



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2017-08-30

MINUTES

11TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2017-08-30 AT 10:00

Detailed account of the meeting proceedings is available on audio recording, which is obtainable from The Municipal Manager's Office per Request for Information (RFI)

MINUTES
11TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2017-08-30
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MINUTES OF THE 11TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2017-08-30 AT 10:15 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH

PRESENT	The Speaker, Cllr DD Joubert [Chairperson] The Executive Mayor, Ald G Van Deventer (Ms) The Deputy Executive Mayor, Cllr N Jindela	
ALDERWOMAN	JP Serdyn (Ms)	
COUNCILLORS	DS Arends FJ Badenhorst GN Bakubaku-Vos (Ms) PW Biscombe PR Crawley (Ms) A Crombie (Ms) JN De Villiers MB De Wet R Du Toit (Ms) AR Frazenburg E Fredericks (Ms) E Groenewald (Ms) JG Hamilton AJ Hanekom DA Hendrickse JK Hendriks LK Horsband (Ms)	MC Johnson NS Louw N Mananga-Gugushe (Ms) C Manuel LM Mageba NE McOmbring (Ms) XL Mdemka (Ms) N Olayi MD Oliphant SA Peters WC Petersen (Ms) MM Pietersen SR Schäfer N Sinkinya (Ms) P Sitshoti (Ms) Q Smit E Vermeulen (Ms)

Officials:	Municipal Manager (Ms G Mettler) Chief Financial Officer (M Wüst) Director: Community and Protection Services (G Esau) Director: Engineering Services (D Louw) Director: Human Settlements (T Mfeya) Director: Planning and Economic Development (D Lombaard) Director: Strategic and Corporate Services (Ms A De Beer) Head: Committee Services (EJ Potts) Committee Clerk (T Samuels (Ms)) Committee Clerk (N Mbali (Ms)) Interpreter (J Tyatyeka)
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1.	OPENING AND WELCOME
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The Speaker, Councillor DD Joubert, welcomed all present, and requested that a moment of silent reflection be observed. Thereafter Cllr N Mananga-Gugushe (Ms) opened the meeting with a scripture reading and a prayer.

2.	COMMUNICATIONS
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2.1	MAYORAL ADDRESS
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“Goeie dag, good day, molweni, as-salaam alaikum.

- “Begin met goeie nuus: Stellenbosch verskeie toekennings en erkennings ontvang die afgelope maand.
 - Govan Mbeki toekenning vir Jamestown projek: Beste geïntegreerde residensiële ontwikkelingsprojek
 - Govan Mbeki toekenning vir Watergang Projek: Beste informele nedersetting opgraderingsprojek.
 - CESA Aon Uitnemende Ingenieurswese toekennings: tweede plek behaal vir projekte met 'n waarde van R 50 miljoen of minder vir fase 1 van die Die Plankenburg Uitval Rioolwerke
- Very excited to share with you that Stellenbosch is third in Africa for attracting biotechnology foreign direct investment.
 - This according to a fDi Intelligence study of global biotech locations – fDi is part of the Financial Times group.
 - Minister Alan Winde and Wesgro hosted an event at the Stellenbosch Launch Lab to make this announcement.
 - Major achievement for our region – will raise our profile and we will continue to draw additional foreign investment.
 - Will assist with new job creation
 - As a region we are perfectly located, have one of the best University's in Africa located here and a clean government – ideal environment for new and innovative business to take root and grow.
 - From the municipality's side, we will continue to do our best to create an environment that draws more opportunities like this.
- Mayor Meets Business engagements continue
 - This initiative has been going strong for almost a year.
 - It has been incredibly informative and instructive to meet with the various business groupings across our region, to discuss challenges and areas of concern
 - It has enabled us to be more inclusive in how we go about enabling and creating a business environment in our towns
 - It helps us to tackle red tape and to expedite processes that have stalled.
 - This initiative will continue and will help us to create an environment in which business will flourish and jobs can be created.
- Voorreg gehad om die nuwe Swop Shop mobiele winkel in Klappmuts te open.
 - Die Swop Shop of uitruiwinkel is 'n projek wat die afgelope jaar in verskeie dele van die Munisipaliteit uitgevoer word.

- Inwoners bring hul herwinbare Rommel, gesorteer in sakke na die “winkel”, en ruil dit in vir koepons, wat dan gebruik kan word om bruikbare items te koop.
 - Items sluit in basiese kruideniersware soos koffie, tee en skoonmaakmiddels in.
 - Klere en skoene is ook beskikbaar.
 - Die projek vind tans plaas in Klapmuts, Enkanini en Kayamandi, geniet die grootste sukses in Klapmuts
 - Die winkel maak die uitstal van die ware en die beweegbaarheid van die projek baie makliker
 - Die projek samel nou gemiddeld 2400kg herwinbare Rommel per swop shop in.
 - Die sukses van die Swop Shop is krities belangrik, hou die omgewing skoon, voorkom openbare storting van vullis en leer veral die kinders van hoe belangrik herwinning is.
 - Was lekker om eerstehands te sien hoe die gemeenskap deelneem en hoe belangrik die projek is vir hulle.
- Continuing cooperation between all role-players and stakeholders responsible for safety and security has seen an increased number of operations over the past month, aimed at tackling crime and improving safety in all our communities.
 - The municipality in cooperation with the SSI and the SAPS has conducted various road blocks, executed search warrants and conducted patrols on foot across our municipal area.
 - Resulted in various arrests of suspects, confiscation of illegal drugs, firearms and liquor.
 - Various vendors who sold alcohol without a licence were closed down
 - Drivers arrested for drunk or negligent and dangerous driving
 - More than R 83 000 in fines has been issued for road related transgressions
 - We are working hard with all our partners to send a clear message – criminals are not welcome here.
 - Want to use the opportunity to thank the SSI, SAPS and all other parties who are working with us to create a safer environment.
- Onlangse openbare vergadering gehad met Minister Donald Grant
 - Ek het hom genooi om met die gemeenskap te kom praat oor die voorstellings rakende die opgradering van die R44
 - Minister Grant en sy span het ‘n video gewys en gepraat oor toekomstige planne waarna die gemeenskap die geleentheid gegee is om vrae te vrae en insette te lewer.
 - Al die insette en terugvoer wat ontvang is sal nou deurgewerk word deur die minister se kantoor waarna ‘n opvolg vergadering gehou sal word en die pad vorentoe bespreek sal word.
 - Opgradering van die R44 is baie belangrik om die verkeersprobleem in Stellenbosch self te begin aanspreek en daarom is dit belangrik dat die pad vorentoe bespreek word en alle belanghebbendes geken word in die proses.
- Also met with representatives and CEO of Wesgro recently
 - Wesgro is the marketing and investment agency of the Western Cape, focussing on drawing in foreign direct investment.
 - Wesgro can provide us with access to resources, that would otherwise be inaccessible or unaffordable to local municipalities

-
- I must tell you, they have exciting and realistically achievable suggestions for our region, which has the potential to boost our local economy and create jobs in a variety of industries.
 - As we continue to talk with Wesgro and we move ahead with possible partnerships, I will inform this council on any discussions and agreements.
 - Water bly op die agenda!
 - Ek doen 'n ernstige beroep op elke raadslid om hul wyke bewus te maak van die voortdurende waterbeperkings. Die waterbeperkings sal in plek bly vir die voorsienbare toekoms
 - Dit wil voorkom dat sommige inwoners dink dat wanneer dit reën, hou die beperkings op.
 - Ons het glad nie genoeg reën die winter ontvang nie en die vooruitskatting is dat ons water moontlik teen Mei 2018 kan opdroog
 - Die munisipaliteit het 'n noodplan in plek indien dit sou gebeur en die nodige werk word uitgevoer om die noodplan te aktiveer sou dit nodig wees.
 - Inwoners moet egter hul deel doen.
 - Die munisipaliteit sal optree teen inwoners wat die beperkings verontagsaam.
 - Ons is bereid om drastiese stappe te neem om watergebruik te beperk waar nodig.
 - Die Stad Kaapstad is reeds besig om watermeters by oortreders te installeer wat die watervloei beheer.
 - Indien inwoners nie gehoor gee aan die daaglikse limiet nie, beperk die meter die vloei van water tot die daaglikse limiet.
 - Ons sal soortgelyke optrede oorweeg teenoor oortreders.
 - September is Boomplantweek, Erfenis-maand, Toerismemaand
 - Op 1ste September – eerskomende Vrydag – Vier ons boomplantdag en loods boomplantweek in Franschhoek.
 - Nooi al die raadslede en publiek uit om by ons aan te sluit - Ons roei indringers uit en vervang dit met inheemse bome
 - So verbeter ons die omgewing en spaar ook water.”

Baie dankie / Thank you / Enkosi kakhulu.”

2.2	COMMUNICATION BY THE SPEAKER
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- The Speaker congratulated all Councillors who celebrated and will celebrate their birthdays during August 2017.
- With reference to confidentiality, the Speaker quoted Rule 8.3 of the Rules of Order By-law which states that:

“The Municipal Manager in consultation with the Speaker, may direct that any matter be entered into the confidential part of the Council’s agenda. Such matter must not be disclosed to any person other than those who receive it in their official capacity, and such matter must be debated in a closed meeting of the Council.”

The Speaker cautioned Councillors and Officials not to divulge confidential information to anyone, as there will be disciplinary consequences.

