

**Table C6: Monthly Budget Statement – Financial Position**

WC024 Stellenbosch - Table C6 Monthly Budget Statement - Financial Position - Q3 Third Quarter

Description	Ref	2017/18	Budget Year 2018/19			
		Audited Outcome	Original Budget	Adjusted Budget	YearTD actual	Full Year Forecast
R thousands	1					
<b>ASSETS</b>						
<b>Current assets</b>						
Cash		23 233	6 237	6 237	128 568	6 237
Call investment deposits		505 594	417 496	405 173	465 274	417 496
Consumer debtors		195 911	165 802	165 802	207 020	165 802
Other debtors		135 159	178 277	178 277	10 308	178 277
Current portion of long-term receivables		1 600	2 332	2 332	1 600	2 332
Inventory		46 991	52 125	52 125	46 991	52 125
<b>Total current assets</b>		<b>908 487</b>	<b>822 269</b>	<b>809 946</b>	<b>859 761</b>	<b>822 269</b>
<b>Non current assets</b>						
Long-term receivables		2 158	3 600	3 600	2 158	3 600
Investments				-		-
Investment property		423 252	407 389	407 389	422 974	407 389
Investments in Associate			-	-		-
Property, plant and equipment		4 710 275	5 076 612	5 112 122	4 803 490	5 076 612
Agricultural			-	-		-
Biological		6 321	9 938	9 938	6 321	9 938
Intangible		8 368	7 597	7 597	8 233	7 597
Other non-current assets		774	2 424	2 424	774	2 424
<b>Total non current assets</b>		<b>5 151 150</b>	<b>5 507 560</b>	<b>5 543 069</b>	<b>5 243 951</b>	<b>5 507 560</b>
<b>TOTAL ASSETS</b>		<b>6 059 637</b>	<b>6 329 829</b>	<b>6 353 016</b>	<b>6 103 712</b>	<b>6 329 829</b>
<b>LIABILITIES</b>						
<b>Current liabilities</b>						
Bank overdraft			-	-		-
Borrowing		14 502	15 245	15 245	7 465	15 245
Consumer deposits		15 674	14 274	14 274	15 674	14 274
Trade and other payables		342 059	241 570	241 570	187 219	241 570
Provisions		48 967	54 737	54 737	48 967	54 737
<b>Total current liabilities</b>		<b>421 202</b>	<b>325 826</b>	<b>325 826</b>	<b>259 324</b>	<b>325 826</b>
<b>Non current liabilities</b>						
Borrowing		158 800	321 540	321 540	158 800	321 540
Provisions		298 352	279 680	279 680	298 352	279 680
<b>Total non current liabilities</b>		<b>457 152</b>	<b>601 220</b>	<b>601 220</b>	<b>457 152</b>	<b>601 220</b>
<b>TOTAL LIABILITIES</b>		<b>878 354</b>	<b>927 046</b>	<b>927 046</b>	<b>716 476</b>	<b>927 046</b>
<b>NET ASSETS</b>	2	<b>5 181 283</b>	<b>5 402 784</b>	<b>5 425 970</b>	<b>5 387 235</b>	<b>5 402 784</b>
<b>COMMUNITY WEALTH/EQUITY</b>						
Accumulated Surplus/(Deficit)		5 181 283	5 402 784	5 425 970	5 387 235	5 425 970
Reserves						
<b>TOTAL COMMUNITY WEALTH/EQUITY</b>	2	<b>5 181 283</b>	<b>5 402 784</b>	<b>5 425 970</b>	<b>5 387 235</b>	<b>5 425 970</b>

**Table C7: Monthly Budget Statement – Cash Flow**

WC024 Stellenbosch - Table C7 Monthly Budget Statement - Cash Flow - Q3 Third Quarter

Description	Ref	2017/18	Budget Year 2018/19							
		Audited Outcome	Original Budget	Adjusted Budget	Monthly actual	YearTD actual	YearTD budget	YTD variance	YTD variance %	Full Year Forecast
<b>R thousands</b>	1									
<b>NG ACTJ</b>										
<b>pts</b>										
Property rates		306 230	316 135	331 135	20 978	272 012	238 395	33 618	14%	331 135
Service charges		834 193	900 261	870 261	46 311	597 898	671 844	(73 946)	-11%	870 261
Other revenue		97 942	80 177	77 677	4 435	51 511	54 476	(2 965)	-5%	77 677
Government - operating		167 293	144 700	158 593	36 980	111 171	152 890	(41 720)	-27%	158 593
Government - capital		70 406	91 804	89 559	27 170	62 772	90 740	(27 968)	-31%	89 559
Interest		61 343	55 654	55 654	4 281	39 858	35 527	4 331	12%	55 654
Dividends			-	-		-		-		-
<b>Payments</b>										
Suppliers and employees		(1 093 108)	(1 220 988)	(1 229 762)	(92 862)	(804 131)	(892 653)	(88 522)	10%	(1 229 762)
Finance charges		(18 451)	(26 477)	(20 477)	-	(8 730)	(8 707)	23	0%	(20 477)
Transfers and Grants		(6 261)	(9 102)	(9 102)	(65)	(12 610)	(9 102)	3 507	-39%	(9 102)
<b>NET CASH FROM/(USED) OPERATING ACTIVITIES</b>		<b>419 586</b>	<b>332 164</b>	<b>323 538</b>	<b>47 225</b>	<b>309 751</b>	<b>333 409</b>	<b>23 658</b>	<b>7%</b>	<b>323 538</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>										
<b>Receipts</b>										
Proceeds on disposal of PPE		1 187	-	-		-		-		-
Decrease (Increase) in non-current debtors		1 354	-	-		-		-		-
Decrease (increase) other non-current receivables			-	-		-		-		-
Decrease (increase) in non-current investments			-	-	30 293	(14 071)	-	(14 071)	#DIV/0!	-
<b>Payments</b>										
Capital assets		(433 396)	(528 041)	(563 550)	(31 023)	(223 566)	(245 584)	(22 018)	9%	(563 550)
<b>NET CASH FROM/(USED) INVESTING ACTIVITIES</b>		<b>(430 854)</b>	<b>(528 041)</b>	<b>(563 550)</b>	<b>(730)</b>	<b>(237 638)</b>	<b>(245 584)</b>	<b>(7 946)</b>	<b>3%</b>	<b>(563 550)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>										
<b>Receipts</b>										
Short term loans			-	-				-		-
Borrowing long term/refinancing			160 000	160 000			160 000	(160 000)	-100%	160 000
Increase (decrease) in consumer deposits		1 097	-	-				-		-
<b>Payments</b>										
Repayment of borrowing		(13 084)	(15 391)	(15 391)	-	(7 037)	(6 546)	492	-8%	(15 391)
<b>NET CASH FROM/(USED) FINANCING ACTIVITIES</b>		<b>(11 987)</b>	<b>144 609</b>	<b>144 609</b>	<b>-</b>	<b>(7 037)</b>	<b>153 454</b>	<b>160 492</b>	<b>105%</b>	<b>144 609</b>
<b>NET INCREASE/ (DECREASE) IN CASH HELD</b>		<b>(23 254)</b>	<b>(51 267)</b>	<b>(95 403)</b>	<b>46 495</b>	<b>65 075</b>	<b>241 279</b>			<b>(95 403)</b>
Cash/cash equivalents at beginning:		46 488	475 000	528 766		528 766	528 766			528 766
Cash/cash equivalents at month/year end:		23 233	423 733	433 363		593 842	770 045			433 363

## 11. Supporting Documentation

### Debtors Age Analysis

#### Supporting Table SC3: Monthly Budget Statement - Aged Debtors

WC024 Stellenbosch - Supporting Table SC3 Monthly Budget Statement - aged debtors - Q3 Third Quarter

Description	NT Code	Budget Year 2018/19									Total over 90 days	Actual Bad Debts Written Off against Debtors	Impairment - Bad Debts i.t.o Council Policy	
		0-30 Days	31-60 Days	61-90 Days	91-120 Days	121-150 Dys	151-180 Dys	181 Dys-1 Yr	Over 1Yr	Total				
R thousands														
Debtors Age Analysis By Income Source														
Trade and Other Receivables from Exchange Transactions - Water	1200	15 548	2 593	2 250	2 924	56 860					80 176	59 784		
Trade and Other Receivables from Exchange Transactions - Electricity	1300	27 238	296	218	193	5 841					33 786	6 034		
Receivables from Non-exchange Transactions - Property Rates	1400	13 789	761	626	707	22 160					38 044	22 867		
Receivables from Exchange Transactions - Waste Water Management	1500	4 937	517	455	405	15 716					22 031	16 121		
Receivables from Exchange Transactions - Waste Management	1600	3 030	457	464	414	17 828					22 193	18 241		
Receivables from Exchange Transactions - Property Rental Debtors	1700	2 093	137	131	125	8 304					10 791	8 429		
Interest on Arrear Debtor Accounts	1810	-	-	-	-	-					-	-		
Recoverable unauthorised, irregular, fullless and wasteful expenditure	1820	-	-	-	-	-					-	-		
Other	1900	831	109	60	36	9 272					10 308	9 308		
<b>Total By Income Source</b>	<b>2000</b>	<b>67 467</b>	<b>4 872</b>	<b>4 205</b>	<b>4 804</b>	<b>135 981</b>	-	-	-	-	<b>217 328</b>	<b>140 785</b>	-	-
2017/18 - totals only														
Debtors Age Analysis By Customer Group														
Organs of State	2200	2 625	224	150	51	1 984					5 034	2 035		
Commercial	2300	11 833	249	121	281	12 259					24 743	12 540		
Households	2400	36 895	4 044	3 636	3 707	103 598					151 880	107 304		
Other	2500	16 113	355	298	765	18 141					35 672	18 906		
<b>Total By Customer Group</b>	<b>2600</b>	<b>67 467</b>	<b>4 872</b>	<b>4 205</b>	<b>4 804</b>	<b>135 981</b>	-	-	-	-	<b>217 328</b>	<b>140 785</b>	-	-

### Creditors Age Analysis

#### Supporting Table SC4: Monthly Budget Statement – Aged Creditors

WC024 Stellenbosch - Supporting Table SC4 Monthly Budget Statement - aged creditors - Q3 Third Quarter

Description	NT Code	Budget Year 2018/19									Total	Prior year totals for chart (same period)
		0 - 30 Days	31 - 60 Days	61 - 90 Days	91 - 120 Days	121 - 150 Days	151 - 180 Days	181 Days - 1 Year	Over 1 Year			
R thousands												
Creditors Age Analysis By Customer Type												
Bulk Electricity	0100										-	-
Bulk Water	0200										-	-
PAYE deductions	0300	6 260									6 260	5 765
VAT (output less input)	0400										-	4 102
Pensions / Retirement deductions	0500	-									-	-
Loan repayments	0600	-									-	-
Trade Creditors	0700	141 775									141 775	69 717
Auditor General	0800	-									-	-
Other	0900	-									-	-
<b>Total By Customer Type</b>	<b>1000</b>	<b>148 035</b>	-	-	-	-	-	-	-	-	<b>148 035</b>	<b>79 584</b>

## Investments and Borrowings

## Supporting Table SC5: Monthly Budget Statement – Investment Portfolio

WC024 Stellenbosch - Supporting Table SC5 Monthly Budget Statement - investment portfolio - Q3 Third Quarter

Investments by maturity Name of institution & investment ID	Ref	Period of Investment	Type of Investment	Expiry date of investment	Accrued interest for the month	Yield for the month 1 (%)	Market value at beginning of the month	Change in market value	Market value at end of the month
		Yrs/Months							
R thousands									
<b>Municipality</b>									
F#0999		6 month	Fixed Deposit	Wednesday, 10 October 2018	-	8.0%	0		0
N#008		4 month	Fixed Deposit	Wednesday, 18 April 2018	0	6.3%	165	(165)	0
N#013 NEDBANK		6 month	Fixed Deposit	Wednesday, 02 January 2019	-	8.2%	-	-	-
N#015		12 month	Fixed Deposit	Friday, 11 October 2019	845	9.1%	113 846		114 691
N#014 - NEDBANK		12 month	Fixed Deposit	Friday, 06 September 2019	922	9.1%	125 237		126 159
S#21- STANDARD BANK		Call Account	Call Account	Call Account	244	6.5%	41 536		41 780
S#22 - STANDARD BANK		8 month	Fixed Deposit	Saturday, 04 May 2019	203	8.3%	31 187		31 390
S#23 - STANDARD BANK		4 month	Fixed Deposit	Monday, 11 February 2019	-	7.8%	-	-	-
I#450 INVESTEC BANK		3 month	Fixed Deposit	Tuesday, 01 January 2019		7.7%	0		0
New Republic Bank						0.0%	171		171
A#8865		2 month	Fixed Deposit	Monday, 29 April 2019	356	7.7%	50 000	-	50 356
I#307		3 month	Fixed Deposit	Monday, 27 May 2019	727		100 000	-	100 727
Municipality sub-total					3 298		462 140	(165)	465 274
<b>Entities</b>									
Entities sub-total					-		-	-	-
<b>TOTAL INVESTMENTS AND INTEREST</b>	<b>2</b>				<b>3 298</b>		<b>462 140</b>	<b>(165)</b>	<b>465 274</b>

## Supporting Table SC6: Monthly Budget Statement – Transfers and grant receipts

WC024 Stellenbosch - Supporting Table SC6 Monthly Budget Statement - transfers and grant receipts - Q3 Third Quarter

Description	Ref	Budget Year 2018/19								
		2017/18 Audited Outcome	Original Budget	Adjusted Budget	Monthly actual	YearTD actual	YearTD budget	YTD variance	YTD variance %	Full Year Forecast
<b>R thousands</b>										
<b>RECEIPTS:</b>	1.2									
<b>Operating Transfers and Grants</b>										
National Government:		-	131 448	131 448	35 120	133 808	125 032	6 416	5.1%	131 448
Local Government Equitable Share			124 176	124 176	31 044	124 176	117 760	6 416	5.4%	124 176
EPWP Integrated Grant for Municipalities			5 722	5 722	1 716	5 722	5 722			5 722
Local Government Financial Management Grant			1 550	1 550	-	1 550	1 550			1 550
Natural Resources Management Grant					2 360	2 360	-			
	3									
Other transfers and grants [insert description]										
Provincial Government:		-	13 252	26 905	1 860	14 685	26 777	(11 859)	-44.3%	26 905
Library Services: Conditional Grant			12 210	12 210	-	12 210	12 210	-		12 210
Community Development Workers Operational Support Grant			56	56	-	-	-			56
Human Settlements Development Grant				11 931	-	-	11 931	(11 931)	-100.0%	11 931
LG Graduate Internship Grant				72	72	72	-	72	#DIV/0!	72
WC Financial Management Support Grant			255	255	-	255	255			255
Financial Management Capacity Building Grant			360	360	-	360	360			360
Maintenance and Construction of Transport Infrastructure			371	371	371	371	371	-		371
Title Deeds Restroration			-	1 650	1 417	1 417	1 650			1 650
District Municipality:		-	-	-	-	-	-	-		-
[insert description]										
Other grant providers:		-	-	-	-	-	-	-		-
[insert description]										
<b>Total Operating Transfers and Grants</b>	5	-	144 700	158 353	36 980	148 493	151 809	(5 443)	-3.6%	158 353
<b>Capital Transfers and Grants</b>										
National Government:		-	40 107	44 482	11 665	42 258	31 321	11 702	37.4%	40 107
Municipal Infrastructure Grant (MIG)			35 107	35 107	12 607	35 107	23 405	11 702	50.0%	35 107
Integrated National Electrification Programme (Municipal) Grant			5 000	5 000	-	5 000	5 000			5 000
Shared Economic Infrastructure Facility				4 375	(942)	2 151	2 917			
Other capital transfers [insert description]										
Provincial Government:		-	51 697	51 697	15 505	20 515	30 801	(10 287)	-33.4%	51 697
Human Settlements Development Grant			48 094	48 094	15 505	16 912	27 198	(10 287)	-37.8%	48 094
RSEP/ VPUU										
Maintenance and Construction of Transport Infrastructure										
Library Services: Conditional Grant										
Integrated Transport Planning			600	600	-	600	600			600
Fire Services Capacity Building Grant			3 003	3 003	-	3 003	3 003			3 003
District Municipality:		-	-	-	-	-	-	-		-
[insert description]										
Other grant providers:		-	-	-	-	-	-	-		-
[insert description]										
<b>Total Capital Transfers and Grants</b>	5	-	91 804	96 179	27 170	62 772	62 122	1 416	2.3%	91 804
<b>TOTAL RECEIPTS OF TRANSFERS &amp; GRANTS</b>	5	-	236 504	254 532	64 149	211 265	213 931	(4 027)	-1.9%	250 157

## Supporting Table SC7 (1) Monthly Budget Statement – transfers and grant expenditure

WC024 Stellenbosch - Supporting Table SC7(1) Monthly Budget Statement - transfers and grant expenditure - Q3 Third Quarter

Description	Ref	2017/18	Budget Year 2018/19							
		Audited Outcome	Original Budget	Adjusted Budget	Monthly actual	YearTD actual	YearTD budget	YTD variance	YTD variance %	Full Year Forecast
R thousands										
<b>EXPENDITURE</b>										
<b>Operating expenditure of Transfers and Grants</b>										
National Government:		-	131 448	131 448	5 185	22 455	129 630	(107 175)	-82.7%	131 448
Local Government Equitable Share			124 176	124 176	2 347	18 096	124 176	(106 080)	-85.4%	124 176
EPWP Integrated Grant for Municipalities			5 722	5 722	2 474	3 726	4 292	(565)	-13.2%	5 722
Local Government Financial Management Grant			1 550	1 550	364	633	1 163	(530)	-45.6%	1 550
Natural Resources Management Grant										
Other transfers and grants [insert description]										
Provincial Government:		-	61 346	22 794	1 162	7 634	16 367	(9 104)	-55.6%	22 794
Library Services: Conditional Grant			12 210	12 210	1 075	7 059	9 158	(2 099)	-22.9%	12 210
Community Development Workers Operational Support Grant			56	56	16	24	42	(18)	-44.0%	56
Human Settlements Development Grant			48 094	9 230	37	37	6 923	(6 885)	-99.5%	9 230
LG Graduate Internship Grant				72	-	-	54	(54)	-100.0%	72
WC Financial Management Support Grant			255	255	33	144	191	(47)	-24.7%	255
Financial Management Capacity Building Grant			360	600	-	-	450	(450)	-100.0%	600
Maintenance and Construction of Transport Infrastructure			371	371	-	371	278	93	33.3%	371
Title Deeds Restoration			-	1 650	-	-	1 238	(1 238)	-100.0%	1 650
Spatial Development framework										
District Municipality:		-	-	-	-	-	-	-	-	-
[insert description]										
Other grant providers:		-	-	1 720	-	-	1 147	(1 147)	-100.0%	-
LG SETA			-	1 500	-	-	1 000	(1 000)	-100.0%	
Blaauwklippen			-	220	-	-	147	(147)	-100.0%	
<b>Total operating expenditure of Transfers and Grants:</b>		<b>-</b>	<b>192 794</b>	<b>155 962</b>	<b>6 347</b>	<b>30 089</b>	<b>147 144</b>	<b>(117 426)</b>	<b>-79.8%</b>	<b>154 242</b>
<b>Capital expenditure of Transfers and Grants</b>										
National Government:		-	40 107	44 482	84	22 224	33 362	(8 987)	-26.9%	44 482
Municipal Infrastructure Grant (MIG)			35 107	35 107	-	19 079	26 330	(7 251)	-27.5%	35 107
Integrated National Electrification Programme (Municipal) Grant			5 000	5 000	84	3 144	3 750	(606)	-16.2%	5 000
Shared Economic Infrastructure Facility			-	4 375	-	-	3 281	(1 130)	-34.5%	4 375
Provincial Government:		-	51 697	64 396	9 937	20 295	36 706	(16 411)	-44.7%	64 396
Human Settlements Development Grant			48 094	60 793	9 642	19 706	34 004	(14 298)	-42.0%	60 793
RSEPI/VPUU										
Maintenance and Construction of Transport Infrastructure										
Library Services: Conditional Grant										
Integrated Transport Planning			600	600	295	589	450	139	30.9%	600
Fire Services Capacity Building Grant			3 003	3 003	-	-	2 252	(2 252)	-100.0%	3 003
District Municipality:		-	-	-	-	-	-	-	-	-
Human Settlements Development Grant										
RSEPI/VPUU										
Other grant providers:		-	-	150	-	-	150	(150)	-100.0%	-
Blaauwklippen				150			150	(150)	-100.0%	
<b>Total capital expenditure of Transfers and Grants</b>		<b>-</b>	<b>91 804</b>	<b>109 027</b>	<b>10 021</b>	<b>42 519</b>	<b>70 217</b>	<b>(25 548)</b>	<b>-36.4%</b>	<b>108 878</b>
<b>TOTAL EXPENDITURE OF TRANSFERS AND GRANTS</b>		<b>-</b>	<b>284 598</b>	<b>264 990</b>	<b>16 368</b>	<b>72 608</b>	<b>217 361</b>	<b>(142 973)</b>	<b>-65.8%</b>	<b>263 120</b>

## Supporting Table SC7 (2) Monthly Budget Statement – expenditure against approved roll-overs

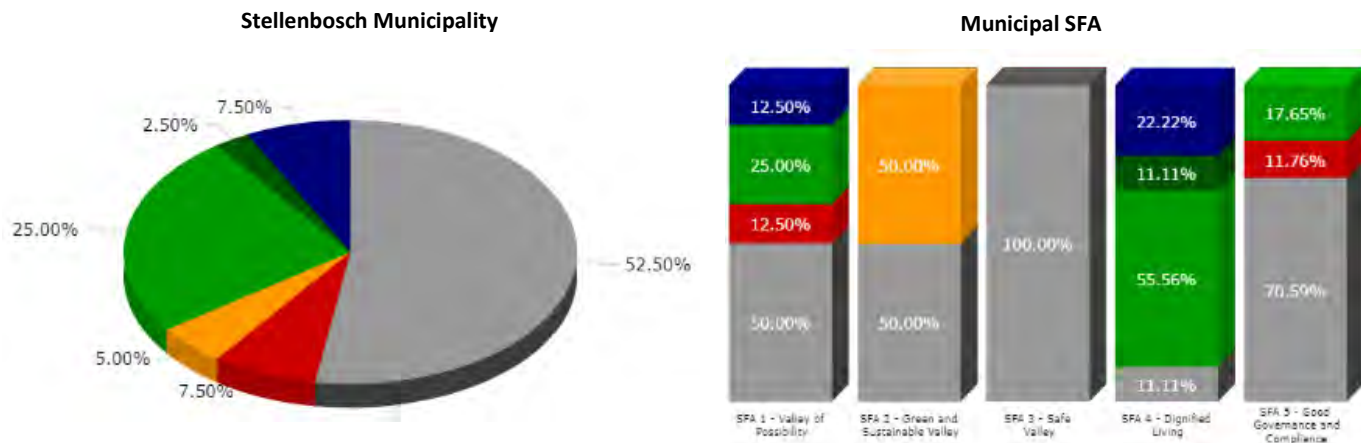
WC024 Stellenbosch - Supporting Table SC7(2) Monthly Budget Statement - Expenditure against approved rollovers - Q3 Third Quar

Description	Ref	Budget Year 2018/19				
		Approved Rollover 2017/18	Monthly actual	YearTD actual	YTD variance	YTD variance %
<b>R thousands</b>						
<b>EXPENDITURE</b>						
<b>Operating expenditure of Approved Roll-overs</b>						
<b>National Government:</b>		-	-	-	-	
Local Government Equitable Share		-	-	-	-	
EPWP Integrated Grant for Municipalities		-	-	-	-	
Local Government Financial Management Grant		-	-	-	-	
Natural Resources Management Grant		-	-	-	-	
Other transfers and grants [insert description]		-	-	-	-	
<b>Provincial Government:</b>		7 226	-	619	6 607	91.4%
Library Services: Conditional Grant		-	-	-	-	
Human Settlements Development Grant		6 986	-	619	6 367	91.1%
LG Graduate Internship Grant		-	-	-	-	
Maintenance and Construction of Transport Infrastructure		240	-	-	240	100.0%
<b>District Municipality:</b>		-	-	-	-	
[insert description]		-	-	-	-	
<b>Other grant providers:</b>		-	-	-	-	
[insert description]		-	-	-	-	
<b>Total operating expenditure of Approved Roll-overs</b>		7 226	-	619	6 607	91.4%
<b>Capital expenditure of Approved Roll-overs</b>						
<b>National Government:</b>		-	-	-	-	
Municipal Infrastructure Grant (MIG)		-	-	-	-	
Other capital transfers [insert description]		-	-	-	-	
<b>Provincial Government:</b>		14 943	498	14 943	-	
#REF!		14 943	498	14 943	-	
<b>District Municipality:</b>		-	-	-	-	
Other grant providers:		-	-	-	-	
<b>Total capital expenditure of Approved Roll-overs</b>		14 943	498	14 943	-	
<b>TOTAL EXPENDITURE OF APPROVED ROLL-OVERS</b>		22 169	498	15 562	6 607	29.8%

## 12. Quarterly Performance Assessment Report, Q3 (01 January – 31 March 2019)

### 12.1 OVERALL PERFORMANCE OF THE MUNICIPALITY

(a) Dashboard summary per Municipal Strategic Focus Area (SFA) for the period 01 January – 31 March 2019.



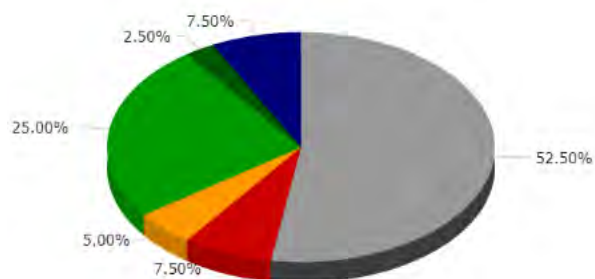
Stellenbosch Municipality		Municipal Strategic Focus Areas (SFAs)				
		SFA 1 - Valley of Possibility	SFA 2 - Green and Sustainable Valley	SFA 3 - Safe Valley	SFA 4 - Dignified Living	SFA 5 - Good Governance and Compliance
KPI Not Yet Measured	21 (52.50%)	4 (50.00%)	2 (50.00%)	2 (100.00%)	1 (11.11%)	12 (70.59%)
KPI Not Met	3 (7.50%)	1 (12.50%)	-	-	-	2 (11.76%)
KPI Almost Met	2 (5.00%)	-	2 (50.00%)	-	-	-
KPI Met	10 (25.00%)	2 (25.00%)	-	-	5 (55.56%)	3 (17.65%)
KPI Well Met	1 (2.50%)	-	-	-	1 (11.11%)	-
KPI Extremely Well Met	3 (7.50%)	1 (12.50%)	-	-	2 (22.22%)	-
<b>Total:</b>	<b>40 (100%)</b>	<b>8 (20.00%)</b>	<b>4 (10.00%)</b>	<b>2 (5.00%)</b>	<b>9 (22.50%)</b>	<b>17 (42.50%)</b>

Table: 1 Overall performance per SFA- 01 January – 31 March 2019

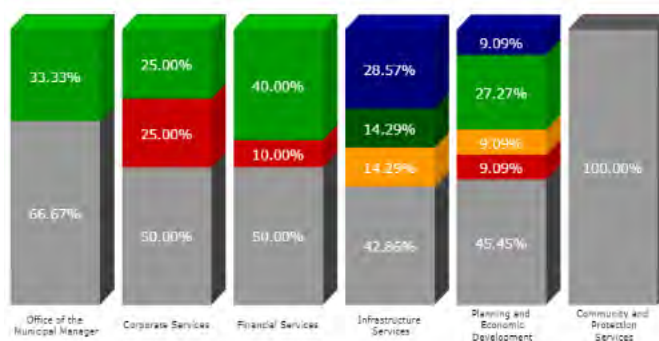


- (b) Dashboard summary of the Top Layer Key Performance Indicators per Municipal Directorate **01 January – 31 March 2019.**

### Stellenbosch Municipality



### Directorate



Stellenbosch Municipality		Municipal Directorates					
		Office of the Municipal Manager	Corporate Services	Financial Services	Infrastructure Services	Planning & Economic Development	Community & Protection Services
KPI Not Yet Measured	21 (52.50%)	4 (66.67%)	2 (50.00%)	5 (50.00%)	3 (42.86%)	5 (45.45%)	2 (100.00%)
KPI Not Met	3 (7.50%)	-	1 (25.00%)	1 (10.00%)	-	1 (9.09%)	-
KPI Almost Met	2 (5.00%)	-	-	-	1 (14.29%)	1 (9.09%)	-
KPI Met	10 (25.00%)	2 (33.33%)	1 (25.00%)	4 (40.00%)	-	3 (27.27%)	-
KPI Well Met	1 (2.50%)	-	-	-	1 (14.29%)	-	-
KPI Extremely Well Met	3 (7.50%)	-	-	-	2 (28.57%)	1 (9.09%)	-
<b>Total:</b>	<b>40 (100%)</b>	<b>6 (15.00%)</b>	<b>4 (10.00%)</b>	<b>10 (25.00%)</b>	<b>7 (17.50%)</b>	<b>11 (27.50%)</b>	<b>2 (5.00%)</b>

Table: 2 Overall performance per Municipal Directorate- 01 January – 31 March 2019

### 13. Actual Strategic Performance and corrective measures that will be implemented

#### 13.1 SFA 1 - Valley of Possibility

SFA 1 - VALLEY OF POSSIBILITY											
Ref	IDP Ref	Pre-determined Objectives	KPI	Unit of Measurement	Annual Target	Revised Target	01 January – 31 March 2019				
							Target	Actual	R	Departmental SDBIP Comments	Departmental Corrective Measures
TL1		SFA 1 - Valley of Possibility	The number of jobs created through the Municipality's local economic development initiatives including capital projects (NKPI Proxy - MSA, Reg. S10(d))	Number of job opportunities created by 30 June	106	106	25	45	B		
TL2		SFA 1 - Valley of Possibility	Land-use applications submitted to the Municipal Planning Tribunal within 120 days.	Percentage of land-use application submitted to the Municipal Planning Tribunal within 120 days after receipt of application	80%	80%	80%	46.15%	R	6 / 13 x 100 = 46.15%	There are two vacant post in the Land Use Management Section. These positions will be advertised during May 2019. It is anticipated that these positions will be filled during August 2019 to alleviate the capacity constraints currently experienced by the Department.
TL3		SFA 1 - Valley of Possibility	Training opportunities provided for Small, Medium and Micro Enterprises (SMMEs)	Number of training opportunities provided quarterly for entrepreneurs and SMMEs	4	4	1	1	G		
TL4		SFA 1 - Valley of Possibility	Revised Spatial Development Framework (SDF) submitted to Council	Number of revised SDFs submitted to Council by 31 May	1	1	0	0	N/A		
TL5		SFA 1 - Valley of Possibility	Expenditure of the Kayamandi Town Centre capital project measured quarterly in terms of the approved Capital Budget spent	Percentage of the Kayamandi Town Centre Capital Budget actually spent by 30 June	90%	90%	0%	0%	N/A		
TL6		SFA 1 - Valley of Possibility	Revised housing pipeline submitted to MayCo	Number of revised housing pipelines submitted to MayCo by 31 March	1	1	1	1	G		
TL7		SFA 1 - Valley of Possibility	Human Settlements Plan submitted to Council	Number of Human Settlements Plans submitted to Council by 30 June	1	1	0	0	N/A		
TL45	New KPI	SFA 1 - Valley of Possibility	Urban Development Strategy submitted to Council	Number of Urban Development Strategies submitted to Council by 30 June	1	0	0	0	N/A		

**Summary of Results: SFA 1 - Valley of Possibility**

KPI Not Yet Measured	4
KPI Not Met	1
KPI Almost Met	0
KPI Met	2
KPI Well Met	0
KPI Extremely Well Met	1
<b>Total KPIs</b>	<b>8</b>

## 13.2 SFA 2 - Green and Sustainable Valley

SFA 2 - GREEN AND SUSTAINABLE VALLEY											
Ref	IDP Ref	Pre-determined Objectives	KPI	Unit of Measurement	Annual Target	Revised Target	01 January – 31 March 2019				
							Target	Actual	R	Departmental SDBIP Comments	Departmental Corrective Measures
TL8		SFA 2 - Green and Sustainable Valley	External Audit of the Stellenbosch Municipality Waste Disposal Facilities conducted	Number of external audits of the Stellenbosch Municipality Waste Disposal Facilities conducted by 30 June	5	1	0	0	N/A		
TL9		SFA 2 - Green and Sustainable Valley	Waste Management By-Law adopted by Council	Number of Waste Management By-Laws adopted by Council by 30 June	1	1	0	0	N/A		
TL10		SFA 2 - Green and Sustainable Valley	Building applications processed within the prescribed / legislated period	Percentage of building plans processed within the prescribed / legislated period	90%	90%	90%	87.56%	○	190 / 217 x 100 = 87.56%	Departments responsible to provide comments on building plans will be provided with a key performance indicator in the 2019/20 financial year to assist with the timeous completion of building plan applications.
TL11		SFA 2 - Green and Sustainable Valley	Waste water quality managed and measured annually ito the SANS Accreditation physical and micro parameters	Percentage waste water quality compliance as per analysis certificate measured quarterly	70%	70%	70%	57%	○	The reactor at the Wemmershoek Waste Water Treatment Works were broken.	Repairs on the reactor at the Wemmershoek Waste Water Treatment Works were completed on 08 April 2019.

### Summary of Results: SFA 2 - Green and Sustainable Valley

KPI Not Yet Measured	2
KPI Not Met	0
KPI Almost Met	2
KPI Met	0
KPI Well Met	0
KPI Extremely Well Met	0
<b>Total KPIs</b>	<b>4</b>

### 13.3 SFA 3 - Safe Valley

SFA 3 - SAFE VALLEY											
Ref	IDP Ref	Pre-determined Objectives	KPI	Unit of Measurement	Annual Target	Revised Target	01 January – 31 March 2019				
							Target	Actual	R	Departmental SDBIP Comments	Departmental Corrective Measures
TL12		SFA 3 - Safe Valley	Revised Disaster Management Plan submitted to Mayco	Number of revised Disaster Management Plans submitted to Mayco by 31 May	1	1	0	0	N/A		
TL13		SFA 3 - Safe Valley	Revised Safety and Security Strategy submitted to Mayco	Number of revised Safety and Security Strategies submitted to Mayco by 30 June	1	1	0	0	N/A		

#### Summary of Results: SFA 3 - Safe Valley

KPI Not Yet Measured	2
KPI Not Met	0
KPI Almost Met	0
KPI Met	0
KPI Well Met	0
KPI Extremely Well Met	0
<b>Total KPIs</b>	<b>2</b>

## 13.4 SFA 4 - Dignified Living

SFA 4 - DIGNIFIED LIVING										
Ref	IDP Ref	Pre-determined Objectives	KPI	Unit of Measurement	Annual Target	Revised Target	01 January – 31 March 2019			
							Target	Actual	R	Departmental SDBIP Comments
TL14		SFA 4 - Dignified Living	Provision of waterborne toilet facilities	Number of waterborne toilet facilities provided by 30 June	20	20	10	10	G	
TL15		SFA 4 - Dignified Living	Report to MayCo on the identification of land for emergency housing	Number of reports on the identification of land for emergency housing submitted to Mayco by 30 June	1	1	0	0	N/A	
TL17		SFA 4 - Dignified Living	Provision of free basic water to registered indigent households (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent households receiving free basic water, measured quarterly	100%	100%	100%	100%	G	6,712 / 6,712 x 100 = 100%
TL20		SFA 4 - Dignified Living	Limit unaccounted for electricity to less than 10% annually {(Number of Electricity Units Purchased and/or Generated - Number of Electricity Units Sold (incl. Free basic electricity)) / Number of Electricity Units Purchased and/or Generated} x 100}	Percentage average electricity losses by 30 June	9%	9%	9%	6.20%	B	Energy Losses = ((625,045,805kWh - 586,273,315kWh) / 625,045,805kWh) x 100 = 6.20%
TL21		SFA 4 - Dignified Living	Water quality managed and measured quarterly ito the SANS 241 physical and micro parameters	Percentage water quality level as per analysis certificate measured quarterly	90%	90%	90%	90.70%	G2	
TL22		SFA 4 - Dignified Living	Limit unaccounted water to less than 25%	Average percentage water losses measured as at by 30 June	25%	25%	25%	22%	B	1,357,700kl / 6,166,211kl x 100 = 22%
TL46		SFA 4 - Dignified Living	Provision of free basic electricity to registered indigent households (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent households receiving free basic electricity, measured quarterly	100%	100%	100%	100%	G	13,772 / 13,772 x 100 = 100%
TL47		SFA 4 - Dignified Living	Provision of free basic refuse removal to registered indigent households (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent households receiving free basic refuse removal, measured quarterly	100%	100%	100%	100%	G	6,712 / 6,712 x 100 = 100%
TL48		SFA 4 - Dignified Living	Provision of free basic sanitation to registered indigent households (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent households receiving free basic sanitation, measured quarterly	100%	100%	100%	100%	G	6,712 / 6,712 x 100 = 100%

**Summary of Results: SFA 4 - Dignified Living**

KPI Not Yet Measured	1
KPI Not Met	0
KPI Almost Met	0
KPI Met	5
KPI Well Met	1
KPI Extremely Well Met	2
<b>Total KPIs</b>	<b>9</b>

### 13.5 SFA 5 - Good Governance and Compliance

SFA 5 - GOOD GOVERNANCE AND COMPLIANCE											
Ref	IDP Ref	Pre-determined Objectives	KPI	Unit of Measurement	Annual Target	Revised Target	01 January – 31 March 2019				
							Target	Actual	R	Departmental SDBIP Comments	Departmental Corrective Measures
TL24		SFA 5 - Good Governance and Compliance	Financial viability measured in terms of the available cash to cover fixed operating expenditure (NKPI Proxy - MSA, Reg. S10(g)(iii))	Cost coverage as at 30 June annually [(Cash and Cash Equivalents - Unspent Conditional Grants - Overdraft) + Short Term Investment] / Monthly Fixed Operational Expenditure excluding (Depreciation)	4	4	0	0	N/A		
TL25		SFA 5 - Good Governance and Compliance	Achieve an average payment percentage of 96% by 30 June annually (Gross Debtors Opening Balance + Billed Revenue - Gross Debtors Closing Balance - Bad Debts Written Off) / Billed Revenue x 100	(Gross Debtors Opening Balance + Billed Revenue - Gross Debtors Closing Balance - Bad Debts Written Off) / Billed Revenue x 100	96%	96%	0%	0%	N/A		
TL26		SFA 5 - Good Governance and Compliance	Actual expenditure on the approved Capital Budget for the Municipality by 30 June (NKPI - MSA, Reg. S10(c))	Percentage of approved Capital Budget for the Municipality actually spent by 30 June	90%	90%	60%	40%	R	R223,566,413 / R563,550,230 x 100 = 40%	A Capital Expenditure Forum (CEF) was established to monitor capital expenditure.
TL27		SFA 5 - Good Governance and Compliance	The percentage of people from employment equity target groups employed (to be appointed) in the three highest levels of management in compliance with the municipality's approved employment equity plan	Number of appointments made in the three highest levels of management in compliance with the municipality's approved employment equity plan, measured by 30 June	75%	75%	0%	0%	N/A		
TL28		SFA 5 - Good Governance and Compliance	The percentage of actual payroll budget spent on implementing the municipal Workplace Skills Plan (NKPI Proxy- MSA, Reg. S10(f))	Percentage of municipality's payroll budget actually spent on implementing its workplace skills plan ((Total Actual Training Expenditure/ 1% of Total Annual payroll Budget) x100), measured by 30 June	0.85%	0.85%	0%	0%	N/A		
TL31		SFA 5 - Good Governance and Compliance	Financial viability measured in terms of the Municipality's ability to meet its service debt obligations (NKPI Proxy - MSA, Reg. S10(g)(i))	Debt coverage ratio ((Total operating revenue - operating grants received) / (Debt service payments due within the year)) measured annually	15%	15%	0%	0%	N/A		



SFA 5 - GOOD GOVERNANCE AND COMPLIANCE											
Ref	IDP Ref	Pre-determined Objectives	KPI	Unit of Measurement	Annual Target	Revised Target	01 January – 31 March 2019				
							Target	Actual	R	Departmental SDBIP Comments	Departmental Corrective Measures
TL32		SFA 5 - Good Governance and Compliance	Financial viability measured in terms of the outstanding service debtors (NKPI Proxy - MSA, Reg. S10(g)(ii))	Service debtors to revenue ratio - (Total outstanding service debtors / revenue received for services) measured annually	27%	27%	0%	0%	N/A		
TL33		SFA 5 - Good Governance and Compliance	Revised Risk-Based Audit Plan (RBAP) submitted to the Audit Committee	Number of revised RBAPs submitted to the Audit Committee by 30 June	1	1	0	0	N/A		
TL34		SFA 5 - Good Governance and Compliance	Audit Action Plan submitted to the Audit Committee	Number of Audit Action Plans submitted to the Audit Committee by 28 February	1	1	1	1	G		
TL35		SFA 5 - Good Governance and Compliance	Revised Risk Register submitted to the Risk Management Committee	Number of revised Risk Registers submitted to the Risk Management Committee by 30 June	1	1	0	0	N/A		
TL36		SFA 5 - Good Governance and Compliance	Revised Information and Communication Technology (ICT) Backup Disaster Recovery Plan submitted to the ICT Steering Committee	Number of revised ICT Backup Disaster Recovery Plans submitted to the ICT Steering Committee by 31 March	1	1	1	1	G		
TL37		SFA 5 - Good Governance and Compliance	Revised Strategic ICT Plan submitted to the ICT Steering Committee	Number of revised Strategic ICT Plans submitted to the ICT Steering Committee by 31 May	1	1	0	0	N/A		
TL38		SFA 5 - Good Governance and Compliance	Draft Integrated Development Plan (IDP) submitted to Council	Number of Draft IDPs submitted to Council by 31 March	1	1	1	1	G		
TL39		SFA 5 - Good Governance and Compliance	Revised Asset Management Policy submitted to Council	Number of revised Asset Management Policies submitted to Council by 30 June	1	1	0	0	N/A		
TL41		SFA 5 - Good Governance and Compliance	Draft Centralised Customer Care Strategy submitted to MayCo	Number of Draft Centralised Customer Care Strategies submitted to MayCo by 28 February	1	1	1	1	R	Draft Centralised Customer Care Strategy submitted to the Municipal Manager.	The Draft Centralised Customer Care Strategy will be submitted to MayCo during June 2019.
TL42		SFA 5 - Good Governance and Compliance	IDP/Budget/SDF time schedule (process plan) submitted to Council	Number of IDP / Budget / SDF time schedules (process plan) submitted to Council by 31 August	1	1	0	0	N/A		
TL43		SFA 5 - Good Governance and Compliance	Revised Electrical Master Plan submitted to Council	Number of revised Electrical Master Plans submitted to Council by 30 June	1	1	0	0	N/A		

**Summary of Results: SFA 5 - Good Governance and Compliance**

KPI Not Yet Measured	12
KPI Not Met	2
KPI Almost Met	0
KPI Met	3
KPI Well Met	0
KPI Extremely Well Met	0
<b>Total KPIs</b>	<b>17</b>

**14. Strategic performance conclusion**

- (a) Out of the 40 Key Performance Indicators (KPIs) listed on the Top layer SDBIP 2018/19 (for the 3rd quarter), 21 were not measured, 5 KPIs were not met and 3 were extremely well met.

KPI Not Yet Measured	21
KPI Not Met	3
KPI Almost Met	2
KPI Met	10
KPI Well Met	1
KPI Extremely Well Met	3
<b>Total KPIs</b>	<b>40</b>

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8.2.7	<b>PROPOSED RENEWAL OF EXISTING MEMORANDUM OF UNDERSTANDING FOR THE MUNICIPAL COURT OF STELLENBOSCH</b>
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Collaborator No:  
IDP KPA Ref No: *Good Governance and Compliance*  
Meeting Date: 24 April 2019

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**1. SUBJECT: PROPOSED RENEWAL OF EXISTING MEMORANDUM OF UNDERSTANDING FOR THE MUNICIPAL COURT OF STELLENBOSCH**

**2. PURPOSE**

To obtain Council's approval for the proposed renewal of the Memorandum of Understanding for the Municipal Court (as *Additional* Court) in the jurisdictional area of Stellenbosch. (The Renewal of the Memorandum of Agreement with the Department of Justice).

**3. DELEGATED AUTHORITY**

For decision by Municipal Council.

**4. EXECUTIVE SUMMARY**

The priority setting for Local Government is to strive and achieve an acceptable quality of life for all the residents and visitors in its jurisdictional area. Local Government must monitor the role of law and sound order. In pursuing this primary goal, Local Government is also attempting to ensure safety, security and well-being of its residents. At the same time a climate for sustainable development and prosperity is created.

In terms of Section 152 of the Constitution, a Municipality has an obligation to promote a safe and healthy environment, and a Municipality must strive within its financial and administrative capacity to achieve this objective.

Based on this premise and the fact that the Stellenbosch courts could not deal with the case load Council, at its meeting on 2014-06-25 (Item 7.11), resolved that a Municipal Court for the Stellenbosch District be established, in order that through effective and efficient prosecuting of transgressors Municipal related offences like Traffic offences, By-Laws, national building regulations and others.

A 3-year contract was entered into with the Department of Justice. This agreement ends on 30 June 2019.

The Department of Justice have indicated that they are satisfied with the performance of the additional court and is interested in extending the memorandum of agreement (**attached as APPENDIX 1**) to continue the *Additional* (Municipal) Court dedicated to municipal transgressions in Stellenbosch area.

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## 5. RECOMMENDATIONS

- (a) that the Memorandum of Agreement with the Department of Justice for the Municipal Court for the Stellenbosch District, be renewed for a 3-year term from 1 July 2019; and
- (b) that the Municipal Manager be delegated to sign all relevant documentation for the extension of the afore-said agreement.

## 6. DISCUSSION / CONTENTS

### 6.1 Background

In terms of Section 165(3) of the Constitution of the Republic of South Africa, 1996 (The Constitution), judicial authority is vested in Courts. Organs of State, including the Municipality, must through legislative and other measures assist and protect Courts to ensure the independence, impartiality, dignity, accessibility and effectiveness of the Courts.

Traffic offences make up a huge amount of cases on the court roles on a monthly basis. Construction of illegal buildings and other related offences in terms of the National Building regulations- and Building Standards Act, No. 103 of 1977, as well as the conflict with the Municipal Scheme Regulations and the Land Use Planning Ordinance, No. 15 of 1985 (Western Cape) can cause unsafe and unhealthy environments, if not effectively enforced and prosecuted.

Proper law enforcement pertaining to the contravention of all Municipal By-Laws is required on a daily basis to contribute to the safety to the community should such offences be effectively enforced and prosecuted.

National- and Provincial Government have an obligation in terms of the Constitution to support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their functions.

Council, at its meeting on 2014-06-25 (Item 7.11), resolved that a Municipal Court for the Stellenbosch District be established, in order that through effective and efficient prosecuting of transgressors of Traffic offences, By-Laws, national building regulations and others, the Municipal Court can assist with the goal of empowering the greater Stellenbosch Community to prosper in a safe and healthy environment.

A 3-year contract was entered into with the Department of Justice. This agreement expires on 30 June 2019.

### 6.2 Discussion

The Court has been used over the past 3 years for municipal-related offences such as transgression of the National Road Traffic Act, No. 93 of 1996, National Building Regulations Standard Act, No. 103 of 1977, the Land Use Planning Ordinance and its Scheme Regulations, No. 15 of 1985, and the Business Act, No 71. of 1991.

Due to the promulgation of new Municipal By-Laws there is more legislation to be enforced. This also increases the number of cases to appear in Court.

The implementation of the NATIS BLOCK is also implemented. Where a traffic offender fails to appear in Court, an admin mark is put against the identification number of that person with the net result that, that person will not be able to renew his car or driver license, until the fine is paid. It must be noted this can only be done if a warrant of arrest was issued against that person. This places an even bigger demands on the current Court capacity.

---

BENEFITS OF A COURT DEDICATED TO MUNICIPAL MATTERS:

- Improved and effective action against offenders
- Legal costs saved as offenders are now criminally prosecuted
- Improved enforcement (of the code) of municipal By-Laws
- A more law abiding society if they know that action is taken on offences
- More warrants of arrest, combined with the implementation of the NATIS BLOCK, will ensure more compliance on the roads with a change in driving behaviour, and therefore a safer road.
- The extension of the agreement for the operation of the Additional (Municipal) Court will be in the interest of the Stellenbosch Municipality.

OPERATIONAL MATTERS

The Stellenbosch Municipality is in a position to provide the necessary accommodation, equipment and infrastructure for an *Additional* Court dedicated to municipal affairs in Stellenbosch. The court operates from a Municipal Building. Court Cells have to be build there, but a rezoning process must be completed before it can be done.

The following personnel are currently employed at the court:

1 Magistrate (on Department of Justice payroll but funded by the Municipality)

1 Prosecutor (on the permanent staff establishment of the Municipality)

1 Court Manager/Prosecutor

3 Clerks of the Court

1 Clerk of Court/*Interpreter*

The other staff is temporary employees linked to the term of the current agreement and those posts will be advertised as soon as Council approves the extension of the MOU linked to the duration of the MOU.

COMMENTS FROM RELEVANT AUTHORITIES

The Department of Justice and Constitutional Development; the Director Public prosecutions; Senior Magistrate M.Pragg of Stellenbosch Magistrates' Court; Senior Prosecutor Juanita Williams of Stellenbosch Magistrates' Court as well as the Chief Magistrate Cape Town are all in support of the continuation of the Municipal Court.

**6.3 Financial Implications**

For the past financial year i.e. 2018, the income from Court fines was R3 448 760.00.

The following information was received from the finance department on the expenditure under the court vote costs for the operation for the 2018/19 year including salaries for the prosecutor and the magistrate. The temporary staff is paid from the normal salary vote.

