



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

A G E N D A

I-AJENDA

**DATE / DATUM / UMHLA : 28 OCTOBER / OKTOBER /
OKTOBHA 2021**
VENUE / PLEK / INDAWO : AUDITORIUM
TIME / TYD / IXESHA : 15:00

MUNICIPALITY / MUNISIPALITEIT / UMASIPALA WE-OVERSTRAND

Office of the Municipal
Manager
Municipal Offices
HERMANUS

22 October / Oktober / Oktobha 2021

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 **AUDITORIUM, CIVIC CENTRE, HERMANUS** on **THURSDAY, 28 OCTOBER 2021** at **15:00**, of which the agenda will be available on the Overstrand Website (www.overstrand.gov.za).

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).

D O'NEILL
MUNICIPAL MANAGER

KENNISGEWING AAN ALLE RAADSHERE & RAADSLEDE

GEWONE VERGADERING VAN DIE OVERSTRAND MUNISIPALE RAAD

KENNIS GESKIED HIERMEE dat 'n **GEWONE VERGADERING** van die **OVERSTRAND MUNISIPALE RAAD** gehou sal word in die **ODITORIUM, BURGERSENTRUM, HERMANUS** op **DONDERDAG, 28 OKTOBER 2021** om **15:00**, welke agenda op die Overstrand Webtuiste (www.overstrand.gov.za) beskikbaar sal wees.

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).

D O'NEILL
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 **ODITHORIYAM, KWIZIKO LOLUNTU, eHERMANUS** ngo**LWESINI, Umhla we 28 OCTOBHA 2020** ngeye-**15:00** I-ajenda iya kufumaneka yona kwiwebhusayithi ye-Overstrand (www.overstrand.gov.za).

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

D O'NEILL
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 **Tuesday, 24 August 2021** at **11:00**

3.2 Minutes of a **Special Meeting** of the **Council** held on **Thursday, 16 September 2021** at **14:00**

3.3 Minutes of a **Special Meeting** of the **Council** held on **Wednesday, 13 October 2021** at **14:00**

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 28 October 2021 had formally sat.

**5.1
WRITING OFF OF IRRECOVERABLE DEBT**

(ITEM 1, PAGE 1 : FINANCE PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)

RECOMMENDATION TO THE COUNCIL:

that the irrecoverable debt to the value of R503 088.14 as listed below, be written off as bad debt:

A	First time write off – Indigent Households	R 121 476.39
B	Indigent water leakages irrecoverable	R 350 367.47
C	Final accounts equal or less than R1 500.00	R 1 763.81
D	Other Write offs	R 29 480.47
	TOTAL	<u>R 503 088.14</u>

RESPONSIBLE OFFICIAL :

EM HOONEBERG

TARGET DATE FOR IMPLEMENTATION :

05 NOVEMBER 2021

5.2

AMENDMENTS AND ADDITIONS TO THE DELEGATION OF POWERS AND DUTIES: MUNICIPAL MANAGER: HUMAN RESOURCES

(ITEM 1, PAGE 1 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)

RECOMMENDATION TO THE COUNCIL:

that the amendments and additions to the Municipal Manager's delegations (as per Annexure A to the item) of powers and duties conferred on him, **be approved**.

RESPONSIBLE OFFICIAL :**L BUCCHIANERI
H VAN TONDER****TARGET DATE FOR IMPLEMENTATION :****8 NOVEMBER 2021**

5.3

REVIEW OF THE OVERSTRAND MUNICIPALITY DISASTER MANAGEMENT PLAN

(ITEM 2, PAGE 34 : PROTECTION SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)

RECOMMENDATION TO THE COUNCIL:

that the Overstrand Municipality Disaster Management Plan be, **be adopted.**

RESPONSIBLE OFFICIAL :

**NJ MICHAELS
L SMITH**

TARGET DATE FOR IMPLEMENTATION :

1 NOVEMBER 2021

5.4

YOUTH DEVELOPMENT THROUGH LOCAL DEMOCRACY

**(ITEM 1, PAGE 1 : ECONOMIC DEVELOPMENT AND TOURISM
PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER
2021)**

RECOMMENDATION TO THE COUNCIL:

that the report **be noted**.

RESPONSIBLE OFFICIAL :

**S MADIKANE
G SMIT
R LOUW**

TARGET DATE FOR IMPLEMENTATION :

NOT APPLICABLE

5.5**TRANSFER: ERF 371, ZWELIHLE: MR NKOSIMBINI PHILIP SKISANA AND MRS NONKOSO PATRICIA SKISANA****(ITEM 2, PAGE 6 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)****RECOMMENDATION TO THE COUNCIL:**

1. that permission **be granted** to transfer erf 371, Zwelihle to Mr Nkosimbini Philip Skisana (ID Number 521221 5703 089) and Mrs Nonkoso Patricia Skisana (ID Number 670312 1013 083);
2. that Mr Nkosimbini Philip Skisana and Mrs Nonkoso Patricia Skisana be responsible for the payment of the sales price of R10,00; and
3. that the aforementioned approval furthermore be subject to Mr Nkosimbini Philip Skisana and Mrs Nonkoso Patricia Skisana accepting responsibility for the outstanding municipal services account in respect of erf 371 Zwelihle.

RESPONSIBLE OFFICIAL :**FW FRANS****TARGET DATE FOR IMPLEMENTATION :****01 NOVEMBER 2021**

5.6

IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF THE REMAINDER ERF 1178 DE KELDERS (ROAD RESERVE), ADJACENT TO ERF 43 DE KELDERS SITUATED AT 1 DE VILLIERS STREET, DE KELDERS TO CFP JORDAAN

(ITEM 2, PAGE 106 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)

RECOMMENDATION TO THE COUNCIL:

1. that the direct alienation of a portion of Remainder Erf 1178 (adjacent to Erf 43) De Kelders situated in De Villiers Street, $\pm 165\text{m}^2$ in extent, to the owner of the adjoining Erf 43 De Kelders, CFP Jordaan, at an amount of R240.00/m² (TWO HUNDRED AND FORTY RAND PER SQUARE METRE) (VAT excluded) be **approved in principle**;
2. that it be noted that the direct alienation is possible as the subject portion of Remainder Erf 1178 can be classified as a non-viable property;
3. that, subject to the approval in 1 above, a public participation process be followed at the cost of the Applicant;
4. that it be noted that a condition for the alienation will be that the subject portion of Remainder Erf 1178 De Kelders must be consolidated with the adjoining property of CFP Jordaan, being Erf 43 De Kelders;
5. that no structures of any kind (excluding a boundary wall or fence) may be erected on the portion of Remainder Erf 1178 De Kelders, which condition must be registered against the title deed of the consolidated property;
6. that the alienation of the portion of Remainder Erf 1178 De Kelders be subject to a suspensive condition that the Applicant obtains approval for the subdivision, rezoning, consolidation and any other related town planning applications;
7. that all the costs pertaining to the transaction, e.g. application cost, valuation cost, subdivision, rezoning, consolidation, transfer and related costs, advertisements, etc. be paid by the Applicant, CFP Jordaan; and
8. that it be noted that the municipal property herewith envisaged to be alienated 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:

