on a subsequent budget or mid-year review adjustments budget, subject to the receipt of the proceeds of the sale of unregistered erf 12199 into the Municipality's bank account, be paid to the Hermanus Sport Committee;
7. that, in the instance of payment in respect of the amount in resolution 6 above be made beyond 2017, the amount be escalated with yearly CPI for another year;

8. that payment to the Hermanus Sport Committee be further subject to all conditions previously set by Council at its meeting held on 29 February 2012; and
9. that the payment be made in tranches as agreed to between the Municipality and the Hermanus Sport Committee.

**RESPONSIBLE OFFICIAL :**

**M ERASMUS**

**TARGET DATE FOR IMPLEMENTATION :**

**30 JUNE 2017**

**TARGET DATE TO INFORM APPLICANT :**

**N/A**

## 5.13

**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)  
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR APRIL 2017****(ITEM 5, PAGE 1: MAYORAL COMMITTEE MEETING : 31 MAY 2017)****RECOMMENDATION TO THE COUNCIL:**

1. that the deviations from the procurement processes, approved in terms of the delegated authority for April 2017, **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 April 2017, **be noted**.

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

5.14

**FINAL 4<sup>th</sup> GENERATION INTEGRATED DEVELOPMENT PLAN (IDP) FOR 2017/2021**

**(ITEM 6, PAGE 7 : MAYORAL COMMITTEE MEETING : 31 MAY 2017)**

**RECOMMENDATION TO THE COUNCIL:**

that the final 4<sup>th</sup> Generation IDP for the five year period of 2017/2021 **be approved.**

**RESPONSIBLE OFFICIAL :**

**R LOUW**

**TARGET DATE FOR IMPLEMENTATION :**

**1 JULY 2017**

**5.15**

**WATER SERVICES DEVELOPMENT PLAN (IDP SECTOR INPUT REPORT) FOR 2017/18**

**(ITEM 7, PAGE 12 : MAYORAL COMMITTEE MEETING : 31 MAY 2017)**

**RECOMMENDATION TO THE COUNCIL:**

that the Water Services Development Plan for 2017/18 **be approved.**

**RESPONSIBLE OFFICIAL :**

**H BLIGNAUT**

**TARGET DATE FOR IMPLEMENTATION :**

**1 JULY 2017**

**5.16****AIR QUALITY MANAGEMENT PLAN: OVERSTRAND MUNICIPALITY****(ITEM 8, PAGE 134 : MAYORAL COMMITTEE MEETING : 31 MAY 2017)****RECOMMENDATION TO THE COUNCIL:**

1. that the Air Quality Management Plan **be approved**; and
2. that the approved Air Quality Management Plan be included as a Sector Plan in the new 5 year Integrated Development Plan.

**RESPONSIBLE OFFICIAL:****P APLON****TARGET DATE FOR IMPLEMENTATION:****1 JULY 2017**

5.17

**OVERSTRAND: SPATIAL DEVELOPMENT FRAMEWORK AND SECTORAL PLANS: OVERSTRAND MUNICIPALITY****(ITEM 9, PAGE 158 : MAYORAL COMMITTEE MEETING : 31 MAY 2017)****RECOMMENDATION TO THE COUNCIL:**

that the Spatial Development Framework, 2006 and the Sectoral Plans **be incorporated** as a Sectoral Plan to the Integrated Development Plan in terms of Section 34(a) of the Local Government: Municipal Systems Act No.32 of 2000.

**RESPONSIBLE OFFICIAL :****R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****1 JUNE 2017**

## 5.18

REVISION OF ALL BUDGET RELATED POLICIES OF THE OVERSTRAND MUNICIPALITY

(ITEM 10, PAGE 172 : MAYORAL COMMITTEE MEETING : 31 MAY 2017)

**RECOMMENDATION TO THE COUNCIL:**

that the revised budget related policies **be approved** and implemented with effect from 1 July 2017.

