



**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 JUNE / JUNIE / JUNI 2019**

**VENUE / PLEK / INDAWO : BANQUETING HALL /  
BANKETSAAL**

**CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU  
HERMANUS**

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

# **MUNICIPALITY / MUNISIPALITEIT / UMASIPALA WE-OVERSTRAND**

Office of the Municipal  
Manager  
Municipal Offices  
HERMANUS

21 June / Junie / Juni 2019

## **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 JUNE 2019** at **11:00** to consider the business set forth in the subjoined agenda.

*The attention of Councillors is directed to the Code of Conduct for Councillors and Municipal Officials, Schedules 1 & 2 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).*

**C GROENEWALD**  
**MUNICIPAL MANAGER**

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## **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 JUNIE 2019** om **11:00** om die sake op meegaande sakelys te bespreek.

*Raadslede se aandag word gevestig op die Gedragskode vir Raadslede en Munisipale Beampptes, Bylae 1 & 2 van die Wet op Plaaslike Regering : Munisipale Stelsels, 2000 (Wet 32 van 2000).*

**C GROENEWALD**  
**MUNISIPALE BESTUURDER**

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## **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 ngoLWESITHATHU, Umhla we 26 JUNI 2019 ngeye-11:00** ukuqwalasela imicimbi ekule ajenda iqhotyoshelwe apha.

*OoCeba bayacelwa ukuba baqwalasele isikhokelo sokuziphatha sooCeba namaGosa kamasipala, amaXwebhu 1 & 2 kaRhulumente wooMasipala: uMthetho weeNkqubo zikaMasipala, 2000 (UMthetho 32 wowama-2000).*

**C GROENEWALD**  
**UMPHATHI KAMASIPALA**

**AGENDA/...**

- 1. OPENING**
  
- 2. APPLICATIONS FOR LEAVE OF ABSENCE**
  
- 3. CONFIRMATION OF MINUTES**
  - 3.1 Minutes of an Ordinary Meeting of the Council held on Wednesday, 29 May 2019 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 June 2019 had formally sat.

**5.1**

**DRAFT EXTERNAL BURSARY POLICY**

**(ITEM 1, PAGE 1 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 JUNE 2019)**

**RECOMMENDATION TO THE COUNCIL:**

that the draft External Bursary Policy **be adopted**.

**RESPONSIBLE OFFICIAL :**

**L BUCCHIANERI**

**TARGET DATE FOR IMPLEMENTATION :**

**01 JULY 2019**

**5.2  
REVISED TIME AND ATTENDANCE POLICY**

**(ITEM 2, PAGE 45 : MANAGEMENT SERVICES PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 26 JUNE 2019)**

**RECOMMENDATION TO THE COUNCIL:**

that the Revised Time and Attendance Policy **be approved.**

**RESPONSIBLE OFFICIAL :**

**L BUCCHIANERI**

**TARGET DATE FOR IMPLEMENTATION :**

**01 JULY 2019**

**5.3**

**TRANSFER: OVERSTRAND MUNICIPALITY TO MS ZOLEKA VICTORIA MNTUYEDWA: ERF 332, ZWELIHLE**

**(ITEM 1, PAGE 1 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 JUNE 2019)**

**RECOMMENDATION TO THE COUNCIL:**

1. that permission be granted to transfer erf 332, Zwelihle to Ms Zoleka Victoria Mntyedwa (ID Number 6710130576083); and
2. that the aforementioned approval furthermore be subject to Ms Zoleka Victoria Mntyedwa (ID Number 6710130576083) accepting full responsibility for the outstanding municipal services account in respect of Erf 332, Zwelihle.

**RESPONSIBLE OFFICIAL :****FW FRANS****TARGET DATE FOR IMPLEMENTATION :****IN PROGRESS**

## 5.4

REMAINDER ERF 2834 AND UNREGISTERED ERF 2837, SANDBAAI, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF SDF, CANCELLATION OF EXISTING SUBDIVISION, SUBDIVISION, REZONING, CONSENT USE, PHASING OF THE DEVELOPMENT & ESTABLISHMENT OF A HOME OWNERS ASSOCIATION: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF PINAROUX INTERNATIONAL HOLDCO (PTY) LTD

