



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

A G E N D A

I-AJENDA

**DATE / DATUM / UMHLA : 30 OCTOBER / OKTOBER /
OKTOBHA 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

25 October / Oktober / Oktobha 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, 30 OCTOBER 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, 30 OKTOBER 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 30 OKTOBHA 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, 25 September 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 30 October 2019 had formally sat.

5.1

SALGA TASK JOB EVALUATION POLICY

(ITEM 1, PAGE 1 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 30 OCTOBER 2019)

RECOMMENDATION TO THE COUNCIL:

1. that the Salga Job Evaluation Policy for Municipalities **be approved** and implemented as from 1 November 2019; and
2. that, in view of resolution 1 above, the Overstrand Municipality's Job Evaluation Policy adopted on 27 October 2010, **be revoked**.

RESPONSIBLE OFFICIAL :

L BUCCHIANERI

TARGET DATE FOR IMPLEMENTATION :

NOVEMBER 2019

5.2

TRANSFER: OVERSTRAND MUNICIPALITY TO WHYNITE SHIVONNE SLABBERT AND NATHAN FORTUNE GILLION ERF 1284, HAWSTON

(ITEM 2, PAGE 21 : COMMUNITY SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 30 OCTOBER 2019)

RECOMMENDATION TO THE COUNCIL:

1. that permission be granted to transfer Erf 1284, Hawston to Whynite Shivonne Slabbert and Nathan Fortune Gillion; and
2. that the aforementioned consent to transfer be subject to Whynite Shivonne Slabbert and Nathan Fortune Gillion accepting full responsibility for the outstanding municipal services account in respect of Erf 1284, Hawston.

RESPONSIBLE OFFICIAL :

FW FRANS

TARGET DATE FOR IMPLEMENTATION :

01 NOVEMBER 2019

5.3

ERVEN 370 AND 371, JIKELEZA STREET, ZWELIHLE, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSOLIDATION, REZONING, CONSENT USE, DEPARTURE, DEVIATION FROM THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK, 2006 AND OVERSTRAND GROWTH MANAGEMENT STRATEGY, 2010: MESSRS WRAP ON BEHALF OF SM STEMELE AND NP SKIZAZANA

(ITEM 2, PAGE 131 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 30 OCTOBER 2019)

RECOMMENDATION TO THE COUNCIL :

that the application in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as well as the provisions of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) to deviate from the Overstrand Municipality Spatial Development Framework, 2006 and the Overstrand Municipality Growth Management Strategy (2010) in order to change the reservation on Erven 370 & 371, Zwelihle from residential land use to commercial land use, **be approved.**

RESPONSIBLE OFFICIAL:**H OLIVIER****TARGET DATE FOR IMPLEMENTATION:****13 NOVEMBER 2019****TARGET DATE TO INFORM APPLICANT:****13 NOVEMBER 2019****TARGET DATE TO INFORM OBJECTOR:****N/A**

5.4

HERMANUS: RECTIFICATION OF COUNCIL RESOLUTION DATED 2 DECEMBER 2016 FOR THE ALIENATION OF A PORTION OF ERF 243, MOUNTAIN DRIVE, NORTHCLIFF, HERMANUS TO GJ & E FOURIE

(ITEM 7, PAGE 240 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 30 OCTOBER 2019)

RECOMMENDATION TO THE COUNCIL:

that the Council resolution dated 2 December 2016 be rectified through substituting the reference to erf number 243 with erf number 4410.

RESPONSIBLE OFFICIAL :

A LE ROUX

TARGET DATE FOR IMPLEMENTATION :

13 NOVEMBER 2019

5.5**TRANSFER OF A PORTION OF THE REMAINDER OF ERF 4771 HERMANUS TO BRUCE NEIL ROYDEN HUXTER FOR SAFETY AND ACCESS PURPOSES****(ITEM 8, PAGE 245 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 30 OCTOBER 2019)****RECOMMENDATION TO THE COUNCIL:**

