



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

A G E N D A

I-AJENDA

DATE / DATUM / UMHLA : 29 MAY / MEI / MEYI 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

24 May / Mei / Meyi 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, 29 MAY 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

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, 29 MEI 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

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 29 MEYI 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, 24 April 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 29 May 2019 had formally sat.

**5.1
WRITING OFF OF IRRECOVERABLE DEBT**

(ITEM 1, PAGE 1 : FINANCE PORTFOLIO - MAYORAL COMMITTEE MEETING : 29 MAY 2019)

RECOMMENDATION TO THE COUNCIL:

that the irrecoverable debt to the value of R541 407.63 as listed below, be written off as bad debt:

A	First time write off – Indigent Households	R217 502.67
B	Indigent water leakages irrecoverable	R323 904.96
	TOTAL	R541 407.63

RESPONSIBLE OFFICIAL : EM HOONEBERG

TARGET DATE FOR IMPLEMENTATION : 31 MAY 2019

5.2

REVISED POLICY ON PAYMENT OF ACTING ALLOWANCES OF SECTION 56 MANAGERS

(ITEM 1, PAGE 1 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 29 MAY 2019)

RECOMMENDATION TO THE COUNCIL:

that the revised Policy on Payment of Acting Allowances of Section 56 Managers **be adopted.**

RESPONSIBLE OFFICIAL :

L BUCCHIANERI

TARGET DATE FOR IMPLEMENTATION :

1 JUNE 2019

5.3

REVISED STUDY AID POLICY FOR EMPLOYEES

**(ITEM 2, PAGE 5 : MANAGEMENT SERVICES PORTFOLIO -
MAYORAL COMMITTEE MEETING : 29 MAY 2019)**

RECOMMENDATION TO THE COUNCIL:

that the Revised Study Aid Policy for Employees **be approved.**

RESPONSIBLE OFFICIAL :

L BUCCHIANERI

TARGET DATE FOR IMPLEMENTATION :

01 JUNE 2019

5.4**AFFORDABLE HOUSING: 22 SERVICED SITES, MOUNT PLEASANT****(ITEM 1, PAGE 1 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 29 MAY 2019)****RECOMMENDATION TO THE COUNCIL:**

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 house hold 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 Mount Pleasant, who physically reside in Mount Pleasant, 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 list of 22 potential beneficiaries with the list of 11 potential 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) have been 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

5.5

SOCIAL HOUSING AND PROPOSED AMENDMENT TO THE DEMARCATED RESTRUCTURING ZONES**(ITEM 2, PAGE 74 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 29 MAY 2019)****RECOMMENDATION TO THE COUNCIL:**

1. that the amended list for the available Restructuring Zone sites **be approved**;
2. that the Western Cape Department of Human Settlements be notified of the amendment of the list of properties;
3. that the procurement process to appoint accredited Social Housing Institutions (SHI) be commenced;
4. that the proposed base criteria which needs to be met by a viable Social Housing Institution be noted; and
5. that the following minimum development incentives **be approved**:
 - Land is to be sold to the SHI at 10% of the market value - subject to special conditions of sale which limit the use and development of the property.
 - Bulk Service contribution is provided at 10% - subject to obtaining subsidy funding.
 - Mixed use developments be considered in order to subsidise the rental amounts for residential units - subject to a viability study and land use approval.
 - Possibilities of higher densities, subject to a viability study and land use approval.
 - Reduced fee for building plan applications at 50% of the normal tariff.

RESPONSIBLE OFFICIAL :**R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****31 MAY 2019****TARGET DATE TO INFORM APPLICANT :****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.6

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

(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING : 29 MAY 2019)

RECOMMENDATION TO THE COUNCIL:

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

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

5.7

FINAL INTEGRATED DEVELOPMENT PLAN (IDP) REVIEW 2019/20

(ITEM 6, PAGE 8 : MAYORAL COMMITTEE MEETING : 29 MAY 2019)

RECOMMENDATION TO THE COUNCIL:

that the final IDP Review for the 2019/20 financial year **be approved**.

