



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2020-10-28

MINUTES

38TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2020-10-28 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
2020-10-28
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PRESENT

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

COUNCILLORS

FJ Badenhorst	LK Horsband (Ms)
FT Bangani-Menziwa (Ms)	MC Johnson
Ald PW Biscombe	DD Joubert
G Cele (Ms)	C Manuel
PR Crawley (Ms)	NE Mcombring (Ms) (between 10:45 until 12:45)
A Crombie (Ms)	XL Mdemka (Ms)
Z Dalling (Ms)	C Moses (Ms)
R Du Toit (Ms)	RS Nalumango (Ms)
J Fasser	SA Peters
A Florence	MM Pietersen
AR Frazenburg	WF Pietersen
E Fredericks (Ms)	SR Schäfer
T Gosa	Ald JP Serdyn (Ms)
E Groenewald (Ms)	N Sinkinya (Ms)
JG Hamilton	P Sitshoti (Ms) (from 13:15)
AJ Hanekom	Q Smit
DA Hendrickse	LL Stander
JK Hendriks	E Vermeulen

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 (AP Barnes)
 Director: Community and Protection Services (G Boshoff)
 Chief Audit Executive (F Hoosain)
 Manager: Secretariat (EJ Potts)
 Senior Administration Officer (T Samuels (Ms))

1.	OPENING AND WELCOME
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2.	MAYORAL ADDRESS
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“Speaker, Munisipale Bestuurder, Burgemeesterskomiteelede, Direkteure

Goeiedag, Good Morning, Molweni, As-salaam Alaikum

- Transport Month & Week
 - As a local government we are continuously working to improve and create a transport plan that relies on effective and safe modes of transport, reducing road congestion, promoting safe and improved public transport, and encouraging non-vehicular solutions to our transport challenges.

Church Street and Andringa Street has limited vehicular access this week to promote pedestrian access during this week.
 - For Transport Month, we are doing something new and exciting! This week we are promoting shared access to a section of Church and Andringa Street, with a preference being given to non-motorised transport, pedestrians and cyclists. This means that we will restrict the existing on-street parking in the designated area and encourage restaurants and galleries to make use of the sidewalk space to extend their businesses, mimicking the well-known and loved European model of pedestrian cities.
 - Pedestrians and cyclists will enjoy more space and freedom of movement in the beautiful heart of our town centre, enjoying greater access to restaurants and art. This initiative will also promote greater universal access, making it easier for visitors and residents with restricted movement to enjoy our beautiful town centre. For this week, vehicle access will be limited to delivery vehicles, residents who live in these streets, taxi’s and other forms of public transport. Drop-and-go facilities will be available and the roads will not be closed to traffic. Vehicles that enter this zone will however be restricted to 20km per hour and must at all times give preference and right of way to pedestrians and cyclists.
 - We want to encourage residents to enjoy these popular streets, packed with amazing restaurants, art galleries and other quaint shops with more movable space and without the need to be on the lookout for oncoming vehicles. This week is about encouraging freedom of movement, exploring alternative transport solutions and drawing more visitors to the heart of Stellenbosch Town.
- IDP
 - The IDP process is underway
 - Because of the ongoing COVID-19 pandemic we have had to reconsider the way we conduct public participation and have incorporated various methods to make sure that every resident has the opportunity to take part in the process.
 - Cellphone App was developed and launched earlier this year:
 - The Stellenbosch Citizen App can be downloaded from the Google Play Store, iStore, Windows Store and Java. App is functional on all smart phones as well as non-smart phones (feature phones such as Nokia and Motorola). Please download the app and encourage your family, friends and neighbours to install the app on their devices as well.
 - Meetings will also be streamed. All you have to do is to register on our website and you will receive the link for the meeting.

- A dedicated IDP 2021/22 written submission page has been activated on the Stellenbosch Municipal website - making it safe, quick and easy for any resident to have their say on their ward priorities/needs. Simply visit www.stellenbosch.gov.za
- Your inputs can also be emailed to idp@stellenbosch.gov.za or send a WhatsApp to 067 427 1556.
- Written submissions can also be delivered to the Ward Offices and/or the Stellenbosch Main Buildings in Franschhoek or Stellenbosch.
- Persons wishing to comment on the Draft IDP 2021/22 but cannot read or write will be assisted during office hours by the Manager: IDP/PMS/PP, Second Floor, Ecclesia Building, 71 Plein Street, Stellenbosch or can be phoned at 021 808 8174, to write down his/her comment.
- We urge residents to stay safe and to make use of technology and alternative ways to partake in the IDP process as much as possible.
- Breast Cancer Awareness Month
 - This is not an illness limited to women, but affect men as well.
 - Early detection of the condition can lead to effective treatment and a positive prognosis.
 - Regular examination and regular mammograms are key to early detection.
 - About 90% of patients survive for many years after diagnosis when breast cancer is detected at the early stages.
- COVID-19 is still very much with us
 - Please continue to be vigilant!
 - Wear your mask, maintain social distancing and regularly wash and sanitise your hands.
 - Europe is currently experiencing increasing numbers as their second wave of infections escalates and several cities have indicated more infections with the second wave than with the first.
 - The provincial government has already indicated that it is preparing for the second wave.
 - We can help minimise the impact if we all adhere to these basic rules.
- Matrics are starting their final exams.
 - Some practical exams have already taken place.
 - **TO THE CLASS OF 2020:** The abnormal year was completely unexpected and many of your traditional rites of passage was suspended or taken away. Despite these challenges, you have persevered. On behalf of the Stellenbosch Municipality Council and all our residents, I want to congratulate you for making it this far. Now there is only one more hurdle.
 - Our best wishes and prayers accompany each and every matric learner as they start their final exams. You have already conquered the odds!
 - To all the matric parents, I want to wish you all the best as well. As a parent, I know that you write every subject along with your children.
 - We are united behind you.
- Last week, following the City of Cape Town decision, we have decided that Stellenbosch Municipality will be lifting all water restrictions.
- From 1 November 2020 Stellenbosch Municipality will therefore move from level 2 water restrictions to no water restrictions, meaning that our normal water tariffs will apply.
- It will be the first time in 5 years that we are in a position to lift water restrictions, following two years of excellent seasonal winter rains.
- The normal water tariff has been approved by council earlier this year as part of the annual budget for the 2020/2021 financial year.

- The lifting of water restrictions and the move to the normal water tariff scale has the potential to offer financial relief to residents and businesses.
- I ask residents however, to continue to be water wise, it took us 5 years to recover from this drought and with changing international weather patterns, we may face another drought sooner rather than later.

Thank you.”

3.	COMMUNICATION BY THE SPEAKER
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“Good Morning Executive Mayor Gesie van Deventer, Municipal Manager, Alderman's and fellow Councillor's

Also welcome to the staff and other members of the public for their attendance to the meeting as scheduled.

Welcome to the 38th Meeting of Council and the Month of Breast Cancer – Please support the Cancer Community during this difficult time.

Madame Mayor – Allow me to report to you on the following as my Communications:

1. Progress report on Covid-19 – Lockdown Day 215

Today we can report that the President has brought the pandemic assessment to level 1. I sincerely hope that this will also help the broader Community of Stellenbosch to do the necessary work through the economic stimulus as required by our communities.

We also note the death of a few Stellenbosch community members through the pandemic and we herewith extend our condolences to the loved ones of the departed and thank the Stellenbosch healthcare workers that treated the deceased patients.

I still request from our fellow workers and broader community members to still continue to sanitise, wash their hands and wear their important masks.

2. Birthdays:

- Happy Birthday to the following Councillors for having their birthdays during the month of November. Councillor Johanna Serdyn – 01/11; Cllr Jan Hendricks – 19/11; Cllr Malcolm Johnson - 23/11; Cllr Xoliswa Mdemka – 26/11 and lastly Cllr Manie Petersen – 27/11.

3. The Integrated Development Plan(IDP)

Madame Mayor, I am glad to see that you are already busy with your IDP Consultative Process for the new budget cycle - 2020/2021. May I request from the Ward Councillors and Ward Committees to please use this opportunity to engage within this process and put the community's inputs to the table of the Executive Mayor and her committee for consideration.

4. Councillor's Safety

As Speaker my office has taken note of the risk situation the Ward Councillors found themselves in during the unrest and political instability in certain wards.

Councillors are being urged to take precautionary measures to safeguard their lives and their belonging as the current policy and certain safety protocols do not make provision for their extended family members or other easier matters to address their current situation in an event of unbehavioural community unrest.