W MURTZ

TARGET DATE FOR IMPLEMENTATION:

11 NOVEMBER 2021

TARGET DATE TO INFORM APPLICANT:

11 NOVEMBER 2021

TARGET DATE TO INFORM OBJECTOR:

N/A

5.7

TRANSFER OF A PORTION OF ERF 6804 HERMANUS (ROAD RESERVE) ADJACENT TO ERF 6515 HERMANUS SITUATED AT 72 KATJIEPIERING STREET, MOUNT PLEASANT, TO DJ & MG COERT

(ITEM 5, PAGE 133 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)

RECOMMENDATION TO THE COUNCIL:

1. that the transfer of a portion of Erf 6804 Hermanus (adjacent to Erf 6515 Hermanus) situated at 72 Katjeepering Street, Mount Pleasant, $\pm 180\text{m}^2$ in extent, to the owner of the adjoining Erf 6515 Hermanus, DJ & MG Coert, at an amount of R172.00/m² (ONE HUNDRED AND SEVENTY TWO RAND) (PER SQUARE METRE) (VAT excluded) for the purpose of gardening, parking and erection of a boundary fence or wall **be approved**;
2. that Council take cognisance of the fact that the direct alienation and subsequent transfer is only approved as the subject portion of Erf 6804 Hermanus is classified as a non-viable property;
3. that it be noted that a condition for the transfer is that the said portion of Erf 6804 Hermanus must be consolidated with the adjoining property of DJ & MG Coert, being Erf 6515 Hermanus;
4. that a condition be registered against the title deed of the to be consolidated property that the portion of property envisaged to be transferred may only be used for gardening and parking purposes and no structures, excluding a boundary fence or wall, may be erected thereon;
5. that the transfer of a portion of Erf 6804 Hermanus be subject to a suspensive condition that the applicant/purchaser obtains approval for the closure of the public road, subdivision, consolidation and rezoning and all related town planning approvals applicable;
6. that all the costs pertaining to the transaction, e.g. application cost, valuation cost, subdivision and consolidation, closure of portion of public road, rezoning, transfer and related costs, advertisements, etc. be paid by the applicant/purchaser; and
7. that it be noted that the municipal property envisaged to be transferred is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

RESPONSIBLE OFFICIAL:

W MURTZ

TARGET DATE FOR IMPLEMENTATION:

30 NOVEMBER 2021

TARGET DATE TO INFORM APPLICANT:

19 NOVEMBER 2021

TARGET DATE TO INFORM OBJECTOR:

N/A

5.8

TRANSFER OF ERF 6848 KLEINMOND ADJACENT TO ERF 7308 KLEINMOND SITUATED AT 1 BERGROOS CRESCENT, EXTENSION 6, TO THE BREAD OF LIFE ASSEMBLY OF SOUTH AFRICA

(ITEM 9, PAGE 167 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)

RECOMMENDATION TO THE COUNCIL:

1. that the transfer of Erf 6848 Kleinmond (adjacent to Erf 7308 Kleinmond) situated at 1 Bergroos Crescent, Extension 6, 162m² in extent, to the owner of the adjoining Erf 7308 Kleinmond, The Bread of Life Assembly of South Africa, at an amount of R41,000.00 (FORTY ONE THOUSAND RAND) (VAT excluded) for church and related purposes be **approved**;
2. that Council take cognisance of the fact that the direct alienation and subsequent transfer is only approved as Erf 6848 Kleinmond is classified as a non-viable property;
3. that it be noted that a condition for the transfer will be that Erf 6848 Kleinmond must be consolidated with the adjoining property of The Bread of Life Assembly of South Africa, being Erf 7308 Kleinmond;
4. that the transfer of Erf 6848 Kleinmond is subject to a suspensive condition that the applicant/purchaser obtains approval for the rezoning and consolidation and all related town planning approvals applicable;
5. that all the costs pertaining to the transaction, e.g. application cost, valuation rezoning, consolidation, transfer and related costs, advertisements, etc. be paid by the applicant/purchaser, The Bread of Life Assembly of South Africa; and
6. that it be noted that the municipal property envisaged to be transferred is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

RESPONSIBLE OFFICIAL:**W MURTZ****TARGET DATE FOR IMPLEMENTATION:****30 NOVEMBER 2021****TARGET DATE TO INFORM APPLICANT:****19 NOVEMBER 2021****TARGET DATE TO INFORM OBJECTOR:****N/A**

5.9

APPLICATION TO PURCHASE: A PORTION OF REMAINDER ERF 1253 HERMANUS, ADJACENT TO ERF 1300 HERMANUS (262 MAIN ROAD, EASTCLIFF) (COMMONAGE) – DM & L KIRSCH

(ITEM 10, PAGE 176 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)

RECOMMENDATION:

that the item **be referred back** and resubmitted at the forthcoming Mayoral Committee meeting.