RESPONSIBLE OFFICIAL :

R LOUW

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2019

5.8

WATER SERVICES DEVELOPMENT PLAN FOR 2019/20

(ITEM 7, PAGE 22 : MAYORAL COMMITTEE MEETING : 29 MAY 2019)

RECOMMENDATION TO THE COUNCIL:

that the Water Services Development Plan for 2019/20 **be approved.**

RESPONSIBLE OFFICIAL :

H BLIGNAUT

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2019

5.9

REVISION OF ALL BUDGET RELATED POLICIES OF THE OVERSTRAND MUNICIPALITY

(ITEM 8, PAGE 24 : MAYORAL COMMITTEE MEETING : 29 MAY 2019)

RECOMMENDATION TO THE COUNCIL:

that the revised budget related policies **be approved** and implemented with effect from 1 July 2019.

RESPONSIBLE OFFICIAL :

S REYNEKE-NAUDE

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2019

5.10

FINAL BUDGET FOR OVERSTRAND MUNICIPALITY : 2019/2020

(ITEM 9, PAGE 183 : MAYORAL COMMITTEE MEETING : 29 MAY 2019)**RECOMMENDATION TO THE COUNCIL:**

1. that, in terms of section 24 of the Municipal Finance Management Act, (Act 56 of 2003), the annual budget of the Municipality for the 2019/2020 to 2021/2022 MTREF (Medium Term Revenue and Expenditure Framework) period **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- and single year capital appropriations by standard classification (vote) and 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 property rates reflected in **Annexure A to the item be imposed** for the budget year 2019/2020;
3. that tariffs and charges reflected in **Annexure A to the item be approved** for the budget year 2019/2020;
4. that the Municipal Manager be authorised to sign all the necessary agreements and documents to give effect to the 2nd draw down of the proposed three year borrowing programme for external loans amounting to R54 million per year, as well as for the loan of R20,3m for the Hermanus Waste Management Facility;
5. that the following schedules be noted:

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

6. that **cognisance be taken** of the letters of comment received from the community and the LG MTEC 3 Assessment Report by Provincial Treasury and the Provincial Department of Local Government, included in Annexures K and L respectively of the budget report; and

7. that **cognisance be taken** of the 2019/2020 Budget Report.

RESPONSIBLE OFFICIAL :

BA KING

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2019

5.11**RAISING OF NEW EXTERNAL LOANS****(ITEM 10, PAGE 248 : MAYORAL COMMITTEE MEETING : 29 MAY 2019)****RECOMMENDATION TO THE COUNCIL:**

1. that the loan agreement for the raising of the total external loans amounting to R162 000 000 (R54 000 000 per year) for the 2018/2019, 2019/2020 and 2020/2021 financial years, as well as the direct capital grant facility agreement to the amount of R19 900 000 **be approved**; and
2. that the Municipal Manager be authorised to sign the necessary agreements and documents for the above external loans and direct capital grant facility agreement.

RESPONSIBLE OFFICIAL:**B A KING****TARGET DATE FOR IMPLEMENTATION :****1 JUNE 2019**

5.12

GRANTS-IN-AID : RECOMMENDATIONS FOR 2019/20

(ITEM 11, PAGE 341 : MAYORAL COMMITTEE MEETING : 29 MAY 2019)

RECOMMENDATION TO THE COUNCIL:

1. that the
 - (a) Grants-in-Aid: Schedule of recommended beneficiaries for the 2019/20 financial year; and
 - (b) Grants-in-Aid: Schedule of unsuccessful applicants 2019/20

be noted; and
2. that the necessary deviations from the Policy **be approved** so as to enable the Committee to award the recommended beneficiaries.