- Leave of absence was approved for Cllr F Adams, and his motion on this agenda will stand over until the next Council meeting. Since Councillors are only allowed two questions and/or motions per Council meeting, Cllr F Adams may only submit one more question or motion at the next Council meeting. The Speaker requested the Chief Whip to inform Councillor F Adams accordingly.
- The Municipal Manager will deal with the MPAC matters on the Agenda, as leave of absence was approved for the Chairperson of MPAC, Cllr WF Pietersen.
- In terms of Rule 8.2 of the Rules of Order By-law, the Speaker allowed a change in the order of matters on the Agenda to the effect that Councillor Q Smit's Motion of Exigency be considered after Agenda item 4.1 (Confirmation of Minutes).

2.3	COMMUNICATION BY THE MUNICIPAL MANAGER: (MS G METTLER)
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The Municipal Manager announced that Stellenbosch Municipality is 1 of 63 municipalities (out of the 276 municipalities in the country) that became mSCOA compliant. She congratulated the Finance team for their hard work and thanked everyone who contributed towards achieving this milestone.

3.	OFFICIAL NOTICES
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3.1	DISCLOSURE OF INTERESTS	(3/6/2/2)
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No Councillor or official present disclosed an interest in any of the items that will be discussed.

3.2	APPLICATIONS FOR LEAVE OF ABSENCE	(3/4/1/6)
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- (1) The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

Cllr F Adams	–	30 August 2017
Cllr FT Bangani-Menziwa (Ms)	–	30 August 2017
Cllr A Florence	–	30 August 2017
Cllr RS Nalumango (Ms)	–	30 August 2017
Cllr WF Pietersen	–	30 August 2017

4.	CONFIRMATION OF MINUTES	(3/4/1/5)
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The minutes of the 10th Council meeting dated 2017-07-26 were **confirmed as correct.**

4.1	CONSIDERATION OF URGENT MOTIONS
4.1.1	MOTION OF EXIGENCY BY COUNCILLOR Q SMIT: PROPOSED WORKSHOPS TO BE HELD ON ALL POLICIES AND BY-LAWS AS PER REPORT BY THE MUNICIPAL MANAGER AT THE 7TH COUNCIL MEETING HELD ON 2017-03-29

Cllr Q Smit briefly stated the urgency of the matter relating to the workshopping of Policies and By-laws, and moved that this matter be considered forthwith as a matter of exigency.

The Motion was duly seconded and the required majority vote was obtained for the Motion to serve.

The Speaker allowed Cllr Q Smit to motivate his Motion, which he did as follows:

1. BACKGROUND

During the 7th council meeting of the Stellenbosch Municipal council in 2017, under reports from the MM, ITEM 6, the following insert reflects as quoted:

“The Municipal Manager confirmed that Cllr Q Smit is indeed correct and that all policies and By-laws will first be workshopped”.

2. MOTIVATION

It is not viable option to workshop all Policies and By-laws as it would require administrative and legal personnel to be present to advise Councillors on legal matters and administrative processes at each and every workshop, and in return create administrative backlog in service delivery.

Councillors have the opportunity to address said Policies and By-laws on several occasions as follows:

The Section 80 Committees

The public participation

The final Council meeting

It is duplication of processes to have workshops for all Policies and By-laws. The Section 80 Committee system provides Councillors the opportunity to actively partake in debate on Policies and By-laws.

RECOMMENDED

- (a) that the Council decision to workshop the following Policies and By-laws, i.e. Impoundment of Animals By-law; Events Policy, and the By-law on the Prevention of public nuisances and the keeping of animals, be rescinded; and
- (b) that the Impoundment of Animals By-law; Events Policy, and the By-law on the Prevention of public nuisances and the keeping of animals, be dealt with as part of this Council Agenda.”

11TH COUNCIL MEETING: 2017-08-30: ITEM 4.1.1

During deliberations on the matter, the ANC requested a caucus, which the Speaker allowed.

When the meeting resumed, the Municipal Manager requested that this matter be stepped down to obtain further advice, which Speaker allowed.

Upon reverting to the item, Cllr Q Smit informed the Speaker that he withdraws his Motion of Exigency.

The Speaker **RULED**

that this matter has been withdrawn.

<i>Meeting:</i>	<i>11th Council: 2017-08-30</i>	<i>Submitted by Directorate:</i>	<i>Office of the Municipal Manager</i>
<i>Ref no:</i>		<i>Author</i>	<i>Office of the Municipal Manager</i>
<i>Collab:</i>		<i>Referred from:</i>	

5.	STATUTORY MATTERS	(3/4/1/4)
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NONE

6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS COUNCIL MEETINGS
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ITEM	Pg	INPUT	RESPONSE
<p><u>Cllr DA Hendrickse: Item 7.5.4</u></p> <p>POSSIBLE DISPOSAL PORTION OF LAND TO CAPITEC IKAYA, ERF 9190 – STATUS?</p> <p><u>Cllr DA Hendrickse: Item 7.5.5</u></p> <p>APPLICATION TO RELAX DEED OF SALE CONDITION: ANTI-SPECULATION CALUSE: ERF 9194- BUDGETARY PROVISION</p>	14	<p>Question: What legislation did the Administration use to approve the value, without a Council resolution as per the MFMA Section 14(2)(b)?</p> <p>Question: The MM failed to provide feedback on the question posed: Where does this figure/amount of R4m come from?</p>	The Municipal Manager will respond in writing to Cllr DA Hendrickse on both item 7.5.4 + 7.5.5.
<p><u>Cllr DS Arends: Item 9.1</u></p> <p>MOTION BY CLLR JK HENDRIKS: SUPPORT FOR INDIGENT PEOPLE IN RURAL AREAS</p> <p>-----</p> <p><u>Cllr DS Arends: Item 7.3.1</u></p> <p>THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS</p>	4	<p>Question: Why does it take so long for feedback on the status of the Motion?</p>	The Municipal Manager will respond in writing.
<p>CONCERNS RAISED:</p> <p>Timeframes on Feedback</p>	9	<p>Input:</p> <p>The ANC requested that a timeframe be placed on the feedback of outstanding resolutions, to allow the responsible officials to respond timeously.</p>	<p>Response:</p> <p>The MM responded that cognisance should be taken that the Administration in some cases also awaits feedback outside the control of the municipality, but strives to provide feedback to Councillors as soon as possible.</p>

NOTED

the feedback on the Outstanding resolutions.

Meeting:	11 th Council: 2017-08-30	Submitted by Directorate:	Office of the Municipal Manager
Ref no:	3/4/2/5	Author	Office of the Municipal Manager
Collab:	535709	Referred from:	

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: (ALD G VAN DEVENTER (MS))
7.1	COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: (PC: CLLR AR FRAZENBURG)
7.1.1	REVIEW: COMMUNITY DEVELOPMENT STRATEGY

1. PURPOSE OF REPORT

To present Council with the review on the Community Development Strategy as approved in 2014.

2. BACKGROUND

Council approved the Community Development Strategy at the 20th Council meeting in June 2014. **(APPENDIX 1)** At the time it was indicated to Council that the implementation of the strategy would be problematic due to lack of human capacity within the department. Six objectives were identified in a participatory process with representatives of different sectors within the municipal area. The aim of the review is not to present major changes, but to evaluate progress made with the implementation.

11TH COUNCIL MEETING: 2017-08-30: ITEM 7.1.1

RESOLVED (majority vote with abstentions)

that Council notes the review of the Community Development Strategy.

Meeting:	11 th Council: 2017-08-30	Submitted by Directorate:	Planning & Economic Development
Ref no:	9/P/1	Author	Manager: Community Development
Collab:	529604	Referred from:	Mayco: 2017-08-08

7.1.2	STREET PEOPLE POLICY
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1. PURPOSE OF REPORT

To present Council with a draft policy aimed at addressing the needs of persons living on the street through a holistic approach of service delivery in collaboration with civil society. The aim is to obtain in principle council approval in order to start engagements and negotiation with civil society. No implementation of any programmes is envisaged at this stage prior to the completion of the consultation process.

2. BACKGROUND

According to the March 2015 Human Science Research Council's review, homelessness cannot be understood by only focusing on the concept of home or shelter. It is important to consider the psycho-socio economic drivers and outcomes of homelessness. These include factors such as substance abuse, family dysfunction and conflict, mental and physical health issues, and criminal affiliation. Among others, socioeconomic factors include poverty, unemployment, and a lack of social security and housing. These factors may be both the drivers and outcomes of homelessness. Homelessness is not unique to Stellenbosch or South Africa for that matter.

11TH COUNCIL MEETING: 2017-08-30: ITEM 7.1.2

RESOLVED (majority vote with abstentions)

- (a) that Council approve the draft policy on Street People (as amended) in principle to provide a framework for the Department Community Development to start consultation with civil society on a collaborative approach to dealing with people living on the street;
- (b) that the draft Policy on Street People go out for public participation, which include consultation with civil society; and
- (c) that all inputs and comments received from the public participation- and consultation process be first considered by Council before a final decision is made on the approval of the Street People Policy for implementation.

