



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

A G E N D A

I-AJENDA

**DATE / DATUM / UMHLA : 26 FEBRUARY / FEBRUARIE /
FEBHRUWARI 2020**

**VENUE / PLEK / INDAWO : BANQUETING HALL /
BANKETSAAL
CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU
HERMANUS**

TIME / TYD / IXESHA : 15:00

MUNICIPALITY / MUNISIPALITEIT / UMASIPALA WE-OVERSTRAND

Office of the Municipal
Manager
Municipal Offices
HERMANUS

21 February / Februarie / Febhruwari 2020

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, 26 FEBRUARY 2020** at **15:00** 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, 26 FEBRUARIE 2020** om **15:00** 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 **I-Banqueting Hall, kwiZiko LoLUNTU, eHermanus** ngo**LWESITHATHU, Umhla we 26 FEBHRUWARI 2020** ngeye-**15:00** 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, 27 November 2019** at 11:00
 - 3.2 Minutes of a **Special Meeting** of the **Council** held on **Wednesday, 22 January 2020** 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 26 February 2020 had formally sat.

5.1

AMENDMENTS AND ADDITIONS TO THE DELEGATION OF POWERS AND DUTIES

(ITEM 1, PAGE 1 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 FEBRUARY 2020)

RECOMMENDATION TO THE COUNCIL:

that the amendments and additions to the Delegation of Powers and Duties, **be approved.**

RESPONSIBLE OFFICIAL :

ALL DIRECTORS

TARGET DATE FOR IMPLEMENTATION :

1 MARCH 2020

5.2

IN PRINCIPLE APPROVAL FOR THE ALIENATION OF UNREGISTERED ERF 1929 (A PORTION OF ERF 599) PEARLY BEACH AS WELL AS A PORTION OF THE REMAINDER OF ERF 599 PEARLY BEACH TO DE PYP TRUST**(ITEM 4, PAGE 424 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 FEBRUARY 2020)****RECOMMENDATION TO THE COUNCIL:**

1. that the direct alienation of unregistered Erf 1929 (a portion of Erf 599) Pearly Beach, adjacent to Erf 1930 Pearly Beach, (413m² in extent) to the owner of the adjoining property, De Pyp Trust, at R49,560.00 (FORTY NINE THOUSAND FIVE HUNDRED AND SIXTY RAND) (VAT excluded) be **approved in principle**;
2. that the direct alienation of a portion of the remainder of Erf 599 Pearly Beach, adjacent to Erf 1930, (±300m² in extent) to the owner of the adjoining property, De Pyp Trust, at R120.00/m² (ONE HUNDRED AND TWENTY RAND) PER SQUARE METRE (VAT excluded) be **approved in principle**;
3. that no construction except a boundary fence or wall be allowed on the properties to be alienated and this condition must be registered against the title deed of the consolidated property;
4. that Council take cognisance of the fact that the direct alienation is only possible as unregistered Erf 1929 (a portion of Erf 599) Pearly Beach and the subject portion of the remainder of Erf 599 Pearly Beach can be classified as non-viable property;
5. that, subject to the approval in 1 and 2 above, a public participation process be followed at the cost of the applicant/purchaser;
6. that it be noted that a condition for alienation will be that the subject properties to be alienated must be consolidated with the adjoining property of De Pyp Trust, being Erf 1930 Pearly Beach;
7. that the alienation of the properties to be alienated, be subject to obtaining the necessary Town Planning approvals;
8. that all costs pertaining to the transaction, e.g. application cost, valuation cost, road closure, subdivision, rezoning and consolidation, transfer and related costs, advertisement, etc be paid by the applicant/purchaser; and

9. that it is confirmed that Council has taken cognisance of the fact that the municipal properties herewith envisaged to be alienated are 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);
10. that a water pipeline servitude be registered over unregistered Erf 1929, Pearly Beach in favour of the Overstrand Municipality at the cost of the applicant/purchaser with the specific conditions that:
- (a) the applicant provides access at all times to the Overstrand Municipality for the purpose of inspecting, maintaining, repairing or removing, if necessary at a later stage, of water line or equipment; and
 - (b) no structures, trees or plants may be erected within 1,5 m (one and a half metre) on each side of the water pipeline.