Row Labels	Sum of Amended Budget	Sum of Actuals Total
Advertising, Publicity and Marketing: Corporate	11 000.00	-
Assets less than the Capitalisation Threshold	5 000.00	-
Business and Advisory: Research and Advisory	391 350.00	-
Consumables: Standard Rated	209 500.00	11 337.52
Consumables: Zero Rated	2 500.00	717.08
Contractors: Maintenance of Equipment	25 000.00	900.00
Contractors: Pest Control and Fumigation	5 000.00	-
Hire Charges	14 260.00	-
Insurance Underwriting: Premiums	7 660.00	-
Materials and Supplies	7 500.00	-
Printing, Publications and Books	9 000.00	-
Salaries, Wages and Allowances: Basic Salary and Wages	910 000.00	1 169 492.06
Salaries, Wages and Allowances: Leave Pay	75 800.00	-
Social Contributions: Bargaining Council	100.00	927.50
Social Contributions: Unemployment Insurance	2 400.00	8 716.50
<b>Grand Total</b>	<b>1 676 070.00</b>	<b>1 192 090.66</b>

#### 6.4 Legal Implications

The recommendations in this report comply with Council's policies and all applicable legislation.

#### 6.5 Staff Implications

Dealt with under 6.2 above.

#### 6.6 Previous / Relevant Council Resolutions:

Council Resolution: 2014-06-25, Item 7.11

#### 6.7 Risk Implications

If the MOU is not renewed Stellenbosch Municipality will go back to a situation where we have to compete with the other normal cases on the criminal court roll and prosecutors that are not dedicated to municipal cases.

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**6.8 Comments from Senior Management:****6.8.1 Director: Community and Protection Services:**

Supports the continuation of a Municipal Court.

**6.8.2 Municipal Manager:**

Supports the recommendations

**ANNEXURES**

**Appendix 1: MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF JUSTICE AND STELLENBOSCH MUNICIPALITY**

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Annalene de Beer
<b>POSITION</b>	<i>Director: Corporate Services</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	<i>021 – 808 8018</i>
<b>E-MAIL ADDRESS</b>	<i>Annalene.deBeer@stellenbosch.org.za</i>
<b>REPORT DATE</b>	<i>17 April 2019</i>



# APPENDIX 1

**STELLENBOSCH MUNICIPAL COURT (ADDITIONAL COURT)**

**MEMORANDUM OF UNDERSTANDING**

BETWEEN

**THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: WESTERN CAPE .**

(Herein represented by the Regional Head, Adv. H Mohamed)

&

**THE STELLENBOSCH MUNICIPALITY**

(Herein represented by the Municipal Manager, Ms G Mettler)

&

**THE NATIONAL PROSECUTING AUTHORITY**

(Herein represented by the Director of Public Prosecutions (DPP). Adv. R de Kock)

&

**THE LOWER COURT JUDICIARY**

(Herein represented by the Chief Magistrate Cape Town, Magistrate, D Thulare)

**COLLECTIVELY REFERRED TO AS “STAKEHOLDERS”**

**PREAMBLE**

**WHEREAS** the current infrastructure is either insufficient or overburdened to cope with all the matters on the Stellenbosch court roll, Additional Courts are established in order to improve access to Justice and compliance.

**AND WHEREAS** a Local Efficiency Enhancement Committee was established to oversee, manage and monitor the effective Implementation of case flow and where this Additional Court slots in;

**AND WHEREAS** the Chief Magistrate and the Stellenbosch Municipality have identified the need for the establishment of an Additional Court in their area of jurisdiction due to insufficient time allocation on the existing court roll for envisaged hearings in 2016 for a period of 3 years.

**AND WHEREAS** the period of 3 years ends on 30 June 2019

**AND WHEREAS** the need still exists for the additional court

**NOW THEREFORE** the stakeholders involved wishes to extend the period of the Municipal Court as an additional court and wish to record the provisions of the Memorandum of Understanding as follows:

**1. OBLIGATIONS OF STAKEHOLDERS:**1.1 Department of Justice (DOJ) and Constitutional Development (CD)

The Department of Justice and Constitutional Development (DOJ & CD) undertakes to:

- 1.1.1 Appoint a suitably qualified magistrate for the intended court as based on the prescribed legislative framework and regulations relating to accommodation and remuneration and benefits of magistrates;
- 1.1.2 Liaise with the Chief Magistrate, if necessary, to ensure that the appointment of an additional magistrate is routed to the delegated Executive Authority;
- 1.1.3 Participate in the appointment of suitably qualified administrative support staff for the intended court as prescribed by legislation relating to specific functions and duties if and when required;
- 1.1.4 Facilitate training and development of appointed court officials for the Additional Court;
- 1.1.5 Contribute towards the lay-out of the floor plan if and when required;
- 1.1.6 Liaise with the National Prosecuting Authority (NPA) and Municipality to ensure the availability and appointment of the prosecutor or additional prosecutor as and when required;
- 1.1.7 Provide a secretariat function for the Local Efficiency Enhancement Committee; and
- 1.1.8 Co-operate fully with the other stakeholders to attain the successful operation of the Additional Court at Stellenbosch.

## 1.2 National Prosecuting Authority (NPA)

The National Prosecuting Authority (NPA) undertakes to:

- 1.2.1 Participate in the appointment of a suitably qualified prosecutor or prosecutors for the intended Additional Court as prescribed by legislation relating to specific functions and duties as and when required;
- 1.2.2 Effectively prosecute matters on the additional court roll;
- 1.2.3 Ensure that the prosecutor is trained to prosecute matters on the court roll;
- 1.2.4 Ensure that the prosecutor is subjected to the directions and standards set by the Director of Public Prosecutions and answerable to the said Director or his/her representative;
- 1.2.5 Facilitate that the appointed prosecutors are issued with all the authorisations in terms of relevant legislation to perform the functions and execute their duties of a prosecutor;
- 1.2.6 Maintain accurate records (statistics) on the numbers of case prosecuted; and
- 1.2.7 Co-operate fully with the other stakeholders to attain the successful operation of the Additional Court at Stellenbosch.

## 1.3 Stellenbosch Municipality

The Stellenbosch Municipality undertakes to:

- 1.3.1 Appoint, manage and remunerate the prosecutors and support staff in consultation with the Director of Public Prosecutions or his delegate and the DOJ & CO if and when required;
- 1.3.2 Pay the transfer payment of Magistrate's salary to National Treasury on submission of an invoice to that effect;
- 1.3.3 Be responsible for costs relating to infrastructural, financial and human resources requirement based on the prescribed legislative frameworks and regulations relating to accommodation and remuneration of prosecutors, interpreters and other administrative court officials;
- 1.3.4 Arrange proper and fit Court Orderlies to render service at the additional court room;
- 1.3.5 Keep proper and separate record of fines collected on behalf of the Municipality and fines collected for failure to appear in court on behalf of the State. A detailed reconciliation of the payments made shall be send to the Clerk of Court at Stellenbosch Magistrates Court by the 10th of the month. This process will be subject to audit processes as prescribed legislative frameworks and regulations;
- 1.3.6 The Municipality shall provide all necessary support service to the court in the form of electronic and vocal communication, stationary, security infrastructure and resources, municipal levies (Rates and taxes, water and electricity supply);
- 1.3.7 Serve on the Local Efficiency Enhancement Committee and provide feedback with regard to the impact of this court on crime in the specific jurisdictional area; and
- 1.3.8 Co-operate fully with the other stakeholders to attain the successful operation of the Additional Court at Stellenbosch,

#### 1.4 Lower Court Judiciary

The Lower Court Judiciary undertakes to:

- 1.4.1 Avail a presiding officer to preside over matters appearing on the Additional Court roll, provided that funding is made available for the appointment of an acting magistrate additional to the establishment of magistrates for the district and provided that such acting magistrate is appointed by the Deputy Minister of the Department of Justice and Constitutional Development;
- 1.4.2 Make an application to the Deputy Minister of the Department of Justice and Constitutional Development for the appointment of a suitable qualified, fit and proper person as acting magistrate to preside over matters appearing in the Additional Court;
- 1.4.3 Effectively manage the court roll of the Additional Court to ensure speedy resolution of cases;
- 1.4.4 Convene, if necessary, any meeting regarding the operations and or running of the Additional Court; and
- 1.4.5 Co-operate fully with the other stakeholders to attain the successful operation of the Additional Court at Stellenbosch.

## **2. LOCAL EFFICIENCY ENHANCEMENT COMMITTEE**

The signatories agree that the Local Efficiency Enhancement Committee (Stellenbosch Magistrate Courts) will oversee and monitor the Additional Court once established.

## **3. SPECIAL CONDITIONS**

- 3.1 Since the Stellenbosch Municipality with its main seat located in Stellenbosch currently straddles two (2) magisterial districts namely Stellenbosch and a portion of Paarl it might necessitate that the Additional Court with its seat in Stellenbosch has to convene sittings on a circuit basis at the Periodical Court Franschoek (Periodical Court of Paarl Magistrate Court).
- 3.2 The Municipality must consult the heads of the judiciary, prosecution and administration of the Paarl Magistrate Court to facilitate the additional Sittings of the Additional Court at the Franschoek Periodical Court, if possible, and on condition that the sitting of the Additional Court does not impact on the operational functioning of the Franschoek Periodical Court.
- 3.3 The operation of the Additional Court on a circuit basis will be subject to the Stellenbosch Municipality providing the required resources to man the circuit courts and the provision of funding of all expenses relating to the operation of the Circuit Court.

## **4. GOVERNANCE STRUCTURE**

A Task Team will be established to oversee the implementation of agreements that may be concluded between the parties within the framework provided for by this Memorandum of Understanding.

**5. STRATEGIC COMMITMENTS**

If necessary, strategic platforms will be convened and be represented by ail stakeholders. Monthly, quarterly and annual meeting will be facilitated to track the performance of the intervention as determined by stakeholders.

**6. DURATION OF THE MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding shall be binding on the stakeholders from date of signature hereof and remain valid for a period of three (3) years and may be thereafter be renewed on a tri-annual basis subject to the acceptance of funding received from the Stellenbosch Municipality by the Accounting Officer of the Department of Justice and Constitutional Development.

All stakeholders to this Memorandum of Understanding will support the Task Team to give effect to this Memorandum of Understanding, Programs of Action and pursuant agreements that may be concluded between the stakeholders from time to time.

SIGNED AT ..... ON THE ..... DAY OF ..... 2019

.....  
Adv H Mohamed  
Regional Head: DOJCD

.....  
Ms G Mettler  
Municipal Manager Stellenbosch

.....  
Adv R de Kock  
DPP Western Cape

.....  
Mr D Thulare  
Chief Magistrate Cape Town

8.2.8	<b>REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2018/19</b>
-------	--

Collaborator No:

IDP KPA Ref No:

*Good Governance and Compliance*

Meeting Date:

24 April 2019

**1. SUBJECT: REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2018/19**

**2 PURPOSE**

To obtain Council's approval for the revisions made to the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2018/19.

**3. DELEGATED AUTHORITY**

In terms of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), section 54(1)(c) *"the mayor must, consider and, if necessary, make any revisions to the service delivery, and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget..."*

**4. EXECUTIVE SUMMARY**

The TL SDBIP 2018/19 was approved by the Executive Mayor on 21 June 2018. A Revised TL SDBIP 2018/19 was approved by Council on 29 January 2019.

It is common practice for a municipality, as provided for in the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA), to review its performance indicators and targets after approving the adjustments budget.

The TL SDBIP 2018/19 (as approved by the Executive Mayor) is attached hereto. All changes (for ease of reference) which should be deleted and or amended are indicated with a strikethrough and an underline respectively.

It must also be noted that the TL SDBIP 2018/19 is the in-year plan of the municipality and amendments made to the TL SDBIP 2018/19 must also be read in conjunction with the Integrated Development Plan (IDP). Therefore changes made to the TL SDBIP 2018/19 are considered to be made in the IDP as well.

These changes will be effected with the review process of the IDP 2017-2022 to be submitted to Council for final approval during May 2019.

The reasons for the amendments to the following KPIs are as follows:

- a) TL20- The SMART principle is applied;
- b) TL26 is allocated to the Department responsible for the deliverable; and
- c) TL27- The SMART principle is applied.

The spelling and grammar in the document were also corrected where needed

**5. RECOMMENDATIONS**

- (a) that the Revised TL SDBIP 2018/19 be approved;
- (b) that the Revised TL SDBIP 2018/19 be published on the Municipal Website; and
- (c) that the Revised TL SDBIP 2018/19 be submitted to:
  - i. Internal Audit Unit (for notification);
  - ii. Department of Local Government: Western Cape;
  - iii. Provincial Treasury: Western Cape;
  - iv. Auditor General of South Africa; and
  - v. National Treasury.

**ANNEXURES**

**Annexure A:** Revised Top Layer Service Delivery and Budget Implementation Plan 2018/19

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Ms Shireen De Visser
<b>POSITION</b>	Senior Manager: Governance
<b>DIRECTORATE</b>	Office of the Municipal Manager
<b>CONTACT NUMBERS</b>	021 - 808 8035
<b>E-MAIL ADDRESS</b>	<a href="mailto:Shireen.devisser@stellenbosch.gov.za">Shireen.devisser@stellenbosch.gov.za</a>
<b>REPORT DATE</b>	11 April 2019



# **ANNEXURE A**



**STELLENBOSCH**

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**REVISED  
TOP LAYER SERVICE DELIVERY  
AND BUDGET  
IMPLEMENTATION PLAN 2018/19**

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**1. MUNICIPAL MANAGER'S QUALITY CERTIFICATE**

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I, Geraldine Mettler, the Municipal Manager of the Stellenbosch Municipality, submit the Revised Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) for the 2018/19 financial year for approval by the Executive Mayor and Council. This TL SDBIP 2018/19 has been prepared in terms of the stipulated requirements as documented in the Local Government: Municipal Finance Management Act, No.56 of 2003 and regulations made under this Act.



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MS GERALDINE METTLER  
MUNICIPAL MANAGER

DATE: ..... 15 April 2019 .....

**2. EXECUTIVE MAYOR'S CERTIFICATE OF APPROVAL**

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I, Gesie Van Deventer, in my capacity as the Executive Mayor of the Stellenbosch Municipality, hereby approve the Revised Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) for the 2018/19 financial year as required in terms of the Local Government: Municipal Finance Management Act, No.56 of 2003 and regulations made under this Act.

  
ADV GESIE VAN DEVENTER  
EXECUTIVE MAYOR

DATE: 16/4/19

### 3. REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2018/19: PER STRATEGIC FOCUS AREA (SFA)

#### 3.1 SFA 1 - VALLEY OF POSSIBILITY

SFA 1 - VALLEY OF POSSIBILITY												
Ref	IDP Ref	Department	Pre-determined Objectives	KPI	Unit of Measurement	Source of Evidence	Annual Target	Revised Target	Q1	Q2	Q3	Q4
									Target	Target	Target	Target
TL1		Planning and Economic Development	SFA 1 - Valley of Possibility	The number of jobs created through the Municipality's local economic development initiatives including capital projects (NKPI Proxy - MSA, Reg. S10(d))	Number of job opportunities created by 30 June	EPWP reporting system	106	106	25	25	25	31
TL2		Planning and Economic Development	SFA 1 - Valley of Possibility	Land-use applications submitted to the Municipal Planning Tribunal within 120 days	Percentage of land-use applications submitted to the Municipal Planning Tribunal within 120 days after receipt of application	Proof of submission to the Municipal Planning Tribunal	4	80%	80%	80%	80%	80%
TL3		Planning and Economic Development	SFA 1 - Valley of Possibility	Training opportunities-provided for entrepreneurs and Small, Medium and Micro Enterprises (SMMEs)	Number of training opportunities provided quarterly for entrepreneurs and SMMEs	Minutes of meetings / Attendance Registers	4	4	1	1	1	1
TL4		Planning and Economic Development	SFA 1 - Valley of Possibility	Revised Spatial Development Framework (SDF) submitted to Council	Number of revised SDFs submitted to Council by 31 May	Proof of submission to Council	1	1	N/A	N/A	N/A	1
TL5		Planning and Economic Development	SFA 1 - Valley of Possibility	Expenditure of the Kayamandi Town Centre capital project measured quarterly in terms of the approved Capital Budget spent	Percentage of the Kayamandi Town Centre Capital Budget actually spent by 30 June	Itron Management Report	1	90%	N/A	N/A	N/A	90%
TL6		Planning and Economic Development	SFA 1 - Valley of Possibility	Revised housing pipeline submitted to MayCo	Number of revised housing pipelines submitted to MayCo by 31 March	Proof of submission to MayCo	1	1	N/A	N/A	1	N/A
TL7		Planning and Economic Development	SFA 1 - Valley of Possibility	Human Settlements Plan submitted to Council	Number of Human Settlements Plans submitted to Council by 30 June	Proof of submission to Council	1	1	N/A	N/A	N/A	1

## SFA 1 - VALLEY OF POSSIBILITY

Ref	IDP Ref	Department	Pre-determined Objectives	KPI	Unit of Measurement	Source of Evidence	Annual Target	Revised Target	Q1	Q2	Q3	Q4
									Target	Target	Target	Target
New KPI		Planning and Economic Development	SFA 1 - Valley of Possibility	Urban Development Strategy submitted to Council	Number of Urban Development Strategies submitted to Council by 30 June	Proof of submission to Council	1	1	N/A	N/A	N/A	1

## 3.2 SFA 2 - GREEN AND SUSTAINABLE VALLEY

SFA 2 - GREEN AND SUSTAINABLE VALLEY													
Ref	IDP Ref	Department	Pre-determined Objectives	KPI	Unit of Measurement	Source of Evidence	Annual Target	Revised Target	Q1	Q2	Q3	Q4	
									Target	Target	Target	Target	
TL8		Infrastructure Services	SFA 2 - Green and Sustainable Valley	External Audit of the Stellenbosch Municipality Waste Disposal Facilities conducted	Number of external audits of the Stellenbosch Municipality Waste Disposal Facilities conducted by 30 June	Audit report	5	1	0	0	0	1	
TL9		Infrastructure Services	SFA 2 - Green and Sustainable Valley	Waste Management By-Law adopted by Council	Number of Waste Management By-Laws adopted by Council by 30 June	Minutes of Council	1	1	0	0	0	1	
TL10		Planning and Economic Development	SFA 2 - Green and Sustainable Valley	Building applications processed within the prescribed / legislated period	Percentage of building plans processed within the prescribed / legislated period	Building plan application register	4	90%	90%	90%	90%	90%	
TL11		Infrastructure Services	SFA 2 - Green and Sustainable Valley	Waste water quality managed and measured annually ito the SANS Accreditation physical and micro parameters	Percentage waste water quality compliance as per analysis certificate measured quarterly	Report submitted by the service provider and report from GDS system	70%	70%	70%	70%	70%	70%	



3.3 SFA 3 - SAFE VALLEY

SFA 3 - SAFE VALLEY												
Ref	IDP Ref	Department	Pre-determined Objectives	KPI	Unit of Measurement	Source of Evidence	Annual Target	Revised Target	Q1	Q2	Q3	Q4
									Target	Target	Target	Target
TL12		Community and Protection Services	SFA 3 - Safe Valley	Revised Disaster Management Plan submitted to MayCo	Number of revised Disaster Management Plans submitted to MayCo by 31 May	Proof of submission to MayCo	1	1	0	0	0	1
TL13		Community and Protection Services	SFA 3 - Safe Valley	Revised Safety and Security Strategy submitted to MayCo	Number of revised Safety and Security Strategies submitted to MayCo by 30 June	Proof of submission to MayCo	1	1	0	0	0	1

## 3.4 SFA 4 - DIGNIFIED LIVING

SFA 4 - DIGNIFIED LIVING												
Ref	IDP Ref	Department	Pre-determined Objectives	KPI	Unit of Measurement	Source of Evidence	Annual Target	Revised Target	Q1	Q2	Q3	Q4
									Target	Target	Target	Target
TL14		Planning and Economic Development	SFA 4 - Dignified Living	Provision of waterborne toilet facilities	Number of waterborne toilet facilities provided by 30 June	Completion certificates	20	20	0	0	10	10
TL15		Planning and Economic Development	SFA 4 - Dignified Living	Report to MayCo on the identification of land for emergency housing	Number of reports on the identification of land for emergency housing submitted to Mayco by 30 June	Proof of submission to MayCo	1	1	0	0	0	1
TL17		Financial Services	SFA 4 - Dignified Living	Provision of free basic water to registered indigent households (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent households receiving free basic water, measured quarterly	Itron management report	6	100%	100%	100%	100%	100%
New KPI		Financial Services	SFA 4 - Dignified Living	Provision of free basic electricity to registered indigent households (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent households receiving free basic electricity, measured quarterly	Itron management report	100%	100%	100%	100%	100%	100%
New KPI		Financial Services	SFA 4 - Dignified Living	Provision of free basic refuse removal to registered indigent households (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent households receiving free basic refuse removal, measured quarterly	Itron management report	100%	100%	100%	100%	100%	100%
New KPI		Financial Services	SFA 4 - Dignified Living	Provision of free basic sanitation to registered indigent households (NKPI Proxy - MSA, Reg. S10(a), (b))	Percentage of registered indigent households receiving free basic sanitation, measured quarterly	Itron management report	100%	100%	100%	100%	100%	100%
TL20		Infrastructure Services	SFA 4 - Dignified Living	Limit unaccounted for electricity to less than <del>9%</del> 10% annually {(Number of Electricity Units Purchased and/or Generated - Number of Electricity Units Sold (incl. Free basic electricity)) / Number of Electricity Units Purchased and/or Generated) x 100}	Percentage average electricity losses by 30 June	Monthly Eskom Accounts and Vending Reports from service provider and Notes to the AFS and monthly and annual Consumption	<9%	<9%	<9%	<9%	<9%	<9%

SFA 4 - DIGNIFIED LIVING												
Ref	IDP Ref	Department	Pre-determined Objectives	KPI	Unit of Measurement	Source of Evidence	Annual Target	Revised Target	Q1	Q2	Q3	Q4
									Target	Target	Target	Target
						reports generated by the Finance Department						
TL21		Infrastructure Services	SFA 4 - Dignified Living	Water quality managed and measured quarterly ito the SANS 241 physical and micro parameters	Percentage water quality level as per analysis certificate measured quarterly	Quarterly Supply System Drinking Water Quality Report - DWA Blue Drop System (BDS)	90%	90%	90%	90%	90%	90%
TL22		Infrastructure Services	SFA 4 - Dignified Living	Limit unaccounted water to less than 25%	Average percentage water losses measured as at by 30 June	Quarterly water balance sheet and Monthly Consumption Report	20%	<25	<25	<25	<25	<25

## 3.5 SFA 5 - GOOD GOVERNANCE AND COMPLIANCE

SFA 5 - Good Governance and Compliance													
Ref	IDP Ref	Department	Pre-determined Objectives	KPI	Unit of Measurement	Source of Evidence	Annual Target	Revised Target	Q1	Q2	Q3	Q4	
									Target	Target	Target	Target	
TL24		Financial Services	SFA 5 - Good Governance and Compliance	Financial viability measured in terms of the available cash to cover fixed operating expenditure (NKPI Proxy - MSA, Reg. S10(g)(iii))	Cost coverage as at 30 June annually [(Cash and Cash Equivalents - Unspent Conditional Grants - Overdraft) + Short Term Investment] / Monthly Fixed Operational Expenditure excluding (Depreciation)	Resolution register	4	4	0	0	0	4	
TL25		Financial Services	SFA 5 - Good Governance and Compliance	Achieve an average payment percentage of 96% by 30 June annually (Gross Debtors Opening Balance + Billed Revenue - Gross Debtors Closing Balance - Bad Debts Written Off) / Billed Revenue x 100	(Gross Debtors Opening Balance + Billed Revenue - Gross Debtors Closing Balance - Bad Debts Written Off) / Billed Revenue x 100	Debtors transaction summary: BS-Q909E extract generated from the Samras Financial System	96%	96%	0%	0%	0%	96%	
TL26		<u>Financial Services</u>	SFA 5 - Good Governance and Compliance	Actual expenditure on the approved Capital Budget for the Municipality by 30 June (NKPI - MSA, Reg. S10(c))	Percentage of approved Capital Budget for the Municipality actually spent by 30 June	Report from the financial system	90%	90%	10%	30%	60%	90%	
TL27		Office of the Municipal Manager	SFA 5 - Good Governance and Compliance	The percentage of people from employment equity target groups employed (to be appointed) in the three highest levels of management in compliance with the municipality's approved employment equity plan	<u>Percentage Number</u> of appointments made in the three highest levels of management in compliance with the municipality's approved employment equity plan, measured by 30 June	Equity Report	75%	75%	0%	0%	0%	75%	
TL28		Corporate Services	SFA 5 - Good Governance and Compliance	The percentage of actual payroll budget spent on implementing the municipal Workplace Skills Plan (NKPI Proxy- MSA, Reg. S10(f))	Percentage of the Municipality's payroll budget actually spent on implementing its workplace skills plan ((Total Actual Training Expenditure/ 1% of Total Annual payroll Budget) x 100), measured by 30 June	The SAMRAS menu VS-Q03Z (looked-up online) for votes 1/7180/1071 & 1/7180/1079 & 1/9909/1071	0.95%	0.85%	0%	0%	0%	0.85%	

SFA 5 - Good Governance and Compliance												
Ref	IDP Ref	Department	Pre-determined Objectives	KPI	Unit of Measurement	Source of Evidence	Annual Target	Revised Target	Q1	Q2	Q3	Q4
									Target	Target	Target	Target
TL31		Financial Services	SFA 5 - Good Governance and Compliance	Financial viability measured in terms of the Municipality's ability to meet its service debt obligations (NKPI Proxy - MSA, Reg. S10(g)(i))	Debt coverage ratio ((Total operating revenue - operating grants received) / (Debt service payments due within the year)) measured annually	Annual Financial Statements, supported by figures as per the SAMRAS financial system	15%	15%	0%	0%	0%	15%
TL32		Financial Services	SFA 5 - Good Governance and Compliance	Financial viability measured in terms of the outstanding service debtors (NKPI Proxy - MSA, Reg. S10(g)(ii))	Service debtors to revenue ratio – (Total outstanding service debtors / revenue received for services) measured annually	Annual Financial Statements, supported by figures as per the SAMRAS financial system	27%	27%	0%	0%	0%	27%
TL33		Office of the Municipal Manager	SFA 5 - Good Governance and Compliance	Revised Risk-Based Audit Plan (RBAP) submitted to the Audit Committee	Number of revised RBAPs submitted to the Audit Committee by 30 June	Proof of submission to the Audit Committee	1	1	0	0	0	1
TL34		Office of the Municipal Manager	SFA 5 - Good Governance and Compliance	Audit Action Plan submitted to the Audit Committee	Number of Audit Action Plans submitted to the Audit Committee by 28 February	Proof of submission to the Audit Committee	1	1	0	0	1	0
TL35		Office of the Municipal Manager	SFA 5 - Good Governance and Compliance	Revised Risk Register submitted to the Risk Management Committee	Number of revised Risk Registers submitted to the Risk Management Committee by 30 June	Proof of submission to the Risk Management Committee	1	1	0	0	0	1
TL36		Corporate Services	SFA 5 - Good Governance and Compliance	Revised Information and Communication Technology (ICT) Backup Disaster Recovery Plan submitted to the ICT Steering Committee	Number of revised ICT Backup Disaster Recovery Plans submitted to the ICT Steering Committee by 31 March	Proof of submission to the ICT Steering Committee	1	1	0	0	1	0
TL37		Corporate Services	SFA 5 - Good Governance and	Revised Strategic ICT Plan submitted to the ICT Steering Committee	Number of revised Strategic ICT Plans submitted to the ICT	Proof of submission to the	1	1	0	0	0	1

SFA 5 - Good Governance and Compliance												
Ref	IDP Ref	Department	Pre-determined Objectives	KPI	Unit of Measurement	Source of Evidence	Annual Target	Revised Target	Q1	Q2	Q3	Q4
									Target	Target	Target	Target
			Compliance		Steering Committee by 31 May	ICT Steering Committee						
TL38		Office of the Municipal Manager	SFA 5 - Good Governance and Compliance	Draft Integrated Development Plan (IDP) submitted to Council	Number of Draft IDPs submitted to Council by 31 March	Proof of submission to Council	1	1	0	0	1	0
TL39		Financial Services	SFA 5 - Good Governance and Compliance	Revised Asset Management Policy submitted to Council	Number of revised Asset Management Policies submitted to Council by 30 June	Proof of submission to Council	1	1	0	0	0	1
TL41		Corporate Services	SFA 5 - Good Governance and Compliance	Draft Centralised Customer Care Strategy submitted to MayCo	Number of Draft Centralised Customer Care Strategies submitted to MayCo by 28 February	Proof of submission to MayCo	1	1	0	0	1	0
TL42		Office of the Municipal Manager	SFA 5 - Good Governance and Compliance	IDP / Budget / SDF time schedule (process plan) submitted to Council	Number of IDP / Budget / SDF time schedules (process plan) submitted to Council by 31 August	Proof of submission to Council	1	1	1	0	0	0
TL43		Infrastructure Services	SFA 5 - Good Governance and Compliance	Revised Electrical Master Plan submitted to Council	Number of revised Electrical Master Plans submitted to Council by 30 June	Proof of submission to Council	1	1	0	0	0	1

9.	MATTERS FOR NOTIFICATION
9.1	REPORT BY THE EXECUTIVE MAYOR
9.1.1	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: JANUARY 2019 TO MARCH 2019

File No.: 8/1/3/3/8  
 Collaborator No:  
 IDP KPA Ref No: N/A  
 Meeting Date: 2019-04-24

**1. SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: JANUARY 2019 TO MARCH 2019**

**2. PURPOSE OF THE REPORT**

To inform Council of the decisions taken by the Executive Mayor from January 2019 to March 2019 (see **APPENDIX 1**).

**3. BACKGROUND**

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.”*

According to the Municipal Systems Act 60 (1)(b)

“(1) the following powers may, within policy framework determined by the municipal council be delegated to an executive committee or executive mayor only (b) the determination or alternation of the remuneration, benefits or other conditions of service of the municipal manager or managers directly responsible to the municipal manager.

**4. FINANCIAL IMPLICATIONS**

None

**5. FOR NOTING**

The decisions taken by the Executive Mayor for the period January 2019 to March 2019 attached as **APPENDIX 1**.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	DONOVAN MULLER
<b>POSITION</b>	<b>OFFICE MANAGER: EXECUTIVE MAYOR</b>
<b>DIRECTORATE</b>	<b>CORPORATE AND STRATEGIC SERVICES</b>
<b>CONTACT NUMBERS</b>	021 8088314
<b>E-MAIL ADDRESS</b>	<a href="mailto:Donovan.Muller@stellenbosch.gov.za">Donovan.Muller@stellenbosch.gov.za</a>
<b>REPORT DATE</b>	27 March 2019

# APPENDIX 1



## DELEGATIONS EXERCISED FOR PERIOD [JANUARY 2019 – MARCH 2019]

### EXECUTIVE MAYOR

Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
110	FINANCE	S 71 monthly budget monitoring report for December 2018	15/01/2019	15/01/2019	Approved
110	FINANCE	S 71 monthly budget monitoring report for January 2019	14/02/2019	14/02/2019	Approved
110	FINANCE	S71 monthly budget monitoring report for February 2019	14/03/2019	14/03/2019	Approved
110	FINANCE	S 52 Quarterly budget monitoring report 1st quarter 2018-19	18/10/2018	18/10/2018	Approved
110	FINANCE	S 52 Quarterly budget monitoring report 2 <sup>nd</sup> quarter 2018-19	17/01/2019	17/01/2019	Approved
	PLANNING	Appeal lodged in terms of section 79(2) of the Stellenbosch Municipal Land use planning By-law (2015) against the decision of the Municipal Planning Tribunal to approve an application for temporary departure and suspension of title deed restrictions: farm 393/7, Stellenbosch.	19/12/2019	18/03/2019	Confirmed [see attached document – APPENDIX 1]



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## DECISION OF APPEAL AUTHORITY

**APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) AGAINST THE DECISION OF THE MUNICIPAL PLANNING TRIBUNAL TO APPROVE AN APPLICATION FOR TEMPORARY DEPARTURE AND SUSPENSION OF TITLE DEED RESTRICTIONS : FARM 393/7, STELLENBOSCH (File Ref: LU/4633 /Appeal)**

### DECISION OF APPEAL AUTHORITY:

After careful consideration of the written appeals, as well as all relevant documents, information and submissions made, the Appeal Authority hereby, in terms of Section 81 (7) of the Stellenbosch Municipal Land Use Planning By-law 2015:

Tick the appropriate box:

CONFIRM	<input checked="" type="checkbox"/>	VARY	<input type="checkbox"/>	REVOKE	<input type="checkbox"/>
<b>THE DECISION OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL, ON 18 AUGUST 2017, TO APPROVE THE APPLICATION FOR TEMPORARILY DEPARTURE TO PERMIT A SHOP TO BE OPERATED AND SUSPENSION OF RESTRICTIVE CONDITIONS IN ORDER TO SUSPEND A CONDITION WHICH LIMITS THE USE TO THAT OF A POST OFFICE : FARM 393/7, STELLENBOSCH</b>					
<p>1. The reasons for the decision are as follows:</p> <p>1.1. The title deed makes provision for the 'administrator' to amend or relax the title deed restrictions. The authority to make such a decision now lies with the municipal authority. The application for the temporary suspension of the title deed restrictions in terms of section 15(2) (b) falls within the decision making authority of the tribunal.</p> <p>1.2. The social benefit of the suspension of the restrictive conditions is undisputable as was evident from the overwhelming support of the community, religious institutions and other organisations. The objector conceded that the shop provides for a need in the surrounding farm workers community.</p> <p>1.3. According to Section 3(b) and 3(f) of SLUMA the imbalances of the past regarding spatial planning and land use must be addressed and must ensure social and economic inclusion.</p> <p>1.4. Section 7 of SPLUMA stipulates that:</p> <p>1.5. Land use management must be flexible and appropriate for the management of disadvantaged areas;</p> <p>1.6. Past spatial and development imbalances must be redressed through improved access to and use of land;</p> <p>1.7. Sustainable livelihoods in communities most likely to suffer the impacts of economic shock should be addressed by flexibility in land use management policies.</p> <p>1.8. Thus, the approval of the application conforms to the principles of sections 3 and 7 of SPLUMA as required by the Act.</p>					



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- 1.9. No objections were raised regarding possible negative impacts of the temporary suspension of the restrictive conditions as per section 33(5) of the by-laws.
- 1.10. The temporary suspension of the restrictive conditions will not have negative effects on the financial or other value of rights in terms of the restrictive condition that may be enjoyed by other parties.
- 1.11. The suspension of the restrictive conditions will not remove rights enjoyed by possible beneficiaries of the rights.
- 1.12. The majority of the shop's clients go to the shop on foot.
- 1.13. The operation of the shop over a long period was highlighted and forms part of the important social history of the community. The intangible heritage value thereof is clear and in terms of the section 59(2) (b) of LUPA provincial heritage must be protected.
- 1.14. The Western Cape Department of Transport and Public Works indicated in their letter dated the 7<sup>th</sup> of April 2017 that the registration of right of way servitude over Erf 4, Longlands (Portion 11 of Farm 393, Stellenbosch Division) was a condition set by the Department for the approval of the development of the new service station.
- 1.15. The objector, the owner of the service station, must therefore register a servitude right of way as mentioned above to comply with the service station development approval irrespective whether the departures application would be approved or not.
- 1.16. The Western Cape Department of Transport and Public Works offered no objection to the departures application subject to the closure of the unsafe access mentioned therein and the registration of right of way servitude over the service station property in favour of Portion 7 of Farm 393, Stellenbosch Division.
- 1.17. The objection by the owner of the service station that the provincial roads authority is trying to force the owner to provide access to the shop in order to legalise the shop is contrary to what the department indicated in their letter.
- 1.18. The access to shop via the service station (via a right of way servitude as required by the condition of approval for the service station) will address safety issues and concerns raised by the department and the objector.
- 1.19. In terms of the applicable zoning scheme regulations a "farm store" includes a building where goods are sold whether to the farm owner's employees or to the general public.
- 1.20. In terms of the zoning scheme regulations the Council consent to the utilisation of a building for the purposes of a farm store on a property zoned Agricultural Zone 1.
- 1.21. A "Departure" is a right to utilise the land for a purpose granted on a temporary basis and in terms of sections 15(2) and 18 of the By-law's approval may be given for the utilisation for a purpose not permitted in terms of the primary rights of the applicable zoning.
- 1.22. The subject 'shop' falls within the definition of 'farm store' and approval may be given for the temporary use as such.
- 1.23. The application conforms to the IDP and MSDP of the Stellenbosch Municipality.
- 1.24. The application was circulated and supported by the majority of the divisions / sections of the Stellenbosch Municipality with the exception of one Department: Building Development Management.

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- 1.25. The Director of Planning and Economic Development's Approval sets conditions to ensure that there are no negative impact on the Municipal Engineering Services.
  - 1.26. The approval of the application will be in the public interest.
  - 1.27. The shop serves the surrounding small, working, farming community in the area which is far from the town of Stellenbosch.
  - 1.28. If this application is refused this will have dire, catastrophic and economic consequences for this surrounding majority working class community in that they would be forced to spend money on transport costs to the town of Stellenbosch.
  - 1.29. The farming communities are the most cultural and economic deprived among the poor of the poorest.
  - 1.30. The fact that only one objection through a Francois Smith, Director of Longlands Holdings (Pty) Ltd, a privately owned Company was received by the Stellenbosch Municipality despite that an application was advertised for the benefit of the surrounding property owners, is an indication that the shop is of great value and asset to the aforesaid community.
  - 1.31. The application is supported by Ward 20 Councillor, Mrs Ansaaf Crombie and in addition to his support a petition has been signed by two hundred and twenty three residents that the shop must continue trading /operating in the area because of its benefits to the community.
2. The aforementioned approval is subject to the following conditions imposed in terms of Section 66 of the By-Law:
    - 2.1. The approval applies only to the temporary departure and suspension of restrictive title conditions in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
    - 2.2. The conditions imposed by the Engineering Services Directorate dated 3 April 2017 (attached as part of Appendix 7 of the MPT agenda dated 18 August 2018) must be adhered to;
    - 2.3. The conditions imposed by the Western Cape Government: Transport and Public Works dated 13 April 2017 (attached as part of Appendix 7 of the MPT agenda dated 18 August 2018) must be adhered to;
    - 2.4. A signage application must be submitted to the Department: Spatial Planning, Heritage and Environment for approval;
    - 2.5. The approval for temporary departure and suspension of restrictive title conditions shall be valid for five (5) years from the date of final notification;
    - 2.6. The applicant must publish a notice in the Provincial Gazette after the final notification of the decision with regard to the suspension of restrictive title conditions and must apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the suspension of restrictive conditions; and



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2.7. The Municipal decision making authority reserves the right to impose further conditions if deemed necessary.

SIGNATURE: *Gesie van Deventer* DATE: 18.03.2019  
APPEAL AUTHORITY  
Adv. Gesie van Deventer  
EXECUTIVE MAYOR

<b>9.2</b>	<b>REPORT BY THE SPEAKER</b>
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NONE

<b>9.3</b>	<b>REPORT BY THE MUNICIPAL MANAGER</b>
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<b>9.3.1</b>	<b>DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY: 01 JANUARY 2019 UNTIL 31 MARCH 2019</b>
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Collaborator No:

IDP KPA Ref No:

Good governance and Compliance

Meeting Date:

24 APRIL 2019

**1. SUBJECT: DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 JANUARY 2019 UNTIL 31 MARCH 2019**

**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 January 2019 until 31 March 2019, 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 as **ANNEXURE 1** is a summary 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.

**5. RECOMMENDATION**

that Council takes note of the decisions taken, for the period 01 January 2019 until 31 March 2019, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler (01 January 2019 – 31 March 2019).
- Director Strategic and Corporate Services – Ms A de Beer (01 January 2019 – 31 March 2019)
- Director Infrastructure Services – Mr D Louw (01 January 2019 – 31 March 2019)
- Acting Director Community and Protection Services (01 January 2019 – 28 February 2019)
- Director Community and Protection Services – Gary Boshoff (01 – 31 March 2019)
- Acting Chief Financial Officer – Kevin Carolus (01 January 2019 – 31 March 2019)
- Director Planning and Economic Development (01 January 2019 – 31 March 2019)

**6. DISCUSSION / CONTENTS****6.1 Background**

Section 63 of the Local Government Municipal Systems Act 32 of 2000 reads as follows:  
*"A political structure, political office bearer, Councillor or staff member of a municipality to whom a delegating authority has delegated or sub-delegated a power or duty, must report to the delegating authority at such intervals as the delegating authority may require, on decisions taken in terms of that delegated or sub-delegated power or duty since the last report."*

**6.2 Discussion**

The report outlines the delegations exercised as delegated by Council to the various Senior Managers

**6.3. Financial Implications**

As per approved budget

**6.4 Legal Implications**

Council's System of Delegation and all applicable legislation

**6.5 Staff Implications**

No staff implications

**6.6 Previous / Relevant Council Resolutions:**

None

**6.7 Risk Implications**

No risk implications for the Municipality

**6.8 Comments from Senior Management:**

No comments were solicited from departments.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler
<b>POSITION</b>	Municipal Manager
<b>DIRECTORATE</b>	Municipal Manager
<b>CONTACT NUMBERS</b>	021 808 8025
<b>E-MAIL ADDRESS</b>	<a href="mailto:mm@stellenbosch.gov.za">mm@stellenbosch.gov.za</a>
<b>REPORT DATE</b>	24 April 2019

# **ANNEXURE 1**



**DELEGATIONS EXERCISED FOR PERIOD JANUARY 2019**  
**MUNICIPAL MANAGER: G METTLER**

<b>Date</b>	<b>Delegation</b>	<b>Category</b>	<b>Report Subject and Recommendations</b>	<b>Date Received</b>	<b>Date Resolved</b>	<b>Resolution and Comments (if any)</b>
4	108	S67 MFMA	Application for donation: William Slade	4	04/01/2019	Not approved
7	108	S67 MFMA	Application for donation: Late Sarah Sauls	4	04/01/2019	Recommended for approval
7	645	Basic Conditions of Employment Act	Standby pre-approval: Informal Settlement	7	07/01/2019	Approved
7	229	SCM Reg 12(1)(c)	SCM: Questionnaire for FQ - Appointment of service provider to assist Speaker with alleged misconduct against Councillors	7	07/01/2019	Approved
8	645	Basic Conditions of Employment Act	Standby pre-approval: Disaster Management January 2019	8	08/01/2019	Approved
9	624	HR	Approval of annual leave: Director Corporate Services	9	09/01/2019	Approved
10	211	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: Media 24 - 6052347734	10	10/01/2019	Approved
14		SCM Reg	Approval of Gift register	14	14/01/2019	Approved
14	642	Employment Equity Act	JD: Manager Communications	14	14/01/2019	Approved
14	642	Employment Equity Act	JD: Knowledge and Information Officer	14	14/01/2019	Approved
15	211	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: Office Outfit – INV0000407	15	15/01/2019	Approved
17	8	S59(4) and S61 of Systems Act	Delegations exercised: December 2018 – Community and Protection Services	17	17/01/2019	Approved

17	648	By-law and policy	Approval Cellphone Allowance: Electricity	17	17/01/2019	Approved
17	8	S59(4) and S61 of Systems Act	Delegations exercised: December 2018 – Planning and Economic Development	17	17/01/2019	Approved
18	647	HR	Authorisation from Municipal Manager to implement disciplinary action: Community and Protection Services	18	18/01/2019	Approved
18	264	SCM – Regulations 35(1)	Consent for procurement of goods and services under contracts secured by other organs of state: BSM 100/18: Procurement of a capital budget planning and prioritisation tool for the period ending 2021	18	18/01/2019	Approved
19	5	Various legal provisions and the Law of Contract AND Basic Common Law principles AND S59(1) of MSA	Discretionary Grant for 2018/19	19	19/01/2019	Approved
19	624	HR	Approval of special leave: Engineering Services			Approved as per amendment of Director Corporate Services
19	270	SCM Reg (36)2	Deviation: La Concorde Pty Ltd and Stellenbosch municipality	19	19/01/2019	Approved: Given that notice of motion was served on 12/12/2018, and most firms was closed or short staffed for holiday period, it was impractical to advertise for 7 days into the Christmas period. Answering affidavit, notice of opposition, etc. needed to be prepared and filed, failure to do so timeously can

						potentially result in additional fees and application for condonation. In the interest of the municipality, this exception was imperative. It is important that an attorneys firm, with the necessary planning and SPLUMA expertise deal with this matter. STBB has the necessary planning and SPLUMA expertise and is effectively best positioned to deal with this matter.
19	650	HR	Authorisation for Snr Process controllers at WWTW that are above the threshold to perform overtime duties	19	19/01/2019	Approved
21	645	Basic conditions of employment	Standby pre-approval: Disaster Management: February 2019	21	21/02/2019	Approved
21		SCM Reg	Gift register approval	21	21/01/2019	Approved
21		Perf Regs	Quality certificate: Mid-year budget and performance assessment	21	21/01/2019	Approved
22	270	SCM Reg 36	Ratification: Emerald infrastructure solutions	22	22/01/2019	Approved
22	623	HR	Permission to leave WC024: Director Engineering Services	22	22/01/2019	Approved
23		MFMA	Provincial Treasury: Grant Annual report	23	23/01/2019	Approved
24	9	S62 (3) of the MSA	Response on appeal i.t.o. 62 Municipal Systems Act: BSM 87/18	24	24/01/2019	Signed
25		Legal	Departmental report: Case 3511/17 - Anura Vineyard Edms BPK/Christopher Basil Petersen and Other	25	25/01/2019	Approved

25		MFMA	Annexure C: Municipal regulation on Minimum Competency Levels: Stellenbosch municipality	25	25/01/2019	Signed
25	645	Basic conditions of Employment Act	Standby allowance: January 2019 Law enforcement	25	25/02/2019	Approved
25		HR	Appointment of Certificates: Law enforcement Officers	25	25/01/2019	Approved
26	9	S62 (3) of the MSA	Response to appeal i.t.o. Section 62 of the Municipal Systems Act: BSM87/18	26	26/01/2019	Approved
26	270	SCM Reg 36(2)	Deviation: Rendering security services	26	26/01/2019	Approved: Security services is important to prevent further vandalism and theft of municipal property. We currently also in the high court in relation to this tender apart from the ongoing appeal. It is therefore impractical to follow the normal process and given the short notice of the inability to render the service, the deviation is the only viable option to service council assets given the spade of theft and vandalism
28		Legal	Letter to Mr Hess: Tenders BSM 87/18 & FQ/SM83/19	28	28/01/2019	Signed
28	108	S67 MFMA	Application for donation: Cloetesville Secondary School	28	28/01/2019	Recommended for approval: Reason for higher amount is because various school in the area will benefit.
28	108	S67 MFMA	Application for donation: J J Arendse	28	28/01/2019	Not recommended for approval: Previous

						individual application was also delivered.
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**DELEGATIONS EXERCISED FOR PERIOD FEBRUARY 2019**  
**MUNICIPAL MANAGER: G METTLER**

<b>Date</b>	<b>Delegation</b>	<b>Category</b>	<b>Report Subject and Recommendations</b>	<b>Date Received</b>	<b>Date Resolved</b>	<b>Resolution and Comments (if any)</b>
1	623	HR	Travel and Congress allowance: Governance	1	01/20/2019	Approved
1	645	Basic conditions of Employment Act	Standby pre-approval: February 2019 – Informal Settlements	1	01/02/2019	Approved
4	645	Basic conditions of Employment Act	Request to rectify overtime leave: Governance	4	04/02/2019	Approved
4	210	S14(2)a and (b) of the MFMA	Sale for redundant belt press units X2 to Overstrand Municipality	4	04/02/2019	Approved: Subject to the assets transfer regulations been adhere to
4		MFMA	Kayamandi/George Blake informal trading site increase of project cost	4	04/02/2019	Approved: Must go to Mayor for signature as well as Portfolio Chair
5	S129(1)	MFMA	Submission of the Draft Annual Report 2017/18, Quarterly Performance Assessment Report 2018/19 Quarter 2 and the Revised TL SDBIP 2018/19 to AG	5	05/02/2019	Signed
5	651	HR	Letter to Local Economic Development: Proof of qualifications	5	05/02/2019	Signed
6	645	Basic Conditions of Employment Act	Standby allowance: February 2019 – Law Enforcement	6	06/02/2019	Approved
7		SCM Reg 36(2)	Ratification: Smart Office connexion	7	07/02/2019	Approved: Not ratification, it is irregular expenses

						MPAC item to be prepared and submitted.
8		MFMA	Remuneration of Audit and performance audit committee members	8	08/02/2019	Approved
11	211	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: 2019/34	11	11/02/2019	Approved
11	5	Various legal provisions and the Law of Contract AND Basic Common Law principles AND S59(1) of MSA	Sales agreement: Erf 7783 Stellenbosch	11	11/02/2019	Approved
11	9	S59 (4) and S61 of MSA	Delegations exercised January 2019: Infrastructure Services	11	11/02/2019	Approved
11	9	S59 (4) and S61 of MSA	Delegations exercised by January 2019: Planning and Economic Development	11	11/02/2019	Approved
11		MFMA	Letter to National Treasury: Requesting provision of information for purposes of the judicial commission of inquiry into state capture, corruption and fraud in the Public Sector, including organs of the state (the Commission)	11	11/02/2019	Approved
11			Letter to MEC: Appointment of Director: Community and Protection Services	11	11/02/2019	Approved
11			Letter to Environmental Affairs: Request for funds for the financial year 2018/19 – Water NRM	11	11/02/2019	Approved
12	624	HR	Approval of annual leave: Director Planning and Economic Development	12	12/02/2019	Approved
12	624	HR	Approval of sick leave: Governance	18	18/02/2019	Approved
12	623	HR	Travel and congress allowance: IDP	12	12/02/2019	Approved

12	633	HR	Approval of annual leave: Acting Director Community and Protection Services	12	12/02/2019	Approved
13	51	Legal	Signing 8 power of attorneys forms of sales: Kayamandi Subsidised Housing project	13	13/02/2019	Approved
13	5	Various legal provisions and the Law of Contract AND Basic Common Law principles AND S59(1) of MSA	Confidentiality agreement: SCM	13	13/02/2019	Approved
13	51	Legal	Departmental report: Case 5180/18 – Henri Droomer N.O. & Other // 23 Respondents and others	13	13/02/2019	Approved
13	645	Basic conditions of Employment Act	Conversion of 5/8 Library Assistant posts to full day posts	13	13/02/2019	Approved
15		MSA 25(1)(d)	Letter to IEC: Resignation of Cllr MB de Wet	15	15/02/2019	Signed
18		HR	Organisational training: Project management: Office of the Municipal Manager	18	18/02/2019	Approved
19	623	HR	Travel Claim: Governance	19	19/02/2019	Approved
20	9	S62(3) of MSA	Appeal i.t.o. Section 79(2) of the Stellenbosch municipality Planning By-law against the decision of the Municipal Planning Tribunal: Application for additional dwellings on Farm 524, Stellenbosch	20	20/02/2019	Approved
20		Remuneration of Public Office Bearers Act, Act 20 of 1998	Item 18 of the determination of upper limits of salaries, allowances and benefits of different members of council	20	20/02/2019	Supported
21		IT	Request for ICT Resources: Director Community and Protection Services	21	21/02/2019	Approved
22	5	Various legal provisions and the Law of	MOA: Provision of bulk services in Idas Valley	22	22/02/2019	Signed



