



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2019-11-27

MINUTES

33RD MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2019-11-27 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

MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2019-11-27

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MINUTES OF THE 33RD MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2019-11-27 AT 10:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH

PRESENT

The Speaker, Cllr N Jindela [Chairperson]
 The Executive Mayor, Ald G Van Deventer (Ms)
 The Deputy Executive Mayor, Cllr WC Petersen (Ms)

COUNCILLORS

F Adams (until 14:00)	MC Johnson
FJ Badenhorst	N Mananga-Gugushe (Ms)
FT Bangani-Menziwa (Ms)	NE Mcombring (Ms)
Ald PW Biscombe	XL Mdemka (Ms)
G Cele (Ms)	C Moses (Ms)
PR Crawley (Ms)	RS Nalumango (Ms)
A Crombie (Ms)	N Olayi
Z Dalling (Ms)	MD Oliphant
R Du Toit (Ms)	SA Peters
J Fasser	MM Pietersen
A Florence	WF Pietersen
AR Frazenburg	SR Schäfer
E Fredericks (Ms)	Ald JP Serdyn (Ms)
E Groenewald (Ms)	N Sinkinya (Ms)
JG Hamilton	Q Smit
AJ Hanekom	LL Stander
DA Hendrickse (until 14:40)	E Vermeulen
JK Hendriks	

Officials:

Municipal Manager (Ms G Mettler)
 Chief Financial Officer (K Carolus)
 Director: Corporate Services (Ms A De Beer)
 Director: Infrastructure Services (D Louw)
 Director: Planning and Economic Development (T Mfeya)
 Director: Community and Protection Services (G Boshoff)
 Senior Manager: Governance (Ms S De Visser)
 Manager: Communications (S Grobbelaar)
 Chief Audit Executive (F Hoosain)
 Senior Administration Officer (T Samuels (Ms))
 Interpreter (J Tyatyeka)

1.	OPENING AND WELCOME
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The Speaker, Cllr N Jindela welcomed all present at the Council meeting.

2.	MAYORAL ADDRESS
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"Welcome – Welkom – Molweni – As-salaam Alaikum

- Welcome to Councillor Rikus Badenhorst to his first Council Meeting as member of the Mayoral Committee.
- Councillor Badenhorst will now be the member for the Safety and Security Portfolio and takes over from Councillor Smit who has been acting, since the election of Jan De Villiers to National Parliament.
- Baie besige paar weke wat verby is en net so besige tyd wat nog voorlê
- Onlangs vergader met 'n groep vroue van Cloeteville
 - Almal besigheidseienaars of met besigheidsbelange in Cloeteville
 - Gepraat oor wat ons kan doen om hierdie vroue te help bemagtig as entrepreneurs
 - Inspirerende groep vroue wat almal 'n passie het vir hul gemeenskap en hul werk wil gebruik om hul gemeenskap te verbeter.
 - Gaan die inisiatief verder voer en nog geleenthede reël met vroue van regoor die gebied.
 - Waar vroue aktief betrokke is in die ekonomie, skep dit stabiele omgewings, verbeter dit ekonomiese groei en impakteer dit selfs op misdaad.
- Congratulations to Ida's Valley Library with its 60th Birthday!
 - The official first library opened in 1959 with 7000 books in stock.
 - The origins of the library stretches back to the Library Club in 1942.
 - The members of the club included Mr P Langeveldt, N Du Plessis, K Davidse, D van Noie, W Hector, AA Poole and AJ Hector.
 - Their hard work ensured that an official building was dedicated as a library and opened in November 1959.
 - Today the library stocks 20847 books and have 2618 adult and 1998 children as members
 - Libraries are vital spaces of information and despite the digital age they have remained critical points of community access, caring and sharing.
- Kersfees het 'n bietjie vroeër gekom vir van ons inwoners met die oorhandiging van 132 titelaktes
 - Hierdie titelaktes is nog van die historiese agterstand.
 - Ons werk baie hard daaraan om die agterstand uit te wis en met die hulp van die Reinet Stigting en die Free Market Foundation se Khaya Lam projek maak ons goeie vordering
 - Werklik spesiale geleentheid, titelaktes gee sekuriteit en sekerheid aan inwoners en dit is onskatbare gemoedsrus vir die inwoners.
- On Monday 25 November we launched the annual 16 Days of Activism for No Violence against women and children
 - This campaign will run until 10 December 2019.
 - The Municipality has various programs it will run in the community during the 16 Days to raise awareness.
 - We talk about this every year, this year however feels different
 - The entire country has been rocked by the number of attacks aimed specifically and women
 - Stellenbosch is no exception and our own community has been shaken by brutal murders
 - It is so sad that many of the cases the attackers were known to the victims.
 - SPEAK OUT PLEASE!
 - We know it is incredibly difficult to be open about this due to stigma and fear.
 - But it is only by speaking out and exposing the abusers that we can act.
- At the same time we launched our Road Safety Campaign for the Festive Season
 - Traffic Chief Kenny Africa attended the event, and made us aware again of just how many traffic officers from our municipalities as well as the province, along with the SAPD and other emergency services work very hard during the festive season to make sure we are safe and secure on our roads

- I want to urge every councillor and every resident, to lead by example
 - DO NOT TEXT AND DRIVE
 - DO NOT TALK ON YOUR PHONE AND DRIVE
 - DO NOT DRINK AND DRIVE/ DRINK AND WALK
 - Make sure your vehicle is road worthy
 - Make sure your vehicle license and driver's license is valid and up to date
 - Take regular breaks if you are traveling long distances
- Gemeenskapsvergadering met Minister Albert Fritz gehad in Klapmuts
 - Minister Fritz het met die gemeenskap gepraat oor kwessies van veiligheid
 - Uitgelig hoe belangrik die gemeenskap se direkte betrokkenheid is by veiligheid as deel van Buurtwagte en ook deur misdaad onmiddellik te rapporteer
 - veiligheidskwessies wat die gemeenskap uitgelig het, sal bespreek word met die relevante rolspelers om met werkbare oplossings te kom .
- As it is our last formal Council Meeting for 2019, I want to wish all our Councillors, Officials and Staff a very blessed Festive Season.
- For those going on leave, please stay safe and take care.
- For those who celebrate Christmas, may it be a blessed time with friends and family.
- For Residents who celebrate Hanukah, may it be a time of light and joy for you and your loved ones.

