



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2017-01-20

NOTICE OF THE 5TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY WEDNESDAY, 2017-01-25 AT 10:00

TO The Speaker, Cllr DD Joubert [Chairperson]
The Executive Mayor, Ald G Van Deventer (Ms)
The Deputy Executive Mayor, Cllr N Jindela

COUNCILLORS	F Adams	MC Johnson
	DS Arends	NS Louw
	FJ Badenhorst	N Mananga-Gugushe (Ms)
	GN Bakubaku-Vos (Ms)	C Manuel
	FT Bangani-Menziwa (Ms)	LM Mqeba
	PW Biscombe	NE McOmbring (Ms)
	PR Crawley (Ms)	XL Mdemka (Ms)
	A Crombie (Ms)	RS Nalumango (Ms)
	JN De Villiers	N Olayi
	MB De Wet	MD Oliphant
	R Du Toit (Ms)	SA Peters
	A Florence	WC Petersen (Ms)
	AR Frazenburg	MM Pietersen
	E Fredericks (Ms)	WF Pietersen
	E Groenewald (Ms)	SR Schäfer
	JG Hamilton	Ald JP Serdyn (Ms)
	AJ Hanekom	N Sinkinya (Ms)
	DA Hendrickse	P Sitshoti (Ms)
	JK Hendriks	Q Smit
	LK Horsband (Ms)	E Vermeulen (Ms)

Notice is hereby given in terms of Section 29, read with Section 18(2) of the *Local Government: Municipal Structures Act, 117 of 1998*, as amended, that the **5TH MEETING** of the **COUNCIL** of **STELLENBOSCH MUNICIPALITY** will be held in the **COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH** on **WEDNESDAY, 2017-01-25** at **10:00** to consider the items on the Agenda.

SPEAKER
DD JOUBERT

A G E N D A
5TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2017-01-25
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6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS COUNCIL MEETINGS
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The report by the Municipal Manager re outstanding resolutions taken at previous meetings of Council is attached as **APPENDIX 1**.

FOR INFORMATION

OUTSTANDING COUNCIL RESOLUTIONS JANUARY 2017

Council Meeting		Resolution	Resolution Date	Date Closed	Task Status	Allocated To	% Feedback	Feedback Comment
352092	ELECTRICITY SUPPLY TO THE MUNICIPAL AREAS OF STELLENBOSCH	25TH COUNCIL MEETING: 2014-11-26: ITEM 7.5 RESOLVED (nem con) (a)that a preliminary investigation be conducted by the Directorate: Engineering Services (Electrical Services) into the possibility and feasibility of taking over the electricity supply from Drakenstein Municipality; (b)that billing cooperation be implemented between Drakenstein and Stellenbosch Municipality to implement more effective debt collection; and (c)that SALGA be requested to expedite the Eskom process through political intervention. (DIRECTOR: ENGINEERING SERVICES TO ACTION)	2014-11-26		IN PROGRESS	JOHANNESC	93.00	Negotiations between Stellenbosch & Drakenstein Municipalities are currently taking place
367234	WRITING-OFF OF IRRECOVERABLE DEBT: MERITORIOUS CASE	7.3 WRITING-OFF OF IRRECOVERABLE DEBT: MERITORIOUS CASE 29TH COUNCIL MEETING: 2015-04-30: ITEM 7.3 RESOLVED (nem con) that this matter be referred back to the Administration for further investigation. (CHIEF FINANCIAL OFFICER TO ACTION)	2015-04-30		IN PROGRESS	ANDRET	97.00	Snr Legal Advisor is finalizing his comments.
383887	PROGRESS REPORT – POLICY FOR SELF GENERATION OF ELECTRICITY	7.9 PROGRESS REPORT : POLICY FOR SELF- GENERATION OF ELECTRICITY 33RD COUNCIL MEETING: 2015-08-25: ITEM 7.9 RESOLVED (nem con) that this matter be referred back to allow the Administration to submit a Progress Report to Council as mentioned in the item. (ACTING DIRECTOR: ENGINEERING SERVICES TO ACTION)	2015-08-25		IN PROGRESS	JOHANNESC	85.00	Will be re-submitted for agenda of next Mayco
394114	Investigation with regards to the various	7.6 INVESTIGATION WITH REGARD TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE	2015-10-28		IN PROGRESS	DUPREL	85.00	Surveyor surveyed and proposed

