



**SPECIAL MEETING OF THE COUNCIL**

**SPEZIALE VERGADERING VAN DIE RAAD**

**INTLANGANISO EKHETHEKILEYO YEBHUNGA**

**A G E N D A**

**I-AJENDA**

**DATE / DATUM / UMHLA : 17 MAY / MEI / MEYI 2022**

**VENUE / PLEK / INDAWO : AUDITORIUM**  
**CIVIC CENTRE, HERMANUS**

**TIME / TYD / IXESHA : 12:00**

# **MUNISIPALITEIT OVERSTRAND MUNICIPALITY**

Office of the Municipal  
Manager  
Municipal Offices  
HERMANUS

13 May 2022

## **NOTICE TO ALL ALDERMEN & COUNCILLORS**

### **SPECIAL MEETING OF THE OVERSTRAND MUNICIPAL COUNCIL**

**NOTICE IS HEREBY GIVEN** that a **SPECIAL MEETING** of the **OVERSTRAND MUNICIPAL COUNCIL** will be held in the **Auditorium, Civic Centre, Hermanus**, on **Tuesday, 17 May 2022** at **12:00** 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**

### **SPESIALE VERGADERING VAN DIE OVERSTRAND MUNISIPALE RAAD**

**KENNIS WORD HIERMEE GEGEE** dat 'n **SPESIALE VERGADERING** van die **OVERSTRAND MUNISIPALE RAAD** gehou sal word in die **Ouditorium, Burgersentrum, Hermanus**, op **Dinsdag, 17 Mei 2022** om **12:00** 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 EKHETHEKILEYO YEBHUNGA LIKAMASIPALA WE-OVERSTRAND**

**OKU KUKWAZISA** ukuba **INTLANGANISO EKHETHEKILEYO YEBHUNGA**, eza kuba se **Auditorium, kwiZiko LoLUNTU, eHermanus ngoLWESIBINI, Umhla we 17 Meyi 2022** ngeye-**12:00** 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**  
**LOMPHATHI KAMASIPALA**

**AGENDA/...**

# SPECIAL COUNCIL

17 May 2022

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- 1. OPENING**
  
- 2. APPLICATIONS FOR LEAVE OF ABSENCE**
  
- 3. STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE  
SPEAKER / EXECUTIVE MAYOR**

#### 4. CONSIDERATION OF REPORTS

##### 4.1 APPOINTMENT OF WARD COUNCILLORS AND ALTERNATE REPRESENTATIVES: SPECIAL RATING AREAS

3/2/2/1

S Reyneke-Naude

Director Finance

12 May 2022

(028) 313 8040

##### 1. Executive Summary

The purpose of this report is to afford Council an opportunity to appoint councillors to serve as representatives on the Management Bodies of the three (3) Special Rating Areas established in Overstrand.

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

None

##### 3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance

Provision and maintenance of municipal services

Creation and maintenance of a safe and healthy environment

The encouragement of structured community participation in the matters of the municipality

Promotion of tourism, economic and social development

##### 4. Delegated Authority

None

##### 5. Legal Requirements

- Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA)
- Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004) (MPRA)
- Overstrand Municipality Special Rating Areas By-law, 2016 (SRA By-law)
- Overstrand Municipality Special Rating Area Policy, as amended (the Policy)

## 6. Background/Discussion/Evaluation/Conclusion

### Background

There are currently three (3) duly established Special Rating Areas in the Overstrand Municipal Area:

- **Hermanus Special Rating Area (HSRA):** all properties in the area from 17<sup>th</sup> Avenue in the East up to Swartdam Road in the West, with Still Street as the southern border and Fernkloof Nature Reserve as the northern border.
- **Kleinmond Special Rating Area (KSAG/KSRA):** all properties within the boundaries of Kleinmond, being from the eastern boundary of Heuningkloof, the coastline as the southern boundary of Palmiet and the informal settlement, and the mountain as northern boundary.
- **Onrus/Vermont Special Rating Area (OVSRA):** all properties in the area with the boundaries of Onrus, from the Onrus Main Road/R43 intersection in the East to the Vermont Lynx Road/R43 intersection in the West, the coastline on the south, and the ward's boundary on the mountain on the north.

Subsequent to establishment of a special rating area, the following prescripts apply in terms of section 9.2.5 of the Policy:

*“the Executive Mayor will appoint councillor(s) as director(s) and alternate director(s) as representative(s) of the Municipality, who shall attend and participate in, but not vote at meetings of the management body, to the board of the management body in accordance with sections 11(4) and 11(5) of the By-law. The director(s) appointed by the Executive Mayor will not have the powers and duties of directors as set out in the Companies Act and the management body's MOI;”*

Section 11 of the SRA By-Law also directs as follows with regard to the Establishment, Composition, Powers, and Duties of the Management Body of a special rating area:

- (1) *The applicant must cause the establishment of a management body for the purposes of implementing the provisions of the business plan.*
- (2) *The management body must be a non – profit company with members as prescribed in schedule 1, subsection 4(2) of the Amended Companies Act.*

- (3) *Overstrand Municipality shall monitor compliance by the management body with the applicable provisions of this By – law, any guidelines or policies adopted by Overstrand Municipality and any agreements entered into with the management body and Overstrand Municipality.*
- (4) *The Council must nominate the relevant ward councillor and one other person, as an alternate representative to attend and participate, but not vote, at the meetings of the management body.*
- (5) *Any Councillor appointed by the Executive Mayor must -*
- (a) not have all the powers and duties of directors of companies as set out in the Companies Act and the memorandum of incorporation of the management body;*
  - (b) be deemed to have vacated the position should such observer no longer serve as councillor and such observer shall be replaced.*
  - (c) not chair the board of the management body or any committee or sub – committee of the board.”*

It is thus recommended that councillor(s) be appointed to serve as representative(s) of the Municipality on the boards of the HSRA, KSAG and OVSRA respectively.