Thank you”.

3.	COMMUNICATION BY THE SPEAKER
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“Good Morning to:

- The Executive Mayor, Advocate Gesie Van Deventer
- The Municipal Manager, Ms. Geraldine Mettler
- All other Aldermen and Women
- All Councillors
- All Directors and Staff members present
- Members of the public, especially Mr. Pelsler from the Stellenbosch Ratepayers Association

Today is my **first** meeting as the **Newly Elected Speaker** of the Stellenbosch Municipal Council, but it is also our **last** Scheduled Council Meeting of the **year**.

Allow me to start off by introducing you to a new set of rules that will be strictly applicable during my term in office. This will be:

- **Meetings and Attendance** at meetings – Councilors please familiarize yourselves with the new Schedule of meetings as per item 13.1 on page 266 see **Appendix 1** of your Councilors pack.
- Councilors please **prioritize** the Schedule of Meetings for the year and do your planning around it – there is therefore no need **not** to attend the meetings as scheduled.
- With reference to the meetings and handling of it – please be clear of the **Adopted Rules of Order of Council** and other statutory guidelines that are there to assist you as Councilors during debates at meetings.
- Councilors and Staff members must please take note of the start of the **16 days of Activism** programme against **Women and Children Abuse** – please let us in senior positions be an **example** to the youth and treat our **women and elderly** with the respect they deserve.
- During this time let us also think of **World Aids day on December 1** and those affected members of the WC024 community. We have taken note of the fires in Klapmuts and Cloeteville (ward 16) – let us collectively see how we can better the circumstances of our fellow electorate.

- On the side of birthday's may I use this opportunity to congratulate the following:
 1. Cllr. Johanna Serdyn – 1st November
 2. Cllr. Jan Hendriks – 19th November
 3. Cllr Malcolm Johnson – 23rd November
 4. Cllr. Xoliswa Mdemka – 26th November for having had their birthday's celebrated.
 5. Today Madame Executive Mayor, Cllr. Manie Petersen celebrated his 63rd birthday today – may he be blessed and many more years to come.
 6. During December the following Councilors will be celebrating their birthdays.
 - Cllr. Franklin Adams – 17 December
 - Cllr. Phelisa Sitshoti – 20 December
 - Cllr. Wilfred Pietersen – 22 December
 - Cllr. Nosibulele Sinkinya – 24 December
 - Cllr. Charles Manuel – 25 December
 - Cllr. Siegfried Schafer – 28 December
 - Cllr. Rozette Du Toit – 31 December
- Councilors Computer Training will be held **17 @ 18 February 2020**. Please confirm your attendance with JC Anthony or Sharesa at my office, during this year still.
- Councilors please be advised that the **Official Recess** period for Councilors will be from 7 December 2019 till Sunday 12th January 2020.

I sincerely hope that you and your families will have a peaceful and joyous holiday – Please drive safely.

I Thank You”

4.	COMMUNICATION BY THE MUNICIPAL MANAGER
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The Municipal Manager, Ms G Mettler's communications can be summarized as follows:

- “The 16 Days of Activism Against Gender-Based Violence was launched yesterday, and this campaign runs every year from 25 November to 10 December and is an international campaign to challenge violence against women and girls. We all need to be SHARP, meaning that, if you See something, if you Hear something, let's Act, Report and Participate. This event will coincide with the launch of our Festive Season Road Safety Campaign, because road Safety is critical. Let's all have a sense of your child is my child, because during the festive season we have a situation where some of the parents over-indulge, so let's look after ALL our children and let them be safe.
- For those who celebrate the festive season, my warmest thoughts and best wishes for this Christmas, enjoy it when you are surrounded by precious family and friends. Also a happy New Year, and may prosperity follow all of you.

Thank you”.

5.	DISCLOSURE OF INTERESTS
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Councillor MD Oliphant requested to be recused when Item 17.3 on the Agenda is dealt with.

The Executive Mayor, Ald G Van Deventer (Ms); Cllr P Crawley (Ms) as well as the Chief Audit Executive, Mr F Hoosain requested to be recused when dealing with item 17.1 on the Agenda, because they are affected in the matter.

The Speaker **RULED** that the members serving on the Disciplinary Committee recuse themselves when dealing with Items 17.1 until 17.3 on the Agenda, so that they do not compromise the Disciplinary Committee. The following are the members:

Cllr AR Frazenburg
Cllr E Groenewald (Ms)
Cllr N Sinkinya (Ms)
Cllr Q Smit
Cllr LL Stander

6.	APPLICATIONS FOR LEAVE OF ABSENCE
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6.1 The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

Cllr E Fredericks (Ms)	–	27 November 2019
Cllr T Gosa	–	27 November 2019
Cllr LK Horsband (Ms)	–	27 November 2019
Cllr DD Joubert	–	27 November 2019
N Mananga-Gugushe (Ms)	–	27 November 2019
Cllr C Manuel	–	27 November 2019
Cllr P Sitshoti (Ms)	–	27 November 2019

6.2 Permission was granted to Councillor F Adams to leave the meeting earlier (at 14:00).

7.	APPROVAL OF MINUTES OF PREVIOUS COUNCIL
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7.1	CONFIRMATION OF MINUTES OF THE 32ND COUNCIL MEETING: 2019-10-23
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The minutes of the 32nd Council Meeting: 2019-10-23 were **confirmed as correct.**