RESPONSIBLE OFFICIAL:**GG SMIT****TARGET DATE FOR IMPLEMENTATION:****JULY 2019**

5.13

REQUEST FOR EXEMPTION OF BUILDING PLAN FEES : HERMANUS SPORTS CLUB**(ITEM 12, PAGE 349 : MAYORAL COMMITTEE MEETING : 29 MAY 2019)****RECOMMENDATION TO THE COUNCIL:**

1. that the application for exemption of current and future building plan fees towards the building plans submitted on phase one of the Hermanus Sports Club (Remainder of Erf 1253, Hermanus), **be approved**; and
2. that the amount of R53 050.34 to be refunded to Messrs Promat B (Pty) Ltd regarding building plan fees paid, **be approved**.

RESPONSIBLE OFFICIAL :**R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****10 JULY 2019****TARGET DATE TO INFORM APPLICANT :****10 JULY 2019****TARGET DATE TO INFORM OBJECTOR :****N/A**

6. CONSIDERATION OF REPORTS

6.1

REAPPOINTMENT OF COUNCILLORS ON PORTFOLIO COMMITTEES

3/2/3/5

H van Tonder
16 May 2019

(028) 313 8037

Council Support Services

1. Executive Summary

The purpose of the report is to grant Council an opportunity to reappoint Councillors on Portfolio Committees.

2. Service Delivery and Budget Implementation Plan - IGNITE

Not applicable

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

None

5. Legal Requirements

- Section 79 and 80 of the Local Government: Municipal Structures Act, No 117 of 1998 (Structures Act)
- Section 160(8) of the Constitution of the Republic of South Africa, 1996

6. Discussion

The Mayoral Committee is established and operates in terms of Section 60 of the Structures Act. In this regard the Executive Mayor has, as from 1 May 2019, appointed a sixth member to the Mayoral Committee and reshuffled the chairpersons of certain Portfolio Committees as follows:

Finance	:	Cllr Riana de Coning (unchanged)
Management Services	:	Cllr Andrew Komani (unchanged)
Economic Development & Tourism:		Cllr Kari Brice
Protection Services	:	Cllr Arnie Africa
Community Services	:	Cllr Grant Cohen (new appointment)
Infrastructure & Planning	:	Cllr Elnora Gillion (Deputy Mayor)

The reshuffling of the Mayoral Committee by the Executive Mayor necessitates the reappointment of members to the Portfolio Committees.

Council resolved on 28 February 2018 as follows:

“RESOLVED (SUPPORTED BY 22 COUNCILLORS):

1. that Committees (so-called Portfolio Committees), in terms of section 80, read with section 79, of the Local Government : Municipal Structures Act, No 117 of 1998, **be reappointed** as follows:

Portfolio Committee :
Finance

Members :
Cllr R de Coning (Chairperson), Cllrs L Ntsabo, G Cohen, S Tebele, X Msweli and B Molefe

Portfolio Committee :
Management Services

Members :
Cllr A Komani (Chairperson), Ald N Botha-Guthrie, Cllr M Opperman, Ald M Sapepa, Cllr N Nqinata

Portfolio Committee :
Community Services

Members :
Cllr F Africa (Chairperson), Cllrs J Orban, C May, V Pungupungu and S Kalolo

Portfolio Committee :
Economic Development,
Tourism & Protection Services

Members :
Cllr E Gillion (Chairperson), Cllrs L Ntsabo, G Cohen, V Macotha and C Tafu-Nwonko

Portfolio Committee :
Infrastructure and Planning

Members :
Cllr K Brice (Chairperson), D Botha, F Krige, S Tebele and V Pungupungu

2. that a simple majority of members of any one of the Committees constitutes **a quorum.**”

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Annexure A : Section 79 and 80 of the Structures Act

RECOMMENDATION TO THE COUNCIL:

1. that Committees (so-called Portfolio Committees), in terms of section 80, read with section 79, of the Local Government : Municipal Structures Act, No 117 of 1998, **be reappointed**; and
2. that a simple majority of members of any one of the Committees constitutes **a quorum**.

