



SPECIAL MEETING OF THE COUNCIL

SPESIALE VERGADERING VAN DIE RAAD

INTLANGANISO EKHETHEKILEYO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

DATE / DATUM / UMHLA : 28 JULY / JULIE / JULAYI 2021
VIRTUAL

TIME / TYD / IXESHA : 11:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

MINUTES OF A SPECIAL MEETING OF THE COUNCIL HELD BY MEANS OF A VIRTUAL PLATFORM ON 28 JULY 2021, AT 11:00

PRESENT: Councillors were present as per attached attendance register.

OFFICIALS PRESENT: Mr D O'Neill, Municipal Manager
Ms D Arrison, Director : Management Services
Mr N Michaels, Director : Protection Services
Ms S Reyneke-Naudé, Director : Finance
Mr R Williams, Director : Community Services
Mr S Müller, Director : Infrastructure & Planning
Mr C Le Roux, Deputy Director : Finance
Mr B King, Senior Manager : Financial Services
Ms R Louw, Senior Manager : Strategic Services
Ms N Zweni, Manager : Communication
Mr C Roets, Manager : Contracts & Logistics
Mr R Marinus, Chief Administrator : Contracts,
Tenders & Projects
Mr D Lakey, Senior Manager : Kleinmond
Administration
Ms H van Tonder, Manager : Council Support
Services
Ms M Moolman, Senior Administration Officer
Ms S Swart, Administrative Officer : Council
Support Services

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

SPECIAL COUNCIL MEETING
28 JULY 2021

ALDERMEN/COUNCILLORS	SIGNATURE
AFRICA, F	✓
BOTHA, D	✓
BRICE, KD	✓
COETSEE, A	✓
COETZEE, DP	✓
COHEN, G	✓
DE CONING, CA	✓
GILLION, E	✓
KALOLO, SV	✓
KOMANI, AS	✓
KRIGE, F	✓
NQINATA, NNT	✓
MHANA, M	Apology
MAY, C	✓
MOLEFE, B	✓
MORGAN, H	✓
MSWELI, X	✓
NTSABO, L	✓
NUTT, R	✓
ORBAN, J	✓
PUNGUPUNGU, V	✓
RESANDT, C	✓
SAPEPA, NM	✓
TAFU-NWONKWO, CC	✓
TEBELE, S	✓

Swart.

1. OPENING

The Municipal Manager, Mr D O'Neill, read the notice convening the meeting.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Cllr M Mahana

RESOLVED

that the above-mentioned application for leave of absence, **be granted.**

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

The Speaker, Ald A Coetsee, informed the meeting that Mr F Myburgh, Senior Manager : Gansbaai Administration, will be discharged from hospital today after a long sickness due to Covid-19.

4. 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)

4.1

BENEFICIARIES: 107 SERVICED SITES, HAWSTON: ADDITIONAL LIST (REPLACEMENTS)

(ITEM 6, PAGE 24 : SPECIAL MAYORAL COMMITTEE MEETING : 28 JULY 2021)

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

1. that, given the support by the Minister of Human Settlements: Western Cape and the letter of support by the DOHS, potential beneficiaries exceeding the threshold for FLISP to the amount of R22,000 monthly gross household income be approved to participate in the project under FLISP, subject to the qualifying criteria for FLISP (excluding income threshold) and Western Cape Provincial Circular 10/2015;
2. that approval be granted to potential beneficiaries exceeding the threshold for FLISP to the amount of R22,000 monthly gross house hold income, to purchase serviced sites from the Municipality subject to:
 - (a) the site being sold at a market-related price in accordance with the municipal statutory requirements; and
 - (b) the candidate being informed that he/she will therefore not be receiving any FLISP subsidy assistance from the Department.
3. that the applicants on the Western Cape Housing Demand Database for Hawston, who physically reside in Hawston be given preference to participate in the FLISP project before opportunity is given to applicants on the Western Cape Housing Demand Database for the broader Overstrand Municipal area;
4. that the additional list (replacements) of 8 (eight) potential beneficiaries (replacements) be noted;
5. that, after pre-approval letters for potential beneficiaries referred to in recommendation 4 above with regard to mortgage/non-mortgage funding (income category R7,001 - R22,000) and non-approval letters (income category R3,501 - R7,000) were provided, the respective subsidy applications for the final list of potential beneficiaries be processed;

6. that the following procedure for potential beneficiaries to finalise subsidy applications, be approved:
- (a) that potential beneficiaries be given 30 days written notice to obtain letters for approval of mortgage/non-mortgage bonds/non approval letters as set out in recommendation 5 above;
 - (b) that potential beneficiaries be given 30 days written notice to complete their subsidy application documentation; and
 - (c) that potential beneficiaries that do not respond to the first notice (30 days) be given a final written notice of 7 days.
7. that, in the event of any applicants not responding within the mentioned period of 7 days, the available housing opportunities be given to identified additional beneficiaries (replacements).