7.2	CONFIRMATION OF MINUTES OF AN URGENT COUNCIL MEETING: 2019-11-11
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The minutes of an Urgent Council Meeting: 2019-11-11 were **confirmed as correct.**

7.3	CONFIRMATION OF MINUTES OF A SPECIAL COUNCIL MEETING: 2019-11-14
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The minutes of a Special Council Meeting: 2019-11-14 were **confirmed as correct.**

8.	STATUTORY MATTERS
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NONE

9.	REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS
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ITEM	Pg	INPUT	MM'S RESPONSE
Cllr DA Hendrickse Idas Valley Housing Project		Where is the feedback report which the MM said she will submit at this Council as indicated on pg 16 of the Minutes of 2019-10-23? Waiting more than 6months for the SLA with ASLA.	See comment below
Cllr DA Hendrickse Van der Stel Sport Facility and SSRA	102	There was a tender on forensic investigation regarding Van Der Stel, where is the report on the forensic investigation's outcome? With regard to SSRA, there is no report on outstanding resolutions regarding what will happen when 1 year contracts has expired?	See comment below
Cllr F Adams Proposed disposal of municipal land, a portion of Portion 4 of Farm no 527, Jamestown	92	There was a court ruling based on this development and piece of land. What is the status thereof?	See comment below
Cllr F Adams Jonkershoek	95	There is a request for the Dept. of Public Works for the land to be carried over. Was it an official request? Can Council have a copy of such request?	See comment below
Cllr F Adams 10.3 Appointment of independent investigator	96	Investigation was completed within 1 year. Requested, within 7 days, a report on all outstanding complaints.	See comment below
Cllr F Adams Vaaldraai	101	What is the timeframe of completion of that evaluation report?	See comment below
Cllr RS Nalumango (Ms) Mont Rochelle Nature Reserve	86 + 87	Expressed her dissatisfaction regarding the slow execution of timeframes	See comment below
Cllr N Sinkinya (Ms) Timeframe of the undeveloped erven in Kayamandi	94	Residents in the area are complaining about snakes and rats on these erven and requested that the plots be cleaned.	See comment below

33RD COUNCIL MEETING: 2019-11-27: ITEM 9

During the comments by Councillors on the Outstanding Resolutions, the Municipal Manager responded that the outstanding resolutions are clear and that the Administration responds to the resolutions. Where requested, the Administration will submit reports when they are ready.

NOTED

The report by the Municipal Manager re outstanding resolutions taken at previous meetings of Council.

10.	ITEMS FOR NOTING
10.1	REPORT/S BY THE EXECUTIVE MAYOR
10.1.1	CHANGE IN SECTION 80 COMMITTEE PORTFOLIO CHAIRPERSONS

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

27 November 2019

1. CHANGE IN SECTION 80 PORTFOLIO COMMITTEE CHAIRPERSONS

2. PURPOSE OF REPORT

To inform Council on the reshuffling of the Mayoral Committee that has subsequently led to a change in the Section 80 Portfolio Committee chairpersons.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

The Executive Mayor, in terms of Section 60 of the Municipal Structures Act 117 of 1998 reshuffled her Mayoral Committee members effective from 1 November 2018. This led to a change in the Councillors that served as Chairpersons to the Section 80 Committees as well as the portfolios which they represent, and the introduction of two new S80 Committees.

The National and Provincial elections on 8 May 2019 led to the resignation of Cllr de Villiers, who was the Mayco member for Community Safety and Portfolio Chair for Community and Protection Services, and the position became vacant. Cllr Q Smit then also acted as Portfolio Chair of the particular committee. Cllr R Badenhorst was subsequently appointed as Mayco member for Community Safety.

On 11 November 2019 the Speaker and the Deputy Mayor both resigned, and the ex-Deputy Mayor was appointed as interim Speaker. On 14 November 2019 a new Deputy Mayor and Speaker were re-elected.

33RD COUNCIL MEETING: 2019-11-27: ITEM 10.1.1

NOTED

that the Executive Mayor has appointed the following Mayco members as Chairpersons of the Section 80 Committees –

Human Settlements

Deputy Mayor Petersen

Financial Services

Cllr Patricia Crawley

Parks, Open Spaces and Environment

Cllr Xoliswa Mdemka

Planning and Economic Development

Cllr Esther Groenewald

Youth, Sports and Culture

Cllr Manie Pietersen

Rural Management and Tourism

Cllr Salie Peters

Community and Protection Services

Cllr Rikus Badenhorst

Infrastructure Services

Cllr Quintin Smit

Corporate Services

Cllr Aldridge Frazenburg

FOR FURTHER DETAILS CONTACT:

NAME	Donovan Muller
POSITION	<i>Manager: Council Support</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	021 808 8314
E-MAIL ADDRESS	Donovan.Muller@stellenbosch.gov.za
REPORT DATE	2019-11-20

10.1.2	REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 27 SEPTEMBER 2019
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

27 November 2019

1. **SUBJECT: REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 27 SEPTEMBER 2019**

2. **PURPOSE**

To inform Council of the matters under discussion at the Mayor – Rector Forum meeting held on 27 September 2019.

3. **DELEGATED AUTHORITY**

FOR INFORMATION

4. **EXECUTIVE SUMMARY**

The Executive Mayor has since her election reported to the Council on discussions that takes place at the regular meetings of the Mayor – Rector Forum. The meeting was held on 27 September 2019. The minutes is attached as **Annexure A**.

33RD COUNCIL MEETING: 2019-11-27: ITEM 10.1.2

NOTED

the report by the Executive Mayor on the Mayor – Rector Forum Meeting: 27 September 2019.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	MANAGER: COUNCIL SUPPORT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	Donovan.Muller@stellenbosch.gov.za
REPORT DATE	20 November 2019

10.2	REPORT/S BY THE SPEAKER
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NONE

10.3	REPORT/S BY THE MUNICIPAL MANAGER
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10.3.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR OCTOBER 2019
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Collaborator No: *8/1*
 BUDGET KPA Ref No: *Good Governance and Compliance*
 Meeting Date:

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR OCTOBER 2019

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2019/2020 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council for noting.