RESPONSIBLE OFFICIAL:**H VAN TONDER****TARGET DATE FOR IMPLEMENTATION:****29 MAY 2019**

Annexure A

1/1

79. Establishment.—(1) A municipal council may—

- (a) establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers;
- (b) appoint the members of such a committee from among its members; and
- (c) dissolve a committee at any time.

(2) The municipal council—

- (a) must determine the functions of a committee;
- (b) may delegate duties and powers to it in terms of section 32;
- (c) must appoint the chairperson;
- (d) may authorise a committee to co-opt advisory members who are not members of the council within the limits determined by the council;
- (e) may remove a member of a committee at any time; and
- (f) may determine a committee's procedure.

80. Committees to assist executive committee or executive mayor.—(1) If a municipal council has an executive committee or executive mayor, it may appoint in terms of section 79, committees of councillors to assist the executive committee or executive mayor.

(2) Such committees may not in number exceed the number of members of the executive committee or mayoral committee.

(3) The executive committee or executive mayor—

- (a) appoints a chairperson for each committee from the executive committee or mayoral committee;
- (b) may delegate any powers and duties of the executive committee or executive mayor to the committee;
- (c) is not divested of the responsibility concerning the exercise of the power or the performance of the duty; and
- (d) may vary or revoke any decision taken by a committee, subject to any vested rights.

(4) Such a committee must report to the executive committee or executive mayor in accordance with the directions of the executive committee or executive mayor.

**6.2
ELECTION OF A SECUNDUS FOR THE SPEAKER**

3/2/3/6

H van Tonder

(028) 313 8037

Corporate Head Office

16 May 2019

1. Executive Summary

The purpose of the report is to elect a Councillor as secundus for Ald A Coetsee to act, as and when necessary, in his capacity as Speaker in terms of Section 41 of the Local Government : Municipal Structures Act, 1998 (Act No 117 of 1998).

2. Service Delivery and Budget Implementation Plan - IGNITE

Not applicable

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

None

5. Legal Requirements

Section 41 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) [Structures Act]

6. Background/Discussion

Section 41 of the Structures Act provides that the Council must elect another councillor to act as Speaker if the Speaker is absent or not available to perform the functions of Speaker or during a vacancy.

Cllr K Brice was elected as Secundus for the Speaker on 26 October 2016. The Executive Mayor, however, requested that an item be submitted to Council for the election of a new Secundus for the Speaker.

Council is thus requested to elect a councillor as secundus for Ald A Coetsee to act as Speaker when he is absent or not available to perform the functions of the Speaker or during a vacancy.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

None

RECOMMENDATION TO THE COUNCIL:

that a councillor **be elected as Secundus for the Speaker** in terms of Section 41 of the Local Government : Municipal Structures Act, 1998 (Act No 117 of 1998) to act as Speaker when the Speaker is absent or not available to perform the functions of Speaker or during a vacancy.

RESPONSIBLE OFFICIAL:**H VAN TONDER****TARGET DATE FOR IMPLEMENTATION:****29 MAY 2019**

6.3

APPOINTMENT OF A NEW MEMBER AND SECUNDUS : MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)

3/2/3/7

H van Tonder

(028) 313 8037

Corporate Head Office

16 May 2019

1. Executive Summary

The purpose of the report is to afford Council the opportunity to appoint a new member, as well as a secundus for the chairperson for the Municipal Public Accounts Committee (MPAC) due to Cllr G Cohen's appointment to the Mayoral Committee by the Executive Mayor.

2. Service Delivery and Budget Implementation Plan - IGNITE

Not applicable

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

None

5. Legal Requirements

Constitution of the Republic of South Africa, 1996

Local Government: Municipal Structures Act, 1998 (Act No.117 of 1998) (Structures Act)

Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA)

Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (Systems Act)

6. Background/Discussion

Council on 28 February 2018 resolved as follows:

“RESOLVED (SUPPORTED BY 22 COUNCILLORS):

1. that the following members **be appointed** on the Municipal Public Accounts Committee:

Cllr D Botha, Ald N Botha-Guthrie, Cllrs G Cohen, S Tebele and B Molefe;

2. that Cllr S Tebele **be appointed** as Chairperson; and
3. that Ald N Botha-Guthrie **be appointed** as **secundus** for the Chairperson.”