		Contract AND Basic Common Law principles AND S59(1) of MSA				
22	9	S62(3) of MSA	BSM 102/18: Appeal i.t.o. Section 62 of the Systems Act	22	22/02/2019	Upheld
22	211	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: STMUN022019	22	22/02/2019	Approved
22		Legal	Notarial deed of cancellation of servitude on Erf 8887, Stellenbosch	22	22/02/2019	Approved
22		Legal	Applicant's notice i.t.o. Rule 30A(1): Vanessa van der Veen /Stellenbosch municipality	22	22/02/2019	Approved
25	211	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: 102#003037	25	25/02/2019	Approved
26		MFMA	Request for MPAC/Oversight visit to various areas in completion of MPAC/Oversight report for the 2017/18 financial year	26	26/02/2019	Approved
26		MFMA	Statement of actual expenditure incurred on proclaimed municipal roads 01 July 2018 until 30 June 2019			
26	5	Various legal provisions and the Law of Contract AND Basic Common Law principles AND S59(1) of MSA	Transfer payment agreement: Capacity Building Clerk Salary	26	26/02/2019	Approved
26		Finance	Letter to Investec Bank	26	26/02/2019	Approved
26		Finance	Letter to ABSA Bank	26	26/02/2019	Approved

26		Finance	Request to transfer funds from the current account to the investment portfolio	26	26/02/2019	Approved
26	633	HR	Acting appointment and Acceptance: CFO	26	26/02/2019	Approved
26		Legal	Appeal i.t.o. Section 62 Of the Municipal Systems Act relating to the appointment of attorneys for the rendering of conveyancing services	26	26/02/2019	Approved
27	211	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: 19665733 / 201901A	27	27/02/2019	Approved
27	623	HR	Travel Claim: Director Planning and Economic Development	27	27/02/2019	Approved
28	270	SCM Reg 36(2)	Deviation: Emergency hiring of generator during interruption of electricity supply – Onder Papegaaiberg	28	28/02/2019	Approved: Emergency generator to restore urgent communication channel due to cable theft

**DELEGATIONS EXERCISED FOR PERIOD MARCH 2019**  
**MUNICIPAL MANAGER: G METTLER**

<b>Date</b>	<b>Delegation</b>	<b>Category</b>	<b>Report Subject and Recommendations</b>	<b>Date Received</b>	<b>Date Resolved</b>	<b>Resolution and Comments (if any)</b>
07	624	HR	Leave cancellation: Office of the Municipal Manager	07/03/2019	07/03/2019	Approved
07	108	S67 MFMA	Application for donation: Holy Trinity Church Paarl	07/03/2019	07/03/2019	Recommended for approval to EM
07	108	S67 MFMA	Application for donation: The late Koos Pietersen	07/03/2019	07/03/2019	Recommended for approval to EM
07			Letter to ASLA Magwebu Pty Ltd: Idas Valley Housing Development	07/03/2019	07/03/2019	Signed
15	9	S62 (3) MSA	Appeal i.t.o. Section 79(2) of the Stellenbosch Municipality By-law (2015) against the decision of the Stellenbosch Planning Tribunal to approve the application for the Special Development: Erf 903, Stellenbosch	15/03/2019	15/03/2019	Approved
18	270	SCM Reg 36(2)	Deviation: Metro City Protection Services CC/ The Municipality of Stellenbosch and Securitem Pty Ltd	18/03/2019	18/03/2019	Approved: Urgent as it is to oppose interdict. The supplier have been given poor services to the municipality. As unsuccessful bidder after tender process with appeal followed.
19			Letter for Mr W Smit: Offer to purchase: Stellenbosch municipality/WS Smit Watergang Trust	19/03/2019	19/03/2019	Signed

20	270	SCM Reg 36(2)	Deviation: To apply for an interdict against the owner of Erf 275 Klapmuts (the property) and the tenant of the property, value concrete ready mix to utilise the illegal structures erected on the property, i.e. (illegal metal office container, metal silo and conveyor structures) as well as the demolition thereof should the need thereof exist including the prevention of any disturbing noise and noise nuisance in contravention of the applicable Western Cape Noise Control Regulations, 2013 including any air pollution nuisance by depositing fugitive dust emissions in contravention of the National Dust Regulations as promulgated in the National Environmental Management: Air Quality Act, 39 of 2004	20/03/2019	20/03/2019	Approved
20	5	Various legal provisions and the Law of Contract AND Basic Common Law principles AND S59(1) of MSA	Verification agreement between South African Qualification Authority and Stellenbosch municipality	20/03/2019	20/03/2019	Signed
20		Legal	Letter to Public Protector: Provisional closing report: Outcome of investigations of maladministration on investigation of irregular appointments, promotions, change in payment scales and acting allowances of traffic officials	20/03/2019	20/03/2019	Signed
22		MFMA	Municipal Regulation on Minimum competency level: Stellenbosch Municipality	22/03/2019	22/03/2019	Approved

**DELEGATIONS EXERCISED FOR PERIOD: JANUARY 2019**  
**DIRECTORATE: CORPORATE SERVICES**

DATE	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
2	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Payday Software Systems (350735) – ICT Department	31/12/2018	02/1/2019	Approved Request
2	645.	ICT Department	Overtime pre-approval for: ICT Department	31/12/2018	02/1/2019	Approved Request
4	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: ICT Department <ul style="list-style-type: none"> <li>• Telkom – R301.65 x3</li> <li>• Telkom – R730.35</li> <li>• Telkom – R301.65 x4</li> <li>• Telkom – R5 583.35</li> <li>• Telkom – R720.95</li> <li>• Telkom – R65 014.60</li> </ul>	4	04/1/2019	Approved Request
4		Creditors	Petty cash – R1639.70: Office of the Executive Mayor	-	4/1/2019	Approved Request
7		Creditors	<ul style="list-style-type: none"> <li>• Direct Payment request contempt of court for November 2018 R29 700.00</li> <li>• Direct Payment request contempt of court for October 2018 R26 400.00</li> </ul>	31/12/2018	2/1/2019	Approved Request
7	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: Independent Newspaper (3520940 R6556.31	4	7/1/2019	Approved Request
8	211 (d) INV	S115(1) of the MFMA read with	Invoices: <ul style="list-style-type: none"> <li>• Piet September and Associates – R8992.30</li> </ul>	-	-	Approved Request

		S117 Supply chain Reg	<ul style="list-style-type: none"> <li>• Piet September and Associates – R6779.95</li> <li>• Piet September and Associates – R70 610.58</li> </ul>			
10	645 (l)	HR	Timesheet: Document Management	10	10/1/2019	Approved Request
10	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: <ul style="list-style-type: none"> <li>• Business Engineering (350958) R51 280.80</li> <li>• Business Engineering (350958) R51 280.80</li> <li>• Business Engineering (350958) R51 280.80</li> </ul>	-	10/1/2019	Approved Request
10	643.	HR	Fixed term contract: Ward Administration	-	10/1/2019	Approved Request
10	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Sham'd Halaal (351265) R400.00: Ward Administration	-	10/1/2019	Approved Request
10	211	S115(1) of the MFMA read with S117 Supply chain Reg	Requisitions: Facilities Management <ul style="list-style-type: none"> <li>• Magasyn RQ: 345913</li> <li>• Magasyn RQ: 345914</li> </ul>	-	10/1/2019	Approved Request
10	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: Facility Management <ul style="list-style-type: none"> <li>• Xcell Environmental (352366) R2 293.34</li> <li>• Xcell Environmental (351729) R1 803.66</li> <li>• Ibhunga Cleaning (352279) R57 500.00</li> </ul>	-	10/1/2019	Approved Request
10	643.	HR	Fixed term contract Informal Settlements	10/1/2019	10/1/2019	Approved Request
10	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices <ul style="list-style-type: none"> <li>• Yvette Cloete 157- R 10 040.00</li> </ul>	09/1/2019	10/1/2019	Approved Request
11	645 (l)	HR	Timesheet for Hosing Administration	10/1/2019	11/1/2019	Approved Request
11	643.	HR	Formal Offer of employment: Technician Water & Loss Control	-	11/1/2019	Approved Request
11	211 (d) INV	S115(1) of the MFMA read with	Memorandum: Payment- internal Bursaries 2018	-	11/1/2019	Approved Request

		S117 Supply chain Reg				
11	645 (l)	HR	Timesheets: Office of the Executive Mayor	10/1/2019	11/1/2019	Approved Request
11	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: Office of the Executive Mayor <ul style="list-style-type: none"> <li>• Independent newspaper- 352572- R 2 359.50</li> <li>• Independent newspaper-352571- R 1 999.00</li> </ul>	10/1/2019	11/1/2019	Approved Request
11	643.	HR	Fixed term contract Infrastructure Services	10/1/2019	11/1/2019	Approved Request
11		SCM Reg	Memorandum – ratification: Smart Office Connexion for an amount of R 20 290.32	10/1/2019	11/1/2019	Approved Request
11	643	HR	Offer of employment Letter: Platoon Commander, R and Pollution Control Officers	10/1/2019	11/1/2019	Approved Request
14	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: Property Management <ul style="list-style-type: none"> <li>• Vision Elevators – 351900 – R 2159.08 *3</li> <li>• Eskom – R 5124.51</li> <li>• Drakenstein Municipality – R 8 200.70</li> <li>• Emerald Infrastructure solutions- R 64 409.00</li> </ul>	11/1/2019	14/1/2019	Approved Request
14	645 (l)	HR	Timesheets; Municipal Court	11/1/2019	14/1/2019	Approved Request
14		SCM Reg	Memo: Ratification- Emerald Infrastructure Solutions R 63 409.00	11/1/2019	14/1/2019	Approved Request
14	645 (l)	HR	Timesheet: Document management	11/1/2019	14/1/2019	Approved Request
14	211	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices <ul style="list-style-type: none"> <li>• Fred Mouton – R 2500.00</li> </ul>	11/1/2019	14/1/2019	Approved Request
15	643.	HR	Fixed Term contract: Council Support	14/1/2019	15/1/2019	Approved Request
15	643.	HR	Fixed Term Contract of Infrastructure Services	14/1/2019	15/1/2019	Approved Request

15		Labour Relations	Memorandum: Labour Relations	14/1/2019	15/1/2019	Approved Request
17	643.	HR	Fixed Term Contract – Council Support	15/1/2019	17/1/2019	Approved Request
21		Human Resources	Infrastructure Project Manager Advert	17/1/2019	21/1/2019	Approved Request
21	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices <ul style="list-style-type: none"> <li>• Webber Wentzel inv 500747- R 76 968.35- 352765</li> <li>• Webber Wentzel inv 500758- R 239 654.25- 352763</li> <li>• STBB inv 12573- R 651.55 – 35276</li> <li>• STBB inv 12574 – R 8 260.43 – 352760</li> <li>• STBB inv 6004- R 2750.00 – 352759</li> <li>• STBB inv 13135- R 1271.21- 352758</li> <li>➤ STBB inv 13918- R 1390.09 – 352757</li> </ul>	17/1/2019	21/1/2019	Approved Request
21	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice <ul style="list-style-type: none"> <li>• Media24 R 891.68</li> <li>• Media24 R 5437.74</li> </ul>	17/1/2019	21/1/2019	Approved Request
21	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice Human Resources <ul style="list-style-type: none"> <li>• Skawara Computing –R 1399.00</li> </ul>	18/1/2019	21/1/2019	Approved Request
21	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: document management <ul style="list-style-type: none"> <li>• Trisave (Pty) LTD – R 2359.23- 352457</li> </ul>	18/1/2019	21/1/2019	Approved Request
21	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: Municipal Court <ul style="list-style-type: none"> <li>• Direct Payment: Department of Justice R 43 200</li> </ul>	18/1/2019	21/1/2019	Approved Request
21	643.	HR	Adverts <ul style="list-style-type: none"> <li>• Various Directorates</li> </ul>	18/1/2019	21/1/2019	Approved Request



21	645 (l)	HR	Timesheet : Document Management	18/1/2019	21/1/2019	Approved Request
22	643.	Human Resources	Letter of Appointment: Pollution Control Officer	18/1/2019	22/1/2019	Approved Request
22	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: ICT <ul style="list-style-type: none"> <li>• Liquid Telecom – R 58550.65- 352590</li> <li>• Geonopolis Electrical – R 91 464.34- 351682</li> <li>• Ganedhi Trading – 351853</li> <li>• Liquid Telecom – R 12 395.75 – 352590</li> <li>• Avalon Technology – R 31070.17- 349508</li> <li>• Avalon Technology – R 63 419.05- 350322</li> <li>• Telkom R 918.60</li> </ul>	18/1/2019	22/1/2019	Approved Request
22	643.	HR	Fixed term contract of Financial Services	18/1/2019	22/1/2019	Approved Request
24	643.	HR	Fixed term contract of Human Resources	22/1/2019	24/1/2019	Approved Request
25	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices : Document management <ul style="list-style-type: none"> <li>• Hasler Business System – R 4306.29- 36888</li> <li>• Hasler Business System- R 7099.08- 36698</li> </ul>	24/1/2019	25/1/2019	Approved Request
25	139	S69 and S70 of the MFMA	Budget Virementation – R 20 000.00: Council Support	24/1/2019	25/1/2019	Approved Request
25	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: Property Management <ul style="list-style-type: none"> <li>• Ibhunga Cleaning Services – R 57 500.00 - 382582</li> <li>• Octofin R634 407.23 - 350408</li> <li>• MMPA – R 5175- 350069</li> <li>• Contours Lanscape- R 280 648.29 – 349850</li> <li>• Amabamba – 5304 –R 95 220.00</li> <li>• Attaq inv 5950 – R 188726.98</li> </ul>	24/1/2019	25/1/2019	Approved Request
25	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: ICT <ul style="list-style-type: none"> <li>• Mason –R 3 432.75 – 352689</li> <li>• Vodacom –R 1809.64 – 351504</li> <li>• Vodacom – R 13081.97- 542765</li> </ul>	24/1/2019	25/1/2019	Approved Request

			<ul style="list-style-type: none"> <li>Vodacom – B340148062 – R 34 114.38</li> </ul>			
		ICT	Request form for council Support			Approved Request
28	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	<p>Invoices: ICT</p> <ul style="list-style-type: none"> <li>Vox Telecom inv 11672187- 351224 –R 7762.50</li> <li>Vox Telecom inv11808670- 352167- R 3 450.00</li> </ul>	25/1/2019	28/1/2019	Approved Request
28	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	<p>Invoices; Property Management</p> <ul style="list-style-type: none"> <li>CEM Construction – inv 157 –R 5 800.00- 352752</li> <li>Servest Invoice 461318 – R 5600.50</li> <li>Servest invoice 466185 – R 34 309.10</li> <li>APEX invoices 161734- R 2178.00</li> <li>APEX invoices 161735 – R 2771.46</li> <li>Contours Landscapes invoice-108347- R 280 648.29</li> <li>Masimbela –invoice MA002 – R 200 000.00- 352287</li> <li>Shorts Lifts invoice 50145- R 70 440.63</li> <li>Requisition 334186 Stores</li> </ul>	25/1/2019	28/1/2019	Approved Request
		Human Resources	<p>Memorandums;</p> <ul style="list-style-type: none"> <li>Implementation of Task outcomes.</li> <li>Recommended Positions for employees in the Pool</li> </ul>			Approved Request
29	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	<p>Invoices: Document management</p> <ul style="list-style-type: none"> <li>Democratic Packaging cc invoice 2575A – R 1080.00</li> </ul>	28/1/2019	29/1/2019	Approved Request

29		Human Resources	Manager Infrastructure advert	28/1/2019	29/1/2019	Approved Request
29	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: Council Support <ul style="list-style-type: none"> <li>• P&amp; D Cuisine – 357237- R 400.00</li> <li>• P&amp; D Awesome Cuisine – 352733 R 400.00</li> <li>• P&amp; D Awesome Cuisine -352730 – R 1200.00</li> </ul>	28/1/2019	29/1/2019	Approved Request
29		Human Resources	Memorandum: MPAC item He/She driver training	28/1/2019	29/1/2019	Approved Request
30	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Memorandum: <ul style="list-style-type: none"> <li>• Payment of internal 2019 bursaries</li> </ul>	29/1/2019	30/1/2019	Approved Request
30	643.	Human Resources	Offer of employment as Platoon Commander and letters of confirmation	29/1/2019	30/1/2019	Approved Request
31	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: Propoerty Management <ul style="list-style-type: none"> <li>• Skhie Productions – R 7562.27 – 352172</li> <li>• Wynland invoice -127232- R 294.06- 352637</li> <li>• Wandeed invoice no;503828-R 247.02</li> <li>• Media24 invoice no; 6052392742- R 11 592.00</li> <li>• Dirck Crane invoice no; 184E204-345164- R 10 000.00</li> <li>• VW Civil Engineerng invoice 24039-351592- R1 297.20</li> <li>• ABSA/BROU-209I699-350409-R75649.77</li> <li>• Drakenstein Municipality – R 6464.20</li> </ul>	29/1/2019	31/1/2019	Approved Request
31	645	HR	Standby approval forms of Property management	30/1/2019	31/1/2019	Approved Request
31	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	APEX invoices; <ul style="list-style-type: none"> <li>• Invoice no; MS161713-350662 – R 2057.17</li> <li>• Invoice no; MS161712-350662- R 2584.13</li> <li>• Invoice no; M161714- 350666- R 2584.13</li> <li>• Invoice no; MS161715-350666- R 199.40</li> <li>• Invoice no; MS162076-350667- R 2919.68</li> <li>• Invoice no; MS162077-R350667-R 793.88</li> </ul>	30/1/2019	31/1/2019	Approved Request

			<ul style="list-style-type: none"> <li>• Invoice no; MS161704-350830-R 1494.19</li> <li>• Invoice no; MS 161705-350830- R 224.34</li> <li>• Invoice no; MS161700-350828- R 14 092.55</li> <li>• Invoice no; MS 161702- 350827-R 14092.55</li> <li>• Invoice no; MS161701-350828-R 542.59</li> <li>• Invoices no; MS161703-350827- R 657.50</li> <li>• Invoice no; MS161790-350665-R 2078.36</li> <li>• Invoice no; MS161791-350665-R72.53</li> </ul>			
31	643.	HR	Fixed term contracts of Financial Services	30/1/2019	31/1/2019	Approved Request
31	643.	HR	Fixed term contract of Infrastructure	30/1/2019	31/1/2019	Approved Request
31	646. / 211 (d) INV	Human Resources	Memorandum: <ul style="list-style-type: none"> <li>• Payment of Internal Bursaries for 2019 Studies</li> <li>• Payment of Internal Bursaries for 2018 studies</li> </ul>	30/1/2019	31/1/2019	Approved Request
31	211	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice:: HR Dr. Louw – R 2 800.00	30/1/2019	31/1/2019	Approved Request
31	646	Human Resources	Terms of reference for the training Committee	30/1/2019	31/1/2019	Approved Request
31	619.	Secretariat/Committee Services	SOP	30/1/2019	31/1/2019	Approved Request

**DELEGATIONS EXERCISED FOR PERIOD: FEBRUARY 2019**  
**DIRECTORATE: CORPORATE SERVICES**

DATE	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
1	643.	Human Resources	Employment contract HR	-	1/2/2019	Approved
1	643.	Planning and Economic development	Employment contract for Planning and Economic Development	-	1/2/2019	Approved
1	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices <ul style="list-style-type: none"> <li>• Container hire trust – R5635.00</li> <li>• Apex 161735 R28771.46</li> <li>• Apex 161706 R1494.21</li> <li>• Apex 161770 R2078.36</li> <li>• Apex 161771 R8182</li> <li>• Apex 161707 R11.86</li> </ul>	-	1/2/2019	Approved
6	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: ICT <ul style="list-style-type: none"> <li>• Bidvest Waltons – R122.96</li> <li>• Bidvest Waltons – R2 1432.70</li> <li>• EOH – R979 430.88</li> </ul>	-	1/2/2019	Approved
7	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Dr W Broekmann – R2830.00 (352140) – Labour Relations	-	7/2/2019	Approved
7	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: Ward Administration <ul style="list-style-type: none"> <li>• Evetravel (R4 944.96, R702.04 and R5 647.00)</li> <li>• Bruckner De Villiers Primere School (324524) R1000.00</li> </ul>	-	7/2/2019	Approved
11	643.	Human Resources	Fixed term contract for temporarily law enforcement officers: Community and Protection Services	-	11/2/2019	Approved

11	643.	HR	Addendums Control Room Operators: Community and protection Services	-	11/2/2019	Approved
11	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: Property Management <ul style="list-style-type: none"> <li>• Plan A SA – R23 000.00</li> <li>• Servest – R5 600.50</li> <li>• Vermer Blinds – R9 451.00</li> <li>• Payday – R11 960.00</li> <li>• NKY construction – R13 660.00</li> </ul>	-	11/2/2019	Approved
11	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	BC Landscape – R14 148.00: Human Resources	-	11/2/2019	Approved
11	645.	HR	Overtime – ICT	-	11/2/2019	Approved
19	645 (l)	HR	Timesheets for: Ward Administration	-	19/2/2019	Approved
19	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: Document Management <ul style="list-style-type: none"> <li>• Park Avenue (352577) R378.35</li> <li>• Bidvest Waltons (352667) R250.54</li> <li>• W C Stationers (352579) R420.21</li> </ul>	-	19/2/2019	Approved
19	643.	HR	Addendums: Human Resources	-	19/2/2019	Approved
19	643.	Human Resources	Addendums: Human Resources	-	19/2/2019	Approved
20	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: Property Management <ul style="list-style-type: none"> <li>• MTF (R11 968.05)</li> <li>• Contours Landscape (359850) R135 952.92</li> </ul>	-	20/2/2019	Approved
20	211	S115(1) of the MFMA read with S117 Supply chain Reg	Direct payment request (R29 700.00) Contempt of court for January 2019	-	20/2/2019	Approved
21	643.	HR	Addendum for Engineering Services	-	21/2/2019	Approved
21	643.	HR	Addendum for Engineering Services	-	21/2/2019	Approved

21	643.	Human Resources	Addendums for: HR	-	21/2/2019	Approved
22	643.	Human Resources	Addendums for: HR			
22	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: Facility Management <ul style="list-style-type: none"> <li>• HBC (R5750.00)</li> <li>• Red Hills Electronics (R113 700.50)</li> </ul>	-	22/2/2019	Approved
22	643.	Human Resources	Fixed term contract for: HR	-	22/2/2019	Approved
25	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Media 24 (352753) R50 715.00: Human Resources	-	25/2/2019	Approved
25	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	HBC (351803,351801) R5750.00 and R8050.00: Property Management	-	25/2/2019	Approved
25	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: Facility Management <ul style="list-style-type: none"> <li>• Timbercity – R5245.00</li> <li>• Meccapants – R1408.20</li> <li>• Timbercity – R970.00</li> <li>• Overberg – R1321.67</li> <li>• Bee Projects 0 R17 100.50</li> </ul>	-	25/2/2019	Approved
25	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	MTF Construction – order nr 352512 - Ward Administration	-	25/2/2019	Approved
26	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: Human Resources <ul style="list-style-type: none"> <li>• Payday Software systems (350735) R7590.00</li> <li>• Payday Software systems (350735) R7590.00</li> </ul>	-	25/2/2019	Approved

26	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: Property Management <ul style="list-style-type: none"><li>• Octofin (350408) R650 850.81</li><li>• Attacq – R187 226.47</li></ul>	-	26/2/2019	Approved
26	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: ICT Department <ul style="list-style-type: none"><li>• Media24 (352887) R6210.00</li><li>• Telkom – R139.92</li></ul>	-	26/2/2019	Approved



**DELEGATIONS EXERCISED FOR PERIOD: MARCH 2019**  
**DIRECTORATE: CORPORATE SERVICES**

DATE	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
1	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: Property Management <ul style="list-style-type: none"> <li>• MMPA (3500690) R48 660.33</li> <li>• Masiphane – R203 806.07</li> <li>• Servest (350672) R34 309.10</li> <li>• Windeed – R139.24</li> <li>• Eskom – R5 571.45</li> <li>• Broll (350409) R69 872.12</li> </ul>	27/2/2019	1/3/2019	Approved
1	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Ganzekraal holiday resort (355679) R1340.00 - HR	27/2/2019	1/3/2019	Approved
1	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: Facilities Management <ul style="list-style-type: none"> <li>• Priel Plumbing (353006) R16 560.00</li> <li>• Meccapants (353143) R1408.20</li> <li>• Wynland glass (351060) R1152.50</li> </ul>	27/2/2019	1/3/2019	Approved
4		S115(1) of the MFMA read with S117 Supply chain Reg	Office of the Mayor <ul style="list-style-type: none"> <li>• Petty cash – R237.00</li> <li>• Petty cash – R2062.76</li> </ul>	1/3/2019	1/3/2019	Approved
4	211 (d) INV	S115(1) of the MFMA read with	Mason (352511) R2846.25 and R526.47 – Documents Management	1/3/2019	4/3/2019	Approved

		S117 Supply chain Reg				
4	643.	Human resources	Addendums for HR	-	4/3/2019	Approved
4	643.	HR	Fixed term contracts for Nature Reservation	-	4/3/2019	Approved
4	643.	HR	Addendums for Financial Services	-	4/3/2019	Approved
4	643.	HR	Fixed term contract for Engineering Services	-	4/3/2019	Approved
5	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Stelkor apteek : Labour Relations	1/3/2019	4/3/2019	Approved
6	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	JT Maritz Electrical (352432) R85 675.00	1/3/2019	4/3/2019	Approved
6	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Trisane (1058541) R2 359.23	4/3/2019	6/3/2019	Approved
6	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Cinnamon Caterers R6300.00 – Ward administration	4/3/2019	6/3/2019	Approved
7	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: <ul style="list-style-type: none"> <li>• Auditors General – R11 724.83</li> <li>• Auditors General – R15 339.98</li> </ul>	7/3/2019	7/3/2019	Approved
8	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: Property management <ul style="list-style-type: none"> <li>• Masimbela General (352281) R200 000.00</li> <li>• Bidvest (349848) R3 790.40</li> <li>• Eskom (R1337.30 and R9289.29)</li> </ul>	7//2019	8/3/2019	Approved
8	211 (d) INV	S115(1) of the MFMA read with	Infinitum Software Solutions – R34 212.50 – IDP Department	-	8/3/2019	Approved

		S117 Supply chain Reg				
8	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Stelmed CC – R1140.00: ICT	-	8/3/2019	Approved
8	645.	HR	ICT overtime pre approvals for: ICT	-	8/3/2019	Approved
11	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Lupat General trading (353254) R14 997.50: Mayor's office	8/3/2019	11/3/2019	Approved
11	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: Facilities Management <ul style="list-style-type: none"> <li>• Universal trading (351191) R6005.00</li> <li>• Universal trading (351191) R46600</li> <li>• Universal trading (351409) R4180.01</li> <li>• Universal trading – R2700.00</li> <li>• Wynland glass (352987) R1150.01</li> </ul>	8/3/2019	11/3/2019	Approved
11	643.	Engineering Services	Fixed term contract for E Andreas	-	11/3/2019	Approved
12	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: Ward Administration <ul style="list-style-type: none"> <li>• P and D Awesome cuisine (353435) R3200.00</li> <li>• Sure Travel (353380) R11 022.00</li> </ul>	11/3/2019	12/3/2019	Approved
12	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: Facilities Management <ul style="list-style-type: none"> <li>• V.W Civil Engineering (35192) R667.00, R22 425.00 and R763.83</li> <li>• Visio elevators – R2519.00 and R351900</li> </ul>	11/3/2019	12/3/2019	Approved
12	645.	HR	Overtime pre-approval for Facilities Management	11/3/2019	12/3/2019	Approved
12	645 (I)	HR	Timesheet for Document Management	12/3/2019	12/3/2019	Approved
12	211 (d) INV	S115(1) of the MFMA read with	Invoices: Documents Management <ul style="list-style-type: none"> <li>• Magbu traders (353261) R12 300.00</li> <li>• Magbu Traders (353248) R20 500.00</li> </ul>	12/3/2019	12/3/2019	Approved

		S117 Supply chain Reg	<ul style="list-style-type: none"> <li>• BDCE Ltd (349902) R8 337.50</li> </ul>			
12	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	University Stellenbosch (353155) R2190.24	12/3/2019	12/3/2019	Approved
12	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: ICT <ul style="list-style-type: none"> <li>• Innovo networks (352988) R67202.12</li> <li>• EQH Intelligent infrastructure (351138) R947 213.60</li> <li>• Infinitum software solutions (352244) R34212.50</li> <li>• Liquid telecom (352590) R74 518.64</li> <li>• Liquid telecom (352590) R102 737.26</li> <li>• Telkom – R603.25, 301.65, R66 440.50 and R301.65</li> </ul>	11/3/2019	12/3/2019	Approved
12	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Trisace (353433) R2359.23: Printing Office	11/3/2019	12/3/2019	Approved
12		Creditors Control	Petty cash – R209.97: Human Resources	11/3/2019	12/3/2019	Approved
12	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: HR <ul style="list-style-type: none"> <li>• He and she driving (353090) R7 645.44</li> <li>• He and she driving (353090) R7 645.44</li> <li>• He and she driving (353090) R4 865.28</li> <li>• He and she driving (349901) R8 655.13</li> <li>• BC Landscape (349795) R90 148.25</li> </ul>	11/3/2019	12/3/2019	Approved
13	645 (l)	HR	Timesheets for: Salaries Department	12/3/2019	13/3/2019	Approved
13	645 (l)	HR	Timesheets for: Document Management	12/3/2019	13/3/2019	Approved
13	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Nutri consult dietitians – R980.00: Labour Relation	12/3/2019	13/3/2019	Approved
14		HR	Timesheets for Ward Administration	13/3/2019	14/3/2019	Approved

14	643.	HR	Fixed term contracts Engineering Services	-	14/3/2019	Approved
14	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: <ul style="list-style-type: none"> <li>• Apex (353534) R5356.72</li> <li>• Apex (353536) R8168.00</li> <li>• Apex (353540) R8168.26</li> <li>• Apex (353535) R5756.72</li> <li>• Apex (353532) R3188.42</li> <li>• Apex (353531) R3288.35</li> <li>• Apex (353533) R8839.36</li> <li>• Apex (353591)R31185.10</li> <li>• Apex (353590) R31185.10</li> <li>• Sure Travel (353380) R11 022.00</li> </ul>	-	14/3/2018	Approved
14		Creditors Control	Contempt of court for February 2019 (R33 300.00)	14/3/2019	14/3/2019	Approved
14	645 (l)	Salary	Timesheets:	14/3/2019	14/3/2019	Approved
14	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: Facilities Management <ul style="list-style-type: none"> <li>• Archie Construction – R9376.93</li> <li>• Delta Cool (351341) R575.00</li> </ul>	-	14/3/2019	Approved
18	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Business Engineering – R51 280.80	18/3/2019	18/3/2019	Approved
18	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	John MacRobert Attorneys – R22 077.59: Financial Services	18/3/2019	18/3/2019	Approved
20	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: Property Management <ul style="list-style-type: none"> <li>• Man 4 S trading (353630) R18 210.00</li> <li>• Servest (350672) R5600.00</li> <li>• Independent Newspaper (353574) R10 046.40</li> <li>• Media 24 (353375) R8 280.00</li> <li>• Contours landscape (349800) R42 810.99</li> <li>• Beap (351873) R135 367.00</li> </ul>	18/3/2019	20/3/2019	Approved

			<ul style="list-style-type: none"> <li>• Premier attraction – R1 232 020.74</li> <li>• Linoko catering (353231) R3900.00</li> <li>• Contours landscape – R135 952.94</li> <li>• Media24 (353373) R7 536.25</li> </ul>			
20	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: Facilities Management <ul style="list-style-type: none"> <li>• Bathrooms (352602) R1 474.00</li> <li>• Timbercity (352553) R580.00</li> <li>• Bathrooms (353665) R7042.00</li> </ul>	18/3/2019	20/3/2019	Approved
20	643.	Human Resources	Addendums for: Human Resources	18/3/2019	20/3/2019	Approved
20	211 (d) INV	Salary	Payment of Ward Committee members	18/3/2019	20/3/2019	Approved
20	643.	Human Resources	Addendum for HR	18/3/2019	20/3/2019	Approved
26	643.	HR	Fixed term contract for: Supply Chain	-	26/3/2019	Approved
26	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Masiphane Trading – R604 789.55: Property Management	25/3/2019	26/3/2019	Approved
27	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Sure Travel (353927) R26 077.00: HR	25/3/2019	27/3/2019	Approved
27	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Western Cape Stationers – R141 4500.00: Printing Office	26/3/2019	27/3/2019	Approved
27	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Lupat General Trading (353817) R14 569.00: Office of the Mayor	26/3/2019	27/3/2019	Approved
27	211 (d) INV	S115(1) of the MFMA read with	MBA Construction – R160 819.02: Property Management	26/3/2019	27/3/2019	Approved

		S117 Supply chain Reg				
28	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: Property management <ul style="list-style-type: none"> <li>Red hills (351211) R59 857.50</li> <li>Media24 (353575) R8 2880.00</li> <li>Red Landscape Architects (351267) R3675.01</li> </ul>	27/3/2019	28/3/2019	Approved
29	211 (d) INV	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices:: Facilities Management <ul style="list-style-type: none"> <li>Bee Projects (353095) R17 100.50</li> <li>John Wen (353930) R9700.00</li> </ul>	28/3/2019	29/3/2019	Approved
29	645	HR	Overtime pre-approval for Facilities Management	28/3/2019	29/3/2019	Approved

**DELEGATIONS EXERCISED FOR PERIOD JANUARY 2019**  
**DIRECTORATE: INFRASTRUCTURE SERVICES**

Date	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
17-23/01/2019	Give notice to owners of private property when Council intends to disconnect or close any public municipal services affecting the residents	<b>S140 (2) of municipal ordinance</b>	MUNICIPAL NOTICE:  Interruption in water supply - Kylemore  Upgrading of water network - Kylemore  Interruption in water supply – Klapmuts  Reviewing electrical meters – WC024 Stellenbosch  Supply of electricity disconnected – Die Boord, Stellenbosch  Supply of electricity disconnected - Dalsig	17-23/01/2019	23/01/2019  23/01/2019  24/01/2019  22/01/2019  23/01/2019  17/01/2019	Approved  Approved  Approved  Approved  Approved  Approved
	To decide to: (a) Temporary restrict or discontinue supply of water	S 184 of Municipal Ordinance and also ito the Water Services Act	Water restrictions exemption:  4 - applications approved  0 - application not approved  1 - applications pending			Approved  Not approved  Pending



	<p>(b) Prohibit use of water for specific purposes</p> <p>(c) Prohibit use of water during specified hours of day</p> <p>(d) Prohibit use of water in a specific manner</p> <p>Subject thereto that such decision will only have the force of law after the publication in the media</p>		<p>Water restrictions transgressions:</p> <p>1 - reported and notices served by Law Enforcement</p> <p>Borehole registrations:</p> <p>1 - Application to drill</p> <p>0 - Residential Applications</p> <p>0 - Commercial Applications</p> <p>0 - Public Buildings Applications</p> <p>0 - Grey water Applications</p>			<p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p>
11	To authorise, administer and manage temporary closing or temporary restriction or regulating the use of public	<p>E (d) Transport, Roads &amp; Stormwater</p> <p>S 19 (b), (c) of the Roads Ordinance (19/76)</p>	<p>Application for road closures:</p> <p>Temporary Road Closure of Elbertha Street, Die Boord for an Event, 18 January 2019</p>	11/01/2019	11/01/2019	Approved

	<p>(proclaimed) road for any purpose deemed necessary or desirable, and to temporarily divert vehicular and pedestrian traffic from a public (proclaimed) road which has been temporarily closed or restricted</p>					
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**DELEGATIONS EXERCISED FOR PERIOD FEBRUARY 2019**  
**DIRECTORATE: INFRASTRUCTURE SERVICES**

Date	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
04-28/02/2019	Give notice to owners of private property when Council intends to disconnect or close any public municipal services affecting the residents	S140 (2) of municipal ordinance	<p>MUNICIPAL NOTICE:</p> <p>Supply of electricity disconnected on 10 Feb 2019 Area affected: Traffic Dept, CSIR</p> <p>Supply of electricity disconnected on 27 Feb 2019 Area affected: Johnson Street, Idas Valley</p> <p>Interruption in water supply in Kylemore</p>	04-28/02/2019	<p>04/02/2019</p> <p>20/02/2019</p> <p>28/02/2019</p>	<p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p>
	<p>To decide to:</p> <p>(a) Temporary restrict or discontinue supply of water</p> <p>(b) Prohibit use of water for</p>	S 184 of Municipal Ordinance and also ito the Water Services Act	<p>Water restrictions exemption:</p> <p>2 - applications approved</p> <p>0 - application not approved</p> <p>2 - applications pending</p>			<p>Approved</p> <p>Not approved</p> <p>Pending</p>

	<p>specific purposes</p> <p>(c) Prohibit use of water during specified hours of day</p> <p>(d) Prohibit use of water in a specific manner</p> <p>Subject thereto that such decision will only have the force of law after the publication in the media</p>		<p>Water restrictions transgressions:</p> <p>0 - reported and notices served by Law Enforcement</p> <p>Borehole registrations:</p> <p>1 - Application to drill</p> <p>2 - Residential Applications</p> <p>1 - Commercial Applications</p> <p>0 - Public Buildings Applications</p> <p>2 - Grey water Applications</p>			<p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p>
20-26/02/2019	To authorise, administer and manage temporary closing or temporary restriction or regulating the use of public (proclaimed) road for any purpose deemed necessary or desirable, and to temporarily divert vehicular and pedestrian traffic	<p>E (d) Transport, Roads &amp; Stormwater</p> <p>S 19 (b), (c) of the Roads Ordinance (19/76)</p>	<p>APPLICATION FOR ROAD CLOSURES:</p> <p>Road Closure for Adriaan Moorrees Street, 22 February 2019</p> <p>Road Closure for Woordfees Ryneveld Street, 28 February 2019</p>	20-26/02/2019	<p>20/02/2019</p> <p>26/02/2019</p>	<p>Approved</p> <p>Approved</p>

	from a public (proclaimed) road which has been temporarily closed or restricted					
21	To authorise the connection of any electrical installation or part thereof to the supply mains or to a service connection	571	SMALL-SCALE EMBEDDED GENERATION (SSEG) APPROVAL  Connect a 5 KVA Installation at Erf 1327, 31 Akademie Street, Franschhoek		21/02/2019	Approved
28	To manage, regulate and administer all matters affecting or impacting on the street/road and associated infrastructure	597	MUNICIPAL NOTICE 16/2019  New service provider appointed for parking management in Stellenbosch Central business district		28/02/2019	Approved

**DELEGATIONS EXERCISED FOR PERIOD MARCH 2019**  
**DIRECTORATE: INFRASTRUCTURE SERVICES**

Date	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
01-31/03/2019	To enter into and/or sign and/or terminate contracts on behalf of Stellenbosch Municipality	Various legal provisions and the Law of Contract AND Basic Common Law Principles AND S 59(1) of Systems Act	fixed term contracts Acting Head: Planning & Services: Electrical Services Supervisor Klapmuts: SWM Acting Filing Clerk Acting Senior Clerk Intern: Electricity Digger Loader Operator: SWM Technician: Roads & Stormwater Acting Driver Area Cleaning			Approved until 31/12/2018 Approved until 31/01/2019 Approved until 31/01/2019 Approved until 31/01/2019 Approved until 30/06/2019 Approved until 31/01/2019 Approved until 31/01/2019

			<p>Acting Assistant Superintendent: Area Cleaning</p> <p>Acting Assistant Superintendent: Area Cleaning</p> <p>Clerk – Water Services, Franschoek</p> <p>Technician: Water Services</p>			<p>Approved until 30/06/2019</p> <p>Approved until 31/01/2019</p> <p>Approved until 31/01/2019</p> <p>Approved until 31/01/2019</p> <p>Approved until 31/01/2019</p>
01-31/03/2019	Give notice to owners of private property when Council intends to disconnect or close any public municipal services affecting the residents	S140 (2) of municipal ordinance	<p>MUNICIPAL NOTICE:</p> <p>Supply of electricity to premises disconnected on 07/12/2018 between 22:00 – 06:00 – University high voltage substation</p> <p>Supply of electricity to premises disconnected on 06/12/2018 between 08:00 – 17:00 – Repens, Florida &amp; Serruria Street</p> <p>Supply of electricity to premises disconnected on 12/12/2018 between 08:00 – 17:00 – Longifolia &amp; Cynaroides Street</p>		<p>09/11/2018</p> <p>29/11/2018</p> <p>29/11/2018</p> <p>04/12/2018</p>	<p>Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p>

			Supply of electricity to premises disconnected on 07/01/2019 – 30/04/2019 between 09:00 – 16:00 for maintenance work			
01-31/03/2019	To decide to: (e) Temporary restrict or discontinue supply of water (f) Prohibit use of water for specific purposes (g) Prohibit use of water during specified hours of day (h) Prohibit use of water in a specific manner Subject thereto that such decision will only have the force of law after the publication in the media	S 184 of Municipal Ordinance and also into the Water Services Act	Water restrictions exemption:  2 - Applications approved  2 - Application not approved  0 - Applications pending  Water restrictions transgressions:  0 - reported and notices served by Law Enforcement  Borehole registrations:  1 - Application to drill 0 - Residential Applications 0 - Commercial Applications 0 - Public Buildings Applications 0 - Grey water Applications			Approved  Not approved  Pending  Approved  Approved Approved Approved Approved
	To authorise, administer and manage	E (d) Transport, Roads & Stormwater	Application for road closures:		21 November 2018	Approved



	temporary closing or temporary restriction or regulating the use of public (proclaimed) road for any purpose deemed necessary or desirable, and to temporarily divert vehicular and pedestrian traffic from a public (proclaimed) road which has been temporarily closed or restricted	S 19 (b), (c) of the Roads Ordinance (19/76)	<ul style="list-style-type: none"> <li>• Road Closure: Bird Street – North bound (between Alexander and Plein Street) and Blom Street. 2-3 December 2018 for the festival of lights</li> <li>• Road Closure: Davey and Woodman Street Braai on 7 December 2018.</li> <li>• Road Closure: Tindall Street, 15 December 2018</li> <li>• Road Closure: Jakaranda Street braai 16 December 2018.</li> <li>• Road Closure: Newman Street braai, 22 December 2018.</li> <li>• Road Closure: Kind Street Braai, 21 December 2018.</li> <li>• Road Closure: Drostdy Street, 25 December 2018</li> </ul>		<p>7 December 2018</p> <p>13 December 2018 13 December 2018</p> <p>20 December 2018</p> <p>20 December 2018</p> <p>18 December 2018</p>	<p>Approved</p> <p>Approved Approved</p> <p>Approved</p> <p>Approved</p> <p>Approved</p>
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**DELEGATIONS EXERCISED FOR PERIOD JANUARY 2019**  
**ACTING DIRECTOR: FINANCIAL SERVICES**

<b>Date</b>	<b>Delegation</b>	<b>Category</b>	<b>Report Subject and Recommendations</b>	<b>Date Received</b>	<b>Date Resolved</b>	<b>Resolution and Comments (if any)</b>
3	643	HR	Overtime / Standby pre –approval Stores departments	03/01/2019	03/01/2019	Approved
9	643	HR	Overtime pre –approval Various finance departments	09/01/2019	09/01/2019	Approved
4	643	HR	Acting Allowance Jerome Petersen December	04/01/2019	04/01/2019	Approved
24	643	HR	Overtime & Standby pre-approval various departments within Finance			Approved
24	212	SCM	B/SM 14/19 web based power quality monitoring / management system, for a contract period ending 30 June 2021	24/01/2019	24/01/2019	Approved
24	212	SCM	BSM 39/18-SE-A.3 The Construction Of 332 Temporary Housing Units, Construction Of Retaining Walls And Installation Of 84 Toilets In Watergang, Kayamandi	24/01/2019	24/01/2019	Approved
24	212	SCM	BSM 39/18-EE-A.4 Electrical Engineering Services For New Dwarsrivier 66kv And 11kv Substation, Replacement Of 66/11kv Transformers In Jan Marais Substation And New 11kv Switching Station In Franschoek.	24/01/2019	24/01/2019	Approved
24	212		BSM 39/18: SE.A.6 Upgrade Of Kayamandi Sports Field With	24/01/2019	24/01/2019	Approved

			Synthetic Grass			
24			Capital Verimentations various Directorates	24/01/2019	24/01/2019	Approved
24	211	SCM	SCM Letters approved Tenderer's	24/01/2019	24/01/2019	Approved

**DELEGATIONS EXERCISED FOR PERIOD FEBRUARY 2019**  
**ACTING DIRECTOR: FINANCIAL SERVICES**

<b>Date</b>	<b>Delegation</b>	<b>Category</b>	<b>Report Subject and Recommendations</b>	<b>Date Received</b>	<b>Date Resolved</b>	<b>Resolution and Comments (if any)</b>
8	212	SCM	B/SM 28/19 Appointing Of Experienced Service Provider To Read Meters Remotely, Via Automated Meter Reading (Amr) System And Manage Metering Services For Large Power Users And Small Scale Embedded Generation Consumers.	08/02/2019	08/02/2019	Approved
8	212	SCM	B/SM 31/19 Supply And Installation Of A Web Application Firewall Appliance For The Stellenbosch Municipality Web Services With 3 Year Warranty And Online Support.	08/02/2019	08/02/2019	Approved
8	211	SCM	Approved SCM tenderer's letters	08/02/2019	08/02/2019	Approved
8	212	SCM	B/SM 34/19 Supply And Installation Of Vulnerability Management & Threat Protection Solution With Training, Maintenance And Support For A Period Ending 30 June 2021.	08/02/2019	08/02/2019	Approved
8	211	SCM	Approved SCM tenderer's letters	08/02/2019	08/02/2019	Approved
11	613	HR	Overtime pre approval's Income, Salary & Budget Office	11/02/2019	11/02/2019	Approved
1	153	CRDC	Approval of debt write off – Various Amounts Less than R5000.00	01/02/2019	28/02/2019	Approved

22	212	SCM	B/SM 17/19 Supply And Constructing Of Timber And Nutec Wendy House Units, For A Contract Period Ending 30 June 2021.	22/02/2019	22/02/2019	Approved
22	212	SCM	B/SM 20/19 An Appointment Of An Architect For The Planning And Project Management (New Led Hub In Jamestown. Remainder Farm 52/7, Stellenbosch)	22/02/2019	22/02/2019	Approved
22	212	SCM	B/SM 35/19 "The Supply And Delivery Of Wireless Access Points To The Stellenbosch Municipality For A Period Ending 30 June 2021.	22/02/2019	22/02/2019	Approved
22	211	SCM	Approved SCM tenderer's letters	22/02/2019	22/02/2019	
1	153	CRDC	Approval of debt write off – Various	01/02/2019	01/02/2019	Approved
1			Capital Virementations - various Directorates	01/02/2019	28/02/2019	Approved
1			Approval of Acting allowance Vinolan Narainsamy	01/02/2019	28/02/2019	Approved

**DELEGATIONS EXERCISED FOR PERIOD: JANUARY 2019**  
**DIRECTORATE: PLANNING AND ECONOMIC DEVELOPMENT**

Date	Delegation	Authorised official	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
<b>LETTER APPROVALS</b>							
	Item 7.3.3 Council Meeting 2017-07-26	Director: PED	Category 2 applications for the consent of the municipality for any land use purpose or departure or deviation in terms of a land use scheme or existing scheme which does not constitute a land development application	To consider applications in terms of section 15 (2) (b) of the Land Use Planning By-Law, October 2015 for a building line relaxation on a street boundary and/ or a common boundary on the following properties:			
14/01/2019				Application for Consent, Farm 222	14/01/2019	14/01/2019	Approved
14/01/2019				Application for Extension, JD 12 02/23	14/01/2019	14/01/2019	Approved
14/01/2019				Application for Departure, Erf 15683	14/01/2019	14/01/2019	Approved
14/01/2019				Application for Departure, Erf 89	14/01/2019	14/01/2019	Approved
14/01/2019				Application for Consent, Erf 3877,10	14/01/2019	14/01/2019	Approved
14/01/2019				Application for Departure, Erf 38	14/01/2019	14/01/2019	Approved

14/01/2019				Application for Departure, Erf 898	14/01/2019	14/01/2019	Approved
14/01/2019				Application for Departure, Erf 10664	14/01/2019	14/01/2019	Approved
14/01/2019				Application for Departure, Erf 1024	14/01/2019	14/01/2019	Approved
14/01/2019				Application for Departure, Erf 7873	14/01/2019	14/01/2019	Approved
14/01/2019				Application for Departure, Erf 1121	14/01/2019	14/01/2019	Approved
14/01/2019				Application for Departure, Farm 1322	14/01/2019	14/01/2019	Approved
14/01/2019				Application for Removal, Erf 479	18/01/2019	18/01/2019	Approved
14/01/2019				Application for a Temporary, Erf 8143	18/01/2019	18/01/2019	Approved
14/01/2019				Welgevonden no. 218 + Portion 2, Farm 220	14/01/2019	14/01/2019	Approved
14/01/2019				Application for the Approval, Erf 5343	18/01/2019	18/01/2019	Approved
22/01/2019				Application for Departure, Erf 14863	23/01/2019	23/01/2019	Approved
22/01/2019				Application for Departure, Erf 3083	23/01/2019	23/01/2019	Approved
22/01/2019				Application for Departure, Erf 1469	23/01/2019	23/01/2019	Approved
22/01/2019				Application for Departure, Erf 13651	23/01/2019	23/01/2019	Approved
22/01/2019				Application for Departure, Erf 2819	23/01/2019	23/01/2019	Approved
22/01/2019				Application for Departure, Erf 7803	23/01/2019	23/01/2019	Approved
22/01/2019				Application for Departure, Erf 11684	23/01/2019	23/01/2019	Approved
22/01/2019				Application for Certificate Farm, 1595/1& 1595/2	23/01/2019	23/01/2019	Approved
22/01/2019				Application for Departure, Erf 289	23/01/2019	23/01/2019	Approved