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2019/2020) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during October 2019.

33RD COUNCIL MEETING: 2019-11-27: ITEM 10.3.1

NOTED

that there were no deviations for the month of October 2019.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Kevin Carolus</i>
POSITION	<i>CFO</i>
DIRECTORATE	<i>Finance</i>
CONTACT NUMBERS	<i>021 808 8528</i>
E-MAIL ADDRESS	<i>Kevin.Carolus@stellenbosch.gov.za</i>
REPORT DATE	<i>11 November 2019</i>

11.	ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE: [ALD. G VAN DEVENTER (MS)]
11.1	COMMUNITY AND PROTECTION SERVICES: (PC : CLLR FJ BADENHORST)
11.1.1	REVIEW OF TRAFFIC MANAGEMENT PLAN 2017-2022

Collaborator No: 665472
IDP KPA Ref No:
Meeting Date: 20 November 2019

1. SUBJECT: REVIEW OF TRAFFIC MANAGEMENT PLAN 2017-2022

2. PURPOSE

To submit the revised Traffic Management Plan to Council for noting.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Stellenbosch Traffic Services has an obligation in accordance with the Constitution to ensure the safety of all road users within our area of jurisdiction. The revised traffic management plan will give overview of our current status within our area of jurisdiction, integration and implementation of provincial and national initiatives.

South Africa has pledged its support to the United Nations Decade of Action for Road Safety by setting milestones which are in line with the UN resolution. Participating road entities consists of the Local Authority Municipalities of which Stellenbosch Traffic Services form part of, Road Traffic Management Corporation (RTMC), the Road Safety Infringement Agency (RTIA), the South African National Roads Agency (SANRAL), the Road Accident Fund (RAF), and the Cross Border Road Transport Agency (CBRTA).

Road safety and its high fatality rate has become a burning issue and rank as one of the most pressing challenges facing modern society today. Stellenbosch Traffic Services have recorded within the WC024 area, 21,683 accidents (crashes) between 2012 to 2018 and 169 road deaths (fatalities) during the same period. South Africa has been ranked to having as one of the worst road death rates in the world.

South Africa has in support of the United Nations Decade of Action (UNDoA 2011-2020) for Road Safety has undertaken to save lives and prevent serious injuries caused by road accidents (crashes). A Road Safety Strategy being developed by the RTMC will include the principles of the Safe Systems' approach and gives effect to the five pillars of the UNDoA.

These pillars are:

- Road Safety Management,
- Safer Roads and Mobility,
- Safer Vehicles,
- Safer Road Users and
- Post-crash response.

These strategies are cascaded down to all road safety practitioners for implementation and execution. The Western Cape Government implemented the “Safely Home Programme” which will be provided later in the document. Stellenbosch Traffic Services including all local/provincial authorities implements initiatives as set by national and provincial government.

33RD COUNCIL MEETING: 2019-11-27: ITEM 11.1.1**NOTED**

the Revised Traffic Management Plan 2017-2022.

Councillor DA Hendrickse requested that his objection to the “NOTING”, be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Harold Williams</i>
POSITION	<i>Deputy Chief: Traffic Law Enforcement</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	<i>021 808 8838</i>
E-MAIL ADDRESS	<i>harold.williams@stellenbosch.gov.za</i>
REPORT DATE	<i>29/08/2019</i>

11.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
11.2.1	PROPOSED RENEWAL OF LEASE AGREEMENT TO EIKESTAD MALL (PTY) LTD: BEYER STREET

Collaborator No: 668817
 IDP KPA Ref No: Good Governance
 Meeting Date: 20 November 2019

1. SUBJECT: PROPOSED RENEWAL OF LEASE AGREEMENT TO EIKESTAD MALL (PTY) LTD: BEYER STREET

2. PURPOSE

To consider an application from Eikestad Mall (Pty) Ltd for the renewal of the Lease Agreement in relation of a portion of Beyer Street, Stellenbosch.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality and IPG concluded a Lease Agreement on 10 February 2000 for the use of a portion of Beyer Street. The agreement was for a period of 10 years, with an option to renew it for a further period of 10 years.

During 2008 IPG elected to exercise their right of renewal and in 2008 this Lease Agreement was ceded and assigned to Eikestad Mall (Pty) Ltd.

This agreement will lapse on 31 December 2019, and they have now request a renewal for a further period of 10 years. Council must now consider the requested.

33RD COUNCIL MEETING: 2019-11-27: ITEM 11.2.1

RESOLVED (majority vote)

- (a) that Council considers the application;
- (b) that should the renewal of the lease agreement be approved in principle, the in principle decision be advertised for public comment/input/counter proposals and the lessee be allowed to continue with the current lease until a final decision can be made;
- (c) that, following the public participation process, the item be submitted to Council to make a final determination in this regard.
- (d) that a new market related lease amount be determined, based on an independent valuation being obtained.

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

Cllr F Adams; FT Bangani-Menziwa (Ms) (Ms); Cllr DA Hendrickse; RS Nalumango (Ms); MD Oliphant; C Moses (Ms) and LL Stander.

11.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]
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NONE

11.4	HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)
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NONE

11.5	INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT)
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11.5.1	APPROVAL OF THE DRAFT TRAFFIC CALMING POLICY
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Collaborator No: 638165
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 20 November 2019

1. SUBJECT: APPROVAL OF THE DRAFT TRAFFIC CALMING POLICY

2. PURPOSE

To set out the policy for traffic calming and to inform Council that the current Traffic Calming Policy, accepted and approved by Council on the 26 April 2016, has been revised with this Draft Traffic Calming Policy.

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL.

The Traffic Calming Policy is a document that must be adopted by Municipal Council, for approval of the Municipality's approach to dealing with traffic calming and traffic calming request within its municipal area.