1. that the transfer of a portion of the remainder of Erf 4771 Hermanus, ($\pm 295,8\text{m}^2$ in extent) to Bruce Neil Royden Huxter, at an amount of R666.78/m² (SIX HUNDRED AND SIXTY SIX RAND AND SEVENTY EIGHT CENTS PER SQUARE METRE) (VAT excluded) for safety and access purposes, **be approved**;
2. that Council take cognisance of the fact that the direct alienation and subsequent transfer is only approved as a portion of the remainder of Erf 4771 Hermanus is classified as a non-viable property;
3. that it be noted that a condition of transfer will be that a portion of the remainder of Erf 4771 Hermanus must be consolidated with the adjoining property of Bruce Neil Royden Huxter, being Erf 2737 Hermanus;
4. that the transfer of a portion of the remainder of Erf 4771 Hermanus ($\pm 295,8\text{m}^2$ in extent) be subject to the suspensive condition that the applicant/purchaser obtains approval at own cost for the closure of public space, subdivision, consolidation and rezoning of the property;
5. 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 safety and access purposes and no structures, excluding a boundary fence or wall, may be erected thereon;
6. that all the costs pertaining to the transaction, e.g. application fee, valuation cost, closure of public space, subdivision and consolidation, rezoning, transfer and related costs, advertisement, 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 the minimum level 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:

PROCESS

TARGET DATE TO INFORM APPLICANT:

15 NOVEMBER 2019

TARGET DATE TO INFORM OBJECTOR:

N/A

5.6

KLEINMOND: PORTION OF THE REMAINDER OF FARM NO. 562 KLEINMOND, SUSPENSION OF RENTAL TO BE RAISED, MR DL HARMSE

(ITEM 9, PAGE 254 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 30 OCTOBER 2019)

RECOMMENDATION TO THE COUNCIL:

that the suspension of the rental payable by Mr DL Harmse to an amount of R678.60 (SIX HUNDRED AND SEVENTY EIGHT RAND AND SIXTY CENT) (VAT excluded) per month as well as the electricity charges as from 1 July 2019 until such time as occupation can be given Mr DL Harmse, **be approved.**

RESPONSIBLE OFFICIAL :**M ERASMUS****TARGET DATE FOR IMPLEMENTATION :****30 NOVEMBER 2019****TARGET DATE TO INFORM APPLICANT :****18 NOVEMBER 2019****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.7

HERMANUS, ROOM 4 AT THE MOUNT PLEASANT HOSTELS ON A PORTION OF THE REMAINDER OF ERF 243 HERMANUS: DEVIATION FROM PARAGRAPH 5.2.1.2 OF THE MUNICIPAL RESIDENCE POLICY OF 2012 ALLOWING THE MUNICIPALITY TO ENTER INTO A LEASE AGREEMENT WITH MR MC POTGIETER

(ITEM 10, PAGE 259 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 30 OCTOBER 2019)

RECOMMENDATION TO THE COUNCIL:

that the deviation from paragraph 5.2.1.2 of the Municipal Residence Policy in order to enter into a lease agreement with Mr MC Potgieter in respect of room no. 4 at the Mount Pleasant Hostels on a portion of the remainder of Erf 243 Hermanus for residential purposes, **be approved.**

RESPONSIBLE OFFICIAL :**M ERASMUS****TARGET DATE FOR IMPLEMENTATION :****30 NOVEMBER 2019****TARGET DATE TO INFORM APPLICANT :****19 NOVEMBER 2019****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.8**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR SEPTEMBER 2019****(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING : 30 OCTOBER
2019)****RECOMMENDATION TO THE COUNCIL:**

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

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

5.9**SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT – 2019/2020:
1st QUARTER: 01 JULY 2019 – 30 SEPTEMBER 2019****(ITEM 6, PAGE 8 : MAYORAL COMMITTEE MEETING : 30 OCTOBER
2019)****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 2019/2020 **be noted**.

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

5.10**BUDGET REPORT FOR THE QUARTER ENDED SEPTEMBER 2019****(ITEM 7, PAGE 26 : MAYORAL COMMITTEE MEETING :
30 OCTOBER 2019)****RECOMMENDATION TO THE COUNCIL:**

that the budget report for the quarter ended September 2019, prepared as part of the financial reporting obligations arising from the Local Government: Municipal Finance Management Act, 2003 and additional information, **be noted**.