**RESPONSIBLE OFFICIAL :**

**S REYNEKE-NAUDE**

**TARGET DATE FOR IMPLEMENTATION :**

**1 JULY 2017**

## 5.19

## FINAL BUDGET FOR OVERSTRAND MUNICIPALITY : 2017/2018

**(ITEM 11, PAGE 462 : MAYORAL COMMITTEE MEETING : 31 MAY 2017)****RECOMMENDATION TO THE COUNCIL:**

1. that, in terms of section 24 of the Municipal Finance Management Act, (Act 56 of 2003), the annual budget of the Municipality for the 2017/18 to 2019/2020 MTREF (Medium Term Revenue and Expenditure Framework) period **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- and single year capital appropriations by standard classification (vote) and 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 property rates reflected in **Annexure A, be imposed** for the budget year 2017/18;
3. that tariffs and charges reflected in **Annexure A, be approved** for the budget year 2017/18;
4. that the Municipal Manager be authorised to sign all the necessary agreements and documents to give effect to the third draw down of the three year borrowing programme for external loans amounting to R30 million per annum;
5. that the following schedules be noted:

- Schedule 9:** Budgeted financial performance (revenue & expenditure by standard classification)
- Schedule 10:** Budgeted capital appropriations by municipal vote

6. that **cognisance be taken** of the letters of comment received from the community and the LG MTEC 3 Assessment Report by Provincial Treasury and the Provincial Department of Local Government, included in Annexures J and K respectively of the budget report; and

7. that **cognisance be taken** of the 2017/2018 Budget Report.

**RESPONSIBLE OFFICIAL :**

**BA KING**

**TARGET DATE FOR IMPLEMENTATION :**

**1 JULY 2017**

**5.20****MUNICIPAL REGULATIONS ON A STANDARD CHART OF ACCOUNTS (mSCOA):  
PROGRESS ON STATUS OF THE mSCOA IMPLEMENTATION PROJECT****(ITEM 12, PAGE 521 : MAYORAL COMMITTEE MEETING : 31 MAY  
2017)****RECOMMENDATION TO THE COUNCIL:**

that the mSCOA Progress Report for the implementation of the mSCOA Regulations  
be noted.

**RESPONSIBLE OFFICIALS:****S REYNEKE-NAUDE  
C LE ROUX  
B KING  
E HOONEBERG  
H VORSTER****TARGET DATE FOR IMPLEMENTATION :****1 JULY 2017**

5.21

**CONTRACT SC 1701A/2016: PROPOSED AMENDMENT: SOFTWARE AND WEBSITE FOR CARAVAN PARK /CAMPING RESERVATIONS FOR A CONTRACT PERIOD ENDING 30 JUNE 2020.**

**(ITEM 13, PAGE 534: MAYORAL COMMITTEE MEETING : 31 MAY 2017)**

**RECOMMENDATION TO THE COUNCIL:**

1. that **cognisance be taken** of the reasons for the proposed amendment of **Contract 1701A/2016 for Software and Website for Caravan park / Camping reservations for a contract period ending 30 June 2020**, 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 consented to; and
2. that **cognisance be taken** that no recommendations or representations were received from the local community by closing date, 24 April 2017.

**RESPONSIBLE OFFICIAL :**

**D KEARNEY  
D LAKEY  
J VAN ASPEREN  
M POTGIETER**

**TARGET DATE FOR IMPLEMENTATION :****1 JULY 2017**

## 5.22

**PROPOSED AMENDMENT OF TWO CONTRACTS REGARDING GEOGRAPHIC INFORMATION SYSTEMS SERVICES (GIS):**

**CONTRACT SC1634A/2015 PROVISION OF GEOGRAPHIC INFORMATION SYSTEMS (GIS) SERVICES IN THE OVERSTRAND MUNICIPAL AREA AS WELL AS**

**CONTRACT SC1793/2017 THE ACQUISITION OF A CAPPED ELS LICENSING FEE FOR THE GIS SYSTEM FOR A CONTRACT PERIOD ENDING 30 JUNE 2020**  
*(previously SCD2735/2014)*

**(ITEM 14, PAGE 568 : MAYORAL COMMITTEE MEETING : 31 MAY 2017)**

**RECOMMENDATION TO THE COUNCIL :**

1. that **cognisance be taken** of the reasons for the proposed amendment of the contract SC1634/2015 for the provision of Geographic Information System services in the Overstrand municipal area, and contract SCD2735/2014 for the Enterprise License Agreement (ELA) licensing fee for the Geographical Information System (GIS) in terms of the enabling provision of Section 116(3) of the Local Government : Municipal Finance Management Act 2003 (Act 56 of 2003), and that the amendments be consented to; and
2. that **cognisance be taken** that no recommendations or representations were received from the local community by closing date, 24 April 2017.