ITEMS/DELEGATED REPORTS							
14/01/2019	211	Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: Sakhie Productions & Services	14/01/2019	14/01/2019	Signed
14/01/2019	8	Director: PED	S59(4) and S61 of Systems Act	Delegations to MM: December 2018	14/01/2019	14/01/2019	Signed
14/01/2019	211	Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Archie Construction & Maintenance	14/01/2019	14/01/2019	Signed
14/01/2019		Director: PED	Departmental	PED: Building Development Management Monthly Report – December 2019	14/01/2019	14/01/2019	Signed
18/01/2019	645	Director: PED	Basic conditions of employment	Leave Cancellation: L. Africa 917128	16/01/2019	18/01/2019	Approved
18/01/2019		Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: HJ Production (STMN150119) IDAS Valley Meeting	01/01/2019	18/01/2019	Approved
18/01/2019	646	Director: PED	Training and study	Bursary Form: S. Zangqa 2019 Studies	16/01/2019	18/01/2019	Recommended
18/01/2019	644	Director: PED	HR	Termination of Service	16/01/2019	18/01/2019	Approved
22/01/2019		Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: Binding Machine	16/01/2019	22/01/2019	Approved
22/01/2019	229	Director: PED	SCM Reg 12(1)(c)	Specification form for operational & capital items: Catering	17/01/2019	22/01/2019	Signed
22/01/2019	211	Director: PED	S115(1) of the MFMA read with	50L Standing water dispenser	22/01/2019	22/01/2019	Approved



			S117 Supply chain Reg				
22/01/2019	229	Director: PED	SCM Reg 12(1)(c)	FQ: Strat. Dev. & Business Plan – Jan Marais Park (RE/2149)	22/01/2019	22/01/2019	Approved
23/01/2019	648	Director: PED	By-law and policy	Request permission to leave: LED	16/01/2019	22/01/2019	Approved
23/01/2019	211	Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Anura Vineyard (EDMS) BPK caseno. 3511/17	23/01/2019	23/01/2019	Signed
23/01/2019	5	Director: PED	Various legal provisions and the Law of Contract AND Basic Common Law Principles AND S 59 (1) of Systems Act	EPWP: Contract of Employment	21/01/2019	23/01/2019	Approved
24/01/2019	211	Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Apex invoices 350723	24/01/2019	24/01/2019	Approved
31/01/2019	139	Director: PED	S69 and 70 of MFMA	Verimentation: • Hiring Services – Moloki's waste bins for rental units • Security Services	30/01/2019	31/01/2019	Signed
31/01/2019		Director: PED	LUM	Monthly Report – October 2018 & November 2018	30/01/2019	30/01/2019	Approved
31/01/2019	5	Director: PED	Various legal provisions and the Law of Contract AND Basic Common Law Principles AND S 59 (1) of Systems Act	Item: EPWP Grant Funding	31/01/2019	31/01/2019	Supported

**DELEGATIONS EXERCISED FOR PERIOD: FEBRUARY 2019**  
**DIRECTORATE: PLANNING AND ECONOMIC DEVELOPMENT**

Date	Delegation	Authorised official	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
<b>LETTER APPROVALS</b>							
	Item 7.3.3 Council Meeting 2017-07-26	Director: PED	Category 2 applications for the consent of the municipality for any land use purpose or departure or deviation in terms of a land use scheme or existing scheme which does not constitute a land development application	To consider applications in terms of section 15 (2) (b) of the Land Use Planning By-Law, October 2015 for a building line relaxation on a street boundary and/ or a common boundary on the following properties:			
06/02/2019				Application for Consent, Farm 103	06/02/2019	06/02/2019	Approved
06/02/2019				Application for Consent, Farm 1412	06/02/2019	06/02/2019	Approved
19/02/2019				Application for Consent, Erf 165	14/02/2019	19/02/2019	Approved

19/02/2019				Application for the site development plan, Erf 5343	15/02/2019	19/02/2019	Approved
27/02/2019				Application for Subdivision & Rezoning, Farm 1078	20/02/2019	27/02/2019	Approved
27/02/2019				Application for Departure, Erf 1082	20/02/2019	27/02/2019	Approved
27/02/2019				Application for Departure, Erf 2785	20/02/2019	27/02/2019	Approved
27/02/2019				Application for Departure, Farm 78/8	20/02/2019	27/02/2019	Approved
27/02/2019				Application for Departure, Erf 11467	20/02/2019	27/02/2019	Approved
27/02/2019				Application for Departure, Erf 5269	20/02/2019	27/02/2019	Approved

**ITEMS/DELEGATED REPORTS**

05/02/2019	211	Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Tax invoice: Security & Maintenance	05/02/2019	05/02/2019	Approved
05/02/2019	211	Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Tax invoice: GAP Architects & Urban Designers	05/02/2019	05/02/2019	Signed
05/02/2019	5	Director: PED	Various legal provisions and the Law of Contract AND Basic Common Law Principles AND S 59 (1) of Systems Act	EPWP: Contract of Employment	05/02/2019	05/02/2019	Approved
05/02/2019	645	HR	Basic conditions of employment act	Overtime Pre-approval & Standby: February 2019			
07/02/2019		Director: PED	ICT	Request for ICTresources	07/02/2019	07/02/2019	Approved
	229	Director: PED	SCM Reg 12(1)(c)	Specification form for operational & capital items: Catering			Signed

07/02/2019	51	Director: PED	Legal	Supplementary Report – Evaluation Case – Alison Nel Thomas De Koker & 5 Others case no. 459/17	07/02/2019	07/02/2019	Signed
08/02/2019	51	Director: PED	Legal	Kayamandi Housing Project: Power of attorney for the ff. Erven: 3868; 3870; 3871; 3872; 3875; 3879; 3888	07/02/2019	08/02/2019	Signed
08/02/2019	51	Director: PED	Legal	Sales Agreement: Erf 7783	07/02/2019	08/02/2019	Signed
08/02/2019	648	Director: PED	By-law and policy	Travel Claim Form: Informal Settlement	07/02/2019	08/02/2019	Approved
08/02/2019	643	Director: PED	HR	Addendum to fixed employment contract: Informal Settlement	06/02/2019	08/02/2019	Signed
08/02/2019	645	Director: PED	HR	Rectification of leave: LED	07/02/2019	08/02/2019	Approved
08/02/2019	648	Director: PED	HR	Request permission to leave: LED	07/02/2019	08/02/2019	Approved
08/02/2019	645	Director: PED	Basic condition of employment act	Overtime Pre-approval & Standby: February 2019 • Housing Administration			Approved
08/02/2019	211	Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: Linamandla Enterprise	08/02/2019	08/02/2019	Approved
08/02/2019	645	Director: PED	Basic condition of employment act	Pre-approval & Standby: January 2019 • Informal Settlement	07/02/2019	08/02/2019	Approved
08/02/2019	139	Director: PED	S69 and S70 of the MFMA	Verimentation: Machinery & Equipment	08/02/2019	08/02/2019	Signed
08/02/2019	648	Director: PED	HR	Late Submission Travel Form: New Housing	08/02/2019	08/02/2019	Approved
08/02/2019	5	Director: PED	Various legal provisions and the Law of Contract AND Basic Common Law Principles AND S 59 (1) of Systems Act	The signing of 8 power of attorney forms of sales agreement: Kayamandi Housing Project	08/02/2019	08/02/2019	Signed

13/02/2019	211	Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	<ul style="list-style-type: none"> <li>• Invoice: Rekha Constructions Franschoek</li> <li>• Invoice: Rekha Constructions Kayamandi</li> </ul>	12/02/2019	13/02/2019	Approved
19/02/2019		Director: PED	LUM	Remuneration of the MPT	18/02/2019	19/02/2019	Approved
19/02/2019	211	Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: MTF Consultants 130219	18/02/2019	19/02/2019	Approved
19/02/2019	211	Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: Sure Travel – car hire – OR Tambo (Director's invoice)	15/02/2019	19/02/2019	Signed
19/02/2019	229	Director: PED	SCM Reg 12(1)(c)	<ul style="list-style-type: none"> <li>• FQ: Paving – Idas Valley</li> <li>• FQ: Upgrading of Kayamandi &amp; Tourism</li> </ul>	18/02/2019	19/02/2019	Approved
19/02/2019	643	Director: PED	HR	Permission to advertise: New Service Provider Jobseekers Database System.	18/02/2019	19/02/2019	Approved
19/02/2019	139	Director: PED	S69 and S70 of the MFMA	Verimentation: Establishment of Informal Trading Sites: Klappmuts	18/02/2019	19/02/2019	Approved
19/02/2019	139	Director: PED	S69 and S70 of the MFMA	Verimentation: Establishment of Informal Trading Markets – Bird street	15/02/2019	19/02/2019	Approved
19/02/2019		Director: PED	Salaries	Timesheet: R. Swartbooi – January 2019	15/02/2019	19/02/2019	Approved
19/02/2019	211	Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: Aurecon	15/02/2019	19/02/2019	Approved
20/02/2019	643	Director: PED	HR	Acting Memo(Director): R. Swartbooi 14 December 2018 – January 2019	19/02/2019	19/02/2019	Approved
25/02/2019	5	Director: PED	Various legal provisions and the Law of Contract AND Basic Common Law Principles AND S 59 (1) of Systems Act	EPWP: Contract of Employment	25/02/2019	20/02/2019	Approved

25/02/2019	643	Director: PED	HR	Fixed Term Contract	25/02/2019	25/02/2019	Approved
27/02/2019		Director: PED	ICT	Request for ICT resources: LUM	27/02/2019	27/02/2019	Approved
27/02/2019	139	Director: PED	S69 and S70 of MFMA	Verimentation: Drivers Licence & Permits Motor Vehicle: Licence & Registration: Building Development	22/02/2019	27/02/2019	Approved
27/02/2019	5	Director: PED	Various legal provisions and the Law of Contract AND Basic Common Law Principles AND S 59 (1) of Systems Act	Extension of existing EPWP Contracts	25/02/2019	27/02/2019	Approved
27/02/2019	5	Director: PED	Various legal provisions and the Law of Contract AND Basic Common Law Principles AND S 59 (1) of Systems Act	EPWP: Contract of Employment	25/02/2019	27/02/2019	Approved
27/02/2019	645	Director: PED	Basic conditions of Employment Act	Overtime Pre-approval & Standby: March 2019	26/02/2019	27/02/2019	Approved
27/02/2019	645	Director: PED	Basic conditions of Employment Act	Overtime Pre-approval & Standby: February 2019	26/02/2019	27/02/2019	Approved

**DELEGATIONS EXERCISED FOR PERIOD: MARCH 2019**  
**DIRECTORATE: PLANNING AND ECONOMIC DEVELOPMENT**

Date	Delegation	Authorised official	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
<b>LETTER APPROVALS</b>							
	Item 7.3.3 Council Meeting 2017-07-26	Director: PED	Category 2 applications for the consent of the municipality for any land use purpose or departure or deviation in terms of a land use scheme or existing scheme which does not constitute a land development application	To consider applications in terms of section 15 (2) (b) of the Land Use Planning By-Law, October 2015 for a building line relaxation on a street boundary and/ or a common boundary on the following properties:			
01/03/2019				Application for Exemption, Erf 328	01/03/2019	01/03/2019	Approved
01/03/2019				Application for Permanent Departure, Erf 1828	01/03/2019	04/03/2019	Approved
01/03/2019				Application for Departure, Erf 223	01/03/2019	04/03/2019	Approved
01/03/2019				Application for Consent Title Deed, Erf 3080	01/03/2019	04/03/2019	Approved
01/03/2019				Contravention Penalty, Erf 3748	01/03/2019	04/03/2019	Approved
01/03/2019				Application for Departure, Erf 391	01/03/2019	04/03/2019	Approved
01/03/2019				Application for Consent Title Deed, Erf 5633	01/03/2019	04/03/2019	Approved
12/03/2019				Erf 275 Klapmuts (P.P MM)	12/03/2019	12/03/2019	Approved

08/03/2019				Application for Amendment, Farm 1448	08/03/2019	12/03/2019	Approved
08/03/2019				Application for Departure, Erf 934	08/03/2019	12/03/2019	Approved
08/03/2019				Application for Consent, Erf 3803	08/03/2019	12/03/2019	Approved
18/03/2019				Application for Removal, Erf 2274	08/03/2019	12/03/2019	Approved
18/03/2019				Application for Amendment, Farm 1353	18/03/2019	20/03/2019	Approved
18/03/2019				Application for Removal, Erf 3363	18/03/2019	27/03/2019	Approved
18/03/2019				Application for Departure, Erf 302	18/03/2019	27/03/2019	Approved
22/03/2019				Application for Rezoning, Erven 333,334,335	22/03/2019	27/03/2019	Approved
18/03/2019				Application for Departure, Farm 104	18/03/2019	27/03/2019	Approved
18/03/2019				Application for Departure, Erf 1613	18/03/2019	27/03/2019	Approved
18/03/2019				Application for Departure, Erf 1305	18/03/2019	20/03/2019	Approved
18/03/2019				Application for Amendment, Erf 1554	18/03/2019	27/03/2019	Approved
18/03/2019				Application for Amendment, Farm 328	18/03/2019	27/03/2019	Approved
18/03/2019				Application for Consolidation, Erven 7633, 7634	18/03/2019	27/03/2019	Approved
18/03/2019				Application for Departure, Erf 2296	18/03/2019	29/03/2019	Approved
<b>ITEMS/DELEGATED REPORTS</b>							
01/03/2019	229	Director: PED	SCM Reg 12(1)(c)	FQ: Grounds Repairs & Maintenance Services at Kayamandi Economic & Tourism Corridor	01/03/2019	01/03/2019	Approved



01/03/2019	229	Director: PED	SCM Reg 12(1)(c)	FQ: Cleaning Services at Kayamandi Economic & Tourism Corridor	01/03/2019	01/03/2019	Approved
05/03/2019		Director: PED	Salaries	MPT Remuneration: LUM	01/03/2019	04/03/2019	Approved
05/03/2019	643	Director: PED	HR	Capacity Building Clerk: Contract	01/03/2019	01/03/2019	Signed
05/03/2019	211	Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Gapp Invoice 351467	01/02/2019	04/02/2019	Approved
05/03/2019	5	Director: PED	Legal	Termination of Contracts	28/02/2019	04/02/2019	Approved
05/03/2019	211	Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Quality Carpet Cleaners: Invoice	01/03/2019	04/03/2019	Approved
05/03/2019	211	Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Sure Travel: Car hire invoice	01/03/2019	04/03/2019	Approved
05/03/2019	648	Director: PED	By-law and policy	Cell phone Application Form: GIS	04/03/2019	04/03/2019	Signed
05/03/2019	5	Director: PED	Various legal provisions and the Law of Contract AND Basic Common Law Principles AND S 59 (1) of Systems Act	EPWP: Contract of Employment	05/03/2019	05/03/2019	Approved
07/03/2019		Director: PED	LUM	Item: Invitation and Call for Nominees for the MPT	06/03/2019	06/03/2019	Approved
07/03/2019	648	Director: PED	Basic Conditions of Employment Act	Travel Claim Form: Building Development	05/03/2019	07/03/2019	Approved
07/03/2019	139	Director: PED	S69 and S70 of the MFMA	Budget Verimentation: National – Seminars, Conference, workshops	05/03/2019	07/03/2019	Approved
07/03/2019	139	Director: PED	S69 and S70 of the MFMA	Budget Verimentation: Establishment of Informal Trading Markets	05/03/2019	07/03/2019	Approved

07/03/2019	139	Director: PED	S69 and S70 of the MFMA	Budget Verimentation: Machinery and Equipment	05/03/2019	07/03/2019	Approved
07/03/2019	229	Director: PED	SCM Reg 12(1)(c)	FQ: Appointment of a Service Provider to Develop Staff Rental Housing	05/03/2019	07/03/2019	Approved
07/03/2019	211	Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Memo: Kayamandi Housing Projects Appraisal (invoice).	06/03/2019	07/03/2019	Approved
07/03/2019	5	Director: PED	Legal	Faure Agri Village /Valencia Vanwyk case no. 2154/17	06/03/2019	06/03/2019	Approved
07/03/2019	5	Director: PED	Legal	Percy Christian Alley & Other case no. 3124/17	06/03/2019	07/03/2019	Approved
12/03/2019	648	Director: PED	By-law and policy	Travel Claim Form: LED	12/03/2019	12/03/2019	Approved
12/03/2019	211	Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: Office outfit	12/03/2019	14/03/2019	Approved
12/03/2019	645	Director: PED	Basic conditions of Employment Act	Leave Application: Housing Administration	12/03/2019	14/03/2019	Approved
14/03/2019	645	Director: PED	Basic conditions of Employment Act	Leave Cancellation: Building Development	12/03/2019	14/03/2019	Approved
14/03/2019	211	Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Tax Invoice: February Month – Transit Solutions	14/03/2019	14/03/2019	Approved
14/03/2019		Director: PED	ICT	Request for ICT resources	12/03/2019	14/03/2019	Approved
14/03/2019	139	Director: PED	S69 and S70 of the MFMA	Budget Verimentation: Supplier Development and EPWP training	12/03/2019	14/03/2019	Approved
14/03/2019	139	Director: PED	S69 and S70 of the MFMA	Budget Verimentation: Operational Cost / Training	12/03/2019	14/03/2019	Approved
14/03/2019	5	Director: PED	Legal	Memo of Agreement: SHE Rep – Office of the Director Planning and Economic Development	12/03/2019	14/03/2019	Approved
14/03/2019	211	Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: HENCHMEN	12/03/2019	14/03/2019	Approved

14/03/2019		Director: PED	Salaries	Time Sheet: R. Swartbooi – Feb/Mar 2019	12/03/2019	14/03/2019	Approved
14/03/2019	211	Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Invoice: Repairs & Maintenance – PED & Human Settlements	12/03/2019	14/03/2019	Approved
14/03/2019		Director: PED	HA	Item: Additional Funding for the Title Deed Restoration Project	12/03/2019	14/03/2019	Approved
14/03/2019		Director: PED	LED	Monthly Report: 1 - 28 February 2019	12/03/2019	14/03/2019	Approved
14/03/2019		Director: PED	HR	SHE Rep Training: <ul style="list-style-type: none"> <li>• Z. Lukani</li> <li>• M. Mpotololo</li> <li>• B. Nkonzo</li> </ul>	12/03/2019	14/03/2019	Approved
27/03/2019	211	Director: PED	S115(1) of the MFMA read with S117 Supply chain Reg	Invoices: <ul style="list-style-type: none"> <li>• Apex – Rental &amp; Usage</li> <li>• Eikestad 353127 &amp; 353150</li> <li>• Media 24 – 353422</li> <li>• Azorra Technologies</li> <li>• Rennies Travel 137254</li> <li>• Rennies Travel 121325</li> <li>• Remote Entry Systems</li> <li>• Mantella IT Support System</li> </ul>	26/03/2019	26/03/2019	Approved
25/03/2019	644	Director: PED	HR	Extension of Fixed Contract: Office of the Director	25/03/2019	25/03/2019	Signed
28/03/2019		Director: PED	SCM Reg	Appointment of the service provider on a panel for community surveys at informal settlements and back yard structures	28/03/2019	28/03/2019	Approved
29/03/2018	229	Director: PED	SCM Reg 12(1)(c)	<ul style="list-style-type: none"> <li>• FQ: Design Update and Printing of Tender Information Booklet</li> <li>• FQ: Hire of a Portable Chemical Toilet for the R44 Market</li> <li>• FQ: Supply &amp; Installation of Safety gates in the Kayamandi Corridor</li> </ul>	29/03/2019	29/03/2019	Approved

				<ul style="list-style-type: none"><li>• FQ: Plan &amp; Conduct Tendering Processing Trading for SMME's</li></ul>			
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**DELEGATIONS EXERCISED FOR PERIOD: JANUARY 2019**  
**ACTING DIRECTOR: COMMUNITY & PROTECTION SERVICES**

DATE	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
10/01/2019		Finance	Letter: Leelyn Parking Management – Extension of B08/14 & 09/14	10/01/2019	11/01/2019	Approved
10/01/2019	211	S115(1) of the MFMA read with S117 Supply chain Reg	Tax invoice: Leelyn Management – R11 838..91	10/01/2019	11/01/2019	Approved
10/01/2019	211	S115(1) of the MFMA read with S117 Supply Chain Reg	Tax invoice: Leelyn Management – R22 070.61	10/01/2019	11/01/2019	Approved
10/01/2019	211	S115(1) of the MFMA read with S117 Supply Chain Reg	Tax invoice: TMT – December 2018 (R870.00 & R85 233.54)	10/01/2019	11/01/2019	Approved
17/01/2019	211	S115(1) of the MFMA read with S117 Supply Chain Reg	Tax Invoice: Eskom (R13 799.69)	17/01/2019	17/01/2019	Approved
17/01/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for period: 31/12 – 31/12/2018 (R11 520.00)	17/01/2019	17/01/2019	Approved
17/01/2019	179	Finance		17/01/2019	17/01/2019	Approved

	S65(2) of the MFMA		Tjek aanvraag: Licence fees for period: 30/12 – 31/12/2018 (R82 291.78)			
17/01/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for period: 23/12 – 29/12/2018 (R237 674.87)	17/01/2019	17/01/2019	Approved
17/01/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for period: 23/12 – 29/12/2018 (R35 856.00)	17/01/2019	17/01/2019	Approved
17/01/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for period: 16/12 – 22/12/2018 (R103 824.00)	17/01/2019	17/01/2019	Approved
17/01/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for period: 16/12 – 22/12/2018 (R742 484.94)	17/01/2019	17/01/2019	Approved
17/01/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for period: 01/01/2019 – 05/12/2019 (R43 344.00)	17/01/2019	17/01/2019	Approved
17/01/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for period: 01/01/ - 05/01/2019 (R313 607.28)	17/01/2019	17/01/2019	Approved
22/01/2018	644	HR	Memo: Resignation C Brown (30180850)	22/01/2019	22/01/2019	Approved
22/01/2018	645	Basic Conditions of Employment Act	Route form & Memo: Standby Pre-approval February 2019	22/01/2019	22/01/2019	Approved
22/01/2018	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for the period: 13/01 – 19/01 (R105 984.00)	22/01/2019	22/01/2019	Approved
22/01/2018	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for the period: 13/01 – 19/01 (R1 026 318.62)	22/01/2019	22/01/2019	Approved
24/01/2019	643	HR	Updating of Payday/Reporting lines: Director's Office	24/01/2019	25/01/2019	Approved
24/01/2019				24/01/2019	25/01/2019	Approved

	643	HR	Addendum to fixed term employment contract: Enzo Phanaliphi			
24/01/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for period: 06/01 – 12/01/2019 (R89 424)	24/01/2019	25/01/2019	Approved
24/01/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for period: 06/01 – 12/01/2019 (R728 781.41)	24/01/2019	25/01/2019	Approved
24/01/2019	645	Basic Conditions of Employment Act	Overtime Pre-approval: Anthea Esau	24/01/2019	25/01/2019	Approved

**DELEGATIONS EXERCISED FOR PERIOD: FEBRUARY 2019**  
**ACTING DIRECTOR: COMMUNITY & PROTECTION SERVICES**

DATE	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
16/01/2019		ICT	Request form for ICT Resources:	16/01/2019	06/02/2019	Approved
29/01/2019			Item + Route form: Quarterly report on by-law enforcement and events management (Oct – Dec 2018)	29/01/2019	06/02/2019	Supported
29/01/2019			Item + Route form: Monthly report on by-law enforcement and events management (December 2018)	29/01/2019	06/02/2019	Supported
04/02/2019			Memo: Extended Services at DLTC and MVR: Traffic Services	04/02/2019	06/02/2019	Approved
05/02/2019	645	Basic Conditions of Employment Act	Overtime Pre-approvals: Traffic Services (February 2019)	05/02/2019	06/02/2019	Approved
05/02/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence Fees for period from 20/01/2019 – 26/01/2019 (R766 163.02)	05/02/2019	06/02/2019	Approved
05/02/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag; Licence fees for period from 20/01 – 26/01/2019 (R105 984.00)	05/02/2019	06/02/2019	Approved
07/02/2019	646	HR	Approval of Advertisement: Senior Fire Fighter	07/02/2019	07/02/2019	Approved
07/02/2019		ICT	Request form for ICT Resources: Ricardo Solomon	07/02/2019	07/02/2019	Approved



05/02/2019	645	Basic Conditions of Employment Act	Memo: Overtime January 2019 (Traffic Services)	05/02/2019	06/02/2019	Approved
05/02/2019		Finance	Tax invoice: Standard Bank (R2 122.68)	05/02/2019	06/02/2019	Approved
05/02/2019	211	S115(1) of the MFMA read with S117 Supply chain Reg	Tax invoice: TMT (January 2019)	05/02/2019	06/02/2019	Approved
05/02/2019	211	S115(1) of the MFMA read with S117 Supply chain Reg	Tax invoice: Sure Travel (R1975.25)	05/02/2019	06/02/2019	Approved
05/02/2019		Finance	S&T + Official claim for kms – H Willams (January 2019)	05/02/2019	06/02/2019	Approved
05/02/2019	643	HR	Updating of payday/reporting lines – Protection Services	05/02/2019	06/02/2019	Approved
05/02/2019	643	HR	Updating of payday/reporting lines – Managers Community Services	05/02/2019	06/02/2019	Approved
12/02/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fes for period – 01/02 – 03/03/2019 (R120 056.36)	12/02/2019	14/02/2019	Approved
12/02/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for period – 01/02 – 03/02/2019 (R16 200.00)	12/02/2019	14/02/2019	Approved
12/02/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for period – 07/01 – 31/01/2019 (R60 840.000)	12/02/2019	14/02/2019	Approved
12/02/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for period – 07/01 – 31/01/2019 (R463 241.32)	12/02/2019	14/02/2019	Approved
12/02/2019		HR		12/02/2019	14/02/2019	Approved

	646		Memo: Resignation of L Atson			
12/02/2019	645	Basic Conditions of Employment Act	Overtime Pre-approvals: March 2019 (Law Enforcement)	12/02/2019	18/02/2019	Approved
07/02/2019	139 S69 and 70 of MFMA	Finance	Verimentation: Pound Upgrade R77 000	20/02/2019	20/02/2019	Approved
21/02/2019	179	S65(1)of MFMA	Hall deposit refund: E'Bosch Heritage Project	21/02/2019	21/02/2019	Approved
19/02/2019			Item + Route form: visit to Germany – acceptance test of hydraulic platform	22/02/2019	22/02/2019	Approved
19/02/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for period: 10/02 – 16/02/2019 (R481 222.09)	22/02/2019	22/02/2019	Approved
19/02/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for period: 10/02 – 16/02/2019 (R60 840.00)	22/02/2019	22/02/2019	Approved
25/02/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Kaarttype lisensies vir periode vanaf 16/01 – 25/02 (R66 202.00)	25/02/2019	27/02/2019	Approved
25/02/2019	643	HR	EPWP contracts: L Kasper, G Alkaster	26/02/2019	27/02/2019	Approved
25/02/2019	645	Basic Conditions of Employment Act	Overtime Pre-approvals: Law Enforcement (March 2019)	26/02/2019	27/02/2019	Approved
25/02/2019	645	Basic Conditions of Employment Act	Overtime Pre-approvals: Fire Services (March 2019)	26/02/2019	27/02/2019	Approved
25/02/2019	645	Basic Conditions of Employment Act	Standby Pre-approvals: Fire and Disaster (March 2019)	26/02/2019	27/02/2019	Approved
25/02/2018			Item + Route form: Fire and Disaster Monthly Report (January 2019)	26/02/2019	27/02/2019	Supported

26/02/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for period 17/02 – 23/02/2019 (R815 590.19)	26/02/2019	27/02/2019	Approved
26/02/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for period 17/02 – 23/02 (R87 768.00)	26/02/2019	27/02/2019	Approved
26/02/2019			Memo: Support by Public Prosecutor	26/02/2019	27/02/2019	Approved
26/02/2019	646	HR	Counter performance agreements: M Buhle, A Adams, W Mhlauli, H Daniels	26/02/2019	27/02/2019	Approved
28/02/2019	645	Basic Conditions of Employment Act	Overtime Pre-approvals: Traffic Dept (March 2019)	28/02/2019	28/02/2019	Approved
28/02/2019	643	HR	Addendums to fixed term contracts: Law Enforcement	28/02/2019	28/02/2019	Approved

**DELEGATIONS EXERCISED FOR PERIOD: MARCH 2019**  
**DIRECTORATE: COMMUNITY & PROTECTION SERVICES**

DATE	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
01/03/2019	643 (g)	HR	Memo: Acting – (1-28 February 2019)	01/03/2019	04/03/2019	Approved
01/03/2019	643 (g)	HR	Memo: Acting –(1-28 February 2019)	01/03/2019	04/03/2019	Approved
01/03/2019	643 (g)	HR	Memo: Acting – (4-28 February 2019)	01/03/2019	04/03/2019	Approved
01/03/2019		ICT	Request for ICT resources:	01/03/2019	04/03/2019	Approved
01/03/2019	643 (g)	HR	Memo: Acting – (28/01 – 22/02/2019)	01/03/2019	04/03/2019	Approved
01/03/2019	643 (g)	HR	Memo: Acting – (1-28 February 2019)	01/03/2019	04/03/2019	Approved
01/03/2019	646	HR	Memorandum of Agreement:	01/03/2019	04/03/2019	Approved
01/03/2019	643	HR	Confirmation of appointment:	01/03/2019	04/03/2019	Approved
01/03/2019	643 (g)	HR	Memo: Acting – (1-28 February 2019)	01/03/2019	04/03/2019	Approved
14/03/2019		Finance	Tax invoices Nrs 162733, 162734: Apex	14/03/2019	14/03/2019	Approved
14/03/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for period 03/03 – 09/03/2019 (R63 360.00)	14/03/2019	14/03/2019	Approved
14/03/2019		Traffic	Serving of summonses card	14/03/2019	14/03/2019	Approved
			Memorandum of Agreements	15/03/2019		Approved

14/03/2019	646	HR			15/03/2019	
14/03/2019	139 S69 and 70 of MFMA	Finance	Creation of Ukey: Clearing and grass cutting services	15/03/2019	15/03/2019	Supported
14/03/2019	139 S69 and 70 of MFMA	Finance	Verimentation: Clearing and grass cutting services (R10 0000)	15/03/2019	15/03/2019	Supported
14/03/2019		Traffic Services	Agreements for the receipt of radio's: Traffic Dept – L Hendrickse, L Petersen, V Dennis, B Bester, T Sithelo, P Gxothwe, S Matinise C Fredericks, C Mostert	15/03/2019	15/03/2019	Approved
14/03/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for period 03/03 – 09/03/2019 (R499 929.54)	15/03/2019	15/03/2019	Approved
14/03/2019	646	HR	Memorandum of agreements: C Eksteen, B Joshua, B Yako	15/03/2019	15/03/2019	Approved
14/03/2019		Finance	Authorisation to undertake a journey outside WC024: – SA Library week	15/03/2019	15/03/2019	Approved
14/03/2019	229	SCM Reg 12(1)(c)	Specifications: Educational School Program and Holiday Program	15/03/2019	15/03/2019	Approved
14/03/2019	211	S115(1) of the MFMA read with S117 Supply chain Reg	Tax invoice: MTF Consultants (R21 491.20)	14/03/2019	18/03/2019	Approved
14/03/2019		Traffic Services	Serving of summons: MJH Briggs	14/03/2019	18/03/2019	Approved

14/03/2019	645	Basic Conditions of Employment Act	Overtime Pre-approvals: Traffic Services (March 2019)	14/03/2019	18/03/2019	Approved
14/03/2019		Fire Services	Memo: Hosting of International Fire Fighters Day 3-4 May 2019	14/03/2019	18/03/2019	Supported
14/03/2019	645	Basic Conditions of Employment Act	Leave application: (23/04 – 24/04/2019)	14/03/2019	18/03/2019	Approved
14/03/2019	646	HR	Memo: Training of Traffic Wardens as Traffic Officers	14/03/2019	18/03/2019	Supported
14/03/2019	646	HR	Memorandum of Agreement:	14/03/2019	18/03/2019	Approved
14/03/2019	646	HR	Memorandum of Agreement	14/03/2019	18/03/2019	Approved
14/03/2019	646	HR	Memorandum of Agreement	14/03/2019	18/03/2019	Approved
14/03/2019	646	HR	Memorandum of Agreement	14/03/2019	18/03/2019	Approved
14/03/2019	646	HR	Memorandum of Agreement: SHE REP Training	14/03/2019	18/03/2019	Approved
14/03/2019	646	HR	Memorandum of Agreement: Self- defence, SWAT and Crowd control	14/03/2019	18/03/2019	Approved
				19/03/2019	19/03/2019	

19/03/2019	646	HR	Memorandum of Agreement: SHE REP and Digger loader			Approved
19/03/2019	646	HR	Digger loader training	19/03/2019	19/03/2019	Approved
20/03/2019	643	HR	Appointment of control room operator	20/03/2019	20/03/2019	Approved
20/03/2019		Finance	Installation of betaview sliding gates (Report)	20/03/2019	20/03/2019	Approved
20/03/2019		SCM	Specifications: Supply and delivery of personal protective equipment	20/03/2019	20/03/2019	Approved
20/03/2019		Finance	Application for electricity (Groendal)	20/03/2019	20/03/2019	Approved
20/03/2019	211	S115(1) of the MFMA read with S117 Supply chain Reg	Tax invoice: PVR Services and supplies – R11 946.20	20/03/2019	20/03/2019	Approved
20/03/2019		ICT	Request for ICT resources	20/03/2019	20/03/2019	Approved
20/03/2019	139 S69 and 70 of MFMA	Finance	Verimentation: Implementation of ward priorities (R101 000.00)	20/03/2019	20/03/2019	Supported
20/03/2019		ICT	Request for ICT resources:	20/03/2019	20/03/2019	Approved
20/03/2019		ICT	Request for ICT resources:	20/03/2019	20/03/2019	Approved
20/03/2019	211	S115(1) of the MFMA read with S117 Supply chain Reg	Tax invoice: LegendsIT (R2359.99)	20/03/2019	20/03/2019	Approved
	179			20/03/2019	20/03/2019	

20/03/2019	S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees from 10/03 – 16/03/2019 (R62 712.00)			Approved
20/03/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees from 10/03 – 16/03/2019 (R452 220.10)	20/03/2019	20/03/2019	Approved
20/03/2019	645	Basic Conditions of Employment Act	Overtime Pre-approvals: Law Enforcement (April 2019)	20/03/2019	20/03/2019	Approved
20/03/2019	SCM	SCM	Specifications: Supply and delivery of marine steel storage containers	20/03/2019	20/03/2019	Approved
20/03/2019	SCM	SCM	Specifications: Supply and installation for roll-up doors	20/03/2019	20/03/2019	Approved
25/03/2019		Traffic Services	Serving of Summonses – Van Rhyn Process Services (Pty) Ltd)	20/03/2019	25/03/2019	Approved
25/03/2019	211	S115(1) of the MFMA read with S117 Supply chain Reg	Tax Invoice – Redhills Electronics (R109 608.80)	20/03/2019	25/03/2019	Approved
25/03/2019			Item + Route Form – Alignment of insignia of Law Enforcement ranks	15/03/2019	25/03/2019	Approved
25/03/2019	229	SCM Reg 12(1)(c)	FQ/SM 153/19 – Game fence Onder Papegaaiberg Protected Areas Bradleyco engineering, Peri Secure C.C, Amabamba Fencing Pty Ltd, Amabamba Fencing Pty Ltd, Inyameko Trading 372,	26/03/2019	26/03/2019	Approved
25/03/2019	179	S65(1)of MFMA	Hall - Refund – R393	25/03/2019	26/03/2019	Approved
25/03/2019	179	S65(1)of MFMA	Hall - Refund – R786	25/03/2019	26/03/2019	Approved
26/03/2019		Finance	Metro security information – re cost breakdown	26/03/2019	27/03/2019	Approved
		Basic Conditions of Employment Act	Pre-approvals 40 hours: Community Development	26/03/2019	27/03/2019	



27/03/2019	645		Pre-approvals 20 hours: Community Development			Approved
27/03/2019	139 S69 and 70 of MFMA	Finance	Creation of Unique key – Ward 15 Sports Tournament	26/03/2019	27/03/2019	Supported
27/03/2019	139 S69 and 70 of MFMA	Finance	Virementation – R16 124-00	26/03/2019	27/03/2019	Supported
27/03/2019	139 S69 and 70 of MFMA	Finance	Virementation – R5 000-00 – Ward 16: Children’s Easter Program	26/03/2019	27/03/2019	Supported
27/03/2019	179	S65(1)of MFMA	Hall – Refund R2 613	27/03/2019	27/03/2019	Approved
27/03/2019	5	Various legal provisions and the Law of Contract AND Basic Common Law Principles AND S 59 (1) of Systems Act HR	EPWP Contracts	26/03/2019	27/03/2019	Approved
27/03/2019	139 S69 and 70 of MFMA	Finance	Virementation – Furniture , Tools and Equipment R138 180-04 (Parks)	26/03/2019	27/03/2019	Supported
27/03/2019	643	HR	Termination of service	26/03/2019	27/03/2019	Approved
26/03/2019	645	Basic Conditions of Employment Act	Overtime Pre-approvals (April 2019)	28/03/2019	28/03/2019	Approved
28/03/2019	645	Basic Conditions of Employment Act		28/03/2019	28/03/2019	Approved

			Standby Roster: Fire and Disaster - April 2019			
28/03/2019	645	Basic Conditions of Employment Act	Standby Roster:	28/03/2019	28/03/2019	Approved
28/03/2019	5	Various legal provisions and the Law of Contract AND Basic Common Law Principles AND S 59 (1) of Systems Act	EPWP contracts	28/03/2019	28/03/2019	Approved
28/03/2019			Item + Route form: Monthly report on by-law enforcement and events management – January 2019	28/03/2019	28/03/2019	Approved
28/03/2019			Item + Route form: Monthly report – Traffic Services (November 2018)	28/03/2019	28/03/2019	Approved
28/03/2019	SCM	SCM	Memo: Cutting of reeds, grass, and unwanted vegetation in Techno Park Dams	28/03/2019	28/03/2019	Approved
28/03/2019	229	SCM Reg 12(1)(c)	Specifications: Supply and delivery and installation of plastic play item	28/03/2019	28/03/2019	Approved
28/03/2019	229	SCM Reg 12(1)(c)	Specifications: Supply and install entry level series lay items in various parks in Stellenbosch	28/03/2019	28/03/2019	Approved
28/03/2019			Item + Route form: Monthly report – Traffic Services (February 2019)	28/03/2019	28/03/2019	Approved
28/03/2019		HR		28/03/2019	28/03/2019	Approved

			Updating of reporting lines – Traffic Department			
28/03/2019	645	Basic Conditions of Employment Act	Memo: Incorrect submission of overtime	28/03/2019	28/03/2019	Approved
28/03/2019	139 S69 and 70 of MFMA	Finance	Creation of new ukey – Municipal Running cost	28/03/2019	28/03/2019	Supported
28/03/2019	646	HR	Learnership: General Management	28/03/2019	28/03/2019	Approved
28/03/2019	646	HR	Learnership: Emergency Services	28/03/2019	28/03/2019	Approved
28/03/2019		Finance	Discretionally Grant Application 19/20: Disaster Risk Management, Emergency Services	28/03/2019	28/03/2019	Approved
28/03/2019		ICT	Request for ICT Resources	28/03/2019	28/03/2019	Approved
26/03/2018	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for period 17/03 – 24/03 (R656 032.52)	28/03/2019	28/03/2019	Approved
26/03/2019	179 S65(2) of the MFMA	Finance	Tjek aanvraag: Licence fees for period 17/03 – 24/03 (R65 880.00)	28/03/2019	28/03/2019	Approved
28/03/2019	645	Basic Conditions of Employment Act	Overtime Pre-approvals: Community Services (April 2019)	28/03/2019	28/03/2019	Approved
28/03/2019	5	Various legal provisions and the Law of	Registration of project: EPWP funding 2019/20 (Fire and Field worker – fire hydrants / disaster fieldworkers)	28/03/2019	28/03/2019	Approved

		Contract AND Basic Common Law Principles AND S 59 (1) of Systems Act				
28/03/2019	643	HR	Letter: Non-renewal of contract	28/03/2019	28/03/2019	Approved
28/03/2019	5	Various legal provisions and the Law of Contract AND Basic Common Law Principles AND S 59 (1) of Systems Act	EPWP contract	28/03/2019	28/03/2019	Approved
28/03/2019	229	SCM Reg 12(1)(c)	Specifications: Appointment of an architect for new office space and ablution block in Kylemore Cemetery	28/03/2019	28/03/2019	Approved
28/03/2019	229	SCM Reg 12(1)(c)	Specifications: Appointment of an architect for Jamestown Cemetery extension upgrade	28/03/2019	28/03/2019	Approved
28/03/2019	229	SCM Reg 12(1)(c)	Specifications: Upgrading of burglar bars sports fields	28/03/2019	28/03/2019	Approved
28/03/2019	229	SCM Reg 12(1)(c)	Specifications: Supply and install substitution banks underground cover seating at Idas valley sport grounds	28/03/2019	28/03/2019	Approved
28/03/2019	229	SCM Reg 12(1)(c)	Specifications: Resurfacing of netball courts at Idas valley sport facilities	28/03/2019	28/03/2019	Approved
	229	SCM Reg 12(1)(c)		28/03/2019	28/03/2019	

28/03/2019			Specifications: Upgrading of security gate houses at sport grounds			Approved
28/03/2019	229	SCM Reg 12(1)(c)	Specifications: Supply and installation of information sign boards at various sport facilities	28/03/2019	28/03/2019	Approved
28/03/2019	229	SCM Reg 12(1)(c)	Specifications: Upgrading of Idas valley and Cloetesville club houses	28/03/2019	28/03/2019	Approved
28/03/2019	229	SCM Reg 12(1)(c)	Specifications: Upgrading of plumbing system on sport grounds	28/03/2019	28/03/2019	Approved
28/03/2019	5	Various legal provisions and the Law of Contract AND Basic Common Law Principles AND S 59 (1) of Systems Act	EPWP contract	28/03/2019	28/03/2019	Approved
28/03/2019	643	HR	Memo: Issuing of fire arms for SWAT training	28/03/2019	28/03/2019	Approved
28/03/2019	229	SCM Reg 12(1)(c)	Specifications: Installation only of Nylofor fence in Suikerbos Park	28/03/2019	28/03/2019	Approved
28/03/2019	229	SCM Reg 12(1)(c)	Specifications: Appointment of contractor for drainage system at Jamestown cemetery	28/03/2019	28/03/2019	Approved

10.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
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10.1	MOTION BY COUNCILLOR DA HENDRICKSE: DISBANDMENT OF THE EMPLOYMENT EQUITY COMMITTEE
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A Notice of a Motion, dated 2019-04-03, was received from Councillor DA Hendrickse regarding the disbandment of the Employment Equity Committee.

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

**FOR CONSIDERATION**

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	021 808-8025
<b>E-MAIL ADDRESS</b>	<a href="mailto:Municipal.Manager@ Stellenbosch.gov.za">Municipal.Manager@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	2019-04-24

# APPENDIX 1



3 April 2019  
The Single Whip  
Stellenbosch Municipal Council  
Plein Street  
STELLENBOSCH  
7600  
Attention : Clr P Biscombe  
Dear Whip

**RE NOTICE OF MOTION TO SERVE AT NEXT COUNCIL MEETING**

**MOTION**

That Council resolve to disband the Employment Equity Committee which was established as a Section 79 committee at the Urgent Council meeting held on 16 February 2017 ( See attached Agenda item and minutes of the 16 February 2017 Council meeting )

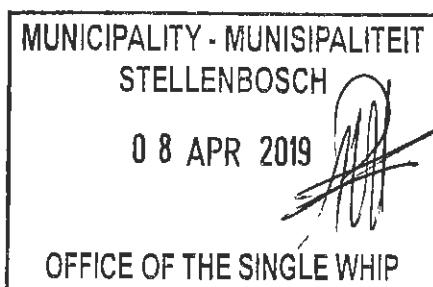
**MOTIVATION**

Since the establishment of this Employment Equity Committee by Council on 16 February 2017 , this committee has never met. Thus this committee has never acted on the mandate given to them nor have this committee acted on the terms of reference given to it.

Likewise I could find no record of any reports or minutes of the Employment Equity committee on any Council agenda since the establishment of this committee in 2017.

Clr D A Hendrickse

Seconded by Clr L Horsband





10.2	<b>QUESTION 1 BY CLLR LK HORSBAND (MS): ALTERNATIVE MUNICIPAL PROPERTY IN KLAPMUTS TO TELLY TUBBIES CRECHE</b>
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A Notice of Question, dated 2019-04-03, was received from Councillor LK Horsband (Ms).

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

#### FOR CONSIDERATION

#### APPENDICES:

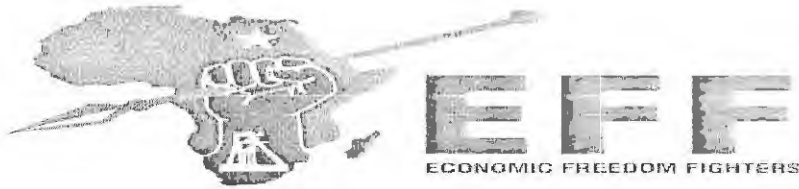
**Appendix 1:** Question by Councillor LK Horsband (Ms)

**Appendix 2:** Response by Municipal Manager

#### FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	021 808-8025
<b>E-MAIL ADDRESS</b>	<a href="mailto:Municipal.Manager@ Stellenbosch.gov.za">Municipal.Manager@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	17 April 2019

# APPENDIX 1



3 April 2019  
 The Single Whip  
 Stellenbosch Municipal Council  
 Plein Street  
 STELLENBOSCH  
 7600  
 Attention : Clr P Biscombe  
 Dear Whip



**RE NOTICE OF QUESTIONS TO SERVE AT THE NEXT COUNCIL MEETING**

**QUESTION NO 1**

What alternative municipal property in Klappmuts will the municipality make available to the Telly Tubbies Crech to operator from?

**MOTIVATION**

The municipality has give the Telly Tubby Crèche notice that their lease would expire last month. Currently the crèche has no other venue to operate from. This crèche has been providing a valuable service to the community of Klappmuts for years and due to the fact that the municipality has cancelled their lease without providing alternative venue , these children are in danger of now attending this educational and caring opportunity.

**QUESTION NO 2**

What is the names of on the beneficiary list that the municipality ( Council )had to submit the Western Cape Government Human Settlements department as set out in their letter dated 12/12/2017 ( see attached copy ) , where they required a written responce to give effect to the condition that reads

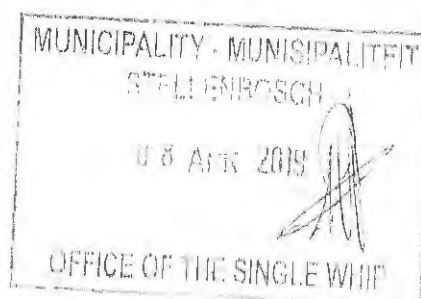
- (o) Your Council to confirm in writing that sufficient qualifying beneficiaries have been identified for the Affordable Housing market, in the Phase II portion of the project;

**MOTIVATION**

I want it noted that I serve on the Human Settlement section 80 committee and not reports were ever brought to this committee to deal with the Idasvalley Housing project . Nor were any reports submitted to tell Council what is being done to give effect to the conditions as set out in the attached letter dated 12/12/2017.

I am also concerned that Council is not exercising proper oversight so as to ensure that the community of specifically Idasvalley are not meaningfully consulted about their right to get access to the affordable housing opportunities

Clr L Horsband



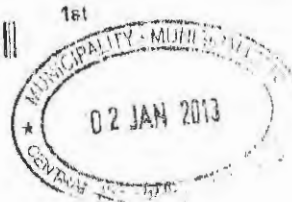
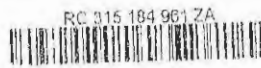


## SUB-DIRECTORATE: CONTRACT MANAGEMENT

REFERENCE: 16/1/1/2053/3257.01

ENQUIRIES: Ms S Fortuin

The Municipal Manager  
Stellenbosch Municipality  
P O Box 17  
STELLENBOSCH  
7599



Attention: Mr L van Stavel

**IDAS VALLEY HOUSING PROJECT: APPLICATION FOR THE CONDITIONAL APPROVAL OF A (I) PHASED PROJECT AND FINANCIAL DETAILS FOR THE INSTALLATION OF CIVIL ENGINEERING SERVICES TO 370 SITES; AND (II) ALLOCATION OF THE NHBC PROJECT ENROLMENT FEES, IN TERMS OF THE INTEGRATED RESIDENTIAL DEVELOPMENT PROGRAMME (IRDP): PROJECT NO. 3257.01 & HSS NO: W16010075**

I have the pleasure to inform you that your application has been approved per resolution number 17/157 dated 11 December 2017 as set out below:

- (a) The phased project application consisting of 370 sites in the amount of R21 989 030.00, as a *First Contract Agreement* (based on the 2014/2015 subsidy quantum);

CATEGORY	SITES	TOTAL
Phase I	166	R 7 671 026.00
Phase II	204	R11 459 782.00
Gabion wall costs associated with Phase I		R 2 858 222.00
<b>Total cost</b>		<b>R21 989 030.00</b>

- (b) Financial details of Phase I for the installation of civil engineering services to 166 sites (A Grade level), inclusive of the Gabion wall costs, in the amount of R10 529 248.00 (based on the 2014/2015 subsidy quantum);

CATEGORY	SITES	AMOUNT PER SITE	TOTAL
Subsidy	166	R43 626.00	R7 241 916.00
Geo-tech Variance	166	R 2 585.00	R 429 110.00
<b>Subtotal</b>	<b>166</b>	<b>R46 211.00</b>	<b>R7 671 026.00</b>
Less Planning approval (Tranche 1.1 and 1.2 payments)	166	R 3 778.67	R 627 259.00
<b>Subtotal</b>			<b>R7 043 767.00</b>
Gabion wall costs			R2 858 222.00
<b>Total Available</b>	<b>166</b>		<b>R9 901 989.00</b>

27 Wale Street, Cape Town, 8001  
tel. +27 21 483 4976 fax: +27 21 483 5433  
HUMAN SETTLEMENT PROJECT ADMINISTRATION

Private Bag X9083, Cape Town, 8000  
Shireen.Fortuin@westerncape.gov.za  
[www.westerncape.gov.za](http://www.westerncape.gov.za) Page 1 of 1

**NOTE:**

An amount not exceeding **R46 211,00** may be utilised for servicing the erven. If this amount is exceeded, the Developer is liable for the difference and not the Beneficiary.