RESPONSIBLE OFFICIAL :

W MURTZ

TARGET DATE FOR IMPLEMENTATION :

13 MARCH 2020

TARGET DATE TO INFORM APPLICANT :

27 MARCH 2020

TARGET DATE TO INFORM OBJECTOR :

N/A

5.3

TRANSFER OF A PORTION OF ERF 4410 HERMANUS TO MR GJ & MRS E FOURIE FOR THE ERECTION OF A BOUNDARY WALL**(ITEM 7, PAGE 452 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 FEBRUARY 2020)****RECOMMENDATION TO THE COUNCIL:**

1. that the transfer of a portion of Erf 4410 Hermanus (adjacent to Erf 4453 Hermanus), 148m² in extent, for the erection of a boundary wall to Mr GJ & Mrs E Fourie, at an amount of R103,304.00 (ONE HUNDRED AND THREE THOUSAND THREE HUNDRED AND FOUR RAND) (VAT excluded), **be approved;**
2. that Council take cognisance of the fact that the direct alienation and subsequent transfer is only approved as the subject portion of Erf 4410 Hermanus is classified as a non-viable property;
3. that it be noted that a condition of transfer will be that the subject portion of Erf 4410 Hermanus must be consolidated with the adjoining property of Mr GJ & Mrs E Fourie, being Erf 4453 Hermanus;
4. that the transfer of a portion of Erf 4410 Hermanus, 148m² in extent, be subject to obtaining the necessary Town Planning approvals;
5. that a condition be registered against the title deed of the to be consolidated property that the portion of property envisaged to be transferred may only be used for safety and access purposes and no structures, excluding a boundary fence or wall, may be erected thereon;
6. that all the costs pertaining to the transaction, e.g. valuation costs, subdivision, consolidation, closure of public road, rezoning, transfer and related costs, advertisements, etc., be paid by the Applicant/purchaser;
7. that the Applicant/purchaser must contact the Electrical Department to point out the position of electrical cables before any trenching commences for the foundation of the wall to be built by the purchaser;
8. that it be noted that the municipal property envisaged to be transferred is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003); and

9. that the Municipal Manager be authorised to sign all documents relating to the alienation and transfer of the subject portion of Erf 4410 Hermanus.

RESPONSIBLE OFFICIAL :

W MURTZ

TAR GET DATE FOR IMPLEMENTATION :

13 MARCH 2020

TARGET DATE TO INFORM APPLICANT :

27 MARCH 2020

TARGET DATE TO INFORM OBJECTOR :

N/A

5.4

**ERF 1602, BERGSIG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA:
APPLICATION TO DEVIATE FROM THE OVERSTRAND SPATIAL
DEVELOPMENT FRAMEWORK**

**(ITEM 11, PAGE 484 : INFRASTRUCTURE & PLANNING PORTFOLIO
- MAYORAL COMMITTEE MEETING : 26 FEBRUARY 2020)**

RECOMMENDATION TO THE COUNCIL:

that the application to deviate from the Overstrand Spatial Development Framework, 2006 in order to change the reservation of Erf 1602, Sandbaai from residential purposes to industrial purposes, **be approved** in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000).

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	19 MARCH 2020
TARGET DATE TO INFORM APPLICANT :	19 MARCH 2020
TARGET DATE TO INFORM OBJECTOR :	N/A

5.5**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR JANUARY 2020****(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING :
26 FEBRUARY 2020)****RECOMMENDATION TO THE COUNCIL:**

1. that the deviations from the procurement processes, approved in terms of the delegated authority for January 2020, **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 January 2020, **be noted**.

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

5.6

CONTRACT NO. SC 1890/2018: BULK WATER SERVICES OPERATION AND MAINTENANCE: REPORT ON SOCIAL RESPONSIBILITY CONTRIBUTIONS BY VEOLIA WATER SOLUTIONS & TECHNOLOGIES SOUTH AFRICA (PTY) LTD

(ITEM 6, PAGE 6 : MAYORAL COMMITTEE MEETING : 26 FEBRUARY 2020)

RECOMMENDATION TO THE COUNCIL:

that the social responsibility contributions made to date in the Overstrand area by Veolia Water Solutions and Technologies South Africa (Pty) Ltd in execution of Contract SC 1890/2018, Bulk Water Services Operation and Maintenance, for Overstrand Municipality, **be noted**.

RESPONSIBLE OFFICIAL:	H BLIGNAUT
TARGET DATE FOR IMPLEMENTATION :	N/A
TARGET DATE TO INFORM APPLICANT :	N/A
TARGET DATE TO INFORM OBJECTOR :	N/A

5.7

REPORT ON THE PROPOSED 2ND ADJUSTMENTS BUDGET FOR 2019/2020

(ITEM 7, PAGE 11 : MAYORAL COMMITTEE MEETING :
26 FEBRUARY 2020)

RECOMMENDATION TO THE COUNCIL:

1. that, in terms of section 28(2)(b) to (g) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the 2nd Adjustments Budget for 2019/2020 **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-year capital appropriations by standard classification (vote) and associated 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 following schedules be noted:

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

RESPONSIBLE OFFICIAL :

BA KING

TARGET DATE FOR IMPLEMENTATION :

28 FEBRUARY 2020

**5.8
REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOR 2019/20**

**(ITEM 8, PAGE 114 : MAYORAL COMMITTEE MEETING :
26 FEBRUARY 2020)**

RECOMMENDATION TO THE COUNCIL:

1. that the revised SDBIP for 2019/20 **be approved**;
2. that the amendments to the Top Layer SDBIP for 2019/20 **be approved**; and
3. that the revised SDBIP for 2019/20 **be made public**.