**RESPONSIBLE OFFICIAL :**

**L RAUCH**

**TARGET DATE FOR IMPLEMENTATION :**

**1 JULY 2017**

**TARGET DATE TO INFORM APPLICANT :**

**1 JULY 2017**

**5.23****REAPPOINTMENT OF COUNCILLORS ON PORTFOLIO COMMITTEES****(ITEM 15, PAGE 597 : MAYORAL COMMITTEE MEETING : 31 MAY 2017)****RECOMMENDATION TO THE COUNCIL:**

1. that resolution 2 under Item 5.23 adopted on 29 March 2017, **be revoked**;
2. that Committees (so-called Portfolio Committees), in terms of section 80, read with section 79, of the Local Government : Municipal Structures Act, No 117 of 1998, **be reappointed**; and
3. that a simple majority of members of any one of the Committees constitutes **a quorum**.

**RESPONSIBLE OFFICIAL:****H VAN TONDER****TARGET DATE FOR IMPLEMENTATION:****31 MAY 2017**

5.24

REPORT OF THE JOINT AUDIT AND PERFORMANCE AUDIT COMMITTEE  
(JAPAC) TO THE OVESTRAND MUNICIPAL COUNCIL

(ITEM 16, PAGE 601 : MAYORAL COMMITTEE MEETING : 31 MAY  
2017)

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 :

31 MAY 2017

5.25

REVISION OF JOINT AUDIT AND PERFORMANCE AUDIT COMMITTEE CHARTER

(ITEM 17, PAGE 620 : MAYORAL COMMITTEE MEETING : 31 MAY 2017)

RECOMMENDATION TO THE COUNCIL:

that the revised Joint Audit and Performance Audit Committee Charter **be adopted**.

RESPONSIBLE OFFICIAL:

DC VAN DER HEEVER

TARGET DATE FOR IMPLEMENTATION:

1 JUNE 2017

5.26

**EXECUTIVE MAYOR'S SPECIAL FUND POLICY****(ITEM 18, PAGE 637 : MAYORAL COMMITTEE MEETING : 31 MAY 2017)****RECOMMENDATION TO COUNCIL:**that the Executive Mayor's Special Fund Policy **be adopted**.**RESPONSIBLE OFFICIAL:****B KING****TARGET DATE FOR IMPLEMENTATION:****1 JULY 2017**

**6. CONSIDERATION OF REPORTS****6.1****INVESTIGATION INTO THE IRREGULAR EXPENDITURE REGARDING PAYMENT MADE TO THE BEACH ROAD CAFÉ HAWSTON IN RESPECT OF THE SUPPLY OF NEWSPAPERS TO THE HAWSTON LIBRARY****3/2/3/8****D Kearney / H van Tonder****(028) 313 8037****Corporate Head Office****3 April 2017**

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**1. Executive Summary**

The purpose of the report is to request Council to approve the writing off of irregular expenditure incurred for the purchasing of newspapers for Hawston Library to the amount of R1 412,30 (excluding VAT).

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

Not applicable

**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)  
(MFMA)  
Overstrand Municipality Supply Chain Management Policy

**6. Background/Discussion**

The Hawston Library has been acquiring the supply of the daily newspapers, Die Burger and Cape Times, from the general dealer nearest to the Library, namely Beach Road Café, Hawston, since the construction of the Library.

There is no other supplier in the close proximity to the Hawston Library. The practice was conducted without any problems up until June 2014. With the advent of the 2014/15 financial year, the Librarians of the various libraries in

Hermanus Area were requested to submit requisitions for the supply of newspapers up front for a specific period and not on a month to month basis as was done in the past. The Hawston Library submitted the requisition for first two months i.e. July – August 2014 (requisition number 44672, dated 15 August 2014) Order number 19637 was issued on 28 August 2014.

The requisition for September onwards was submitted on 10 December 2014. The Librarian, Belinda May was informed that the order to Beach Road Café could not be processed in terms of the SCM Policy, due to the fact that the services had been rendered already.