<i>Meeting:</i>	11 th Council: 2017-08-30	<i>Submitted by Directorate:</i>	Planning & Economic Development
<i>Ref no:</i>	17/P/23	<i>Author</i>	Manager: Community Development
<i>Collab:</i>	529636	<i>Referred from:</i>	Mayco: 2017-08-08

7.2	CORPORATE AND STRATEGIC SERVICES: (PC: CLLR E GROENEWALD (MS))
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7.2.1	STELLENBOSCH MUNICIPALITY IDP/BUDGET/SDF TIME SCHEDULE (PROCESS PLAN) FOR THE 1ST REVISION OF THE 4TH GENERATION INTEGRATED DEVELOPMENT PLAN (2017/18- 2021/22)
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1. PURPOSE OF REPORT

To submit the IDP/Budget/SDF Process Plan (time schedule) for the 1st Revision of the 2017/18 – 2021/2022 Integrated Development Plan (IDP), Performance Management System (PMS), the Medium Term Revenue and Expenditure Framework (MTREF) for 2018/19, 2019/20 and 2021/22 and the Spatial Development Framework (SDF) to council for approval.

2. BACKGROUND

The IDP/Budget/SDF Time Schedule (Process Plan) is compiled in terms of sections 28 and 29 of the Municipal Systems Act, No 32 of 2000.

11TH COUNCIL MEETING: 2017-08-30: ITEM 7.2.1

RESOLVED (majority vote with abstentions)

- (a) that the IDP/Budget/SDF Time schedule (Process Plan), attached as **APPENDIX 1**, which sets out in detail the IDP/Budget/SDF process (including dates) for the 1st revision of the 2017/18 – 2021/2022 Integrated Development Plan (IDP), Performance Management System (PMS), SDF and Medium Term Revenue and Expenditure Framework (MTREF) for 2018/19, 2019/20 and 2021/22, be approved; and
- (b) that any amendments to the Time Schedule (Process Plan) only be done by the Municipal Manager and Executive Mayor.

Meeting:	11 th Council: 2017-08-30	Submitted by Directorate:	Strategic & Corporate Services
Ref no:	9/1/2/1	Author	Manager: IDP/PMS
Collab:	536062	Referred from:	Mayco: 2017-08-08

7.3	ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))
7.3.1	APPLICATION FOR STREET NAMING AND NUMBERING: JAMESTOWN HOUSING PROJECT FARM NO. 527/9, STELLENBOSCH (NOW ERF 967, JAMESTOWN)

1. PURPOSE OF REPORT

To make an informed recommendation to Council on the allocation of street names and numbers for the Jamestown Housing Project on Farm No. 527/9, Stellenbosch. The application is **recommended for approval**.

It should be noted that the initial application served before the 7th meeting of Council on 29-03-2017. At the meeting Council resolved as follows;

“that the matter be referred back to the administration for the public participation process”

The administration subsequently advertised the application in the Eikestad news on 11 May 2017 for a 30day commenting period which ended on 11 June 2017. A 30day notice was also served on the ward councilor for ward 21 on 12 May 2017, which was returned unclaimed from the post office on 21 June 2017. It should be noted that the ward councilor and the ward committee of ward 21 were however actively involved in proposing and allocating the subject street names as indicated in the applicant’s motivational report attached as **APPENDIX 4**.

No comments or objections were received from any interested and affected parties, hence the resubmission of the same item to Council for reconsideration.

2. BACKGROUND

In 2013 an application for the subdivision of Farm No. 527, Stellenbosch into six (6) portions and the rezoning of Portion 4 to subdivisional area to allow 395 single residential zoned properties, 176 General Residential units, educational/place of worship, public open spaces and local authority zone erven, was approved.

In 2014 the further subdivision of Farm No. 527/9, Stellenbosch into 168 erven (Phase 1A of 124 Single Residential, 2 Public Open Space and 1 Local Authority erven on 2.99ha & Phase 1B of 38 Single Residential, 2 Public Open Space and 1 Local Authority erven on 1ha) was approved by Council.

No street names and numbers were however approved with this process and it is now requested to approve the new street names and numbers after a consultative process with the ward councilor and ward members.

11TH COUNCIL MEETING: 2017-08-30: ITEM 7.3.1**RESOLVED** (majority vote with abstentions)

that the application to allocate the proposed street names listed in **APPENDIX 1** and indicated on **APPENDIX 3**, to the public roads and to allocate street numbers for all erven in the Jamestown Housing Project on Farm No. 527/9, Stellenbosch (Now Erf 967, Jamestown), **be approved** as contemplated in terms of Section 98 of the Stellenbosch Municipality Land Use Planning By-law dated 20 October 2015 and in compliance with the Stellenbosch Municipal Policy on Place naming, Street naming, Renaming & Numbering (November 2010), subject to the conditions as per the attached **APPENDIX 1**.

APPENDIX 1**FILE NO: PL 527/9 S**

In this approval document:

“Council” means the Stellenbosch Municipality

“the owner” means the registered owner of the property.

“the site” means **FARM NO 527/9, STELLENBOSCH**

“scheme regulation” has the meaning assigned thereto by the Land Use Planning Ordinance (15 of 1985).

EXTENT OF APPROVAL: To allocate the following 15 street names **for street naming purposes** in the Jamestown Housing project as indicated on **APPENDIX 4**;

1. Stellenberg Street
2. Tafelberg Street
3. Helderberg Street
4. Papegaaiberg Street
5. Overberg Street
6. Drakensberg Street
7. Coetzenberg Street
8. Kogelberg Street
9. Langeberg Street
10. Rooiberg Street
11. Winterhoek Street
12. Simonsberg Street
13. Piketberg Street
14. Sneeuiberg Street
15. Bolandberg Street

To allocate the following 8 street names **to the constructed roads** in the Jamestown Housing project as indicated on **APPENDIX 3**;

1. Helderberg Street
2. Stellenberg Street
3. Coetzenberg Street
4. Overberg Street
5. Rooiberg Street
6. Simonsberg Street
7. Sneeuiberg Street
8. Drakensberg Street

To allocate street numbers for all erven in the Jamestown Housing Project on Farm No. 527/9, Stellenbosch (Now Erf 967, Jamestown) as indicated on **APPENDIX 3**, as contemplated in terms of Section 98 of the Stellenbosch Municipality Land Use Planning By-law dated 20 October 2015 and in compliance with the Stellenbosch Municipal Policy on Place naming, Street naming, Renaming & Numbering (November 2010)

CONDITIONS IMPOSED:

1. That the approval applies only to the street naming and numbering in question, as indicated in **APPENDIX 1** and **APPENDIX 3** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
2. That the street names be erected at the cost of the Directorate: Integrated Human Settlements according to Municipal standards.
3. That the Director: Integrated Human Settlements notifies all essential services, other applicable authorities and departments, e.g. the local police, post office, Telkom, ambulance services, fire services, Geographic Mapping Authorities, Municipal Finance, Electrical and Engineering Services etc. of the newly allocated street names and numbers.
4. Council reserves the right to impose further conditions if deemed necessary.

<i>Meeting:</i>	<i>11th Council: 2017-08-30</i>	<i>Submitted by Directorate:</i>	<i>Planning & Economic Development</i>
<i>Ref no:</i>	<i>16/3/5/4</i>	<i>Author</i>	<i>Senior Town Planner</i>
<i>Collab:</i>	<i>529567</i>	<i>Referred from:</i>	<i>Mayco: 2017-08-08</i>

7.4	FINANCIAL SERVICES: (PC: CLLR S PETERS)
7.4.1	NEW OFFICE ACCOMMODATION PPP STUDY

1. PURPOSE OF REPORT

To report on the progress of the office accommodation PPP and the way forward.

2. BACKGROUND

It should be noted that the outcome of a PPP process is not necessarily to proceed with a PPP, but could result in procurement strategies other than a PPP.

The Municipality needs to optimize its service delivery also through the utilization of effective office accommodation. A PPP process will address the optimization of the utilization of effective office accommodation.

11TH COUNCIL MEETING: 2017-08-30: ITEM 7.4.1

RESOLVED (majority vote with abstentions)

that Council notes the progress of the office accommodation PPP and the way forward.

<i>Meeting:</i>	11 th Council: 2017-08-30	<i>Submitted by Directorate:</i>	Financial Services
<i>Ref no:</i>	7/4/1/1/1	<i>Author</i>	CFO
<i>Collab:</i>	530184	<i>Referred from:</i>	Mayco: 2017-08-08

7.4.2	DOWNWARDS ADJUSTMENT OF WATER TARIFFS WITH REGARDS TO THE SLIDING SCALE OF DOMESTIC CLUSTERS
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1. PURPOSE OF REPORT

To request Council to approve a downward adjustment of Water Tariffs with regards to the Sliding Scale of the Domestic Cluster.

2. BACKGROUND

In terms of S75A(2) of the Municipal Systems (Systems Act) Act 32 of 2000, fees, charges and tariffs are levied by a municipality by resolution passed by the municipal council with a supporting vote of a majority of its members.

S28(6) of the Municipal Finance Management Act (MFMA) Act 56 of 2003 stipulates that municipal tax and tariffs may not be increased during a financial year.

There is however, no restriction on the lowering of a tariff.

11TH COUNCIL MEETING: 2017-08-30: ITEM 7.4.2

RESOLVED (majority vote)

- (a) that the following amended Domestic Cluster Water Tariff with specific reference to Level 4 Restrictions be approved:

FROM	TO	AMOUNT (excl VAT)
0KI	6KI	R5.02 per KI
>6KI	20KI	R10.00 per KI
>20KI	40KI	R38.00 per KI
>40KI		R100.00 per KI

- (b) that subject to the process as stipulated in S75A of the Municipal Systems Act, 32 of 2000, being followed, the implementation date of the new tariff be 1 July 2017; and
- (c) that all other Water Tariffs remain the same.