4. EXECUTIVE SUMMARY

The objectives of traffic calming measures are to moderate traffic behaviour, through physical and legislative measures, with the aim to reduce the vehicle speeds and/or traffic volumes, thereby improving traffic safety and quality of life in the urban environment, but with due regard to mobility and accessibility.

It has become necessary to review the current Traffic Calming Policy to allow for a more structured and uniform approach when dealing with requests received from the public. Procedures set out will also allow for alignment with the Municipality's financial year.

The document firstly describes the evaluation procedure to be followed when the Municipality receives requests relating to any traffic problems.

The document then focuses very specifically on traffic calming and deals with:

- the road hierarchy (from a traffic calming perspective);
- principles for evaluating traffic calming;
- traffic calming techniques; and
- warrants.

The remainder of the document describes the manner in which requests from the public are processed, incorporating inputs from the Ward Committees, and tabling proposals at the Infrastructure Services Portfolio Committee for approval before implementation.

33RD COUNCIL MEETING: 2019-11-27: ITEM 11.5.1

RESOLVED (majority vote)

- (a) that the content of this report be noted;
- (b) that the Draft Traffic Calming Policy, attached as **ANNEXURE A**, be accepted as the copy to be used in a Public Participation process;
- (c) that the Draft Traffic Calming Policy be duly advertised for the purpose of a public participation process; and
- (d) that upon the completion of the public participation process, the Draft Traffic Calming Policy together with any comments/objections be resubmitted to Council for final approval and adoption.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	Deon.louw@Stellenbosch.gov.za
REPORT DATE	<i>28 March 2019</i>

11.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))
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NONE

11.7	PLANNING AND ECONOMIC DEVELOPMENT: (PC:CLLR E GROENEWALD (MS))
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NONE

11.8	RURAL MANAGEMENT AND TOURISM: (PC: CLLR S PETERS)
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NONE

11.9	YOUTH, SPORT AND CULTURE: (PC: CLLR M PIETERSEN)
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NONE

11.10	MUNICIPAL MANAGER
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NONE

12.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER
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12.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]
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NONE

13.	REPORTS BY THE MUNICIPAL MANAGER
13.1	SCHEDULE OF MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2020 CALENDAR YEAR

1. **SUBJECT: SCHEDULE OF MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2020 CALENDAR YEAR**

2. **PURPOSE**

To obtain Council's approval of the schedule of meetings of Council, Mayoral Committee, Standing Committees and other Committees of Council for the 2020 calendar year.

3. **DELEGATED AUTHORITY**

Municipal Council.

4. **EXECUTIVE SUMMARY**

An annual schedule of meetings is in the interest of good governance, proper order, and it enables effective service delivery. Besides complying with legislated requirements, an annual calendar of meetings will also enable councillors to adequately plan their events, engagements and community activities.

Section 19 of the Local Government: Municipal Systems Act, 32 of 2000, stipulates that:

"The municipal manager of a municipality must give notice to the public, in a manner determined by the municipal council, of the time, date and venue of every -

- (a) ordinary meeting of the council; and*
- (b) special or urgent meeting of the council, except when time constraints make this impossible."*

In line with legislated requirements, the publishing of such a schedule of meetings in the media and on the municipal website, seeks to foster a healthy culture of public involvement and participation in Council affairs.

33RD COUNCIL MEETING: 2019-11-27: ITEM 13.1

RESOLVED (majority vote)

- (a) that the proposed schedule of meetings for Council, Mayoral Committee, Standing Committees and other committees of Council for the 2020 calendar year (attached as **Appendix 1**), be noted;
- (b) that the Municipal Manager be mandated to give notice to the public of the time, date and venue of said meetings in compliance with Section 19 of the Local Government: Municipal Systems Act, 32 of 2000; and
- (c) that it be noted that the Speaker has the prerogative, as provided for in the Standing Rules and Order By-Law, to call urgent- or special Council meetings over and above the proposed scheduled meetings.

Councillors F Adams and DA Hendrickse requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene De Beer</i>
POSITION	<i>Director: Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-808 8018</i>
E-MAIL ADDRESS	<i>Annalene.DeBeer@stellenbosch.gov.za</i>
REPORT DATE	<i>01 November 2019</i>

13.2	REPLACEMENT OF MEMBERS OF THE APPEALS COMMITTEE
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Valley of Possibility

27 November 2019

1. SUBJECT: REPLACEMENT OF MEMBERS OF THE APPEALS COMMITTEE**2. PURPOSE**

To obtain approval to replace members of the Section 62 Appeals Committee.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

To make provision for the replacement of members on the Section 62 Appeals Committee due to councillors' resignations.

33RD COUNCIL MEETING: 2019-11-27: ITEM 13.2**RESOLVED** (majority vote with abstentions)

- (a) that Council replaces Councillor WC Petersen (Ms) as a member of the Appeals Committee with Councillor N Jindela;
- (b) that Council appoints Councillor N Jindela (Speaker), as the Chairperson of the Appeals Committee;
- (c) that Councillor GN Bakubaku-Vos (Ms) be replaced with Councillor G Cele (Ms);
- (d) that Councillor MB de Wet be replaced with Councillor P Crawley (Ms); and
- (e) the Cllrs Q Smit and MD Oliphant remain as members of the Appeals Committee.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	geraldine.mettler@ Stellenbosch.gov.za
REPORT DATE	20 November 2019

13.3	AUTHORIZATION TO INCLUDE THE SIMONSIG FARMWORKER HOUSING PROJECT IN THE STELLENBOSCH MUNICIPALITY HOUSING PIPELINE
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

27 November 2019

1. **SUBJECT: AUTHORIZATION TO INCLUDE THE SIMONSIG FARMWORKER HOUSING PROJECT IN THE STELLENBOSCH MUNICIPALITY HOUSING PIPELINE**
2. **PURPOSE**

To obtain Council's approval for the inclusion of the development of 75 opportunities for Farm workers on the Farm De Hoop in the Stellenbosch Municipality Housing Pipeline. This will enable Simonsig Wine farm to apply for Development rights and subdivision of the land for the provision of farmworker housing.