**(ITEM 2, PAGE 104 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 JUNE 2019)**

**RECOMMENDATION TO THE COUNCIL:**

that the application to deviate from the Overstrand Spatial Development Framework (SDF), 2006, as adopted in 2017, in order to change the reservation of Remainder Erf 2834, Sandbaai from residential and community purposes to mixed development purposes, as well as to deviate from the Overstrand Municipal Spatial Growth Management Strategy, 2010 in order to change the reservation of the said property from 30 du/ha to 32 du/ha, a higher densification grading, **be approved** in terms of the provision of Section 22(2) of the Spatial Planning Land Use Management Act, No 16 of 2013.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H VAN DER STOEP</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>17 JULY 2019</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>17 JULY 2019</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

## 5.5

**FRANSKRAAL SMALLHOLDING POLICY FRAMEWORK, OVERSTRAND MUNICIPAL AREA: MESSRS INTERACTIVE TOWN- AND REGIONAL PLANNERS**

**(ITEM 3, PAGE 343 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 JUNE 2019)**

**RECOMMENDATION TO THE COUNCIL:**

that the Draft Franskraal Smallholdings Policy Framework in terms of Section 11(3)(a) of the Local Government: Municipal Systems Act No. 32 of 2000, **be adopted.**

<b>RESPONSIBLE OFFICIAL :</b>	<b>SW VAN DER MERWE</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>17 JULY 2019</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>17 JULY 2019</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>



## 5.6

**TRANSFER OF A PORTION OF THE REMAINDER OF ERF 313 ZWELIHLE, ADJACENT TO ERF 5 ZWELIHLE, ( $\pm 229\text{m}^2$  IN EXTENT) TO LT MBOYIYA**

**(ITEM 4, PAGE 389 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 JUNE 2019)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the transfer of a portion of the Remainder of Erf 313 Zwelihle (adjacent to Erf 5 Zwelihle),  $\pm 229\text{m}^2$  in extent, to the owner of the adjoining Erf, LT Mboyiya, at an amount of R74/m<sup>2</sup> (SEVENTY FOUR RAND) (PER SQUARE METRE) (VAT excluded), **be approved**;
2. that it be noted that a condition of transfer will be that the said portion of the Remainder of Erf 313 Zwelihle must be consolidated with the adjoining property of LT Mboyiy, being Erf 5 Zwelihle;
3. that the transfer of the said portion of the Remainder of Erf 313 Zwelihle be subject to obtaining the necessary closure, subdivision, rezoning and consolidation approvals;
4. that all the costs pertaining to the transaction, e.g. application cost, valuation cost, advertisement, subdivision, closure of portion of public road, consolidation, rezoning, registration of transfer in the Deeds Office and related costs, etc. be paid by the Purchaser, LT Mboyiya; and
5. that it be noted that the Municipal property herewith 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).

**RESPONSIBLE OFFICIAL :****N LIEBENBERG****TARGET DATE FOR IMPLEMENTATION :****31 AUGUST 2019****TARGET DATE TO INFORM APPLICANT:****10 JULY 2019****TARGET DATE TO INFORM OBJECTOR:****N/A**

**5.7**

**STANFORD: PARTIAL AMENDMENT OF RESOLUTION DATED 27 AUGUST 2004 FOR THE ALIENATION OF MUNICIPAL PROPERTY (ERF 471 STANFORD)**

**(ITEM 5, PAGE 398 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 JUNE 2019)**

**RECOMMENDATION TO THE COUNCIL:**

that the name of the purchaser of Erf 471, Stanford, as it appears on the Deed of Sale dated 6 June 2005, to wit CRK Agriculture Ltd, be substituted with the name of Overberg Agri (Pty) Ltd.

<b>RESPONSIBLE OFFICIAL :</b>	<b>M ERASMUS</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>IN PROCESS</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>15 APRIL 2019</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

## 5.8

**OVERSTRAND HOUSING PROJECTS: PROGRESS UPDATE****(ITEM 7, PAGE 408 : INFRASTRUCTURE & PLANNING PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 26 JUNE 2019)****RECOMMENDATION TO THE COUNCIL:**

that the progress of the various housing projects currently being implemented in the Municipality, **be noted**.

<b>RESPONSIBLE OFFICIAL :</b>	<b>A JACOBS</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>3 JULY 2019</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>N/A</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

**5.9**

**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)  
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR MAY 2019**

**(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING : 26 JUNE  
2019)**

**RECOMMENDATION TO THE COUNCIL:**

1. that the deviations from the procurement processes, approved in terms of the delegated authority for May 2019, **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 May 2019, **be noted**.