Other matters:

I am aware that mostly all ward offices are in operation with the necessary Covid protocols in place – if there is any problems Councillors please send your complain to my office.

Allow me to thank the Executive Mayor and Municipal Manager for steering our beautiful town in this direction of total success.

I thank You.”

4.	COMMUNICATION BY THE MUNICIPAL MANAGER
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“Good morning Speaker, Madame Mayor, Councillors, Colleagues and Officials as well as members of the public that have joined us via the livestream.

- October is Breast Cancer Awareness Month. This is not only a disease that women suffer from, but men also suffer and I therefore appeal to everyone to go for screening, because it is treatable and the success rate is very high, if detected early.
- October is also Transport Month and as a municipality our key focus is on non-motorized transport. You would have noticed that during the day the roads in between Church- and parts of Andringa Streets allow for more pedestrians. We urge people to cycle to work and make use of shared driving and lift clubs.
- Covid-19 is still with us, and now more than ever, we need to adhere to covid-protocols as far as possible. Given the fact that we are at level one, it is important that we wear our masks, wash our hands, sanitise regularly and keep our social distancing. It is our responsibility to keep ourselves safe. As a municipality we will be adhering to these protocols as far as possible, hence the Public Participation under the leadership of the Executive Mayor was held live and online, to ensure that our community and our staff remain safe during this period.
- A Winelands Virtual Half Marathon, will take place in partnership with the Stellenbosch Municipality and Cape Winelands District Municipality. Because this event is virtual, it means you can run wherever you are, as long as you run safely and ensure that you adhere to covid-19 protocols. Entry fees are R99, and all entries paid by 13 November 2020 will receive a gift pack. The benefitting charity of this virtual half marathon is the Stellenbosch Feeding in Action (Voedingsaksie). They feed approximately 5000 children weekly, so please, give generously and support this worthy charity.
- I want to wish all the 2020 matriculants in the area well for the end exams.

Thank you.”

5.	DISCLOSURE OF INTERESTS
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Executive Mayor: Item 17.1 --- for transparency purposes
 Cllr Crawley: Item 17.1 --- for transparency purposes
 Cllr Frazenburg: Item 17.1 --- for transparency purposes

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 and Order By-law of Council:-

Cllr F Adams – 28 October 2020
 Cllr N Mananga-Gugushe (Ms) – 28 October 2020
 Cllr N Olayi – 28 October 2020

6.2 Permission was granted to Cllrs NE Mcombring (Ms) to leave the meeting between 10:45 until 12:45 and Cllr P Sitshoti (Ms) to leave the meeting at 13:15 respectively.

6.3 ABSENT

Cllr MD Oliphant – 28 October 2020

7.	APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING
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7.1	CONFIRMATION OF MINUTES OF THE 37TH COUNCIL MEETING: 2020-08-24
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The minutes of the 37th Council Meeting: 2020-08-24 were **confirmed as correct.**

7.2	CONFIRMATION OF MINUTES OF A SPECIAL COUNCIL MEETING: 2020-09-11
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The minutes of the Special Meeting: 2020-09-11 were **confirmed as correct.**

8.	STATUTORY MATTERS
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8.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR SEPTEMBER 2020
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

14 October 2020 and 28 October 2020

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR SEPTEMBER 2020

2 PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2020/2021 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 (2020/2021) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during September 2020.

38TH COUNCIL MEETING: 2020-10-28: ITEM 8.1

NOTED

the deviations as listed below for the month of September 2020.

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 05/21	22 Sep 2020	WasteMart (Pty) Ltd	Hiring of refuse compactors, as and when required	Emergency	Solid Waste Management Department has a current vehicle fleet of 9x functional refuse compactors. However, these vehicles suffered various breakdowns leading to	Estimated expenditure per month will be R1200 excl VAT per hour x 650 hours = R 897 00.00.

					<p>vehicles being out of commission. The Department needs at least a minimum of 7x refuse compactum to render a service and the shortfall is usually supplemented through hiring additional compactors on tender B/SM 66/9. The tenderer has however reached its R10 million I cap and can no longer be used. The Department reached the R10 million cap because of the following reasons:</p> <ol style="list-style-type: none"> 1. During the COVID-19 pandemic, the waste management depot had to close 3 x times because of positive cases. This resulted in 8x refuse compactor being hired per day which exceeded the 1 — 2 compactors per day as planned in the tender. 2. The Municipality has had labour unrest in July 2020 which resulted again the 8x refuse compactors being used per day. 3. In April 2020, the Municipality's recycling contractor terminated their services. The Municipality had to use tender BSM 66/19 to hire trucks to continue 	
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					<p>with a recycling collection service. These major events were never anticipated when the tender was drafted and could not be predicted. The amount of refuse compactor used exceeded the need of 1-2 compactors that was planned when the tender was drafted. The tender can no longer be used because it has reached the R10 Million internal cap. On the roster tender WasteMart (Pty) Ltd is ranked as the lowest bidder and the rates of BSM 66/19 will be used for this deviation</p>	
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FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@ Stellenbosch.gov.za
REPORT DATE	08 October 2020

8.2	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 1 (01 JULY 2020 - 30 SEPTEMBER 2020)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

14 October 2020

1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 1 (01 JULY 2020 - 30 SEPTEMBER 2020)

2. PURPOSE

To submit a report for the period 01 July - 30 September 2020 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

3. FOR DECISION BY MUNICIPAL COUNCIL

Section 6 (3) & 4 of the SCM Policy 2020/2021, determines that the Accounting Officer must within 10 days at the end of each quarter; submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with Section 21A of the Municipal Systems Act (32 of 2000).

4. EXECUTIVE SUMMARY

On a quarterly basis the Accounting Officer must submit a report on the implementation of the Supply Chain Management Policy to the Executive Mayor. In terms of the SCM Regulations and Council's SCM Policy the SCM unit has been delegated to perform powers and functions that related to the procurement of goods and services, disposal of goods no longer needed, the selection of contractors to provide assistance in the provision of municipal services.

38TH COUNCIL MEETING: 2020-10-28: ITEM 8.2

RESOLVED (nem con)

- (a) that Council takes note of this report and ANNEXURE A attached to the report; and
- (b) that the report be made public in accordance with section 21A of the Municipal Systems Act.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Kevin Carolus</i>
CONTACT NUMBERS	<i>021 808 8528</i>
E-MAIL ADDRESS	<i>Kevin.Carolus@ Stellenbosch.gov.za</i>
DIRECTORATE	<i>Financial Services</i>
REPORT DATE	<i>08 October 2020</i>

8.3	ADJUSTMENTS BUDGET FOR 2020/2021 FOR REDUCED ALLOCATIONS AND ROLL-OVER OF UNSPENT CONDITIONAL GRANTS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

14 October 2020 and 28 October 2020

1. SUBJECT: ADJUSTMENTS BUDGET FOR 2020/2021 FOR REDUCED ALLOCATIONS AND ROLL-OVER OF UNSPENT CONDITIONAL GRANTS

2. PURPOSE

To table the adjustments budget for the 2020/2021 financial year to Council for approval. The adjustments budget emanates from reduced allocations from the Western Cape Provincial Government and the roll-over of unspent conditional grants.

3. DELEGATED AUTHORITY

Council has the delegated authority to revise an approved annual budget through an adjustments budget in terms of Section 28 of the Municipal Financial Management Act 56 of 2003.

4. EXECUTIVE SUMMARY

Roll-over of unspent conditional grants

The Western Cape Provincial Minister of Finance and Economic Opportunities has granted approval, in terms of section 10(2) of the Western Cape Appropriation Act (WCAA) 2019 (ACT No. 4 of 2019) to roll-over the unspent amount of R 165 415 for the Human Settlements Development Grant (Beneficiaries).

Reduction of provincial conditional grants

Minister David John Maynier tabled the 2020/21 Western Cape Provincial Adjustment Budget in the Provincial Parliament on 28 August 2020 in terms of the section 30 (2) (c) of the Division of Revenue Act (Act 4 of 2020), read with the Western Cape Adjustments Appropriation (COVID-19) (Act 3 of 2020) and arising from this, grant allocations were reduced for Stellenbosch Municipality, for the 2020/21 financial year.

The reduction in funds have been adjusted in terms of section 28 (2) (b) of the Municipal Finance Management Act (Act 56 of 2003) and regulation 23 (1) of the Municipal Budget & Reporting Regulations (17 April 2009).