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

5.11**QUARTERLY BANK ACCOUNT WITHDRAWALS IN TERMS OF SECTION 11(4) OF THE MFMA FOR THE QUARTER ENDED SEPTEMBER 2019****(ITEM 8, PAGE 111 : MAYORAL COMMITTEE MEETING : 30 OCTOBER 2019)****RECOMMENDATION TO THE COUNCIL:**

that the consolidated quarterly report, as per Annexure A to the agenda, in respect of Bank Account Withdrawals in terms of Section 11(4) of the MFMA for the quarter ended September 2019, **be noted**.

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

5.12**APPLICATION FOR GRANT FUNDING FROM THE DEVELOPMENT BANK OF SOUTHERN AFRICA FOR REVIEW OF THE OVERSTRAND WATER AND SEWER MASTER PLANS****(ITEM 9, PAGE 114 : MAYORAL COMMITTEE MEETING : 30 OCTOBER 2019)****RECOMMENDATION TO THE COUNCIL:**

1. that an application for grant funding to the Development Bank of Southern Africa (DBSA) to support the review of Overstrand Municipality's water and sewer master plans be supported in principle;
2. that cognisance be taken of the fact that municipal co-funding is available on the municipality's 2019/20 budget to complete the project; and
3. that the Municipal Manager be authorised to sign the necessary Memorandum of Agreement with DBSA should the grant application be approved.

RESPONSIBLE OFFICIAL:**H BLIGNAUT****TARGET DATE FOR IMPLEMENTATION :****1 NOVEMBER 2019****TARGET DATE TO INFORM APPLICANT :****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.13**PROPOSED AMENDMENT OF LONG TERM CONTRACT NO. SC 1890/2018: WATER AND WASTE WATER BULK WORKS OPERATION AND MAINTENANCE:****(ITEM 10, PAGE 118 : MAYORAL COMMITTEE MEETING : 30 OCTOBER 2019)****RECOMMENDATION TO THE COUNCIL:**

1. that cognisance be taken of the reasons for the proposed amendment of Contract SC 1890/2018 between Overstrand Municipality and Veolia Water Solutions & Technologies South Africa (Pty) Ltd for the operation and maintenance of the bulk water and waste water infrastructure, in terms of the enabling provisions of Sections 33 and 116(3) of the Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003);
2. that cognisance be taken of the comments received from National Treasury in respect of the proposed amendment of long term Contract SC 1890/2018 between Overstrand Municipality and Veolia Water Solutions & Technologies South Africa (Pty) Ltd for the operation and maintenance of the bulk water and waste water infrastructure, in terms of the enabling provisions of Sections 33 and 116(3) of the Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003), as well as the Municipal Manager's response to National treasury; and
3. that the proposed amendment of Contract SC 1890/2018 between Overstrand Municipality and Veolia Water Solutions & Technologies South Africa (Pty) Ltd for the operation and maintenance of the bulk water and waste water infrastructure, be consented to.

RESPONSIBLE OFFICIAL:**H BLIGNAUT****TARGET DATE FOR IMPLEMENTATION :****1 NOVEMBER 2019****TARGET DATE TO INFORM APPLICANT :****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.14

SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)**FIRST QUARTERLY REPORT: JULY- SEPTEMBER 2019****(ITEM 11, PAGE 134 : MAYORAL COMMITTEE MEETING :
30 OCTOBER 2019)****RECOMMENDATION TO THE COUNCIL:**

that the content of the report for the first quarter of the 2019/20 financial year on the top level Service Delivery and Budget Implementation Plan **be noted**.

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

6. CONSIDERATION OF REPORTS**6.1****NON-COMPLIANCE WITH CLAUSE 17 OF THE OVERSTRAND MUNICIPALITY SCM POLICY: ADVERTISEMENTS OF VACANCIES**

3/2/3/8

DS Arrison

Director : Management Services

30 September 2019

(028) 313 8001

1. Executive Summary

The purpose of the report is to request Council to approve the writing off of irregular expenditure for the placement of advertisements without following the official procurement process.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Management Services
Department: Human Resources

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 25 May 2008, as amended

6. Background/Discussion

As advertisements had to be placed in newspapers over a time where a public holiday formed part of the working week, and the timeframes by the newspapers for request for adverts to be placed were due, an instruction to proceed with the placement was given without prior approval of the requisition.

