



**ORDINARY MEETING OF THE COUNCIL**

**GEWONE VERGADERING VAN DIE RAAD**

**INTLANGANISO YESIQHELO YEBHUNGA**

**MINUTES / NOTULE /**

**IMIZUZU**

**DATE / DATUM / UMHLA : 29 JULY / JULIE / JULAYI 2020**

**VENUE / PLEK / INDAWO : VIRTUAL**

**TIME / TYD / IXESHA: 11:00**

# OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

**MINUTES OF THE COUNCIL MEETING  
HELD BY MEANS OF A VIRTUAL PLATFORM  
ON 29 JULY 2020, AT 11:00**

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**PRESENT:**

Councillors were present as per attached attendance register.

**OFFICIALS PRESENT:**

Mr C Groenewald, Municipal Manager  
Ms D Arrison, Director : Management Services  
Ms S Reyneke-Naudé, Director : Finance  
Mr R Williams, Director : Community Services  
Mr S Madikane, Director : LED  
Mr S Müller, Director : Infrastructure & Planning  
Mr N Michaels, Director : Protection Services  
Mr C Le Roux, Deputy Director: Finance & SCM  
Mr B King, Senior Manager: Financial Services  
Mr R Kuchar, Senior Manager : Town Planning  
Mr L Smith, Senior Manager: Fire, Rescue,  
Disaster Management & Security  
Mr C Roets, Manager: Contracts & Logistics  
Ms R Louw, Senior Manager: Strategic Services  
Ms H van Tonder, Manager : Council Support  
Services  
ICT  
Ms D Laing, Relief Clerk : Auditorium

**MINUTES/....**

OVERSTRAND MUNICIPALITY  
ATTENDANCE REGISTER

COUNCIL MEETING  
29 JULY 2020

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

*[Handwritten signature]*  
29/7/20

**1. OPENING**

The Speaker, Ald A Coetsee, afforded 30 seconds for silent prayer. The Municipal Manager, Mr C Groenewald, read the notice convening the meeting.

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

**Cllr R Nutt**

**RESOLVED**

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

**Cllr S V Kalolo**

**RESOLVED**

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

**Cllr N N T Nqinata**

**RESOLVED**

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

**3. CONFIRMATION OF MINUTES****3.1 Minutes of an Ordinary Meeting of the Council held on Wednesday, 24 June 2020 at 11:00**

**RESOLVED:**

that the Minutes of an **Ordinary Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 24 June 2020** at **11:00**, **be confirmed**, **subject to the following amendment:**

- **Item 5.1 (page 2) :** Paragraph 1 of the Resolution should read as follows

“1. that the Reviewed Overstrand Municipality By-Law on Municipal Land use Planning and the Overstrand Municipality Land use Scheme and Overlay Zones **be adopted**, subject to the following amendment:

- Chapter 17 : That the minimum off-street parking requirements for the Shops/Restaurants (General Business) and Offices (General Business) land use categories be reduced from 6 to 4.”

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

The Speaker, Ald A Coetsee, allowed a minute of silence for Mr Andrew Mlangeni, a struggle stalwart, who passed on, as well as Former Deputy Mayor, Mr V Herbert, who tragically died in a car accident in Australia. The minute of silence was also dedicated to all those who suffered from Covid-19 and those who passed on because of Covid-19.

**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)**

**5.1 SIGNED PERFORMANCE AGREEMENTS OF THE MUNICIPAL MANAGER AND SECTION 56 (DIRECTORS) APPOINTEES FOR 2020/21**

**(ITEM 7, PAGE 279 : MAYORAL COMMITTEE MEETING : 29 JULY 2020)**

**RESOLVED (SUPPORTED BY 22 COUNCILLORS):**

that the signed performance agreements of the Municipal Manager and Section 56 (Directors) appointees for 2020/21 **be noted**.