## **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 Council nominate the relevant ward councillors and one other person as an alternate representative for each ward councillor, to attend and participate, but not vote, at the meetings of the three (3) management bodies of the -

- i. Hermanus Special Rating Area,
- ii. Kleinmond Special Rating Area; and
- iii. Onrus-Vermont Special Rating Area

**RESPONSIBLE OFFICIAL :****S REYNEKE-NAUDE  
E HOONEBERG****TARGET DATE FOR IMPLEMENTATION :****31 MAY 2022**

## 4.2

**APPOINTMENT OF COUNCILLORS TO THE BABOON LIAISON COMMITTEES**

3/2/2/1

S Muller

12 May 2022

Director : Infrastructure &amp; Planning

(028) 313 8019

**1. Executive Summary**

The purpose of this report is for Council to appoint councillors to the Overstrand West and Overstrand East Baboon Liaison Committees.

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

Directorate: Infrastructure & Planning  
Department: Environmental Management Services

**3. Compliance with Strategic Priorities**

Provision of democratic, accountable and ethical governance  
The encouragement of structured community participation in the matters of the municipality  
Creation and maintenance of a safe and healthy environment  
The promotion of tourism, economic and social development

**4. Delegated Authority**

None

**5. Legal Requirements**

Western Cape Provincial Cabinet qualified Constitutional functional assignment.

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

The Cabinet of the Provincial Government approved, on 5 September 2019, a qualified Constitutional functional assignment to the Overstrand Municipality for the control and management of baboons by implementing the Strategic Baboon Management Plan (SBMP).

The purpose of the SBMP is *"The sustainable management of local baboon populations, by keeping them out of urban areas"*.

The approach prescribed and outcomes expected of the SBMP are as follows:

1. *Adaptive management, informed by sound monitoring, evaluation and scientific research,*
2. *Provision of effective regulatory requirement and support,*
3. *Baboon troop monitoring and fences, including virtual fences, to keep baboons out of the urban areas,*
4. *Waste Management to ensure that waste is inaccessible to baboons,*
5. *Public communication and awareness to enable stakeholder co-operation, and*
6. *Citizen partnership to enable localised institutional support.*

Outcome 6 above included the requirement of the establishment of an Overstrand Municipal Baboon Management Liaison Group (BLG) with a term of reference.

### **Discussion**

Implementation of the SBMP started in October 2019 with a phased approach. It was noticed early on that two BLG would be required because of the marked difference between the circumstances in the Eastern and Western regions where the program was implemented.

A term of reference, referred to as a constitution, was developed for each BLG. The constitutions are similar, with only minor differences as agreed by the stakeholders in each area (refer to Annexure A for an example of a BLG Constitution).

The constitutions allow for the Municipal Council to appoint members to the BLG.

### **Conclusion**

It is proposed that Council appoints members to the Eastern and Western BLG respectively.

## **7. Financial Implications**

None

**8. Staff Implications**

None

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

None

**10. Annexures**

Annexure A: BLG Constitution

**RECOMMENDATION TO THE COUNCIL:**

that Council appoint members to the Eastern and Western Baboon Liaison Groups.

**RESPONSIBLE OFFICIAL :**

**L DE VILLIERS**

**TARGET DATE FOR IMPLEMENTATION :**

**30 JUNE 2022**

Annexure A 1/7

OVERSTRAND MUNICIPALITY  
Baboon Management Program

BABOON LIAISON GROUP

TERMS OF REFERENCE  
(Version 2 – 25 February 2021)

## 1. Introduction

The Overstrand Municipality is experiencing problems with baboons that are entering the urban areas.

Within the municipal area, there are approximately 14 baboon troops of varying sizes comprising about 450 animals in total. There are “hotspot” areas which experience the presence of baboons more frequently than the rest of the municipal area. These are currently Rooiels, Pringle Bay, Kleinmond, Betty’s Bay, Onrus, Voelklip, Hermanus Heights and Fernkloof. Not all of the “hotspot” areas are high risk areas for baboon-human conflict or require urgent intervention, for example, the Rooiels community has baboons living within the urban area but does not feel that specific intervention is required outside of what the community itself is currently providing. Environmental factors such as fire or drought can also change the behavioural patterns of the baboon troops and therefore the risk potential for human-baboon conflict within specific areas changes over time.

## 2. Background

The Overstrand Municipality (OSM), the Western Cape Nature Conservation Board (CapeNature) and the Western Cape Provincial Department of Environmental Affairs and Development Planning (DEA&DP) concluded a *Compactum* in March 2019 in terms of the provisions of Chapter 4 of the Intergovernmental Relations Framework Act, 2015 (Act 13 of 2005). The purpose of the *Compactum* was to create a mechanism to resolve the issue of the control and management of nuisance or damage-causing baboons that occur in the Overstrand Municipal Area.

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In terms of the Compactum a Baboon Management Joint Task Team (BMJTT) was established to compile a Strategic Baboon Management Plan for the Overstrand Municipal Area. The mandate and terms of reference of the BMJTT are as articulated as points 2.1 to 2.5 within the Compactum:

*2.1. identifying and agreeing on practical measures that are necessary to deal effectively with these baboons;*

*2.2. costing the identified necessary measures;*

*2.3. agreeing on the allocation of, and the Parties' financial contribution towards, each of the identified necessary measures;*

*2.4. considering the establishment, and potentially recommending terms for, a joint decision-making structure to maintain oversight over the persons tasked with implementing the identified necessary measures, as well as to deal on a consensual basis with contentious or sensitive matters that may arise; and*

*2.5. negotiating the terms of an implementation protocol that gives effect to the above, which protocol will then provide for the joint management of these baboons in terms of a strategic baboon management plan (hereinafter referred to as: "the SBMP")."*

The BMJTT met on 20 March 2019 and 18 April 2019 to discuss and agree on the overall purpose and expected results of the management of baboons in the area. The outcome of the discussions was the **Strategic Baboon Management Plan (SBMP)**. The SBMP contains the agreed actions, outputs, timeframes, responsibilities and budgets for the implementation of the program.