**RESPONSIBLE OFFICIAL :**

**C LE ROUX**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**

## 5.10

**PROPOSED EXTENSION: "BYTES SYSTEMS INTEGRATION A DIVISION OF ALTRON TMT (PTY) LTD; WATER MANAGEMENT SERVICES CC; BUSINESS ENGINEERING (PTY) LTD; IGNITE ADVISORY SERVICES; PAYDAY SOFTWARE SYSTEMS (PTY) LTD; GEODEBT SOLUTIONS CC**

**(ITEM 6, PAGE 9 : MAYORAL COMMITTEE MEETING : 26 JUNE 2019)**

**RECOMMENDATION TO THE COUNCIL:**

1. that, subject to considering the reasons for the proposed amendment of the contracts or agreements, and any representation to be received from the public on or before 23 May 2019, regarding the proposed amendment of the contracts or agreements procured through the supply chain management policy of the Municipality, **consent be given to the amendment of the contracts or agreements for ICT related systems and services as listed in the schedule below, to give effect to the provisions of Section 116(3) of the Municipal Finance Management Act 2003 (Act 56 of 2003):**

<b>Ref no</b>	<b>Service Provider Name</b>
SC1327(vii)/2013	Business Engineering (Pty) Ltd
SC1327(ii)/2013	Bytes Systems Integration A Division of Altron TMT (Pty) Ltd
SC1327(i)/2013	Bytes Systems Integration A Division of Altron TMT (Pty) Ltd
SC1327(x)(viii)/2013	Geodebt Solutions CC
SC1327(vi)/2013	Ignite Advisory Services
SC1327(ix)/2013	Payday Software Systems (Pty) Ltd
SC1327(iv)/2013	Water Management Services CC

2. that the Municipal Manager be authorised to sign the necessary agreements and documents for the above contracts.

**RESPONSIBLE OFFICIALS :**

**D ARRISON  
R WILLIAMS  
N MICHAELS  
S REYNEKE-NAUDE  
S MULLER  
C ROETS  
E HOONEBERG  
H VAN TONDER  
H VORSTER  
J VAN ASPEREN  
L BUCCHIANERI**

**M BARTMAN  
R LOUW**

**TARGET DATE FOR IMPLEMENTATION :**

**1 JULY 2019**

## 5.11

**SC1887/2018: REVIEW OF OVERSTRAND MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK****(ITEM 7, PAGE 79 : MAYORAL COMMITTEE MEETING : 26 JUNE 2019)****RECOMMENDATION TO THE COUNCIL:**

1. that **cognisance be taken** of the reasons for the proposed amendment of Contract number SC1887/2018: **REVIEW OF OVERSTRAND MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK** in terms of the enabling provisions of Section 116(3) of the Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003), and that the amendment **be approved**; and
2. that **cognisance be taken** that no recommendations or representations were received from the local community by closing date, 31 May 2019.

**RESPONSIBLE OFFICIAL :****R KUCHAR  
S MÜLLER****TARGET DATE FOR IMPLEMENTATION :****17 JULY 2019**

**5.12**

**GREATER HERMANUS: AUDIT OF VACANT MUNICIPAL OWNED LAND**

**(ITEM 8, PAGE 91 : MAYORAL COMMITTEE MEETING : 26 JUNE 2019)**

**RECOMMENDATION TO THE COUNCIL:**

that the audit of vacant municipal owned land in the Greater Hermanus area **be noted**.

**RESPONSIBLE OFFICIAL :**

**S MULLER**

**TARGET DATE FOR IMPLEMENTATION :**

**NOT APPLICABLE**



**5.13**

**SIGNED PERFORMANCE AGREEMENTS OF THE SECTION 54A AND 56 APPOINTEES FOR 2019/20**

**(ITEM 9, PAGE 101 : MAYORAL COMMITTEE MEETING : 26 JUNE 2019)**

**RECOMMENDATION TO THE COUNCIL:**

that the signed performance agreements of the Section 54A and 56 appointees for 2019/20 **be noted**.