RESPONSIBLE OFFICIAL:

FW FRANS

TARGET DATE FOR IMPLEMENTATION:

IN PROGRESS

4.2**SIGNED PERFORMANCE AGREEMENTS OF THE MUNICIPAL MANAGER AND SECTION 56 (DIRECTORS) APPOINTEES FOR 2021/22****(ITEM 7, PAGE 36 : SPECIAL MAYORAL COMMITTEE MEETING : 28 JULY 2021)****RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that the signed performance agreements of the Municipal Manager and Section 56 (Directors) appointees for 2021/22 **be noted**.

RESPONSIBLE OFFICIAL :**RG LOUW****TARGET DATE FOR IMPLEMENTATION :****28 JULY 2021**

4.3

MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM) POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) AND PARAGRAPH 6(7)(4)(F) OF THE DIRECTIONS OF THE DISASTER MANAGEMENT ACT, MAY 2021

(ITEM 8, PAGE 308 : SPECIAL MAYORAL COMMITTEE MEETING : 28 JULY 2021)

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

1. that the deviations from the procurement processes, approved in terms of the delegated authority for May 2021, **be noted**;
2. that the awards made in terms of Paragraph 16(1)(b) and 17(1)(c), approved in terms of the delegated authority for May 2021, **be noted**; and
3. that the awards made through the Bid Committee system, and formal written price quotations in excess of R30 000 and all price quotations below R30 000 for May 2021, **be noted**.

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

4.4

MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM) POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) AND PARAGRAPH 6(7)(4)(F) OF THE DIRECTIONS OF THE DISASTER MANAGEMENT ACT, JUNE 2021

(ITEM 9, PAGE 325 : SPECIAL MAYORAL COMMITTEE MEETING : 28 JULY 2021)

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

1. that the deviations from the procurement processes, approved in terms of the delegated authority for June 2021, **be noted**;
2. that the awards made in terms of Paragraph 16(1)(b) and 17(1)(c), approved in terms of the delegated authority for June 2021, **be noted**; and
3. that the awards made through the Bid Committee system, and formal written price quotations in excess of R30 000 and all price quotations below R30 000 for June 2021, **be noted**.

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

4.5**SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT – 2020/2021:****4th QUARTER: 1 APRIL 2021 – 30 JUNE 2021****(ITEM 10, PAGE 340 : SPECIAL MAYORAL COMMITTEE MEETING :
28 JULY 2021)****RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that the activities undertaken and outcomes achieved in the implementation of the Overstrand Municipality's Supply Chain Management Policy for the 4th Quarter of 2020/2021 **be noted**.

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

4.6**ANNUAL SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT IN TERMS OF PARAGRAPH 6(2)(a) OF THE POLICY: 2020/2021****(ITEM 11 PAGE 394 : SPECIAL MAYORAL COMMITTEE MEETING : 28 JULY 2021)****RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that the Supply Chain Management Implementation Report for the 2020/2021 financial year submitted in terms of Paragraph 6 of the Supply Chain Management Policy, **be noted**;
2. that, following the provisions of paragraph 6 of the Supply Chain Management Policy, **the report be made public** in accordance with Section 21A of the Local Government: Municipal Systems Act, No. 32 of 2000; and
3. that the schedules of Deviations and Irregular Expenditure **be disclosed** as a note to the Annual Financial Statements for the 2020/2021 financial year.

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

4.7**ANNUAL STOCK TAKING FOR 2020/2021: MUNICIPAL STORES****(ITEM 12, PAGE 522 : SPECIAL MAYORAL COMMITTEE MEETING :
28 JULY 2021)****RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that the surplus stock be accounted against the appropriate vote numbers and permission granted to correct stock values;
2. that the redundant stock as recorded on 30 June 2021 be **written off**; and
3. that the stock as recorded on 30 June 2021 be taken as the starting balance of the 2021/2022 stock register.

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

4.8

QUARTERLY BANK ACCOUNT WITHDRAWALS IN TERMS OF SECTION 11(4) OF THE MFMA FOR THE QUARTER ENDED JUNE 2021**(ITEM 13, PAGE 572 : SPECIAL MAYORAL COMMITTEE MEETING : 28 JULY 2021)****RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that the consolidated quarterly report in respect of Bank Account Withdrawals in terms of Section 11(4) of the MFMA for the quarter ended June 2021, **be noted**.