3. **DELEGATED AUTHORITY**

Council

4. **EXECUTIVE SUMMARY**

The Simonsig Agri Village proposal is in line with the Stellenbosch Municipalities view of Rural Settlements with a focus on housing for farmworkers. This proposal also embraces the need of partnerships between Government and the Private sector for the provision of housing, especially for farm workers.

33RD COUNCIL MEETING: 2019-11-27: ITEM 13.3**RESOLVED** (majority vote)

- (a) that the Simonsig Agri Village be included in the Stellenbosch Municipality Housing Pipeline;
- (b) that the prioritisation of the project be finalised when the annual review of the Stellenbosch Municipality Housing Pipeline occur in March 2020;
- (c) that the required link services be for the account of the developer; and
- (d) that the developer be responsible for a detailed investigation regarding the bulk and link services and its impact on the existing services.

Councillors F Adams and DA Hendrickse requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Lester van Stavel
POSITION	Manager: Housing Development
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8462
E-MAIL ADDRESS	Lester.vanstavel@stellenbosch.gov.za
REPORT DATE	

14.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
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14.1	MOTION BY COUNCILLOR F ADAMS: ESTABLISHMENT OF AN AGRI-VILLAGE FOR FARM WORKERS
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A Notice of a Motion, dated 2019-11-08, was received from Councillor F Adams regarding the establishment of an agri-village for farm workers.

The said Motion is attached as **APPENDIX 1**.

FOR CONSIDERATION

33RD COUNCIL MEETING: 2019-11-27: ITEM 14.1

The Speaker allowed Councillor F Adams to put his Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter.

The matter was put to the vote, yielding a result of 2 in favour and 25 against.

RESOLVED (majority vote)

that this Motion not be accepted.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>021 808-8025</i>
E-MAIL ADDRESS	<i>Municipal.Manager@stellenbosch.gov.za</i>
REPORT DATE	<i>2019-11-20</i>

14.2	MOTION BY COUNCILLOR F ADAMS: AMENDMENT OF THE RULES OF ORDER BY-LAW
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A Notice of a Motion, dated 2019-11-08, was received from Councillor F Adams regarding the amendment of the Rules of Order By-Law.

The said Motion is attached as **APPENDIX 1**.

FOR CONSIDERATION

33RD COUNCIL MEETING: 2019-11-27: ITEM 14.2

The Speaker allowed Councillor F Adams to put his Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter.

The matter was put to the vote, yielding a result of 4 in favour and 27 against.

RESOLVED (majority vote)

that this Motion not be accepted.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>021 808-8025</i>
E-MAIL ADDRESS	<i><u>Municipal.Manager@stellenbosch.gov.za</u></i>
REPORT DATE	<i>2019-11-20</i>

15.	CONSIDERATION OF URGENT MOTIONS
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NONE

16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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16.1	GROENDAL (FRANSCHHOEK) INFORMAL TRADING SITE: INCREASE OF PROJECT COST
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Collaborator No: 670189
 IDP KPA Ref No: (Choose a KPA from 2017 – 2021 IDP)
 Meeting Date: (27 November 2019)

1. SUBJECT: GROENDAL (FRANSCHHOEK) INFORMAL TRADING SITE: INCREASE OF PROJECT COST

2. PURPOSE

To obtain Council's approval to obtain authorization for the intended amendment of a contract concluded with Austshomoa (Pty) Ltd to increase the initial order Formal Tender B/SM 42/19 from R2 633 632.76 (Incl VAT) to an estimated R 4 284 415.46 (Incl. VAT) based on the increased scope of Works, thus an additional R 1 650 632.70 (incl VAT) is required. Budget variations is contained in **APPENDIX 1** attached.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The item deals with the request for approval to increase the scope of the Groendal Informal Trading project in order increase the external civil works to accommodate the proposed new taxi hub on the same property.

5. RECOMMENDATIONS

- a) that Council notes in terms of MFMA Section 116(3) the reasons for the increase scope of the Groendal Informal Trading project;
- b) that the tender amount (B/SM 42/19) for the provision of Professional Services be increased with R1 650 632.70 to an estimated R 4 284 415.46; and
- c) that the Municipal Manager be authorized to conclude the contract or agreement after (b) above is finalized in terms of the applicable Act/Regulation.

6. DISCUSSION / CONTENT

6.1 Background

The project under discussion relates to the establishment of an Informal trading area in Groendal in Franschhoek. The objective of the project is to establish an informal trading facility adjacent to the to-be-built taxi hub. The Municipality envisages that the facility will unlock profitable trading possibilities for traders.

A budget of R3 000 000.00 was allocated in the 2018/2019 financial year for the aforementioned project.

6.2 Discussion

The tender advertisement based on the 80/20 Preference Points System, was advertised on 12 January 2019 as follows: Die Burger, Cape Argus, Municipal website, Municipal Notice Board, I-Tender (CIDB) and the E-Portal.

A compulsory clarification meeting was conducted on Wednesday, 23 January 2019 to give potential bidders the opportunity to acquaint themselves with the particulars of the bid. The closing date was the 15 February 2019.

Austshomoa Services (Pty) Ltd was awarded the tender for the construction of the Groendal (Franschhoek) Informal trading site. Shortly after the award the Infrastructure Services Department gave an indication of their intention to establish a long distance taxi facility on the same property. This was an outcome of a settlement with the local taxi association that the aforementioned facility should be built on the specific property instead of next to the triangle building in town area.

This immediately changed the external civil infrastructure needs for the entire site as the site now has to cater for an increase in facilities.

The original civil services allowed for this project was not designed to accommodate the increased flow to be generated by the bigger facility and therefore these infrastructure service including electricity had to be increased in size.