**RESPONSIBLE OFFICIAL :**

**R LOUW**

**TARGET DATE FOR IMPLEMENTATION :**

**1 JULY 2019**

**5.14****CITY IMPROVEMENT DISTRICT : HERMANUS PUBLIC PROTECTION (HPP)****(ITEM 10, PAGE 363 : MAYORAL COMMITTEE MEETING : 26 JUNE 2019)****RECOMMENDATION TO THE COUNCIL:**

1. that the recent developments regarding Hermanus Public Protection (HPP) **be noted**; and
2. that a follow-up report indicating the timeline for the dissolution and wound-up of the HPP be submitted to Council.

**RESPONSIBLE OFFICIAL :****S REYNEKE-NAUDE****TARGET DATE FOR IMPLEMENTATION :****1 JULY 2019**

**5.15**

**LONG TERM CONTRACT FOR BANKING SERVICES TENDER SC1933/2018:  
PROVISION OF BANKING SERVICES FOR A CONTRACT PERIOD ENDING  
30 JUNE 2024**

**(ITEM 11, PAGE 370 : MAYORAL COMMITTEE MEETING : 26 JUNE  
2019)**

**RECOMMENDATION TO THE COUNCIL:**

1. that **it be noted** that no responses were received from the public or any other stakeholders, following the invitation for comments, representations, views and recommendations in respect of the long term contract, by the closing date of 23 May 2019;
2. that **cognisance be taken** of the reasons for concluding long term contract SC1933/2018 for the provision of banking services for a contract period of five years ending 30 June 2024, in terms of the enabling provisions of Section 33 of the Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003), and that the long term contract be approved; and
3. that the Municipal Manager be authorised to sign the long term contract on behalf of Overstrand Municipality.

**RESPONSIBLE OFFICIAL :****BA KING****TARGET DATE FOR IMPLEMENTATION :****1 JULY 2019**

**5.16**

**AMENDMENTS TO THE 2019/2020 SUPPLY CHAIN MANAGEMENT POLICY**

**(ITEM 12, PAGE 396 : MAYORAL COMMITTEE MEETING : 26 JUNE 2019)**

**RECOMMENDATION TO THE COUNCIL:**

that the amended Supply Chain Management policy for 2019/2020 **be approved.**

**RESPONSIBLE OFFICIAL :**

**C LE ROUX**

**TARGET DATE FOR IMPLEMENTATION :**

**1 JULY 2019**

## 6. CONSIDERATION OF REPORTS

### 6.1

#### **IRREGULAR EXPENDITURE: SCIE 2019/004: NON-COMPLIANCE WITH SUPPLY CHAIN MANAGEMENT POLICY WITH REGARD TO SERVICES RENDERED FOR PUBLICATION OF A NOTICE WITHOUT AN OFFICIAL ORDER**

A Le Roux/ H van Tonder  
6 June 2019

(028) 316 - 3724

Corporate Head Office

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#### **1. Executive Summary**

The purpose of the report is to request Council to approve the writing off of irregular expenditure when services were rendered by The Village News for the publication of a notice without an official order (SCIE 2019/004).

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

Directorate: Infrastructure and Planning  
Department: Property Administration

#### **3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

#### **4. Delegated Authority**

None

#### **5. Legal Requirements**

Local Government: Municipal Finance Management Act 2003, (Act 56 of 2003) (MFMA)  
Overstrand Municipality Supply Chain Management Policy dated 25 May 2008, as amended

#### **6. Background/Discussion**

On 5 December 2018 the Municipal Manager gave his approval that the process for the renewal of the lease agreement for the Vrolike Vinkies ECD managed by Child Welfare South Africa (Hermanus) could be followed, which approval was received on 13 December 2018.

This process entailed a public participation process whereafter the approval of the Executive Mayor was obtained to renew the lease and enter into a lease agreement. It was of utmost importance that the approval be obtained

from the Executive Mayor at the February 2019 Mayoral Committee meeting. This meant that the notice had to be published urgently but only after the Applicant (Child Welfare) has confirmed that they will bear the costs of the notice.

The last issue of The Village News for the year 2018 was on 19 December 2018. The Village News at that stage indicated that they can still squeeze in an advert and the draft was sent to them after the contents thereof was approved. After the notice was placed, The Village News requested an order number. An official from Property Administration immediately realised that she had made a mistake and requested her manager to approve a request for an order number. The municipality normally pay the newspaper and then collect this cost from the Applicant. In this regard the applicant already paid the cost of the notice to the Municipality.

From the above it is clear that the correct SCM process was not followed as the notice was published before the order number was obtained. It is also clear that this was caused by pure human error when the official attending to it was under severe pressure regarding time frames.