RESPONSIBLE OFFICIAL :**BA KING****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

4.9**BUDGET REPORT FOR THE QUARTER ENDED JUNE 2021****(ITEM 14, PAGE 575 : SPECIAL MAYORAL COMMITTEE MEETING :
28 JULY 2021)****RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

that the budget report for the quarter ended June 2021, prepared as part of the financial reporting obligations arising from the Local Government: Municipal Finance Management Act, 2003 and additional information, **be noted**.

RESPONSIBLE OFFICIAL :**BA KING****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

4.10**SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)****FOURTH QUARTERLY REPORT: APRIL - JUNE 2021****(ITEM 15, PAGE 621 : SPECIAL MAYORAL COMMITTEE MEETING :
28 JULY 2021)****RESOLVED (SUPPORTED BY 24 COUNCILLORS):**

1. that the content of the report for the fourth quarter of the 2020/2021 financial year on the top level Service Delivery and Budget Implementation Plan **be noted**; and
2. that the amendments to the Departmental and Top layer SDBIP for the fourth quarter of the 2020/21 financial year **be approved**.

RESPONSIBLE OFFICIAL :**RG LOUW****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

5. CONSIDERATION OF REPORTS**5.1**

INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE: SCIE 2020.21.10: NON-COMPLIANCE WITH PARAGRAPH 36(1)(a)(i)(v)(c) OF THE OVERSTRAND MUNICIPALITY SCM POLICY WITH REGARD TO ADVERTISEMENT OF WARD COMMITTEE MEETING IN GANSBAAI

3/2/3/8**F Myburgh****Senior Manager : Gansbaai Administration****19 April 2021****(028) 384 8300**

EXECUTIVE SUMMARY

The purpose of this report is to request Council for the writing off of the expenditure in terms of section 32(2)(b) of the Local Government: Finance Management Act 2003, (Act 56 of 2003), which occurred when Ward Committee meetings in Gansbaai were advertised before an order was issued.

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

that, in view of the Municipality having received value for money, the irregular expenditure in the amount of R2,800 (including VAT) for the advertising of Public Ward Committee meetings of Ward 1, 2 and 11, Gansbaai, in the Gans-berg News 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 :****11 AUGUST 2021**

5.2**INVESTIGATION INTO THE IRREGULAR EXPENDITURE SCIE2020.21.12: NON-COMPLIANCE WITH CLAUSE 16 OF THE OVERSTRAND MUNICIPALITY SUPPLY CHAIN MANAGEMENT POLICY: KENNEL BOARDING OF BELGIAN SHEPHERD DOGS****3/2/3/8****N Michaels****Director : Protection Services****28 May 2021****(028) 313 8054**

EXECUTIVE SUMMARY

The purpose of this report is to provide the necessary information to Council for the writing-off of the expenditure in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act (56/2003). This report contains the background and reasons for the incurrence of the expenditure, dogs.

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

that, in view of the municipality having received value for money, the irregular expenditure in the amount of R7,176-00 (Incl. VAT) for the kennel boarding of Belgian shepherd dogs, 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 :**C LE ROUX
B KING****TARGET DATE FOR IMPLEMENTATION :****11 AUGUST 2021**

5.3**INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE: NON-COMPLIANCE WITH SUPPLY CHAIN MANAGEMENT POLICY WITH REGARDS TO THE APPOINTMENT OF AN INITIATOR IN A DISCIPLINARY HEARING****3/2/3/8****N Floors****08 June 2021****Manager : Labour Relations, Health & Safety****(028) 313 8123**

EXECUTIVE SUMMARY

The purpose of this report is to provide the necessary information to Council for the writing off of expenditure in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act 2003, (Act 56 of 2003). Genesinea Consulting rendered a service as an initiator in a disciplinary hearing to the amount of R37,682.77 after approval of a deviation in terms of the Overstrand Municipality SCM policy. Supply Chain Management is of the opinion that the reasons for the mentioned deviation are not deemed to be justifiable and reasonable and resulted in non-compliance with SCM regulation.