RESPONSIBLE OFFICIAL:**W MURTZ****TARGET DATE FOR IMPLEMENTATION:****30 NOVEMBER 2021****TARGET DATE TO INFORM APPLICANT:****19 NOVEMBER 2021****TARGET DATE TO INFORM OBJECTOR:****N/A**

5.10

TRANSFER OF A PORTION OF ERF 2423 BETTY'S BAY ADJACENT TO ERF 2674 BETTY'S BAY SITUATED AT 199 PORTER DRIVE, BETTY'S BAY, TO AFRICA PRO CURE CC

(ITEM 11, PAGE 183 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)

RECOMMENDATION TO THE COUNCIL:

1. that the transfer of a portion of Erf 2423 Betty's Bay (adjacent to Erf 2674 Betty's Bay) situated at 199 Porter Drive, Betty's Bay, $\pm 60\text{m}^2$ in extent, to the owner of the adjoining Erf 2674 Betty's Bay, Africa Pro Cure CC, at an amount of R150.00/m² (ONE HUNDRED AND FIFTY RAND PER SQUARE METRE) (VAT excluded) for parking purposes be **approved**;
2. that Council take cognisance of the fact that the direct alienation and subsequent transfer is only approved as the subject portion of Erf 2423 Betty's Bay is classified as a non-viable property;
3. that it be noted that a condition for the transfer will be that the said portion of Erf 2423 Betty's Bay must be consolidated with the adjoining property of Africa Pro Cure CC, being Erf 2674 Betty's Bay;
4. that a condition be registered against the title deed of the to be consolidated property that no structures, excluding a boundary fence or wall, may be erected thereon;
5. that the transfer of a portion of Erf 2423 Betty's Bay be subject to a suspensive condition that the applicant/purchaser obtains approval for the closure of the portion of public road, subdivision, consolidation and rezoning and all related town planning approvals applicable;
6. that all the costs pertaining to the transaction, e.g. application cost, valuation cost, closure of portion of public road, subdivision, consolidation, rezoning, transfer and related costs, advertisements, etc. be paid by the applicant/purchaser, Africa Pro Cure CC; and
8. that it be noted that the municipal property envisaged to be transferred is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

RESPONSIBLE OFFICIAL:

W MURTZ

TARGET DATE FOR IMPLEMENTATION:

30 NOVEMBER 2021

TARGET DATE TO INFORM APPLICANT:

19 NOVEMBER 2021

TARGET DATE TO INFORM OBJECTOR:

N/A

5.11

PORTION 5 OF THE FARM NO. 585 SITUATED IN THE HEMEL AND AARDE VALLEY HERMANUS: DEVIATION FROM PARAGRAPH 18 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A DIRECT LEASE WITH OVERSTRAND SKILLS TRAINING NETWORK NPC

(ITEM 12, PAGE 192 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)

RECOMMENDATION TO THE COUNCIL:

that the deviation from paragraph 18 of the Administration of Immovable Property Policy in order to enter into a lease agreement with Overstrand Skills Training Network NPC without following a competitive bidding process, **be approved.**

RESPONSIBLE OFFICIAL :	M ERASMUS
TARGET DATE FOR IMPLEMENTATION :	31 NOVEMBER 2021
TARGET DATE TO INFORM APPLICANT :	31 NOVEMBER 2021
TARGET DATE TO INFORM OBJECTOR :	N/A

5.12

IN PRINCIPLE APPROVAL FOR THE ALIENATION OF UNREGISTERED ERF 12308 (A PORTION OF ERF 384) HERMANUS SITUATED ON THE CORNER OF CHURCH STREET AND ALBERTYN STREET, HERMANUS, BY MEANS OF A COMPETITIVE PROCESS

(ITEM 14, PAGE 209 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)

RECOMMENDATION TO THE COUNCIL:

1. that the alienation of unregistered Erf 12308 Hermanus (a portion of Erf 384 Hermanus), ±7,342 Square Meters in extent, for the purpose of medical facilities and related community facilities by means of a competitive process at no less than the fair market value, **be approved in principle**;
2. that all costs pertaining to the transaction, including, but not limited to, the transfer costs, water, sewer and electricity connections, the section 14 advertisement, services relocation costs and servitude registration costs, but excluding the valuation costs, where applicable, be paid by the successful bidder/purchaser;
3. that a condition be registered against the title deed of the Property that it may only be used and developed for medical facilities and related community facilities;
4. that the relevant conditions stipulated and imposed by the Manager: Engineering Services as well as those included in the Engineering Services Report be included in the deed of sale; and
5. that it is hereby confirmed by Council that the municipal property herewith envisaged to be alienated is not required for the provision of basic municipal services in terms of paragraph 5 of the Administration of Immovable Property Policy approved by Council on 25 November 2015 and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

RESPONSIBLE OFFICIAL :**R MARINUS****TARGET DATE FOR IMPLEMENTATION :****IN PROCESS****TARGET DATE TO INFORM APPLICANT :****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.13

APPLICATION TO PURCHASE: A PORTION OF ERF 379 (A PORTION OF ERF 370) HERMANUS (DE GOEDE STREET, HERMANUS), ADJACENT TO ERF 6137 HERMANUS (18 WESTCLIFF ROAD, HERMANUS) – MG OTTO

(ITEM 16, PAGE 360 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)

RECOMMENDATION TO THE COUNCIL:

that the direct alienation of a portion of Erf 379 (a portion of Erf 370) Hermanus ($\pm 294,5\text{m}^2$ in extent), adjacent to Erf 6137 Hermanus, to the owner of the adjoining Erf 6137 Hermanus, MG Otto, **not be approved** as the property must be reserved for current line of sight as well as future road widening.

RESPONSIBLE OFFICIAL:	R OCTOBER
TARGET DATE FOR IMPLEMENTATION:	30 NOVEMBER 2021
TARGET DATE TO INFORM APPLICANT:	15 NOVEMBER 2021
TARGET DATE TO INFORM OBJECTOR:	N/A

5.14

ERF 4413, BETTY'S BAY OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTION, REZONING AND SUBDIVISION: MESSRS WRAP PROJECT OFFICE ON BEHALF OF BS McLEOD

(ITEM 17, PAGE 366 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)

RECOMMENDATION TO THE COUNCIL:

that the application to deviate from the Overstrand Growth Management Strategy, 2010 in order to allow the density of 27,1du/ha for Erf 4413, **be approved.**

RESPONSIBLE OFFICIAL :	R KUCHAR
TARGET DATE FOR IMPLEMENTATION :	11 NOVEMBER 2021
TARGET DATE TO INFORM APPLICANT :	11 NOVEMBER 2021
TARGET DATE TO INFORM OBJECTOR :	N/A

5.15

A PORTION OF ERF 775 FISHERHAVEN: DEVIATION FROM PARAGRAPHS 18 AND 24 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A FURTHER LEASE AGREEMENT WITH LAKE MARINA YACHT AND BOAT CLUB

(ITEM 18, PAGE 399 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)

RECOMMENDATION TO THE COUNCIL:

1. that the deviation from paragraph 18 of the Administration of Immovable Property Policy in order to renew the current lease agreement with Lake Marina Yacht and Boat Club for a further period of 3 (THREE) years without following a competitive process, **be approved**; and
2. that the deviation from paragraph 24 of the Administration of Immovable Property Policy in order to renew the current lease agreement with Lake Marina Yacht and Boat Club without having a new market related valuation being done, **be approved**.