**NOTE:**

A Geo-technical variance amount of **R2 585,00** per site has been recommended, in line with the variance calculator;

VARIANCE EVALUATION	AMOUNT
Groundwater: Category 1: Dewatering of service trenches during construction	R 724,13
Topography of site: Category 2: Additional earthworks to roads and;	R 208,14
Storm water control measures	R1 159,74
<b>Subtotal</b>	<b>R2 091,41</b>
Additional professional fees (10%)	R 209,14
<b>Subtotal</b>	<b>R2 300,55</b>
Additional 6% escalation x2 years	R 284,34
<b>Rounded</b>	<b>R2 585,00</b>

- (c) Financial details of **Phase II** for the installation of civil engineering services (**A Grade level**) to 204 sites [203 single & 60 flats on 1 huge site, which is equivalent to 23 single], in the amount of **R11 459 782,00** (based on the 2014/2015 subsidy quantum):

CATEGORY	SITES	AMOUNT PER SITE	TOTAL
Subsidy [203 single & 60 flats on 1 huge site, which is equivalent to 23 single]	226	R43 626,00	R 9 859 476,00
Geo-tech Variance [203 single & 60 flats on 1 huge site, which is equivalent to 23 single]	226	R 7 081,00	R 1 600 306,00
<b>Subtotal</b>	<b>226</b>	<b>R50 707,00</b>	<b>R11 459 782,00</b>
Less Planning approval (Tranche 1.1 and 1.2 payments)	204	R 3 778,67	R 770 849,00
<b>Total Available</b>	<b>226</b>		<b>R10 688 933,00</b>

**NOTE:**

An amount not exceeding **R50 707,00** may be utilised for servicing the erven. If this amount is exceeded, the Developer is liable for the difference and not the Beneficiary

**NOTE:**

A Geo-technical variance amount of **R7 081,00** per site has been recommended, in line with the variance calculator;

VARIANCE EVALUATION	AMOUNT
Groundwater: Category 2: Dewatering of service trenches during construction	R 482.76
Erodibility of soil: Category 1: Plus surface drainage	R1 183.11
Hard Excavation: Category 1: Additional cost of trench excavation	R2 695.61
Topography of site: Category 2: Additional earthworks to roads and;	R 208.14
Storm water control measures	R1 159.14
<b>Subtotal</b>	<b>R5 728.76</b>
Additional professional fees (10%)	R 572.87
<b>Subtotal</b>	<b>R6 301.63</b>
Additional 6% escalation x2 years	R 778.67
<b>TOTAL ROUNDED</b>	<b>R7 081.00</b>

- (d) Financial details for the allocation of the NHBRC Project enrolment fees in the amount of R429 240.24, calculated as follows:

Phase I:  $R110\,947 \times 1\% \times 166 \text{ sites} = R184\,172.02$  and  
 Variation fees:  $R2\,585 \times 1\% \times 166 \text{ sites} = R4\,291.10$   
 Total for Phase I:  $R184\,172.02 + R4\,291.10 = R188\,463.12$

Phase II:  $R110\,947 \times 1\% \times 204 \text{ sites} = R226\,331.88$  and  
 Variation fees:  $R7\,081.00 \times 1\% \times 204 \text{ sites} = R14\,445.24$   
 Total:  $R226\,331.88 + R14\,445.24 = R240\,777.12$   
 Total costs for Phases I & II = R429 240.24

**Note:**

The NHBRC fees will only be released on actual claims submitted by the National Home Builders Registration Council and does not form part of the funding allocation.

**WITH THE FOLLOWING CONDITIONS:**

- (e) Your Council to implement and manage the project within their Indicative allocation;
- (f) Your Council must fund from own resources, all costs exceeding the approved funding amounts, which includes an estimated amount of R5 054 084.00 on Phase I and R29 345 457.80 on Phase II due to the extraordinary site conditions related to the river upgrade, additional road and earthworks, retaining walls, rock excavation and land rehabilitation costs;
- (g) Your Council to ensure that the standard of services for each existing erf and the internal services comply with the Minimum Design and Construction Standards for Internal A Grade Engineering services of Circular C7 of 2014;
- (h) Your Council to submit a construction and cash flow programme as soon as the project has received final approval by the Department;
- (i) Your Council to comply with all relevant licences and permits, and to ensure that all relevant environmental authorisations, in particular the Water Use Licence, are obtained prior to the commencement of construction;

- (j) Your Council must register the project and report progress of this project on either the Expanded Public Works Programme (EPWP) Management Information System (MIS) or the Integrated Reporting System (IRS). Progress must be recorded quarterly and within 22 calendar days after the end of each quarter;
- (k) Your Council to ensure that the pre-emptive right referred to in Section 10A (1) of the Housing Amendment Act, 2001 (Act 4 of 2001) is written into the Sale Agreement and Title Deed of every Beneficiary.

*"... It is hereby recorded that the Purchaser, on the strength of his/her personal information as provided by him/her, will be granted a housing subsidy, as defined in the National Housing Code, for this property. As a result, this sale shall be subject to the statutory condition, imposed by Section 10(A) of the Housing Amendment Act, Act 4 of 2001 in favour of the Western Cape Provincial Government, which condition inter-alia prescribes that the Owner shall not sell or otherwise alienate the property within a period of eight years from the date of sale, unless it has first been offered to the Department of Human Settlements/ Housing of the Western Cape Provincial Government at no cost to the said Provincial Government."*

- (l) Your Council to note that the sale of stands to non-qualifiers shall be dealt with in terms of paragraph 2.3.2 of the Incremental Interventions: Integrated Residential Development Programme (IRDP), Part 3 of the National Housing Code, 2009;
- (m) All income generated by the municipality through the sale of sites in this development must be deposited in the municipality's separate operating account reserved for the financing of low cost housing development, as determined by section 15(5) of the Housing Act 107 of 1997;
- (n) The Department will not recover land or servicing costs from Your Council for Public Open Spaces, which includes streets and retention ponds, which will eventually be transferred to Your Council;
- (o) Your Council to confirm in writing that sufficient qualifying beneficiaries have been identified for the Affordable Housing market, in the Phase II portion of the project;
- (p) Your Council to confirm in writing that the bulk services capacity namely, water, WWTW's (waste collection and disposal), storm water and electricity are either adequate or increased, and will be in place prior to occupation of the sites and funded from other sources;
- (q) Your Council to confirm that adequate protection/diversion measures will be put in place to prevent damage to the surrounding environment or threats to life due to storm-water run off;
- (r) Your Council to confirm that there are no servitudes or rights over the erven to be developed, which may negatively influence the proposed development; and
- (s) Your Council to confirm that the Traffic upgrades are implemented prior to the implementation of the proposed development.

Yours sincerely



HEAD OF DEPARTMENT: HUMAN SETTLEMENTS

DATE: 12/12/2017

# APPENDIX 2





## MEMORANDUM

*Office of the Municipal Manager  
Kantoor van die Munisipale Bestuurder*

---

**To : SPEAKER**  
**From : MUNICIPAL MANAGER**  
**Date : 16 APRIL 2019**  
**RE : EFF RESPONSE**

---

Dear Speaker,

With reference to the question received from the EFF, submitted in terms of Section 21 of the Rules of Order Regulating the Conduct of Council and Council Committee Meetings, received by my office on 15 April 2019.

**Question 1:**

“What alternative municipal property in Klapmuts will the municipality make available for the Telly Tubbies Crech to operator from?”

**Response**

The Municipality did not give the crèche notice to vacate the premises. This property will be transferred to province and the crèche for that reason will have to vacate. There was already discussions with the crèche to move to an alternative venue which will take place in due course. The allegations made by Councillor is not true according to Mr Smit. It is suggested that the Councillor provide the alleged notice that the municipality would have issued so I can follow it up if it exists.

Kind regards

**Geraldine Mettler  
Municipal Manager**

10.3	<b>QUESTION 2 BY CLLR LK HORSBAND (MS): IDA'S VALLEY HOUSING PROJECT – BENEFICIARIES</b>
------	--

A Notice of Question, dated 2019-04-03, was received from Councillor LK Horsband (Ms).

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

#### FOR CONSIDERATION

#### APPENDICES:

**Appendix 1:** Question by Councillor LK Horsband (Ms)

**Appendix 2:** Response by Municipal Manager

#### FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	021 808-8025
<b>E-MAIL ADDRESS</b>	<a href="mailto:Municipal.Manager@ Stellenbosch.gov.za">Municipal.Manager@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	17 April 2019

# APPENDIX 1



**EFF**  
ECONOMIC FREEDOM FIGHTERS

3 April 2019  
The Single Whip  
Stellenbosch Municipal Council  
Plein Street  
STELLENBOSCH  
7600  
Attention : Clr P Biscombe  
Dear Whip



**RE NOTICE OF QUESTIONS TO SERVE AT THE NEXT COUNCIL MEETING**

**QUESTION NO 1**

What alternative municipal property in Klappmuts will the municipality make available to the Telly Tubbies Crech to operator from?

**MOTIVATION**

The municipality has give the Telly Tubby Crèche notice that their lease would expire last month. Currently the crèche has no other venue to operate from. This crèche has been providing a valuable service to the community of Klappmuts for years and due to the fact that the municipality has cancelled their lease without providing alternative venue , these children are in danger of now attending this educational and caring opportunity.

**QUESTION NO 2**

What is the names of on the beneficiary list that the municipality ( Council )had to submit the Western Cape Government Human Settlements department as set out in their letter dated 12/12/2017 ( see attached copy ) , where they required a written responce to give effect to the condition that reads

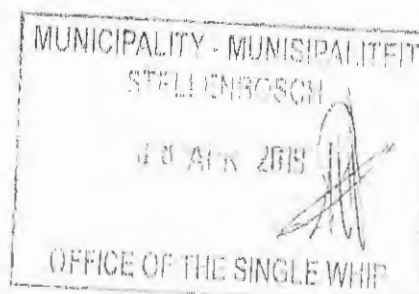
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**MOTIVATION**

I want it noted that I serve on the Human Settlement section 80 committee and not reports were ever brought to this committee to deal with the Idasvalley Housing project . Nor were any reports submitted to tell Council what is being done to give effect to the conditions as set out in the attached letter dated 12/12/2017.

I am also concerned that Council is not exercising proper oversight so as to ensure that the community of specifically Idasvalley are not meaningfully consulted about their right to get access to the affordable housing opportunities

Clr L Horsband





## SUB-DIRECTORATE: CONTRACT MANAGEMENT

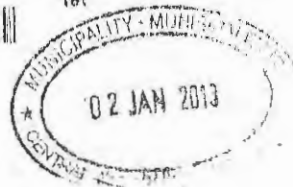
REFERENCE: 16/1/1/2053/3257.01

ENQUIRIES: Ms S Fortuin

The Municipal Manager  
Stellenbosch Municipality  
P O Box 17  
STELLENBOSCH  
7599



1st



Attention: Mr L van Stavel

**IDAS VALLEY HOUSING PROJECT: APPLICATION FOR THE CONDITIONAL APPROVAL OF A (I) PHASED PROJECT AND FINANCIAL DETAILS FOR THE INSTALLATION OF CIVIL ENGINEERING SERVICES TO 370 SITES; AND (II) ALLOCATION OF THE NHBC PROJECT ENROLMENT FEES, IN TERMS OF THE INTEGRATED RESIDENTIAL DEVELOPMENT PROGRAMME (IRDP); PROJECT NO. 3257.01 & HSS NO: W16010075**

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27 Wale Street, Cape Town, 8001  
tel: +27 21 483 4976 fax: +27 21 485 5435  
HUMAN SETTLEMENT PROJECT ADMINISTRATION

Private Bag X9083, Cape Town, 8000  
Shireen.Fortuin@westerncape.gov.za  
www.westerncape.gov.za Page 1 of 1

**NOTE:**

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**NOTE:**

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Topography of site: Category 2: Additional earthworks to roads end; Storm water control measures	R 208.14
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Topography of site: Category 2: Additional earthworks to roads and;	R 208,14
Storm water control measures	R1 159,14
<b>Subtotal</b>	<b>R5 728,76</b>
Additional professional fees (10%)	R 572,87
<b>Subtotal</b>	<b>R6 301,63</b>
Additional 8% escalation x2 years	R 778,87
<b>TOTAL ROUNDED</b>	<b>R7 081,00</b>

- (d) Financial details for the allocation of the NHBRC Project enrolment fees in the amount of R429 240,24, calculated as follows:

Phase I:  $R110\,947 \times 1\% \times 166 \text{ sites} = R184\,172,02$  and  
 Variation fees:  $R2\,585 \times 1\% \times 166 \text{ sites} = R4\,291,10$   
 Total for Phase I:  $R184\,172,02 + R4\,291,10 = R188\,463,12$

Phase II:  $R110\,947 \times 1\% \times 204 \text{ sites} = R226\,331,88$  and  
 Variation fees:  $R7\,081,00 \times 1\% \times 204 \text{ sites} = R14\,445,24$   
 Total:  $R226\,331,88 + R14\,445,24 = R240\,777,12$   
 Total costs for Phases I & II = R429 240,24

Note:

The NHBRC fees will only be released on actual claims submitted by the National Home Builders Registration council and does not form part of the funding allocation.

WITH THE FOLLOWING CONDITIONS:

- (e) You Council to implement and manage the project within their Indicative allocation;
- (f) Your Council must fund from own resources, all costs exceeding the approved funding amounts, which includes an estimated amount of R5 054 084,00 on Phase I and R29 345 457,80 on Phase II due to the extraordinary site conditions related to the river upgrade, additional road and earthworks, retaining walls, rock excavation and land rehabilitation costs;
- (g) Your Council to ensure that the standard of services for each existing erf and the internal services comply with the Minimum Design and Construction Standards for Internal A Grade Engineering services of Circular C7 of 2014;
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- (j) Your Council must register the project and report progress of this project on either the Expanded Public Works Programme (EPWP) Management Information System (MIS) or the Integrated Reporting System (IRS). Progress must be recorded quarterly and within 20 calendar days after the end of each quarter.
- (k) Your Council to ensure that the pre-emptive right referred to in Section 10A (1) of the Housing Amendment Act, 2001 (Act 4 of 2001) is written into the Sale Agreement and Title Deed of every Beneficiary.

*"... It is hereby recorded that the Purchaser on the strength of his/her personal information as provided by him/her, will be granted a housing subsidy, as defined in the National Housing Code for this property. As a result, this sale shall be subject to the statutory condition, imposed by Section 10(A) of the Housing Amendment Act, Act 4 of 2001 in favour of the Western Cape Provincial Government, which condition inter-alia prescribes that the Owner shall not sell or otherwise alienate the property within a period of eight years from the date of sale, unless it has first been offered to the Department of Human Settlements/ Housing of the Western Cape Provincial Government at no cost to the said Provincial Government";*

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- (m) All income generated by the municipality through the sale of sites in this development must be deposited in the municipality's separate operating account reserved for the financing of low cost housing development, as determined by section 15(5) of the Housing Act 107 of 1997.
- (n) The Department will not recover land or servicing costs from Your Council for Public Open Spaces, which includes streets and retention ponds, which will eventually be transferred to Your Council;
- (o) Your Council to confirm in writing that sufficient qualifying beneficiaries have been identified for the Affordable Housing market, in the Phase II portion of the project;
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- (q) Your Council to confirm that adequate protection/diversion measures will be put in place to prevent damage to the surrounding environment or threats to life due to storm-water run off.
- (r) Your Council to confirm that there are no servitudes or rights over the even to be developed, which may negatively influence the proposed development; and
- (s) Your Council to confirm that the Traffic upgrades are implemented prior to the implementation of the proposed development

Yours sincerely



HEAD OF DEPARTMENT: HUMAN SETTLEMENTS

DATE: 12/12/2017



# APPENDIX 2



## MEMORANDUM

*Office of the Municipal Manager  
Kantoor van die Munisipale Bestuurder*

---

**TO : SPEAKER**  
**FROM : MUNICIPAL MANAGER**  
**DATE : 16 APRIL 2019**  
**RE : EFF RESPONSE**

---

Dear Speaker

With reference to the question received from the EFF, submitted in terms of Section 21 of the Rules of Order Regulating the Conduct of Council and Council Committee Meetings, received by my office on 15 April 2019.

**QUESTION 2:**

"What is the names of the beneficiary list that the municipality (Council) had to submit the Western Cape Government Human Settlements department as set out in their letter dated 12/12/2017 (see attached copy), where they required written response to give effect to the condition that reads

- (o) Your Council to confirm in writing that sufficient qualifying beneficiaries have been identified for the Affordable Housing market, in the Phase II portion of the project;"

**RESPONSE**

In accordance with the Resolution Nr. 17/157 dated 12 December 2017.

The Municipality submitted all the relevant information to the Provincial Department of Human Settlements required for the funding approval.

On 29 August 2017, the Municipality submitted the Project Implementation Readiness Report to the PDoHS for funding assistance. It is imperative to note that the list of the beneficiaries for the Affordable Housing component are deemed as a moving target by the Municipality and the PDoHS. The financial information of the potential beneficiaries for financial assistance by registered financial institution is screened again prior to the final approval of a bond application. The marketing process started much later than the application for financial assistance to the PDoHS, and therefore the beneficiaries' financial status could change.

In the funding application submitted to the PDoHS the beneficiary list was attached as Annexure D. Herewith attached the funding application as Annexure A. Unfortunately, the list cannot be made available as it contains personal information of the potential beneficiaries in terms of the Protection of Personal Information Act 4 of 2013. The PDoHS base the data on a salary increase of 5% per annum which indicates that potential beneficiaries will be able to apply for the Affordable houses when the houses are constructed during the 2019/20 financial year.

Kind regards

**Geraldine Mettler  
Municipal Manager**

11.	<b>CONSIDERATION OF URGENT MOTIONS</b>
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12.	<b>URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER</b>
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13.	<b>CONSIDERATION OF REPORTS</b>
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13.1	<b>REPORTS SUBMITTED BY THE SPEAKER</b>
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13.1.1	<b>POLICY AND PROCEDURES FOR WARD COMMITTEES</b>
--------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

*Good Governance*

24 April 2019

## 1. POLICY AND PROCEDURES FOR WARD COMMITTEES

### 2. PURPOSE

To submit the Policy and Procedures for Ward Committees (hereafter "Policy") to Council for approval.

### 3. DELEGATED AUTHORITY

Council approves policy.

### 4. EXECUTIVE SUMMARY

The Local Government Municipal Structures Act, 117 of 1998 prescribes amongst other that municipalities must devise a regulatory framework in respect of the procedure to elect members of a ward committee, the circumstances under which those members must vacate office and the frequency of meetings of ward committees.

To give effect to this stipulation a Policy and Procedures for Ward Committees was developed and adopted by Council in 2006. It was amended in 2010, 2012 and 2015 and was due for a review following the August 2016 local government elections.

The process of review was started in 2017, and during November 2018 a Ward Committee Summit was held where the Draft Revised Policy was discussed. The plenary requested more time to peruse the Policy. Consequently it was resolved that a follow-up Summit be held early in 2019 to finalise the Policy for submission to Council. The document was again discussed at the second summit. It was subsequently resolved that ward committees be afforded a further opportunity to submit input by not later than 29 March 2019.

The revised policy is now ready for adoption.

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## 5. RECOMMENDATIONS

- (a) that Council adopts the revised Policy and Procedures for Ward Committees as per **APPENDIX 1**; and
- (b) that the policy be distributed to ward committees.

## 6. DISCUSSION / CONTENTS

### 6.1 Background

Council adopted the Policy and Procedures for Ward Committees on 29 November 2006, amended it at Council Meetings on 26 August 2010, 20 June 2012 and 28 October 2015.

### 6.2 Discussion

Section 73 of the Local Government Municipal Structures Act, 117 of 1998 prescribes that

*“A metro or local council must make rules regulating-*

- (a) the procedure to elect the subsection (2) (b) members of a ward committee, taking into account the need-*
  - (i) for women to be equitably represented in a ward committee; and*
  - (ii) for a diversity of interests in the ward to be represented.*
- (b) the circumstances under which those members must vacate office; and*
- (c) the frequency of meetings of ward committees”.*

In order to comply with the stipulation in the above-mentioned Act, Stellenbosch Municipality developed a Policy and Procedures for Ward Committees and adopted same during 2006 with various amendments over time as shown in paragraph 6.1 above.

The aim of the Policy is, inter alia, to deal with establishment and election of ward committees, terms of office, vacancies and dissolutions, powers and functions and conduct of members, ward committee meetings and administrative support, and public meetings.

The existing Policy has been thoroughly reviewed during 2017 with the assistance of a law expert and one of the Senior Legal Advisers in the employ of Council. Prior to the follow-up Ward Committee Summit the Draft Policy was further reviewed with the assistance of the legal expert referred to above a University of Stellenbosch academic – also a ward committee member.

During November 2018 a Ward Committee Summit was held where the Draft Revised Policy was discussed. The plenary requested more time to peruse the Policy. Consequently it was resolved that a follow-up Summit be held early in 2019 to finalise the Policy for submission to Council.

At the follow-up Ward Committee Summit held on 14 March 2019 the Draft Policy was presented to ward committee members. It was clear that ward committees needed a further opportunity to provide input into the draft document. It was subsequently resolved that ward committees be afforded a further opportunity to submit input by not later than 29 March 2019.

The input provided by a number of ward committees by the cut-off date was considered and incorporated into the Draft Revised Policy attached herewith as **APPENDIX 1**.

**6.3 Financial Implications**

There are no financial implications should the recommendations as set out in the report be accepted.

**6.4 Legal Implications**

The recommendations in this report comply with the applicable legislation.

**6.5 Staff Implications**

This report has no additional staff implications for the Municipality.

**6.6 Previous / Relevant Council Resolutions:**

Adopted on 29 November 2006, amended by Council on 26 August 2010, 20 June 2012 and 28 October 2015.

**6.7 Risk Implications**

This report has no risk implications for the Municipality.

**6.8 Comments from Senior Management:**

None required

**ANNEXURES**

**APPENDIX 1 – Draft Revised Policy and Procedures for Ward Committees  
(without track changes)**

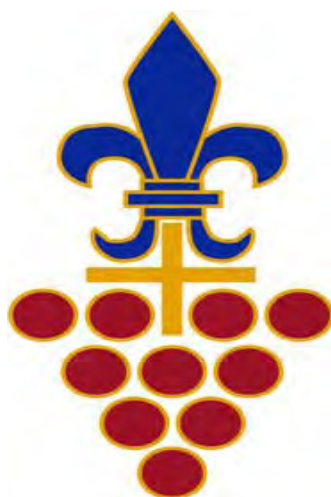
**APPENDIX 2 – Draft Revised Policy and Procedures for Ward Committees  
(with track changes)**

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<b>REPORT DATE</b>	15 April 2019

# APPENDIX 1

# Stellenbosch Municipality



## Policy and Procedures For Ward Committees

**Date Approved by Council:**

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## Policy and Procedures for Ward Committees

Compiled in terms of the Local Government: Municipal Structures Act, 117 of 1998; Local Government: Municipal Systems Act, 32 of 2000 and 2005 DPLG Guidelines

### Preamble

WHEREAS the Municipality is committed to encouraging the involvement of communities and community organisations in its affairs.

WHEREAS the Municipality is a municipality with an executive mayoral system combined with a ward participatory system as set out in section 9(d) of the Act.

WHEREAS the Council has resolved in terms of section 72(2) of the Act to adopt the ward participatory system.

IT IS THEREFORE RESOLVED by the Council as follows.

### Definitions

In this Policy and Procedures, a word or expression has the meaning assigned to it in applicable national legislation; otherwise, it has the meaning set out below:

“**the Act**” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“**Council**” means Council of Stellenbosch Municipality or the Stellenbosch Town Council;

“**election officer**” means the person in charge of the election of ward committee members at an election meeting, which person must be an official of the Municipality or an impartial person appointed by the Municipality for this purpose;

“**Executive Mayor**” means [insert];

“**geographical area**” means a portion of the ward (e.g. a block of streets) to be served by a ward committee member or more than one ward committee member;

“**Mayoral Committee**” means [insert];

“**Municipality**” means Stellenbosch Municipality;

“**nominee**” means a person nominated in terms of clause 5 for election to a ward committee by a registered voter residing in that ward;

“**out-of-pocket allowance**” means out of pocket allowances to be paid to members of ward committees in respect of their participation in the activities of the ward committees as contemplated in clause 73(5)(c) of the Act; “**Policy and Procedures**” means this document;

“**resident**” means a resident of the ward for which the ward committee was established; and

“**Speaker**” means the Speaker of the Council.

## CHAPTER 1 ESTABLISHMENT AND ELECTION

### 1. Establishment

With effect from a date set by the Municipality, ward committees will be established for all wards.

### 2. Status of ward committees

(1) The object of a ward committee is to enhance participatory democracy in local government.

(2) A ward committee:

- (a) is an advisory body;
- (b) is a representative structure of the ward;
- (c) is an independent committee of the community in a ward;
- (d) is impartial and performs its functions without fear, favour or prejudice;
- (e) is not politically orientated;
- (f) as a representative structure of the community, is accountable to the community; and
- (g) is an integrative umbrella body responsible for coordination of ward developmental initiatives, promotion of accountability and social cohesion.

### 3. Composition of ward committees

(1) A ward committee will comprise the ward councillor representing that ward in the Council and not more than 10 other persons elected in accordance with clauses 6 to 10. Gender equity and diversity of interests will be pursued by the election officer. This will be done by drawing the attention of the voters at the start of an election meeting to the importance of:

- (a) striving for equal representation of men and women on the ward committee; and
- (b) having representatives for different communities within the ward on the ward committee in the case of a geographical representation system.

(3) The Municipality must appoint ward administrators to fulfil the administrative and/or secretarial duties of a ward committee.

(4) A ward councillor may delegate in writing the chairing of a meeting in his/her absence to a proportional representation councillor or any member of the ward committee.

(5) A ward committee may extend a standing invitation to a maximum of two individuals who they feel will contribute to a better representivity of the ward committee, as observers to the ward committee.

- (6) The observers mentioned in sub-clause (5) above will have no voting rights during ward committee meetings.

#### **4. Decision on type of ward committee**

- (1) When a new ward committee is to be established, the Municipality must determine beforehand whether the particular ward warrants a single election following the geographical representation system, taking into account the diversity of communities as well as the geography of that ward.
- (2) The administration of the Municipality, after consulting with ward councillors, must make a recommendation to the Council in respect of the type of election system to be used for each ward. The Council will decide on the type of election system to be used for each ward.
- (3) In the case of a geographical representation system, the Municipality, in consultation with the ward councillors, must determine beforehand how many ward committee members will be representing each geographical area, taking into consideration the pro-rata numbers of registered voters in each voting district.
- (4) The ward councillor must determine the number of the geographical blocks for the ward taking into consideration the distribution of registered voters in the area.

#### **5. Nomination**

- (1) Before the Municipality calls for nominations for a general election of ward committees, an information campaign must be undertaken to inform the public and councillors on all aspects of the election.
- (2) In the case of a geographical representation system, only nominations in respect of and made by a registered individual residing in the particular geographical area will be valid.
- (3) The Municipality must:
- (a) publish a call for nominations for candidates for ward committee elections in one or more of the local newspapers circulating in the Stellenbosch municipal area at least 45 days before close of nominations; and
  - (b) advertise the call for nominations on notice boards in municipal buildings and municipal libraries for a period of at least 30 days.
- (4) A nomination must be accompanied by:
- (a) a written acceptance of the nomination by the nominee in the prescribed format; and
  - (b) a copy of the ID document or ID card of both the proposer and nominee.

#### **6. Election criteria**

To be elected as a member of a ward committee, a person:

- (a) must be a registered voter in the ward concerned;

- (b) may not be a member of the Council;
- (c) may not be in the full-time employment of the Municipality;
- (d) may not, on and after the date of nomination, be in arrears to the Municipality for rates and service charges for a period of more than three months;
- (e) may not be someone who, after February 1997, has been convicted of an offence and sentenced to imprisonment for a period of not less than 12 months without the option of a fine;
- (f) may not be someone of unsound mind who has been declared so by a competent court; and
- (g) may not be an insolvent or unrehabilitated insolvent.

#### **7. Election meeting**

- (1) Elections will be held according to the type of election system determined by the Council for each ward in terms of clause 4 above.
- (2) On determining the election meeting venue (or venues, in the case of separate meetings), the Municipality must take into account, *inter alia*:
  - (a) the input of the ward councillors concerned;
  - (b) distances for voters to travel;
  - (c) the needs of minority or vulnerable groups to be accommodated on the ward committee; and
  - (d) the existence or not of separate communities within the ward with dissimilar needs.
- (3) After the nominations have closed, the Municipality must:
  - (a) convene an election meeting for and within each ward after confirmation of the election date with the relevant ward councillor; and
  - (b) make public the date, time and place of a ward election meeting by way of official notice in local newspapers in all the official languages of the province, as well as through other means of public communication determined by the Council.
- (4) Only residents who are registered voters in the ward concerned may attend and vote at the meeting. Municipal officials and members of the media may attend the meeting but may not vote at the meeting.
- (5) The ward election meeting must be chaired by the election officer.
- (6) Provision must be made for illiterate persons, where applicable.

#### **8. Election procedure**

- (1) The ward councillor, if present, may welcome the voters and the candidates and must then take a seat amongst those present at the meeting and refrain from any interference with the proceedings.
- (2) The election officer will then take control of the voting process and explain the procedure to be followed.

- (3) The nominees:
  - (a) must be introduced by the election officer; and
  - (b) may then be allocated, on an equal basis, time to address the meeting.
- (4) After the nominees for a geographical area have been introduced, the election officer will call for a vote on those nominees.
- (5) If only one person was nominated, the election officer must declare that person elected.
- (6) The election officer must declare elected the nominee who receives a majority of the votes (50% plus one) cast.
- (7) If no nominee receives a majority of the votes cast, a second vote must be taken on the three nominees that received the highest number of votes in the first vote.
- (8) If no nominee receives a majority of the votes cast in the second vote, a third vote must be taken on the two nominees that received the highest number of votes in the second vote.
- (9) If the two nominees receive exactly the same number of votes after the process in sub-clause (8) above, the election officer must determine the elected person by the draw of lots.
- (10) Once all vacancies have been filled, the election officer must indicate to those present their right to appeal, as follows:
  - (a) any such appeal must be lodged with the office of the Speaker within seven days of the election;
  - (b) appeals will be dealt with by an independent person appointed for this purpose by the Speaker and agreed to by the appellant. The findings of the independent person will be binding.
- (11) The ward councillor may at this point in time take control of the meeting to thank everybody present, congratulate the successful candidates and close the meeting, should he/she so wish.

## **9. Voting**

- (1) Each community member present may cast one vote for one nominee residing in his/her geographical area.
- (2) Voting will be by ballot paper unless 75% or more of the voters decide to vote by show of hands. This may be determined for the meeting as a whole or for each geographical area separately.
- (3) Where voting is done by show of hands, the nominees for each geographical area must leave the hall for the duration of the election with respect to that geographical area.
- (4) The ward councillor may vote for a nominee in his/her geographical area.
- (5) The ward councillor may not, before or during the election meeting, influence or campaign for the election of ward committee members.

**CHAPTER 2****TERMS OF OFFICE, VACANCIES AND DISSOLUTION****10. Term of office**

- (1) The term of office for a ward committee will run concurrently with that of the Council up to the day of the next municipal elections.
- (2) Members of a ward committee will vacate office when a new Council is declared elected.
- (3) The vacation of office by a ward councillor does not affect the term of office of the 10 members elected in accordance with clauses 5 to 9.
- (4) A ward committee member may be re-elected, subject to the above sub-clauses.

**11. Dissolution**

- (1) The Council may, by notice addressed to a ward committee, dissolve the ward committee when:
  - (a) it fails to meet three consecutive times as per schedule of meetings;
  - (b) a majority of members, in terms of a vote taken at a ward committee meeting, recommends to the Council that the ward committee be dissolved; or
  - (c) maladministration, fraud, corruption or any serious malpractice has occurred or is occurring in the ward committee.
- (2) The Council must give prior notice to a ward committee of the intention to dissolve the ward committee subject to a right to reply within 14 days.

**12. Termination of membership**

The membership of a ward committee member will be terminated if that member:

- (a) resigns in writing;
- (b) is no longer qualified, in terms of clause 6 above, to be a member of a ward committee;
- (c) is removed from office by the Speaker in terms of clause 13; or
- (d) dies.

**13. Removal from office**

The Speaker can remove a member of a ward committee from office if that member:

- (a) fails to attend three consecutive meetings without obtaining leave of absence from the ward committee;
- (b) deliberately fails to adhere to meeting procedures or is guilty of gross misconduct during ward committee meetings;
- (c) is involved in proven and malicious activities undertaken solely to undermine the authority of the Council or the ward councillor; or

- (d) is engaged in corruption or deliberately fails to disclose a material conflict of interest.
- 14. Filling of vacancies**
- (1) The Speaker must fill the vacancy by declaring elected the person who received the second highest number of votes in the geographical area concerned during the election held in terms of clause 8.
  - (2) If nobody can be declared elected in terms of sub-clause (1) above, the ward committee may, by means of an information campaign in the relevant geographical area, call for qualifying nominations from that area, consider the nominations received and by a majority vote of the members present, fill the vacancy through a process of co-option.
  - (3) The intention to fill a vacancy through a process of co-option must be placed on the ward committee's agenda beforehand, and the agenda must be circulated to members at least seven days before the meeting.
  - (4) The geographical area representation of the member who vacated his/her position must be taken into account when filling a vacancy.
  - (5) A person co-opted as a ward committee member must comply with the criteria stipulated in clause 6 above.

### **CHAPTER 3**

#### **POWERS AND FUNCTIONS AND CONDUCT OF MEMBERS**

**15. The role of the Speaker**

The Speaker:

- (1) is the patron/custodian of ward committees;
  - (2) must ensure that ward participatory structures are established in line with the set guidelines and applicable legislation;
  - (3) must in collaboration with ward councillors regulate and monitor the frequency of ward committee and community report-back meetings;
  - (4) must through his/her office ensure functionality of ward committees;
  - (5) must ensure that the local government environment is conducive to active citizen participation in governance at local level;
  - (6) must ensure ongoing training and capacity building programmes; and
  - (7) must set deadlines for submission of ward committee reports.
- 16. Powers and functions of ward committees**
- (1) A ward committee may make recommendations on any matter affecting its ward to the ward councillor or through the ward councillor to the Council, the Mayoral Committee or the Executive Mayor.

- (2) The following functions and powers are delegated to ward committees by the Council in terms of clause 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000):
- (a) to serve as an official specialised participatory structure in the Municipality;
  - (b) to create formal unbiased communication channels as well as co-operative partnerships between the community and the Council. This will be achieved by:
    - (i) advising and making recommendations to the ward councillor on matters and policy affecting the ward;
    - (ii) assisting the ward councillor in identifying challenges and needs of residents;
    - (iii) disseminating information in the ward concerning municipal affairs such as the budget, integrated development planning, performance management system (PMS), service delivery options and municipal properties;
    - (iv) receiving queries and complaints from residents concerning municipal service delivery, communicating these to the ward councillor and through him/her to the Council;
    - (v) ensuring constructive and harmonious interaction between the Municipality and community through the use and co-ordination of ward residents' meetings and other community development forums; and
    - (vi) interacting with other forums and organisations on matters affecting the ward; and
  - (c) to serve as a mobilising agent for community action within the ward. This may be achieved by:
    - (i) attending to all matters that affect and benefit the community;
    - (ii) acting in the best interest of the community; and
    - (iii) ensuring the active participation of the community in:
      - (aa) service payment campaigns;
      - (bb) the integrated development planning process;
      - (cc) the Municipality's budgetary process;
        - decisions about the provision of municipal services;
        - and
      - (dd) decisions about by-laws.
- (3) No executive powers will be delegated to ward committee members.
- (4) A ward committee majority may express dissatisfaction to the Speaker in writing on the non-performance of a ward councillor.



**17. Subcommittees**

- (1) A ward committee may establish one or more subcommittees necessary for the performance of its functions and may involve organisations more broadly.
- (2) A ward committee must:
  - (a) appoint the members of such a sub-committee;
  - (b) appoint the chairperson of such a sub-committee from amongst its members; and
  - (c) determine the function of such a sub-committee.
- (3) Meetings of the ward committee and its sub-committees may serve as a ward forum for major discussions.
- (4) Stakeholders in the ward may apply to the ward committee to participate in sub-committees that are relevant to their fields of interest and to their day-to-day functioning as a sector.

**18. Conduct of members**

A member of a ward committee:

- (a) must perform the functions of the committee in good faith and without fear, favour or prejudice;
- (b) may not use the position or privileges of a member for private gain, or to improperly benefit another person;
- (c) may not act in any other way that compromises the credibility, impartiality, independence or integrity of the committee;
- (d) must adopt the principle of accountability to the community and the Council regardless of political affiliation;
- (e) must be accessible to the community and ensure that all role players can relate to the process and the issues at hand and are able to provide their input in respect of the processes of the ward committee;
- (f) must adopt the principle of transparency to promote openness, sincerity and honesty among all the role players in a participative process and promote trust and respect for the integrity of each role player and a commitment by all to the overriding objectives of the process in the interest of the common good;
- (g) must recognise diversity with empathy for the differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation;
- (h) must consider all views and opinions in the process of community participation. Special effort should be made to include previously disadvantaged persons and groups, including women and youth in the activities of the ward committee; and
- (i) must provide an apology with a valid reason to the chairperson of the committee or the ward administrator if he/she cannot attend a meeting.

## CHAPTER 4 WARD COMMITTEE MEETINGS

### 19. Chairperson

- (1) Subject to clause 3(4) above, ward committee meetings are convened and chaired by the ward councillor.
- (2) Members of the ward committee must, well in advance of a ward committee meeting, not less than 72 hours prior to the meeting submit substantive items to be discussed to the chairperson.
- (5) The chairperson will be responsible for preparing an agenda for ward committee meetings.
- (6) The chairperson will determine when and where a ward committee meets, subject to sub-clause (5) below.
- (7) A ward committee should meet on a monthly basis, but must meet at least quarterly.

### 20. Purpose of ward committee meeting

The purpose of ward committee meetings is:

- (a) for ward committee members to raise, formulate and table matters affecting the ward;
- (b) for the ward councillor to report on:
  - (i) matters decided by the Council; and
  - (ii) initiatives, information, campaigns and programmes of the Council;
- (c) to discuss complaints received by ward committee members on municipal service delivery in the ward; and
- (d) to formulate views and action plans on the above matters.

### 21. Quorum and decisions

- (1) 50% plus one of the serving ward committee members must be present before a vote may be taken on any matter.
- (2) A ward committee must endeavour to adopt its decisions on the basis of consensus.
- (3) If consensus on any matter cannot be achieved, such matter may be determined by a supporting vote of at least the majority of the members with voting rights.

### 22. Procedures

- (1) A ward committee with a supporting vote of the majority of its serving members may determine its own procedures subject to any directions of the chairperson.
- (2) Meetings of a ward committee are normally open to the public.

**23. Work programme**

A ward committee must:

- (a) submit a work programme with specific outputs for one year to the office of the Speaker or other designated political functionary in July of each year;
- (b) perform the functions as set out to achieve and indicated in the work programme:
  - (i) on its own initiative;
  - (ii) on request by the ward councillor;
  - (iii) on request by the Speaker or other designated political functionary;
  - (iv) in accordance with priorities and reasonable timeframes determined by the Speaker or other designated political functionary.

**24. Administrative support**

- (1) The Municipality must make administrative and secretarial arrangements to enable ward committees to perform their functions and exercise their powers effectively.
- (2) The Municipality may put in place conditions, such as periods of notice of meetings, in order to organise administrative and secretarial support to the ward committee.
- (3) In the case where the Municipal Manager receives correspondence from a ward committee, he/she must give feedback to the ward councillor concerned (with a copy to the Executive Mayor) on the information or action required within 14 days of receipt of the correspondence.
- (4) Ward committees are entitled by prior arrangement to the free use of venues in municipal buildings in order to hold official meetings.

**25. Budget**

- (1) Members of ward committees will be reimbursed for out-of-pocket expenses as contemplated in clause 25(2)(a)(i) below.
- (2) The Municipality will annually budget for the reimbursement of:
  - (a) out-of-pocket expenses for members of ward committees in respect of their participation in ward committees subject to the following criteria as approved by the Council on 20 June 2012 and revised by the Council on 28 October 2015:
    - (i) that 14 ward committee meetings which will comprise one ward committee meeting every month and one open public meeting every semester (every six months) be identified and approved by the ward committee as paid meetings and that each serving member present at these meetings be paid an out-of-pocket allowance of R350.00

per meeting (R350 x 14 = R4 900.00). Payment of out-of-pocket allowances will be made quarterly;

- (ii) that the reimbursement amount be paid to the ward committee members in person and not to organisations that they represent;
- (iii) that reimbursements only be paid on verification of the attendance register of meetings attended and that reimbursements only be electronically transferred to the bank account of the relevant ward committee members; and
- (iv) that ward committee members may elect not to be reimbursed.

## 26. Accountability

A ward councillor must:

- (a) ensure that full and proper records are kept of the minutes of ward committee meetings;
- (b) ensure that the ward committee's available resources are properly safeguarded and used in the most effective and efficient way;
- (c) ensure that all statutory measures applicable to the ward committee are complied with;
- (d) ensure that all recommendations and comments made by the ward committee are formalised and submitted to the office of the Speaker or other designated political functionary for presentation to the Council or conveyed timeously to the appropriate external decision-making authority;
- (e) report a view adopted by the ward committee to the Council, but may indicate his/her agreement with the view in the report;
- (f) ensure the production of a progress report on major achievements and areas of failure, with reasons, within two months after the end of the financial year;
- (g) submit the progress report to the Speaker or other designated political functionary for a review of the performance of the ward committee; and
- (h) implement any corrective measures to ensure effective and efficient performance of the ward committee as suggested by the Speaker or other designated political functionary.

## 27. Dispute resolution

The following mechanisms are recommended when disputes arise within ward committees:

- (a) every effort should be made to deal with disputes;
- (b) when a dispute arises, the ward councillor should appoint a person or persons, the maximum being two, to attempt to resolve the dispute through mediation;

- (c) if the attempt at mediation fails, the matter should then be submitted to the ward councillor who should arbitrate, provided that the matter does not involve the ward councillor and the majority of the members of the ward committee; and
- (d) if the majority of the members of the ward committee remain aggrieved, the matter should be taken to the Council through a channel decided upon by the Council or through the office of the Speaker or other designated political functionary. This should be avoided as far as possible.

## CHAPTER 5

### PUBLIC MEETINGS (WARD MEETINGS)

#### 28. Chairperson

- (1) Public meetings (ward meetings) are chaired by a ward councillor. A ward councillor may delegate in writing the chairing of the meeting to a proportional representation councillor or any member of the ward committee.
- (2) A ward councillor in consultation with the ward committee determine when and where the meeting will be held, subject to sub-clause (3).
- (3) A public meeting must be held at least twice per calendar year.

#### 29. Purpose of ward/public meetings

Public meetings are mainly held in order to:

- (a) register the concerns and inputs of the community with regard to service delivery, general development of the community, disaster management and any other municipal concern the community may have; and
- (b) report back to the public on issues that affect it.

#### 30. Meeting arrangements

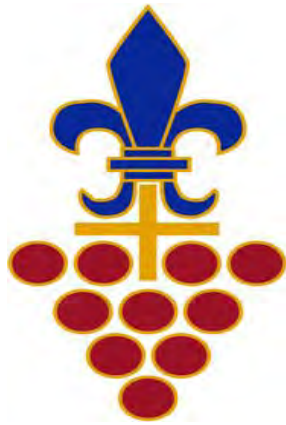
- (1) If a ward committee decides to hold a public meeting it may publish a notice in a newspaper circulating in the area concerned, stating the time, date and place of the meeting and inviting the public to attend the meeting.
- (2) The scheduled date, time and place of the public meeting should be convenient so as to encourage the greatest number of people to attend. The venue must be:
  - (a) in a well-known place;
  - (b) easily accessible and, where possible, also disabled-friendly; and
  - (c) large enough to accommodate all people present.
- (3) When the ward committee publishes a notice, it must communicate the contents of the notice, where appropriate, by electronic media or other appropriate means of communication, such as direct mail and posters or notices in key areas such as clinics, schools, bus stops and libraries in the area concerned.

- (4) At the public meeting, a representative of the ward committee must:
  - (a) explain the meeting procedures, such as the adoption of the agenda and the time allowed for questions;
  - (b) explain the issues the ward committee has to consider, including any options open to the ward committee;
  - (c) allow members of the public attending the meeting to present their views on these issues;
  - (d) answer relevant questions;
  - (e) keep minutes of the meeting and inform the public that ward committee meeting minutes and public meeting minutes are public documents, and that the members of the community have access to these documents and may make copies at their own cost; and
  - (f) give feedback on previous issues, including reasons if there is a lack of progress.

\*\*\*\*\*

# **APPENDIX 2**

# Stellenbosch Municipality



## Policy and Procedures For Ward Committees

Draft Revised Version 03 - 15 March 2019



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## Policy and Procedures for Ward Committees

Compiled in terms of the Local Government: Municipal Structures Act, 117 of 1998; Local Government: Municipal Systems Act, 32 of 2000 &and 2005 DPLG Guidelines

### Preamble

WHEREAS ~~Stellenbosch~~the Municipality is committed to encouraging the involvement of communities and community organisations in its affairs;

WHEREAS ~~Stellenbosch~~the Municipality is a municipality with an ~~E~~xecutive ~~M~~ayoral ~~S~~ystem combined with a ward participatory system as set out in ~~S~~ection 9(d) of the ~~Municipal Structures Act~~;

WHEREAS the Council has resolved in terms of ~~S~~ection 72(2) of the Act to adopt the ward participatory system;

IT IS THEREFORE RESOLVED by the Council ~~of Stellenbosch Municipality~~ as follows:-

### Definitions

In this Policy and Procedures, a word or expression has the meaning assigned to it in applicable national legislation; otherwise, it has the meaning ~~as defined~~set out below:

“**the Act**” means ~~a~~the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“**Council**” means ~~[insert]~~;

“**election officer**” means the person in charge of the election of ward committee members at an election meeting, which person ~~shall~~must be an official of the ~~M~~Municipality or an impartial person appointed by the ~~M~~Municipality for this purpose;

“**Executive Mayor**” means ~~[insert]~~;

“**geographical area**” means a portion of the ward (~~e.g. a block of streets~~) to be served by a ward committee member or more than one ward committee member ~~eg a block of streets~~;

“**Mayoral Committee**” means ~~[insert]~~;

“**Municipality**” means Stellenbosch Municipality;

“**nominee**” means a person, nominated in terms of ~~C~~clause ~~56~~ for election to ~~the~~ Ward ~~W~~ard ~~C~~ommittee by a registered voter residing in that ward;

“**out-of-pocket expenses**” means ~~the payment of~~ out-of-pocket expenses to ~~be paid to~~ members of ward committees in respect of ~~their~~ participation ~~by ward committee members~~ in the activities of the ward committees as contemplated in ~~C~~clause 73(5)(c-) of the ~~Local Government: Municipal Structures Act, 117 of 1998~~;

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Comment [ED1]: The Council of Stellenbosch Municipality (as above) or the Stellenbosch Town Council (per clause 6(b) below)?

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Comment [ED2]: Allowance?

Comment [ED3]: An out-of-pocket allowance?

**“Policy and Procedures” means this document;**

**“resident”** means a resident of the ward for which the ward committee was established; and

**“Speaker” means the Speaker of the Council.**

**“Sub-ward”** means a single voting district, portion of a voting district or combination of voting districts as determined by council.

## CHAPTER 1 ESTABLISHMENT AND ELECTION

### 1. Establishment

With effect from a date set by the Municipality, ward committees will be established for all ~~the~~ wards.

### 2. Status of ward committees

- (1) The object of a ward committee is to enhance participatory democracy in local government.
- (2) A ward committee:
  - (a) is an advisory body;
  - (b) is a representative structure of the ward;
  - (c) is an independent committee of the community in a ward;
  - (d) is impartial and performs its functions without fear, favour or prejudice;
  - (e) is not politically orientated;
  - (f) as a representative structure of the community, it is accountable to the community; and
  - (g) is an integrative umbrella body responsible for coordination of ward developmental initiatives, promotion of accountability and social cohesion.

### 3. Composition of ward committees

- (1) A ward committee will comprise ~~of~~ the ward councillor representing that ward in the Council and not more than 10 other persons elected ~~according in accordance with~~ to ~~C~~clauses 6 to 10.
- (2) Gender equity and diversity of interests will be pursued by the election officer. This will be done by drawing the attention of the voters at the start of an election meeting to the importance of:—
  - (a) striving for ~~an~~ equal representation of men and women on ~~the~~ ward committee; and

**Comment [ED4]:** There is no automatic cross-referencing in this document. Should this be clauses 5 to 9 instead?

- (b) having representatives for different communities within the ward on the ward committee in the case of a geographical representation system.
- (3) The ~~m~~Municipality ~~shall~~**must** appoint ward administrators to fulfil the administrative and/or secretarial duties of ~~the~~a ward committee.
- (4) A ward councillor may delegate in writing the chairing of a meeting in his/her absence to a proportional representation councillor or any member of the ward committee.
- (5) A ward committee may extend a standing invitation to a maximum of two individuals ~~which~~**who** they feel will contribute to a better representivity of the ward committee, as observers to the ward committee.
- (6) The observers mentioned in ~~S~~sub-Cclause (5) above will have no voting rights during ward ~~C~~committee meetings.

#### 4. Decision on type of ward committee

- (1) When a new ward committee is to be established, the ~~m~~Municipality must determine beforehand whether the particular ward warrants a single election following the geographical representation system, taking into account the diversity of communities as well as the geography of that ward.
- (2) The ~~A~~administration of the Municipality, after ~~consultation~~**consulting** with ward councillors, ~~is to recommend~~**must make a recommendation to the** ~~e~~Council ~~what~~**in respect of the** type of election system to be used for each ward. ~~The Council will decide on the type of election system to be used for each ward.~~
- (3) In the case of a geographical representation system, the ~~m~~Municipality, in consultation with the ward councillors, must determine beforehand how many ward committee members will be representing each ~~sub-ward~~geographical area, taking into consideration the pro-rata numbers of registered voters in each voting district.
- (4) The ward councillor must determine the number of the geographical ~~blocks~~ for the ward taking into consideration the distribution of registered voters in the ~~area~~.