The following Councillors requested that their votes of dissent be minuted:

Cllrs GN Bakubaku-Vos (Ms); DA Hendrickse; LK Horsband (Ms); LM Maqeba; N Mananga-Gugushe (Ms); MD Oliphant; N Sinkinya (Ms); and P Sitshoti (Ms).

Meeting:	11 th Council: 2017-08-30	Submitted by Directorate:	Financial Services
Ref no:	5/17/8	Author	CFO
Collab:	531644	Referred from:	Mayco: 2017-08-08

7.5	HUMAN SETTLEMENTS: (PC: CLLR PW BISCOMBE)
7.5.1	STELLENBOSCH MUNICIPALITY: HOUSING PIPELINE (ANNUAL REVIEW 2017-2020)

1. PURPOSE OF REPORT

To request Council to approve the Stellenbosch Municipality's Housing Pipeline (projects) for the next 3 financial years, for submission to the Provincial Department of Human Settlements (PDoHS).

2. BACKGROUND

During 2015/16 the current housing pipeline was approved by Council on 16 June 2016 and submitted to PDoHS by 28 June 2016. During the period 2016/17 FY five projects presents potential to alleviate housing needs in the Stellenbosch municipal area were further investigated. Evaluation criteria were put forward and discussed in an attempt to draw comparisons between the various projects, hence assisting Council in making informed decisions regarding the most appropriate and realistic implementation strategy.

Projects which are assessed include the Northern Extension, Jamestown (Portion 4 of Farm No 527), Jamestown (Portion of Remainder of Farm 527), Vlottenburg Nodal Development, Stellenbosch Transit Orientated Development (STOD) and the Botmaskop Works Yard. Opportunities which are not considered include those associated with Nietvoorbij, Droë Dyke and De Novo. These latter projects, for a variety of reasons, do not present realistic short or medium term opportunities and, while it remains advisable to pursue them, are considered too complex/uncertain to be prioritised at present.

It should be noted that with reference to De Novo, the Department of the Premier has established a work group consisting of various Provincial Sector Departments to investigate alternative land uses on the De Novo site, so as to ensure maximum is obtained for this site. Thus the current Human Settlement process, that was being implemented with regard to the De Novo project has been placed on hold until such time as the working group provides a new development program.

As an initial step the Provincial Department of Human Settlements is waiting for the Department of Transport & Public Works to transfer ownership of the De Novo site in order to proceed with layout design based on the working group's recommendation/s.

11TH COUNCIL MEETING: 2017-08-30: ITEM 7.5.1**RESOLVED** (majority vote with abstentions)

- (a) that the projects as reflected in the table below be supported in accordance with the appropriate funding and relevant provincial approvals as well as available bulk infrastructure capacity:

	PROJECT NAME	HOUSING PROGRAM	PROJECT PHASE	NO OF SITES	NO OF UNITS
1.	Stellenbosch Idas Valley (166 services) (Lindida)	IRDP/FLISP	Await planning approval (LUPA)	166	
2.	Stellenbosch Jamestown (Phases 2)	IRDP	Planning Phase 2		
3.	Klapmuts (Phase 4 Of 2053:15) 298 services & units	IRDP	Construction	100	
4.	Kayamandi Watergang (295 services)	UISP (Enhance site)	Temporary units with toilets		±300 (temporary structures)
5.	Kayamandi Watergang (187 units)	IRDP	Construction		20
6.	Kayamandi Zone O (±711 services) Investigating possible increase of sites	UISP	Planning		
7.	Franschoek Langrug Enhanced Services (1200 services)	UISP	Planning and feasibility study for decanting site		
8.	Longlands, Vlottenburg (144 Services and units)	IRDP	Contractual matters to be finalised		
9.	Stellenbosch La Motte Old Forest Station (430 services & 430 units)	IRDP/FLISP	Await planning approval		
10.	Kylemore (171 services & 171 units)	IRDP	Await transfer of land		
11.	Kayamandi Enkanini Enhanced Services	UISP	Planning (LUPA & EIA)		
12.	Kayamandi Enkanini (Pilot project)	UISP	Construction (Electricity and upgrading of toilets)	300 electricity connections and 20 additional communal toilets	
13.	Kayamandi Town Centre Regeneration (700units)	UISP/ Institutional	Planning		

- (b) that the projects in the table below, be supported in principle and submitted to Provincial Department of Human Settlements for funding to commence with pre-feasibility studies;

	PROJECT NAME	HOUSING PROGRAM	PROJECT PHASE	NO OF SITES	NO OF UNITS
1.	Erf 7001 and other possible sites for mix-used development in Cloetesville	IRDP/FLISP	Planning		
2.	Erf 2, La Motte (±70 services)	IRDP	Planning		
3.	Botmaskop	Social Housing / IRDP	Pre-planning phase		
4.	Van der Stel Sports complex precinct	IRDP	Pre-planning phase		

- (c) that after the completion of the pre-feasibility studies of these projects as listed in (b) above, a report be submitted to Council for consideration; and
- (d) that the housing pipeline be reviewed on an annual basis to align the project readiness with the DORA allocation.

Councillors DA Hendrickse and LK Horsband requested that their votes of dissent be minuted.

<i>Meeting:</i>	<i>11th Council: 2017-08-30</i>	<i>Submitted by Directorate:</i>	<i>Directorate: Human Settlements</i>
<i>Ref no:</i>	<i>17/4/9</i>	<i>Author</i>	<i>Manager: New Housing & Man: Informal Settlements</i>
<i>Collab:</i>		<i>Referred from:</i>	

7.6	INFRASTRUCTURE: [CLLR J DE VILLIERS]
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NONE

7.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: CLLR N JINDELA)
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NONE

7.8	PROTECTION SERVICES: [PC: CLLR Q SMIT]
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7.8.1	IMPOUNDMENT OF ANIMALS BY-LAW
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1. PURPOSE OF REPORT

To submit the Impoundment of Animals By-Law (**APPENDIX 1**) to Council for approval.

2. BACKGROUND

Currently, a need exist for the proper control and management of stray animals within the WC024 area of Stellenbosch. Many of these animals are grazing without any supervision, and in some instances creates a health risk due to the locality and conditions these animals are found.

The municipality is in the process of erecting a pound for the safekeeping of impounded animals and has purchased the necessary equipment to transport impounded animals.

11TH COUNCIL MEETING: 2017-08-30: ITEM 7.8.1

RESOLVED (majority vote with abstentions)

- (a) that Council approves the Impoundment of Animals By-law; and
- (b) that the approved By-law be promulgated in the Provincial Gazette.

The following Councillors requested that their votes of dissent be minuted:

Cllrs GN Bakubaku-Vos (Ms); LM Maqeba; N Mananga-Gugushe (Ms); MD Oliphant; N Sinkinya (Ms); and P Sitshoti (Ms).

Meeting:	11 th Council: 2017-08-30	Submitted by Directorate:	Protection Services
Ref No:	1/3/1/7	Author:	Acting Manager: Law Enforcement
Collab:	536434	Referred from:	Mayco: 2016-11-16

7.8.2	EVENTS POLICY
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1. PURPOSE OF REPORT

To request Council to approve and adopt the Events Policy for Stellenbosch Municipality.

2. BACKGROUND

The Events Policy, attached as **APPENDIX 1**, sets the strategic direction for Stellenbosch and its region, and aims to create mutually beneficial outcomes for the Greater Stellenbosch residents, businesses and visitors by using the platforms created by events to contribute to Stellenbosch's, growth, development and inclusivity.

Stellenbosch is known for hosting major local, national and international events. The Events Policy will assist and guide the municipality in managing event related activities in an efficient and effective manner thereby providing clarity to all role players and stakeholders. Stellenbosch Municipality would like to ensure that it becomes a town for great events for visitors to the town and the events industry, by creating stability in the town's events calendar and clearly defining processes and systems that support events. The Municipality plays an important role in: the regulations of events, partnerships with events organized in the WC024, events organization, facilitation and the provision of services at events. Currently events are regulated by the Events Act of 2010 and are applicable to events which accommodate more than 2000 people. The municipality has recently approved the Events Bylaw which was promulgated on 12 February 2016. The Events Bylaw gives the legal parameters under which the Events Policy will function in terms of processes to be followed and implemented.

11TH COUNCIL MEETING: 2017-08-30: ITEM 7.8.2

RESOLVED (majority vote)

- (a) that the comments received from the public and the Spatial Planning, Heritage and Environment Department be included in a Standard Operating Procedure (SOP), to be included into the Policy; and
- (b) that the Events Policy be adopted and approved by Council.

The following Councillors requested that their votes of dissent be minuted:

Cllrs GN Bakubaku-Vos (Ms); DA Hendrickse; LK Horsband (Ms); LM Maqeba; N Mananga-Gugushe (Ms); MD Oliphant; N Sinkinya (Ms); and P Sitshoti (Ms).

Meeting:	11 th Council: 2017-08-30	Submitted by Directorate:	Protection Services
Ref No:	1/3/1/16	Author:	Acting Manager: Law Enforcement
Collab:	536425	Referred from:	Mayco: 2016-11-16

7.8.3	BY-LAW ON THE PREVENTION OF PUBLIC NUISANCES AND THE KEEPING OF ANIMALS
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1. PURPOSE OF REPORT

To submit the amended draft "By-Law on the Prevention of Public Nuisances and the Keeping of Animals," to Council for adoption.