RESPONSIBLE OFFICIAL :**R MARINUS****TARGET DATE FOR IMPLEMENTATION :****30 NOVEMBER 2021****TARGET DATE TO INFORM APPLICANT :****15 NOVEMBER 2021****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.16

OVERSTRAND MUNICIPALITY: INVESTIGATION INTO AVAILABLE AND DEVELOPABLE LAND IN KLEINMOND AND OVERHILLS UPGRADES

(ITEM 19, PAGE 406 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)

RECOMMENDATION TO THE COUNCIL :

that the investigation into available and developable land in Kleinmond and Overhills Upgrades **be approved** as a guiding document to the Overstrand Spatial Development Framework, 2020 and the Overstrand Housing Plan.

RESPONSIBLE OFFICIAL :**R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****11 NOVEMBER 2021****TARGET DATE TO INFORM APPLICANT :****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.17

REPORT OF THE JOINT AUDIT AND PERFORMANCE AUDIT COMMITTEE (JAPAC) TO THE OVERSTRAND MUNICIPAL COUNCIL

(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)

RECOMMENDATION TO THE COUNCIL:

that the report from the JAPAC to the Overstrand Municipal Council **be noted**.

RESPONSIBLE OFFICIAL :

DC VAN DER HEEVER

TARGET DATE FOR IMPLEMENTATION :

28 OCTOBER 2021

5.18

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, AUGUST 2021

(ITEM 6, PAGE 23 : MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)

RECOMMENDATION TO THE COUNCIL:

1. that the deviations from the procurement processes, approved in terms of the delegated authority for August 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 August 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 August 2021, **be noted**

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

5.19

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, SEPTEMBER 2021

(ITEM 7, PAGE 37 : MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)

RECOMMENDATION TO THE COUNCIL:

1. that the deviations from the procurement processes, approved in terms of the delegated authority for September 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 September 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 September 2021, **be noted**.

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

5.20**SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT – 2021/2022:****1st QUARTER: 1 JULY 2021 – 30 SEPTEMBER 2021****(ITEM 8, PAGE 57 : MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)****RECOMMENDATION TO THE COUNCIL:**

that the activities undertaken and outcomes achieved in the implementation of the Overstrand Municipality's Supply Chain Management Policy for the 1st Quarter of 2021/2022 **be noted**.

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

5.21

QUARTERLY BANK ACCOUNT WITHDRAWALS IN TERMS OF SECTION 11(4) OF THE MFMA FOR THE QUARTER ENDED SEPTEMBER 2021

(ITEM 9, PAGE 118 : MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)

RECOMMENDATION TO THE COUNCIL:

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

RESPONSIBLE OFFICIAL :

BA KING

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

5.22

BUDGET REPORT AND SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) FOR THE QUARTER ENDED SEPTEMBER 2021**(ITEM 10, PAGE 121 : MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)****RECOMMENDATION TO THE COUNCIL:**

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

RESPONSIBLE OFFICIALS :**BA KING
RG LOUW****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

5.23**AMOUNTS DIRECTLY RELATED TO THE FLUCTUATION IN CONSUMPTION CHARGES EXEMPTED FROM INTEREST FOR A PERIOD****(ITEM 11, PAGE 196 : MAYORAL COMMITTEE MEETING : 28 OCTOBER 2021)****RECOMMENDATION TO THE COUNCIL:**

that no interest be raised for a period of up to six (6) months on municipal consumer accounts, on those amounts directly related to the fluctuation in consumption charges, caused by the delayed actual readings in August and September 2021.

RESPONSIBLE OFFICIAL :**E HOONEBERG****TARGET DATE FOR IMPLEMENTATION :****28 OCTOBER 2021**

6. CONSIDERATION OF REPORTS**6.1****INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE NON-COMPLIANCE WITH CLAUSE 19 OF THE OVERSTRAND MUNICIPALITY SCM POLICY: ADVERTISEMENTS****3/2/3/8****L Bucchianeri****Senior Manager: Human Resources****16 September 2021****(028) 313 - 8120**

1. Executive Summary

The purpose of this report is to provide the necessary information and to request Council to write off the expenditure in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act 2003, (Act 56 of 2003). This report contains the detailed background and reasons for the incurrence of the expenditure, when services were rendered regarding the appointment of Ayanda Mbanga Communications Pty Ltd as deviations.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Management Services
Department: Human Resources Department

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)
Overstrand Municipality Supply Chain Management Policy dated 27 May 2020, as amended.

6. Background/Discussion/Evaluation/Conclusion**Background/Discussion**

Paragraph 36 of the Supply Chain Management (SCM) Policy of the Overstrand Municipality provides for the Accounting Officer to dispense with the official procurement process to procure required services when it is

impractical or impossible to follow the official procurement processes included, but not limited to, the acquisition. The Municipality has provided placement of advertisements for vacancies by Ayanda Mbanga Communication Pty Ltd in the past. This was a well established practice that is in use for a number of years.

It was found by the Auditor-General that the expenditure incurred on advertisements procured through deviation process during the 19/20 audit, was irregular. These amounts identified were submitted to the Municipal Accounts Committee and written off.

In terms of the Supply Chain Irregular Expenditure Report additional instances were identified of the services of Ayanda Mbanga Communication that were utilized without following a competitive bidding process during the 2020/2021 financial year. Therefore, the process followed was not fair and equitable as other service providers that the municipality could potentially use for advertisement services are not given a fair chance.

The expenditure incurred in above-mentioned regard, amounts to R301 735.62 (incl. Vat).

It is the opinion of the Human Resources department that the Municipality received value for money through an established practice.

Corrective Steps/Conclusion

In terms of the audit finding, it was recommended that the municipality follows a competitive bid process and appoint a panel of service providers to render the advertising services to the municipality for a period of time at pre-agreed standard prices/rates.

On 16 September 2021 the Municipal Public Accounts Committee (MPAC) consisting of Cllrs S Tebele, D Botha and B Molefe considered a detailed report on the matter and came to the conclusion that the Municipality did not suffer any financial loss and was unanimous in its decision to recommend to Council that the irregular expenditure in the amount of **R301 735.62** (Vat Incl) for Human Resources Department, be certified as irrecoverable and be written off.