On 4 September 2019, the cabinet of the Western Cape Government approved that:

*Only to the extent that is necessary as a matter of law in order to carry out the Compactum and the SBMP, the Western Cape Government hereby confirms a qualified Constitutional functional assignment to the Overstrand Municipality for the administration of the functional areas of "Animal control" and "Nature conservation"*

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*contained in Part A of Schedule 4 of the Constitution, in terms of section 156(4) of the Constitution; only for the purpose of the control and management of these baboon by way of implementation of the SBMP budgets, and only for the duration of the implementation of the SBMP.*

The assignment from the Western Cape Provincial Government provides the Overstrand Municipality with a Constitutional mandate to implement the SBMP

The purpose of this Strategic Baboon Management Plan is:

***"The sustainable management of local baboon populations,  
by keeping them out of urban areas."***

*In order to achieve the above purpose, the following results will be required:*

- Result 1: Adaptive management informed by sound monitoring and evaluation and scientific research;*
- Result 2: Efficient regulatory requirements and support provided;*
- Result 3: Baboon troops monitoring and fences, including virtual fences, to keep baboons out of urban areas;*
- Result 4: Waste Management to ensure that waste is inaccessible to baboons;*
- Result 5: Public communications and awareness to enable stakeholder cooperation;*
- Result 6: Citizen partnership to enable localised institutional support.*

In the Implementation Schedule of the SBMP, one of the actions required as part of Result 6 is the establishment of a Baboon Liaison Group (BLG). This document is the Terms of Reference for the envisaged BLG.

### **3. Geographic focus of the Baboon Liaison Group**

The Greater Hermanus Area.

#### 4. Purpose of the Baboon Liaison Group

The overarching purpose of the BLG is to serve as a platform for the Overstrand Municipality to engage constructively with all stakeholders, specifically local organised civil society and local organised businesses, in matters regarding the implementation of the SBMP.

#### 5. Mandate of the Baboon Liaison Group

The BLG has a public liaison function to form a good working relationship between the Municipality and all stakeholder through honest and open communication and cooperation.

The BLG has no decision-making or regulatory mandates.

#### 6. Objectives of the Baboon Liaison Group

The BLG's objectives are:

- 6.1. To be a vehicle that is representative of all the stakeholder groups of local areas in the municipal area that are affected by baboons;
- 6.2. To provide a mechanism for the exchange of information between all stakeholders;
- 6.3. To provide a forum for dialogue on the implementation of the SBMP; and
- 6.4. To provide information, advice and support to the municipality regarding the implementation of SBMP.

#### 7. Membership of the Baboon Liaison Group

- 7.1. The membership of the BLG will comprise of all stakeholder organisations and groups with a direct interest in the management of baboons and the implementation of the SBMP.
- 7.2. Each member will determine and mandate its own representatives to the BLG.
- 7.3. A maximum of one representative and a secundus should be nominated to represent each member.
- 7.4. The members represented on the BLG should include:
  - 7.4.1. Those who are affected by baboons;
  - 7.4.2. Those who are affected by the management of the baboons;
  - 7.4.3. Those who are affected by the implementation of the SBMP;

- 7.4.4. Those that regulate or govern aspects of the management of baboons or the implementation of the SBMP;
- 7.4.5. Those who play key economic roles within the local area, and;
- 7.4.6. Those that fill key social roles in the life of the local community.
- 7.5. The representatives must provide to the BLG formal letters indicating their mandate to represent a member.
- 7.6. The representative will be expected to represent and articulate the views and interest of those they represent.
- 7.7. The representative will be expected to keep abreast of all developments concerning the BLG.
- 7.8. The representative will be required to regularly liaise with, and seek the guidance of, those they represent.
- 7.9. The BLG (through the Chairperson) may facilitate experts to advise/consult/contribute on specific topics on an ad-hoc basis.

## 8. Meetings of the BLG

- 8.1. The BLG will be chaired by the Ward Councillor
- 8.2. The Municipality will provide a secretariat for the BLG.
- 8.3. The BLG will serve as a vehicle for information, communication and stakeholder engagement on the implementation of the SBMP.
- 8.4. The BLG will meet at least four times per year (or as otherwise mutually agreed to).
- 8.5. General arrangements applicable to meetings are as follows:
  - 8.5.1. Meetings will be arranged by the Municipality.
  - 8.5.2. The Municipality will provide a suitable venue for meetings.
  - 8.5.3. The Municipality, in consultation with the BLG members, will be responsible for preparing the draft agenda.
  - 8.5.4. The announcement of a meeting date and call for agenda items will be made at least 2 weeks before the meeting is held.
  - 8.5.5. The Municipality will be responsible for the drafting of the minutes as well as distribution of the invitation, agenda and minutes.

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- 8.5.6. Minutes of meetings will be distributed within 7 working days of the meeting, for perusal and acceptance by members.

## 9. Declaration of Confidentiality

Members of the BLG shall regard all information in, or in support of the SBMP as confidential and may not use any information for personal or 3rd party gain, but only for reporting back to the stakeholders they represent (refer to paragraph 8.5 of the SBMP).

Any individual or stakeholder organisation in breach of this confidentiality may be suspended from attending meetings and participating in the BLG, by written notice issued by the chairperson.