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

that, in view of the municipality having received value for money, the irregular expenditure in the amount of R33 488-00 (Incl. VAT) for services with regard to the initiating of a disciplinary hearing, 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 OFFICIALS :**B KING
C LE ROUX****TARGET DATE FOR IMPLEMENTATION :****11 AUGUST 2021**

5.4**INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE: SCIE
2020.21.11: NON-COMPLIANCE WITH CLAUSE 16 OF THE OVERSTRAND
MUNICIPALITY SCM POLICY: HARDWARE ITEMS****3/2/3/8****C Le Roux****31 May 2021****Deputy Director : Finance****(028) 313 8107**

EXECUTIVE SUMMARY

The purpose of this report is to request Council for the writing off of irregular expenditure in terms of 32(2)(b) of the Local Government: Municipal Finance Management Act 2003, (Act 56 of 2003) which occurred when hardware goods were purchased.

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

that, in view of the fact that the Municipality have received value for money, the irregular expenditure in the amount of R2 114.90 (Vat Incl.) for hardware items, 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 :**C LE ROUX
B KING****TARGET DATE FOR IMPLEMENTATION :****11 AUGUST 2021**

5.5**INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE: NON-COMPLIANCE WITH SUPPLY CHAIN MANAGEMENT POLICY WITH REGARDS TO: APPOINTMENT OF ADVERTISING AGENCY (AYANDA MBANGA COMMUNICATIONS PTY LTD & SACCTN MARKETING CC)****3/2/3/8****L Bucchianeri Senior Manager : Human Resources (028) 313 8120****A Wyngaard Senior Manager : Hermanus Administration (028) 313 8112****31 March 2021**

EXECUTIVE SUMMARY

The purpose of this report is to provide the necessary information and to request Council for the writing off of the expenditure in terms of section 32(2)(b) which incurred due to the following reasons:

- a) Services were rendered with regard to appointment of Ayanda Mbanga Communications Pty Ltd as deviations, however, these reasons are not deemed to be justifiable and reasonable and resulted in non-compliance with the SCM regulations.
- b) Services rendered by the service provider, SACCTN Marketing cc for the purposes of Marketing Onrus Caravan Park by Advertising in the Camp and Live Magazine.

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

1. that, in view of the fact that the municipality have received value for money, the irregular expenditure in the amount of R567 856.13 (VAT Incl) for human resources services, be certified as irrecoverable and written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003; and
2. that, in view of the fact that the municipality have received value for money, the irregular expenditure in the amount of R3,500 (VAT Incl) for marketing the Onrus Caravan Park, 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 :****11 AUGUST 2021**

5.6**INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE: NON-COMPLIANCE WITH SUPPLY CHAIN MANAGEMENT POLICY WITH REGARDS TO APPOINTMENT OF ATTORNEYS****3/2/3/8****D Arrison/R Williams/S Muller (028) 313 8111****Hermanus Administration****9 June 2021**

EXECUTIVE SUMMARY

The purpose of this report is to provide the necessary information and to request Council for the writing off of the expenditure in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act 2003, (Act 56 of 2003).

Fairbridges Wertheim Becker Attorneys as well as Vorster & Steyn Attorneys rendered legal services to the total amount of R1 163 902,28 after approval of deviations in terms of the Overstrand Municipality SCM policy. The Auditor-General however found that the reasons for the mentioned deviation are not deemed to be justifiable and reasonable and the expenditure incurred thus resulted in non-compliance with SCM regulation.

The municipality subsequently also considered other instances where deviations were approved and identified and reported these instances related to the previous finding of the Auditor-General, irregular expenditure, amounting to R900 480,28.

The total amount of R2 064 382,56 (Incl Vat) is now presented in this request for consideration by Council.

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

that, in view of the fact that the Municipality have received value for money, the irregular expenditure in the amount of R2 064 382,56 (Incl Vat) 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 :**C LE ROUX
B KING****TARGET DATE FOR IMPLEMENTATION :****11 AUGUST 2021**

5.7**INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE: SCIE
2020.21.09: NON-COMPLIANCE WITH CLAUSE 16 OF THE OVERSTRAND
MUNICIPALITY SCM POLICY: MEMBERSHIP FEES****3/2/3/8****S Muller****31 May 2021****Director : Infrastructure & Planning****(028) 313 8107**

EXECUTIVE SUMMARY

The purpose of this report is to request Council for the writing off of irregular expenditure in terms of 32(2)(b) of the Local Government: Municipal Finance Management Act 2003, (Act 56 of 2003), when membership fees were paid.

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

that, in view of the fact that the Municipality have received value for money, the irregular expenditure in the amount of R19 382,10 (Vat Incl.) for membership fees 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 :**C LE ROUX
B KING****TARGET DATE FOR IMPLEMENTATION :****11 AUGUST 2021****The meeting adjourned at 11:36**

DATE

THE SPEAKER – A COETSEE