2. BACKGROUND

Several complaints regarding various types of nuisances have been received. Methods to address said complaints were investigated by the Administration. It was proven that the previous By-laws were not adequate to address the problems experienced. Copies of said By-laws are attached hereto as **APPENDICES 1 – 6**. A new By-law has thus been drafted and is herewith submitted to Council for consideration, which is attached as **APPENDIX 7**.

11TH COUNCIL MEETING: 2017-08-30: ITEM 7.8.3

RESOLVED (nem con)

- (a) that Council approves the proposed amended Draft By-Law on the Prevention of Public Nuisances and the Keeping of Animals; and
- (b) that the approved By-law be promulgated in the Provincial Gazette.

Meeting:	<i>11th Council: 2017-08-30</i>	Submitted by Directorate:	<i>Protection Services</i>
Ref No:	<i>1/3/1/8</i>	Author:	<i>Acting Manager: Law Enforcement</i>
Collab:	<i>536423</i>	Referred from:	<i>Mayco: 2016-11-16</i>

7.9	YOUTH, SPORTS AND CULTURE: [PC: XL MDEMKA (MS)]
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NONE

8.	CONSIDERATION OF REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED BY THE MUNICIPAL MANAGER
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8.1	CONSIDERATION OF IRREGULAR EXPENDITURE: INKWENKWEZI CATERING SERVICES
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1. PURPOSE OF REPORT

To provide information regarding possible “irregular expenditure” for oversight by MPAC. Council needs to consider and approve that the expenditure is deemed irrecoverable and be written off in terms of the MFMA Section 32 (2).

2. BACKGROUND

The Committee was established to deal with expenditure not aligned or non-compliant with Council’s approved policies and the Municipal Finance Management Act, herein after referred to as the “Act” and “Policies”.

11TH COUNCIL MEETING: 2017-08-30: ITEM 8.1

RESOLVED (majority vote with abstentions)

- (a) that note be taken of the departmental report; and
- (b) that Council certifies the expenditure to the amount of R 5 850.00 for services rendered by Inkwenkwezi Catering Services as irrecoverable, and that this amount be written off.

<i>Meeting:</i>	11 th Council: 2017-08-30	<i>Submitted by Directorate:</i>	Planning & Economic Development
<i>Ref no:</i>	3/3/3/6/7	<i>Author</i>	Manager: Community Development
<i>Collab:</i>	525350	<i>Referred from:</i>	MPAC:2017-08-17

8.2	CONSIDERATION OF IRREGULAR EXPENDITURE ON ANNUAL ELECTRICAL TENDER
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1. PURPOSE OF THE REPORT

To provide information regarding “irregular expenditure” for oversight by MPAC. Council needs to consider and approve that the expenditure is deemed irrecoverable and be written off in terms of the MFMA Section 32 (2).

2. BACKGROUND

The Committee was established to deal with expenditure not aligned or non-compliant with Council’s approved policies and the Municipal Finance Management Act, herein after referred to as the “Act” and “Policies”.

11TH COUNCIL MEETING: 2017-08-30: ITEM 8.2

RESOLVED (majority vote with abstentions)

- (a) that note be taken of the departmental report;
- (b) that note be taken of the actions by the relevant departments so as not to incur further financial losses to the Municipality; and
- (c) that Council certifies the expenditure to the amount of R498 592.94 for services rendered, and that this amount be written off.

<i>Meeting:</i>	<i>11th Council: 2017-08-30</i>	<i>Submitted by Directorate:</i>	<i>Financial Services</i>
<i>Ref no:</i>	<i>3/3/3/6/7</i>	<i>Author</i>	<i>Head: Supply Chain Management</i>
<i>Collab:</i>	<i>531005</i>	<i>Referred from:</i>	<i>MPAC:2017-08-17</i>

8.3	TREATMENT OF RODENTS AND PESTS: STELLENBOSCH TOWN HALL
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1. PURPOSE OF REPORT

To provide information regarding Community Development and Community Services on the emergency pest control service that took place at Stellenbosch Town Hall to treat visible rodents and insects.

2. BACKGROUND

In February 2017 the staff and venue hirers of Stellenbosch Town Hall reported sightings of large mice; rats and other insects. This reporting led to an emergency intervention to treat and control these pests and assist to safeguard the Occupational Health and Safety compliancy requirements and protect the image and income source of Stellenbosch Municipality.

11TH COUNCIL MEETING: 2017-08-30: ITEM 8.3

RESOLVED (majority vote with abstentions)

- (a) that note be taken of the actions by the relevant departments in order to render a service;
- (b) that note be taken of the comments by the Supply Chain Management department; and
- (c) that Council certifies the expenditure to the amount of R15 100.00 for services rendered, and that this amount be written off.

<i>Meeting:</i>	11 th Council: 2017-08-30	<i>Submitted by Directorate:</i>	Community Services
<i>Ref no:</i>	6/2/1/10	<i>Author</i>	Manager: Community Services
<i>Collab:</i>	532172	<i>Referred from:</i>	MPAC:2017-08-17

8.4	CONSIDERATION OF IRREGULAR EXPENDITURE FOR HIRING OF DIGGER LOADER AND APPOINTING SECURITY COMPANY
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1. PURPOSE OF REPORT

To provide information regarding “irregular expenditure” for oversight by MPAC. Council needs to consider and approve that the expenditure is deemed irrecoverable and be written off in terms of the MFMA Section 32 (2).

2. BACKGROUND

The Committee was established to deal with expenditure not aligned or non-compliant with Council’s approved policies and the Municipal Finance Management Act, herein after referred to as the “Act” and “Policies”.

11TH COUNCIL MEETING: 2017-08-30: ITEM 8.4

RESOLVED (majority vote with abstentions)

- (a) that note be taken of the actions by the relevant departments in order to render a service;
- (b) that note be taken of the comments by the Supply Chain Management department;
- (c) that it be noted that disciplinary action was taken against the municipal official; and
- (d) that Council certifies the expenditure to the amount of R9 600.00 (1/3306/0770) for CEM Contractors and R13 459.90 (1/3306/0202) for Farmguard Security, and that these amounts be written off.

<i>Meeting:</i>	<i>11th Council: 2017-08-30</i>	<i>Submitted by Directorate:</i>	<i>Community Services</i>
<i>Ref no:</i>	<i>3/3/3/6/7</i>	<i>Author</i>	<i>Manager: Community Services</i>
<i>Collab:</i>	<i>532167</i>	<i>Referred from:</i>	<i>MPAC:2017-08-17</i>

8.5	PROGRESS REPORT IN RELATION TO THE INVESTIGATION OF UNAUTHORISED & IRREGULAR EXPENDITURE (SECT 32 OF ACT 56 OF 2003) : SYNTELL (PTY) LIMITED AND TMT SERVICES & SUPPLIES
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1. PURPOSE OF THE REPORT

To inform Council of progress made in relation to MPAC's resolution below in the investigation of unauthorised & irregular expenditure in terms of contract Syntell (PTY) Limited and TMT (B/SM 59/12) (Provision of Traffic Law Enforcement equipment, back office systems and related services).

2. BACKGROUND

The Committee was established to deal with expenditure not aligned or non-compliant with Council's approved policies and the Municipal Finance Management Act, herein after referred to as the "Act" and "Policies".

11TH COUNCIL MEETING: 2017-08-30: ITEM 8.5

RESOLVED (majority vote with abstentions)

that the progress report in relation to the Investigation, be noted.

Meeting:	11 th Council: 2017-08-30	Submitted by Directorate:	Municipal Manager
Ref No:	8/1/4/2/2/1	Author:	Chief Audit Executive
Collab:	535875	Referred from:	MPAC: 2017-08-17

8.6	QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE FOR THE PERIOD: 01 APRIL 2017 TO 30 JUNE 2017
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1. PURPOSE OF REPORT

To inform Council of the activities of the Audit Committee for the period 01 April 2017 till 30 June 2017 (4th Quarter). The Minutes of the meeting held for this period mentioned is herewith attached as **APPENDIX 1** which outlines the activities of the Audit and Performance Audit Committee.

2. BACKGROUND

The Audit Committee has executed its duties and responsibilities during the period under review in accordance with its terms of reference as they relate to Council's accounting, internal auditing, internal control and financial reporting practices.

During this period the committee, amongst other matters, considered the following and would like to report the following in conjunction with the minutes of the meeting attached:

11TH COUNCIL MEETING: 2017-08-30: ITEM 8.6

RESOLVED (majority vote with abstentions)

that Council takes note of the concerns and the report of the Audit Committee for the period 01 April 2017 till 30 June 2017.

Meeting:	11th Council: 2017-08-30	Submitted by Directorate:	Audit Committee
Ref No:		Author:	Chief Audit Executive
Collab:		Referred from:	

8.7	APPOINTMENT OF TWO (2) MEMBERS TO THE AUDIT AND PERFORMANCE AUDIT COMMITTEE
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1. PURPOSE OF REPORT

To obtain Council's approval for the appointment of two (2) new members to serve on the Audit and Performance Audit Committee.