Two requisitions were captured after the service was rendered.

From the information received, it is evident that a service was rendered prior to the capturing of requisitions for services rendered.

It is confirmed that this was not the standard practise and this is supported by the agency dealing with placements of advertisements and could be regarded as oversight and pressure to have the advertisements published in the media in time.

The organisation did get value for money and could make an appointment in the vacancies that were advertised through these advertisements.

It must be noted that the amount referred to as R23 240,17 differs with 0,02 and should thus be stated as R23 240,19.

On 30 September 2019 the Municipal Public Accounts Committee (MPAC) consisting of Cllrs S Tebele, D Botha and R Nutt considered the matter and came to the conclusion that the municipality received value for money and was unanimous in its decision to recommend to Council that the irregular expenditure to the amount of R23 240.19 (Vat Incl.) 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 R23 240.19 (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 the irregular expenditure to the amount of R23 240.19 (incl vat) for the placement of advertisement in the newspaper without obtaining an official requisition number, 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

TARGET DATE FOR IMPLEMENTATION :

27 NOVEMBER 2019

6.2**INVESTIGATION INTO THE INSTANCE OF IRREGULAR EXPENDITURE:
SCIE 2019/010: NON-COMPLIANCE WITH SUPPLY CHAIN MANAGEMENT
POLICY WITH REGARDS TO: ADDITIONS TO AN EXISTING GARAGE AT
FERNKLOOF NATURE RESERVE RESIDENCE****3/2/3/8****L de Villiers****Senior Manager : Environmental Services****30 September 2019****(028) 316 3724**

1. Executive Summary

The purpose of this report is to request Council to approve the writing off of irregular expenditure for services rendered for additions to the Fernkloof Garage by CA Hanekom t/a CAL Construction in excess of the official order amount.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Infrastructure and Planning
Department: Environmental Management 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)
Overstrand Municipality Supply Chain Management Policy dated 25 May 2008, as amended.

6. Background/Discussion

A formal written quotation was obtained for additions to the Fernkloof Garage that has been damaged extensively in the past due to winter storms. The contractor was CAL Construction and work on site started on 29 January 2019. A design error was identified on the building plan and additional critical work had to be approved in order to rectify the design error.

An “Addendum – Intent to Amend a Contract” was submitted to the Supply Chain Management Department. When the approval signature of the “Addendum – Intent to Amend a Contract” was received, it was understood that the process was complete and the work could commence however additional supply chain management processes had to be followed and which was not done.

On 30 September 2019 the Municipal Public Accounts Committee (MPAC) consisting of Cllrs S Tebele, D Botha and R Nutt considered a detailed report on the matter and came to the conclusion that the municipality received value for money and was unanimous in its decision to recommend to Council that the irregular expenditure to the amount of R14,924.00 (Vat Incl.) 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 R14,924.00 (Vat Incl) 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 fact that the municipality has received value for money, the irregular expenditure to the amount of R14,924.00 (Vat Incl) rendered for additions to the Fernkloof Garage by CA Hanekom t/a CAL Construction for services rendered in excess of the official order amount, 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

TARGET DATE FOR IMPLEMENTATION :

27 NOVEMBER 2019

6.3**NON-COMPLIANCE WITH CLAUSE 16 & 39(1)(D) OF THE OVERSTRAND MUNICIPALITY SCM POLICY: SERVICES RENDERED FOR IMPOUNDED CATS AND DOGS**

5/17/2

R Fraser

30 September 2019

Chief : Traffic/Licences

(028) 313 8165

1. Executive Summary

The purpose of this report is to request Council to approve the writing off of irregular expenditure for services rendered for impounded cats and dogs.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Protection Services

Department: Traffic, Law Enforcement & Task Team

3. Compliance with Strategic Priorities

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 25 May 2009, as amended

6. Background/Discussion

Services for the impoundment of cats and dogs in Greater Hermanus and Gansbaai were rendered in excess of the total order amount during the period 1 to 31 December 2018. The increase for service delivery demands were unforeseen and this coincided with the time where essential services were rendered during the fire season and threats of unrest and land invasions.

