



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

A G E N D A

I-AJENDA

DATE / DATUM / UMHLA : 30 MAY / MEI / MEYI 2018
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

25 May / Mei / Meyi 2018

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, 30 MAY 2018** 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

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, 30 MEI 2018** 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

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** ngo**LWESITHATHU, Umhla we 30 MEYI 2018** 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, 25 April 2018** 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 30 May 2018 had formally sat.

**5.1
WRITING OFF OF IRRECOVERABLE DEBT**

(ITEM 1, PAGE 1 : FINANCE PORTFOLIO - MAYORAL COMMITTEE MEETING : 30 MAY 2018)

RECOMMENDATION TO THE COUNCIL:

that the irrecoverable debt to the value of R293 353.65 as listed below, be written off as bad debt:

A	First time write off – Indigent Households	R 36 826.73
B	Indigent water leakages irrecoverable	R187 450.67
C	Final accounts equal or less than R1,500.00	R 534.58
D	Other irrecoverable Debt	R 68 541.67
	TOTAL	<u>R293 353.65</u>

RESPONSIBLE OFFICIAL :

EM HOONEBERG

TARGET DATE FOR IMPLEMENTATION :

08 JUNE 2018

5.2

RISK MANAGEMENT COMMITTEE TERMS OF REFERENCE

**(ITEM 1, PAGE 1 : MANAGEMENT SERVICES PORTFOLIO -
MAYORAL COMMITTEE MEETING : 30 MAY 2018)**

RECOMMENDATION TO THE COUNCIL:

that the Risk Management Committee Terms of Reference **be approved.**

RESPONSIBLE OFFICIAL :

A RIDDLES

TARGET DATE FOR IMPLEMENTATION :

31 MAY 2018

5.3

DRAFT STREET NAMING AND NUMBERING POLICY

**(ITEM 2, PAGE 47 : INFRASTRUCTURE & PLANNING PORTFOLIO -
MAYORAL COMMITTEE MEETING : 30 MAY 2018)**

RECOMMENDATION TO THE COUNCIL:

that the Overstrand Municipality" Draft Street Naming and Numbering Policy **be adopted.**

RESPONSIBLE OFFICIAL :

R KUCHAR

TARGET DATE FOR IMPLEMENTATION :

MAY 2018

5.4

DRAFT NAMING POLICY

**(ITEM 3, PAGE 65 : INFRASTRUCTURE & PLANNING PORTFOLIO -
MAYORAL COMMITTEE MEETING : 30 MAY 2018)**

RECOMMENDATION TO THE COUNCIL:

that the Overstrand Municipality: Draft Naming Policy **be adopted.**

RESPONSIBLE OFFICIAL :

R KUCHAR

TARGET DATE FOR IMPLEMENTATION :

MAY 2018

5.5

HERMANUS, ERF 11154: CONSENT TO THE REMOVAL OF CONDITION B.5. (INCLUDING 5.1 – 5.3) FROM TITLE DEED NUMBER T45573/2014

(ITEM 4, PAGE 76 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 30 MAY 2018)

RECOMMENDATION TO THE COUNCIL:

1. that the removal of condition B.5. (including 5.1 to 5.3) as contained in Title Deed number T45573/2014 due to it having been fulfilled and has subsequently lapsed, **be approved**;
2. that the Municipal Manager be authorized to sign the required Deeds Office documents for the removal of above mentioned conditions.

RESPONSIBLE OFFICIAL :	ANJA LE ROUX
TARGET DATE FOR IMPLEMENTATION:	8 JUNE 2018
TARGET DATE TO INFORM APPLICANT:	15 JUNE 2018
TARGET DATE TO INFORM OBJECTOR:	N/A

5.6

HERMANUS: PORTIONS OF ERF 249 AND 832 HERMANUS “MARKET SQUARE STALLS”, EXTENSION OF LEASE AGREEMENT, MACHIEL ADRIAAN DE KLERK

(ITEM 5, PAGE 85 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 30 MAY 2018)

RECOMMENDATION TO THE COUNCIL:

1. that the deviation from paragraph 18 of the Administration of Immovable Property Policy in order to extend the current lease agreement with Mr M A de Klerk for a further period of 20 (TWENTY) months without following a competitive process, **be approved**, and
2. that the deviation from paragraph 20 of the Administration of Immovable Property Policy in order to extend the current lease agreement with Mr M A de Klerk for a further period of 20 (TWENTY) months without following a public participation process, **be approved**.

RESPONSIBLE OFFICIAL :**M ERASMUS****TARGET DATE FOR IMPLEMENTATION :****8 JUNE 2018****TARGET DATE TO INFORM APPLICANT :****30 JUNE 2018****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.7

**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c), FOR APRIL 2018**

(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING : 30 MAY 2018)

RECOMMENDATION TO THE COUNCIL:

1. that the deviations from the procurement processes, approved in terms of the delegated authority for April 2018, **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 2018, **be noted**.