**RESPONSIBLE OFFICIAL :**

**R LOUW**

**TARGET DATE FOR IMPLEMENTATION :**

**29 JULY 2020**

**5.2****SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)  
FOURTH QUARTERLY REPORT: APRIL - JUNE 2020****(ITEM 8, PAGE 546 : MAYORAL COMMITTEE MEETING : 29 JULY  
2020)****RESOLVED (SUPPORTED BY 22 COUNCILLORS):**

1. that the content of the report for the fourth quarter of the 2019/2020 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 2019/2020 financial year **be approved**.

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

**5.3****REVISED PERFORMANCE IN THE QUARTERLY SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) REPORTS FOR 2019/20****(ITEM 9, PAGE 591 : MAYORAL COMMITTEE MEETING : 29 JULY 2020)****RESOLVED (SUPPORTED BY 22 COUNCILLORS):**

1. that the adjusted service delivery performance on the Departmental and Top layer Service Delivery and Budget Implementation Plan (SDBIP) for quarters 1 - 3 of the 2019/20 financial year **be approved**; and
2. that the adjusted service delivery performance on the Departmental and Top layer SDBIP for quarters 1 - 3 of the 2019/20 financial year be updated on the electronic performance management system.

**RESPONSIBLE OFFICIAL :****RG LOUW****TARGET DATE FOR IMPLEMENTATION :****30 JULY 2020**



**5.4****MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)  
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR JUNE 2020****(ITEM 10, PAGE 594 : MAYORAL COMMITTEE MEETING : 29 JULY  
2020)****RESOLVED (SUPPORTED BY 22 COUNCILLORS):**

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

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

## 5.5 COVID-19 FINANCIAL RELIEF ARRANGEMENTS

### (ITEM 11, PAGE 601 : MAYORAL COMMITTEE MEETING : 29 JULY 2020)

#### RESOLVED (SUPPORTED BY 22 COUNCILLORS):

1. that the last receipt date for applications for rebates as per Section 7 of the Property Rates Policy, be temporarily extended from 30 September 2020 to 30 November 2020 to afford ratepayers more time to acquire and submit the necessary documentation required for the approval of applications;
2. that the period for businesses who find themselves under financial stress and cannot pay their accounts due, be extended to include accounts for July 2020 and August 2020 respectively, and that they may enter into an extended term of payment agreement in terms of the Overstrand Customer Care, Credit Control and Debt Collection Policy in order for their payments of the said amounts to be done in equal payments over a six-month period without the payment of a deposit;
3. that the period for residential customers who find themselves under financial stress and cannot pay their accounts due, be extended to include accounts for July 2020 and August 2020 respectively, and that they may enter into an extended term of payment agreement in terms of the Overstrand Customer Care, Credit Control and Debt Collection Policy in order for their payments of the said amounts to be done over a period of 12 (twelve) months without the payment of a deposit; and
4. that payment of the following fees for all notices given on arrear accounts during July 2020 and August 2020 respectively, be waived:

| Tariff Code | Detail                                    | 2020/2021   |                 |
|-------------|---|-------------|-----------------|
|             |   | Exclude VAT | Include VAT 15% |
|             |   | R           | R               |
| <b>S20</b>  | <b>CREDIT CONTROL AND DEBT COLLECTION</b> |             |                 |
| S20A1       | Admin fee on arrear accounts Notices      | 315,65      | 363,00          |
| S20A2       | Admin fee on 24 hour Notices - Bulk users | 315,65      | 363,00          |
| S20C        | SMS admin fee on arrear accounts Notices  | 21,74       | 25,00           |

**RESPONSIBLE OFFICIAL :**

**E HOONEBERG**

**TARGET DATE FOR IMPLEMENTATION :**

**31 AUGUST 2020**

## 5.6

**KLEINMOND SPECIAL RATING AREA (KSRA): APPLICATION TO POSTPONE THE IMPLEMENTATION OF THE KSRA WITH ONE YEAR****(ITEM 12, PAGE 606 : MAYORAL COMMITTEE MEETING : 29 JULY 2020)****RESOLVED (SUPPORTED BY 22 COUNCILLORS):****that, following a request from the Kleinmond Special Rating Area Steering Committee, resolutions 3, 4, 6 and 8 of Council Resolution dated 17 March 2020, be amended to read as follows:**