It needs to be noted that before mentioned amount of R36 502.24 differs with R3 in subtracting the following amounts (R45 805.27 less R9 300.03). The correct amount is thus updated in this report as R36 505.24.

On 30 September 2019 the Municipal Public Accounts Committee (MPAC) consisting of Cllrs S Tebele, D Botha and R Nutt considered a detailed report on the matter and came to the conclusion that the municipality received value for money and was unanimous in its decision to recommend to Council that the irregular expenditure to the amount of R36 505.24 (Vat Incl.) 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 R36 505.24 (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, the irregular expenditure to the amount of R36 505.24 (Vat Incl) for services rendered for impounded cats and dogs be certified as irrecoverable and written off in terms of section 32(2)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

RESPONSIBLE OFFICIAL :**C LE ROUX****TARGET DATE FOR IMPLEMENTATION :****27 NOVEMBER 2019**

6.4

RECESS: DECEMBER 2019 / JANUARY 2020

3/2/1/4

H van Tonder

Manager : Council Support Services

11 October 2019

(028) 313 8037

1. Executive Summary

The purpose of the report is to obtain confirmation of Council's recess from 27 November 2019 to 19 January 2020 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)
- Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA)

6. 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, Overstrand Municipality's By-Law on Rules of Order for Internal Arrangements also addresses this matter. Should Council resolve to go into recess **on 27 November 2019, directly after the Ward**

Committee Summit, to 19 January 2020, such a resolution will have no effect on Council's legal responsibility to meet at least quarterly.

During the proposed recess, all urgent matters shall be dealt with by the Executive Mayor in consultation with the Municipal Manager, 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 furthermore proposed that all the municipal offices, **excluding essential services, be closed as from 13:00 for the general public on:**

- **Tuesday, 24 December 2019** and reopen on Monday, 30 December 2019 at 07:45; and
- **Tuesday, 31 December 2019** and reopen on Friday, 3 January 2020 at 07:45

Whilst the first cycle for Council business will commence during February 2020, it is important to note that a **Special Council Meeting** will take place on **Wednesday, 22 January 2020** in order for the Municipality's 2018/2019 Annual Report and other matters to be tabled in Council as provided for in inter alia section 127(2) of the MFMA.

7. Financial Implications

Overtime and standby will have to be paid to essential services staff working on the afternoons of 24 and 31 December 2019, as well as on 27 December 2019 and 2 January 2020, when the Administration is closed.

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, ie **27 November 2019, immediately after the Ward Committee Summit, to 19 January 2020 (the latter included) be approved;**

2. that, during the period of recess, all urgent matters / emergency situations be dealt with by the Executive Mayor in consultation with the Municipal Manager, except those reserved by law for full Council;
3. that the municipal offices in the Overstrand area, including libraries, but excluding other essential services, **be closed as from 13:00 for the general public on:**
 - **Tuesday, 24 December 2019** and reopen on **Monday, 30 December 2019** at 07:45; and
 - **Tuesday, 31 December 2019** and reopen on **Friday, 3 January 2020** at 07:45
4. that the public and personnel be informed timeously and in an appropriate way, of the arrangement in 3 above; and
5. that **cognisance be taken** that a **Special Council Meeting** will take place on **Wednesday, 22 January 2020** and that in 2020 the first meeting of the **Joint Portfolio Committee** will be held on **18 February 2020** at **10:00**, the **Mayoral Committee** on **26 February 2020** at **10:00** and the **Council Meeting** on **26 February 2020** at **11:00** in the Banqueting Hall, Civic Centre, Hermanus.

RESPONSIBLE OFFICIAL :

H VAN TONDER

TARGET DATE FOR IMPLEMENTATION :

27 NOVEMBER 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)