7. Financial Implications

R301 735.62 (Vat Incl)

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexure

None

RECOMMENDATION TO THE COUNCIL:

that, in view of the fact that the municipality have received value for money, the irregular expenditure in the amount of R301 735.62 (Vat Incl) for placement of advertisements, 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 OF IMPLEMENTATION :****30 NOVEMBER 2021**

6.2**INVESTIGATION INTO INSTANCES OF POSSIBLE FRUITLESS AND WASTEFUL EXPENDITURE: OUTSTANDING AMOUNTS REFLECTED AGAINST THE SALARY CONTROL VOTE AS NOT RECOVERABLE FROM EMPLOYEES UPON THE TERMINATION OF THEIR SERVICES WITH OVERSTRAND MUNICIPALITY****3/2/3/8****H Vorster****Senior Manager : Expenditure & Assets****19 October 2021****(028) 313-8046**

1. Executive Summary

The purpose of this report is to request Council for the writing off of the fruitless and wasteful expenditure in respect of outstanding amounts reflected against the salary control vote as not recoverable from various former employees upon the termination of their services with Overstrand Municipality.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Finance

Department: Expenditure & Assets

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance

Provision and maintenance of municipal services

4. Delegated Authority

Non applicable

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/Evaluation/Conclusion**Background**

Between April 2015 and February 2021, a number of employees left the employ of the Overstrand Municipality, either through their own choice or after the required disciplinary processes were followed. Unfortunately, however, at the time their employment was terminated, there was not sufficient available

funds due to them to settle the debt in respect of unpaid absent hours, incomplete study bursary schemes and other reasons.

Despite exhausting various alternatives to collect these outstanding amounts, such as entering into repayment agreements or recovering portions thereof from subsequent temporary employment contracts, there still remains an amount of R43'780-89 in total which could not be recovered to date and are deemed as Fruitless and Wasteful expenditure.

This report therefore serves as motivation that it be recommended to Council that the total amount of R43'780-89 in relation to the outstanding amounts not recoverable from the former employees upon the termination of their services with Overstrand Municipality, 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.

Discussion

The following amounts are currently reflected in the Salary Control Vote as unrecoverable:

- Matinka, XP	(0951)	R 262-55	April 2015
- Meiring, D	(4536)	R 6'946-79	August 2015
- Seasonal Workers x 6		R 3'992-24	April 2018
- Mtshizana, M	(0084)	R 7'687-31	November 2018
- Diergaardt, R	(0909)	R 7'907-68	July 2020
- Ntontelo, A	(3231)	R 2'922-43	January 2021
- Barends, F	(4552)	R 3'176-58	February 2021
- Visagie, LH	(0980)	<u>R10'885-31</u>	February 2021

TOTAL R43'780-89

Each of the abovementioned cases will now be discussed individually.

a) Matinka, XP (0951)

Mr Matinka was appointed as a Helper within the Hermanus Sewer Distribution Section of the Community Services Directorate as from 11/05/2009. On 01 April 2015 Mr Matinka resigned with 24-hour notice. At the time of resignation Mr Matinka only had 3 days leave credit available and 40 hours unpaid absence to be deducted. After taking into account the monetary value of the salary for 01 April 2015, plus overtime due, monetary value for leave credit and deducting the 40 hours unpaid absence an amount of R262-55 remained unrecoverable.

-Basic Salary	R 330-81
- Overtime	R 46-52
- Leave Days	R 1'016-34

- Unpaid Hours R(1'654-04)
- Statutory Deductions R(2-18)
- Unrecovered Debt R 262-55

Mr Matinka did not have a municipal services account in order to transfer the debt to it for recovery. Despite all reasonable steps being taken, Mr Matinka could not be traced and therefore no further money could be recovered.

b) Meiring, D (4536)

Mr Meiring was appointed as a General Assistant within the Gansbaai Streets Section of the Community Services Directorate as from 01/01/2013. On 31 August 2015 Mr Meiring resigned with 24-hour notice. At the time of resignation Mr Meiring only had 4 days leave credit available and 104 hours unpaid absence to be deducted. In addition, Mr Meiring also had a study bursary of which the prescribed 2-year period had not yet lapsed. After taking into account the monetary value of the salary for August 2015, plus overtime due, monetary value for leave credit and deducting the 104 hours unpaid absence and the study bursary an amount of R6'946-79 remained unrecoverable:

- Basic Salary R 6'120-00
- Overtime R 275-40
- Leave Days R 1'179-76
- Unpaid Hours R(3'883-04)
- Study Bursary R(9'150-00)
- Statutory Deductions R(1'488-91)
- Unrecovered Debt R 6'946-79

Mr Meiring did not have a municipal services account in order to transfer the debt to it for recovery. Despite all reasonable steps being taken, Mr Meiring could not be traced and therefore no further money could be recovered.

c) Seasonal Workers x 6

During the 2018 Easter festive season the Salary Office received the time sheet information for the period 29/03 – 03/04/2018 containing incorrect periods to be paid in respect of 16 seasonal workers. In total the incorrect payments made amounted to R14'382-72.

An amount of R3'529-00 was recovered from some of the seasonal workers who still remained in service and had money payable to them for the period 04/04 – 10/04/2018, resulting in a balance of R10'853-72 still recoverable at the end of April 2018.

A number of these seasonal workers were again employed for the 2018 Christmas festive season and a further recovery of R6'861-48 was possible from these affected seasonal workers. An amount of R3'992-24 is still outstanding from 6 of the seasonal workers who did not return for work or could not be traced despite all reasonable steps being taken to do so.

d) Mtshizana, M (0084)

Mr Mtshizana was appointed as a General Worker within the Hermanus Parks Section of the Community Services Directorate as from 03/02/1988. Following a disciplinary process, the services of Mr Mtshizana was terminated with immediate effect on 26 November 2018. As the salary run for November was already processed and submitted to the banks for transfer, Mr Mtshizana had to repay the amount in respect of the annual bonus and the salary paid for the period 26-30/11/2018. After taking into account the monetary value of the available 2 leave day credit and deducting the unpaid absence and the annual bonus an amount of R7'687,31 remained unrecoverable:

- Leave Days	R 743-92
- Unpaid Hours	R(1'733-15)
- Annual Bonus	R(7'892-42)
- PAYE Correction	<u>R 1'194-34</u>
- Unrecovered Debt	<u>R 7'687-31</u>

Mr Mtshizana did not have a municipal services account in order to transfer the debt to it for recovery. Despite all reasonable steps being taken, Mr Mtshizana could not be traced and therefore no further money could be recovered.

e) Diergaardt, R (0909)