Comment [ED5]: Areas?

Comment [ED6]: Ward?

#### 5. Nomination

- (1) Before the ~~m~~Municipality calls for nominations for a general election of ward committees, an information campaign must be undertaken to inform the public and councillors on all aspects of the election.
- (2) ~~Only nominations in~~ the case of a geographical representation system, ~~only nominations in respect of and these~~ made by a registered individual residing in the particular ~~sub-ward~~geographical area will be valid.
- ~~(3) Council may consent to a deviation from Sub-Clause (1) above if it is of the opinion that it will not be feasible in a particular ward or sub-ward.~~
- ~~(4) (3)~~ The ~~m~~Municipality must:—
- (a) ~~P~~**publish** a call for nominations for candidates ~~within at least 45 days before close of nominatons days~~ for ~~the~~ ward committee

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elections in one or more of the local newspapers circulating in the Stellenbosch Municipal area at least 45 days before close of nominations; and

Comment [ED7]: In all the official languages of the province (per clause 7(3)(b) below)?

(b) Advertise the call for nominations on notice boards in municipal buildings and municipal libraries for a period of at least 30 days.

Comment [ED8]: Should this also be at least 45 days before close of nominations?

(5) A nomination must be accompanied by—:

Comment [ED9]: Clause numbering needs to be fixed.

(a) a written acceptance of the nomination by the nominee in the prescribed format; and

(b) a copy of the ID document or ID card of both the proposer and nominee;

## 6. Election criteria

To be elected as a member of a ward committee, a person—:

- (a) must be a registered voter in the ward concerned;
- (b) may not be a member of the Stellenbosch Town Council;
- (c) may not be in the full-time employment of the Stellenbosch Municipality;
- (d) may not, on and after the date of nomination, be in arrears to the Municipality for rates and service charges for a period of more than three months on and after the date of nomination from the date of the nomination;
- (e) may not be someone who, after February 1997, have has been convicted of an offence and sentenced to imprisonment for a period of not less than 12 months without the option of a fine for a period of not less than twelve months;
- (f) may not be someone of unsound mind who have has been declared so by a competent court; or and
- (g) may not be an unrehabilitated person insolvent.

## 7. Election meeting

- (1) Elections will be held according to the type of election system determined by council the Council for each ward in terms of clause 45 above.
- (2) On determining the election meeting venue (or venues, in the case of separate meetings), the Municipality must take into account, *inter alia*:
  - (a) the input of the ward councillors concerned;
  - (b) distances for voters to travel;
  - (c) the needs of minority or vulnerable groups to be accommodated on the ward committee; and
  - (d) the existence or not of separate communities within the ward with dissimilar needs.
- (3) After the nominations have closed, the Municipality must—:

Comment [ED10]: Not entirely clear. The needs of minority or vulnerable groups to be accommodated? The need for members of minority or vulnerable groups to be accommodated on the ward committee?

- (a) convene an election meeting for ~~and within~~ each ~~of the wards or sub-wards~~ after confirmation of the election date with the relevant ward councillor; and
  - (b) make public the date, time and place of a ward ~~or sub-ward~~ election meeting by way of official notice in ~~local newspapers~~ in all the official languages of the province; as well as ~~through~~ other means of public communication ~~as determined by the eCouncil~~.
- (4) Only residents who are registered voters in the ward ~~or sub-ward~~ concerned may attend and vote at the meeting. ~~This does not exclude~~ ~~Municipal~~ officials and members of the media ~~to may~~ attend the meeting ~~without the right to vote, but may not vote at the meeting~~.
  - (5) The ward election meeting ~~is~~ must be chaired by the election officer.
  - (6) Provision must be made for ~~the~~ illiterate persons, where applicable.

Comment [ED11]: Circulating in the Stellenbosch municipal area (per clause 5(3)(a) above)?

Comment [ED12]: Must the Council determine other means or may it determine other means?

## 8. Election procedure

- (1) The ward councillor, if present, may welcome the voters and the candidates and must then take a seat amongst those present at the meeting and refrain from any interference with the proceedings.
- (2) The election officers will then take control of the voting process and explain the procedure to be followed.
- (3) ~~the~~ The nominees ~~are:-~~
  - (a) must be introduced by the election officer; and
  - (b) may then be allocated, on an ~~even~~ equal basis, time to address the meeting.
- (4) After ~~the~~ nominees ~~for a sub-ward were~~ for a geographical area have been introduced, the election officer will call for a vote on ~~the~~ those nominees ~~within that geographical area or sub-ward~~.
- (5) If only one person was nominated, the election officer must declare that person elected.
- (6) The election officer must declare elected the nominee who receives a majority of the votes (50% plus one) cast.
- (7) If no nominee receives a majority of the votes cast, a second vote ~~is~~ must be taken on the ~~three~~ nominees that received the highest number of votes in the first vote.
- (8) If no nominee receives a majority of the votes cast in the second vote, a third vote ~~is~~ must be taken on the two nominees that received the highest number of votes in the second vote.
- (9) If the two nominees ~~have~~ receive exactly the same number of votes after the process in ~~S~~ sub-C clause (8) above, the election officer ~~will~~ must determine the elected person by the draw of lots.

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Comment [ED13]: Or must?

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Comment [ED14]: Why?

Comment [ED15]: What if there are only two nominees?

- (10) Once all vacancies have been filled, the election officer must indicate to those present their right to appeal, as follows:
- (a) Any such appeal must be lodged with the Office of the Speaker within seven ~~(7)~~ days of the election.
  - (b) Appeals will be dealt with by an independent person appointed for this purpose by the Speaker and agreed to by the appellant. The findings of the independent person will be binding.
- (11) The ward councillor may at this point in time take control of the meeting to thank everybody present, congratulate the successful candidates and ~~to~~ close the meeting. should he/she so wish.

## 9. Voting

- (1) Each community member present may cast one vote for one nominee residing in his/her geographical area.
- (2) Voting shall~~will~~ be by ballot paper unless 75% or more of the voters decide to vote by show of hands. This may be determined for the meeting as a whole or for each sub-ward geographical area separately.
- (3) Where voting is done by show of hands, the nominees for each geographical area sub-ward ~~will~~must leave the hall for the duration of the election with respect to that geographical area sub-ward.
- (4) The ward councillor may vote for a nominee in his/her each geographical area block ing process and.
- (5) The ward councillor may not, before or during the election meeting, influence or campaign for the election of ward committee members.

Comment [ED16]: Indentation of clause numbering needs to be fixed.

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## CHAPTER 2

### TERMS OF OFFICE, VACANCIES AND DISSOLUTION

#### 10. Term of office

- (1) The term of office for a ward committee will run concurrently with that of the Council up to the day of the next municipal elections.
- (2) Members of a ward committee will vacate office when a new Council is declared elected.
- (3) The vacation of office by ~~the~~ ward councillor does not affect the term of office of the 10 members elected in accordance with ~~C~~clauses 56 to 940.
- ~~(6)~~ (4) A ward committee member may be re-elected, subject to the above ~~s~~Sub-~~C~~clauses.

Comment [ED17]: Is this needed given the clause below?

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#### 11. Dissolution

- (1) The Council may, by notice addressed to ~~the a~~ ward committee, dissolve the ward committee when:
  - (a) ~~w~~When it fails to meet three consecutive times as per schedule of meetings;

- (b) ~~When a majority of members, in terms of a vote taken at a ward committee meeting, recommends to the Council that the ward committee be~~ dissolved ~~it~~; ~~and~~
- (c) ~~When~~ maladministration, fraud, corruption or any serious malpractice has occurred or is occurring in ~~a~~ the ward committee.
- (2) The Council must give prior notice to ~~the~~ ward committee of the intention to dissolve ~~a~~ the ward committee subject to a right to reply within 14 days.

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## 12. Termination of membership

The membership of a ward committee member will be terminated if that member:

- (a) resigns in writing;
- (b) is no longer qualified, in terms of ~~C~~ clause 6 above, to be a member of a ward committee;
- (c) is removed from office by the Speaker in terms of ~~C~~ clause 134; or
- (d) dies.

## 13. Removal from office

The Speaker can remove a member of a ward committee from office if that member ~~;~~:

- (a) ~~f~~ fails to attend three consecutive meetings without obtaining leave of absence from the ward committee;
- (b) ~~deliberately~~ fails to adhere to meeting procedures or is guilty of ~~gross~~ misconduct during ward committee meetings;
- (c) is involved in proven ~~and malicious~~ activities ~~undertaken solely to that~~ undermines the authority of the Council or the ward councillor; ~~;~~ or
- (d) ~~is~~ is engaged in corruption or deliberately fails to disclose ~~a~~ material ~~conflict of~~ interest.

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## 14. Filling of vacancies

- (1) The Speaker must fill the vacancy by declaring ~~as~~ elected the person who received the second highest number of votes in the ~~geographical area~~ sub-ward concerned during the election held in terms of ~~C~~ clause 89.
- (2) If nobody can be declared elected in terms of sub-~~C~~ clause (1) above, the ward committee may, by ~~means of an information campaign in the respective relevant geographical area, call for qualifying nominations from that area, consider the received nominations received and by~~ a majority vote of the members<sup>2</sup> present, fill the vacancy through a process of co-optation.
- (3) The intention to fill a vacancy through a process of co-optation must be placed on the ward committee's agenda beforehand, ~~which and the~~ agenda must be circulated to members at least ~~7~~ seven days before the meeting.
- (4) ~~The~~ Geographical area representation of the member, who vacated his /her position, must be taken into account when filling a vacancy.



- (5) A person co-opted as a ward committee member must comply with the criteria stipulated in ~~C~~clause ~~6~~7 above.

### CHAPTER 3

#### POWERS AND FUNCTIONS AND CONDUCT OF MEMBERS

##### 15. The role of the Speaker ~~of Council~~

The Speaker ~~of Council~~:

- (1) is the ~~patron/custodian champie~~ of ~~W~~ward ~~C~~committees;
- (2) must ensure that ward participatory structures are established in line with the set guidelines and applicable legislation;
- (3) must in collaboration with ~~W~~ward ~~C~~councillors regulate and monitor the frequency of ward committee and community report-back meetings;
- (4) must through his/her office ensure functionality of ward committees;
- (5) must ensure that the local ~~government~~ environment is conducive to active citizen participation in governance at local level;
- (6) must ensure ongoing training and capacity building programmes; and
- (7) ~~must~~ set deadlines for submission of ward committee reports.

##### 16. Powers and functions of ward committees

- (1) A ward committee may make recommendations on any matter affecting its ward to the ward councillor, or through the ward councillor, to the Council, ~~the Mayoral Committee~~ or ~~to~~ the Executive Mayor.
- (2) The following ~~functions~~~~duties~~ and powers are delegated to ward committees by the Council in terms of ~~C~~clause 59 of the ~~Municipal Systems Act~~~~Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)~~:
  - (a) ~~t~~~~o~~ serve as an official specialised participatory structure in the ~~m~~Municipality;
  - (b) ~~t~~~~o~~ create formal unbiased communication channels as well as co-operative partnerships between the community and the Council. This ~~will~~ be achieved ~~as follows~~~~by~~:
    - (i) ~~A~~~~advise~~~~ing~~ and ~~make~~~~ing~~ recommendations to the ward councillor on matters and policy affecting the ward;
    - (ii) ~~A~~~~assist~~~~ing~~ the ward councillor in identifying challenges and needs of residents;

Comment [ED18]: Or may? See comment below. Or is this per the relevant Act?

- (iii) ~~Disseminate~~ing information in the ward concerning municipal affairs such as ~~the~~ budget, integrated development planning, performance management ~~system~~ (PMS), service delivery options and municipal properties;
  - (iv) ~~Receive~~ing queries and complaints from residents concerning municipal service delivery, ~~communicate~~ ~~communicating these~~ to ~~the ward c~~Councillor and ~~through him/her to the Council~~ ~~provide feedback to the community on Council's response~~;
  - (v) ~~Ensure~~ing constructive and harmonious interaction between the ~~m~~Municipality and community through the use and co-ordination of ward residents' meetings and other community development forums; and
  - (vi) ~~I~~nteracting with other forums and organisations on matters affecting the ward; ~~and~~
- (c) ~~T~~o serve as a mobilising agent for community action within the ward. This ~~may~~ be achieved ~~as follows~~by:
- (i) ~~A~~ttending to all matters that affect and benefit the community;
  - (ii) ~~A~~cting in the best interest of the community; and
  - (iii) ~~E~~nsureing the active participation of the community in ~~—~~:
    - (aa) service payment campaigns;
    - (bb) the integrated development planning process;
    - (cc) the ~~m~~Municipality's budgetary process;
    - (dd) decisions about the provision of municipal services; ~~and~~
    - (ee) decisions about by-laws; ~~and~~
- ~~(d)~~(3) No executive powers will be delegated to ward committee members; ~~and~~
- ~~(e)~~(4) A ward committee ~~majority~~ may express dissatisfaction to the Speaker in writing on the non-performance of a ward councillor.

Comment [ED19]: Or will? See comment above. Or is this per the relevant Act?

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## 17. Subcommittees

- (1) A ward committee may establish one or more subcommittees necessary for the ~~performance~~ of its functions and ~~may~~ involve organisations more broadly.
- (2) A ward committee must ~~—~~:
  - (a) appoint the members of such a ~~sub~~-committee;
  - (b) appoint the chairperson of such a ~~sub~~-committee from amongst its members; ~~and~~
  - (c) determine the function of such a ~~sub~~-committee.
- (3) ~~Meetings of T~~he ward committee and ~~its~~ sub-committees may ~~meet together as serve as~~ a ward forum for major discussions.

- (4) Stakeholders in the ward may apply to the ward committee to participate in sub-committees that are relevant to their fields of interest and to their day-to-day functioning as a sector.

#### 18. Conduct of members

A member of ~~the a~~ ward committee:

- (a) ~~M~~ must perform the functions of the committee in good faith and without fear, favour or prejudice;
- (b) ~~M~~ may not use the position or privileges of a member for private gain, or to improperly benefit another person;
- (c) ~~M~~ may not act in any other way that compromises the credibility, impartiality, ~~—~~ independence or integrity of the committee;
- (d) ~~M~~ must adopt the principle of accountability to the community and ~~all political parties represented in the~~ Council regardless of political affiliation;
- (e) ~~M~~ must be accessible ~~for~~ to the community and ensure that all role players can relate to the process and the issues at hand and are able to ~~make~~ provide their input ~~into~~ in respect of the processes of the ~~ward~~ committee;
- (f) ~~M~~ must adopt the principle of transparency to promote openness, sincerity and ~~—~~ ~~honestly~~ honesty among all the ~~role~~ players in a participative process and promote trust ~~—~~ and respect for the integrity of each role-player and a commitment by all to the ~~—~~ overriding objectives of the process in the interest of the common good;
- (g) ~~M~~ must recognise diversity with empathy ~~towards~~ and ~~understand~~ for the differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation;
- (h) ~~M~~ must consider all views and opinions in the process of community participation. Special effort should be ~~—~~ made to include previously disadvantaged persons and groups, including women and youth in the activities of the ward committee; ~~and~~
- (i) ~~M~~ must provide an apology with a valid reason to the chairperson of the committee or the ~~W~~ward ~~A~~ administrator if ~~he/she cannot attend~~ a meeting ~~cannot be attended~~.

Comment [ED20]: And the issues at hand?

### CHAPTER 4

#### WARD COMMITTEE MEETINGS

#### 19. Chairperson

- (1) Subject to ~~C~~ clause ~~34~~ (45) above, ward committee meetings are convened and chaired by the ward councillor.

(2) Members of the ward committee must, well in advance of a ward committee meeting, submit substantive items to be discussed, ~~well in advance~~ to the chairperson.

~~(3)~~(5) The chairperson will be responsible ~~to prepare for preparing~~ an agenda for ward committee meetings.

Comment [ED21]: Clause numbering needs to be fixed.

~~(4)~~(6) The chairperson will determine when and where a ward committee meets, subject to ~~S~~sub-~~C~~clause (5) below.

~~(5)~~(7) A ward committee should meet on a monthly basis, but must meet at least meet quarterly.

## 20. Purpose of ward committee meeting

The purpose of ~~the~~ ward committee meetings is:

- (a) for ward committee members to raise, ~~and~~ formulate and table matters affecting the ward;
- (b) for the ward councillor to report on—:
  - (i) matters decided by the Council; and
  - (ii) initiatives, information, campaigns and programmes of the Council;
- (c) ~~To~~ discuss complaints received by ward committee members on municipal service delivery in the ward; and
- (d) ~~To~~ formulate views and action plans on the above matters.

## 21. Quorum and decisions

- (1) Half (50% plus one) of the serving ward committee members must be present before a vote may be — taken on any matter.
- (2) A ward committee ~~shall~~must endeavour to adopt its decisions~~views~~ on the basis of consensus.
- (3) If consensus on any matter cannot be achieved, such matter may be determined by a supporting vote of at least the majority of the members with voting rights.

## 22. Procedures

- (1) A ward committee with a supporting vote of the majority of its serving members may determine its own procedures subject to any directions of the chairperson.
- (2) Meetings of a ward committee are normally open to the public.

## 23. Work programme

~~The~~A Ward committee must:

- (a) ~~Must~~ submit a work programme with specific outputs ~~of work~~ for one year to the office of the Speaker or other designated political functionary in July of each year;
- (b) ~~Must~~ perform the functions as set out to achieve and indicated in the work programme—;

Comment [ED22]: Deliver the specific outputs identified in the work programme?

- (i) on its own initiative;
- (ii) on request by the ward councillor;
- (iii) on request by the Speaker or other designated political functionary;
- (iv) in accordance with priorities and reasonable time-frames determined by the Speaker or other designated political functionary.

#### 24. Administrative support

- (1) The ~~M~~Municipality must make administrative and secretarial arrangements to enable ward committees to perform their functions and exercise their powers effectively.
- (2) The ~~M~~Municipality may put in place conditions, such as periods of notice of meetings, in order to organise administrative and secretarial support to the ward committee.
- (3) In the case where the Municipal Manager receives correspondence from a ward committee, he/she must give feedback to the ward councillor concerned (with a copy to the Executive Mayor) on the information or action required within 14 days of receipt of the correspondence.
- (4) Ward committees are entitled by prior arrangement to the free use of venues in municipal buildings in order to hold official meetings.

Comment [ED23]: Who is this? (Only mentioned once in this document.)

#### 25. Budget

- (1) Members of ward committees will be reimbursed for out-of-pocket expenses as contemplated in Clause 254(2)-(a)(i) below.
- (2) The Municipality will annually budget for the reimbursement of
  - (a) ~~Out-of-pocket expenses~~ for members of ward committees in respect of their participation in ward committees subject to the following criteria as approved by the Council on 20 June 2012 and revised by the Council on 28 October 2015:
    - (i) ~~that fourteen (14) ward committee meetings which will comprise of one (1) ward committee meetings every month and one (1) open public meeting every semester (every six (6) months) be identified and approved by the ward committee as paid meetings and that each serving member present at these meetings, be paid an out-of-pocket allowance of R350.00 per meeting (R350 x 14 = R4\_900.00). Payment of out-of-pocket allowances will be made quarterly;~~
    - (ii) ~~that the reimbursement amount will be paid to the ward committee members in person and not to organisations that he/shethey represents;~~
    - (iii) ~~that reimbursements only be paid on verification of the attendance register of meetings attended and that reimbursements will only be electronically transferred to~~

Comment [ED24]: The payment of out-of-pocket allowances?

Comment [ED25]: This should be one paragraph.

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Comment [ED26]: Out-of-pocket allowances?

Comment [ED27]: Out-of-pocket allowances?

Comment [ED28]: Out-of-pocket allowances?

the bank account of the relevant ward committee member(s); and

- (iv) ~~that ward committee members may elect not to be reimbursed;~~

Comment [ED29]: Not to receive the out-of-pocket allowance?

## 26. Accountability

~~The~~ ward councillor must:-

- (a) ensure that full and proper records are kept of the minutes of ward committee meetings;
- (b) ensure that the ward committee's available resources are properly safeguarded and used in the most effective and efficient way;
- (c) ensure that all statutory measures applicable to the ward committee are complied with;
- (d) ensure that all recommendations and comments made by the ward committee ~~are is~~ formalised and submitted to the ~~O~~office of the Speaker or other designated political functionary for presentation to ~~the~~the Council or conveyed timeously to the appropriate external decision-making authority at intervals determined by the Speaker or designated political functionary;
- (e) report a view adopted by the ward committee to the Council, but may ~~—~~indicate his/her agreement with the view in the report;
- (f) ensure the production of a progress report on major achievements and areas of failure, with reasons, within two months after the end of the financial year;
- (g) submit the progress report to the Speaker or other designated political functionary for a review of the performance of the ward committee; and
- (h) implement any corrective measures to ensure effective and efficient performance of the ward committee as suggested by the Speaker or other designated political functionary.

## 27. Dispute resolution

The following mechanisms are recommended when disputes arise within ward committees:

- (a) ~~E~~very effort should be made to deal with disputes;
- (b) ~~W~~hen a dispute arises, the ward councillor should appoint a person or persons, the maximum being two, to attempt ~~and~~to resolve the dispute through mediation;
- (c) ~~I~~f the attempt at mediation fails, the matter ~~is~~should then ~~be~~ submitted to the ward councillor who should arbitrate, provided that the matter does not involve the ward councillor and the majority of the members of the ward committee; and
- (d) ~~I~~f the majority of ~~committee~~the members of the ward committee remain aggrieved, the matter should be taken to the Council through a channel decided upon by the Council or through the ~~O~~office of the Speaker or

other designated political functionary. This should be avoided as far as possible.

## CHAPTER 5

### PUBLIC MEETINGS (WARD MEETINGS)

#### 28. Chairperson

- (1) Public meetings (ward meetings) are chaired by ~~the a~~ ward councillor. A ward councillor may delegate in writing the chairing of the meeting to a proportional representation councillor or any member of the ward committee.
- (2) ~~The~~A ward councillor in consultation with the ward committee determines when and where the meeting will be held, subject to ~~S~~sub-~~C~~clause (3).
- (3) A public meeting must be held at least twice per calendar year.

**Comment [ED30]:** The ward councillor determines after consultation or the ward councillor and the ward committee together determine after consultation?

#### 29. Purpose of ward/public meetings

Public meetings are mainly held in order ~~to~~ to:

- (a) ~~To~~ register the concerns and inputs of the community with regard to service delivery, general development of the community, disaster management and any other municipal concern the community may have; and
- (b) ~~To~~ report back to the public on issues that affects it.

#### 30. Meeting arrangements

- (1) If ~~the a~~ ward committee decides to hold a public meeting it may publish a notice in a newspaper circulating in the area concerned, stating the time, date and place of the meeting and inviting the public to attend the meeting.
- (2) The scheduled date, time and place of the public meeting should be convenient so as to encourage the greatest number of people to attend. The venue must be:-
  - (a) ~~Must be~~ in a ~~well known~~well-known place;
  - (b) ~~Must be~~ easily accessible and, where possible, also disabled-friendly; and
  - (c) ~~Must be~~ large enough to accommodate all people present.
- (3) When the ward committee publishes a notice, it must ~~convey~~communicate the contents of the notice, where appropriate, by social media ~~radio~~ or other appropriate means of communication, such as direct mail ~~outs~~ and posters or notices in key areas such as clinics, schools, bus stops and libraries, ~~the contents of the notice~~ in the area concerned.
- (4) At the public meeting, a representative of the ward committee must ~~be~~:

- (a) explain the meeting procedures, such as the adoption of the agenda and the time allowed for questions;
- (b) explain the issues the ward committee has to consider, including any options open to the ward committee;
- (c) allow members of the public attending the meeting to present their views on these issues;
- (d) answer relevant questions;
- (e) keep minutes of the meeting and inform the public that ward committee meeting minutes and public meeting minutes are public documents, and that the members of the community ~~has~~ have access to these documents and may make copies at their own cost; and
- (f) give feedback on previous issues, including reasons if there is a lack of progress.

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13.1.2	STELLENBOSCH MUNICIPALITY RULES OF ORDER BY- LAW
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Collaborator No:	File number 1/3/1/20
IDP KPA Ref No:	Institutional Transformation
Meeting Date:	24 April 2019

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**1. SUBJECT: STELLENBOSCH MUNICIPALITY RULES OF ORDER BY-LAW****2. PURPOSE**

To request Council to approve the final draft Stellenbosch Municipality Rules of Order By-Law, before the process is followed to promulgate the By-law.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

When the current council constituted in 2016 it resolved “that the existing Rules of Order as set out in the APPENDIX be used as the Rules of Order applicable to the Stellenbosch Municipality’s Council and Council Committee meetings”.

After the election of the current Speaker, Councillor Wilhelmina Petersen, a new process was started to review the 2013 Rules of Order. SALGA published a standard draft Rules of Order By-law late in 2018, and the Rules Committee, under the Chairmanship of the Speaker, decided to use that as a basis for the new Rules of Order for Stellenbosch Municipality’s Council and Committees. The Rules Committee met on several occasions over the months from 18 February 2019 to March 2019, with the last meeting being on 25 March 2019 to discuss the draft Rules of Order published by SALGA.

Several changes were made during these discussions and the draft rules were sent out to all councillors on 2 March 2019 to provide input on by 20 March 2019. The input received within the timeframe was discussed on 25 March 2019, and it was resolved that the final draft must be submitted for editing. The final draft has been submitted to the Stellenbosch University for editing. The University indicated that the final edited version will only be ready after 15 April 2019. Attached hereto as **APPENDIX 2** is the final draft of the Stellenbosch Municipality Rules of Order By-law as approved by the Rules Committee on 25 March 2019.

**5. RECOMMENDATIONS**

- (a) that the Final Draft of the Stellenbosch Municipality Rules of Order By-law (**APPENDIX 3**) be adopted; and
- (b) that the Municipal Manager be commissioned to take the necessary steps to promulgate the said Stellenbosch Municipality Rules of Order By-law.

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## 6. DISCUSSION / CONTENTS

### 6.1 Background

The current Rules of Order of Council was approved by Council on 30 May 2013.

When the current council constituted in 2016 it resolved “*that the existing Rules of Order as set out in the **APPENDIX** be used as the Rules of Order applicable to the Stellenbosch Municipality’s Council and Council Committee meetings*”.

The 2013 Rules of Order is attached as **APPENDIX 1**.

The process to revise the 2013 Rules of Order started under the chairmanship of Speaker Donovan Joubert, and a workshop took place in 2018 on the draft Rules of Order, which did not conclude in a final product and is also for that reason not attached.

### 6.2 Discussion

After the election of the current Speaker a new process was started to review the 2013 Rules of Order. SALGA published a draft Rules of Order By-law late in 2018 and the Rules Committee, under the Chairmanship of the Speaker, Councillor Wilhelmina Petersen, decided to use that as a basis for the new Rules of Order for Stellenbosch Municipality Council and its Committees. The Rules Committee met on several occasions over the months from 18 February 2019 to March 2019, with the last meeting being on 25 March 2019 to discuss the draft Rules of Order published by SALGA.

Several changes were made during these discussions and the draft rules were sent out to all councillors on 2 March 2019 to provide input on by 20 March 2019. Input that was received within the timeframe was discussed on 25 March 2019, and it was resolved that the final draft must be submitted for editing. The final draft has been submitted to the Stellenbosch University for editing. The University indicated that the final edited version will only be ready after 15 April 2019. Attached hereto as **APPENDIX 2** is the final draft of the Stellenbosch Municipality Rules of Order By-law as approved by the Rules Committee on 25 March 2019. The edited version will be distributed as soon as it is available, under separate cover.

### 6.3 Financial Implications

There are no financial implications should the recommendations as set out in the report be accepted.

### 6.4 Legal Implications

The recommendations in this report comply with Council’s policies and all applicable legislation.

### 6.5 Staff Implications

This report has no additional staff implications to the Municipality.

### 6.6 Previous / Relevant Council Resolutions

Item 8.5 dated 30 May 2013

1<sup>st</sup> COUNCIL MEETING: 2016-08-15: ITEM 6.1

**6.7 Risk Implications**

This risks are addressed through this report.

**6.8 Comments from Senior Management**

The item was not circulated for input from senior management

**6.8.1 Municipal Manager**

Agrees with the recommendations

**ADDITIONAL COMMENTS: THE DIRECTOR CORPORATE SERVICES (2019-04-18):**

Further to the Agenda item distributed on 11 April 2019, attached as **APPENDIX 3**, please find the edited version of the Rules of Order which was distributed with the item. The edited version (**APPENDIX 3**) will be used for advertising and promulgation purposes when approved by Council.

Please note the following feedback from the person at the university, Mr Cobus Snyman:

*“Die teks is geredigeer en deur ‘n tweede kollega gereviseer vir akkuraatheid.*

*’n Nota van my kollega:*

*Die gekontroleer geredigeerde weergawe van bogenoemde teks is aangeheg. Ek het die formateerspoore weggesteek om die dokument leesbaarder te maak. As die leser dit wel wil sien of nagaan, kan hulle net s o maak om dit weer op die skerm te sien:*

- 1. Maak die Word-dokument oop.*
- 2. Gaan na die “Review”-oortjie boaan, en kyk by “Tracking”.*
- 3. Klik op die afpyltjie langs “Show Markup” (in die middel op regs van daardie blokkie). “Formatting” sal ongemerk wees. Klik daarop om die formateerspoore te sien (as daar ’n regmerkie langsaan verskyn.)*

*Ek het die gebruik van “will” en “shall” vervang met “must”, “may”, ens. waar dit nie blote toekomstige tyd aandui nie. Dit is in ooreenstemming met die praktyk met die skryf sowel as vertaling van wetgewing, volgens ’n voormalige skrywer in die Kantoor van die Staatspresident.”*

**ANNEXURES**

**APPENDIX 1** - Rules of Order By-Law 2013

**APPENDIX 2** - Final Draft Stellenbosch Municipality Rules of Order By-law (2019).

**APPENDIX 3** - **Final Draft Stellenbosch Municipality Rules of Order By-law (2019)**  
(As edited)

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>ANNALENE DE BEER</b>
<b>POSITION</b>	<b>DIRECTOR CORPORATE SERVICES</b>
<b>DIRECTORATE</b>	<b>CORPORATE SERVICES</b>
<b>CONTACT NUMBERS</b>	<b>021 808 6006</b>
<b>E-MAIL ADDRESS</b>	<b>Annalene.deBeer@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>11 April 2019</b>

# APPENDIX 1

# STELLENBOSCH MUNICIPALITY RULES OF ORDER **2013** BY-LAW

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## **RULES OF ORDER FOR COUNCIL AND ITS COMMITTEES**

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# STELLENBOSCH MUNICIPALITY RULES OF ORDER 2013 BY-LAW

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# STELLENBOSCH MUNICIPALITY RULES OF ORDER **2013** BY-LAW

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## **RULES OF ORDER REGULATING THE CONDUCT OF MEETINGS OF THE MUNICIPAL COUNCIL OF THE STELLENBOSCH MUNICIPALITY**

### **1. APPLICATION OF RULES**

- 1.1. These Rules of Order apply to all meetings of the Municipal Council and its Committees of the Municipality of Stellenbosch established in terms of Section 12 of the Municipal Structures Act, 1998. (Act 117 of 1998)
- 1.2. These Rules shall not apply to Ward Committees.
- 1.3. These Rules of Order are aimed to allow for a free and constructive debate during Council's meetings to promote freedom of expression in such a manner as to allow for orderly debate by as large a number of Members as is possible within reasonable time constraints.

### **2. DEFINITIONS**

In these Rules, unless inconsistent with the context:

“Act” means Local Government Municipal Structures Act, 1998 (Act 117 of 1998);

“Committee” means a Committee of the Municipal Council of Stellenbosch Municipality established in terms of Section 79 or 80 of the Act;

“Mayor” means the Executive Mayor of the Council;

“Mayoral Committee” means the Mayoral Committee of the Municipality;

“Member” means a councilor of the municipal Council of Stellenbosch;

“MMC” means a member of the Mayoral Committee;

“Motion” means a matter submitted by a member in terms of Section 18;

“Municipal Manager” means the person appointed in terms of Section 54A of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000);

“Ordinary Meeting” means a meeting in terms of Rule 6.1.;

“Political party” means a political party registered in terms of Electoral Act, 1998;

“Speaker” means the member elected in terms of Section 36 of the Act and any reference made to the Speaker will also include Chairperson of a committee;

“Special Meeting” means a meeting in terms of Rule 6.2, 6.4. or 6.6.;



# STELLENBOSCH MUNICIPALITY RULES OF ORDER **2013**

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“Systems Act” means the Local Government Municipal Systems Act, 2000 (Act 32 of 2000);

“Chief Whip” means a Councilor chosen by the majority party providing a supportive function to the Council, in conjunction with the Political Whips, ensuring the smooth functioning of Council and committee meetings;

“Political Whip” means, for the purposes of these Rules, a Member of Council appointed by any other political party to perform the functions referred to in Rule 16.

### **3. CONDUCT AT MEETINGS**

The Speaker must:

- 3.1. maintain order during meetings;
- 3.2. ensure compliance with the Code of Conduct for Councilors at meetings;
- 3.3. ensure that meetings are conducted in accordance with these Rules of Order, except if otherwise ruled by the Speaker;
- 3.4. ensure that any person refusing to comply with his / her ruling upon two (2) warnings, leaves the meetings place immediately;
- 3.5. ensure that members conduct themselves in a dignified and orderly manner;
- 3.6. ensure that members of the public are seated during meetings of the Municipal Council in areas designated for that purpose by the Municipal Manager;
- 3.7. ensure that members of the public attending any meetings of the Municipal Council conduct themselves in an orderly manner and obey rulings made by the Speaker;
- 3.8. ensure that the Political Whips of Parties be responsible for maintaining discipline of his / her different party’s members during the meeting. Failure by the Political Whips to take appropriate action may be dealt with in terms of Rule 29 of these Rules.

# STELLENBOSCH MUNICIPALITY RULES OF ORDER **2013**

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#### **4. INTERPRETATION OF RULES**

The ruling of the Speaker in regard to the application or interpretation of these Rules and other procedural matters dealt with in the Rules of Order is, once he/ she has given reasons, final and binding.

#### **5. CHAIRING OF MEETINGS**

- 5.1. The Speaker is the Chairperson of the meetings of the Municipal Council, and in the case of a Committee the Chairperson or Deputy Chairperson chairs the meeting.
- 5.2. Should the Speaker not be present at a meeting, an Acting Speaker must be elected for that meeting from the members present.

#### **6. NOTICE OF MEETING**

- 6.1. The Speaker must determine the date, time and venue of meetings of the Municipal Council, and must ensure that such meetings take place at least quarterly.
- 6.2. A separate Special Meeting of Council shall be called to approve the Annual Budget.
- 6.3. The Municipal Manager must give at least seventy-two (72) hours' notice of the meetings referred to above, to enable members to prepare adequately.
- 6.4. When the Municipal Council meets as a legislative body to consider By-laws, the Municipal Manager must give seven (7) working days' notice of this meeting to all members of the Municipal Council.
- 6.5. The fact that any member(s) has / have not received notice of a meeting in accordance with these Rules will not affect the validity of any proceedings of that meeting.
- 6.6. In the case of any urgent meeting, the notice period must be at least 24 hours.
- 6.7. The Speaker, or in his / her absence, the Mayor, determines whether any meeting is urgent or not.
- 6.8. The Speaker, or in his / her absence, the Mayor, must, after receiving a written request signed by a majority of the members of the Municipal Council, call a meeting of that Council.

# STELLENBOSCH MUNICIPALITY RULES OF ORDER **2013**

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- 6.9. Whenever a meeting of the Municipal Council is called, the Municipal Manager must give notice of the meeting stipulating the time, date and venue of the meeting by placing a notice to this effect on a notice board situated at the main administrative office of the Municipality, and by placing an advertisement in Afrikaans, English and Xhosa in one (1) newspaper circulating in Stellenbosch. The obligation to place an advertisement in the newspaper may be dispensed with at the discretion of the Municipal Manager in cases where time constraints do not allow these advertisements to be placed.
- 6.10. Every member of the Municipal Council must specify in writing an electronic mail address and / or a physical address within the municipal area of Stellenbosch, when she/he can receive a hardcopy or electronic notice of meetings and other official correspondence. Delivery to this address will constitute proper notice of meetings of the Municipal Council.

## **7. QUORUMS**

- 7.1. The quorum for a meeting of the Municipal Council or Committee is a majority of its members.
- 7.2. Whenever there is no quorum, for the Council Meeting, the meeting must be adjourned for no more than 30 minutes, and if at the end of that period there is still no quorum, the Speaker may further adjourn the Council meeting for a period he/ she deems fit after which he / she may adjourn the meeting to another time, date and venue at his / her discretion.
- 7.3. Whenever there is no quorum for a committee meeting, the meeting must be adjourned for no more than 30 minutes, and if at the end of that period there is still no quorum, the Chairperson, may further adjourn the meeting for a period he/she deems fit after which he/she may adjourn the meeting to another time, date and venue as determined by the Speaker.
- 7.4. In the absence of the Speaker or Chairperson of a committee the Acting Speaker or Deputy Chairperson of a committee must perform the functions referred to in Rule 7.2. if, after the initial adjournment of 30 minutes neither the Speaker nor the Acting Speaker, the Chairperson, or Deputy Chairperson of a committee are present, the meeting must be adjourned.

# STELLENBOSCH MUNICIPALITY RULES OF ORDER **2013**

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### **8. AGENDA**

- 8.1. Subject to Rule 8.2 and 9.2, all meetings must be conducted according to the order in which the matters appear on the agenda before the Council, and only matters, which are on the agenda, may be debated.
- 8.2. The Speaker may after considering suitable motivation, change the order of matters appearing on the agenda.
- 8.3. The Municipal Manager in consultation with the Speaker, may direct that any matter be entered into the confidential part of the Council's agenda. Such matter must not be disclosed to any person other than those who receive it in their official capacity, and such matter must be debated in a closed meeting of the Council.
- 8.4. The Speaker may, after considering suitable motivation, direct that a matter be moved between the confidential and open agendas.
- 8.5. The Speaker or a person designated by the Speaker must prepare and approve the agenda for a meeting.

### **9. ORDER OF BUSINESS OF AN ORDINARY MEETING.**

- 9.1. The order of business of an ordinary meeting convened in terms of Rule 6.1, shall be as follows:
  - 9.1.1. Opening;
  - 9.1.2. Mayoral address;
  - 9.1.3. Applications for leaves of absence;
  - 9.1.4. Official notices;
  - 9.1.5. Disclosure of interests by Councilors (Item 5 of the Code of Conduct for Councilors) and disclosure of benefits by Municipal staff members (Item 5 of Code of Conduct for Municipal staff members).
  - 9.1.6. Minutes of the previous meetings;
  - 9.1.7. Questions of which notice has been given;

# STELLENBOSCH MUNICIPALITY RULES OF ORDER **2013**

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- 9.1.8. Report of the which includes;
- 9.1.8.1. recommendations to the Council,
  - 9.1.8.2. decisions under delegated authority;
  - 9.1.8.3. schedule of decisions of the mayor, together with the members of the Mayoral Committee in terms of Section 60(3) of the Act.
- 9.1.9. motions or proposal deferred from previous meetings;
- 9.1.10. new motions;
- 9.1.11. any other matter not contained in the notice of the meeting at the discretion of the Speaker.
- 9.1.12. Urgent matters raised by the Municipal Manager in terms of Rule 19;
- 9.1.13. After the matters referred to in paragraphs 9.1.1 to 9.1.4 have been considered, the Speaker may in his/her discretion bring forward any business which is on the agenda.

## **10. LEAVE OF ABSENCE**

- 10.1. Application for leave of absence from meeting of the Council or a Committee thereof must be addressed to the Chief Whip in writing by the member who is applying for such leave, where after the Chief Whip will refer the application to the Speaker for approval.
- 10.2. Notwithstanding Rule 10.1 above, applications for leave of absence from meeting are deemed to have been granted if:
- 10.2.1 the Council or Mayor delegated the relevant member to act elsewhere on behalf of the council in a matter; or
  - 10.2.2 if the Council, Mayor or Committee of the Council requests the member to leave the relevant meeting in circumstances envisaged in Item 3(b) of Schedule 1 to the Systems Act, or the member recuses him/herself.

# STELLENBOSCH MUNICIPALITY RULES OF ORDER **2013**

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- 10.3 The Speaker may, subject to Rule 10.1 and 10.2 above, grant leave of absence to a member for the following reasons:
- 10.3.1 Illness or any other valid reasonable reason making it impossible for the member to attend;
  - 10.3.2 Essential business or personal commitments, or personal circumstances of the member;
  - 10.3.3 When the member is not permitted to attend the meeting due circumstances envisaged in Item 3(b) of the Code of Conduct for Councilors in Schedule 1 to Systems Act;
  - 10.3.4 Any other circumstances where the member is prevented from attending the meeting.
- 10.4 Sanction for non-attendance.
- 10.4.1 A member who is absent without leave from a meeting or who fails to be present at the beginning of a meeting or who fails to remain in attendance at such meeting is in breach of these rules.
  - 10.4.2 A committee consisting of the Speaker, Chief Whip and two political whips chosen on a rotational basis by the Speaker, must investigate and report to Council on any transgression contemplated in Rule 10.4.1.
  - 10.4.3 The committee must conduct its work according to the fixed procedures determined by Council from time to time.
  - 10.4.4 If the committee finds that a member breached Rule 10.4.1, the member must be fined 10% of his/her or her monthly salary.
  - 10.4.5 A member who is absent from three or more consecutive meetings which her or she has to attend, must vacate his or her office.
  - 10.4.6 Proceedings for the vacation of office of a member in terms of Rule 10.4.5 or the imposition of a fine in terms of Rule 10.4.4 must be conducted in accordance with the fixed procedures determined by Council in terms of Rule 10.4.3.

# STELLENBOSCH MUNICIPALITY RULES OF ORDER **2013**

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### **11. MAYORAL ADDRESS**

11.1. After the meeting is opened by the Speaker, but before any matters on the agenda are dealt with, the mayor may address the meeting on any matter whether it is on the agenda or not; which he/she deems appropriate.

11.2. At the conclusion of the Mayoral address, the Speaker may allow not more than ten (10) minutes for questions and answers. Any questions arising out of the address may be replied to by the Mayor or if directed by the Mayor by any other member of the Mayoral Committee. The Speaker must for this purpose ensure that time is proportionally fairly allocated to parties represented on council.

### **12. REPORT**

The Municipal Council may not take any decision unless it has before it sufficient information as determined by the Speaker to take an informed decision. Except in exceptional circumstances, such information must be in a written report.

### **13. REPORT OF THE MAYOR**

13.1. A report of the Mayor shall contain the following matters:

13.1.1. recommendations to Council (where Mayor has no delegated authority);

13.1.2. a schedule of decisions by the Mayor under his/her delegated or statutory authority, and

13.1.3. a schedule of decisions by the Mayor together with members of the Mayoral Committee in terms of Section 60(3) of the Act.

13.2. The Speaker shall permit debate of the matters referred to in Sub-rule 13.1, above, in accordance with Rule 16 of these Rules.

# STELLENBOSCH MUNICIPALITY RULES OF ORDER **2013**

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### **14. LEGAL AND FINANCIAL CONSTRAINTS**

The Municipal Council may only take such decisions as it is legally and financially competent to do and all reports submitted in an agenda or made orally must make reference to these aspects.

### **15. DECISIONS AND VOTING**

- 15.1. Subject to the provisions of Rule 15.3 all decisions must be taken by a supporting vote of the majority of the members present at any meeting of the Council.
- 15.2. Before any vote is taken on any matter before the Council no Councilor or any other person shall be allowed to enter or leave the Council Chamber, while voting is in process.
- 15.3. The following matters are determined by a decision taken by the majority of the members of the Council.
  - 15.3.1. the passing of By-Laws;
  - 15.3.2. the approval of budgets;
  - 15.3.3. the imposition of rates and other taxes;
  - 15.3.4. the raising of loans; and
  - 15.3.5. the approval of the Integrated Development plan.
- 15.4. If the Speaker asks the meeting if it is agreement with the recommendation(s) and the recommendation(s), is/are not opposed by any member present, the recommendation(s) is/are adopted.
- 15.5. Where there is opposition to any proposal to be decided, voting must be by a show of hands.
- 15.6. Only the number of members, and not the names of members voting for / against item, is to be recorded in the minutes.



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- 15.7. A member may abstain from voting without leaving the meeting place.
- 15.8. Any member may request that his / her dissent, abstention or support be recorded in the minutes of that meeting.
- 15.9. The Speaker must announce the decision of the Municipal Council taken in terms of Rules 15.4 or 15.5.
- 15.10. If there is an equality of votes in respect of a motion on which voting takes place in accordance with Rule 15.1, the Speaker must exercise his/her casting vote, in addition to his/her deliberative vote, provided that the Speaker may not exercise a casting vote in terms of any matter set out in section 160(2) of the Constitution and in Schedule 3 of the Structures Act.

## **16. DEBATE MANAGEMENT**

- 16.1. At least twenty-four (24) hours prior to a meeting of Council, the Political Whips of the Parties in Council, must provide to the Chief Whip a list showing:
  - 16.1.1. which items on the agenda for that meeting are to be debated and for which written amendment proposals should be submitted;
  - 16.1.2. the total time to be allocated to the debate of each such item, provided that, the maximum time allocated for debate on each item on the agenda will be up to thirty (30) minutes. The Speaker and the Chief Whip can reduce the time allocated to discuss an item in accordance with the comprehensiveness and contents thereof.
- 16.2. Based on the list drawn up in terms of Rule 16.1, each party must deliver to the Chief Whip, before the close of the business on the day preceding the Council meeting, a list of the members who will speak on an item, and the time allocated to each member, provided that the total time allocated to all such members of a party shall not exceed the time allocated to that party in terms of Rule 16.1.2.
- 16.3. On receipt of the lists referred to in Rule 16.2, the Speaker must, if he/she wishes to deviate from the provisions of those lists, convey his/her decision in this regard to the Chief Whip within a reasonable time prior to the Council meeting.

# STELLENBOSCH MUNICIPALITY RULES OF ORDER **2013**

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- 16.4 All matters before the Council not listed in Rule 16.2 must individually be put to the meeting for adoption without debate, before the matters listed in Rule 16.2 are considered.
- 16.5 At the discretion of the Speaker, a time of five (5) minutes of response maybe allowed to the Mayor or relevant Member of the Mayoral Committee or relevant Committee, or the mover of a motion, to conclude the debate on an item debated in terms of Rules 16.2.
- 16.6 Notwithstanding any contained in Rules 16.1 to 16.5, the Speaker may not, when exercising his discretion in terms of these rules, prejudice any party in respect of time allocated this regard shall be final.
- 16.7 All parties represented in Council have a right to speak on each item on the agenda in respect of each item relative to their representation in Council, subject to the provisions of paragraph 16.2.
- 16.8 Right to speak and limitation:
- 16.8.1 A Councilor may speak or proceed to speak at a meeting after being recognized by the Speaker.
- 16.8.2 A Councilor who is not a member of a committee may speak at that committee meeting provided that the Chairperson gave permission to that Councilor to speak, and that a maximum of two (2) minutes per party be allowed for speaking on a specific item on the agenda.

## **17. MINUTES**

- 17.1 The Municipal Manager must ensure that all decisions of the Municipal Council are recorded in a minutes book.
- 17.2 If a copy of the minutes of a meeting has been served on every Councilor the minutes shall be taken as read with a view to confirmation.
- 17.3 No proposal or discussion shall be allowed on the minutes, except as to their accuracy.
- 17.4 The correctness of the minutes of the Municipal Council must be considered at its next meeting, failing which, at the following meeting.

# STELLENBOSCH MUNICIPALITY RULES OF ORDER **2013**

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- 17.5 The Municipal Manager must ensure that the names of the members attending any meeting, those members who are absent, as well as the names of those who have granted leave of absence, are recorded in the minutes.
- 17.6 The Municipal Manager must ensure that the names of members, who requested that their dissent, abstention or support be recorded during voting, are recorded in the minutes.
- 17.7 For administrative reference purposes, audio recordings of all meetings of Municipal Council must be kept for a period of three years.

### **18. MOTIONS**

- 18.1 Subject to the provisions of any other law:
  - 18.1.1 Every notice of motion shall be in writing and shall be submitted to the Chief Whip and such notice shall be signed by the member submitting it and by the member seconding it;
  - 18.1.2 Subject further to Rule 18.5 below notice of a motion shall not appear on an agenda, unless it is received at least ten (10) working days prior to such meeting; and
  - 18.1.3 A motion shall lapse if the member who submitted it is not present at the meeting when such motion is being debated.
- 18.2 The Chief Whip shall acknowledge receipt in writing of any motion submitted in terms of rule 18.1 and refer the motion to the Speaker for approval, whereafter it will be submitted to the Municipal Manager for placement on the agenda.
- 18.3 Every motion shall deal with a matter in respect of which the Council has jurisdiction.
- 18.4 A member submitting a motion shall introduce such motion and shall have the right of reply thereto.
- 18.5 When a member introduces a motion in terms of this Rule:
  - 18.5.1 which is intended to rescind or amend a resolution passed by the Council taken within the preceding three (3) months or;
  - 18.5.2 which has the same purport as a motion which was not supported within the preceding three (3) months, such motion shall, subject to rule 22 hereunder, not be entertained.

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- 18.6 When dealing with motions:
- 18.6.1 the motion shall be read out together with the number thereof and the name of the mover;
  - 18.6.2 the Speaker shall ascertain which motions are unopposed and these shall be passed without debate; and thereafter the Speaker shall call the opposed motions in their order on the agenda.
- 18.7 A member may not give notice of a motion or question in regard to any matter assigned to a committee or delegated to the executive mayor or member of the mayoral committee, unless such motion or question has previously been submitted to such committee, executive mayor or member of the mayoral committee, or unless it is in the form of a reference to such committee or member for consideration and report.
- 18.8 Each member will be restricted to putting of a maximum of two motions or questions per ordinary meeting consisting of any combination of motions and questions.

## **19. URGENT MATTERS**

- 19.1 The Municipal Manager must consult and seek permission from the Speaker, at least 24 hours before the Council meeting, if he/she needs to raise any urgent matter for decision by Council. A matter is urgent when the decision required, if delayed, could prejudice Council or its operations.
- 19.2 The Speaker must determine an appropriate time when the Municipal Manager may raise urgent matters, and the Speaker must determine the period of time available for discussion of any urgent matter.