The Municipality did not suffer a financial loss as the municipality received value for money, and in this instance, notice cost was paid by the applicant as required by the Administration of Immovable Property Policy.

On 3 June 2019 the Municipal Public Accounts Committee (MPAC) consisting of Cllrs S Tebele, D Botha, B Molefe, L Ntsabo and R Nutt considered the matter. The MPAC came to the conclusion that the municipality received value for money and was unanimous in its decision to recommend to Council that, in view of the municipality having received value for money for the publishing of a notice in The Village News, the expenditure, in total R3 643.20 (incl VAT) be certified as irrecoverable and be written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

## **7. Financial Implications**

Irregular expenditure to the value of R3 643.20 (incl VAT) to be written off as irrecoverable.

## **8. Staff Implications**

None

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

None

**10. Annexures**

None

**RECOMMENDATION TO THE COUNCIL:**

that, in view of the municipality having received value for money for the publishing of a notice in The Village News, the expenditure, in total R3 643.20 (incl VAT), be certified as irrecoverable and be 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 :****10 JULY 2019**

**6.2****IRREGULAR EXPENDITURE: SCIE 2018/006: NON-COMPLIANCE WITH SUPPLY CHAIN MANAGEMENT POLICY WITH REGARD TO THE HIRING OF EQUIPMENT WITHOUT RETURNING ON DUE DATE****3/2/3/8****TP Steenberg/H van Tonder (028) 384 8312****Gansbaai Administration****6 June 2019**

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**1. Executive Summary**

The purpose of the report is to request Council to approve the writing off of irregular expenditure incurred for hiring a concrete cutter without returning it on the due date (SCIE 2018/006).

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

Directorate: Community Services  
Department: Water Networks Gansbaai

**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

**4. Delegated Authority**

None

**5. Legal Requirements**

Local Government: Municipal Finance Management Act 2003, (Act 56 of 2003) (MFMA)  
Overstrand Municipality Supply Chain Management Policy dated 25 May 2008, as amended

**6. Background/Discussion**

The Operational Manager: Gansbaai confirmed that a concrete cutter was initially hired from the service provider for 10 days with an official order number 220148. The hire period for this order number was from 3 to 14 April 2017. This order was subsequently increased for a further 3 days and was paid to the service provider. The machine was however not returned to the service provider and used until 18 May 2017 without an official order. This is a total of 14 days extra at a total cost of R5 168.84. The



Operational Manger: Gansbaai confirmed that the machine was productively used for the period and that the additional cost should not be considered as fruitless expenditure as the department did make use of the machine for said period.

On 3 June 2019 the Municipal Public Accounts Committee (MPAC) consisting of Cllrs S Tebele, D Botha, B Molefe, L Ntsabo and R Nutt considered the matter. The MPAC came to the conclusion that the municipality received value for money and was unanimous in its decision to recommend to Council that, in view of the municipality having received value for money for hiring the concrete cutter, the expenditure, in total of R5 168.84 (incl VAT) be certified as irrecoverable and be written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

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

Irregular expenditure to the value of R5 168.84 (incl VAT) to be written off as irrecoverable.

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

None

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

None

#### **10. Annexures**

None

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

that, in view of the municipality having received value for money in lieu of the hiring of the concrete cutter, the expenditure, in total R5 168.84 (incl VAT), be certified as irrecoverable and be 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 :**

**10 JULY 2019**

**6.3****INVESTIGATION INTO THE NON-COMPLIANCE WITH PARAGRAPH 39(1)(d) OF THE OVERSTRAND MUNICIPALITY SUPPLY CHAIN MANAGEMENT POLICY: PUBLICATION IN THE GOVERNMENT GAZETTE WITHOUT AN OFFICIAL ORDER****3/2/3/8****DS Arrison/H van Tonder****(028) 313 8001****Corporate Head Office****6 June 2019**

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**1. Executive Summary**

The purpose of the report is to provide Council with the necessary information to take an informed decision when considering the facts and circumstances regarding the publication of a by-law in the Government Gazette without an official order.

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

Directorate: Management Services

Department: Legal Services

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

None

**5. Legal Requirements**

Local Government: Municipal Finance Management Act 2003, (Act 56 of 2003) (MFMA)

Overstrand Municipality Supply Chain Management Policy dated 25 May 2008, as amended

**6. Background/Discussion**

The publication of by-laws is done by the Western Cape Government printers, who are the only entity for the publication and printing of by-laws.