In order to achieve a cost effective installation and trying to prevent installation of services in an already paved areas, a decision was made to install all services required for the bigger development as part of this project.

Austshomoa Services (Pty) Ltd is currently installing the civil services for the project and it would only be cost effective and save time on the completion of this phase of the project to make use of their presence on site. The next phase of the project will simply tie into the services to be installed in their project.

The in changes in specifications for civil works and additional costs to the entire project, as describe in Appendix 1 attached. These costs will exceed the allowed 20% in terms of Circular number 62/2012 (National Treasury) as mentioned in paragraph 6.4.3.

The public notice (No99/2019) attached as Appendix 2 was published 31 September 2019 for 14 days to inform the public about the amendment to the tender awarded to Austshomoa Services (PTY) Ltd. At closing date 14 October 2019 no comments were received.

6.3 Financial Implications

The amount R 1 650 632.70 is the tendered project cost, of which R 543 656.00 is available under UKEY:20190703005788 (Establishment of Informal Trading Sites: Groendal) and R1106 976.70 be viremented from savings under UKEY 20190703005773 (Establishment of Informal Trading Sites: Klappmuts).

6.4 Legal Implications

6.4.1 **SCM Guide for Accounting Officer**

In terms of paragraph 5.9.5.2, of the SCM Guide for Accounting Officers a **single source selection** may be appropriate, but only if it present a clear advantage over competition; e.g. for tasks that represent a **natural continuation** of previous work carried out by the Service Provider.

Further in terms of paragraph 5.9.5.3 the reason for a single source selection should be recorded and approved by the Accounting Officer or his/her delegate prior to the conclusion of a contract.

6.4.2 Municipal Finance Management Act (MFMA)

In terms of Section 116(3) of the MFMA a contract or agreement procured through the supply chain management policy of the municipality may be amended by the parties, but only after:

- a) The reasons for the proposed amendment have been tabled in the council of the municipality; and
- b) The local community-
 - i) has been given reasonable notice of the intention to amend the contract or agreement; and
 - ii) has been invited to submit representations to the municipality or municipal entity.

6.4.3 Comments from Legal Service

In order to ensure uniformity in application of the MFMA Section 116(3), the National Treasury issued MFMA Circular number 62/2012 where it is stated that contracts for construction related goods or services may be expanded or varied by 20% of the original contract value, and service providers for general goods or services may be expanded or varied by 15% of the original contract value, through internal process. Any expansion or variation in excess of the aforementioned thresholds must be reported to Council and dealt with in terms of the provision of Section 116(3) of the MFMA.

The item and recommendations are supported.

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

This report has no risk implications for the Municipality.

6.8 Comments from Senior Management

Director Planning & Economic Development

Supported

Chief Financial Officer

Supported

Municipal Manager

Supported

33RD COUNCIL MEETING: 2019-11-27: ITEM 16.1**RESOLVED** (majority vote)

- (a) that Council notes in terms of MFMA Section 116(3) the reasons for the increase scope of the Groendal Informal Trading project;
- (b) that the tender amount (B/SM 42/19) for the provision of Professional Services be increased with R1 650 632.70 to an estimated R 4 284 415.46; and
- (c) that the Municipal Manager be authorized to conclude the contract or agreement after (b) above is finalized in terms of the applicable Act/Regulation.

Cllr DA Hendrickse requested that his vote of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	<i>Director</i>
DIRECTORATE	<i>Planning & Economic Development</i>
CONTACT NUMBERS	<i>021 808 8491</i>
E-MAIL ADDRESS	tabiso.mfeya@stellenbosch.gov.za
REPORT DATE	<i>28-10-2019</i>

17.	REPORTS SUBMITTED BY THE SPEAKER
17.1	REPORT TO COUNCIL REGARDING THE INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY CLR F ADAMS

Collaborator No: Good Governance and Compliance

IDP KPA Ref No:

Meeting Date: 27 November 2019

1. SUBJECT: REPORT TO COUNCIL REGARDING INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY COUNCILLOR F ADAMS

2. PURPOSE

To consider the report submitted by the Speaker against Councillor F Adams, which was done in terms of item 14 of Schedule 1 of the Local Government Act: Municipal Systems of 2000, known as the Code of Conduct for Councillors.

3. DELGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

An Investigator (Adv. Ettiene Vermaak) was appointed to assist the Speaker with the investigation into facts and circumstances related to the complaints received against councillor Adams.

Advocate Vermaak provided a report with recommendations to the Speaker office, which report is now tabled for consideration. Report attached as **APPENDIX 1**.

33RD COUNCIL MEETING: 2019-11-27: ITEM 17.1

It is noted that Cllr F Adams, who is implicated in this matter, was not present at this point insofar as he had been granted permission to leave the meeting earlier (at 14:00).

A replacement page (pg. 304), was distributed in the meeting.

Before deliberations on the matter, the Executive Mayor, Ald G Van Deventer (Ms); Cllr P Crawley, and Mr Faiz Hoosain, the Chief Audit Executive, requested to be recused for the duration of the matter because they are affected in the matter.

The Speaker **RULED** that the following Disciplinary Committee members recuse themselves for the duration of the matter, to protect the integrity of the Committee:

Cllr AR Frazenburg
Cllr E Groenewald (Ms)
Cllr WC Petersen (Ms)
Cllr N Sinkinya (Ms)
Cllr Q Smit
Cllr LL Stander

Cllr DA Hendrickse requested that it be minuted that these confidential reports of Adv E Vermaak, should not have been placed in the open domain, because it contain very confidential information and it place people's lives in danger.

RESOLVED (majority vote with abstentions)

- (a) that the item be referred to the Disciplinary Committee for Councillors to investigate and make a finding on any alleged breach of the Code of conduct; and
- (b) that, following the investigation, to make appropriate recommendations to the Council of its findings.

Councillor DA Hendrickse requested that his vote of dissent be minuted.