3. that an additional rate **be levied** on properties in the KSRA from **1 July 2021** in terms of section 22(1)(b) of the Local Government Municipal Property Rates Act (MPRA), Act 6 of 2004;
4. that a Finance Agreement be concluded between the Overstrand Municipality and the KSRA Management Committee in terms of section 12(6) of the By-law prior to **1 July 2021**;
6. that the Kleinmond Special Rating Area (KSRA) additional rate be calculated on the municipal valuation for properties within the KSRA mapped area, in accordance with the Overstrand Property Rates Policy, to enable the Municipality to collect the additional rates required for the KSRA's **second** year budget, as well as for subsequent years in accordance with the 5-year budget period;
8. that the additional rate for the KSRA be considered by Council with the Municipality's **2021-2022** Budget and be implemented from **1 July 2021**.

**RESPONSIBLE OFFICIAL :****S REYNEKE-NAUDE  
E HOONEBERG  
B KING****TARGET DATE FOR IMPLEMENTATION :****31 JULY 2020**

## 5.7

**ONRUS-VERMONT SPECIAL RATING AREA (OVSRA): APPLICATION TO POSTPONE THE IMPLEMENTATION OF THE OVSRA WITH ONE YEAR****(ITEM 13, PAGE 612 : MAYORAL COMMITTEE MEETING : 29 JULY 2020)****RESOLVED (SUPPORTED BY 22 COUNCILLORS):****that, following a request from the Onrus-Vermont Special Rating Area Steering Committee, resolutions 3, 4, 6 and 8 of Council Resolution dated 25 March 2020, be amended to read as follows:**

3. that an additional rate **be levied** on properties in the OVSRA from **1 July 2021** in terms of section 22(1)(b) of the Local Government Municipal Property Rates Act (MPRA), Act 6 of 2004;
4. that a Finance Agreement be concluded between the Overstrand Municipality and the OVSRA Management Committee in terms of section 12(6) of the By-law prior to **1 July 2021**;
6. that the OVSRA additional rate be calculated on the municipal valuation for properties within the OVSRA mapped area, in accordance with the Overstrand Property Rates Policy, to enable the Municipality to collect the additional rates required for the OVSRA's **second** year budget, as well as for subsequent years in accordance with the 5-year budget period;
8. that the additional rate for the OVSRA be considered by Council with the Municipality's **2021-2022** Budget and be implemented from **1 July 2021**.

**RESPONSIBLE OFFICIAL :****S REYNEKE-NAUDE  
E HOONEBERG  
B KING****TARGET DATE FOR IMPLEMENTATION :****31 JULY 2020**

**5.8**

**QUARTERLY BANK ACCOUNT WITHDRAWALS IN TERMS OF SECTION 11(4) OF THE MFMA FOR THE QUARTER ENDED JUNE 2020**

**(ITEM 14, PAGE 618 : MAYORAL COMMITTEE MEETING : 29 JULY 2020)**

**RESOLVED (SUPPORTED BY 22 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 2020, **be noted**.

**RESPONSIBLE OFFICIAL :**

**BA KING**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**

**5.9****ANNUAL STOCK TAKING FOR 2019/2020: MUNICIPAL STORES****(ITEM 15, PAGE 621 : MAYORAL COMMITTEE MEETING : 29 JULY 2020)****RESOLVED (SUPPORTED BY 22 COUNCILLORS):**

1. that the surplus stock be accounted against the appropriate vote numbers; and permission granted to correct stock values;
2. that the stock identified as obsolescent be **approved** for write-off; and
3. that the stock as recorded on 30 June 2020 be taken as the starting balance of the 2020/2021 stock register.