Mr Diergaardt was appointed as a General Assistant within the Hermanus Streets Section of the Community Services Directorate as from 21/11/2005. Following a disciplinary process, the services of Mr Diergaardt was terminated with immediate effect on 10/07/2020. Mr Diergaardt had to repay the salary paid in respect of April, May and June 2020 as he absconded from work during the period of the COVID-19 lockdown. After taking into account the monetary value of the salary and leave credit, deducting the unpaid absence and the refund received directly from the pension fund contributions, an amount of R7'907-68 remained unrecoverable:

- Basic Salary	R 3'691-71
- Leave Days	R 4'091-20
- Unpaid Hours	R(17'535-63)

- Statutory Deductions R 114-52
- Pension Refund R 1'730-52
- Unrecovered Debt R 7'907-68

Mr Diergaardt signed an undertaking to repay the full amount on receipt of his pension benefit but failed to do so. He did not have a municipal services account in order to transfer the debt to it for recovery. Despite all reasonable steps being taken, Mr Diergaardt could not be traced and therefore no further money could be recovered.

f) Ntontelo, A (3231)

Mr Ntontelo was appointed as a General Assistant within the Hermanus Sportsground Section of the Community Services Directorate as from 01/07/2016. Following a disciplinary process, the services of Mr Ntontelo was terminated with immediate effect on 08/01/2021. At the time of termination Mr Ntontelo only had 12,5 days leave credit available and 224 hours unpaid absence to be deducted. After taking into account the monetary value of the salary and overtime due, the monetary value for leave credit and deducting the 224 hours unpaid absence an amount of R2'922,43 remained unrecoverable:

- Basic Salary R 2'718-28
- Overtime R 513-75
- Housing Allowance R(282-89)
- Leave Days R 5'745-13
- Unpaid Hours R(12'786-59)
- Statutory Deductions R 1'169-89
- Unrecovered Debt R 2'922-43

Mr Ntontelo did not have a municipal services account in order to transfer the debt to it for recovery. Despite all reasonable steps being taken, Mr Ntontelo could not be traced and therefore no further money could be recovered.

g) Barends, F (4552)

Mr Barends was appointed as a General Assistant within the Gansbaai Streets Section of the Community Services Directorate as from 01/05/2014. On 10/02/2021 Mr Barends resigned with 24-hour notice. At the time of resignation Mr Meiring only had 1 day leave credit available and 144 hours unpaid absence to be deducted. After taking into account the monetary value of the salary and leave credit and deducting the 144 hours unpaid absence an amount of R3'176-58 remained unrecoverable:

- Basic Salary R 3'989-60
- Leave Days R 317-24

- Unpaid Hours R(8'617-39)
- PAYE Correction R 1'133-97
- Unrecovered Debt R 3'176-58

Mr Barends signed an undertaking to repay the full amount on receipt of his pension benefit but failed to do so. He did not have a municipal services account in order to transfer the debt to it for recovery. Despite all reasonable steps being taken, Mr Barends could not be traced and therefore no further money could be recovered.

h) Visagie, LH (0980)

Ms Visagie was appointed as a Senior Worker within the Hermanus Parks Section of the Community Services Directorate as from 11/01/2009. Following a disciplinary process, the services of Ms Visagie was terminated with immediate effect on 24/02/2021. At the time of termination Ms Visagie only had 1,5 days leave credit available and 192 hours unpaid absence to be deducted. Although 120 of these unpaid hours were captured onto the leave system prior to the cut-off time for salary submissions, the information could not be accessed due to the fact that the Salary Office staff were working from home with only limited access to certain of the systems because of the COVID-19 regulations. Due to the fact that Ms Visagie's employment was terminated with immediate effect on 24/02/2021, there was no funds available to recover the unpaid hours when the information was accessed in preparation of the March salary processing. After taking into account the monetary value of the leave credit and deducting the 192 hours unpaid absence an amount of R10'885-31 remained unrecoverable:

- Leave Days R 782-74
- Unpaid Hours R(11'767-49)
- Statutory Deductions R 129-44
- Unrecovered Debt R 10'855-31

Ms Visagie did not have a municipal services account in order to transfer the debt to it for recovery. Despite all reasonable steps being taken, Ms Visagie could not be traced and therefore no further money could be recovered.

Conclusion

On 19 October 2021, the Municipal Public Accounts Committee (MPAC) consisting of Cllrs S Tebele, D Botha and R Nutt considered a detailed report on the matter and was unanimous in its decision to recommend to Council that the fruitless and wasteful expenditure to the value of **R43'780,89** be certified as irrecoverable and written off.

7. Financial Implications

- Matinka, XP	(0951)	R 262-55
- Meiring, D	(4536)	R 6'946-79
- Seasonal Workers x 6		R 3'992-24
- Mtshizana, M	(0084)	R 7'687-31
- Diergaardt, R	(0909)	R 7'907-68
- Ntontelo, A	(3231)	R 2'922-43
- Barends, F	(4552)	R 3'176-58
- Visagie, LH	(0980)	<u>R10'885-31</u>

TOTAL **R43'780-89**

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

None

RECOMMENDATION TO THE COUNCIL:

that the Fruitless and Wasteful Expenditure to the value of R43'780-89 in relation to the outstanding amounts not recoverable from the following former employees, regardless of efforts to collect the outstanding amounts and in view of the risk of incurring legal fees / expenditure related to follow-up efforts in tracing these amounts, 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:

- Matinka, XP (0951) R 262-55
- Meiring, D (4536) R 6'946-79
- Seasonal Workers x 6 R 3'992-24
- Mtshizana, M (0084) R 7'687-31
- Diergaardt, R (0909) R 7'907-68
- Ntontelo, A (3231) R 2'922-43
- Barends, F (4552) R 3'176-58
- Visagie, LH (0980) R10'885-31

RESPONSIBLE OFFICIAL :**B KING
C LE ROUX****TARGET DATE FOR IMPLEMENTATION :****30 NOVEMBER 2021**

6.3

INVESTIGATION INTO THE INSTANCE OF FRUITLESS AND WASTEFUL EXPENDITURE: OUTSTANDING AMOUNTS NOT RECOVERABLE FROM EMPLOYEES UPON THE TERMINATION OF THEIR SERVICES WITH OVERSTRAND MUNICIPALITY: DJ PHAMOTSE (90000050657) AND NP HLAZO (900000613601)

3/2/3/8**J Vorster****Senior Manager : Expenditure & Assets****19 October 2021****(028) 313-8149**

1. Executive Summary

The purpose of this report is to request Council to write off the fruitless and wasteful expenditure in respect of the outstanding amounts not recoverable from two former employees, Ms DJ Phamotse (1690) and Ms NP Hlazo (3185), upon the termination of their services with Overstrand Municipality.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Finance

Department: Expenditure & Assets

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance

Provision and maintenance of municipal services

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/Evaluation/Conclusion**Background**

At the end of October 2007 and August 2018 two employees, Ms DJ Phamotse (1690) and Ms NP Hlazo (3185), respectively left the employment of Overstrand Municipality with outstanding debt which could not be fully recovered from their final salary payments.