Council on 27 March 2019 resolved further as follows:

”RESOLVED (SUPPORTED BY 22 COUNCILLORS):

1. that Cllr L Ntsabo **be appointed** as **member** of the Municipal Public Accounts Committee; and
2. that Cllr G Cohen **be appointed** as **secundus** for the Chairperson of the Municipal Public Accounts Committee”.

Council is thus requested to appoint a new member and secundus for the chairperson of the MPAC due to Cllr G Cohen’s appointment on the Mayoral Committee.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

None

RECOMMENDATION TO THE COUNCIL:

1. that a non-executive member for the Municipal Public Accounts Committee **be appointed** as a new member; and
2. that a new **secundus be appointed** for the Chairperson.

RESPONSIBLE OFFICIAL :

H VAN TONDER

TARGET DATE FOR IMPLEMENTATION :

29 MAY 2019

6.4

RECESS : JULY 2019

3/2/1/4

H van Tonder

(028) 313 8037

Corporate Head Office

20 April 2019

1. Executive Summary

The purpose of the report is to obtain confirmation of Council's recess from 26 June 2019 (**immediately after conclusion of the Council Meeting**) to 21 July 2019 and related matters.

2. Service Delivery and Budget Implementation Plan Reference - IGNITE

Not applicable

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance.

4. Delegated Authority

None

5. Legal Requirements

- Constitution of the Republic of South Africa, 1996 (Constitution)
- Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) (Structures Act)
- Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) (Systems Act)

6. Background/Discussion

Section 18(2) of the Structures Act provides that a municipal council must meet at least quarterly.

Item 3 of the Code of Conduct for Councillors (Schedule 1 to the Systems Act) provides that a Councillor must attend each meeting of the municipal council and of a committee of which that Councillor is a member. Apart from the aforesaid, Council's By-law on Rules of Order for Internal Arrangements also addresses this matter. Should Council resolve to go into recess **immediately after conclusion of the Council Meeting on 26 June 2019 to 21 July 2019**, such a resolution will have no effect on Council's legal responsibility to meet at least quarterly.

During the proposed recess, all urgent matters can be dealt with by the Executive Mayor (or acting) in consultation with the Municipal Manager (or acting), except those reserved in terms of the provisions of Section 160(2) of the Constitution and Section 59 (1) (a) of the Systems Act for full Council.

It is important to note that a **Special Council Meeting** will take place on **Wednesday, 31 July 2019**.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

None

RECOMMENDATION TO THE COUNCIL:

1. **that the proposed period of recess, i.e. 26 June 2019** (immediately after conclusion of the Council Meeting) **to 21 July 2019** (the latter included) **be approved;**
2. that, during the period of recess, all urgent matters/emergency situations be dealt with by the Executive Mayor (or acting) in consultation with the Municipal Manager (or acting), except those reserved by law for full Council; and
3. that **cognisance be taken** that a **Special Council Meeting** will take place on **Wednesday, 31 July 2019**.

RESPONSIBLE OFFICIAL :**H VAN TONDER****TARGET DATE FOR IMPLEMENTATION :****NOT APPLICABLE**

6.5**REPORT OF THE DISCIPLINARY BOARD REGARDING THEIR PRELIMINARY INVESTIGATION PERTAINING TO ALLEGATIONS OF FINANCIAL MISCONDUCT: OFFICIAL EMPLOYED AT LOCAL ECONOMIC DEVELOPMENT**

This item was distributed under separate cover to Councillors for consideration.

In terms of Section 20(2) of the Local Government: Municipal Systems Act, No 32 of 2000, read with Rule 17 of the Overstrand Municipality's Standard By-law on Rules of Order for Internal Arrangements, this item must be considered "in committee".

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)