During October 2018, the responsible official at the Government Printers was requested to quote for the publication of the amendments to the By-law. Without receiving a quote, the amendments were published in December 2018.

On 3 June 2019 the Municipal Public Accounts Committee (MPAC) consisting of Cllrs S Tebele, D Botha, B Molefe, L Ntsabo and R Nutt considered the matter. The MPAC came to the conclusion that the municipality received value for money and was unanimous in its decision to recommend to Council that, in view of the municipality having received value for money for services rendered, the expenditure, in total of R1 196.00 (incl VAT) be certified as irrecoverable and be written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

**7. Financial Implications**

Irregular expenditure to the value of R1 196.00 (incl VAT) to be written off as irrecoverable.

**8. Staff Implications**

None

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

None

**10. Annexures**

None

**RECOMMENDATION TO THE COUNCIL:**

that, in view of the municipality having received value for money for services rendered, the expenditure, in total R1 196.00 (incl VAT), be certified as irrecoverable and be written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003, as a service was received from the only provider of the service, being the Western Cape Government Printers.

**RESPONSIBLE OFFICIAL :****B KING  
C LE ROUX****TARGET DATE FOR IMPLEMENTATION :****10 JULY 2019**

**6.4****IRREGULAR EXPENDITURE: SCIE 2019/007: NON-COMPLIANCE WITH SUPPLY CHAIN MANAGEMENT POLICY WITH REGARD TO SERVICES RENDERED FOR TRANSLATION WITHOUT AN OFFICIAL ORDER**

R Kuchar/H van Tonder  
6 June 2019

(028) 316 - 3724

Corporate Head Office

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**1. 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, No 56 of 2003. This report contains the detailed background and reasons for the incurrence of the expenditure, when services were rendered for translation services by Dr MW Jadezweni without an official order.

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

Directorate: Infrastructure and Planning  
Department: Town Planning

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

None

**5. Legal Requirements**

Local Government: Municipal Finance Management Act 2003, (Act 56 of 2003) (MFMA)  
Overstrand Municipality Supply Chain Management Policy dated 25 May 2008, as amended.

**6. Background/Discussion**

An order was made out for translation services by Dr MW Jadezweni for the period August 2018 to February 2019.

It was instructed by Directorate Management Services that all town planning translations to isiXhosa had to be facilitated by the Department Communication.

However, during October 2018 the Planning Department was informed that the Communication Department does not have any more funds for translation to isiXhosa, and that the Planning Department must arrange for their own translations.

Town Planning indicated that it had funds available and that they will deal directly with the service provider.

In the interim, Town Planning made use of the Western Cape Provincial Administration for the isiXhosa translations. However, in November the Provincial Administration informed the municipality that they will not be doing translations during December 2018/January 2019. All of these translations were obtained at no cost to the Municipality.

During December 2018 and January 2019 translation services were requested from Dr MW Jadezweni under the original order number of 232046, as the Town Planning Department was under the impression that the order was still valid till February 2019.

The Municipality received the translation service without an official order issued for the notices and therefore expenditure was irregular. However, the value for money was received as the services were indeed rendered.

On 3 June 2019 the Municipal Public Accounts Committee (MPAC) consisting of Cllrs S Tebele, D Botha, B Molefe, L Ntsabo and R Nutt considered the matter. The MPAC came to the conclusion that the municipality received value for money and was unanimous in its decision to recommend to Council that, in view of the municipality having received value for money for the services rendered for translation services by Dr MW Jadezweni without an official order, the expenditure, in total R2 725.10 (incl VAT) be certified as irrecoverable and be written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

## **7. Financial Implications**

Irregular expenditure to the value of R2 725.10 (incl VAT) to be written off as irrecoverable.

## **8. Staff Implications**

None

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

None

**10. Annexures**

None

**RECOMMENDATION TO THE COUNCIL:**

that, in view of the municipality having received value for money for services rendered for translation services by Dr MW Jadezweni without an official order, the expenditure, in total R2 725.10 (incl VAT), be certified as irrecoverable and be 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 :****10 JULY 2019**

**6.5****NON-COMPLIANCE WITH PARAGRAPH 39(1)(d) OF THE OVERSTRAND MUNICIPALITY SCM POLICY: RENDERING OF PHOTO COPYING SERVICES IN THE EXCESS OF THE TOTAL ORDER AMOUNT****3/2/3/8****DS Arrison/H van Tonder  
6 June 2019****(028) 313 8001****Corporate Head Office**

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**1. Executive Summary**

The purpose of the report is to provide Council with the necessary information to take an informed decision when considering the facts and circumstances regarding the rendering of copy machine cost in excess of the approved deviation of the order amount.