The employment contract of Ms DJ Phamotse (1690) expired at the end of January 2007, but the Salary Office was not informed of this. Ms DJ Phamotse (1690) continued to receive her monthly salary for February and March 2007. Ms DJ Phamotse (1690) did make one partial repayment which resulted in her remaining with a balance of incorrect remuneration to be recovered.

Ms NP Hlazo (3185) resigned from service prior to completing the stipulated time period to settle the study bursary awarded which resulted in the outstanding balance of the bursary to be deducted from the final salary payment. The amount was, however, not deducted from the final salary as HR indicated on the Termination of Services Clearance Form that an agreement was signed in respect of the repayment of the outstanding study bursary.

Sundry Debtors accounts 900000050657 and 900000613601 were subsequently opened for both former employees Ms DJ Phamotse and Ms NP Hlazo respectively in order to start the debt collection process in an attempt to recover the outstanding balances. Despite all reasonable steps being taken, both amounts still remain uncollected.

Discussion

The employment contract of Ms DP Phamotse (1690) terminated at the end of January 2007, but the Salary Office was not informed of this. Ms DJ Phamotse (1690) continued to receive a total amount of R9'557-70 in respect of her monthly salary for February and March 2007. On 05 April 2007 Ms DJ Phamotse repaid an amount of R4'700-00 resulting in a balance of R4'857-70 still being due to Overstrand Municipality.

Unfortunately, no subsequent payments were made in this regard and a Sundry Debtors account (900000050657) was opened for Ms DJ Phamotse on 08 October 2007 in order to implement Council's debt collection policy and processes. Once the Sundry Debtor account was opened, the account started attracting collection costs and interest at the prevailing interest rates, resulting in the total outstanding balance of R9'820-94 as at the end of August 2021. To date Ms DJ Phamotse could not be traced and no further money could be recovered.

Ms NP Hlazo (3185) was appointed as Clerk / Interpreter at the Municipal Court within the Legal Services Department as from 01 March 2015 and a study bursary was awarded to her in October 2016. Ms NP Hlazo (3185) submitted her resignation letter on 30 July 2018, indicating the final day of work as 31 August 2018. Ms NP Hlazo indicated that she would be relocating to Johannesburg at the time.

At the date of resignation, an amount of R28'503-00 was repayable in terms of the conditions set out in the Municipality's study bursary scheme. The Skills

Development Facilitator and Senior Manager: Human Resources, however, indicated on the Termination of Services Clearance Form that this outstanding amount should not be deducted from her final salary as an agreement was signed in terms of which the outstanding amount would be repaid over a set period of time.

Unfortunately, no subsequent payments were made in this regard and a Sundry Debtors account (900000613601) was opened for Ms NP Hlazo on 26 June 2019 in order to implement Council's debt collection policy and processes. Once the Sundry Debtor account was opened the account started attracting interest at the prevailing interest rates, resulting in the total outstanding balance of R28'973-45 as at the end of August 2021. To date Ms NP Hlazo could not be traced and no further money could be recovered.

Conclusion

On 19 October 2021, the Municipal Public Accounts Committee (MPAC) consisting of Cllrs S Tebele, D Botha and R Nutt considered a detailed report on the matter and was unanimous in its decision to recommend to Council that the fruitless and wasteful expenditure to the value of **R38'794,39** be certified as irrecoverable and written off.

7. Financial Implications

DJ Phamotse (900000050657)	R 9'820-94
<u>NP Hlazo (900000613601)</u>	<u>R28'973-45</u>
Total (Incl R5'433-69 interest)	R38'794-39

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

None

RECOMMENDATION TO THE COUNCIL:

that the Fruitless and Wasteful Expenditure to the value of R38'794-39 in relation to the outstanding amounts not recoverable, regardless of efforts to collect the outstanding amounts, and in view of the risk of incurring legal fees / expenditure related to follow-up efforts in tracing, these amounts from two former employees, DJ Phamotse (900000050657) and NP Hlazo (900000613601) upon the termination of their services with Overstrand Municipality, 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 :****30 NOVEMBER 2021**

6.4**INVESTIGATION INTO THE INSTANCE OF FRUITLESS AND WASTEFUL EXPENDITURE: OUTSTANDING AMOUNTS NOT RECOVERABLE FROM PREVIOUS OWNERS FOR PLOT CLEARING CHARGES, AFTER PROPERTY WAS SOLD****3/2/3/8****L Smith****Senior Manager : Fire & Disaster Management****19 October 2021****(028) 313-5041**

1. Executive Summary

The purpose of this report is to request Council to write off the fruitless and wasteful expenditure in respect of the outstanding amounts not recoverable from Thompson and LC Knottenbelt & JI De Wit (Account numbers 900000636200 & 900000681114) for plot clearing done after the two properties were sold.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Protection Services
Department:

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Provision and maintenance of municipal services

4. Delegated Authority

Not applicable

5. Legal Requirements

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

6. Background/Discussion/Evaluation/Conclusion**Background**

SP&MM THOMPSON

A rates clearance certificate was issued for the sale of erf 4497 Onrustrivier billing account number 900000636200 SP&MM THOMPSON in December

2016, with the notice send to the owner, but the contractor was only sent to clear the stand during June 2017, 5 months after the notice was sent.

LC KNOTTENBELT & JL DE WIT

A plot clearing notice was sent to LC KNOTTENBELT & JL DE WIT for erf 292 Hawston, the owner at the time (account number 900000681114) in May 2014, whilst the registration of this plot into a new owner's name took place a few months later, on 8 September 2014. In this instance, the contractor was sent to clear the stand during October 2014, a few months after the notice was sent.

Discussion

ACCOUNT 900000636200 SP&MM THOMPSON

Rates Clearance Certificate (RCC) figures were issued December 2016 to transfer this plot to a new owner.