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

5.8**FINAL INTEGRATED DEVELOPMENT PLAN (IDP) REVIEW 2018/19****(ITEM 6, PAGE 7 : MAYORAL COMMITTEE MEETING : 30 MAY 2018)****RECOMMENDATION TO THE COUNCIL:**that the final IDP review for the 2018/19 financial year **be approved**.**RESPONSIBLE OFFICIAL :****R LOUW****TARGET DATE FOR IMPLEMENTATION :****1 JULY 2018**

5.9

REVISION OF ALL BUDGET RELATED POLICIES OF THE OVERSTRAND MUNICIPALITY

(ITEM 7, PAGE 19 : MAYORAL COMMITTEE MEETING : 30 MAY 2018)

RECOMMENDATION TO THE COUNCIL:

that the revised budget related policies be approved and implemented with effect from 1 July 2018.

RESPONSIBLE OFFICIAL :

S. REYNEKE-NAUDE

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2018

5.10

FINAL BUDGET FOR OVERSTRAND MUNICIPALITY : 2018/2019

(ITEM 8, PAGE 338 : MAYORAL COMMITTEE MEETING : 30 MAY 2018)**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 2018/2019 to 2020/2021 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**, as attached to the agenda, **be imposed** for the budget year 2018/19;
3. that tariffs and charges reflected in **Annexure A**, as attached to the agenda, **be approved** for the budget year 2018/19;
4. that the Municipal Manager be authorised to sign all the necessary agreements and documents to give effect to the 1st draw down of the proposed three year borrowing programme for external loans amounting to R54 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 2018/2019 Budget Report.

RESPONSIBLE OFFICIAL :

BA KING

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2018

5.11

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

(ITEM 9, PAGE 400 : MAYORAL COMMITTEE MEETING : 30 MAY 2018)

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 :

30 MAY 2018

5.12

FINAL REVIEWED PERFORMANCE MANAGEMENT FRAMEWORK (PMF)

(ITEM 10, PAGE 425 : MAYORAL COMMITTEE MEETING : 30 MAY 2018)

RECOMMENDATION TO THE COUNCIL:

that the final reviewed Performance Management Framework **be approved.**

RESPONSIBLE OFFICIAL :

**R LOUW
L BUCCHAINERI
D VAN DER HEEVER
C ROETS**

TARGET DATE FOR IMPLEMENTATION :

4 JUNE 2018

5.13

GRANTS-IN-AID: RECOMMENDATIONS FOR 2018/19

(ITEM 11, PAGE 481 : MAYORAL COMMITTEE MEETING : 30 MAY 2018)

RECOMMENDATION TO THE COUNCIL:

1. that the
 - (a) Grants-in-Aid: Schedule of recommended beneficiaries for the 2018/19 financial year; and
 - (b) Grants-in-Aid: Schedule of unsuccessful applicants 2018/19

be noted.
2. that the necessary deviations from the Policy **be approved** so as to enable the Committee to award the recommended beneficiaries.

RESPONSIBLE OFFICIAL:**GG SMIT****TARGET DATE FOR IMPLEMENTATION:****JULY 2018**

5.14

LONG TERM BULK WATER SERVICES OPERATION AND MAINTENANCE CONTRACT: LITIGATION**(ITEM 12, PAGE 489 : MAYORAL COMMITTEE MEETING : 30 MAY 2018)****RECOMMENDATION TO THE COUNCIL:**

1. that cognisance be taken of the application for leave to appeal to the Constitutional Court to review the order by the Supreme Court of Appeal of 29 March 2018 that the existing Contract SC 1508/2014 with Veolia be set aside; and
2. that cognisance be taken of the new tender process to be followed in terms of Council Resolution 4.7. of 22 January 2014, should the application for leave to appeal to the Constitutional Court be unsuccessful.

RESPONSIBLE OFFICIAL :**H BLIGNAUT****TARGET DATE FOR IMPLEMENTATION :****DEPENDING ON DATE OF
CONSTITUTIONAL COURT
DECISION****TARGET DATE TO INFORM APPLICANT :****NOT APPLICABLE****TARGET DATE TO INFORM OBJECTOR :****NOT APPLICABLE**

6. CONSIDERATION OF REPORTS**6.1****RECESS : JUNE / JULY 2018****3/2/1/4****H van Tonder
20 April 2018****(028) 313 8037****Corporate Head Office**

1. Executive Summary

The purpose of the report is to obtain confirmation of Council's recess from 27 June 2018 (**immediately after conclusion of the Council Meeting**) to 22 July 2018 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 27 June 2018 to 22 July 2018**,

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.

It is important to note that a **Special Council Meeting** will take place on **Wednesday, 25 July 2018**.

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. 27 June 2018** (immediately after conclusion of the Council Meeting) **to 22 July 2018** (the latter included) **be approved;**
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; and
3. that **cognisance be taken** that a **Special Council Meeting** will take place on **Wednesday, 25 July 2018**.

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)