The following Councillors requested that it be minuted that they abstained from voting on the matter:

Cllrs G Cele (Ms); RS Nalumango (Ms); C Moses (Ms); MD Oliphant and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	ALD JC Anthony
POSITION	Senior Clerk: Support Staff: Office of the Speaker
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021 – 808 8042
EMAIL ADDRESS	Speaker.admin@stellenbosch.gov.za
REPORT DATE	22 November 2019

17.2	REPORT TO COUNCIL REGARDING THE INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY CLR C MANUEL
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Collaborator No: Good Governance and Compliance

IDP KPA Ref No:

Meeting Date: 27 November 2019

1. SUBJECT: REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY COUNCILLOR C MANUEL

2. PURPOSE

To consider the report submitted by the Speaker against Councillor C Manuel in terms of item 14 Schedule 1 of the Local Government Act: Municipal Systems of 2000, known as the Code of Conduct for Councillors.

3. DELGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

An Investigator (Adv. Étienne Vermaak) was appointed to assist the Speaker with the investigation into facts and circumstances related to the complaints.

Advocate Vermaak provided a report with recommendations to the Speaker office, which report is now tabled for consideration. Report attached as **APPENDIX 1**.

33RD COUNCIL MEETING: 2019-11-27: ITEM 17.2

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

The Speaker **RULED** that the following members of the Disciplinary Committee recuse themselves for the duration of the matter, to protect the integrity of the Committee:

Cllr AR Frazenburg
Cllr E Groenewald (Ms)
Cllr N Sinkinya (Ms)
Cllr Q Smit
Cllr LL Stander

Cllr DA Hendrickse requested that it be minuted that these confidential reports of Adv E Vermaak, should not have been placed in the open domain, because it contain very confidential information and it place people's lives in danger.

RESOLVED (majority vote with abstentions)

- (a) that the item be referred to the Disciplinary Committee for Councillors to investigate and make a finding on any alleged breach of the Code of conduct; and
- (b) that, following the investigation, to make appropriate recommendations to the Council of its findings.

Councillor DA Hendrickse requested that his vote of dissent be minuted.

The following Councillors requested that it be minuted that they abstained from voting on the matter:

Cllrs G Cele (Ms); RS Nalumango (Ms); C Moses (Ms); MD Oliphant and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	ALD JC Anthony
POSITION	Senior Clerk: Support Staff: Speakers office
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021 – 808 8042
EMAIL ADDRESS	Speaker.admin@stellenbosch.gov.za
REPORT DATE	22 November 2019

17.3	REPORT TO COUNCIL REGARDING THE INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY CLLR M OLIPHANT
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Collaborator No: Good Governance and Compliance

IDP KPA Ref No:

Meeting Date: 27 November 2019

1. SUBJECT: REPORT TO COUNCIL REGARDING INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY COUNCILLOR M OLIPHANT

2. PURPOSE

To consider the report submitted by the Speaker against Councillor M Oliphant, which was done in terms of item 14 of Schedule 1 of the Local Government Act: Municipal Systems of 2000, known as the Code of Conduct for Councillors.

3. DELGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

The Office of the Speaker received a letter from the Office of the President of South Africa, dated 21 September 2018, which was addressed to the Municipal Manager of Stellenbosch Municipality and in which the Director General in the Office of the President requested a report from the Municipality in respect of actions taken pursuant to recommendations made by the Special Investigations Unit (SIU) in its report dated 13 March 2013. In the report of the SIU, it stated that "evidence revealed" that Cllr M Oliphant was one of a group of persons (consisting of the Municipal Manager and the CFO at the time (2013) as well as some Councillors at the time) who had manipulated the supply chain management procedures and processes in order to appoint an acquaintance, Mr Ayanda Hollow, of Cllr M Oliphant as a service provider to the Municipality. Soweto Records, owned by Mr Hollow, was appointed by the Municipality as an event organiser for Cultural Day festivities, which was celebrated on 5 April 2009.

The report is attached as **APPENDIX 1**. Note that due to the confidentiality of some of the documentation the attachments that the report is based on is not included as the item must serve in the open agenda.

33RD COUNCIL MEETING: 2019-11-27: ITEM 17.3

Before deliberations on the matter, Cllr MD Oliphant recused himself from the Chamber because he is implicated in the matter.

The Speaker **RULED** that the following members of the Disciplinary Committees recuse themselves for the duration of the matter, to protect the integrity of the Committee:

Cllr AR Frazenburg
Cllr E Groenewald (Ms)
Cllr N Sinkinya (Ms)
Cllr Q Smit
Cllr LL Stander

Cllr DA Hendrickse expressed the view that Ald JC Anthony should not have written this item due to a conflict of interest, as he (Ald JC Anthony) served with Cllr MD Oliphant as a Mayco member as well as a member of the ANC at the time these allegations were made against Cllr MD Oliphant.

Cllr Hendrickse further requested that it be minuted that these confidential reports of Adv E Vermaak should not have been placed in the open domain, because it contain very confidential information and it place people's lives in danger.

After several warnings, the Speaker ordered Cllr DA Hendrickse to leave the Council Chambers for contravening Rule 32 of Council's Rules of Order By-Law (at 14:40).

RESOLVED (majority vote with abstentions)

that this matter be referred back and the Speaker be requested to get the report back from the National Prosecution Authority (NPA) whereafter same be brought back to Council for deliberation.

The following Councillors requested that it be minuted that they abstained from voting on the matter.

Councillors RS Nalumango (Ms); C Moses (Ms) and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Ald JC Anthony</i>
POSITION	<i>Senior Clerk: Support staff –Speakers Office</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021 – 808 8042</i>
EMAIL ADDRESS	<i>Speaker.admin@stellenbosch.gov.za</i>
REPORT DATE	<i>22 November 2019</i>

18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

19.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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(See pink documentation).

The meeting adjourned at 16:15.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**