## 10. Communication

- 10.1. All communication with the BLG must be addressed to the chairperson.
- 10.2. All official communication from the BLG will take place through the chairperson or person nominated by the chairperson.
- 10.3. All communications with the media regarding the BLG must be agreed to at the BLG meetings.
- 10.4. The secretariat shall co-ordinate all communication on behalf of the BLG.

## 11. Rules for Engagement and general Code of Conduct

Members and their representatives will:

- 11.1. seek to promote dialogue and understanding.
- 11.2. always act in good faith, with integrity and honesty, and strive to solve problems and to collaborate, rather than promoting conflict and division.
- 11.3. always seek to find solutions to the problems and challenges under consideration.
- 11.4. acknowledge and respect the differences amongst themselves, while seeking to resolve disputes and conflict.

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- 11.5. not compromise the integrity and credibility of any stakeholder or representative on the BLG or the Municipality.
- 11.6. always seek to promote a spirit of transparency and disclose all relevant views and information pertinent to matters under discussion.
- 11.7. promote community interaction and participation through positive engagement;
- 11.8. not distribute unsubstantiated comment, misinformation, fake news, slander and the promotion of rumour mongering.

In cases where the BLG believes that a member or representative is not complying with the Code of Conduct or not performing his/her expected duties or bringing the BLG into disrepute, the BLG, through the chairperson, has the responsibility to inform the member or representative of such in writing. The Member or representative will have the right to respond to the allegations in writing within 7 days. The Chairperson will investigate the matter and bring it to the BLG which will determine the sanction.

**12. Adoption**

These Terms of Reference were adopted at a meeting of the BLG held at

Hermanus on the 13<sup>th</sup> day of March 2021.

Signed 

**Chairperson of the BLG**

## 4.3

**SALGA - MUNICIPAL REPRESENTATIVES ON PROVINCIAL WORKING GROUPS (PWGs)**

3/2/2/1

DS Arrison

Director: Management Services

12 May 2022

(028) 313 8001

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**1. Executive Summary**

The purpose of this report is for Council to nominate Councillors to serve as representatives on the different SALGA Provincial Working Groups (PWGs).

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

Directorate: Management Services  
Department: Management Services

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

None

**5. Legal Requirements**

None

**6. Discussion**

SALGA's programs are driven through its working groups whilst the National Executive Committee plays a crucial role in overseeing the overall activities of SALGA. The working groups act as the policy and strategic engine of the organisation and serve as an important platform for the communication and coordination between SALGA national, provinces and municipalities. The main purpose of working groups is to encourage, ensure and promote local government matters which include cooperative governance, consultation and coordination, and participative decision-making.

During the SALGA National Executive Committee (NEC) meeting on 13 April 2022, the following Working Groups were established:

1. Municipal Capability and Institutional Resilience
2. Community Development and Security

3. Governance and Intergovernmental Relations
4. Economic Development and Job Creation
5. Electricity and Energy, and Public Works
6. Water and Sanitation
7. Human Settlements and Urban Agenda
8. Health
9. Emergency Services and Disaster Management
10. Municipal Finance and Fiscal Policy
11. Municipal Digital Solutions
12. Public Transport and Roads
13. Environmental Management and Climate Resilience
14. Development Planning and Rural Development

Working groups, within their derived mandate, must develop policies, strategies, and programmes to address critical local government issues. They also serve as a forum through which organised local government can consult on a political level to contribute towards the creation of democratic and economically viable local government.

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

None

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

None

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

None

#### **10. Annexures**

Annexure A: Letter from SALGA to Municipalities on the Representatives to the Provincial Working Groups.

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

that Council nominate Councillors as representatives on the SALGA Provincial Working Groups (PWGs).

**RESPONSIBLE OFFICIAL :**

**DS ARRISON**

**TARGET DATE FOR IMPLEMENTATION :**

**NOT APPLICABLE**

Enq : Mr Khalil Mullagie  
 Tel : 082-883-8337  
 E-mail : [kmullagie@salga.org.za](mailto:kmullagie@salga.org.za)  
 Date : 22 April 2022



Annexure A  
 Physical Address  
 SALGA House  
 44 Strand Street  
 7th Floor  
 CAPE TOWN  
 8000

**TO: EXECUTIVE MAYORS  
 SPEAKERS  
 MUNICIPAL MANAGERS**

#### MUNICIPAL REPRESENTATIVES ON SALGA PROVINCIAL WORKING GROUPS (PWGs)

The purpose of this communication is –

- To inform your Municipality of the establishment of the respective Provincial Working Groups (PWGs);
- To invite your Municipality to nominate the Official Representative [Councillor] and a municipal official to each respective PWG; and
- To advise Municipalities on some of the procedural matters of the PWGs and the Subsistence and Travel arrangements for the Official Representative.

The SALGA National Executive Committee (NEC) at its meeting on 13 April 2022, established the following Working Groups –

SALGA WORKING GROUPS	
1.	Municipal Capability and Institutional Resilience
2.	Community Development and Security
3.	Governance and Intergovernmental Relations
4.	Economic Development and Job Creation
5.	Electricity and Energy, and Public Works
6.	Water and Sanitation
7.	Human Settlements and Urban Agenda
8.	Health
9.	Emergency Services and Disaster Management
10.	Municipal Finance and Fiscal Policy
11.	Municipal Digital Solutions
12.	Public Transport and Roads
13.	Environmental Management and Climate Resilience
14.	Development Planning and Rural Development

The following procedures will be in place to support your Municipal representative participation in the PWGs –

- Notice of PWG meetings will be sent a month prior to meetings to invite Municipalities to suggest agenda items. We urge Municipalities to consider and submit items that should be part of PWG Agenda.