38TH COUNCIL MEETING: 2020-10-28: ITEM 8.3

RESOLVED (nem con)

- (a) that an Adjustments Budget for 2020/2021 as set out in **APPENDIX 2**, be approved; and
- (b) that the Service Delivery and Budget Implementation Plan be adjusted accordingly, inclusive of the non-financial information (performance measurement).

8.4	MFMA SECTION 52 REPORTING UP TO SEPTEMBER 2020
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Collaborator No: 8/1
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 28 October 2020

1. SUBJECT: MFMA SECTION 52 REPORTING UP TO SEPTEMBER 2020

2. PURPOSE

To comply with section 52(d) of the Municipal Finance Management Act and report to Council on the budget; financial and service delivery budget implementation plan by the Municipality for quarter 1 of the 2020/21 financial year.

3. DELEGATED AUTHORITY

THE EXECUTIVE MAYOR TO SUBMIT TO COUNCIL

In terms of section 52 (d) of the Municipal Finance Management Act:

“The mayor of a municipality—

(d) must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget as well as the non-financial performance of the municipality;”

4. EXECUTIVE SUMMARY

The Executive Mayor, must provide general political guidance over the fiscal and financial affairs of the Municipality and is required by Section 52(d) of the Municipal Finance Management Act to submit a report on the implementation of the budget and the financial and non-financial performance of the Municipality, to the Council within 30 days after end of each quarter.

The Section 52 report is a summary of the budget performance. It compares the implementation of the budget to the commitments made and contained in the Service Delivery and Budget Implementation Plan (SDBIP), and is intended to enable Council to give effect to their oversight responsibility.

This report provides the overall performance of the Municipality for the period 1 July 2020 to 30 September 2020.

38TH COUNCIL MEETING: 2020-10-28: ITEM 8.4

NOTED

the Section 52 Report (including Quarterly Performance Report) – First Quarter.

FOR FURTHER DETAILS CONTACT:

NAME	Monique Steyl
POSITION	Senior Manager Financial Management Services
DIRECTORATE	Financial Services
CONTACT NUMBERS	021 – 808 8516
E-MAIL ADDRESS	Monique.Steyl@ Stellenbosch.gov.za
REPORT DATE	October 2020

9.	REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS
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ITEM	Pg	INPUT	MM'S RESPONSE
<u>Cllr P Sitshoti (Ms)</u> <u>21st Council meeting: 2018-10:31:</u> <u>Item 7.5.5</u> Migration of old housing waiting list to a housing demand database system	243	The Councillor requested that information be provided on the migration of the database.	Note the concern raised.
<u>Cllr P Sitshoti (Ms)</u>			

38TH COUNCIL MEETING: 2020-10-28: ITEM 9**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	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE PERIOD: APRIL 2020 TO SEPTEMBER 2020

Collaborator No:

IDP KPA Ref No:

Meeting Date:

28 October 2020

1. SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE PERIOD: APRIL 2020 TO SEPTEMBER 2020

2. PURPOSE

To inform Council of the decisions taken by the Executive Mayor from April 2020 to September 2020 (see **APPENDIX 1**).

3. DELEGATED AUTHORITY

As per the delegations from Council and powers vested in the Executive Mayor by legislation.

For Notification

4. EXECUTIVE SUMMARY

In terms of the Municipal Structures Act 117 of 1998 Section 56 (5) it is stated that:

“An Executive Mayor must report to the municipal council on all decisions taken by the Executive Mayor.”

38TH COUNCIL MEETING: 2020-10-28: ITEM 10.1.1

NOTED

the decisions taken by the Executive Mayor for the period April 2020 to September 2020.

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	06 October 2020

10.1.2	REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM VIRTUAL MEETING: 20 AUGUST 2020
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

28 October 2020

1. **SUBJECT: REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM VIRTUAL MEETING: 20 AUGUST 2020**

2. **PURPOSE**

To inform Council of the matters under discussion at the Mayor – Rector Forum virtual meeting held on 20 August 2020.

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 virtual meeting was held on 20 August 2020 in order to comply with COVID19 regulations. The minutes is attached as **ANNEXURE A**.

38TH COUNCIL MEETING: 2020-10-28: ITEM 10.1.2

NOTED

the report from the Executive Mayor on the Mayor – Rector Forum Virtual Meeting: 20 August 2020.

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	05 October 2020

10.2	REPORT/S BY THE SPEAKER
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NONE

10.3	REPORT/S BY THE MUNICIPAL MANAGER
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NONE

11.	ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE: [ALD. G VAN DEVENTER (MS)]
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11.1	COMMUNITY DEVELOPMENT AND PROTECTION SERVICES: (PC : CLLR R BADENHORST)
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11.1.1	SURRENDER AND DESTRUCTION OF FIREARMS IN TERMS OF THE FIREARMS CONTROL ACT, ACT 60 OF 2000
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Collaborator No: 691596
IDP KPA Ref No: Good Governance
Meeting Date: 16 September 2020 and 28 October 2020

1. SUBJECT: SURRENDER AND DESTRUCTION OF FIREARMS IN TERMS OF THE FIREARMS CONTROL ACT, ACT 60 OF 2000

2. PURPOSE

To request Council approval for the surrendering and destruction of 42 firearms in terms of the Firearms Control Act, Act 60 of 2000.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Community and Protection Services Directorate have twenty-one (21) .38 Special and twenty-one (21) 357 Magnum revolvers that it wishes to surrender and destroy. The use of revolvers in a law enforcement environment has become not being an effective weapon especially in a combat situation as means of self-defence or protection. Revolvers have limited ammunition capabilities as it can only accommodate 6 bullets at a given time before it has to be reloaded one by one compared to a pistol that is loaded with a magazine that can hold up to 16 bullets. In a combat situation an officer can carry a fully-loaded spare magazine.

The reality is that criminals use sophisticated weapons and uniform disciplines need to adapt to be able to be in position that will not hinder or limit them in the fight against crime by using firearms that have become out-dated due to its limitations.

The firearms which need to be destroyed have to be dealt with in terms of Section 149 of the Firearms Control Act which prescribes that “firearms may only be destroyed” after it is declared “forfeited to the State”.

After said process of surrender for destruction of the listed firearms, the Directorate is requesting Council approval to procure the required firearms to replenish the destroyed firearms with appropriate pistols after following the normal SCM processes. A list of firearms which will be surrendered is attached as **ANNEXURES 1 and 2**.

38TH COUNCIL MEETING: 2020-10-28: ITEM 11.1.1**RESOLVED** (majority vote)

- (a) that Council approves the surrender for destruction of all firearms as listed in **ANNEXURES 1 and 2**;
- (b) that the SAPS be authorized to deal with said items in terms of Section 149 of the Firearms Control Act, Act 60 of 2000, i.e. to destroy said firearms;
- (c) that the Asset Register be amended to reflect the surrender of said items, after notification by the SAPS that said firearms had been destroyed;
- (d) that the department be allowed to replenish the number of firearms that will be surrendered with new pistol-type firearms; and
- (e) that provision be made to procure sufficient firearms should it be necessary within the available budget to allow for the increase in the uniform staff complement.

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

Cllrs FT Bangani-Menziwe (Ms); G Cele (Ms); DA Hendrickse; LK Horsband (Ms); C Moses (Ms); RS Nalumango; N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

11.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
11.2.1	EXTENSION OF CESSION AND ASSIGNMENT OF LEASES: LEASE AREA 1 OVER REMAINDER FARM 377F AND LEASE AREA 1 OVER ERF 9190

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

16 September 2020 and 28 October 2020

1. SUBJECT: EXTENSION OF CESSION AND ASSIGNMENT OF LEASES: LEASE AREA 1 OVER REMAINDER FARM 377F AND LEASE AREA 1 OVER ERF 9190

2. PURPOSE

To consider a request from Kleine Zalze Wines and Liciaccept to cede the lease agreements for the above-mentioned Lease Areas.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

On 19 April 2017 Council approved the cession and assignment of the Lease Agreement in relation to Lease Area 1 over Erf 9190 and Lease Area 1 on Erf 9190 and Lease Area 1 over Farm 377F, Stellenbosch, subject thereto that the cession will be reviewed after June 2020, taking into account the progress with the empowerment and BBBEE initiatives for which Liciaccept was established. Kleine Zalze Wines and Liciaccept have now made a submission in this regard, for consideration by Council – **APPENDIX 3**.