**RESPONSIBLE OFFICIAL :****C ROETS****TARGET DATE FOR IMPLEMENTATION :****07 AUGUST 2020**

**5.10****SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT – 2019/2020:****4<sup>th</sup> QUARTER: 01 APRIL 2020 – 30 JUNE 2020****(ITEM 16, PAGE 671 : MAYORAL COMMITTEE MEETING : 29 JULY 2020)****RESOLVED (SUPPORTED BY 22 COUNCILLORS):**

that the activities undertaken and outcomes achieved in the implementation of the Overstrand Municipality's Supply Chain Management Policy for the 4<sup>th</sup> Quarter of 2019/2020 **be noted**.

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

## 5.11

**ANNUAL SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT IN TERMS OF PARAGRAPH 6(2)(a) OF THE POLICY: 2019/2020****(ITEM 17, PAGE 688 : MAYORAL COMMITTEE MEETING : 29 JULY 2020)****RESOLVED (SUPPORTED BY 22 COUNCILLORS):**

1. that the Supply Chain Management Implementation Report for the 2019/2020 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 2019/2020 financial year.

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



**5.12****BUDGET REPORT FOR THE QUARTER ENDED JUNE 2020****(ITEM 18, PAGE 737 : MAYORAL COMMITTEE MEETING : 29 JULY 2020)****RESOLVED (SUPPORTED BY 22 COUNCILLRS):**

that the Budget Report for the quarter ended June 2020, 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**

**6. CONSIDERATION OF REPORTS****6.1**

**INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE:  
SCIE 2018/0003: NON-COMPLIANCE WITH SUPPLY CHAIN MANAGEMENT  
POLICY WITH REGARDS TO: HIRING OF VENUE FOR TRAINING WITHOUT AN  
OFFICIAL ORDER**

**3/2/3/8****S Madikane****Director : Economic Development & Tourism****19 June 2020****(028) 316 - 8066**

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**EXECUTIVE SUMMARY**

The purpose of this report is to request Council to approve the writing off of irregular expenditure in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), for services rendered by Learn to Earn for hiring of a venue for training without an official order.

**RESOLVED (SUPPORTED BY 22 COUNCILLORS):**

that, in view of the fact that the municipality has received value for money, the irregular expenditure to the amount of R8 550,00 (Vat Incl) for the hiring of a venue for training at Learn to Earn, 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 :****31 AUGUST 2020**

## 6.2

**INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE:  
SCIE 2019/20.07: NON-COMPLIANCE WITH SUPPLY CHAIN MANAGEMENT  
POLICY WITH REGARDS TO: APPOINTMENT OF ATTORNEYS**

3/2/3/8

L Wallace

19 June 2020

Legal Advisor

(028) 313 - 5031

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**EXECUTIVE SUMMARY**

The purpose of this report is to request Council to approve the writing off of irregular expenditure in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), for services rendered with regard to the appointment of attorneys for legal services as deviations, however, these reasons are not deemed to be justifiable and reasonable and resulted in non-compliance with the SCM regulations.

**RESOLVED (SUPPORTED BY 22 COUNCILLORS):**

that, in view of the fact that the municipality has received value for money, the irregular expenditure in the amount of R340 763.08 (Vat Incl) for legal 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.

**RESPONSIBLE OFFICIALS :****C LE ROUX  
B KING****TARGET DATE FOR IMPLEMENTATION :****31 AUGUST 2020**

**6.3**

**INVESTIGATION INTO THE IRREGULAR EXPENDITURE SCIE 2019/20.08: NON-COMPLIANCE WITH SUPPLY CHAIN MANAGEMENT POLICY WITH REGARDS TO PROCUREMENT OF GOODS OF SERVICES UNDER CONTRACTS SECURED BY OTHER ORGANS OF STATE - PROTECTIVE CLOTHING SC1738/2016:**

**3/2/3/8****L Smith      Senior Manager: Fire, Rescue, Disaster Management & Security****19 February 2020****028 313 5041**

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**EXECUTIVE SUMMARY**

The purpose of this report is to request Council to approve the writing off of irregular expenditure in terms of Section 32(2)(b) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), which occurred to Tender 104G/2015/16: Supply and Delivery of Human Protection Clothing and Articles for the Fire and Rescue Services.