RESPONSIBLE OFFICIAL :

RG LOUW

TARGET DATE FOR IMPLEMENTATION :

4 MARCH 2020

6. CONSIDERATION OF REPORTS**6.1****APPROVAL FOR FILLING OF VACANCY: MUNICIPAL MANAGER**

4/3/R

D Arrison

27 January 2020

Director : Management Services

(028) 313 8001

1. Executive Summary

The purpose of this report is to obtain Council's approval for the filling of the vacancy of Municipal Manager, which will be triggered by the retirement of the current Municipal Manager, Mr CC Groenewald at the end of October 2020.

2. Service Delivery and Budget Implementation Plan Reference - IGNITE

Directorate: Management Services

3. Compliance with Strategic Priority

Provision of democratic and accountable governance

4. Delegated Authority

None

5. Legal Requirements

- Section 160(1)(d) of the Constitution of the Republic of South Africa, 1996
- Sections 67 and 72 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) [Systems Act]
- Section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) [Structures Act]
- Chapter 3 of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000): Local Government Regulations on Appointment and Conditions of Employment of Senior Managers, **(GN 21 dated 17 January 2014)** [Regulations]

6. Discussion

The Municipal Manager, Mr Coenraad Groenewald (Coenie), will reach retirement age on 6 October 2020, and his fixed term of contract of

employment terminates on 31 October 2020, which is the last day of the month in which he is to turn 65 years of age. A vacancy in the position of Municipal Manager will thus occur as from 1 November 2020.

Chapter 3 of the Regulations provides for the legislative process to be followed for the filling of the vacancy. Sub-regulation 7(1) determines that when the post of a municipal manager becomes vacant, *the mayor, must upon receipt of the official notification that the post of the municipal manager will become vacant, obtain approval from the municipal council for the filling of such post at its next council meeting or as soon as it is reasonably possible to do so.*

Mr Groenewald submitted his notice of retirement as Municipal Manager, to the Executive Mayor on 24 January 2020.

Sub-regulation 10(2) provides that the vacancy must be advertised in a newspaper circulating nationally and in the province where the Municipality is located.

This item is thus brought before Council in order for the municipality to follow the recruitment process as prescribed in the Regulations mentioned above, and for Council to appoint a new Municipal Manager in good time.

7. Financial Implications

Sufficient funds are available on the 2020/2021 salary budget for the funding of this post.

8. Staff Implications

Vacancy of the position of Municipal Manager.

9. Comments from other Departments, Divisions and Administrations

Not applicable

10. Annexures

Annexure A: Notice of retirement by Mr CC Groenewald

RECOMMENDATION TO THE COUNCIL:

1. that the notice of retirement by Mr CC Groenewald **be noted**;
2. that the filling of the vacancy as from 1 November 2020 **be approved**; and

3. that it be noted that the vacancy of Municipal Manager be advertised in the national newspapers as well as provincial newspapers in the Western Cape over the weekend of 29 February and 1 March 2020.

RESPONSIBLE OFFICIAL :**DS ARRISON****TARGET DATE FOR IMPLEMENTATION :****26 FEBRUARY 2020**

Annexure A

PO Box 494
HERMANUS
7200

24 January 2020

The Executive Mayor
Overstrand Municipality
PO Box 20
HERMANUS
7200

Dear Alderman Coetzee

NOTICE OF RETIREMENT: MUNICIPAL MANAGER

Be pleased to take notice that, following the provisions of sub-regulation 41(1) of the Local Government Regulations on Appointment and Conditions of Employment of Senior Managers (GN 21 dated 17 January 2014), read with sub-clause 2.2 of my fixed term contract of employment dated 30 December 2016 entered into with the Overstrand Municipality, I am to retire on 31 October 2020 which is the last day of the month in which I turn 65 years of age.

A vacancy in the position of Municipal Manager will thus occur as from 1 November 2020.

My retirement is brought to your attention now already in order for the municipality to be in a position to follow due recruitment and selection processes as are provided for in the aforementioned regulations and for Council to appoint a successor in good time.

Yours sincerely


C.C. GROENEWALD
MUNICIPAL MANAGER

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)