A Plot clearance notice was sent to Thompson during January 2017, prompted by RCC. Registration from Thompson (seller) to Harmse took place on 5 June 2017.

The contractor was sent to clear the stand during June 2017, (5 months after the notice was sent to Thompson) without a new notice being sent to the new owner.

Instruction to invoice Plot clearing was received by the Revenue Department on 30 June 2017, after registration to the new owner took place and the change of ownership and the account had already been finalised.

The new owner (Harmse) was initially invoiced for plot clearing charges as the current owner of the stand, but the charge was transferred to the Thompson's account after receiving written instruction from Ms B Plaatjies on 19 July 2017.

The previous owner's account (Thompson – acc no 90000363200) had already been finalised with a refund on 07 July 2017, to close the account, as he was relocating abroad.

ACCOUNT 900000681114 LC KNOTTENBELT & JL DE WIT

A Plot clearing notice was sent to Knottenbelt & De Wit during May 2014, prompted by Mr J Schoeman, former employee (Protection Services, Fire Department).

This plot was however sold and registration from Knottenbelt & De Wit (seller) to Sundance Inv CC took place on 08 September 2014.

A contractor was sent to clear the stand during October 2014, months after the notice was sent to Knottenbelt & De Wit) without a new notice being sent to the new owner.

Instruction to invoice the Plot clearing costs to the account was received by the Revenue Department on 27 November 2014, after registration and change of ownership and opening of the new account took place.

Sundance Inv CC as the new owner was initially invoiced for Plot clearing costs (new owner of the erf), but the charge was transferred to Knottenbelt & De Wit's closed account, after receiving written instruction from Mr J Schoeman on 10 February 2015.

As previously mentioned, Knottenbelt & De Wit's municipal owners account (900000681114) had already been finalised during January 2015.

Evaluation/Conclusion

Despite exhausting various alternatives to collect this outstanding amount, the amount of R13'515-76 in total could not be recovered to date. Since the costs for the plot clearing could not be collected from the new owners in both these instances, due to the fact that they had never received notices to clear these plots, the amount is deemed as Fruitless and Wasteful expenditure.

It should be noted that the initial costs (excluding interest etc) involved were as follows:

SP & MM Thompson:	R3 936,96
Knottenbelt & De Wit, LC&JL	2 309,12

The current procedure for plot clearing notices has been adjusted to ensure that, before the actual plot clearing instruction is issued, written confirmation will be obtained from the Revenue Department (Rates Section), to verify the ownership of the plot, as well as confirmation if any request for clearance certificate was received, as an indication if the plot is in the process of registration to a new owner.

The departmental investigation subsequent to the outcome of the debt collection process confirmed the position that the employee who was involved with the plot clearing matters, retired. It was thus not possible to recover the fees charged in both instances.

This report therefore serves as motivation that it be recommended to Council that the total amount of R13'515-76 in relation to the outstanding amount not recoverable from SP&MM THOMPSON and LC KNOTTENBELT & JL DE WIT

for plot clearing charges, 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.

The mentioned amounts are currently reflected on the two accounts of the previous owners respectively.

On 19 October 2021, the Municipal Public Accounts Committee (MPAC) consisting of Cllrs S Tebele, D Botha and R Nutt considered a detailed report on the matter and was unanimous in its decision to recommend to Council that the fruitless and wasteful expenditure to the value of **R13 515,76** be certified as irrecoverable and written off.

7. Financial Implications

Fruitless and Wasteful expenditure:

900000636200	THOMPSON, SP&MM	R6 445-41
900000681114	KNOTTENBELT & DE WIT, LC&JL	R7 070-35
		<u>13 515-76</u>

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

None

RECOMMENDATION TO THE COUNCIL:

that the Fruitless and Wasteful Expenditure to the amount of R13 515-76 in relation to the outstanding amount not recoverable from SP&MM THOMPSON (R6 445-41) and LC KNOTTENBELT & JL DE WIT (R7 070-35) 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 :

30 NOVEMBER 2021

6.5 CONFERRING OF ALDERMANSHIP

3/3/2

H van Tonder

Manager : Council Support Services

18 October 2021

028 313 -8037

1. Executive Summary

The purpose of this report is to inform Council that, in terms of the approved criteria for conferring of Aldermanship, Councillors E Gillion and N Nqinata qualify for this title and to therefore request Council to consider the awarding of the title to aforementioned Councillors.

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

Criteria accepted by the Council on 29 June 2005 for awarding aldermanship/alderladyship to councillors.

6. Discussion

Council adopted the criteria for awarding aldermanship to councillors, as follows:

- “1. that the concept of awarding aldermanship/alderladyship to councillors in acknowledgement of services rendered, **be recognised by Council**, and
2. that the following criteria **be accepted** by the Overstrand Municipality for awarding aldermanship/alderladyship to councillors : -
 - 2.1 a councillor who served as mayor for a full term (5 years);

- 2.2 a councillor who served as Speaker, Deputy Mayor or as member of the Mayoral Committee (initially the Executive Committee) of the same municipality for two consecutive terms (10 years);
- 2.3 a councillor who obtained a minimum of fifteen points serving for the same municipality, or twenty points serving for more than one municipality, on the following scale : -
- ONE point for each year serving as Councillor. PLUS;
- TWO additional points for each year serving as Mayor in a previous municipality or in the same municipality if a full term of five years was not completed;
- ONE additional point for each year serving as Speaker, Member of an Executive/Mayoral Committee or serving as Deputy Mayor in a previous municipality or the same municipality if two full terms were not completed;
- ONE additional point for each year serving as Chairperson of a Ward Committee or a standing committee in the previous dispensation;
- ONE additional point for each year representing a Municipality on a District Municipality;
- TWO additional points for each year serving in a District Municipality as Mayor;
- ONE additional point for each year serving in a District Municipality as member of the Mayoral Committee, Speaker or Executive/Mayoral Committee;
3. that all service in a municipality that formed part of the Overstrand Municipality when the amalgamation took place, be regarded as service in the same municipality.”

The available service records of these councillors were checked and their points were calculated as per the attached table (Annexure A).

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Annexure A : Evaluation of Aldermanship : Score Sheet

RECOMMENDATION TO THE COUNCIL:

that aldermanship **be conferred** upon Councillors E Gillion and N Nqinata in acknowledgement for services rendered by them to the community.

RESPONSIBLE OFFICIAL :

S SWART

TARGET DATE FOR IMPLEMENTATION :

28 OCTOBER 2021

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)