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

Directorate: Management Services  
Department: ICT

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

None

**5. Legal Requirements**

Local Government: Municipal Finance Management Act 2003, (Act 56 of 2003) (MFMA)  
Overstrand Municipality Supply Chain Management Policy dated 25 May 2008, as amended

**6. Background/Discussion**

A fleet of multi-functional office machines of the Overstrand Municipality was provided for under contract SC1660A/2015 for a contract period ending 30 November 2018. With effect 1 November 2018, this contract would have been replaced over a period of time allowed for implementation with contract SC1870/2018, as per consent to the Section 33 process, given by Council on 31 October 2018.

A deviation was submitted for approval by the Chief Financial Officer, under which it was requested to extend the current contract SC1660A/2015 by 2 months to 31 January 2018 or the date on which the last machine currently provided under the contract was replaced. Bidvest Office (Pty) Ltd. t/a Konica Minolta South Africa confirmed that they were willing to provide the services at the same terms and conditions and price as they did on SC1660A/2018.

The estimated expenditure submitted under the deviation was calculated on an average for copy cost over a period during the existing contract which amounted to R65 000.00 per month. The amount per deviation request was an estimate amount as it is impossible to gauge the exact expenditure as the amount of copies/printing which was going to be made was unknown at the time of the request.

Machine copy costs were rendered that exceeded the deviation approved amount.

The Overstrand Municipality started to engage with awarded service providers during October 2018, in preparation for the implementation of the solution. In the process of engagement, Corporate Business Automation (Pty) Ltd., notified Overstrand Municipality that they would not be able to render the services for Item C (for 49 multi-functional machines initially) as per the tender specifications. Specifically their bid was not intended to be for a copy cost only as per the tender requirement, but included a rental charge as well.

As per the award which stipulated the condition that in the event, a contract could not be successfully concluded with the Primary Bidder as a result of them declining the award or as a result of their non-performance, the contract be awarded to the Secondary Bidder. Overstrand Municipality subsequently awarded Item C to the Secondary Bidder, Evolution Technology Group (Pty) Ltd. who confirmed they have the capacity to deliver the 49 machines. In order to mitigate any disruption to both the administration and its service delivery mandate/duty, the late change of award implied that not all machines would be replaced by 30 November 2018 when contract SC1660A/2015 ended.

On 3 June 2019 the Municipal Public Accounts Committee (MPAC) consisting of Cllrs S Tebele, B Molefe, L Ntsabo and R Nutt considered the matter. The MPAC came to the conclusion that the municipality received value for money and was unanimous in its decision to recommend to Council that, in view of the municipality having received value for money for the copy cost for the period December 2018 until 31 January 2019, the expenditure, in total of R53 109.84 (incl VAT) be certified as irrecoverable



and be written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

**7. Financial Implications**

Irregular expenditure to the value of R53 109.84 (incl VAT) to be written off as irrecoverable.

**8. Staff Implications**

None

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

None

**10. Annexures**

None

**RECOMMENDATION TO THE COUNCIL:**

that, in view of the municipality having received value for money for the copy cost for the period December 2018 until 31 January 2019, the expenditure, in total R53 109.84 (incl VAT), be certified as irrecoverable and be 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 :****10 JULY 2019**

**6.6****INVESTIGATION INTO THE NON-COMPLIANCE WITH PARAGRAPH 39(1)(d) OF THE OVERSTRAND MUNICIPALITY SUPPLY CHAIN MANAGEMENT POLICY: SERVICES RENDERED FOR INVESTIGATION INTO ALLEGATIONS OF RACISM WITHOUT AN OFFICIAL ORDER****3/2/3/8****DS Arrison/H van Tonder****(028) 313 8001****Corporate Head Office****6 June 2019**

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**1. Executive Summary**

The purpose of the report is to provide Council with the necessary information to take an informed decision when considering the facts and circumstances regarding services rendered for investigation into allegations of racism without an official order.