38TH COUNCIL MEETING: 2020-10-28: ITEM 11.2.1

RESOLVED (majority vote)

- (a) that Council takes note of the written submission on the status of the Empower initiatives and the request to extend the ceding of the lease;
- (b) that the proposed ceding and assignment of the Lease Agreement in relation to Lease Area 1 over Remainder Farm 377 and Lease Area 1 over Remainder erf 9190 to Kleine Zalze`s BEE Newco be approved in principle for a period of 9 years and 11 months on condition that yearly reports be provided to the Municipality in regard to the progress of the black empowerment company;
- (c) that the Municipality`s intention to cede the rights to the lease for a period of 9 years and 11 months be advertised for inputs/alternative proposals or objections.
- (d) that the current and future road reserves be excluded from any agreement; and
- (e) that the possible extension of the lease be reviewed/considered after 2029 taking into Account the progress on empowerment and BBBEE initiatives.

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

Cllrs FT Bangani-Menziwe (Ms); G Cele (Ms); DA Hendrickse; LK Horsband (Ms); C Moses (Ms); RS Nalumango; N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

11.2.2	VOORGELEGEN COMPLEX: INFORMATION STATEMENT
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Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 16 September 2020 and 28 October 2020

1. SUBJECT: VOORGELEGEN COMPLEX: INFORMATION STATEMENT

2. PURPOSE

To obtain Council's approval for the publication of the Information Statement on the Category A heritage property known as Voorgelegen Complex to start the public participation process for the approval of long-term rights in this category A Heritage property.

3. DELEGATED AUTHORITY

Council to consider.

4. EXECUTIVE SUMMARY

The Voorgelegen and Rhenish Complex was donated to the Stellenbosch Municipality by the Provincial Department of Public Works. Following the donation lease agreements were entered into with the Stellenbosch Museum, Stellenbosch Reklamevereniging and The Miniature Museum. The Stellenbosch Museum was to relocate from the Voorgelegen Complex to the Rhenish Complex in terms of a settlement agreement, but did not relocate despite being paid an amount of R350 000 for the relocation by the Municipality. The Mayoral Committee, in 2007, decided not to use the Voorgelegen Complex as office space as originally anticipated. During 2009 the Voorgelegen Building was identified as a building to be disposed of, but the formal tender process was not completed in regard to the building. In 2011 the Voorgelegen Museum applied to rent the space again. The property is currently rented by Stellenbosch Museum on a month to month basis for an amount of R 4706.88 pm, VAT inclusive for the Rhenish complex and Voorgelegen Plein. The formal rental agreement for the building lapsed and a new agreement has not been approved by Council. The rental is continuing on a month to month basis for as long as the rental is paid. Council resolved in 2017 inter alia that a "heritage portfolio" must be established and categorised Voorgelegen, Rhenish and Transvalia as category A heritage properties. The Municipal Manager was tasked to start the public participation process contained in section 34(3) of the Asset Transfer Regulations. The information statement in regard to Voorgelegen Complex is attached as **APPENDIX 1**.

38TH COUNCIL MEETING: 2020-10-28: ITEM 11.2.2

RESOLVED (majority vote)

- (a) that Council approves the information statement attached as Appendix 1 for Public Participation; and
- (b) that, following the Public Participation process, a report be submitted to Council in order to consider the future use of the Voorgelegen Complex.

11.2.3	PARKING POLICY FOR COUNCIL
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Collaborator No:**IDP KPA Ref No:****Meeting Date:****Good Governance and Compliance****14 October 2020 and 28 October 2020****1. SUBJECT: PARKING POLICY FOR COUNCIL****2. PURPOSE**

To request Council's approval of the consulted Parking Policy.

3. DELEGATED AUTHORITY

The delegated authority for approval of this policy is Council.

4. EXECUTIVE SUMMARY

The Employee Parking Policy is aimed at creating a framework for allocating parking for officials/employees in the Stellenbosch Municipality. As such it attempts to establish a set of rules for the consistent interpretation and application of decisions governing the parking of official and Employee vehicles within the Municipality designated premises.

The policy was extensively discussed at the sub-committee over a period since June 2019, but no consensus could be reached on the policy, the main obstacle being the payment of a parking fee. The sub-committee on 18 February 2020 resolved that no further progress will be made and to report back to the LLF.

The last positions of parties were reported back to the Management meeting and the management meeting made some further proposals to accommodate the overflow of employees who during December applied for parking. The request to apply for parking was an attempt by management to establish the need to enable management to look for possible solutions. IMATU also through their regional office made a proposal to resolve the matter by proposing that a strait fee of R50 be paid for parking. The local branch is not in agreement with this proposal. They do not want to pay for parking at all. SAMWU indicated that they have not moved from their original position not to pay a parking fee.

38TH COUNCIL MEETING: 2020-10-28: ITEM 11.2.3**RESOLVED** (majority vote)

- (a) that Council approves the parking fees per category as contained in the Parking Policy,
- (b) that Council approves the draft Parking Policy for implementation from 01 November 2020; and
- (c) that this Parking Policy repeals and replaces all council decisions previously taken in regard to staff- and official parking in the municipality and especially Council resolution dated 07 October 1997.

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

Cllrs FT Bangani-Menziwe (Ms); G Cele (Ms); DA Hendrickse; LK Horsband (Ms); C Moses (Ms); RS Nalumango; N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

11.2.4	POSSIBLE DISPOSAL OF ERF 4810 (3 SWAWELAAN), ERF 4811 (3A SWAWELAAN) AND ERF 4812 (6 TINKTINKIE STREET) STELLENBOSCH
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Collaborator No:

IDP KPA Ref No: Good governance and Compliance

Meeting Date: 14 October 2020 and 28 October 2020

1. SUBJECT: POSSIBLE DISPOSAL OF ERF 4810 (3 SWAWELAAN), ERF 4811 (3A SWAWELAAN) AND ERF 4812 (6 TINKTINKIE STREET) STELLENBOSCH

2. PURPOSE

To consider the disposal of three erven in Onder Papegaaiberg, erf 4810, erf 4811 and erf 4812 through public auction.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Erf 4810 and erf 4811 (3 and 3A Swawelaan), as well as 6 Tinktinkie street were used as rental properties for council employees and have been vacant for a long period. When the employment contracts of the previous lessees ended, it was resolved not to lease the properties again to employees before a new council policy on allocation of rental housing to employees has been approved.

Stellenbosch Municipality is the owner of the three erven. Council is in the process of consultation on the new housing allocation policy for employees, and one of the principles of the new policy is to do away with rental properties for employees, except where an employee on the property and in the rental unit is linked to the work the employee is responsible for on a specific site. The vacancy of the three properties has led to vandalism and it is expected that each of the properties will cost at least R200 000 to upgrade to a liveable condition.

It would be a better option to sell the properties as is than to undertake the repair work and to take the costs for the repairs and maintenance into consideration when selling the properties than to go through a tender process for the repair and maintenance, appointment of contractors and then after the repairs are complete, to guard the houses until it can be sold. It is recommended that a minimum price be set at the auction based on an evaluation of market value of the properties and to dispose of the three erven through a public auction process. The properties are unlikely to be worth more than R10 million each. The current general valuation is as follows:

Erf 4810 - R1, 926,000.00 (One million nine hundred and twenty-six thousand rand)

Erf 4811 - R1,810,000.00 (One million eight hundred and ten thousand rand)

Erf 4812 – R1,849,000.00 (One million eight hundred and forty-nine thousand rand)

38TH COUNCIL MEETING: 2020-10-28: ITEM 11.2.4**RESOLVED** (majority vote)

- (a) that Erf 4810, Erf 4811 and Erf 4812 Stellenbosch, be identified as land not needed to Provide the minimum of basic services;
- (b) that Council approves the disposal of the 3 erven by public auction at a market related price with a reserve set price determined by a valuation;
- (c) that the Municipal Manager be authorised to conclude the sale agreements after the auction, provided that the sale prices are not lower than the reserve price; and
- (d) that the three erven be disposed of to different buyers.