2. BACKGROUND

In terms of Section 166 of the Municipal Finance Act (MFMA), Act No 56 of 2003, each municipality must have an Audit and Performance Audit Committee. The Audit and Performance Audit Committee is an independent advisory body which must advise Council, the political office bearers, the accounting officer, the management and staff of the municipality.

11TH COUNCIL MEETING: 2017-08-30: ITEM 8.7

RESOLVED (majority vote with abstentions)

that Mr Vincent James Botto and Mr Tsepo Walter Lesihla be appointed as members to the Audit and Performance Audit Committee of Stellenbosch Municipality for a three (3) year period with effect from 01 September 2017.

Meeting:	11th Council: 2017-08-30	Submitted by Directorate:	Audit Committee
Ref No:		Author:	Chief Audit Executive
Collab:		Referred from:	

8.8	PERFORMANCE AGREEMENTS 2017/2018 – MUNICIPAL MANAGER AND DIRECTORS
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1. PURPOSE OF REPORT

For Council to take note of the Performance Agreements as concluded by the Municipal Manager and the Executive Mayor as well as the Municipal Manager and Directors for the period 1 July 2017 – 30 June 2018.

2. BACKGROUND

According to Government Gazette No. 29089 dated 1 August 2006 on the Performance Regulations for Senior Managers, paragraph 4 *“Employment in terms of the employment contract must further be subject to compliance with the following terms and conditions-*

*(a) the signing of a separate performance agreement within ninety (90) calendar days after **assumption of duty** and annually within one month after the commencement of the new financial year.”*

11TH COUNCIL MEETING: 2017-08-30: ITEM 8.8

RESOLVED (majority vote with abstentions)

that Council takes note of the Performance Agreements and the relevant annexures of the Municipal Manager and Directors directly accountable to the Municipal Manager; and that the Performance Agreements be submitted to the website of the Municipality in terms of relevant legislation.

Meeting:	11th Council: 2017-08-30	Submitted by Directorate:	Office of the MM
Ref No:	9/1/4/4	Author:	Office of the MM
Collab:	535280	Referred from:	

8.9	STELLENBOSCH MUNICIPALITY: HOUSING PIPELINE (ANNUAL REVIEW 2017-2020)
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(SEE ITEM 7.5.1 ABOVE)

8.10	FEEDBACK ON PUBLIC PARTICIPATION ON VERSION 10.3A AND REQUEST FOR COMMENCEMENT OF PUBLIC PARTICIPATION ON THE DRAFT VERSION 11 OF THE NEW STELLENBOSCH ZONING SCHEME BY-LAW FOR STELLENBOSCH MUNICIPALITY (WC024)
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1. PURPOSE OF REPORT

- 1.1. To report back to Council on the public participation conducted during November 2016 – March 2017 on the Draft Integrated Zoning Scheme By-law (10.3a) after Council authorised the Municipal Manager through Council Resolution 7.3.2 dated 2016-10-26; and
- 1.2. To obtain approval from Council to commence to re-advertise the amended Draft Integrated Zoning Scheme By-law (version 11 attached as **ANNEXURE B**); the draft Converted Zoning Maps (based on the May 2017 draft registered layer) and zoning register for Stellenbosch Municipality (WC024) which contains the proposals made during the public participation process.

The second round of advertising will be legally mandated by the Municipal Systems Act (2000), read together with the new planning dispensation, which includes the Western Cape Land Use Planning Act No 3 of 2014 (LUPA), the Spatial Planning and Land Use Planning Act, No 16 of 2013 (SPLUMA) and the Stellenbosch Municipal Land Use Planning By-Law (2015) (the By-law).

2. BACKGROUND

Stellenbosch Municipality implemented the above new planning dispensation on the 01 December 2015 through Provincial Gazette Notice 7539 by repealing the Land Use Planning Ordinance, Nr 15 of 1985 (LUPO).

All applications submitted since 01 December 2015 have to be submitted in terms of the Land Use Planning By-law (2015) which is aligned with the new planning dispensation (LUPA and SPLUMA).

With the enactment of the new planning dispensation, Council is mandated by both National and Provincial legislation (SPLUMA and LUPA) to adopt a single zoning scheme by-law for its entire municipal area.

The zoning scheme is a municipal law which allocates development rights to properties. It therefore contains the rules which tell a land owner how they may use land, and how they may develop it.

11TH COUNCIL MEETING: 2017-08-30: ITEM 8.10**RESOLVED** (majority vote with abstentions)

- (a) that Council authorises the Municipal Manager to:
- (i) proceed with re-advertising of the Draft IZS By-law Annexure B for a period of 60 days; and
 - (ii) copies of the document (version 11), the draft converted zoning maps and zoning register be placed at all municipal libraries for a period of 60 days; and
- (b) that the Final Draft Integrated Zoning Scheme By-law be resubmitted to Council after the public participation process for final consideration.

<i>Meeting:</i>	<i>11th Council: 2017-08-30</i>	<i>Submitted by Directorate:</i>	<i>Directorate: Planning & Econ Dev</i>
<i>Ref no:</i>	<i>1/1/1/40</i>	<i>Author</i>	<i>Manager: LUM</i>
<i>Collab:</i>	<i>535920</i>	<i>Referred from:</i>	

8.11	APPOINTMENT OF TEMPORARY PROJECT MANAGERS: VARIOUS GOVERNANCE PROJECTS: EXTENSION OF CONTRACT PERIOD
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1. PURPOSE OF REPORT

To motivate to Council for the further extension of the contract of the temporary Project Manager in the Directorate: Human Settlements & Project Management tasked with Forestry Villages.

2. BACKGROUND

Various governance gaps were identified over the past years. These areas need a special focus and impetus to enhance service delivery. Permanent staff do not have the capacity to also manage these projects and project managers can facilitate project scoping and development, implementation, monitoring, evaluation and closing down of projects.

Council, at its meeting held on 30 March 2016, resolved, amongst others:

- (b) “that Council recognise the need for additional project manager capacity;
- (c) that due process be followed in terms of the proposed amendments to the approved micro-organisational structure of 2011;
- (d) that the recruitment and selection process be followed as per the Recruitment and Selection Policy;
- (e) that the Project Managers be appointed on a six (6) month contract which can be renewable for a further six (6) months, with performance based targets and in line with the Employment Equity Plan as far as possible taking into account the skills required and the applicants received”.

Following an advertisement and interview process, Mr WW Johnstone was appointed as Project Manager: Forestry Villages in the Directorate: Human Settlements & Property Management from 01 August 2016 for a period of six (6) months. As a result of the successes achieved and the extent of the work still required to be completed, Mr Johnstone’s appointment was extended by a further six (6) months from 01 February 2017 to 31 July 2017. This extension was in line with Council resolution dated 30 March 2016. During this time it has become apparent that the successes gained and the substantial progress made through the appointment of the Project Manager: Forestry Villages would be compromised unless a further extension of his contract is granted.

11TH COUNCIL MEETING: 2017-08-30: ITEM 8.11

Before deliberations on the matter, the DA requested a caucus, which the Speaker allowed.

When the meeting resumed, the Executive Mayor requested that this matter be stepped down to seek clarity. There were no objections to this request, and the matter was stepped down for a while.

Upon reverting to the matter, it was

RESOLVED (majority vote with abstentions)

- (a) that the Project Manager: Forestry Villages' continued services during the month of August 2017 be condoned; and
- (b) that Council approves the extension of the contract of Mr WW Johnstone, the Project Manager: Forestry Villages, for a further six (6) month period.

Meeting:	11 th Council: 2017-08-30	Submitted by Directorate:	Human Settlements
Ref No:	4/3/4/4	Author:	Manager: Property Management
Collab:		Referred from:	

9.	MATTERS FOR NOTIFICATION
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9.1	REPORT BY THE EXECUTIVE MAYOR
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NONE

9.2	REPORT BY THE SPEAKER
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NONE

9.3	REPORT BY THE MUNICIPAL MANAGER
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9.3.1	DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY: PLANNING AND ECONOMIC DEVELOPMENT
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1. PURPOSE OF REPORT

To report to Council on the decisions taken by the delegated officials in the Directorate Planning and Economic Development in terms of Council's System of Delegations for the period 01 July 2016 – 31 March 2017, in compliance with Section 63 of the Local Government: Municipal Systems Act read in conjunction with the System of Delegations as approved by Council.

2. BACKGROUND

Section 63 of the Local Government Municipal Systems Act 32 of 2000 reads as follows:

"A political structure, political office bearer, Councillor or staff member of a municipality to whom a delegating authority has delegated or sub delegated a power or duty, must report to the delegating authority at such intervals as the delegating authority may require, on decisions taken in terms of that delegated or sub-delegated power or duty since the last report."

11TH COUNCIL MEETING: 2017-08-30: ITEM 9.3.1

NOTED

the decisions taken, for the period 01 July 2016 until 31 March 2017, by the Directorate: Planning and Economic Development (attached as **APPENDIX 1**).

Meeting :	11 TH Council: 2017-08-30	Submitted by Directorate	Office of the MM
Ref no:	3/5/1/2	Author	Office of the MM
Collab:	530128	Referred from :	Mayco: 2017-08-08

9.3.2	DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY: APRIL 2017 – JULY 2017
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1. PURPOSE OF REPORT

To report to Council on the decisions taken by the Municipal Manager and Directors in terms of Council's System of Delegations for the period 1 April to 31 July 2017, in compliance with Section 63 of the Local Government: Municipal Systems Act read in conjunction with the System of Delegations as approved by Council.