The supply of the newspapers was ceased on 31 December 2014. This payment amounted to R1 610,02 (R1 412,30 VAT Excl.)

Newspapers were thus supplied to the Hawston Library for the period September 2014 to December 2014 without a purchase order.

No newspapers were provided for the remainder of the financial year and to date, there is still no supplier for the Cape Times. The Libraries are an important source of information and it was deemed an important part of the service delivery to receive the daily newspapers. It was common knowledge that advertisements for employment and tenders are placed in these required newspapers.

On 29 March 2017 the Municipal Public Accounts Committee consisting of Cllr S Tebele, Ald N Botha-Guthrie and Cllr A Klaas considered the matter and recommended that the irregular expenditure to the amount of R1 412,30 (excl vat) for the provision of newspapers to Hawston Library 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.

## **7. Financial Implications**

Irregular expenditure to the value of R1 412,30 (excluding VAT)

## **8. Staff Implications**

None

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

None

**10. Annexures**

None

**RECOMMENDATION TO THE COUNCIL:**

that the irregular expenditure to the amount of R1 412,30 (excl vat) for the provision of newspapers to Hawston Library 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.

**RESPONSIBLE OFFICIAL:****B KING  
C LE ROUX****TARGET DATE FOR IMPLEMENTATION:****12 JUNE 2017**

## 6.2

**INVESTIGATION INTO THE INSTANCE OF FRUITLESS AND WASTEFUL EXPENDITURE: NON-DELIVERY OF THE 28 DAY CLEARING AND MAINTENANCE OF VEGETATION NOTICE ON OPEN LAND, PROPERTY 219, SANDBAAI**

3/2/3/8

D Kearney / H van Tonder

(028) 313 8037

Corporate Head Office

3 April 2017

**1. Executive Summary**

The purpose of the report is to request Council to approve the writing off of fruitless and wasteful expenditure in the amount of R2 672,15.

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

Not applicable

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance.

**4. Delegated Authority**

Not applicable

**5. Legal Requirements**

Local Government: Municipal Finance Management Act 2003, (Act 56 of 2003) (MFMA)

Overstrand Municipality Supply Chain Management Policy dated 25 May 2008, as amended.

Fire Hazard Management Policy for the clearing and maintenance of vegetation on open land.

**6. Background/Discussion**

**Background**

Dispute was received from RM Peda the owner regarding the clearing of his plot Erf 219, Sandbaai. Mr Peda objected to the clearing of his plot, because he had not received a notification to clear the overgrown vegetation, and requested an investigation to this matter.

**Discussion**

An investigation was lodged by the Division Commander of the Fire Department, Joe Schoeman whereby he found that:

- (i) The instruction to issue a notice for the property to be cleared was send to the administrator's office on the 16 July 2014;
- (ii) The notice was issued by the administrator on 27 July 2014 and sent per registered mail RD880484505za, with a compliance date 3 September 2014, to the address (RM Peda, P.O. Box 203, George, 6530);
- (iii) On 9 October 2014, the 2<sup>nd</sup> inspection commenced, and the plot was found to be still overgrown;
- (iv) The erf number was thus subsequently placed on the contractor's list for clearing and was cleared accordingly.

It was discovered that the original notice was addressed to the incorrect address. The correct postal address was P.O. Box 2038 and not P.O. Box 203.

The mistake (typing error) can be regarded as unintentional/oversight due to human error. This incorrect address therefore, resulted in the actual owner not receiving the notice to which he is adamant that he would have responded.

The incumbent of the Plot Clearing Administrator post at the time of the incident was vacant. However, in an attempt to provide continuity, the function was intermittently filled by temporary incumbents. The temporary employee at the time of the administrative oversight reported to Ms Buli Plaatjies, Assistant Manager: Hermanus Administration and is no longer in service of the Municipality.

The property was cleared by the municipal contractor resulting in the cost as determined by tender and the administration fee being levied on the municipal account of R Peda.

Mr Peda indicated in writing that the cost to clear his plot could be no more than R420.00 plus 20 % which is R504.00. He also stated that he might have cleared the plot of the overgrown vegetation himself at no cost. However, Mr Peda resides in George and the traveling cost (return) alone to Hermanus would have been considerably more than R504.00.