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

Cllrs FT Bangani-Menziwe (Ms); C Moses (Ms); RS Nalumango; N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	Director
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088018
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.gov.za
REPORT DATE	13-10-2020

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

11.4	HUMAN SETTLEMENTS: (PC: CLLR WC PETERSEN (MS))
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11.4.1	STELLENBOSCH MUNICIPALITY: ALIGNMENT OF THE MUNICIPAL INTEGRATED HUMAN SETTLEMENT PLAN (IHSP) WITH THE GUIDELINES AS PROPOSED BY THE WESTERN CAPE GOVERNMENT: HUMAN SETTLEMENTS
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Collaborator No: 694862
IDP KPA Ref No: Good Governance
Meeting Date: 14 October 2020 and 28 October 2020

1. SUBJECT: STELLENBOSCH MUNICIPALITY: ALIGNMENT OF THE MUNICIPAL INTEGRATED HUMAN SETTLEMENT PLAN (IHSP) WITH THE GUIDELINES AS PROPOSED BY THE WESTERN CAPE GOVERNMENT: HUMAN SETTLEMENTS

2. PURPOSE

To obtain Council's approval to proceed with a Municipal Integrated Human Settlement Plan (IHSP) which is aligned to the recently released "Guidelines for the Preparation of Municipal Human Settlement Plans" as proposed by the Western Cape Government: Department of Human Settlements. This document will specifically address the alignment of the IHSP with the Municipal Spatial Development Framework, as approved by Council on 11 November 2019.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Directorate: Planning and Economic Development was tasked to commission the drafting of a Stellenbosch Municipal Urban Development Strategy (UDS). The UDS is a high level document containing information on forecasts, development guidelines and various growth and development proposals. The Integrated Human Settlement Plan (IHSP) was then developed under the auspices of the UDS.

During this time, the Municipal Spatial Development Framework (MSDF) was also commissioned containing distinctly different growth and development proposals. The MSDF was approved by Council in 2019.

As the draft IHSP was compiled under the auspices of the UDS and as it did not deal with the spatial proposals as contained in the approved MSDF, it is now proposed that an Integrated Human Settlement Plan be developed based on the "Guidelines for the Preparation of Municipal Human Settlement Plans" as proposed by the Western Cape Government: Department of Human Settlements.

Whilst the Municipality does not currently have an approved IHSP, housing development within its jurisdiction is guided by the Council approved housing pipeline resolution.

38TH COUNCIL MEETING: 2020-10-28: ITEM 11.4.1**RESOLVED** (majority vote)

- (a) that a new Integrated Human Settlement Plan (IHSP) be compiled that adheres to the “Guidelines for the Preparation of Municipal Human Settlement Plans” as proposed by the Western Cape Government: Department Human Settlements, subject to funding being made available; and
- (b) that a new Integrated Human Settlements Plan (IHSP) be developed that aligns housing development with the long term vision as envisaged in the approved Integrated Development Plan and the Municipal Spatial Development Framework.

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

Cllrs FT Bangani-Menziwe (Ms); DA Hendrickse; LK Horsband (Ms); C Moses (Ms); RS Nalumango; N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Anthea Shortles</i>
POSITION	<i>Programme Manager</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	<i>021 808 8733</i>
E-MAIL ADDRESS	<i>Anthea.Shortles@stellenbosch.gov.za</i>
REPORT DATE	<i>5 October 2020</i>

11.5	INFRASTRUCTURE: (PC: CLLR Q SMIT)
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11.5.1	B/SM 91/18 SUPPLY, INSTALLATION AND MANAGEMENT OF STS COMPLIANT PREPAYMENT ELECTRICITY VENDING
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Collaborator No: 692313
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 16 September 2020 and 28 October 2020

1. SUBJECT: B/SM 91/18 SUPPLY, INSTALLATION AND MANAGEMENT OF STS COMPLIANT PREPAYMENT ELECTRICITY VENDING

2 PURPOSE

To obtain the necessary approval to extend the scope of work of tender BSM 91/18 to allow for additional work required to comply with STS Association requirements. The latter is to avoid Token Identifier (TID) Rollover on the 24 November 2024.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Tender number B/SM 91/18 was awarded to Syntell (Pty) Ltd in October 2018 for a period of two (2) years and nine (9) months, ending June 2021 to supply, install and management of STS compliant prepayment electricity vending. Part of the scope of work to be done by Syntell is to do audits on all electricity prepayment and credit meters. Auditing of meters requires Syntell to have a team that will be visiting all addresses where municipal meters are installed to check the status of each meter and provide a report to the municipality on any findings.

Additional work is required for Syntell Pty to do TID Rollover services where each and every household or business with an electricity prepaid meter will be visited by trained personnel to enter into the meter a special set of tokens that will reconfigure TID rollover ready, therefore eliminating the risk of the meter not accepting tokens purchased post 24 November 2024.

The Department: Electricity Services, opted not to follow SCM process because it is not financially viable to appoint another service provider that will be doing house to house visits, whereas there is a service provider that is doing meter audits of all prepayment meters. If another service provider is appointed, the costs to do the service might be similar or more than the existing cost to audit meters, provided that the new service provider will be adding fuel costs to come to Stellenbosch and personal cost to provide such service. Secondly, there is an urgency to start with the TID Rollover field work so that we will not be behind schedule and complete the work in time.

An attempt to have the additional work approved, a deviation was done. However, the Bid Adjudication Committee advised that MFMA section 116(3) should be the process to be followed to have the request approved; hence the department is following the route of MFMA section 116(3).

38TH COUNCIL MEETING: 2020-10-28: ITEM 11.5.1**RESOLVED** (nem con)

- (a) that Council notes, in terms of MFMA Section 116(3), the reasons for the increase of tender scope and pricing;
- (b) that Council notes the public participation process that was followed and that no comments were received; and
- (c) that the additional amount of R 30 (VAT exclusive) to be added to the current audit amount of R 216.96 (VAT exclusive) per meter, in favour of Syntell (Pty) Ltd, be approved.

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	<i><u>Deon.louw@stellenbosch.gov.za</u></i>
REPORT DATE	<i>13 August 2020</i>

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

11.7	PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR E GROENEWALD (MS))
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11.7.1	REPORT ON THE STATUS UPDATE OF THE BACKLOG IN THE PROCESSING OF LAND USE APPLICATIONS
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Collaborator No: 691709

IDP KPA Ref No: Good governance and compliance

Meeting Date: 16 September 2020 and 28 October 2020

1. SUBJECT: REPORT ON THE STATUS UPDATE OF THE BACKLOG IN THE PROCESSING OF LAND USE APPLICATIONS

2. PURPOSE

To present a status update of the situation with respect to the backlog in the processing of the land use applications.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Due to a number of service delivery challenges, a backlog in the timeous processing of land use applications occurred historically over time. A number of interventions were made to address these service delivery challenges, and as a result, the backlog has been reduced since 1 February 2020 from 151 (previously reported as 146) to 29 applications. Of the 151 backlog applications, 122 Professional Planning assessment reports have been finalised and 88 decisions have already been taken and communicated to the applicants.

38TH COUNCIL MEETING: 2020-10-28: ITEM 11.7.1

NOTED

the current status in addressing the backlog in the processing of land use applications.

FOR FURTHER DETAILS CONTACT:

NAME	Stiaan Carstens
POSITION	Senior Manager: Development Management
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	stiaan.carstens@ Stellenbosch.gov.za
REPORT DATE	27 August 2020

11.7.2	FEEDBACK AND WAY FORWARD IN RESPECT OF THE BUSINESS WEBINAR STELLENBOSCH WC024 & COVID-19: REALITIES, REMEDIES, ROAD AHEAD, HELD ON 23 JULY 2020
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Collaborator No: 691656

IDP KPA Ref No: *Good Governance*

Meeting Date: 16 September 2020 and 28 October 2020

1. **SUBJECT: FEEDBACK AND WAY FORWARD IN RESPECT OF THE BUSINESS WEBINAR STELLENBOSCH WC024 & COVID-19: REALITIES, REMEDIES, ROAD AHEAD, HELD ON 23 JULY 2020**

2. **PURPOSE**

To provide Council with a synopsis of the comments and inputs obtained during the webinar and by the communicated dated of 07 August 2020. The intention is to investigate the manner in which Council could assist businesses and industries to alleviate the impact of COVID-19 on their enterprises and 'kickstart' the economic revival process within the Stellenbosch Municipal Area through the compilation of an action plan.

3. **DELEGATED AUTHORITY**

Council

4. **EXECUTIVE SUMMARY**

On 23 July 2020, Council held a webinar, Minutes attached as **APPENDIX 1**, at the behest of the Executive Mayor for the following purposes:

- Establish the impact COVID-19 had on all the economic sectors within the Stellenbosch Municipality, through inputs by representatives of the various economic sectors;
- Obtain further written comments from the economic sectors within Stellenbosch Municipality, on how Council could positively assist the revival of the economy within its constitutional mandate, and act as facilitator for matters not within the mandate of the municipality;
- Through these engagements and further discussions with relevant municipal departments determine whether these comments and / or inputs could be achieved as requested;
- Develop and Action Plan to ensure that, where possible, such interventions be implemented to assist the economic sector.