2. BACKGROUND

Section 63 of the Local Government Municipal Systems Act 32 of 2000 reads as follows:

"A political structure, political office bearer, Councillor or staff member of a municipality to whom a delegating authority has delegated or sub delegated a power or duty, must report to the delegating authority at such intervals as the delegating authority may require, on decisions taken in terms of that delegated or sub-delegated power or duty since the last report."

11TH COUNCIL MEETING: 2017-08-30: ITEM 9.3.2

NOTED

the decisions taken, for the period 1 April 2017 to 31 July 2017 (attached as **APPENDIX 1**), by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler (1 April – 31 July 2017)
- Director Strategic and Corporate Services – Ms A de Beer (1 April – 31 July 2017)
- Director Engineering Services – Mr D Louw (1 April – 31 July 2017)
- Director Community and Protection Services – Mr G Esau (1 April – 31 July 2017)
- Chief Financial Officer – Mr M Wüst (May – July 2017)
- Director Integrated Human Settlements and Property Management – Mr T Mfeya (June-July 2017)
- Director Planning and LED – Mr D Lombaard (May 2017 and July 2017)

Meeting :	11 th Council: 2017-08-30	Submitted by Directorate	Office of the MM
Ref no:	2/4/3	Author	Office of the MM
Collab:	535047	Referred from :	

9.3.3	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FROM 01 JULY UNTIL 31 JULY 2017
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1. PURPOSE OF REPORT

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 4.36.2 of the Supply Chain Management Policy 2017/2018.

2. BACKGROUND/DISCUSSION

Reporting the deviation as approved by the Accounting Officer for the period of 01 July 2017 until 31 July 2017. The following deviation was approved with the reason as indicated below:

Deviation Number	Contract Date			Name of Contractor	Contract Description	Reason	Total Contract Price R
D/SM: 01/18	11	07	2017	Total SA	Fuel stocks at Stores	Exceptional case and it is impractical to follow the official procurement processes	R 3 000 000.00

NOTED

the deviation as listed above.

Meeting:	11 th Council: 2017-08-30	Submitted by Directorate:	Finance
Ref no:	8/1/4/2/2	Author	Chief Financial Officer
Collab:	536242	Referred from:	

10.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
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10.1	QUESTION BY COUNCILLOR LK HORSBAND (MS): STELLENBOSCH NIGHT SHELTER
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11TH COUNCIL MEETING: 2017-08-30: ITEM 10.1

It was noted that Councillor LK Horsband (Ms) was satisfied with the response. She did not pose a follow-up question.

Meeting:	11 th Council meeting: 2017-08-30	Submitted by Directorate:	Office of the Municipal Manager
Ref No:	3/4/1/4	Author:	Municipal Manager: (Ms G Mettler)
Collab:	535290	Referred from:	

10.2	QUESTION BY COUNCILLOR LK HORSBAND (MS): FARM RENTAL RATES
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11TH COUNCIL MEETING: 2017-08-30: ITEM 10.2

It was noted that Councillor LK Horsband (Ms) was not satisfied with the response, because the Council resolution was not attached as mentioned in the Memorandum on page 1032 of the Agenda.

The Municipal Manager undertook to provide said Council resolution to Cllr LK Horsband (Ms).

Meeting:	11 th Council meeting: 2017-08-30	Submitted by Directorate:	Office of the Municipal Manager
Ref No:	3/4/1/4	Author:	Municipal Manager: (Ms G Mettler)
Collab:	535290	Referred from:	

10.3	QUESTION BY COUNCILLOR DA HENDRICKSE: CURRENT MUNICIPAL RENTAL RATES
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11TH COUNCIL MEETING: 2017-08-30: ITEM 10.3

It was noted that Councillor DA Hendrickse was not satisfied with the response and raised his concern and disappointment with the non-compliance of the Administration in terms of Council's Rules of Order By-law.

The Speaker requested the Municipal Manager to comply with Council's Rules of Order by providing Councillor DA Hendrickse with a written response on his question.

Meeting:	11 th Council meeting: 2017-08-30	Submitted by Directorate:	Office of the Municipal Manager
Ref No:	3/4/1/4	Author:	Municipal Manager: (Ms G Mettler)
Collab:	535686	Referred from:	

10.4	MOTION BY COUNCILLOR F ADAMS: DEBATE ON LAND REFORM AND ECONOMIC TRANSFORMATION
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11TH COUNCIL MEETING: 2017-08-30: ITEM 10.4

In view of the approved absence of the Councillor,

The Speaker **RULED**

that this Motion stand over until the next Council meeting and that the Chief Whip inform Councillor F Adams accordingly.

<i>Meeting:</i>	11 th Council: 2017-08-30	<i>Submitted by Directorate:</i>	Office of the Municipal Manager
<i>Ref No:</i>	3/4/1/4	<i>Author:</i>	MM: (Ms G Mettler)
<i>Collab:</i>	535712	<i>Referred from:</i>	

10.5	MOTION BY COUNCILLOR DA HENDRICKSE: CANCELLATION OF LEASE AGREEMENT WITH KWV ON PORTION OF ERF 369
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11TH COUNCIL MEETING: 2017-08-30: ITEM 10.5

The Speaker allowed Cllr DA Hendrickse to put his Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter.

During debate on the matter, the Executive Mayor, Ald G van Deventer (Ms) raised a Point of Order in terms of Rule 18.7 of the Rules of Order By-law, to the effect that this matter be referred to the Human Settlements Portfolio Committee.

The Speaker **RULED**

that this Motion be referred to the Human Settlements Portfolio Committee.

Councillor DA Hendrickse requested that it be minuted that, in his view, the power to rule or resolve on this matter vests with Council and not with a Section 80 Committee nor with the Mayoral Committee.

Meeting:	11 th Council: 2017-08-30	Submitted by Directorate:	Office of the Municipal Manager
Ref No:	3/4/1/4	Author:	MM: (Ms G Mettler)
Collab:	535716	Referred from:	

11. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

11.1 DECLARING A STATE OF DISASTER IN TERMS OF THE DROUGHT

1. PURPOSE OF REPORT

To inform Council of the state of the drought and to request Council to declare a State of Disaster in line with the equivalent declaration of a state of disaster called by the Western Cape Provincial Government.

2. BACKGROUND

Stellenbosch Municipality has been declared a state of disaster on 20 June 2017 (Appendix 1) due to the drought conditions. Severe drought conditions still exist within and around the Cape Metropolitan Area. Stellenbosch falls within this area. With currently very little rainfall and very high temperatures during summer, the supplies of water have reached critical levels. If the same rainfall is experienced in the 2017 winter as was the case in the 2016 winter, then the Cape Metropolitan area is certain to have no surface water available before the next rainfall season in 2018.

3. DISCUSSION

3.1 Drought Conditions

Due to the severe water supply constraints it is extremely important to severely limit the usage of water and to plan the augmentation of water supply to our citizen, since water is extremely critical for the lives of our citizens. All indications are that we will not see enough rainfall this winter for dams to fill up sufficiently to last us through the next summer.

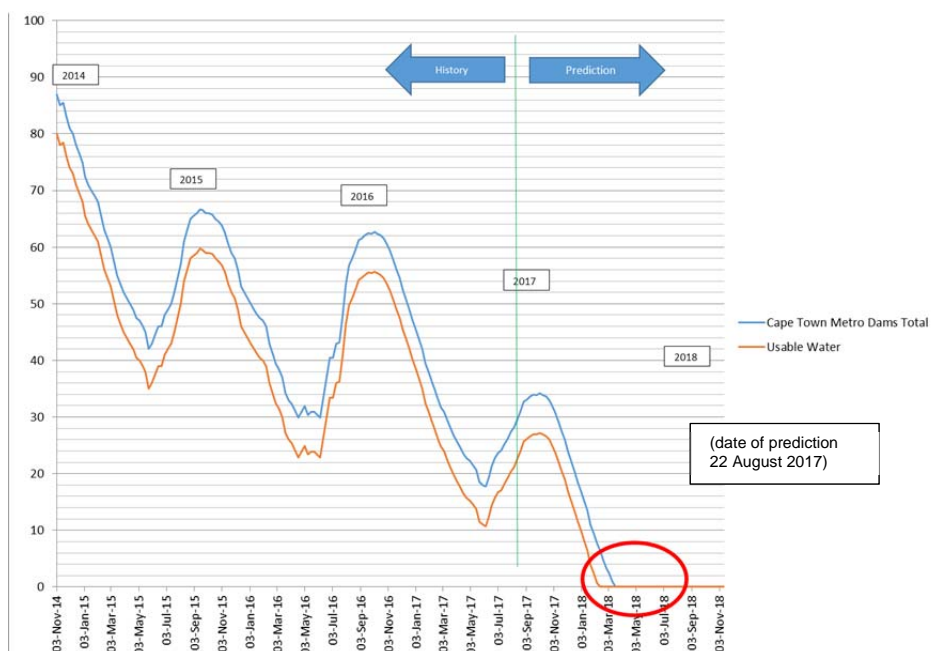


Figure 1: Current Prediction for the Water availability in the next year

In reference to Figure 1 above it can be seen that if the same water availability and water consumption patterns are to be followed in the next 12 months, then we will have no water by end February 2018. For this reason a State of Disaster was declared by the Western Cape Provincial Government. In order for this State of Disaster to be effective it is required that all municipalities within the disaster zone to also declare a States of Disaster.