[www.salga.org.za](http://www.salga.org.za)



- Final PWG Agenda with supporting documents will be sent between one to two weeks prior to the meetings. This will be sent via a DropBox-link. The PWG will continue to be paperless meetings.
- PWGs will only be convened if the need exists.
- To address the perceived lack of proper mandating and reporting by Municipal representatives, all Municipalities are encouraged to have SALGA as a standing item on the Municipal Council Agenda and Mayoral Committee Agendas.
- To assist with report back by Municipal representatives, we will distribute within a week after the PWGs, a Summary of Outcomes of the respective PWGs. This will be followed by the draft minutes of the respective PWGs.
- The Official Councillor Representative attending the PWG should be briefed / mandated to make inputs on the Agenda Items of the PWG.
- We will on a bi-annual basis advise your Municipality of the attendance, any apologies and absence of your representatives to the respective PWG Meetings.
- We will cover the subsistence and travel costs of the Official Councillor Representative, one per PWG.
- Currently SALGA reimburses at **R4.18 per km** and **R152.00** [incidental costs] **for every night away. Accommodation of the Official Councillor Representative will be arranged if the travelling distance to and from office / home to the meeting venue is more than 300 kms** or if the Official Councillor Representative must attend two meetings on consecutive days and the return trip is less than 300 km but outside the metropolitan area. Arrangements for accommodation needs to be communicated with the relevant SALGA official **at least seven [7] working days before the event.** Municipalities will have to inform our offices when the Official Councillor Representative makes use or is travelling with an official municipal vehicle. **Sitting Allowances at R1 020** per sitting [minus 12.5%Tax = R892.50] will be paid to the Official Councillor Representatives if **attendance at the meeting was 60% or above.** If two meetings are held on the same day, only one Sitting Allowance Claim will be honoured.

You are invited to nominate a Councillor and a Municipal Official [note, the Municipal Official will not receive any S&T and sitting allowance] to represent your Municipality on the PWGs. You are encouraged to ensure that your representatives should have relevant exposure to the functional areas.

You are also requested to, where possible and considering the exposure and experience of Councillors in the different functional areas of the Working Group clustered together, to nominate one Councillor per clustered meeting. In this regard, it is anticipated that the following PWGs will be clustered –

CLUSTERS – PROVINCIAL WORKING GROUPS	
1.	Municipal Capability and Institutional Resilience
2.	<ul style="list-style-type: none"> <li>• Community Development and Security</li> <li>• Health</li> </ul>
3.	Governance and Intergovernmental Relations
4.	<ul style="list-style-type: none"> <li>• Economic Development and Job Creation</li> <li>• Development Planning and Rural Development</li> <li>• Electricity and Energy, and Public Works</li> <li>• Water and Sanitation</li> </ul>
5.	<ul style="list-style-type: none"> <li>• Human Settlements and Urban Agenda</li> <li>• Public Transport and Roads</li> <li>• Environmental Management and Climate Resilience</li> </ul>
6.	Emergency Services and Disaster Management
7.	<ul style="list-style-type: none"> <li>• Municipal Finance and Fiscal Policy</li> <li>• Municipal Digital Solutions</li> </ul>

Attached is the Representative Form for your Municipality to be completed and to be returned to Mrs Magda Marais at [mmarais@salga.org.za](mailto:mmarais@salga.org.za) on or before Friday, 13 May 2022.

Thank you



**KHALIL MULLAGIE**  
PROVINCIAL DIRECTOR OPERATIONS

ENCL

## 4.4

**PROPOSED 2022/23 JDMA PROJECTS FOR OVERSTRAND MUNICIPALITY**

2/12/1

RG Louw

Senior Manager: Strategic Services

13 May 2022

(028) 313 8071

**1. Executive Summary**

The purpose of this report is to present to Council a proposed 2022/23 Joint District and Metro Approach (JDMA) project list for Overstrand Municipality.

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

*Management Services*  
*Strategic Services*

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

None

**5. Legal Requirements**

Sections 23 and 24 of the Local Government: Municipal Systems Act, 2000 (32 of 2000) [Systems Act]  
Section 153 of the Constitution of the Republic of South Africa, 1996

**6. Background**

In 2019 President Ramaphosa introduced the District Development Model (DDM) approach.

In the Western Cape, national government's District Development Model is implemented through the Joint District and Metro Approach (JDMA). The JDMA is a team-based approach in each district and the metro that will result in a single implementation and support plan. Each district and the metro will have a team that includes each local municipality, the district municipality, all provincial departments, and relevant national departments. The JDMA will speed up service delivery and organise support to strengthen the capacity of municipalities. It will ensure that government services respond to the needs that have been identified with local communities. A JDMA Integrated Implementation Plan will be developed for each district/ metro every year (*Source: Western Cape Strategic Plan, 2019-2024*).

The Overberg Joint District and Metro Approach (JDMA) is functional and championed by the Western Cape Department of Local Government. Furthermore, the Overberg District JDMA is administratively supported by the District Municipal Managers forum (DCF tech) and politically by the District Coordinating Forum (DCF) (comprising the Overberg Mayors).

### Discussion

The Overberg JDMA has an existing JDMA Implementation Strategy for 2021/22 that comprises catalytic projects from all B-municipalities in the district. Catalytic projects are those projects that are deemed to have the greatest potential impact on the Overberg and its people.

Current Overstrand projects included in the 2021/22 implementation strategy are:

Name of Project	Supporting Dept	Provincial Priority	DDM Priority
Upgrading of Kleinmond clinic (Proteadorp) to a day hospital with ambulance facilities	Health	Wellbeing	Integrated Service Provisioning
Zwelihle Youth Centre	DSD TPW Private Sector DLG (Thusong) Human Settlements	Wellbeing	Integrated Service Provisioning
High mass lights for informal settlements	DLG	Safety	Infrastructure Engineering
Hermanus Desalination Plant (Water security)	TPW	Wellbeing	Integrated Service Provisioning
New Sandbaai Technical High School	TPW DE	Wellbeing	Integrated Service Provisioning
Shared Services project – Pound for stray animals  (Between Overstrand and Theewaterskloof Municipalities)	DLG	Safety	Integrated Service Provisioning

Table 1: Overstrand 2021/22 JDMA projects

In identifying potential JDMA projects the community needs that transpired through the Integrated Development Plan (IDP) and strategic needs within the organisation are considered.