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

Directorate: Management Services

Department: Human Resources, Labour Relations

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

None

**5. Legal Requirements**

Local Government: Municipal Finance Management Act 2003, (Act 56 of 2003) (MFMA)

Overstrand Municipality Supply Chain Management Policy dated 25 May 2008, as amended

**6. Background/Discussion**

The services of an outside investigator were requested to conduct an investigation into allegations of racism by an employee against his senior within the municipality with a possible disciplinary action to be followed.

The procurement process was followed as quotations to render the service were obtained from potential service providers. Approval was given before

the expenditure was incurred, but no official order was issued prior to the incurrance of the expenditure.

The instruction to follow the procurement process was given to the Labour Relations official who followed the process and was under the impression that the approval by the Director: Management Services was adequate enough to inform the services provider to proceed with the investigation. She was new in the organisation and was not aware that she had to capture the official request on the electronic system to obtain an official order.

On 3 June 2019 the Municipal Public Accounts Committee (MPAC) consisting of Cllrs S Tebele, D Botha, B Molefe, L Ntsabo and R Nutt considered the matter. The MPAC came to the conclusion that the municipality received value for money and was unanimous in its decision to recommend to Council that, in view of the municipality having received value for money for services rendered, the expenditure, in total of R8 866.00 (incl VAT) be certified as irrecoverable and be written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

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

Irregular expenditure to the value of R8 866.00 (incl VAT) to be written off as irrecoverable.

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

None

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

None

#### **10. Annexures**

None

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

that, in view of the municipality having received value for money for services rendered, the expenditure, in total R8 866.00 (incl VAT), be certified as irrecoverable and be written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003, as a valuable service was rendered.

**RESPONSIBLE OFFICIAL :**

**B KING  
C LE ROUX**

**TARGET DATE FOR IMPLEMENTATION :**

**10 JULY 2019**

## 6.7

**IRREGULAR EXPENDITURE: SCIE2018/007: NON-COMPLIANCE WITH SUPPLY CHAIN MANAGEMENT POLICY WITH REGARD TO THE RENTING OF OXYGEN AND ACETYLENE CYLINDERS BY THE MECHANICAL WORKSHOP WITHOUT RETURNING IT ON THE DUE DATE**

3/2/3/8

M Bartman/ H van Tonder

(028) 313 8972

Corporate Head Office

6 June 2019

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**1. Executive Summary**

The purpose of the report is to request Council to approve the writing off of irregular expenditure for renting of oxygen and acetylene cylinders without returning it on the due date (SCIE 2018/007).

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

Directorate: Community Services  
Department: Fleet Management

**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

**4. Delegated Authority**

None

**5. Legal Requirements**

Local Government: Municipal Finance Management Act 2003, (Act 56 of 2003)  
Overstrand Municipality Supply Chain Management Policy dated 25 May 2008, as amended

**6. Background/Discussion**

Oxygen and acetylene cylinders are being used (rented) by the mechanical workshop on a continuous basis from the supplier Overberg Steel and Irrigation. The practise followed by the workshop superintendent was to submit a requisition for the rental of cylinders, for a number of months at a time, and upon the expiry of the rental period to submit a new requisition for the next period.

In this instance orders were issued for the periods July to August and October to November 2017. However at the end of August and November respectively the cylinders were not returned to the supplier nor did the workshop superintendent submit a requisition to SCM for the issuing of a new order for the periods of September 2017 and November 2017 to April 2018.

No official procurement process was followed for the renting of the oxygen and acetylene cylinders for the periods of September 2017 and November 2017 to April 2018.

On 3 June 2019 the Municipal Public Accounts Committee (MPAC) consisting of Cllrs S Tebele, D Botha, B Molefe, L Ntsabo and R Nutt considered the matter. The MPAC came to the conclusion that the municipality received value for money and was unanimous in its decision to recommend to Council that, in view of the municipality having received value for money for the renting of the oxygen and acetylene cylinders, the expenditure, in total of R9 954.63 (incl VAT) be certified as irrecoverable and be written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

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

Irregular expenditure to the value of R9 954.63 (incl VAT) to be written off as irrecoverable.

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

None

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

None

#### **10. Annexures**

None

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

that, in view of the municipality having received value for money in lieu of the renting of oxygen and acetylene cylinders by the mechanical workshop, the expenditure, in total R9 954.63 (incl VAT), be certified as irrecoverable and be 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 :**

**10 JULY 2019**

**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)**