38TH COUNCIL MEETING: 2020-10-28: ITEM 11.7.2**RESOLVED** (majority vote)

- (a) that Council takes note of the comments and / or inputs submitted during the webinar and the written submissions;
- (b) that the Department: Development Planning be authorised to, through the Office of the Municipal Manager, allocate point person(s) from each Directorate to investigate the submissions and compile an Action Plan, which must be submitted to the next Council Meeting;
- (c) that, as part of point (b), an engagement be held with the following sectors, through virtual meetings, and if required, in person engagements, on the following preliminary dates, as per schedule attached as **APPENDIX 3**:
- Tourism (Wine Industry, Events & Filming) – 04 September 2020
 - Manufacturing – 08 September 2020
 - Construction & Finance – 15 September 2020
 - Agriculture – 09 September 2020
 - Informal Sector – 10 September 2020
 - Education – 18 September 2020
- (d) that the Department: Development Planning compiles a detailed proposed Action Plan, to be included in the Stellenbosch Municipality Economic Recovery Plan, which must be completed before end February 2021, and which must be submitted to Council for consideration by November 2021, taking into account the financial, operational and risk implications; and
- (e) that, in the event 'quick' wins or responses are identified, that such initiatives be brought to Council at the next Council Meeting and be documented as part of the proposed Action Plan, and where such interventions are delegated to the Municipal Manager, that such interventions be implemented and Council be notified accordingly.

Cllrs FT Bangani-Menziwe (Ms); DA Hendrickse; LK Horsband (Ms); C Moses (Ms); RS Nalumango; N Sinkinya (Ms) and LL Stander.

FOR FURTHER DETAILS, CONTACT:

NAME	<i>Widmark Moses</i>
POSITION	<i>Manager: Local Economic Development</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	<i>021 808 8179</i>
E-MAIL ADDRESS	<i>Widmark.Moses@stellenbosch.gov.za</i>
REPORT DATE	<i>20 August 2020</i>

11.7.3	INVESTIGATION OF THE RHENISH COMPLEX FOR ECONOMIC DEVELOPMENT OPPORTUNITIES
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Collaborator No: 691675

IDP KPA Ref No: Valley of Opportunity

Meeting Date: 16 September 2020 and 28 October 2020

1. SUBJECT: INVESTIGATION OF THE RHENISH COMPLEX FOR ECONOMIC DEVELOPMENT OPPORTUNITIES

2. PURPOSE

To request approval to investigate possible economic development opportunities of the two gardens within the Rhenish Complex.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Council to approve the request to investigate potential economic development opportunities of the two gardens at the Rhenish complex, namely the Patronage front garden facing Market Street and the Voorgelegen Binnetuin, for potential economic development opportunities.

38TH COUNCIL MEETING: 2020-10-28: ITEM 11.7.3

RESOLVED (majority vote)

- (a) that Council takes note of the numerous studies and planning over the years that were done on the Rhenish Complex without any noticeable implementation of the approved recommendations;
- (b) that Council approves the request of the Directorate: Planning & Economic Development to investigate the development of all municipal owned landholdings within the demarcated areas as depicted within the boundaries of Dorp-, Herte-, Alexander-, Market-, Bird- and Mill Street for potential economic opportunities to kick start the development of the entire Rhenish Complex;
- (c) that the investigation into the development of the Council owned landholdings considers the context of the surrounding spaces in the town centre; and
- (d) that such an investigation be done within three months after which a report with a request for the advertisement of the proposals be tabled to Council to enable the phased implementation of such proposals.

Cllrs FT Bangani-Menziwe (Ms); DA Hendrickse; LK Horsband (Ms); C Moses (Ms); RS Nalumango; N Sinkinya (Ms) and LL Stander.

11.7.4	DISCUSSION AND CONSIDERATION OF THE ALLOCATION OF FUNDS AND FUNCTIONS OF THE DWARSRIVIER TOURISM OFFICE FOR THE 2020 / 2021 FINANCIAL YEAR IN TERMS OF THE POLICY FOR THE FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE MUNICIPAL SYSTEMS ACT NO. 32 OF 2000
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Collaborator No: 694884
 IDP KPA Ref No: Valley of Opportunity
 Meeting Date: 14 October 2020 and 28 October 2020

1. SUBJECT: DISCUSSION AND CONSIDERATION OF THE ALLOCATION OF FUNDS AND FUNCTIONS OF THE DWARSRIVIER TOURISM OFFICE FOR THE 2020 / 2021 FINANCIAL YEAR IN TERMS OF THE POLICY FOR THE FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE MUNICIPAL SYSTEMS ACT NO. 32 OF 2000

2. PURPOSE

To discuss and consider the allocation of funds and functions of the Dwarsrivier Tourism Office to Visit Stellenbosch for the 2020 / 2021 financial year in terms of the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000.

3. DELEGATED AUTHORITY

In terms of Section 7(2) of said policy the Grants Committee is delegated to allocate funds to External Bodies Performing a Municipal Function, but Council is delegated to decide on the reallocation of the function of the Dwarsrivier Tourism Office.

4. EXECUTIVE SUMMARY

The item deals with a resolution Council took at the 36th Council Meeting dated 29 July 2020, where Council resolved that the R430 000.00 earmarked for the Dwarsrivier Office, be ring-fenced and held in abeyance until Directorate Planning and Economic Development confirms the which funded Local Tourism Organisation will be responsible for the Dwarsrivier Tourism Office in Pniel.

38TH COUNCIL MEETING: 2020-10-28: ITEM 11.7.4

RESOLVED (majority vote)

- (a) that Council approves the incorporation of the function of the Dwarsrivier Tourism Office into Visit Stellenbosch for the 2020 / 2021 financial year;
- (b) that Council approves the transfer of funds of R430 000.00 ring-fenced for the Dwarsrivier Tourism Office to Visit Stellenbosch for the 2020 / 2021 financial year; and
- (c) that Visit Stellenbosch reports back to Council on a quarterly basis and not later than December 2020 on the management plan for the Dwarsrivier Tourism Office.

Cllrs DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

11.8	RURAL MANAGEMENT: (PC: CLLR S PETERS)
11.8.1	PROGRESS REPORT IN RESPECT OF THE USAGE OF THE AGRICULTURAL LAND LEASED TO THE EMERGING FARMERS AND PROVIDING FEEDBACK ON POTENTIAL FURTHER LEASEHOLD FARMS TO POTENTIAL EMERGING FARMERS

Collaborator No: 694269
IDP KPA Ref No: Valley of opportunity
Meeting Date: 14 October 2020 and 28 October 2020

1. **SUBJECT: PROGRESS REPORT IN RESPECT OF THE USAGE OF THE AGRICULTURAL LAND LEASED TO THE EMERGING FARMERS AND PROVIDING FEEDBACK ON POTENTIAL FURTHER LEASEHOLD FARMS TO POTENTIAL EMERGING FARMERS**
2. **PURPOSE**

To provide Council with an update on the current usage and farming activities of the emerging farmers, who were allocated municipal agricultural land in terms of the Policy for the Management of Agricultural Land, as well as to provide Council with the pertinent factors to consider the allocation of additional agricultural land parcels to emerging farmers.
3. **DELEGATED AUTHORITY**

Council
4. **EXECUTIVE SUMMARY**

The report provides insights to the farming activities of emerging farmers on municipal agricultural land and the progress made to avail more municipal land for emerging farmers.

38TH COUNCIL MEETING: 2020-10-28: ITEM 11.8.1

RESOLVED (majority vote)

- (a) that cognizance be taken of the farming activities as outlined in paragraph 6.3 of this report;
- (b) that an investigation be launched in respect of the land not previously allocated, as outlined in paragraph 6.4 of this report, for the use of livestock farming, specifically for the purposes of accommodating piggeries and bee farming, and that a report with recommendations in respect of such an investigation be tabled to Council;
- (c) that note be taken of the additional agricultural land parcels referred to in paragraph 6.5 of this report, and that the further investigation by the Directorate: Planning & Economic Development be supported to inform Council of the possible and best use of such agricultural land for the purpose of allocating such land to emerging farmers;

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- (d) that financial support mechanisms be investigated by the Directorate: Planning & Economic Development, in consultation with the Western Cape Government: Department of Agriculture (Farmers Support Programme) and the National Department of Rural Development and Land Reform, to support emerging farmers with potential infrastructure- and operational shortcomings;
- (e) that the Directorate: Planning & Economic Development submits the investigation report referred to in recommendation (d) above to Council for noting purposes, and to distribute the list of funding organisations and / or mechanisms to emerging farmers to assist with the compilation of their business plans; and
- (f) that the Department: Development Planning & Economic Development commences with research to provide proposals to enable emerging farmers with the option for the placement of accommodation units for security and storage purposes, which include ablution facilities on the individual land parcels which were allocated.