Municipalities in the Overberg District are now requested to identify proposed projects to be considered for inclusion in the 2022/23 JDMA Implementation Strategy. Overstrand Municipality proposed 2022/23 JDMA projects are:

Table 2: Overstrand proposed JDMA projects for 2022/23

No	Project name	Background	Support required	Department
1	Electrification of informal settlements	Ward 1- Haven- Thembelihle (150 structures) Ward 11 - Eluxolweni (100 structures) Ward 12 - Zwelihle Ward 9 - Overhills (300 structures)	Financial	DoHS
2	Expansion of existing clinic in Eluxolweni	Clinic too small for estimated population of 2000, need expansion of floor space and staff component	Financial & staff component	DoH
3	Planning of Kleinmond Main Beach development		Planning of entrance development	
4	Formalise small scale farming (e.g., pigs) in Hemel & Aarde, Stanford and Gansbaai		Professional - develop a plan Land (Stanford & Gansbaai), Financial and Agricultural expertise (include feed and medication)	DOA DTPW
5	Youth focussed programmes at interim youth facility in Zwelihle	Zwelihle Youth centre is a current JDMA project but will not materialise immediately. Municipality identified <b>interim facility</b> at plot 9515 in Zwelihle to address this need.	Present youth focussed programs at the interim Zwelihle facility from 2022/23 financial year.	DoSD
6	Overstrand Taxi interchange upgrades	Various taxi ranks across the municipal area require upgrades/ expansion. The upgrades can link with economy activity, e.g., informal trading areas at the taxi ranks. E.g., Hermanus, Masakhane,	Professional - master plan development Financial	DTPW

### Way forward

All proposed projects will be assessed against a predetermined set of criteria during a scheduled JDMA interface team meeting in May 2022. The considered projects will be presented at the DCFT and DCF.

Criteria	Weighting allocated (out of 2)
Does it respond to urbanization and growth requirements?	2
Does it positively contribute to disaster risk and vulnerability resilience?	1
Can it attract other funding/growth/investment/development opportunities?	2

Criteria	Weighting allocated (out of 2)
Is it a Strategic non-operational project that have a District wide impact?	2
Collaboration required to implement projects of a transversal nature where no clear driver is identified?	2
Does it have a direct impact on the lives and wellbeing of people?	2
Does it assist small business directly?	1
Does it create sustainable jobs?	2
Does it have a direct impact on Spatial restructuring and transformation?	2
Does it provide access to basic service provision?	2
Sustainable safer collaborative communities?	2

## 7. Financial Implications

The JDMA principles relate to joint planning and budget submissions for consideration to respective spheres of government for joint implementation.

## 8. Staff Implications

Internal Staff

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

Comments were received from Directorates to draft the proposed 2022/2023 JDMA project list for Overstrand Municipality.

## 10. Annexures

None

## RECOMMENDATION TO THE COUNCIL:

that the proposed 2022/23 JDMA project list for Overstrand Municipality **be supported.**

RESPONSIBLE OFFICIAL/S :

RG LOUW

TARGET DATE FOR IMPLEMENTATION :

NOTED

**4.5**

**AMENDMENT OF THE IN PRINCIPLE AND TRANSFER APPROVAL OBTAINED ON 26 AUGUST 2020 FOR THE DIRECT ALIENATION OF A PORTION OF REMAINDER ERF 2825 SANDBAAI (SITUATED IN LONG STREET, SANDBAAI) TO THE WESTERN CAPE GOVERNMENT VIA ITS DEPARTMENT OF TRANSPORT AND PUBLIC WORKS (DEPARTMENT OF EDUCATION) FOR THE CONSTRUCTION OF A NEW TECHNICAL SCHOOL**

7/2/3/2

A Le Roux

12 May 2022

Manager: Property Administration

(028) 316 5623

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**1. Executive Summary**

To obtain approval for the amendment of conditions 1,2 and 6 of the Council decision of 26 August 2020 for the direct alienation as well as transfer of a portion of the Remainder Erf 2825 Sandbaai ( $\pm 2,6$  ha in extent) (hereinafter called the "property"), situated in Long Street, Sandbaai, to the Western Cape Government via its Department of Transport and Public Works (on behalf of the Department of Education), herein after referred to as "the Department" for the purpose of constructing and establishing a new technical school insofar the type of school.

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

Infrastructure and Planning  
Property Administration

**3. Compliance with Strategic Priority**

Provision and maintenance of municipal services

**4. Delegated Authority**

None

**5. Legal Requirements**

- Local Government: Municipal Finance Management Act (Act 56 of 2003) ("MFMA")
- Municipal Asset Transfer Regulations (R. 878 of 2008) ("MATR")
- Administration of Immovable Property Policy of the Overstrand Municipality, as amended

## 6. Background/Discussion/Evaluation/Conclusion

### Background

Council at a Council meeting held on 26 August 2020 resolved as follows:

- “1. that the direct alienation of a portion of Remainder Erf 2825 Sandbaai ( $\pm 2.6$ ha in extent) to the Western Cape Government via its Department of Transport and Public Works (on behalf of the Department of Education) at a nominal purchase price of R1.00 (ONE RAND) (VAT included) for the construction and establishment of a new technical school, be approved in principle;
2. that the transfer of a portion of Remainder Erf 2825 Sandbaai ( $\pm 2.6$ ha in extent) to the Western Cape Government via its Department of Transport and Public Works (on behalf of the Department of Education) at a nominal purchase price of R1.00 (ONE RAND) (VAT included) for the construction and establishment of a new technical school, be approved;
3. that it be noted that it is not necessary to follow a competitive process for the alienation and transfer as this transaction is exempted in terms of Regulation 20 of the Municipal Asset Transfer Regulations (R. 878 of 2008);
4. that the alienation of said portion of Remainder Erf 2825 Sandbaai be subject to a suspensive condition that the Department obtains at own cost all required town planning approvals, for which process the Municipality will assist;
5. that all the costs pertaining to the transaction, e.g. subdivision, possible advertisement, transfer and related costs, etc. be paid by the Department;
6. that a condition be registered against the title deed of the property that the property may only be used for educational purposes;
7. that the possible waiver / decrease of the total bulk development contributions, the connection charges for services and the costs for any upgrading/additional services be addressed in a separate report to Council once quantified; and
8. that it be noted that the portion of municipal property herewith alienated and 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).”

### Discussion

The request is to amend conditions 1, 2 and 6 of the Council decision insofar it refers to a technical school. The suggestion is to amend the relevant paragraph to read as follows:

1. that the direct alienation of a portion of Remainder Erf 2825 Sandbaai ( $\pm 2.6$ ha in extent) to the Western Cape Government via its Department of Transport and Public Works (on behalf of the Department of Education) at a nominal purchase price of R1.00 (ONE RAND) (VAT included) for **community health purposes (excluding a technical school)** be approved in principle;
2. that the transfer of a portion of Remainder Erf 2825 Sandbaai ( $\pm 2.6$ ha in extent) to the Western Cape Government via its Department of Transport and Public Works (on behalf of the Department of Education) at a nominal purchase price of R1.00 (ONE RAND) (VAT included) for **community health purposes (excluding a technical school)**, be approved;
6. that a condition be registered against the title deed of the property that the property may only be used for community health purposes (excluding a technical school);

To take an informed decision, it is important that Council take note of the process that was followed since obtaining the initial approval, which is the following:

1. Signature of a deed of sale.
2. Subdivision of Remainder Erf 2825 Sandbaai to create unregistered Erf 3126 (a portion of Erf 2825) Sandbaai (2,6023ha in extent).
3. Instructing the State Attorney to attend to the transfer of the unregistered erf.
4. Signature of all transfer documents and submission of same to the State Attorneys.

The transaction is thus in an advanced stage with the registration thereof being the final administrative step and can therefore not be cancelled at this stage without mutual agreement between the parties.

The approval of the sale and transfer of the said portion of Remainder Erf 2825 Sandbaai caused quite an outcry in the community, especially the neighbouring property owners of Sandbaai. From what could be established, the concern was not as to the establishment of a school on the property, but the type of school. The subsequent objections received from the community, necessitated this report to request the amendment of the relevant Council decision. It was suggested that other properties in either Hawston or

Fisherhaven be investigated for the establishment of specifically a technical school.

### **Evaluation**

The deed of sale stipulates in the preamble that the property is sold for the purpose of constructing and establishing a new technical school as the application received and the subsequent comments obtained were for this specific use. It further contains a special condition in terms whereof the property may only be used for educational purposes, which condition will be registered against the title deed of the property. Should Council however required that it be more specific to exclude a technical school as per the proposed amendments to the approval, it will have the effect that the transfer documents will have to be amended also and signed again after an addendum to the deed of sale is signed.

Council must take note that the deed of sale cannot be amended unilaterally, and that the Department will have to accept the amendment. Should the Department not accept the change in the use and subsequent conditions imposed, the risk is that the transaction will be cancelled, and Council will have to tender costs (costs for the subdivision, State Attorney, etc.).

### **Conclusion**

Taking the above into consideration, it is recommended that Council amends conditions 1,2 and 6 of its decision dated 26 August 2020 for the direct alienation as well as transfer of a portion of the Remainder Erf 2825 Sandbaai ( $\pm 2,6$  ha in extent) (hereinafter called the "property"), situated in Long Street, Sandbaai, to the Western Cape Government via its Department of Transport and Public Works (on behalf of the Department of Education) to read as follows:

1. that the direct alienation of a portion of Remainder Erf 2825 Sandbaai ( $\pm 2.6$ ha in extent) to the Western Cape Government via its Department of Transport and Public Works (on behalf of the Department of Education) at a nominal purchase price of R1.00 (ONE RAND) (VAT included) for community health purposes (excluding a technical school), be approved in principle;
2. that the transfer of a portion of Remainder Erf 2825 Sandbaai ( $\pm 2.6$ ha in extent) to the Western Cape Government via its Department of Transport and Public Works (on behalf of the Department of Education) at a nominal purchase price of R1.00 (ONE RAND) (VAT included) for community health purposes (excluding a technical school), be approved;

6. that a condition be registered against the title deed of the property that the property may only be used for community health purposes (excluding a technical school);

#### 7. Financial Implications

Should the Department not accept the amendments to the approval and subsequent amendment to the deed of sale, the Municipality will have to tender the costs involved with the transaction. In this case so far it is only the subdivision costs and the costs of the State Attorneys for work done. There is sufficient budget for this.