On 29 March 2017 the Municipal Public Accounts Committee consisting of Cllr S Tebele, Ald N Botha-Guthrie and Cllr A Klaas considered the matter and recommended that the Fruitless and Wasteful Expenditure to the value of R 2 672.15, in relation to the payment of funds to a contractor for plot clearing,

and the administration fee subsequently being levied on the municipal account of R Peda incorrectly, be certified as irrecoverable and written off.

**7. Financial Implications**

R2 672,15

**8. Staff Implications**

None

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

None

**10. Annexures**

None

**RECOMMENDATION TO THE COUNCIL:**

that the Fruitless and Wasteful Expenditure to the value of R 2 672.15, in relation to the payment of funds to a contractor for plot clearing, and the administration fee subsequently being levied on the municipal account of R Peda incorrectly, be certified as irrecoverable and written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, No 56 of 2003.

**RESPONSIBLE OFFICIAL :****B KING  
C LE ROUX****TARGET DATE FOR IMPLEMENTATION :****12 JUNE 2017**

**6.3****INVESTIGATION INTO THE INSTANCE OF FRUITLESS AND WASTEFUL EXPENDITURE: THE PAYMENT OF FUNDS TO AN INCORRECT CREDITOR, BEING CORPTRAIN TRADING (PTY) LTD****3/2/3/8****C le Roux / H van Tonder  
3 April 2017****(028) 313 8037****Corporate Head Office**

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**1. Executive Summary**

The purpose of the report is to request Council to approve the writing off of fruitless and wasteful expenditure in the amount of R176 250.

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

Not applicable

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance.

**4. Delegated Authority**

Not applicable

**5. Legal Requirements**

Local Government: Municipal Finance Management Act 2003, (Act 56 of 2003) (MFMA)

Overstrand Municipality Supply Chain Management Policy dated 25 May 2008, as amended.

**6. Background/Discussion****Background**

The former Section 79 Committee considered a report on 29 March 2016, stating the circumstances and facts related to an incorrect payment made to Corptrain Trading (Pty) Ltd. The municipality has further considered the issue of recoverability in the subsequent report and the Legal Services Department has also provided commentary to the item.

The recommendation to the committee in the previous report, based on further consideration of the circumstances and facts, inclusive of legal commentary, stated as follows:

“That it be recommended to Council that the Fruitless and Wasteful Expenditure to the value of R176 250, in relation to the payment of funds to an incorrect creditor, being Corptrain Trading (Pty) Ltd, 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.”

After consideration of the report, the committee came to the conclusion that there was negligence.

The committee subsequently requested that Mrs Ingrid Thesen supply the committee, within 14 days from the date of the meeting, with full reasons why she should not be held accountable for the erroneous payment to Corptrain Trading (Pty) Ltd.

### **Discussion**

The request of the former Section 79 Committee to Mrs Ingrid Thesen was discussed with Mrs Thesen on the same day by Mrs Reyneke-Naude in collaboration with Mr Wallace from our Legal Services department.

Mrs Thesen indicated that she will consider the request, but also requested to have the opportunity to discuss the request with her union as an unexpected turn of events, after she originally received a sanction of a final written warning in conclusion of a disciplinary process at that time.

The submission of the reasons as requested was followed up on numerous occasions. Confirmation was also received from the chairperson of IMATU that this matter was reported to them.

It has transpired that, although there might have been willingness by Mrs. Thesen to adhere to the request, she ultimately decided to accept the guidance from IMATU, to abide by all information already provided/stated previously in this matter, as the “safest” position.

On 29 March 2017 the Municipal Public Accounts Committee consisting of Cllr S Tebele, Ald N Botha-Guthrie and Cllr A Klaas considered the matter in terms of the background, all facts and opinions provided in the report before the committee, and recommended that the Fruitless and Wasteful Expenditure to the value of R 176,250, in relation to the payment of funds to an incorrect creditor, being Corptrain Trading (Pty) Ltd, 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.

**7. Financial Implications**

R176 250

**8. Staff Implications**

None

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

None

**10. Annexures**

None

**RECOMMENDATION TO THE COUNCIL:**

that the Fruitless and Wasteful Expenditure to the value of R 176,250, in relation to the payment of funds to an incorrect creditor, being Corptrain Trading (Pty) Ltd, 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.