Cllrs DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Widmark Moses
POSITION	Manager; Economic Development & Tourism
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8179
E-MAIL ADDRESS	Widmark.Moses@ Stellenbosch.gov.za
REPORT DATE	20 August 2020

11.9	YOUTH, SPORTS AND CULTURE: (PC: CLLR M PIETERSEN)
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11.9.1	UNIVERSAL ACCESS POLICY REVIEW
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Collaborator No:

IDP KPA Ref No: Dignified Living: Municipal Focus Area 21

Meeting Date: 16 September 2020 and 28 October 2020

1. SUBJECT: UNIVERSAL ACCESS POLICY REVIEW

2. PURPOSE

To obtain Council approval for the Universal Access Policy Review.

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

Council approved the Universal Access Policy in April 2016. The first review includes progress evaluation of policy implementation and the introduction of the White Paper on the Rights of Persons with Disabilities.

38TH COUNCIL MEETING: 2020-10-28: ITEM 11.9.1

RESOLVED (majority vote with abstentions)

that the Revised Universal Access Policy be advertised for public participation.

FOR FURTHER DETAILS CONTACT:

NAME	Michelle Aalbers
POSITION	Manager Community Development
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	8408
E-MAIL ADDRESS	Michelle.aalbers@stellenbosch.gov.za
REPORT DATE	2020-08-23

11.10	MUNICIPAL MANAGER
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11.10.1	REVISED PERFORMANCE MANAGEMENT POLICY 2020/21
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Collaborator No: 692893
IDP KPA Ref No: Dignified Living: Municipal Focus Area 21
Meeting Date: 16 September 2020 and 28 October 2020

1. SUBJECT: REVISED PERFORMANCE MANAGEMENT POLICY 2020/21

2. PURPOSE

To submit the Revised Performance Management Policy 2020/21 for adoption.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Executive Mayor must, in terms of section 39 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA), manage the development of a performance management system and submit it to Council for adoption.

This Performance Management Policy has been revised to be applicable for the 2020/21 financial year to ensure the effective implementation of performance management.

38TH COUNCIL MEETING: 2020-10-28: ITEM 11.10.1

RESOLVED (majority vote with abstentions)

that Council adopts the Revised Performance Management Policy 2020/21.

FOR FURTHER DETAILS CONTACT:

NAME	Shireen De Visser
POSITION	Senior Manager: Governance
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8035
E-MAIL ADDRESS	shireen.devisser@stellenbosch.gov.za
REPORT DATE	02 September 2020

11.10.2	DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 JULY 2020 UNTIL 30 SEPTEMBER 2020
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Collaborator No:

IDP KPA Ref No: Good governance and Compliance

Meeting Date: 14 October 2020 and 28 October 2020

1. SUBJECT: DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 JULY 2020 UNTIL 30 SEPTEMBER 2020

2. 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 01 July 2020 until 30 September 2020, in compliance with Section 63 of the Local Government: Municipal Systems Act read in conjunction with the System of Delegations as approved by Council.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

In view of the legislative stipulations, attached is a summary as **ANNEXURE 1** of decisions taken by each Directorate. The report is for noting purposes.

- Please note that these delegations only indicate the delegations exercised as delegated by Council to the various Senior Managers.

38TH COUNCIL MEETING: 2020-10-28: ITEM 11.10.2

NOTED

the decisions taken, for the period 01 July 2020 until 30 September 2020, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler (01 July 2020 – 30 September 2020).
- Chief Financial Officer – Mr K Carolus (01 July 2020 – 30 September 2020).
- Director: Community & Protection Services – Mr G Boshoff (1 July 2020–30 September 2020)
- Director: Corporate Services – Ms A de Beer (01 July 2020 – 30 September 2020).
- Director: Infrastructure Services – Mr D Louw (01 July 2020 – 30 September 2020).
- Director: Planning and Economic Development – Mr A Barnes (1 July 2020 – 30 September 2020).

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@stellenbosch.gov.za
REPORT DATE	05 October 2020

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
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13.1	PROPOSED DISPOSAL (THROUGH A LAND AVAILABILITY AGREEMENT) OF MUNICIPAL LAND, ERF 7001, CLOETESVILLE, STELLENBOSCH AND THE APPOINTMENT OF A TURNKEY DEVELOPER / IMPLEMENTING AGENT IN ORDER TO FACILITATE THE DELIVERY OF GAP HOUSING UNITS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

28 October 2020

1. SUBJECT: PROPOSED DISPOSAL (THROUGH A LAND AVAILABILITY AGREEMENT) OF MUNICIPAL LAND, ERF 7001, CLOETESVILLE, STELLENBOSCH AND THE APPOINTMENT OF A TURNKEY DEVELOPER / IMPLEMENTING AGENT IN ORDER TO FACILITATE THE DELIVERY OF GAP HOUSING UNITS

2. PURPOSE

To consider:

- a) the disposal of municipal land, Erf 7001, Cloetesville, Stellenbosch through a Land Availability Agreement (LAA);
- b) to allow the Municipal Manager to commence the process of appointing a Turn-key Developer through a Call for Proposal in order to facilitate the delivery of a range of housing options on the land identified in (a) above and indicated on figures 1 and 3 below; and
- c) that a public participation process be followed on the possible disposal of Erf 7001, Cloetesville, Stellenbosch.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

In accordance with the housing need, Stellenbosch Municipality has identified a portion of land, Erf 7001 at Cloetesville for residential development. Ownership of the property currently vests with Stellenbosch Municipality. "Erf 7001, referred to as "Soek-mekaar" ... is characterised by numerous trees and is located immediately adjacent to a man-made water retention structure. Furthermore, it is situated a stone's throw away from Welgevonden Estate (gated community)."

The original reason that this portion of land for development was included in the housing pipeline, was specifically to address the needs of the backyarders residing primarily in privately owned properties. Hence a social economic survey was conducted to include the number of occupants in a structure, employment, health and education in order to comprehend the communities' needs and priorities.

The successful bidder will be appointed as a Turnkey Developer / Implementing Agent. Legal consideration is taken into account in the request for this proposal and include, Municipal Finance Management Act, No 56 of 2003 (MFMA), Asset Transfer Regulations (ATR) and the Disposal / Awarding of Rights.

The Developer is appointed as Turnkey Developer/ Implementing Agent of the Property on the basis that, it shall at all times act as an independent contractor and in accordance with the scope of its appointment detailed herein, account for the entire cost of the development and for its own profit and loss.

38TH COUNCIL MEETING: 2020-10-28: ITEM 13.1

RESOLVED (nem con)

- (a) that the Municipal Manager be authorised to conduct a public participation process to facilitate the determinations made by Council in terms of Section 14(2)(a) and (b) of the MFMA;
- (b) that Erf 7001, Cloetesville, Stellenbosch be identified as land not needed to provide the minimum level of basic municipal services in terms of Section 14(2)(a) of the Local Government: Municipal Finance Management Act, but that the land is required for the establishment of urban development and integrated human settlements;
- (c) that the Municipal Manager be authorised to follow a public participation process by requesting comments from the public;
- (d) that the public participation process be advertised in a newspaper in the area and communicated by the ward Councillors, and that it run for a period of 21 days from date of advertising;
- (e) that the item be re-submitted to Council after the public participation process;
- (f) that the Municipal Manager be authorized to finalise the Call for Proposals process with minimum requirements as determined through preliminary investigations to be completed by the administration;
- (g) that the property may be made available for development to the successful Bidder on the basis of a Land Availability Agreement (LAA); and
- (h) that the recovery of the land cost by the Municipality be achieved on the basis of a sliding scale that will benefit end-users in the lower-income housing categories.