Appendix 2 reflects a request from the Western Cape Provincial Government to municipalities to also declare states of disaster.

3.2 Intervention Required

In order for the Provincial Disaster declaration to be effective, it is required that Stellenbosch Municipality declare an extension to ther State of Disaster.

In terms of Section 55 of the Disaster Management Act, Act 57 of 2002, as amended, the Council of a Municipality, who is experiencing a disaster and has the primary function of controlling this disaster, is authorised to publish the declaration of a local disaster in the Provincial Gazette, should current legislation and measures be insufficient to mitigate the disaster.

Provincial Government has requested the Municipality to declare a State of Disaster in order for assistance of the disaster and management thereof to become effective.

4. LEGAL IMPLICATION

Section 55 of the Disaster Management Act, 2002, reads as follows

Declaration of local state of disaster

55. (1) *In the event of a local disaster the council of a municipality having primary responsibility for the co-ordination and management of the disaster may, by notice in the provincial gazette, declare a local state of disaster if-*
- (a) existing legislation and contingency arrangements do not adequately provide for that municipality to deal effectively with the disaster; or*
 - (b) other special circumstances warrant the declaration of a local state of disaster*
- (2) *If a local state of disaster has been declared in terms of subsection (1), the municipal council concerned may, subject to subsection (3), make by-laws or issue directions, or authorise the issue of directions concerning-*
- (a) the release of any available resources of the municipality, including stores, equipment, vehicles and facilities;*
 - (b) the release of personnel of the municipality for the rendering of emergency services;*
 - (c) the implementation of all or any of the provisions of a municipal disaster management plan that are applicable in the circumstances;*
 - (d) the evacuation to temporary shelters of all or part of the population from the disaster-stricken or threatened area if such action is necessary for the preservation of life;*
 - (e) the regulation of traffic to, from or within the disaster-stricken or threatened area;*
 - (f) the regulation of the movement of persons and goods to, from or within the disaster-stricken or threatened area;*
 - (g) the control and occupancy of premises in the disaster-stricken or threatened area;*
 - (h) the provision, control or use of temporary emergency accommodation;*

-
- (i) *the suspension or limiting of the sale, dispensing or transportation of alcoholic beverages in disaster-stricken or threatened area;*
 - (j) *the maintenance or installation of temporary lines of communication to, from or within the disaster area;*
 - (k) *the dissemination of information required for dealing with the disaster;*
 - (l) *emergency procurement procedures;*
 - (m) *the facilitation of response and post-disaster recovery and rehabilitation: or*
 - (n) *other steps that may be necessary to prevent an escalation of the disaster, or to alleviate, contain and minimise the effects of the disaster.*
- (3) *The powers referred to in subsection (2) may be exercised only to the extent that this is necessary for the purpose of--*
- (a) *assisting and protecting the public;*
 - (b) *providing relief to the public;*
 - (c) *protecting property;*
 - (d) *preventing or combating disruption;*
 - (e) *dealing with the destructive and other effects of the disaster.*
- (4) *By-laws made in terms of subsection (2) may include by-laws prescribing penalties for any contravention of the by-laws*
- (5) *A municipal state of disaster that has been declared in terms of subsection (1) -*
- (a) *lapses three months after it has so been declared;*
 - (b) *may be terminated by the council by notice in the provincial gazette before it lapses in terms of paragraph (a); and*
 - (c) *may be extended by the council by notice in the provincial gazette for one month at a time before it lapses in terms of paragraph (a) or the existing extension to expire*

5. FINANCIAL IMPLICATION

The management of the drought disaster in the Province is co-ordinated by the Department of Local Government, which also include access to the Provincial Revenue envelope and submissions to the National Disaster Management Centre in terms of the Municipal Disaster Recovery Grant.

The Infrastructure Directorate prepared a business plan which requires an estimated additional R40 million which has not been budgeted for. Most of this money is required for borehole testing; drilling and equipping thereof. This detail will be provided to the various governmental bodies for consideration for grant money to Stellenbosch Municipality.

Regulations 71 and 72 of the Municipal Budget and Reporting Regulations prescribe to municipalities the framework for unforeseen and unavoidable expenditure, which is as follow:

71. Authorisation of unforeseen and unavoidable expenditure by municipalities

- (1) *The mayor of a municipality may authorise expenditure in terms of section 29 of the Act only if –*
 - (a) *the expenditure could not have been foreseen at the time the annual budget of the municipality was passed; and*

- (b) *the delay that will be caused pending approval of an adjustments budget by the municipal council in terms of section 28(2)(c) if the Act to authorise the expenditure may-*
- (i) *result in significant financial loss for the municipality;*
 - (ii) *cause a disruption or suspension, or a serious threat to the continuation, of a basic municipal service;*
 - (iii) *lead to loss of life or serious injury or significant damage to property; or*
 - (iv) *obstruct the municipality from instituting or defending legal proceedings on a urgent basis.*
- (2) *The mayor of a municipality may not authorise expenditure in terms of section 29 of the Act if the expenditure –*
- (a) *was considered by the council, but not approved in the annual budget or an adjustment budget;*
 - (b) *is required for –*
 - (i) *price increases of goods or services during the financial year;*
 - (ii) *new municipal services or functions during the financial year;*
 - (iii) *the extension of existing municipal services or functions during the financial year*
 - (iv) *the appointment of personnel during the financial year; or*
 - (v) *allocating discretionary appropriations to any vote during the financial year; or*
 - (c) *would contravene any existing council policy; or*
 - (d) *is intended to ratify irregular or fruitless and wasteful expenditure.*

72. Monetary or unforeseen and unavoidable expenditure

The amount of expenditure that a mayor of a municipality may authorise in terms of section 29 of the Act is limited to –

- (a) *5% of the municipality's own revenue in the case of a municipality with approved total revenue in its current annual budget not exceeding R250 million;*
- (b) *the greater of R5 million or 4% of the municipality's own revenue in the case of a municipality with approved total revenue in its current annual budget greater than R250 million but not exceeding R500 million; and*

- (c) *R15 million in the case of a municipality with approved total revenue in its current annual budget greater than R500 million*

Regulation 71 and 72 of the Municipal Budget and Reporting Regulations (MBRR) provides for unforeseen and unavoidable expenditure. To this end, Provincial Treasury in concert with the Department of Local Government submitted an application / motivation to the Director-General at National Treasury requesting permission from National Treasury to deviate from Regulation 72 (c) of the Municipal Budget and Reporting Regulations (MBRR) in terms of the provision contained in section 170 of the Municipal Finance Management Act (MFMA) by Municipalities in the Western Cape.

The current drought disaster falls in the ambit of regulation 71 of the MBRR.

In terms of regulation 72 (c) the Mayor may authorise expenditure up to R15 million.

Additional funding is then still required which will be addressed through an adjustment budget in September when greater clarity on the deviation request above has been obtained

6. COMMENTS FROM OTHER RELEVANT DEPARTMENTS

6.1 DIRECTORATE: STRATEGIC & CORPORATE SERVICES

The content of the report and the recommendations are supported. Item is legally compliant.

6.2 DIRECTORATE: FINANCIAL SERVICES

Finance support the Item

6.3 DIRECTORATE: COMMUNITY SERVICES & PUBLIC SAFETY

The Directorate Community and Protection Services support the item and encourage the Engineering Directorate to start with an extensive awareness campaign, which will include all sectors of the Stellenbosch society.

11TH COUNCIL MEETING: 2017-08-30: ITEM 11.1

RESOLVED (majority vote with abstentions)

- (a) that this report be noted;
- (b) that Council extends the local state of disaster for the prevailing drought conditions in terms of Section 55(1) as well as Section 55(5)(c) of the Disaster Management Act, Act 57 of 2002;
- (c) that the State of Disaster automatically be extended on a monthly basis until the date that water restriction measures are reduced to below Level 4;
- (d) that Council delegate the authority to confirm the extension of the disaster on a monthly basis to the Executive Mayor before placement in the Government Gazette;

-
- (e) that the declaration of this disaster extension be forwarded to the Provincial Government to published in the Provincial Gazette at the earliest possible time and regularly monthly thereafter;
 - (f) that Cape Winelands District Municipality be notified of the extension of the State of Disaster;
 - (g) that a Drought Management By Law be developed to cater for the requirements of this Act and equivalent requirements of other legislation as well as the disaster conditions;
 - (h) that Council notes the Mayor's right to approve R15 million in terms of Section 29 of the MFMA; and
 - (i) that Council notes that the total estimated additional budget requirement is R40 million and Council will have to approve the additional budget requirement.

<i>Meeting:</i>	<i>11th Council: 2017-08-30</i>	<i>Submitted by Directorate:</i>	<i>Office of the Municipal Manager</i>
<i>Ref No:</i>	<i>3/4/1/4</i>	<i>Author:</i>	<i>MM: (Ms G Mettler)</i>
<i>Collab:</i>		<i>Referred from:</i>	

12.	CONSIDERATION OF URGENT MOTIONS
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(See item 4.1.1)

13.	CONSIDERATION OF REPORTS
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13.1	CONSIDERATION OF REPORTS SUBMITTED BY THE SPEAKER
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NONE

13.2	CONSIDERATION OF REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

14.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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(SEE PINK DOCUMENTATION)

The meeting adjourned at 15:20.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**