**RESPONSIBLE OFFICIAL :****B KING  
C LE ROUX  
E HOONEBERG****TARGET DATE FOR IMPLEMENTATION :****12 JUNE 2017**

## 6.4

**APPOINTMENT OF A NEW MEMBER : MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)**

3/2/3/7

H van Tonder  
12 April 2017

(028) 313 8037

Corporate Head Office

**1. Executive Summary**

The purpose of the report is to afford Council the opportunity to appoint a new member for the Municipal Public Accounts Committee (MPAC) due to Cllr A Klaas who resigned as councillor.

**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**

Constitution of the Republic of South Africa, 1996 (Constitution)  
Local Government: Municipal Structures Act, 1998 (Act No.117 of 1998) (Structures Act)  
Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA)  
Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (Systems Act)

**6. Background/Discussion**

Council on 12 August 2016 resolved as follows:

**“RESOLVED (UNANIMOUSLY):**

1. that the Overstrand Municipal Public Accounts Charter **be adopted**;

2. that the following members **be appointed** on the Municipal Public Accounts Committee :  
  
Ald N Botha-Guthrie, Cllrs F Africa, A Klaas, S Tebele and B Molefe;
3. that the Cllr S Tebele **be appointed** as Chairperson and
4. that Cllr B Molefe be appointed as **secundus** for the Chairperson.”

Further, Council on 29 March 2017 resolved as follows:

**“RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that Cllr K Brice be appointed as a new member on the Municipal Public Accounts Committee to replace Cllr F Africa who has been appointed by the Executive Mayor as Chairperson of the Protection Services Portfolio Committee.”

Council is thus requested to appoint a new member for the MPAC due to Cllr A Klaas’ resignation as councillor.

**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 a non-executive councillor be appointed as a new member on the Municipal Public Accounts Committee.

**RESPONSIBLE OFFICIAL :**

**H VAN TONDER**

**TARGET DATE FOR IMPLEMENTATION :**

**IMMEDIATELY**

6.5

RECESS : JUNE / JULY 2017

3/2/1/4

H van Tonder

(028) 313 8037

Corporate Head Office

20 April 2017

### 1. Executive Summary

The purpose of the report is to obtain confirmation of Council's recess from 28 June 2017 (**immediately after conclusion of the Council Meeting**) to 23 July 2017 and related matters.

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

Not applicable

### 3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance.

### 4. Delegated Authority

None

### 5. Legal Requirements

- Constitution of the Republic of South Africa, 1996 (Constitution)
- Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) (Structures Act)
- Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) (Systems Act)

### 6. Background/Discussion

Section 18(2) of the Structures Act provides that a municipal council must meet at least quarterly.

Item 3 of the Code of Conduct for Councillors (Schedule 1 to the Systems Act) provides that a Councillor must attend each meeting of the municipal council and of a committee of which that Councillor is a member. Apart from the aforesaid, Council's By-law on Rules of Order for Internal Arrangements also addresses this matter. Should Council resolve to go into recess **immediately after conclusion of the Council Meeting on 28 June 2017 to 23 July 2017,**

such a resolution will have no effect on Council's legal responsibility to meet at least quarterly.

During the proposed recess, all urgent matters can be dealt with by the Executive Mayor (or acting) in consultation with the Municipal Manager (or acting), except those reserved in terms of the provisions of Section 160(2) of the Constitution and Section 59 (1) (a) of the Systems Act for full Council.

#### **7. Financial Implications**

None

#### **8. Staff Implications**

None

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

None

#### **10. Annexures**

None

#### **RECOMMENDATION TO THE COUNCIL:**

1. **that the proposed period of recess, i.e. 28 June 2017** (immediately after conclusion of the Council Meeting) **to 23 July 2017** (the latter included) **be approved**; and
2. that, during the period of recess, all urgent matters/emergency situations be dealt with by the Executive Mayor (or acting) in consultation with the Municipal Manager (or acting), except those reserved by law for full Council.

**RESPONSIBLE OFFICIAL :**

**H VAN TONDER**

**TARGET DATE FOR IMPLEMENTATION :**

**NOT APPLICABLE**

**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)**