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	14.10.2020

13.2	AMENDMENT TO CONTRACT B/SM 4/19 - PARKING MANAGEMENT SYSTEM FOR STELLENBOSCH MUNICIPALITY
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance & Compliance

28 October 2020

1. SUBJECT: AMENDMENT TO CONTRACT B/SM 4/19 - PARKING MANAGEMENT SYSTEM FOR STELLENBOSCH MUNICIPALITY

2. PURPOSE

To request Council to consider a further amendment to the Parking Service Provider's portion of the Parking Tariff within the Contract of Tender B/SM 04/19.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Tender B/SM 04/19 Parking Management System for Stellenbosch Municipality was awarded to Street Parking Solutions (Service Provider) on 14 December 2018, with an expiry date of 30 June 2021.

The Service Provider derives an income that is based on parking tariffs collected and percentage distribution (of this income) between the Council and the Service Provider. The approved tender stipulated a 50/50 (50%) split between the Service Provider and the Council.

Following a review of the Municipal Parking Tariffs, a decision was taken by Council to reduce the tariffs, a tariff reduction was implemented in August 2019, and further reductions implemented in September 2020.

Based on the reductions of parking tariffs, Council recently approved the amendment of the conditions of Tender Contract B/SM 04/19, to allow the Service Provider a percentage split of 76.9% of the tariffs collected.

As part of a Mediation Process (to resolve disputes), the Service Provider proposed a percentage split of 85% of the tariffs collected.

38TH COUNCIL MEETING: 2020-10-28: ITEM 13.2

During deliberations on the matter, Councillor P Crawley (Ms) requested that the following reasons be minuted:

Parking tariff split was originally 50/50

When Council considered the parking tariff adjustment and the income split between council and the service provider in council meeting of the 11 September 2020, it took the following into account:

- The impact that the reduce parking tariff will have on the service providers income.
- The impact of Covid-19 when the service provider was unable to operated.

It is for this reason that council decided on a 76.9% for Service provider and a 23.1% for Council. Further to this council published the proposed change for public comment and also send it on to the service provider for input and considered. The service provider provided no input nor any propose change during this time. Its only during the mediation process that the service provider propose a new spilt. Given the fact that council already took the income reduction into account when it proposed the spilt a further spilt is not viable. Council also need to take into account the financial implications of income spilt on the budget of the municipality. To this end, a further spilt in favour of the service provider cannot be supported and the following amendment is proposed.

RESOLVED (majority vote with abstentions)

- (a) that Council notes the request from the service provider for an increase;
- (b) that Council considered the increase as requested by the service provider; and
- (c) that Council, after considering the financial position of Council and given the impact of Covid-19, rejects the request by the service provider.

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

Cllrs FT Bangani-Menziwe (Ms); (Ms); C Moses (Ms); RS Nalumango; N Sinkinya (Ms) and LL Stander.

14.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
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14.1	QUESTION BY COUNCILLOR LK HORSBAND (MS): ASLA: IDA'S VALLEY HOUSING PROJECT
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A Notice of a Question, dated 2020-10-13, was received from Councillor LK Horsband (Ms) regarding ASLA: Ida's Valley Housing Project.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

FOR CONSIDERATION

38TH COUNCIL MEETING: 2020-10-28: ITEM 14.1

In view of the absence of the member,

The Speaker **RULED**

that this matter has lapsed.

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>October 2020</i>

14.2	QUESTION BY COUNCILLOR LK HORSBAND (MS): HIRING OF WATER TANKERS AND LABOUR COST
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A Notice of a Question, dated 2020-10-13, was received from Councillor LK Horsband (Ms) regarding hiring of water tankers and labour cost.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

FOR CONSIDERATION

38TH COUNCIL MEETING: 2020-10-28: ITEM 14.2

In view of the absence of the member,

The Speaker **RULED**

that this matter has lapsed.

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>October 2020</i>

14.3	QUESTION BY COUNCILLOR DA HENDRICKSE: SETTLEMENT AGREEMENTS
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A Notice of a Question, dated 2020-10-13, was received from Councillor DA Hendrickse regarding settlement agreements.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

FOR CONSIDERATION

38TH COUNCIL MEETING: 2020-10-28: ITEM 14.3

It is noted that Cllr DA Hendrickse was not satisfied with the written response from the Municipal Manager. The Speaker RULED that Cllr DA Hendrickse is welcome to submit, in writing, a follow-up question.

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>October 2020</i>

14.4	QUESTION BY COUNCILLOR DA HENDRICKSE: TENDER BSM 07/19
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A Notice of a Question, dated 2020-10-13, was received from Councillor DA Hendrickse regarding Tender BSM 07/19.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

FOR CONSIDERATION

38TH COUNCIL MEETING: 2020-10-28: ITEM 14.4

It is noted that Cllr DA Hendrickse was satisfied with the written response from the Municipal Manager and did not have a follow-up question.

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>October 2020</i>

15.	CONSIDERATION OF URGENT MOTIONS
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NONE

16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

17.	REPORTS SUBMITTED BY THE SPEAKER
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17.1	REPORT TO COUNCIL REGARDING THE INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY COUNCILLOR F ADAMS
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Collaborator No:
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 28 October 2020

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 Cllr F. Adams, which was done in terms of item 14 of Schedule 1 of the Local Government: Municipal Systems Act 32 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 complaints received against Councillor Adams.

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

38TH COUNCIL MEETING: 2020-10-28: ITEM 17.1

Before deliberations on the matter, the Executive Mayor, Ald G Van Deventer (Ms); Cllrs P Crawley (Ms) and AR Frazenburg recused themselves for the duration of the matter.

RESOLVED (majority vote with abstentions)

- (a) that the matter 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 in the event of a guilty finding.

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

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	28 October 2020

17.2	REPORT ON NON-ATTENDANCE OF THREE OR MORE CONSECUTIVE COUNCIL MEETINGS RE: COUNCILLOR MD OLIPHANT
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Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 28 October 2020

1. SUBJECT: REPORT ON NON-ATTENDANCE OF THREE OR MORE CONSECUTIVE COUNCIL MEETINGS RE: COUNCILLOR MD OLIPHANT

2. To recommend to Council an appropriate sanction as per the Act and council by-laws to be imposed for non-attendance of three consecutive meetings of Council by a Councillor.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The Systems Act, as per Schedule 1 of the Code of Conduct for Councillors, determines the mechanism of accountability in fulfilling the role of a Councillor. The same Act also makes provision for rules and procedures should councillors not adhere to the rules.

The Stellenbosch Municipality's Standing Rules and Order By-law (40.1) determines that all councillors must punctually attend each meeting of Council unless leave of absence has been granted. In connection with Leave of Absence from any Council or committee meeting, the By-law stipulates that an Application for Leave of Absence must be submitted to the single whip for approval by the Speaker. The application must be in writing and signed by the member applying for leave.

Rule 40.1 of the by-law reads: "Should any member of the Council or a committee of Council fail to attend three consecutive meetings of the relevant body without leave of absence having been granted as contemplated in rule 21, item 4 of the Code of Conduct (Schedule 1 to the Systems Act) applies".

Cllr MD Oliphant has been in breach of the requirement pertaining to the non-attendance by committee members for his absence of three meetings of Council, alternatively, in non-compliance with the requirement to submit a formal Application for Leave of Absence on the three occasions as indicated in the Attendance Registers attached as **APPENDIX B**.

Hence, an appropriate sanction is applicable, in line with the Municipal Systems Act as per Schedule 1 of the Code of Conduct for Councillors rule 4.2 Sanctions for non-attendance which reads: "4.2 A councillor who is absent from three or more consecutive meetings of a municipal council, or from three or more consecutive meetings of a committee, which that councilor is required to attend in terms of item 3, must be removed from office as a counselor".

38TH COUNCIL MEETING: 2020-10-28: ITEM 17.2

During deliberations on the matter, the DA requested a 5 minute break, which the Speaker allowed.

After the meeting resumed, it was

RESOLVED (majority vote with abstentions)

- (a) that Council notes the absence without substantiated evidence of Cllr MD Oliphant from the respective three Council meetings dated Wednesday, 29 July 2020, Monday 24th August 2020 and Friday 11th September 2020;
- (b) that Council notes that the Councillor was requested to provide input by the Speaker's Office; and
- (c) that the matter be referred to the Disciplinary Committee for finalization of the process.

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

FOR FURTHER DETAILS CONTACT:

NAME	JC Anthony
POSITION	Support Staff
DIRECTORATE	Office of the Speaker
CONTACT NUMBERS	021 808-8042
E-MAIL ADDRESS	Speaker.admin@stellenbosch.gov.za
REPORT DATE	2020-10-05

18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

19.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

The meeting adjourned at 16:20.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**