## **20. DISALLOWED MOTIONS AND PROPOSALS**

- 20.1 The Speaker shall disallow a motion or proposal which:
- 20.1.1 May lead to the discussion of a matter already dealt with in the agenda, or which has no bearing on the administration of, or conditions in the Municipality; or
  - 20.1.2 Advances arguments, expresses an opinion or contains unnecessary, incriminating, disparaging or improper suggestions, or in respect of which:

# STELLENBOSCH MUNICIPALITY RULES OF ORDER **2013**

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- 20.1.2.1. The Council has no jurisdiction
- 20.1.2.2 A decision by a judicial or quasi-judicial body is pending; or
- 20.1.2.3 Which has not been duly seconded.
- 20.1.3 If passed, would be contrary to the provisions of these Rules or of any other law or which Council is not financially competent to approve provided that if such motion or proposal, in the opinion of the Council, justifies further investigation it shall be referred to a relevant Committee.

## **21. QUESTIONS**

- 21.1 Any member may submit a question(s) relating to any matter in order to solicit views, opinions, intentions, explanations or information, which is related to and/ or relevant to Council business and / or matters and the member submitting the question shall have the right to reply to any discussion of such question.
- 21.2 The member must ensure that the question(s) is (are) submitted to the Chief Whip at least ten (10) working days before the date of the meeting.
- 21.3 The Chief Whip shall acknowledge receipt in writing of any question received in terms of rule 21.1 and refer the question to the Speaker for approval, where after it will be handed to the Municipal Manager for placement on the agenda.
- 21.4 No member may re-submit a question(s) relating to any matter if that (those) question(s) was (were) considered during the previous three (3) months.
- 21.5 No decision shall be taken by Council on any question or supplementary question which was raised in terms of this Rule.
- 21.6 Each member will be restricted to putting of a maximum of two (2) motions or questions per ordinary meeting consisting of any combination of motions and questions.

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### **22. RECONSIDERATION OF RESOLUTIONS**

The Municipal Council must consider any decision taken if the majority of members of the Municipal Council lodge such request in writing with the Municipal Manager, provided that such reconsideration of decision must be submitted in terms of rule 18.

### **23. AMENDMENTS TO RECOMMENDATIONS**

23.1 An amendment which is moved:

23.1.1 must be relevant to the recommendation, motion or proposal on which it is moved;

23.1.2 shall be reduced to writing, signed by the mover and seconder, and handed to the Speaker; and

23.1.3 may only be moved by a member while he/ she is speaking on a recommendation, motion or proposal under debate.

23.2 A member who has moved an amendment may speak thereon for not more than five minutes, but the seconder shall not be allowed to speak thereon, and subject to rule 23.9, all amendments which have been moved shall be put to the vote at the close of the debate upon such recommendation, motion or proposal.

23.3 More than one amendment may be moved to a recommendation, motion or proposal, and subject to rule 23.9, all amendments which have been moved shall be put to the vote at the close of the debate upon such recommendation, motion or proposal.

23.4 No member shall move more than one amendment to a recommendation, motion or proposal.

23.5 If the Mayor or Member of the Mayoral Committee or Chairperson of a Committee or the mover of the original motion wishes to address the Council on any amendment moved to such recommendation, motion or proposal he/she may only do so during his/ her reply.

23.6 The debate shall close when the Mayor or Member of Chairperson has replied thereto.

23.7 If more than one amendment to a recommendation motion or proposal has been moved, such amendment must be put to the vote in order in which they were moved.

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- 23.8 Each amendment to a recommendation, motion or proposal must be clearly stated to the meeting by the Speaker before it is put to the vote.
- 23.9 If an amendment is carried, the amended recommendation, motion or proposal shall take the place of the original recommendation, motion or proposal in respect of which only further proposed amendments shall be put to the vote, provided that the Speaker may, if he /she is of the opinion that an amendment which has been carried renders another amendment unnecessary or pointless, rule that such other amendment need not be put, after which the latter amendment shall lapse.

### **24. PRECEDENT OF SPEAKER**

- 24.1 Whenever the Speaker speaks, any member then speaking or offering to speak must be silent and the members shall be silent so that the Speaker may be heard without interruption.
- 24.2 A member addressing the Council shall do so by addressing the Speaker.

### **25. COUNCILLOR TO SPEAK ONLY ONCE**

- 25.1 Subject to a provision to the contrary contained in these Rules, no member shall speak more than once on any recommendation, motion or proposal, provided that the Mayor MMC or member of the relevant committee may reply in conclusion of the debate, but shall confine himself / herself to answering to previous speakers and shall not introduce any new matter into the debate.
- 25.2 The Speaker shall permit the Mayor, MMC or Chairperson of a Section 80 Committee to make an explanatory statement prior to the consideration of any particular item contained in the report of the mayor or during the discussion of such report, in reply to a specific question.

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### **26. RELEVANCE**

26.1 A member who speaks shall direct his / her speech strictly to the matter under discussion or to an explanation or point of order, and no discussion shall be permitted:

26.1.1 which will anticipate any matter on the agenda; or

26.1.2 in respect of any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of inquiry, whether instituted in terms of legislation or not, is pending, provided that such matter may be considered with the permission of Council.

### **27. IRRELEVANCE, TEDIOUS REPETITION, UNBECOMING LANGUAGE OR BEHAVIOR AND BREACH OF ORDER**

27.1 The Speaker must call the attention of the member to irrelevant, tedious repetition, unbecoming language or behavior or any breach of order on the part of a member, and shall direct such member, if speaking, to discontinue his/her speech until the member has come to order. Such direction shall be regarded as a warning. Upon 2 warnings, of which the second warning will be final, during the deliberations of the Council meeting, the provisions of rule 28 shall apply and the Speaker may decide to take disciplinary action against such member in terms of the Code of Conduct for Councillors.

27.2 The Speaker shall direct a member to apologise or withdraw an allegation if it is unbecoming or injures or impairs the dignity or honor of a member or officer of the Council.

27.3 No member, official or other person shall be allowed to bring any food, beverages or alcohol into the Council Chamber and the use of a cellphone, reading of a newspaper or magazine while a meeting is in progress is strictly forbidden.

### **28. REMOVAL OR EXCLUSION OF COUNCILLOR**

28.1 If a member refuses to comply with a direction in terms of rule 27, the Speaker may direct an officer to remove the member or to cause his/ her removal and to take steps to prevent his / her return to the meeting, provided that the



# STELLENBOSCH MUNICIPALITY RULES OF ORDER **2013**

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Speaker may, in his / her sole and absolute discretion, permit the return of the member to the meeting on the submission by the said member to the Speaker of a written expression of regret, such expression of regret must be part of the minutes of the meeting.

28.2 A proposal to exclude any person may be moved at any stage of the meeting.

### **29. MAINTENANCE OF ORDER**

29.1 The Speaker may, at any time during a meeting, if he/she deems it necessary for the maintenance of order, direct an officer to remove or cause the removal of any person, excluding a member, from the Council Chamber, or order that the public gallery be vacated.

29.2 The Speaker may request or order the removal of any person or persons who refuses to carry out any reasonable instruction given by him / her, or who willfully obstructs the carrying out of such instruction.

### **30. POINTS OF ORDER AND PERSONAL EXPLANATION**

30.1 For the purpose of this Rule:

30.1.1 any point of order or personal explanation shall not constitute a speech and therefore not affect the right of any member to speak on a particular item, provided that a member who addressed the Speaker on a point of order or personal explanation shall not be permitted to address the Speaker for longer than two (2) minutes on such point of order or personal explanation;

30.1.2 "a point of order" means pointing out any deviation of or anything contrary to these Rules or the By-laws of the Council or any other law;

30.1.3 "a point of personal explanation" means the explanation of some material part of a member's speech which has been misunderstood or which needs clarity.

30.2 Any Member, whether he /she addresses the Council on the matter under debate or not, may:

# STELLENBOSCH MUNICIPALITY RULES OF ORDER **2013**

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- 30.2.1 raise his /her hand to a point of order;
- 30.2.2 raise his /her hand on a point of personal explanation at the end of the debate.
- 30.3 A member contemplated in Rule 30.2, shall be entitled to be heard forthwith, and the Councillor speaking at the time shall remain silent until a ruling has been made by the Speaker.
- 30.4 The ruling of the Speaker on a point order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.

### **31. PROCEDURAL MOTIONS**

- 31.1 When a matter is under discussion at any meeting of the Municipal Council, no further debate must be allowed if any of the following procedural motions are accepted:
  - 31.1.1 that consideration of the matter be adjourned and resumed at a time determined by the Council;
  - 31.1.2 that the meeting of the Council be adjourned and reconvened at a time determined by the Speaker;
  - 31.1.3 that the matter be referred back to a Committee with reasons therefore and;
  - 31.1.4 that the matter now be decided.

### **32. MOTION OF EXIGENCY**

- 32.1 A member may direct the attention of the Council to any matter which does not appear on the agenda and of which no previous notice has been given, by stating briefly the subject of the matter and without comment thereon moving “that the motion to which attention has been directed be considered forthwith as a matter of exigency.”
- 32.2 Such motion is herein referred to as a motion of exigency.

# STELLENBOSCH MUNICIPALITY RULES OF ORDER **2013**

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- 32.3 If such motion is seconded and carried by a majority of the members present, the mover shall be permitted without notice to bring the matter under consideration by way of motion or question.

### **33. MEETING OPEN TO THE PUBLIC AND PRESS**

- 33.1 The Council must conduct its business in an open manner and may close its meetings only when it is reasonable to do so, having regard to the nature of the business transacted.
- 33.2 Notwithstanding the provisions of Rules 33.1, the Council may not exclude the public, including the media, when considering or voting on any of the following matters:
- 33.2.1 a draft By-Law;
  - 33.2.2 the budget;
  - 33.2.3 the draft Integrated Development Plan, or any amendments of the Plan; and
  - 33.2.4 the Municipality's draft Performance Management System, or any amendments of the System.
  - 33.2.5 disciplinary actions against a Councillor according to the Code of Conduct for Councillors;
  - 33.2.6 any other circumstances according to which legislation cannot exclude the public and press.

### **34. INVITATION TO ADDRESS MUNICIPAL COUNCIL**

The Speaker or Executive Mayor may, in his / her discretion, invite any person or persons to address any meeting of the Municipal Council.

# STELLENBOSCH MUNICIPALITY RULES OF ORDER **2013**

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### **35. PROCESS FOR ADOPTION OF BY-LAWS**

35.1 A by-law may only be introduced by a member or the Mayoral Committee  
Submission by member.

35.1.1 A member introduces a by-law by submitting it to the Speaker together with a memorandum stating the objectives of the by-law.

35.1.2 Upon receipt of a draft by-law and its accompanying memorandum in terms of rule 35.1.1 the Speaker must submit such by-law and memorandum to the Mayoral Committee for consideration.

35.1.3 The Speaker must obtain the comments of the Municipal Manager regarding the contents of the draft by-law.

35.1.4 The Mayoral Committee must consider the draft by-law within three months after receipt thereof and must submit a report in the form contemplated in rule 35.3.1 to council.

35.2 Submission by Mayoral Committee

35.2.1 The Mayoral Committee may submit a draft by-law to council on its own volition or after consideration of a request submitted by the Municipal Manager.

35.2.2 If the Mayoral Committee decides to submit a draft by-law on its own volition, it must obtain the comments of the Municipal Manager on the contents thereof and may request comment from any person.

35.2.3 The Mayoral Committee must submit a report to council on the proposal to submit a draft by-law in the form contemplated in rule 35.3.1.

35.3 First submission to council

35.3.1 A draft by-law submitted by a member or the Mayoral Committee, must be submitted to council in the following form-

35.3.1.1 an executive of the by-law;

35.3.1.2 the content of the draft by-law;

35.3.1.3 any other by-law that must be repealed or amended if the draft is adopted

35.3.1.4 any relevant comments or proposals; and

# STELLENBOSCH MUNICIPALITY RULES OF ORDER **2013**

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- 35.3.1.5 a recommendation.
- 35.3.2 After consideration of the report contemplated in rule 35.3.1 council must resolve to reject the draft or to adopt it in principle.
- 35.3.3 If a proposed by-law is rejected by council, no by-law with the same contents may be submitted to council within a period of six months of the date of such rejection.
- 35.3.4 When a proposed by-law is adopted in principle , it must be advertised for public comment.
- 35.4 Publication
- 35.4.1 The Municipal Manager must, as soon as possible after a by-law has been adopted in principle, publish the draft by-law in such a way that the public will have the opportunity to make representations in connection therewith.
- 35.4.2 Publication must be in the official languages of the province.
- 35.5 Second submission to council
- 35.5.1 The Municipal Manager must, as soon as possible after the closing date for representations by the public, submit a report to the Mayoral Committee together with-
- 35.5.1.1 a copy of the proposed by-law;
- 35.5.1.2 copies of the advertisements in which the public was invited to submit representations;
- 35.5.1.3 any comments received from the public; and
- 35.5.1.4 any comments from the administration
- 35.5.2 If a proposed by-law is rejected by the council, no by-law with the same contents may be submitted to council within a period of six months of the date of such rejection.
- 35.5.3 When a by-law is adopted after consideration thereof, it must be published in the Provincial Gazette.

# APPENDIX 2



**STELLENBOSCH**

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

**STELLENBOSCH MUNICIPALITY  
RULES AND ORDER**

April 2019

Date approved by Council:

**MUNICIPAL NOTICE**

The municipal council for Stellenbosch Municipality adopted the following bylaw at its meeting held on.....in terms of section 165 (2) of the Constitution of the Republic of South Africa (Act No. 108 of 1996) read with section 31 (2) of the Local Government: Municipal Structures Act, 1998 and hereby publishes the bylaws in terms of section 13 (a) of the Local Government: Municipal Systems Act, 2000 to come into effect on the date of publication hereof in the Provincial Gazette.

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**STELLENBOSCH MUNICIPALITY STANDING RULES AND ORDER FOR THE MEETINGS OF THE COUNCIL AND ALL ITS COMMITTEES**

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## 1. Application of rules

- 1.1 The rules of order contained herein apply to all meetings of the municipal council and any committee of the municipal council as well as any other committee of councillors established within the municipality, unless the terms of reference for a specific structure explicitly excludes the application of the rules for such structure.
- 1.2 The rules are aimed at allowing free, open and constructive debate during Meetings. The rules are encouraged and promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of time allocated to meetings.
- 1.3 The rules endeavour to create the opportunity for councillors serving in Council structures to air their view on any matter of public importance.
- 1.4 The rules of order are applicable to:
  - 1.4.1 All councillors;
  - 1.4.2 Any municipal official of the municipality; and
  - 1.4.3 Any member of the public while present in the council chamber or precinct.

## 2. Definitions

The following terms and phrases used in these rules shall have the meaning assigned to them hereunder:

Code of Conduct shall mean the Code of Conduct for councillors as set out in Schedule 1 of the Systems Act

**"Committee"** shall mean any committee established in the municipality, including but not limited to committees established in terms of section 79 and 80 of the Structures Act, but not limited to;

**"Constitution"** shall mean the Constitution of the Republic of South Africa, 1996;

**"Council"** shall mean the municipal council for the Stellenbosch Municipality;

**"Councillor"** shall mean a member of the municipal council;

**"Day"** shall mean a day that is not a public holiday, Saturday or Sunday, and for the calculation of days the first day will be excluded and the last day included:

**"Executive Mayor"** shall mean the Executive Mayor of the municipality as elected in Terms of section 55 of the Structures Act;

**"In Committee"** shall mean the part of the meeting of the municipal council where the meeting will be closed and members of the public and press, and such municipal officials as determined by the Speaker, excluding the Municipal Manager, will be excluded from the meeting, based on the nature of the business being transacted;

**"Mayoral Committee"** means the committee appointed by the Executive Mayor in Terms of section 60 of the Structures Act;

**"Member"** shall mean a councillor serving in the municipal council of the municipality;

**"Motion"** shall mean a matter submitted by a member in accordance with clause

26 below;

**"Municipality"** shall mean the Stellenbosch Municipality;

**"Point of order"** shall mean a point raised by a councillor during the council meeting and shall only relate to a matter of procedure and provided for in the rules of order;

**"Precinct"** shall mean the area defined by the chairperson of that meeting

**"Privilege"** shall mean the right of freedom of speech for councillors in council and committee meetings, subject to the rules of order of any ruling of the Speaker in terms thereof as well as the right not to be held liable for civil or criminal proceedings for anything they said, produced or submitted to the Council or Committee;

**"Procedural motion"** shall mean a matter raised by a member at a meeting in terms of section 26;

**"Report"** shall mean any item appearing on the agenda for consideration by the Council or a committee;

**"Sargent-at-arms"** shall mean a person in the full time employment of the municipality entrusted to assist the Speaker to maintain order during council meetings and assisted by such staff members as the Speaker may direct;

**"Senior managers"** shall mean the persons appointed by the council as the municipal manager and all managers directly accountable to the municipal manager as approved on the official organisational structure of the municipality;

**"Speaker"** shall mean the person as elected in terms of section 36 of the Structures Act;

**"Single Whip"** shall mean the person elected as the Single Whip of the Council;

**"Special Meeting"** shall mean any additional council meeting called by the Speaker in terms of his/her powers;

**"Urgent Special meeting"** shall mean a special meeting relate to an urgent matters in terms of rule 8.

**"Structures Act"** shall mean the Local Government: Municipal Structures Act, 1998;

**"Systems Act"** shall mean the Local Government: Municipal Systems Act, 2000;

**"Venue"** shall mean the place or location where a meeting is being held including any public gallery"

**"Whip"** shall mean a member of the municipal council appointed by each political party represented in the council to perform the function referred to in rule 9.

### 3. Meeting of council open to public

- 3.1 The Municipal Council shall conduct its business in an open manner and every meeting of the council and all committees, shall be open to the public; provided that this section shall not apply when it is reasonable to do so having regard to the nature of the business being transacted in terms of section 20 (1) (a) and (b) of the Systems Act.
- 3.2 The Council will deal "In Committee" when discussing any of the following matters:
- 3.2.1 a trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;
  - 3.2.2 personal and private information of any councillor or an employee of the municipality;
  - 3.2.3 the intention of the municipality to purchase or acquire land or Buildings;
  - 3.2.4 the price a municipality may offer for the purchase or acquisition of land or buildings;
  - 3.2.5 any report addressing legal proceedings that the municipality is Involved in or contemplating instituting or defending;
  - 3.2.6 disciplinary proceedings or proposed disciplinary proceedings against any employee;
  - 3.2.7 any matter that might not be disclosed in terms of legislation;
  - 3.2.8 consideration of the minutes of previous In Committee discussions.
- 3.3 A councillor may, when an item in the agenda is put to order, other than a matter referred to in 3.2 above, and provided it is not a matter that is required in law to be dealt with in open council, propose with motivation, that the matter be further dealt with In Committee. The ruling of the Speaker in this regard will be final and no further discussion will be allowed.

### 4. Council meetings

The Council shall hold an ordinary meeting for the transaction of business not less than once in every three months.

### 5. Special council meetings

- 5.1 The Speaker may at any time of own accord call a special meeting of the council, provided that no such special meeting shall take place unless all councillors were given at least 48 hours' notice prior to the date and time set for the meeting;
- 5.2 and shall, upon request in writing of a majority of the councillors of the municipality call a special meeting of the council, provided that no such special meeting shall take place unless all councillors were given at least 48 hours' notice prior to the date and time set for the meeting.

- 5.3 In the event where the Speaker fails and/or refuses to call a special meeting when requested in accordance with 5.2 above, the Municipal Manager of the Municipality must call the special meeting at the date set out in the letter at a venue and time determined by the Municipal Manager.
- 5.4 The Speaker may at any time of own accord call a urgent meeting of the council, provided that no such urgent meeting shall take place unless all councillors were given at least 24 hours' notice prior to the date and time set for the meeting.

## 6. **Service of notices**

A notice to attend a meeting, specifying the business proposed to be transacted thereat, and signed by the Speaker or the Municipal Manager as contemplated in rule 5 above, shall be distributed by electronic mail to an address by the councillor at an official email address issued by the Municipality

- 6.1 At least 72 hours before any ordinary meeting of the council; or
- 6.2 at least 48 hours before any special meeting
- 6.3 or 24 hours before any urgent special meeting of the council a notice to attend the meeting, specifying the business proposed to be transacted thereat and signed by the Speaker or the Municipal Manager as contemplated in 5 above, shall be distributed sent by electronic mail to an address provided by the councillor as his/her official address / mailaddress.
- 6.4 When a matter must be considered related to a by-law notice of the item must be given at least 7 (seven) days before the matter must be considered.
- 6.5 Hard Copies will only be made available on request and approval by the Speaker on exceptional circumstances and may be on payment for the printing by the councillor and must be collected by the Councillor himself/herself.

## 7. **Non-service of notices**

Accidental omission to serve on any councillor a notice of meeting shall not invalidate the proceedings of that meeting.

## 8. **Urgent matters**

- 8.1 No business shall be transacted at a meeting of the council or any committee other than that specified in the agenda relating thereto, except any matters which the relevant chairperson considers urgent and the said chairperson has ruled the matter to be urgent.
- 8.2 The Municipal Manager may raise matters which in his / her discretion is urgent, for decision by the council. A matter will be deemed urgent when the decision required, if delayed, would prejudice the Council and / or its operations.

- 8.3 The Speaker or chairperson of the meeting will determine an appropriate time when the Municipal Manager may raise urgent matters and the time available for discussion thereof; Provided that the Speaker may rule that the matter is not urgent as defined in 8.2 above.

9. **Conduct at meetings**

The Speaker or the chairperson of the meeting shall:

- 9.1 Maintain order during meetings
- 9.2 Ensure compliance with the Code of Conduct for Councillors during meetings
- 9.3 Ensure that meetings are conducted in accordance with these rules
- 9.4 Ensure that members conduct themselves in a dignified and orderly manner during meetings
- 9.5 Ensure that members of the public attending meetings are seated in Areas designated for that purpose
- 9.6 Ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the Speaker or chairperson of the meeting
- 9.7 Ensure that any councillor or member of the public refusing to comply with the ruling of the Speaker or chairperson leaves the meeting
- 9.8 Ensure that the Whip of each political party represented in the municipal council as well as the Single Whip of Council maintains discipline during any meeting.

10. **Interpretation of rules**

- 10.1 The ruling of the Speaker or the chairperson of a meeting with regard to the application and interpretation of the rules as well as other procedural matters not dealt with in the rules shall be final and binding: provided that the Speaker / chairperson may be required to provide reasons for a ruling.
- 10.2 Any ruling made by the Speaker or chairperson must be made having due regard to the provisions of the Constitution, national and provincial legislation, municipal By-laws and policies, including these rules, the rule of law and the rules of natural justice.

11. **Quorum and acts of council**

- 11.1 A majority of the councillors must be present at a meeting of the council before any matter may be considered and / or voted on.
- 11.2 In the event of no quorum for a meeting, the meeting must be suspended

for no more than 20 minutes, and if at the end of the said period there is still no quorum, the Speaker or chairperson may suspend the meeting for such a period they deems fit and thereafter adjourn the meeting to another date, time and/or venue.

## 12. **Decisions and Voting**

- 12.1 Subject to 12.3 below, all matters will be decided by a majority of councillors present at the meeting.
- 12.2 Before a formal vote is taken on any matter before the Council, the Speaker shall indicate that voting will now take place and no member or other person shall be allowed to enter or leave the chamber.
- 12.3 Any matter referred to in section 160(2) of the Constitution shall be decided on by a majority of the councillors in the municipal council.
- 12.4 If on any question there is an equality of votes, the Speaker or chairperson may exercise a casting vote in addition to that particular councillor's deliberative vote, -provided that the casting of such vote shall fall within the ambit of the powers duly delegated to the relevant committee: Provided that for those matters listed in section 160(2) of the Constitution, there will be no provision for a casting vote.
- 12.5 If the Speaker or chairperson asks the meeting if it is in agreement with the recommendations and if it is not opposed by any member present, the recommendations are adopted without a formal vote having to take place.
- 12.6 In the event of there being opposition to a recommendation, the proposal to be decided upon will be done by means of voting, either by show of hands or if requested and approved by the Speaker, by way of secret ballot.
- 12.7 The Single Whip shall count the votes and declare to the chairperson the result of the divisions.
- 12.8 In the event of a secret ballot, the municipal manager shall hand to each councillor a ballot paper bearing the official mark or logo of the municipal council, and having the alternates to be voted for clearly depicted thereon.
- 12.9 The Municipal Manager shall collect all the ballot papers and count same in the presence of a representative from each party represented on the council or committee and present at such meeting.
- 12.10 The Speaker or chairperson shall thereupon declare the motion carried or lost, and it shall be entered upon the minutes.
- 12.11 The number of members voting will be recorded, and the general result of the vote. The outcome of the voting will be announced by the Speaker.
- 12.12 A member may abstain from voting without leaving the chamber.



- 12.13 A member may request that their support/ dissent/ abstention be recorded in the minutes of the meeting.

### **13. Disclosure of Interest and Removals**

A councillor or a member of a meeting shall-

- 13.1. Disclose to the meeting, any direct personal or private business interest that the councillor/member of a meeting, or the spouse, partner or business associate of that councillor/member of a meeting may have in any matter before the council or the committee;
- 13.2. Withdraw from the proceedings of the meeting until the matter has reached its conclusion unless the meeting decides by resolution, that the councillor's direct or indirect interest in the matter is trivial or irrelevant. .
- 13.3. A councillor or other member of a committee who, or whose spouse, partner or business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councillor is aware at the first meeting at which it is possible for the member to make a disclosure.
- 13.4. This provision does not apply to an interest or benefit which a councillor, or a spouse, partner or business associate or close family members, has or acquired in common with other residents and ratepayers of the municipality.
- 13.5. When a councillor or other member of a committee or a member of the public has been asked to leave a Council meeting the Councillor or other member of a committee or member of the public will not be allowed to return to the meeting including the In-Committee section of that Council meeting. This includes any adjournment of the Council meeting where the member or member of the public was requested to leave the meeting and precinct by the Speaker and chairperson of the meeting.

### **14. Walkout**

If a councillor or group of councillors leave any meeting in protest, and the remainder of the councillors constitute a quorum the business of the meeting shall proceed.

### **15. Count out**

If during any sitting of the council or any committee, the attention of the Speaker or chairperson is called to the number of members present, he/she shall count them, and if found that there is not a quorum present, the matter shall be dealt with in accordance with rule 11 above.

**16. Adjourned meetings**

The council or a committee may adjourn a meeting to any date or hour, but no business shall be transacted at any adjourned meeting except such as was set out in the notice for the meeting, which has so been adjourned

**17. Notice of adjourned meeting**

When a meeting is adjourned, notice of the adjourned meeting shall be sent out to each member of the council or committee, specifying the time, date and place of such adjourned meeting, except under the circumstances contemplated in 34 below.

**18. Chairperson of meetings**

18.1 At every meeting of the council the Speaker, or if he/she is not present, an Acting Speaker shall be the chairperson. An acting Speaker may be elected by the majority of councillors present at any meeting of the council where the Speaker is not present.

18.2 The Executive Mayor shall chair meetings of the Mayoral Committee and if not present, the Deputy Executive Mayor or if the Deputy Executive Mayor is also not available, any other councillor appointed by a majority members of the mayoral committee in attendance.

18.3 The chairperson appointed by the Executive Mayor shall chair meetings of the portfolio committees (section 80)

18.4 The person so appointed by the council, shall chair the meetings of committees of council; Provided that where no such person was nominated the members present may elect their own chairperson.

**19. Agenda**

19.1 Subject to 19.2 and 19.3 below, all meetings must be conducted in accordance with the order in which matters appear on the agenda and only matters which appear on the agenda may be debated.

19.2 The Speaker or chairperson may, after considering a duly motivated request change the order of matters appearing on the agenda.

19.3 The Speaker or chairperson may, after considering a duly motivated request, direct that a matter be moved between the "in-committee" and open parts of the agenda.

**20. Business at council meetings**

The order of business of an ordinary meeting of the council, is as follows:

**Council**

- 1. Opening and welcome**
- 2. Mayoral address**
- 3. Communications by the Speaker**
- 4. Communications by the Municipal Manager**
- 5. Disclosure of interests**
- 6. Applications for leave of absence**
- 7. Confirmation of the minutes of previous meeting**
- 8. Statutory matters**
- 9. Report by the Municipal Manager on outstanding resolutions**
- 10. Items for noting:**
  - 10.1 Report/s by the Executive Mayor**
  - 10.2 Report/s by the Speaker**
  - 10.3 Report/s by the Municipal Manager**
- 11. Items for consideration from the Executive Mayor/Mayoral Committee:**
  - 11.1 Community and protection Services**
  - 11.2 Corporate Services**
  - 11.3 Financial Services**
  - 11.4 Human Settlements**
  - 11.5 Infrastructure Services**
  - 11.6 Planning and Economic Development Services**
  - 11.7 Rural Management and Tourism**
  - 11.8 Youth, Sports and Culture**
  - 11.9 Executive Mayor**
- 12. Consideration of items, reports, communications, petitions and applications submitted via the Office of the Municipal Manager**
- 13. Municipal Public Accounts Committee (MPAC)**
- 14. Reports by the Municipal Manager**
- 15. Consideration of notices of questions and notices of motions received by the Speaker**
- 16. Consideration of urgent motions**
- 17. Urgent matters submitted by the Municipal Manager**

**18. Reports by the Speaker****19. Matters to be considered In-Committee****21. Leave of absence and attendance**

- 21.1 All councillors must punctually attend and remain in attendance for the full duration of the of each Council meeting or committee of Council unless leave of absence has been granted, or a matter is before the Council in which that Councillor or their spouse, partner or business associate has any direct or indirect personal or private business interest and such Councillor is required to withdraw in terms of item 3(b) of the Code of Conduct.
- 21.2 Applications for leave of absence from any council or committee meeting must be submitted to the Single Whip for approval by the Speaker or the chairperson of that committee. The application must be in writing and signed by the member applying for leave.
- 21.3 All applications for leave must be submitted at least 12 hours before the starting time of the meeting for any meeting other than an urgent special meeting. In the latter instance, the Single Whip must receive an hour before an application. In the case of extenuating circumstances, an application must be submitted as soon as is reasonably possible.
- 2.1.3 The Speaker or chairperson may grant leave at his or her sole discretion, and the Speaker or chairperson is at liberty to reject such application for leave of absence except when the request for leave is accompanied by a medical certificate prescribing a members absence. A medical certificate that is not attached must be submitted within three (3) working days and must be dated at least on the date of the meeting.

**22. Minutes to be kept and confirmation thereof**

- 22.1 Minutes of the proceedings of every meeting of the council and committee, shall be electronically or otherwise recorded and be kept for that purpose by the Director: Corporate Services. The Municipal Manager shall be responsible for the correctness of the same, and the minutes of every meeting shall be confirmed at the next ordinary meeting.
- 22.2 Minutes of the proceedings of every meeting of the council or a committee of council shall be recorded, typed and printed, and shall if confirmed, be signed at the next ensuing ordinary meeting by the chairperson. Minutes shall be bound and kept secure.
- 22.3 The Municipal Manager must ensure that the minutes reflect the names of the members that attended the meeting, those that are absent and those that have been granted leave of absence.

**23. No discussion on minutes under confirmation of minutes**

No motion or discussion shall be allowed upon the confirmation of the minutes, except as to its accuracy.

**24. Motions**

- 24.1 No matter shall be brought before a meeting by any member thereto except upon a notice of motion, which shall be submitted in writing on a form prescribed for such purpose and signed by the member giving the notice as well as a member seconding it.
- 24.2 Any notice of motion shall be submitted to the Speaker or chairperson, ten (10) days prior to the meeting of the council.
- 24.3 All notices of motion shall be dated and numbered as received by the Municipal Manager, and shall be entered on the agenda paper in the order in which it was received, save and except that notices of amendment to motions shall be entered immediately after such notice of motion, irrespective of the time at which the notice shall have been received.
- 24.4 Subject to rule 37 no member shall have more than two notices of motion on the same agenda.
- 24.5 Before any notice of motion is placed on the agenda it shall be submitted to the Municipal Manager who must obtain the written technical input from the various heads of department of the municipality, if it is required, and, who, if he/she be of the opinion that it is ultra vires existing legislation, shall cause the giver of the notice to be so informed. The giver of the notice shall however, have the right to appeal to a committee comprised of the Speaker, Executive Mayor and Single Whip of the Council, who shall review the matter on the papers alone and decide whether or not such notice of motion should be placed on the agenda.
- 24.6 A motion shall lapse if the member who submitted the motion is not present at the meeting where the motion is to be debated. Such a motion must be resubmitted.
- 24.7 A member submitting a motion shall introduce such a motion and shall have the right of reply thereto.
- 24.8 When a member introduces a motion which is intended to rescind or amend a resolution passed by the council in the preceding three months or which has the same purport as a motion that was not supported within the three preceding months shall not be entertained.
- 24.9 When dealing with motions the motion shall be read out together with the number thereof and the name of the mover.
- 24.10 The Speaker or chairperson shall ascertain which motions are unopposed and these shall be passed without debate and thereafter the opposed motions shall

be called in accordance with the order of the agenda.

- 24.11 A motion affecting the making or amending of a by-law, shall be submitted to the Speaker for a report before the council passes a resolution in this regard.
- 24.12 The Speaker may disallow a motion which:
- May lead to discussions of a matter already dealt with on the agenda
  - Addresses a matter where the Council has no jurisdiction
  - Addresses a matter where a decision of a judicial or quasi-judicial body is pending
  - Has not been seconded
  - If passed, would be contrary to the law.
  - Is frivolous
- 24.13 The mover with the consent of the seconder may withdraw a motion or amendment.
- 24.14 The Speaker or chairperson may call upon any mover of an amendment to a motion to reduce the same to writing, and, after signing it to hand it to the Municipal Manager to read the amendments for the meeting to either adopt or reject such amendment. Except upon the recommendation of the committee to which the council has delegated powers or duties to deal with the particular subject matter, no resolution passed at any meeting of the council shall be revoked or altered at any subsequent meeting unless notice of motion to amend or revoke as contemplated in this section.

## **25. Amendments to Recommendations**

- 25.1 An amendment which is moved:
- 25.1.1 must be relevant to the recommendation, motion or proposal on which it is moved;
- 25.1.2 shall be reduced to writing, signed by the mover and seconder, and handed to the Speaker; and
- 25.1.3 may only be moved by a member while he/ she is speaking on a recommendation, motion or proposal under debate.
- 25.2 A member who has moved an amendment may speak thereon for not more than three minutes, but the seconder shall not be allowed to speak thereon, all amendments which have been moved shall be put to the vote at the close of the debate upon such recommendation, motion or proposal.
- 25.3 More than one amendment may be moved to a recommendation, motion or proposal, and subject to rule 25.9, all amendments which have been moved shall be put to the vote at the close of the debate upon such recommendation, motion or proposal.
- 25.4 No member shall move more than one amendment to a recommendation, motion or proposal.

- 25.5 If the Mayor or Member of the Mayoral Committee or Chairperson of a Committee or the mover of the original motion wishes to address the Council on any amendment moved to such recommendation, motion or proposal he/she may only do so during his/ her reply.
- 25.6 The debate shall close when the Mayor or Member of Chairperson has replied thereto.
- 25.7 If more than one amendment to a recommendation motion or proposal has been moved, such amendment must be put to the vote in order in which they were moved.
- 25.8 Each amendment to a recommendation, motion or proposal must be clearly stated to the meeting by the Speaker before it is put to the vote.
- 25.9 If an amendment is carried, the amended recommendation, motion or proposal shall take the place of the original recommendation, motion or proposal in respect of which only further proposed amendments shall be put to the vote, provided that the Speaker may, if he /she is of the opinion that an amendment which has been carried renders another amendment unnecessary or pointless, rule that such other amendment need not be put, after which the latter amendment shall lapse.

## **26. Precedence of the Speaker**

- 26.1 During the sitting of the council or a committee, members, except members in traditional, cultural or religious headdress shall have their heads uncovered.
- 26.2 When speaking, councillors shall be seated, but at all times, address the Speaker or chairperson
- 26.3 Whenever the Speaker or chairperson speaks, any member then speaking or offering to speak must be silent in order for the Speaker to be audible and speak without interruption

## **27 Relevance**

A member who speaks shall confine their speech strictly to the motion or matter under discussion or to an explanation or a question of order.

## **28. Member's right to speak**

Unless otherwise provided for in these rules, no member shall speak more than once on any recommendation or an amendment to recommendations(s), motion, or proposal, provided that the Executive Mayor or a member may reply in conclusion of a debate, but shall confine their answering to previous speakers and shall not introduce any new matter into the debate.

## **29. Mayoral address:**

- 29.1 After the meeting is opened by the Speaker, but before any matters on the agenda are dealt with, the Executive Mayor may address the meeting on any matter whether it is on the agenda or not, which he. She deems appropriate.

- During the Mayoral address no points of order or debate shall be allowed.
- 29.2 At the conclusion of the Mayoral address, the Speaker may allow not more than maximum 10 (ten) minutes for questions and answers arising from the Mayoral address. The Speaker must ensure that the allowable time is allocated proportionally to the political parties, and as agreed to at the Whips meeting,
- 29.3 Any questions envisaged in rule 32.2 above, may be replied to by the Executive Mayor or, if so directed by the Executive Mayor, by any other member of the Mayoral Committee.

### **30. Debate management**

- 30.1 Time allocated to each political party will be determined by the Speaker.
- 30.2 At least 24 hours before the meeting, the whip of each political party represented in the municipality will provide the Speaker or chairperson with a list indicating which items on the agenda are to be debated.
- 30.3 At least 12 hours before the meeting, the whip of each political party represented in the municipality will provide the Speaker or chairperson with a list indicating which members will speak on which item included in the agenda.
- 30.4 The Speaker will determine the allocation of time per item and inform the whips of the speaking time allowed to each member included in the list, based on the principle in 32.1 above.
- 30.5 Each political party or interest group represented in the municipality has the right to speak on each item on the agenda.

### **31. Length of speeches**

- 31.1 No speech shall exceed **three (3)** minutes in length without the consent of the Speaker. This period shall exclude consecutive translation time required.
- 31.2 The Speaker or the chairperson shall be entitled to, at any time, to set, limit or extend reasonable time limits for the discussion of and/or any decision or any item or group of items on the relevant agenda

### **32. Disorderly conduct of councillor and the duty of the chairperson**

- 32.1 If at any meeting a member conducts themselves in an improper fashion, behaves in an unseemly manner or persistently obstructs business to be carried out at a meeting, challenges the ruling of the Speaker or chairperson or declines to withdraw an expression when required to do so by the Speaker or the chairperson, indulges in tedious repetition or unbecoming language or commits any breach of these rules, the Speaker or chairperson shall rule that the member is out of order and direct such member to conduct themselves properly and, if speaking, to cease such speech immediately.
- 32.2 In the event of persistent disregard of the directions of the Speaker or chairperson, the Speaker or chairperson shall find the member out of order and direct such member to retire from the venue where the meeting is being held for the remainder of the meeting, and shall, if necessary, cause themselves to be



ejected there from. The Speaker or chairperson shall launch an investigation in terms of the Code of Conduct in regard to the behaviour.

- 32.3 Unless otherwise ruled a member will be excluded from the whole duration of the meeting including the “in committee” section of the meeting and any adjournment of that meeting.
- 32.4 Where a member or members refuses to retire from the venue the Speaker or chairperson shall request the Sargent at Arms to facilitate the removal of such member/s from the venue.
- 32.5 If this cannot be done orderly, the Speaker or chairperson of the meeting may adjourn proceedings for a period not exceeding 15 minutes, in order for the relevant member(s) to retire or to be ejected from the venue of the meeting. If, at the resumption of proceedings, the member(s) have not left / been ejected, the meeting may be adjourned for another 10 minutes to address the situation.
- 32.6. The Speaker or chairperson may rule that after the second adjournment the meeting will re-convene at another venue and time and any member/s ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The Sargent at Arms of the council will ensure that such member/s does not enter such an alternative venue.

### **33. Obstruction by persons other than councillors**

Any person, other than a member, who misconducts themselves, behaves in an unseemly manner or interrupts the proceedings of the council or any committee at any meeting shall, if the Speaker or chairperson so directs, leave the venue or be removed from the venue where the meeting is being held. If the person refuses to leave, the Sargent-at-arms will be responsible to remove such person from the venue. The Speaker or the chairperson may exclude such person from further admittance to the venue or the meeting for such period as the Speaker or chairperson may deem fit.

### **34. Points of order and personal explanation**

- 34.1 Any member, regardless of whether he/she addressed the Council on the matter under debate or not, may rise on a point of order at any time and must specify the rule upon which they raise only after being acknowledged by the Speaker or Chairperson.
- 34.2 Any member who addressed the meeting on the matter under discussion may raise a point of personal explanation in order to clarify any misunderstanding or incorrect interpretation of their input.
- 34.3 Any point of order or personal explanation will not constitute a speech and will therefore not affect the right of any member to speak on a particular item, provided that the member will not be allowed to spend more than 1 (one) minutes on the point of order or personal explanation.

- 34.4 Any member contemplated in rule 33.1 and 33.2 shall be entitled to be heard and the member speaking at the time and all other members shall then remain silent until a ruling has been made by the Speaker or chairperson.
- 34.5 The ruling of the Speaker or chairperson on a point of order or on the admissibility of a point of personal explanation shall be final and shall not be open to discussion.
- 34.6 Any member persisting to raise a point of order or point of personal explanation after a ruling has been made by the Speaker or chairperson will be subject to the provision of rule 33.4 above.

### **35. Questions**

- 35.1 Any member may submit a question requiring a written reply from any political office bearer, the municipal manager or senior manager of the municipality, concerning any matter related to the effective performance of the functions of the municipality and the exercise of its powers, provided that a written notice of such a questions has been submitted to the Speaker or chairperson and the municipal manager at least 10 (ten) days prior to the council or committee meeting and the political office bearer and the municipal manager shall ensure that the member receive a written reply at the meeting.
- 35.2 If after the question has been replied to, a member is of the opinion that the reply is not clear or satisfactory, they may, with the permission of the Speaker or chairperson, request a follow up question in writing.
- 35.3 All questions duly given notice of and all responses submitted shall be recorded in the minutes of the meeting.
- 35.4 A member will only be allowed to raise/file/petition more than two (2) motions or two (2) questions or one question and one motion per meeting.
- 35.5 A member may not submit a question or motion with the same substance as a motion or question raised in the previous three months, with the Speaker or chairperson having sole discretion to make a ruling as per the substance of a motion or question.

### **36. Terms of reference of sub-committees**

Upon the appointment of any sub-committee of council, Council shall specifically determine the terms of reference of such sub-committee and shall fix the quorum of such sub-committee.

### **37. Council may increase or restrict powers**

Council may at any time extend, withdraw or modify the duties and powers of a committee or sub-committee appointed in terms of Section 79 of the Structures Act.

**38. Minutes of Executive Mayoral Committee, committees and sub-committees**

- 38.1 Every committee, including the Mayoral Committee, except when specifically exempted from this provision by a resolution of the council in view of the sensitivity, confidentiality or otherwise of the subject matter of a particular meeting and provided the final resolution or recommendation is duly recorded in writing, shall record minutes of its proceedings and cause the same to be duly kept by the Director Corporate Services.
- 38.2 At every ordinary meeting of a committee the unconfirmed minutes shall be taken as read, with a view to confirmation, provided that a copy of such minutes shall be attached to the agenda and sent to each member of the committee prior to the meeting.
- 38.3 No discussion shall be allowed upon the minutes, except as to their accuracy save at portfolio committees and even then at the sole discretion of the chairperson.

**39. Inspection of minutes**

- 39.1 The minutes of recent council meeting must be placed on the Municipality's website after approval for inspection.
- 39.2 Hard copies of minutes and historical minutes can be inspected but access must be applied for as per PAIA policy of the Municipality, and may attract an administration fee.

**40. Non-attendance of members of committees**

- 40.1 Should any member of Council or a committee of council fail to attend three or more consecutive Council meetings or meetings of the committee of which he or she is a member, without leave of absence having been granted as contemplated in rule 21 above, item 4 of the Code of Conduct (Schedule 1 of the Systems Act) shall apply.
- 40.2 Should any member of Council or a committee fail to attend a Council meeting or meeting of the committee of which he or she is a member, without leave of absence having been granted as contemplated in rule 21 above, then a fine of 10% of the monthly salary may be imposed.
- 40.3 A committee consisting of the Speaker, the single whip and two other party whips chosen on a rotational basis must investigate before a fine in terms of rule 39.2 is imposed and report to council on the transgression contemplated by rule 39.2 read with rule 21.

**41. Members of council attending committee meetings of which they are not members**

- 41.1 Members of the municipal council may attend the meeting of any committee that they are not a member of, but will in all instances be granted the status of an observer and will not be allowed to participate or vote at such meetings.

41.2 The provisions of rule 40.1 will not be applicable to the Municipal Public Accounts Committee (MPAC) and members of the Mayoral Committee may be requested to attend the MPAC meeting and the request for attendance will specify the matters that the member of the Mayoral Committee will be expected to address the MPAC on.

41.3 Any member of the Mayoral committee requested to attend the MPAC may request the municipal manager or a senior manager, with the permission of the Municipal Manager, to accompany them to an MPAC meeting but may not instruct such official to appear and address the MPAC on their behalf.

**42. Information to be obtained from municipal manager or the head of department concerned**

Subject to the provisions of rule 37 above, members of the council who desire to obtain from any official of the Municipality information with regard to the administrative work of the Municipality, which is not accessible to the general public, should address their enquiries firstly to the Municipal Manager in writing, and in the event of the Municipal Manager refusing such request, the member may submit a PAIA application.

**43. Information to the press or other media: In-committee discussions**

43.1 The Executive Mayor, or in his/her absence the Deputy Executive Mayor and the Municipal Manager or their delegated authority in their discretion may, on application being made to them by any registered newspaper, radio station, television service or internet publisher, supply to such media or its representative, information and reports relating to the work of the municipality.

43.2 In view of the Municipal Manager or the Executive Mayor being the authorised channel through which the media may receive information and reports, members of the council are therefore expected to refrain from sending to the media documents or information supplied to them with a view to their consideration by the council or any committee: Provided that this clause shall not be construed as abrogating a councillors individual constitutional right to make press statements which reflect their own personal or political view and not that of the council, further provided however, that no discussion that took place in-committee may be conveyed to the public or the press except by the Executive Mayor or Municipal Manager.

43.3 Chairpersons of committees must liaise with the Executive Mayor and Municipal Manager for the publication of any information relating to committee and the Municipal Manager shall arrange, if approved, the publication of the relevant information.

**44. Legal defence and indemnification of councillors and officers of the council**

The council (as per the delegations) may determine the circumstances in which it will undertake the defence of or pay the legal costs or the total costs and the

amount in respect of any legal proceedings, whether civil or criminal, a councillor or an official may have against any person, body, organisation or institution arising from the councillor's or official's capacity as a councillor or official of the Municipality.

#### **45. Speaker may refer matters for legal advice**

The Speaker shall be entitled, within the framework of the approved operational budget of the municipality and subject to the supply chain management policy, to refer any matter pertaining to the council and its proceedings, for legal opinion.

#### **46. Activities prohibited within the council chamber or a meeting venue and the use of the council chamber by other persons or institutions**

46.1 The decorum of the council chamber as the official seat of governance of the Municipality shall at all times be respected and adhered to by any person or institution using the facilities.

46.2 The following activities are strictly prohibited from being conducted within the confines of the council chamber or a meeting venue of the council or its committees by any person:

- Having a cellular telephone that is not on silent mode
- and speaking on a cellular phone during the meeting;
- Consuming any food or drink in his/her possession excluding water provided at the meeting or bottled water.

46.3 The use of the council chamber by any other person or institution, other than a recognised committee, body of or person in the employ of the Municipality shall be subject to the approval by the Speaker, and at all times subject to the availability thereof in terms of the council's calendar of use, and the purpose for which it is applied for. Applications for use shall be made in writing to the Speaker who shall confer with the Director Corporate Services in making the venue available in writing.

#### **47. Sanctions and offences**

Any person who wilfully contravenes any provision of these rules shall be guilty of an offence and shall be subject to the following sanctions imposed by the council:

47.1 Having a fine imposed by the council as determined by it from time to time for the categories of offences as approved by it by resolution from time to time;

47.2 Be suspended from the attendance of council or committee meetings as the council may determine for such a period as the council may by resolution determine from time to time for the categories of offences as determined by it.

**48. Dress code**

49.1 The Council may by resolution prescribe a dress code for councillors and traditional leaders attending meetings.

49.2 Notwithstanding the provisions of any resolution passed in accordance with rule 47.1, no councillor shall be allowed to wear any clothing or accessory containing partly political paraphernalia or any clothing that may offend a party or person, to any meeting.

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# APPENDIX 3





**MUNICIPAL NOTICE**

The ~~M~~municipal ~~C~~council ~~for of~~ Stellenbosch Municipality adopted the following bylaw at its meeting held on ..... ~~in terms of under~~ section 165 (2) of the Constitution of the Republic of South Africa (~~Act No. 108 of 1996~~), read with section 31 (2) of the Local Government: Municipal Structures Act, ~~117 of 1998~~, and hereby publishes the bylaws ~~in terms of under~~ section 13 (a) of the Local Government: Municipal Systems Act, ~~32 of 2000~~ to come into effect on the date of publication ~~hereof~~ ~~this Notice~~ in the ~~Provincial Gazette~~.

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**STELLENBOSCH MUNICIPALITY STANDING RULES AND ORDERS FOR THE MEETINGS OF THE COUNCIL AND ALL ITS COMMITTEES**

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## 1. Application of the rules

1.1 ~~The~~ rules of order contained ~~herein~~ this Notice apply to all meetings of the ~~Mmunicipal~~ Council and any committee of the ~~Mmunicipal~~ Council, as well as any other committee of councillors established within the ~~Mmunicipality~~, unless the terms of reference for a specific structure explicitly excludes the application of these rules for such structure.

~~1.2~~ The aim of the rules are ~~aimed at to~~ allowing free, open and constructive debate during

~~1.3~~ ~~1.2~~ ~~m~~Meetings; ~~The rules are encouraged and to~~ promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of the time allocated to meetings.

~~1.4~~ The rules ~~endeavour are meant~~ to create the opportunity for councillors serving in

~~1.5~~ ~~1.3~~ Council structures to air their views on any matter of public importance.