**RESOLVED (SUPPORTED BY 22 COUNCILLORS):**

that, in view of the fact that the municipality has received value for money and due processes were followed at the time by the Municipality for the award of the transversal agreement, the irregular expenditure in the amount of R548 087,13 (Vat Inclusive) or the Supply and Delivery of Human Protection Clothing and Articles for the Fire and Rescue Services, **be written off** in terms of Section 32(2)(b) Local Government: Municipal Finance Management Act, Act 56 of 2003

**RESPONSIBLE OFFICIALS :****C LE ROUX  
B KING****TARGET DATE FOR IMPLEMENTATION :****31 AUGUST 2020**

## 6.4

**INVESTIGATION INTO THE IRREGULAR EXPENDITURE SCIE 2019/20.09 - SC1738/2016: NON-COMPLIANCE WITH SUPPLY CHAIN MANAGEMENT POLICY WITH REGARDS TO PROCUREMENT OF GOODS OF SERVICES UNDER CONTRACTS SECURED BY OTHER ORGANS OF STATE**

3/2/3/8

B King

17 June 2020

Senior Manager: Accounting Services

028 313 8154

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**EXECUTIVE SUMMARY**

The purpose of this report is to request Council to approve the writing off of irregular expenditure in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), for services rendered with regard to Contract 24/2013: Provision of Banking Services - Langeberg Municipality. The Banking Services tender was awarded to ABSA BANK in accordance with the tariffs as determined in their bid document.

**RESOLVED (SUPPORTED BY 22 COUNCILLORS):**

that, in view of the fact that the municipality has received value for money and that due processes were followed at the time by Overstrand Municipality for the award of the transversal agreement, the amount of R2 073 194,36 (Vat Inclusive), for the Provision of Banking Services, **be written off** in terms of Section 32(20) Local Government: Municipal Finance Management Act, Act 56 of 2003.

**RESPONSIBLE OFFICIALS :****C LE ROUX  
B KING****TARGET DATE FOR IMPLEMENTATION :****31 AUGUST 2020**

## 6.5

**INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE:  
SCIE 2019/20.10: NON-COMPLIANCE WITH REGARDS TO TRANSVERSAL TERM  
CONTRACT S037/18: WESTERN CAPE ALL REGIONS: TMG DRILLING  
FRAMEWORK AGREEMENT 2018-2021**

8/3/1/SC1938/2019

H Blignaut

Deputy Director : Engineering Services

30 March 2020

(028) 313 5047

**EXECUTIVE SUMMARY**

The purpose of this report is to request Council to approve the writing off of irregular expenditure in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), which occurred with regard to the “Transversal Term Contract S037/18: Western Cape All regions TMG Drilling Framework Agreement 2018-2021”.

**RESOLVED (SUPPORTED BY 22 COUNCILLORS):**

that, in view of the fact that the municipality has received value for money, the irregular expenditure to the amount of R6 142 864.38, including VAT, incurred for the drilling of boreholes into the TMG aquifer in Hermanus by Steyns Drilling CC by utilizing the Western Cape Department of Transport and Public Works’ Transversal Term Contract S037/18: Drilling Framework Agreement 2018-2021, **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 :****C LE ROUX  
B KING****TARGET DATE FOR IMPLEMENTATION :****31 AUGUST 2020**

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

None

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

None

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

None

**The meeting adjourned at 12:00**

\_\_\_\_\_  
**DATE**

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**THE SPEAKER – A COETSEE**