#### 8. Staff Implications

None

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

None

#### 10. Annexures

Annexure A: Locality map

#### RECOMMENDATION TO THE COUNCIL:

1. that conditions 1, 2 and 6 of Council Resolution dated 26 Augustus 2020 be amended to read as follows:
  - (a) 1. that the direct alienation of a portion of Remainder Erf 2825 Sandbaai ( $\pm 2.6$ ha in extent) to the Western Cape Government via its Department of Transport and Public Works (on behalf of the Department of Education) at a nominal purchase price of R1.00 (ONE RAND) (VAT included) for **community health purposes (excluding a technical school)**, be approved in principle;
  - (b) 2. that the transfer of a portion of Remainder Erf 2825 Sandbaai ( $\pm 2.6$ ha in extent) to the Western Cape Government via its Department of Transport and Public Works (on behalf of the Department of Education) at a nominal purchase price of R1.00 (ONE RAND) (VAT included) for community health purposes (excluding a technical school), **be approved**;
  - (c) 6. that a condition be registered against the title deed of the property that the property may only be used for community health purposes (excluding a technical school);

2. that, should the Western Cape Government via its Department of Transport and Public Works (on behalf of the Department of Education) not accept the amendment and subsequently cancel the agreement, the Municipality will be liable for costs incurred insofar the subdivision of the property and the work done by the State Attorney; and
3. that Council is prepared to make suitable land available in the Fisherhaven/Hawston area for the purposes of a technical high school

<b>RESPONSIBLE OFFICIAL :</b>	<b>A LE ROUX</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>PROCESS</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>6 JUNE 2022</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

ANNEXURE A – LOCALITY MAP



## 4.6

**PRO RATA PERFORMANCE BONUS TO MUNICIPAL MANAGER FOR THE PERIOD 1 NOVEMBER 2020 UNTIL 30 JUNE 2021**

2/12/1

D Arrison

Director: Management Services

13 April 2022

(028) 313 8004

**1. Executive Summary**

The purpose of this report is for Council to approve the payment of a pro rata performance bonus to the Municipal Manager for the 2020/2021 financial year.

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

*Management Services*

**4. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

None

**5. Legal Requirements**

Section 8 (3) of the Local Government: Municipal Systems Act, 32 of 2000 (MSA) Municipal Planning and Performance Management Regulations, 2006

**6. Background**

The current fixed term contract of employment of the Municipal Manager, Mr DGI O'Neill, clause 6 provides for the following:

***“6. PERFORMANCE BONUS***

*6.1 The provisions of The Local Government: Municipal Performance Regulations for Municipal Managers and Managers directly accountable to the Municipal Manager, 2006 (GN R805 dated 1 August 2006), as amended from time to time, shall be applicable on the **Employee**.*

*6.2 Details of this process and the implementation thereof are contained in the Performance Agreement and guideline document, but subject thereto*

*that it will be calculated as from 1 July, being the commencement date of a financial year, and where a full financial year's performance is not being evaluated, it will be done on a pro rata basis."*

Regulation 8 of the regulations referred to in clause 6.1 above provides as follows:

- "8. Performance bonus-** *In accordance with regulation 32, a performance bonus, based on affordability, may be paid to the employee after –*
- (1) The annual report for the financial year under review has been tabled and adopted by the municipal council;*
  - (2) An evaluation of performance in accordance with the provisions of regulation 23; and*
  - (3) Approval of such evaluation by the municipal council as a reward for outstanding performance.*

### **Discussion**

With regard to regulation 8(1) quoted above, it is herewith confirmed that the final annual report and oversight report for 2020/2021 was adopted by Council on 30 March 2022 as per the following resolution:

*"That in terms of Section 129 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) and having duly considered the 2020/2021 Annual Report of the Overstrand Municipality and the content of this item, the said report be approved without reservation."*

The Municipal Manager's evaluation for the period 1 November 2020 – 30 June 2021 took place on 29 September 2021 and the results are indicated below:

### **Evaluation outcome and bonus payable:**

<b>DESIGNATION</b>	<b>NAME</b>	<b>FINAL ASSESSMENT (% achieved)</b>	<b>BONUS % OF TOTAL PACKAGE</b>
Municipal Manager	Mr Dean O'Neill	73.80%	9% (Pro-rata)

The bonus structure in terms of Regulation 805, 1 August 2006. Local Government: Municipal Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers, 2006 is as follows:

The structure indicated in the regulation is:

**% Achieved Bonus**

130% - 149% = 5 - 9%

150% + 10 - 14%

The bonus is therefore calculated as follows:

<b>% Achieved</b>	<b>R805 %</b>	<b>Bonus</b>	<b>Total Average Score</b>
65%	130%	5%	3.25
66%	132%	5%	3.30
67%	134%	6%	3.35
68%	136%	6%	3.40
69%	138%	7%	3.45
70%	140%	7%	3.50
71%	142%	8%	3.55
72%	144%	8%	3.60
<b>73%</b>	<b>146%</b>	<b>9%</b>	<b>3.65</b>
74%	148%	9%	3.70
75%	150%	10%	3.75
76%	152%	10%	3.80
77%	154%	11%	3.85
78%	156%	11%	3.90
79%	158%	12%	3.95
80%	160%	12%	4.00
81%	162%	13%	4.05
82%	164%	13%	4.10
83%	166%	14%	4.15

The Municipal Manager is, in terms of the evaluation process and outcome, entitled to a pro-rata bonus equivalent to 9% of his all-inclusive remuneration package for the period 1 November 2020 until 30 June 2021 and funding for this purpose is available on the current budget.

**7. Financial Implications**

Provision was made on the operating budget to cover the costs associated with the payment of the performance bonus.

**8. Staff Implications**

Municipal Manager

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

None

**10. Annexures**

None

**RECOMMENDATION TO THE COUNCIL:**

that, in terms of regulation 8(3) of the Local Government: Municipal Performance Regulations for Municipal Managers and Managers directly accountable to the Municipal Manager, 2006 (GN R805 dated 1 August 2006), as amended, the payment of a pro-rata bonus equivalent to 9% of the Municipal Manager's all-inclusive remuneration package for the period 1 November 2020 until 30 June 2021 **be approved.**

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

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

**6. CONSIDERATION OF NOTICES OF MOTIONS / QUESTIONS**

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

**7. CONSIDERATION OF MOTIONS OF EXIGENCY (IF ANY)**