~~1.6~~ ~~1.4~~ The rules of order ~~are applicable~~ to:

~~1.6.1~~ ~~1.4.1~~ All councillors;

~~1.6.2~~ ~~1.4.2~~ allAny municipal officials of the ~~Mmunicipality~~;

~~1.6.3~~ ~~1.4.3~~ Any ~~all~~ members of the public ~~while~~ present in the Council chamber or precinct.

## 2. Definitions

In these rules, ~~the~~ following terms and phrases used in these rules shall have the meaning assigned to them hereunder:

"Code of Conduct" ~~shall means~~ the Code of Conduct for councillors as set out in Schedule 1 of the Systems Act;

"Committee" ~~shall means~~ any committee established in the ~~Mmunicipal~~ structure, including but not limited to committees established in terms of under sections 79 and 80 of the Structures Act, ~~but not limited to~~;

"Constitution" ~~shall means~~ the Constitution of the Republic of South Africa, 1996;

"Council" ~~shall means~~ the ~~Mmunicipal~~ Council ~~for of the~~ Stellenbosch Municipality;

"Councillor" ~~shall means~~ a member of the ~~Mmunicipal~~ Council;

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**“Day”** shall mean a day that is not a public holiday, Saturday or Sunday; and for the purposes of calculating a period of days, the first day will be excluded and the last day is included;

**“Executive Mayor”** shall mean the Executive Mayor of the Municipality as elected in Terms of under section 55 of the Structures Act;

**“In Committee”** shall mean the part of the meeting of the Municipal Council where during which the meeting will be closed and to members of the public and press, and to such municipal officials as determined by the Speaker, excluding the Municipal Manager, will be excluded from the meeting, based on because of the nature of the business being transacted;

**“Mayoral Committee”** means the committee appointed by the Executive Mayor in Terms of under section 60 of the Structures Act;

**“Member”** shall mean a councillor serving on the Municipal Council of the Municipality;

**“Motion”** shall mean a matter submitted by a member in accordance with clause rule 26 below;

**“Municipality”** shall mean the Stellenbosch Municipality;

**“Point of order”** shall mean a point raised by a councillor during the Council meeting and shall only that relates to a matter of procedure only, and as provided for in the rules of order;

**“Precinct”** shall mean the area defined by the chairperson of that meeting concerned;

**“Privilege”** shall mean the right of freedom of speech for councillors in Council and committee meetings, subject to the rules of order of any ruling of by the Speaker in terms thereof under such rules; as well as the right not to be held liable for civil or criminal proceedings for anything they said, produced or submitted to the Council or Committee or produced by such bodies;

**“Procedural motion”** shall mean a matter raised by a member at a meeting in terms of in accordance with section rule 26;

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~~“**R**eport” shall means~~ any item ~~appearing on~~ included in the agenda for consideration by the Council or a committee;

~~“**S**ergeant-at-arms” shall means~~ a person in the full-time employment of the ~~M~~municipality entrusted to assist the ~~s~~Speaker to maintain order during ~~C~~council meetings and assisted by such staff members as the ~~s~~Speaker may direct;

~~“**S**enior managers” shall means~~ the persons appointed by the ~~C~~council as the ~~M~~municipal ~~M~~anager ~~as well as~~ and all managers directly accountable to the ~~M~~municipal ~~M~~anager, as approved ~~in terms of under~~ ~~on~~ the official organisational structure of the ~~M~~municipality;

Sergeant-at-arms – a person in the full-time employment of the Municipality, who is charged to assist the speaker in maintaining order at Council meetings and who may be assisted by such staff members as the speaker may direct;

single whip – the person elected as the single whip of the Council;

~~“**S**peaker” shall means~~ the person as elected ~~in terms of under~~ section 36 of the Structures Act;

~~“**S**ingle **W**hip” shall means~~ the person elected as the ~~s~~Single ~~w~~Whip of the Council;

~~“**S**pecial **m**Meeting” shall means~~ any additional ~~C~~council meeting called by the ~~s~~Speaker ~~in terms of by his/her the~~ powers vested in the speaker;

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~~“**U**rgent ~~s~~Special meeting” shall means~~ a special meeting related to an urgent matters ~~in terms of rule 8.~~

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~~“**S**tructures Act” shall means~~ the Local Government: Municipal Structures Act, 117 of 1998;

~~“**S**ystems Act” shall means~~ the Local Government: Municipal Systems Act, 32 of 2000;

urgent special meeting – a special meeting related to an urgent matter under rule 8.

“Venue” shall mean – the place or location where a meeting is ~~being held~~, including any public gallery;

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“Whip” shall mean – a member of the Municipal Council, one whip appointed by each political

party represented on the Council, to perform the function referred to set out in rule 9.

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3. Meetings of the Council meetings open to the public

3.1 The Municipal Council ~~shall~~ must conduct its business in an open manner, and every meeting of the Council and all its committees, ~~shall~~ must be open to the public, provided that this ~~section rule shall will not~~ apply when ~~it an open meeting is would be~~ unreasonable ~~to do so~~ having regard to the nature of the business being transacted ~~in terms of under~~ section 20(1)(a) and (b) of the Systems Act.

3.2 The Council will ~~deal~~ convene "in ~~c~~Committee" when discussing any of the following matters:

3.2.1 a trade secret or confidential commercial information of any supplier of the ~~M~~municipality or any person rendering a service to the ~~M~~municipality;

3.2.2 personal and private information of any councillor or Municipal an employee ~~of the Mmunicipality~~;

~~3.2.3~~ the Municipality's intention ~~of the Mmunicipality~~ to purchase or acquire land or

~~3.2.3~~ bBuildings;

3.2.4 the price ~~that at the Mmunicipality~~ may offer for the purchase or acquisition of land or buildings;

~~3.2.5~~ any report address ~~regarding~~ legal proceedings that the ~~M~~municipality is

~~3.2.5~~ involved in, or that it is contemplating to instituting or defending;

3.2.6 disciplinary proceedings or proposed disciplinary proceedings against any Municipal employee;

3.2.7 any matter ~~that might may not be of which~~ disclosed in terms of is forbidden by legislation; and

3.2.8 ~~consideration of~~ the minutes of previous ~~in c~~Committee discussions.

3.3 A councillor may, when an agenda item ~~in the agenda is put to order~~, other than a matter referred to in 3.2 above, and provided ~~that it is not be~~ a matter that is required ~~in by~~ law to be dealt with ~~in at an open council meeting~~, is put to order, propose, (with motivation,) that the matter be ~~further~~ dealt with further ~~in c~~Committee. The ~~speaker's ruling of the~~ Speaker in this regard ~~will be is~~ final and no further discussion will be allowed.

4. Council meetings

The ~~C~~Council ~~shall~~ must hold an ordinary meeting for the transaction of business ~~not less than at least~~ once ~~in~~ every three months.

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5. **Special Council meetings**

5.1 The ~~s~~Speaker may, at any time and of his/her own accord, call a special ~~meeting of the Council meeting;~~ provided that no such special meeting shall ~~may~~ take place unless all councillors ~~awere have given received~~ notice of at least 48 hours' ~~notice prior before to~~ the date and time set for the meeting.

5.1

5.2 ~~The speaker and shall must,~~ upon ~~written~~ request ~~in writing~~ of a majority of the councillors ~~of the Municipality,~~ call a special ~~meeting of the Council~~ meeting; provided that no such special meeting shall ~~may~~ take place unless all councillors ~~awere given have received~~ notice of at least 48 hours' ~~notice prior to before~~ the date and time set for the meeting.

5.3 ~~In the event where that Should~~ the ~~s~~Speaker fails and/or refuses to call a special meeting when requested in accordance with 5.2 above, the Municipal Manager ~~of the Municipality~~ must call the special meeting ~~at for~~ the date set out in the ~~letterwritten~~ request, and at a venue and time determined by the Municipal Manager.

5.4 The ~~s~~Speaker may, at any time and of his/her own accord, call an urgent ~~meeting of the Council meeting;~~ provided that no such urgent meeting shall ~~may~~ take place unless all councillors ~~awere given have received~~ notice of at least 24 hours' ~~notice prior to before~~ the date and time set for the meeting.

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6. **Serviceeng of notices**

The Municipality must distribute a notice to each councillor to attend a meeting, specifying the business proposed to be transacted ~~thereat~~, and signed by the Speaker or the Municipal Manager as contemplated in rule 5 above, ~~shall be distributed~~ by electronic mail to ~~an~~the address provided by ~~the~~the councillor concerned at ~~an~~as their official email address ~~issued by the Municipality~~. The following time frames are to be followed:

6.1 ~~6.1a~~At least 72 hours before any ordinary meeting of the Council meeting; or

6.2 ~~6.2a~~at least 48 hours before any special meeting;

~~f~~Furthermore,

6.3 ~~6.3a~~or 24 hours before any urgent special Council meeting of the Council, a notice to attend the meeting, specifying the business proposed to be transacted ~~thereat~~ and signed by the ~~s~~Speaker or the Municipal Manager, as contemplated in rule 5 above, ~~shall must be~~ distributed ~~sent~~ by electronic mail to ~~an~~the address provided by ~~the~~each councillor as ~~his/her~~ their official ~~address /e~~-mail address.

Further,

6.4 ~~6.4a~~When a matter ~~must be considered~~ related to a by-law ~~must be considered~~, notice of the item must be given at least ~~seven~~7 (seven7) days before the matter ~~must is to~~ be considered.

6.5 ~~6.5a~~Hard copies will ~~only~~ be made available ~~only upon~~ request and ~~on~~with the approval ~~by of~~ the ~~s~~Speaker ~~on under~~ exceptional circumstances, ~~d~~ Councillors who make such requests ~~must pay and the printing thereof may be~~ must be on ~~payedment for the printing by the councillor costs~~ and must be collected by the ~~e~~Councillor ~~document~~ personally ~~himself/herself~~.

7. **Non-serviceeng of notices**

Accidental omission to serve on any councillor a notice of a meeting ~~shall will~~ does not invalidate the proceedings of that meeting.

8. **Urgent matters**

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8.1 No business shall may be transacted at a meeting of the Council or any Council committee other than that specified in the relevant agenda relating thereto, except any matters which that the relevant chairperson concerned may considers urgent and when only after the said chairperson has ruled the matter to be urgent.

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8.1

8.2 The Municipal Manager may raise matters which for decision by the Council that, in his / her the Manager's discretion, are urgent, for decision by the council. A matter will be deemed urgent when if the required decision required, if delayed, would prejudice the Council, and / or its operations or both should it be delayed.

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8.3 The sSpeaker or chairperson of at thea meeting will must determine an appropriate time when the Municipal Manager may raise urgent matters, and as well as the time available for discussing en thereof them; p Provided that the sSpeaker may rule that the matter is not urgent as defined in 8.2 above.

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9. Conduct at meetings

The sSpeaker or the chairperson of at thea meeting shall must:

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9.1 9.1M maintain order during meetings the proceedings;

9.2 9.2e Ensure compliance with that the Code of Conduct for Councillors be adhered to during the meetings;

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9.3 9.3e Ensure that the meetings ar be conducted in accordance with these rules;

9.4 9.4e Ensure that members conduct themselves in a dignified and orderly manner during the meetings;

9.5 9.5e Ensure that members of the public attending meetings ar be seated in

9.5 a Areas designated for that purpose;

9.6 9.6e Ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the sSpeaker or chairperson of at the meeting;

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9.7 ~~9.7e~~ Ensure that any councillor or member of the public refusing to comply with the ruling of the ~~s~~Speaker or chairperson leaves the meeting; ~~and~~

9.8 ~~9.8E~~ Ensure that the ~~w~~Whip of each political party represented in the ~~M~~municipal ~~C~~council, as well as the ~~s~~Single ~~w~~Whip of Council, maintains discipline during ~~any the~~ meeting.

10. Interpretation of ~~the~~ rules

10.1 The ruling of the ~~s~~Speaker or the chairperson ~~of at~~ a meeting ~~with~~ regarding ~~to~~ the application and interpretation of the rules, as well as other procedural matters not dealt with in these ~~se~~ rules, ~~shall will be is~~ final and binding; ~~;~~ provided that the ~~s~~Speaker ~~or~~ / chairperson may be required to ~~provide furnish~~ reasons for a ruling.

10.2 Any ruling made by the ~~s~~Speaker or chairperson must be ~~made done~~ ~~having with~~ due regard ~~to for~~ the provisions of the Constitution, national and provincial legislation, ~~and~~ municipal ~~b~~By-laws and policies, ~~(including these rules)~~, the rule of law and the rules of natural justice.

11. Quorum and acts of ~~C~~council

11.1 A majority of the councillors must be present at a ~~meeting of the~~ ~~C~~council ~~meeting~~ before any matter may be considered ~~and / or~~ put to the ~~voted on~~.

11.2 ~~In the event of~~ ~~Should there be~~ no quorum for a meeting, the meeting ~~must must~~ be suspended for no more than 20 minutes, ~~and if~~ at the end of the ~~said stated period time~~, there is still no quorum, the ~~s~~Speaker or chairperson may suspend the meeting for ~~such~~ a period ~~that~~ they deems fit and thereafter adjourn the meeting to ~~reconvene on~~ another date, ~~and at another~~ time and/or venue.

12. Decisions and ~~v~~voting

12.1 Subject to 12.3 below, all matters ~~will must~~ be decided by a majority of councillors present at the meeting.

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12.2 Before a formal vote is taken on any matter before the Council, the ~~s~~Speaker ~~shall~~must indicate that voting ~~will now is due to~~ take place, ~~and whereafter~~ no member or other person ~~shall~~may be allowed to enter or leave the ~~chamber~~venue.

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12.3 Any matter referred to in section 160(2) of the Constitution ~~shall is to be~~ decided ~~on~~ by a majority of the councillors ~~in the~~ Municipal Council.

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12.4 ~~If Should on any question~~ there ~~is be~~ an equality of votes ~~on any matter~~, the ~~s~~Speaker or chairperson may exercise a casting vote in addition to that particular councillor's deliberative vote; ~~provided that the casting of~~ such vote ~~shall falls~~ within the ambit of the powers duly delegated to the relevant committee, ~~and p: Provided that~~ ~~for these~~ matters listed in section 160(2) of the Constitution ~~there~~ ~~will be is~~ no provision for a casting vote.

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12.5 ~~If Should~~ the ~~s~~Speaker or chairperson asks the meeting ~~if whether~~ it is in agreement with the recommendations ~~before them~~, and ~~should if it is they are not opposed by any no~~ member present ~~raise an objection, the such~~ recommendations are adopted without ~~being put to the vote~~ ~~formally vote having to take place~~.

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12.6 In the event of there being opposition to a recommendation, the ~~proposal to be decided upon sion will is be taken done~~ by means of voting, ~~either by show of hands or, if requested and if approved by the~~ ~~s~~Speaker, by way of secret ballot.

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12.7 The ~~s~~Single ~~w~~Whip ~~shall~~counts the votes and declares ~~to the chairperson~~ the result of the decisions ~~to the chair~~.

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12.8 In the event of a secret ballot, the ~~M~~municipal ~~M~~anager ~~shall~~must hand ~~to~~ each councillor a ballot paper bearing the official mark or logo of the ~~M~~municipal ~~C~~ouncil, and ~~clearly having depicting~~ the ~~alternates options~~ to be voted for ~~clearly depicted thereon~~.

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~~12.8~~  
12.9 The Municipal Manager ~~shall~~must collect all ~~the~~ ballot papers and count ~~same them~~ in the presence of a representative ~~from of~~ each party represented on the ~~C~~ouncil or committee and present at such meeting.

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~~12.9~~ Upon receiving the results, ~~t~~  
12.10 The ~~s~~Speaker or chairperson ~~shall~~thereupon declares the motion carried or lost, ~~and which it shall~~must be ~~entered recorded upon in~~ the minutes.

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~~12.10~~

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~~12.11~~ -The number of ~~members~~ ~~voting cast must~~ be recorded, ~~along with~~ and the general result ~~of the vote~~. The outcome of the voting will be announced by the ~~s~~Speaker.

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~~12.11~~

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~~12.12~~ A ~~m~~Members may abstain from voting without leaving the chamber.

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~~12.13~~ A ~~m~~Members may request that ~~their his/her their~~ support/~~dissent/~~ abstention be recorded in the minutes ~~of the meeting~~.

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~~13.~~ ~~13.~~ Disclosure of ~~i~~Interest and ~~r~~Removals

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A councillor or ~~a~~other member of a meeting: ~~shall~~

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~~13.4.13.1~~ ~~M~~must disclose to the meeting, any direct personal or private business interest that ~~the councillor/member of a meeting~~ ~~they themselves~~, or their spouse, partner or business associate ~~or close family member of that councillor/member of a meeting~~, may have in any matter before the ~~C~~ouncil or the committee;

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~~13.2.13.2~~ ~~M~~must ~~w~~Withdraw from the proceedings ~~of the meeting~~ until the matter has ~~reached been its conclusion~~; unless the meeting decides, by resolution, that the ~~councillor's person's~~ direct or indirect interest in the matter is trivial or irrelevant;

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~~13.3~~ A ~~councillor or other member of a committee~~ ~~w~~who, or whose spouse, partner or business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the ~~M~~municipality, must disclose full particulars of the benefit of which the ~~councillor person~~ is aware at the first meeting at which it is possible for ~~the member them~~ to make ~~a~~such disclosure.

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~~13.3.~~ Regarding the above, this provision -

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~~13.4.13.4~~ ~~This provision~~ does not apply to an interest or benefit ~~which~~ that a councillor ~~or other member~~, or ~~a~~their spouse, partner or business associate or close family member, ~~s~~, has or ~~has~~ acquired in common with other residents and ratepayers of the ~~M~~municipal ~~area~~ity.

Further.

13.5 ~~When a councillor or other member of a committee or a member of the public has been asked to leave a Council meeting, they, a councillor or other member of a committee or member of the public will not be allowed to return to the meeting, including or the any in a committee section session of at that Council meeting. This includes any adjournment of the Council meeting where the speaker and chair concerned have requested the a member or committee member or member of the public was requested to leave the meeting and precinct by the Speaker and chairperson of the meeting.~~

13.5-

14. ~~14.~~ **Walkout**

~~If~~ **Should** a councillor or group of councillors leaves any meeting in protest, and the remaining ~~der of the~~ councillors constitute a quorum, the business of the meeting shall proceed ~~s as usual.~~

15. ~~15.~~ **Count out**

~~If~~ **Should**, during any sitting of the Council or any Council committee, the attention of the ~~s~~ Speaker or chairperson ~~is~~ be called to the number of members present, he/she shall **must** count them, and, ~~if should it is~~ be found that ~~there is not a~~ quorum ~~is~~ present, the matter shall **must** be dealt with in accordance with rule 11 above.

16. ~~16.~~ **Adjourned meetings**

~~The~~ Council or a Council committee may adjourn a meeting to any date or hour, but ~~may not proceed to transact any~~ business shall ~~may be transacted~~ at any such adjourned meeting, except such as was set out in the notice for the meeting ~~that, which~~ has so been adjourned.

17. ~~17.~~ **Notice of adjourned meetings**

When a meeting is adjourned, notice of the adjourned meeting shall ~~must~~ be sent ~~out~~ to each ~~member of the~~ Council or committee member, specifying the time, date and place of ~~such the~~ adjourned meeting; ~~;~~ except under the circumstances contemplated in 34 below.

18. ~~18.~~ **Chairperson of at meetings**

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~~18.1~~ ~~18.1~~ At every meeting of the ~~C~~council, ~~t~~he ~~s~~Speaker, ~~—~~ or, ~~if~~ ~~he~~/~~she~~ in the speaker's absence, ~~is not present, an the a~~Acting ~~s~~Speaker, ~~—~~ ~~will be the~~ serves as chair at all Council meetings~~person~~. An acting ~~s~~Speaker may be elected by the majority of councillors present at any ~~meeting of the C~~council ~~meeting~~ where the ~~s~~Speaker is not present.

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~~18.2~~ ~~18.2~~ The Executive Mayor ~~shall~~chairs meetings of the Mayoral Committee and, ~~if not present in the Executive Mayor's absence,~~ the Deputy Executive Mayor; ~~erand, if should~~ the Deputy Executive Mayor ~~is~~ also ~~not be un~~available, any other councillor appointed by a majority ~~of members of the M~~ayoral ~~C~~ommittee ~~members~~ in attendance.

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~~18.3~~ ~~18.3~~ The ~~chairperson appointed by the~~ Executive Mayor ~~shall~~ ~~will~~ must appoint a chair to serve at meetings of the portfolio committees (section 80 ~~of the Structures Act~~).

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~~18.4~~ ~~18.4~~ The person so appointed by ~~the C~~council, ~~must~~ ~~shall~~ chair the ~~meetings of Council~~ committees ~~of C~~council meetings; ~~;~~ ~~p~~ Provided that, where no such person was nominated, the members present may elect their own chair~~person~~.

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~~19.~~ ~~19.~~ **Agenda**

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~~19.1~~ Subject to 19.2 and 19.3 below, all meetings must be conducted in accordance with the order in which matters appear on the ~~relevant agenda~~, and only matters ~~which that appear included in~~ the agenda may be debated.

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~~19.1~~ ~~19.2~~ The ~~s~~Speaker or chair~~person~~ may, after considering a duly motivated request, change the order of ~~agenda items~~ matters ~~appearing on the agenda~~.

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~~19.2~~ ~~19.3~~ The ~~s~~Speaker or chair~~person~~ may, after considering a duly motivated request, direct that a matter be moved between the "in-committee" and open-~~meeting parts~~ sections of the agenda.

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~~20.~~ ~~20.~~ **Business at C**ouncil meetings

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The order of business of an ordinary ~~meeting of the C~~council, ~~meeting~~ is as follows:

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## Council

1. Opening and welcome
2. Mayoral address
3. Communications by the sSpeaker
4. Communications by the Municipal Manager
5. Disclosure of interests
6. Applications for leave of absence
7. Confirmation-Approval of the minutes of the previous meeting
8. Statutory matters
9. Report by the Municipal Manager on outstanding resolutions
10. Items for noting:
  - 10.1 Report (/s) by the Executive Mayor
  - 10.2 Report (/s) by the sSpeaker
  - 10.3 Report (/s) by the Municipal Manager
11. Items for consideration from the Executive Mayor /or Mayoral Committee:
  - 11.1 Community and Protection Services
  - 11.2 Corporate Services
  - 11.3 Financial Services
  - 11.4 Human Settlements
  - 11.5 Infrastructure Services
  - 11.6 Planning and Economic Development Services
  - 11.7 Rural Management and Tourism
  - 11.8 Youth, Sports and Culture
  - 11.9 Executive Mayor

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12. Consideration of items, reports, communications, petitions and applications submitted via the Office of the Municipal Manager

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13. Municipal Public Accounts Committee (MPAC)

14. Reports by the Municipal Manager

15. Consideration of notices of questions and notices of motions received by the sSpeaker

16. Consideration of urgent motions

17. Urgent matters submitted by the Municipal Manager

18. Reports by the sSpeaker

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19. Matters to be considered in committee

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21. Leave of absence and attendance

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21.1 ~~All councillors must punctually attend and remain in attendance for the full duration of the of each Council meeting of Council or one of its committee of Council, unless leave of absence has been granted, or a matter is serves before the Council meeting in which that a cCouncillor or committee member or their his/her their spouse, partner or business associate or close family member, has any direct or indirect personal or private business interest and such cCouncillor or committee member is required to withdraw in terms of under item 3(b) of the Code of Conduct.~~

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21.2 Applications for leave of absence from any Council or committee meeting must be submitted to the sSingle whip for approval by the sSpeaker or the relevant chairperson of that committee. The application must be in writing and signed by the member applying for leave.

For any meeting other than an urgent special meeting,

21.3 All applications for leave must be submitted at least 12 hours before the starting time of the meeting ~~for any meeting other than an urgent special meeting.~~ In ~~the latter instance~~ case of an urgent special meeting, the sSingle whip must receive the application an hour before an

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~~application~~the meeting. In the case of extenuating circumstances, an application must be submitted as soon as is reasonably possible.

2.1.321.4 The ~~s~~Speaker or chair~~person~~ may grant leave at ~~his or her~~their sole discretion, and the ~~s~~Speaker or chair~~person~~ is at liberty to reject ~~such an~~ application for leave of absence, except when ~~the such~~ request ~~for leave~~ is accompanied by a medical certificate prescribing a member's ~~being~~ absence~~ee~~. A medical certificate that is not attached ~~to a~~ request for absence must be submitted within three (3) working days ~~after the meeting~~ and must be dated at least on the date of the meeting.

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**21.422. Minutes to be kept and confirmation approved thereof**

**21.522.1** Minutes of the proceedings of every meeting of the Council and its committees, shall must be recorded electronically or otherwise recorded and be kept for that purpose by the Director: Corporate Services. The Municipal Manager shall be is responsible for the correctness accuracy of the same minutes, and every set of the minutes of every meeting shall must be confirmed approved at the next ordinary meeting.

**21.622.2** Minutes of the proceedings of every meeting of the Council or a committee meeting of Council shall must be recorded, typed and printed, and shall if confirmed once approved, must be signed by the chair at the next ensuing ordinary meeting by the chairperson. Minutes shall must be bound and kept secure.

**21.722.3** The Municipal Manager must ensure that the minutes reflect the names of the members that who attended the meeting, those that who were absent and those that who had been granted leave of absence.

**22.23. No discussion on minutes under at confirmation approval of minutes stage**

No Any motion or discussion shall will be allowed upon during the confirmation approval of the minutes, except is limited as to its accuracy.

**23.24. Motions**

**23.124.1** No matter shall may be brought before a meeting by any member thereto except upon a notice of motion, which shall must be submitted in writing on a form prescribed for such purpose and signed by the member giving the notice as well as a member seconding it.

**23.224.2** Any All notices of motion shall must be submitted to the Speaker or chairperson, ten (10) days prior to before the meeting of the Council concerned.

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~~23.324.3~~ All notices of motion ~~shall~~~~must~~ be dated and numbered as received by the Municipal Manager, and ~~shall~~~~are~~ entered on the agenda paper in the order in which ~~it was they were~~~~have been~~ received, save and except that notices of amendment to motions ~~shall~~~~must~~ be entered immediately after ~~such the~~ notice of motion ~~that they relate to~~, irrespective of the time at which the notice ~~was has been~~ ~~shall have been~~ received.

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~~23.424.4~~ Subject to rule 37, no member ~~shall~~~~may have enter~~ more than two notices of motion on the same agenda.

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~~23.524.5~~ Before any notice of motion ~~is~~~~may be~~ placed on the agenda, it ~~shall~~~~must~~ be submitted to the Municipal Manager, who must obtain the written technical input from the various heads of department of the Municipality, if ~~it is so~~ required, and, who, ~~if should he/she the Manager~~ be of the opinion that ~~it the motion is~~ ~~would be~~ *ultra vires* existing legislation, ~~shall~~ ~~will cause~~ must ensure that the member concerned ~~giver of the notice to~~ be so informed. The ~~giver of the notice giver does~~, ~~shall however, will~~ have the right to appeal to a committee comprising ~~of the~~ ~~SS~~peaker, Executive Mayor and ~~SS~~ingle ~~WW~~hip of the Council, who ~~shall~~~~will~~ review the matter on the papers alone and decide whether or not such notice of motion should be ~~placed on included in~~ the agenda.

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~~23.6~~ ~~24.5.1~~ A motion ~~shall~~~~lapses~~ if the member who submitted ~~the motion it~~ is ~~not present~~ ~~absent~~ at the meeting where the motion is to be debated. ~~Such a The~~ motion ~~concerned~~ must be resubmitted.

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~~23.7~~ ~~24.5.2~~ ~~AThe~~ member ~~who~~ ~~submitting~~ a motion ~~shall~~~~must~~ introduce ~~such a motion it at the meeting~~ and ~~shall~~~~hasve~~ the right ~~of to~~ ~~deliver a reply thereto~~.

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~~23.8~~ ~~24.5.3~~ ~~When No a member introduces a~~ motion ~~will be considered~~ ~~which that is~~ ~~intends~~ed to rescind or amend a resolution passed by the ~~C~~ouncil in the preceding three months, or ~~which that~~ has the same purport as a motion that was ~~not supported~~ ~~rejected~~ ~~with~~in the three preceding months, ~~such motion will~~ ~~shall not be entertained~~.

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~~23.921.1~~ When ~~dealing with motions, the a~~ motion is introduced, it ~~must~~~~shall~~ be read out together with the number ~~thereof allocated to it~~ and the name of the mover.







~~25.126.1~~ During the ~~at a~~ sitting of the ~~C~~ouncil or a committee ~~must~~ have their heads uncovered; ~~members, except for members in traditional, cultural or religious headdress, shall must have their heads uncovered.~~

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~~25.226.2~~ When speaking, ~~c~~ouncillors ~~shall must be remain~~ seated while speaking, but at all times, addressing the ~~s~~Speaker or chair at all times ~~person.~~

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~~25.326.3~~ Whenever the ~~s~~Speaker or chair ~~person~~ speaks, any member ~~then~~ speaking or offering to speak at that moment must be silent in order for the ~~s~~Speaker to be audible and speak without interruption.

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~~25.427.~~ **Relevance**

~~A m~~Members who speaks ~~shall must~~ confine ~~their his/her their~~ speech strictly to the motion or matter under discussion or to an explanation or a question of order.

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~~26-28.~~ **Members's right to speak**

Unless otherwise provided for in these rules, no member ~~shall may~~ speak more than once on any recommendation or ~~an~~ amendment to ~~a~~ recommendations(s), motion, or proposal; provided that the Executive Mayor or a member may reply in conclusion of a debate ~~→ even then but shall must~~ confine their ~~answering comments~~ to previous speakers, and ~~shall may not without~~ introducing a new matter into the debate.

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~~27-29.~~ **Mayoral address:**

~~29.1~~ ~~29.1~~ After the ~~speaker has opened the~~ meeting ~~is opened by the~~ ~~s~~Speaker, but before any matters on the agenda are dealt with, the Executive Mayor may address the meeting on any matter, whether it ~~is~~ be on the agenda or not, which he/~~s~~ She deems appropriate. ~~During the Mayoral address, n~~No points of order or debate ~~shall are~~ allowed during the Mayoral address.

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~~29.2~~ ~~29.2~~ At the conclusion of the ~~M m~~Mayoral address, the ~~s~~Speaker may allow ~~not more than a~~ maximum of ~~10 ten (10ten)~~ minutes for questions and answers arising from ~~the Mayoral such~~ address. The ~~s~~Speaker must ensure that the ~~allowable time available is be~~ allocated proportionally to the political parties, and as agreed ~~to~~ at the ~~w~~Whips' meeting.

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~~The Executive Mayor may reply to a~~

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~~29.3~~ ~~29.3~~ — Any questions envisaged in rule ~~32.2~~ above, ~~may be replied to by the Executive Mayor~~ or, if so directed by the Executive Mayor, by any other member of the Mayoral Committee.

~~28-30.~~ **Debate management**

~~30.1~~ ~~30.1~~ — ~~The speaker determines the time allocated to each political party will be determined by the sSpeaker.~~

~~30.2~~ ~~30.2~~ — At least 24 hours before the meeting, the whip of each political party represented ~~in~~ the ~~Mmunicipal Councility~~ ~~will must~~ provide the ~~sSpeaker~~ or chair~~person~~ with a list indicating which ~~agenda items on the agenda~~ are to be debated.

~~30.3~~ ~~30.3~~ — At least 12 hours before the meeting, the whip of each political party represented ~~in~~ the ~~Mmunicipal Councility~~ ~~will must~~ provide the ~~sSpeaker~~ or chair~~person~~ with a list indicating which members will speak on which ~~agenda item~~ ~~included in the agenda~~.

~~30.4~~ ~~30.4~~ — The ~~sSpeaker~~ ~~will~~ determines, the ~~time allocated~~ ~~edion of time~~ per item, and informs, the whips of the speaking time allowed ~~to~~ each member included in the list, based on the principle in ~~30.1~~ above.

~~30.5~~ ~~30.5~~ — Each political party or interest group represented ~~in~~ the ~~Mmunicipal Councility~~ has the right to speak on each ~~agenda item on the agenda~~.

~~29-31.~~ **Length of speeches**

~~31.1~~ ~~31.1~~ — No speech ~~shall may exceed be longer than~~ three (3) minutes ~~in length~~ without the ~~speaker's consent of the sSpeaker~~. This ~~period allotted time~~ ~~shall~~ excludes consecutive translation time required.

~~31.2~~ ~~31.2~~ — The ~~sSpeaker~~ or the chair~~person~~ ~~shall~~ will be entitled ~~to~~, at any time, to set, limit or extend reasonable time limits for ~~the~~ discussion ~~of~~ and/or ~~any~~ decision-making ~~or regarding~~ any item or group of items on the relevant agenda.

~~32.~~ ~~32.~~ **Disorderly conduct ~~ef~~ by councillors, and the chair's duty of the chairfunctionperson**

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32.1 ~~32.1~~ — If ~~Should members~~ at any meeting ~~a member~~ conducts ~~him/herself themselves, themselves in an~~ improper ~~ly~~ fashion, behaves in ~~an~~ unseemly manner or persistently obstructs business to be ~~carried out transacted~~ at ~~that~~ a meeting, challenges ~~the~~ ruling ~~of~~ by the ~~s~~Speaker or chairperson or declines to withdraw an expression when required to do so by the ~~s~~Speaker or the chairperson, indulges in tedious repetition or unbecoming language, or commits any breach of these rules, the ~~s~~Speaker or chairperson ~~shall may~~ rule that those members ~~is to be~~ out of order and ~~may~~ direct ~~such member them~~ to conduct themselves properly and, if ~~they have been~~ speaking, to cease such speech immediately.

32.2 ~~32.2~~ — In the event of ~~Should members~~ persistently disregard of the directions ~~of by~~ the ~~s~~Speaker or chairperson, the ~~s~~Speaker or chairperson ~~latter shall may find declare~~ those members ~~to be~~ out of order and direct ~~such member them~~ to retire from the venue ~~where the meeting is being held~~ for the remainder of ~~the that~~ meeting, and ~~shall~~, if necessary, ~~will may~~ cause ~~him/herself them, themselves~~ to be ejected ~~there~~ from ~~the venue~~. The ~~s~~Speaker or chairperson ~~shall will~~ launch an investigation ~~in terms of under~~ the Code of Conduct ~~in~~ regarding ~~to the~~ such behaviour.

32.3 ~~32.3~~ — Unless otherwise ruled, ~~such a~~ members ~~will be are~~ excluded ~~from for~~ the ~~whole full~~ duration of the meeting ~~concerned~~, including the “in-committee” section of the meeting and any adjournment of that meeting.

32.4 ~~32.4~~ — Where ~~Should a member or~~ members refuse(s) to retire from the venue, the ~~s~~Speaker or chairperson ~~shall may~~ request the ~~Ss~~Sergeant-at-Arms to facilitate the removal of such member(s) ~~from the venue~~.

32.5 ~~32.5~~ — If this cannot be done ~~in an~~ orderly manner, the ~~s~~Speaker or chairperson ~~of at~~ the meeting may adjourn proceedings, ~~for a period not exceeding no longer than~~ 15 minutes, ~~in order to allow~~ for the relevant member(s) to retire or ~~to be~~ ejected from the venue ~~of the meeting~~. If, ~~at the resumption of proceedings~~, the member(s) have not left ~~or /~~ been ejected ~~by the time that the meeting is to be resumed, the meeting it~~ may be adjourned for another 10 minutes to ~~address resolve~~ the situation.

— After a second adjournment,

32.6 ~~32.6~~ — The ~~s~~Speaker or chairperson may rule that, ~~after the second adjournment~~, the meeting will re-convene at another venue and time, and ~~that~~ any member(s) ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The ~~Council's~~

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~~SsSeargeant-at-a-Arms of the Ceouncil will must~~ ensure that such member(/s) do(/es) not, indeed, enter ~~such thean~~ alternative venue.

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**33. ~~33.~~ Obstruction by persons other than councillors**

Any person,~~s~~ other than ~~a~~ members,~~s~~ who misconducts themselves, behaves ~~in an~~ unseemly ~~manner~~ or interrupts the proceedings of the ~~C~~ouncil or any ~~Council~~ committee at any meeting ~~shall~~**must**, ~~if-should~~ the ~~s~~peaker or chair~~person~~ so directs, leave the venue or be removed from ~~the venue where the meeting is being held~~it. ~~If-Should the such~~ persons refuses to leave, the ~~SsSeargeant-at-arms~~ will ~~be-is~~ responsible ~~to-for~~ removing ~~such person them~~ from the venue. The ~~s~~peaker or the chair~~person~~ may exclude such persons from further admittance to the venue or the meeting for ~~such a~~ period as the ~~s~~peaker or chair~~person~~ may deem fit.



**34. 34. — Points of order and personal explanations**

**34.1 34.1** — Any All members, regardless of whether he/she they have addressed the Council on the matter under debate or not, may raise on a point of order at any time and must~~teh~~ specify the rule upon which they he/she they raise its only after having being acknowledged by the sSpeaker or cChairperson.

**34.2 34.2** — Allny members who have addressed thea meeting on the matter under discussion may raise a point of personal explanation in order to clarify any misunderstanding or incorrect interpretation of their input.

**34.3 34.3** — Any No point of order or personal explanation will not constitutes a speech and, will therefore, will not affect the right of any members' right to speak on a particular item; provided that they member will not must be allowed limited to spend more than one4 (1one) minutes speaking on the point of order or personal explanation.

**34.4 34.4** — Any members contemplated in rule 334.1 and 343.2 shallbe entitled to must be heard, and the member speaking at the time and as well as all other members shall then must remain silent until the speaker or chaira has ruleding has been made by on the matter, the sSpeaker or chairperson.

**34.5 34.5** — The ruling of by the sSpeaker or chairperson on a point of order or on the admissibility of a point of personal explanation shall be is final and shall will not be open to discussion.

**34.6 34.6** — Any mMembers who persisting to in raising a point of order or point of personal explanation after the speaker of chair has made a ruling has been made by the sSpeaker or chairperson will be are subject to the provision of rule 323.4 above.

**35. 35. — Questions**

**35.1 35.1** — Anyll members may submit a question requiring a written reply from any political office bearer, the Mmunicipal Mmanager or sSenior mManager of the Mmunicipality, concerning any matter related to the Municipality's effectively performingance of the its functions of the Mmunicipality and to its~~the~~ exercisinge of its powers; provided that a written notice of such a questions has must been submitted to the sSpeaker or chairperson and the Mmunicipal Mmanager at least ten

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~~(10) (ten)~~ days ~~prior to before~~ the Council or committee meeting, and the political office bearer and the Municipal Manager ~~shall must~~ ensure that the members ~~concerned~~ receives a written reply at the meeting.

35.2 ~~35.2~~ — If, after the questions ~~hasve~~ been replied to, a members ~~is should consider of the opinion that thea~~ reply ~~is to be not unclear~~ or satisfactory, ~~they he/she they may, with the permission of the sSpeaker or chairperson,~~ request a follow-up question in writing ~~with the permission of the speaker or chair.~~

35.3 ~~35.3~~ — All questions duly given notice of and all responses submitted ~~shall must~~ be recorded in the minutes ~~of the meeting.~~

35.4 ~~Each m35.4~~ — A member ~~will only be allowed to may~~ raise/file/petition ~~only more than~~ two (2) motions or two (2) questions, or one (1) question and one (1) motion, per meeting.

35.5 ~~35.5~~ — A mMembers may not submit a question or motion ~~with the same that is substantially the sameee~~ as a motion or question raised in the previous three months; ~~with the sSpeaker or chairperson hasyng~~ sole discretion to make a ruling ~~as per regarding~~ the substance of a motion or question.

**36. ~~36.~~ — Terms of reference of sub-committees**

Upon the appointment of any sub-committee of Council, ~~the~~ Council ~~shall must~~ specifically ~~determine~~ the terms of reference of such sub-committee and ~~shall must fix determine~~ the ~~number of member required for a~~ quorum ~~of such sub-committee.~~

**37. ~~37.~~ — Council may increase Extension or restriction of powers by the Council**

The Council may at any time extend, withdraw or modify the duties and powers of a committee or sub-committee appointed ~~in terms of under s~~Section 79 of the Structures Act.

**38. ~~38.~~ — Minutes of eExecutive committee, Mayoral Committee, and Council committees and sub-committees**

38.1 ~~38.1~~ — Every committee ~~must keep minutes of its proceedings and~~ cause the same to be duly stored by the Director: Corporate Services.

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~~including This provision applies to the Mayoral Committee, too, except when it is specifically exempted from this provision duty by a resolution of by the Council in view of the sensitivity, confidentiality or other naturewise of the subject matter of a particular meeting; and provided that the final resolution or recommendation is be duly recorded in writing, shall record minutes of its proceedings and cause the same to be duly kept by the Director, Corporate Services.~~

~~38.2 38.2~~—At every ordinary meeting of a committee, the ~~unconfirmed minutes of the previous meeting shall will~~ be taken as read, with a view to ~~confirmation approving it;~~ provided that a copy of such minutes ~~shall be is be~~ attached to the agenda and ~~have been~~ sent to each member of the committee ~~prior to the meeting beforehand.~~

~~38.3 38.3~~—No discussion ~~shall will~~ be allowed ~~upon regarding~~ the minutes, except as to ~~their its~~ accuracy, save at portfolio committee ~~meetings~~ — and even then at the sole discretion of the chair ~~person.~~

~~39. 39.~~ **Inspection of minutes**

~~39.1 39.1~~—The minutes of recent ~~Council~~ meetings, must be ~~placed posted~~ on the Municipality's website ~~after approval~~ for ~~inspection perusal.~~

~~39.2 39.2~~—Hard copies of minutes and historical minutes ~~can may~~ be inspected, but access must be applied for as per ~~the Municipality's policy regarding PAIA (Promotion of Access to Information Act 2 of 2000), policy of the Municipality,~~ and may attract an administration fee.

~~40. 40.~~ **Non-attendance of by members of committee members**

~~40.1 40.1~~—Should any member of ~~the~~ Council or a committee of ~~Council~~ fail to attend three or more consecutive ~~Council~~ meetings ~~or meetings of the committee of which he or she is a member relevant body,~~ without leave of absence having been granted as contemplated in rule 21 above, item 4 of the Code of Conduct (Schedule 1 ~~of to~~ the Systems Act) ~~shall will~~ applies.

~~40.2 40.2~~—Should any ~~M~~members, of Council or a committee ~~who~~ fail to attend a ~~Council~~ meeting ~~or meeting of the committee relevant body of which he or she is a member,~~ without leave of absence having been granted as contemplated in rule 21 above, ~~may incur then~~ a fine of 10% of ~~the his/her their~~ monthly salary ~~may be imposed.~~

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~~40.3~~ ~~401.3~~—A committee consisting of the ~~s~~Speaker, the single whip and two other party whips chosen on a rotational basis must investigate before a fine ~~is imposed in terms of under rule 3940.2, is imposed~~ and report to ~~C~~council on the transgression contemplated by rule ~~3940.2~~ read with rule 21.

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**Council**

~~41.~~ ~~412.~~ **Members of Council attending committee meetings of committees of which they are not members**

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~~41.1~~ ~~412.1~~—Members of the ~~M~~municipal ~~C~~council may attend the meeting of any committee ~~that of which they are not a member of, but will in all such instances, the Council members be are granted the observer status of an observer~~ and ~~thus will may not be allowed to~~ participate or vote at such meetings.

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~~41.2~~ ~~412.2~~—The provisions of rule ~~401.1~~ ~~will do not be applicable~~ to the Municipal Public Accounts Committee (MPAC); ~~and members of the~~ Mayoral Committee ~~members~~ may be requested to attend ~~the~~ MPAC meetings, and the ~~request notice for attendance will must~~ specify the matters ~~on which that the member of the~~ Mayoral Committee ~~member will be is~~ expected to address the MPAC ~~on~~.

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~~41.3~~ ~~412.3~~—Any member of the ~~Mayoral C~~committee ~~members who have been~~ requested to attend ~~the an~~ MPAC ~~meeting~~ may request that the ~~M~~municipal ~~M~~manager ~~—~~ or a senior manager, with the ~~permission of the~~ Municipal Manager's ~~permission~~, ~~—~~ to accompany them to ~~an such~~ MPAC meeting; ~~however, they but~~ may not instruct such official to appear ~~before~~ and address the MPAC on their behalf.

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~~42.~~ ~~423.~~ **Information to be obtained from the ~~M~~municipal ~~M~~manager or the heads of the department concerned**

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Subject to the provisions of rule ~~378~~ above, ~~members of the C~~council ~~members who desire wish~~ to obtain from any ~~official of the~~ Municipal ~~officiality~~ information ~~with regard to about~~ the ~~Municipality's~~ administrative work ~~of the Municipality~~, ~~—~~ which ~~information~~ is not accessible to the general public, ~~—~~ ~~should must~~ address their enquiries firstly to the Municipal Manager in writing; ~~and~~ in the event of the Municipal Manager refusing such request, the ~~Council~~ member ~~concerned~~ may submit a PAIA application.

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~~43.~~ ~~434.~~ **Information to the ~~press or other~~ media: ~~lin~~-committee discussions**

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~~43.1~~ ~~434.1~~—The Executive Mayor, ~~or~~ in his/her absence, the ~~D~~eputy Executive Mayor and the Municipal Manager ~~—~~ or their delegated



~~authority representative in~~ according to their discretion – may supply, upon application being made to them by any registered newspaper, radio station, television service or internet publisher, ~~supply to such media or its representative,~~ information and reports relating to the Municipality's work of the ~~Municipality~~ to such media or their representatives.

43.2 ~~43.2~~ — In view of the Municipal Manager or the Executive Mayor being the authorised channel through which the media may receive information and reports, ~~members of the Council and committee members are therefore expected to must~~ refrain from sending to providing the media with documents or information supplied to them that they have received with a view for the purposes of ~~to their discussion consideration by the by the Council or any committee;~~ ~~Provided on the understanding that~~ this clause shall ~~is~~ not be construed as abrogating a councillor's individual constitutional right to make press statements which that reflect ~~their his/her their own~~ personal or political views, and not that those of the ~~Council;~~ and further provided, ~~however further,~~ that no in-committee discussion that took place in ~~committee~~ may be conveyed to the public or the press media, except by the Executive Mayor or Municipal Manager.

43.3 ~~43.3~~ — Committee chairpersons of committees must liaise with the Executive Mayor and Municipal Manager for the publication of any information relating to the committee concerned; and, if approved, the Municipal Manager shall will arrange, if approved, for the publication of the relevant information.

44. ~~445,~~ Legal defence and indemnification of ~~councillors members and~~ officers of the ~~Council,~~

The ~~Council~~ (as per the delegations) may determine the circumstances in which it will undertake the defence of or pay the legal costs or the total costs and the amount in respect of any legal proceedings, whether civil or criminal, that a councillor or an official may have against any person, body, organisation or institution arising from the councillor's or official's capacity as a ~~councillor or official of the~~ Municipal ~~officiality.~~

45. ~~456,~~ Speaker may refer matters for legal advice

The ~~s~~Speaker shall ~~be entitled may,~~ within the framework of the Municipality's approved operational budget of the ~~Municipality~~ and subject to the ~~its~~ supply chain management policy, to refer any matter pertaining to the ~~Council~~ and its proceedings, for legal ~~opinion advice.~~

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**46. ~~467.~~ Activities prohibited within the ~~C~~council chamber or a meeting venue and the use of the ~~C~~council chamber by other persons or institutions**

~~46.1~~ ~~467.1~~ All persons and institutions who make use of the facilities must respect and adhere to ~~467.1~~ The decorum of the ~~C~~council chamber as the official seat of ~~governance of the~~ Municipal ~~governance~~ ~~ity shall must~~ at all times ~~be respected and adhered to by any person or institution using the facilities.~~

~~46.2~~ ~~467.2~~ The following activities, ~~conducted by whosoever,~~ are strictly prohibited ~~from being conducted~~ within the confines of the ~~C~~council chamber or a meeting venue of the ~~C~~council or its committees ~~by any person:~~

~~46.2.1~~ ~~467.2.1~~ ~~Being in possession of a~~ cellular telephone that is not ~~in~~ silent mode;

~~46.2.2~~ ~~467.2.2~~ ~~Speaking on a~~ cellular phone during ~~the~~ meeting; ~~and~~

~~46.2.3~~ ~~467.2.3~~ ~~Consuming any food or drink~~ ~~in his/her possession,~~ excluding water provided at the meeting or bottled water.

~~46.3~~ ~~467.3~~ The use of the ~~C~~council chamber by any ~~other~~ persons or institutions, other than a recognised committee, body of or person in the employ of the Municipality ~~shall be is~~ subject to ~~the~~ approval by the ~~s~~Speaker, and at all times ~~subject to dependent on the venue's availability thereof in terms of as regards the~~ ~~C~~council's calendar of use, and the purpose for which it is ~~applied for requested.~~ Applications for use ~~shall must~~ ~~be made submitted~~ in writing to the ~~s~~Speaker, who ~~shall will~~ confer with the Director, Corporate Services ~~in about~~ making the venue available ~~and send a written reply in writing.~~

**47. ~~478.~~ Sanctions and offences**

~~478~~ Any person who wilfully contravenes any provision of these rules ~~shall will be is~~ guilty of an offence and ~~shall will be~~ subject to the following sanctions imposed by the ~~C~~council:

~~478.1~~ ~~478.1~~ ~~Having~~ a fine ~~imposed by the C~~council as determined by ~~it~~ Council from time to time for the categories of offences as approved by ~~it~~ Council by resolution from time to time;

~~478.2~~ ~~478.2~~ ~~Being~~ ~~suspensioned~~ from ~~the~~ attendance of ~~C~~council or committee meetings as the ~~C~~council may determine, for such a period as the ~~C~~council may ~~determine~~ by resolution ~~determine~~ from time to time for the categories of offences as determined by ~~it~~ Council.

**48. ~~489.~~ Dress code**

~~489.1~~ The Council may by resolution prescribe a dress code for councillors and traditional leaders attending meetings.

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4948.2 Notwithstanding the provisions of any resolution passed in accordance with rule 478.1, no councillor ~~shall~~ will be allowed to wear, ~~to any meeting,~~ any clothing or accessory ~~that contains~~ displaying party— political paraphernalia or any clothing that may offend a party or person, ~~to any meeting.~~

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Page 15: [105] Comment [M5] Marisa Honey 2019/04/12 02:14:00 PM

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Should this be 30.1? It seems right, but I am unsure because 30.1 contains no "principle" to be referred to.

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13.2	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

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

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***THE AGENDA HAS BEEN DISCUSSED WITH THE SPEAKER,  
CLLR WC PETERSEN (MS), AND SHE AGREES WITH THE CONTENT.***

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