	<p>residential properties in Mont Rochelle Nature Reserve</p>	<p>35TH COUNCIL MEETING: 2015-10-28: ITEM 7.6</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council rescind its resolution taken at the meeting dated, 2014-01-16, with regard to Item 7.2;</p> <p>(b) that the funds allocated to be spent on conducting the proposed investigation rather be spent on consolidating the 46 unsold erven with Mont Rochelle Nature Reserve and negotiating with the owners of the 14 sold (but undeveloped) erven (the priority being erven 342, 307, 314, 322, 355, 336, located in a visually sensitive area north-eastern slope of "Du Toits Kop" facing the Franschoek valley) regarding the possibility to exchange current erven within Mont Rochelle Nature Reserve with erven in a more suitable area (suitable in terms of environmental, visual and service delivery perspective); and</p> <p>(c) that any other feasible alternative that can limit the impact on the nature reserve that might be identified in the process be considered.</p> <p>The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; JA Davids; DA Hendrickse; S Jooste (Ms); C Moses (Ms); P Mntumi (Ms); RS Nalumango (Ms); P Sitshoti (Ms); AT van der Walt and M Wanana.</p> <p>(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT TO ACTION)</p>						<p>appropriate land swops. Suggestions forwarded to affected land owners and responses are awaited. Process ongoing</p>
<p>413640</p>	<p>9.1 MOTION BY COUNCILLOR JK HENDRIKS: SUPPORT FOR INDIGENT PEOPLE IN RURAL AREAS</p>	<p>9.1 MOTION BY COUNCILLOR JK HENDRIKS: SUPPORT FOR INDIGENT PEOPLE IN RURAL AREAS</p> <p>38TH COUNCIL MEETING: 2016-02-24: ITEM 9.1</p> <p>The Speaker allowed Councillor JK Hendriks to put his Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter. The matter was put to the vote yielding a result of all in favour.</p> <p>RESOLVED (nem con)</p> <p>(a) that the Administration be tasked to investigate to what extent rural indigent residents, especially those residing on farms, can be assisted with electricity, health and social services by the local-, provincial- and national spheres of government;</p> <p>(b) that any further recommendations and findings that could improve the quality of life of indigent residents be considered for implementation and support to rural indigent residents;</p> <p>(c) that a report with recommendations for implementation pertaining to the above be tabled for consideration at the next Council meeting scheduled for 2016-03-30; and</p> <p>(d) that Council nominate a multi-party delegation to engage organised agriculture</p>	<p>2016-02-24</p>		<p>IN PROGRESS</p>	<p>ANNELIER</p>	<p>90.00</p>	<p>External legal opinion sought. Item to be resubmitted once legal opinion received.</p>

		<p>to investigate what the municipality can do to address the situation of the farm workers, in co-operation with the farmers; (e) that the multi-party delegation comprise of the following Councillors:</p> <p>DA = Cllr JP Serdyn (Ms) ANC = Cllr JA Davids SCA = Cllr DA Hendrickse SPA = Cllr F Adams SCA = Cllr DA Hendrickse ACDP = Cllr DS Arends COPE = Cllr HC Bergstedt (Ms); and NPP = Cllr LL Stander</p> <p>(DIRECTOR: STRAT & CORP TO ACTION)</p>						
428987	IMPROVING MUNICIPAL FINANCES	<p>7.5 IMPROVING MUNICIPAL FINANCES</p> <p>40TH COUNCIL MEETING: 2016-04-26: ITEM 7. 5</p> <p>During debate on the matter, the DA requested a caucus which the Speaker allowed.</p> <p>After the meeting resumed, it was</p> <p>RESOLVED (nem con)</p> <p>that this item be referred back for Administration to arrange for a workshop for all Councillors, whereafter the item be resubmitted to Council.</p> <p>(MUNICIPAL MANAGER TO ACTION)</p>	2016-04-26		IN PROGRESS	MARIUSW	20.00	Report is currently being finalized.
458852	Amendment of 2013 approved Municipal Spatial Development Framework and commencement of a Municipal Spatial Development Framework in terms of the Local Government: Municipal Systems Act (Act 32 of 200) for Stellenbosch Municipality WC0024 in line with the	<p>7.4.4 AMENDMENT OF 2013 APPROVED MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK AND COMMENCEMENT OF A MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK IN TERMS OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT (ACT 32 OF 2000) FOR STELLENBOSCH MUNICIPALITY WC024 IN LINE WITH THE NEW PLANNING DISPENSATION WHICH INCLUDE THE LAND USE PLANNING BY-LAW (2015), THE WESTERN CAPE LAND USE PLANNING ACT (ACT 3 OF 2014) AND THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (ACT 16 OF 2013)</p> <p>2ND COUNCIL MEETING: 2016-10-05: ITEM 7.4.4</p> <p>RESOLVED (majority vote)</p> <p>that Council authorises the Municipal Manager to:</p> <p>(a) proceed with the development of a Municipal Spatial Development Framework</p>	2016-10-05		IN PROGRESS	BERNABYB	40.00	Received nominations for membership of Intergovernmental Steering Committee. Arranging first meeting for ISC early February. Advertised for input to amended current SDF. Period for submission closes 31 January.

		<p>for Stellenbosch Municipality (WC024) (MSDF);</p> <p>(b) establish an intergovernmental steering committee (IGSC) to compile or amend its municipal spatial development framework in terms of Section 11 of the Land Use Planning Act;</p> <p>(c) establish a project committee;</p> <p>(d) proceed with all administrative functions to oversee the compilation of a first draft of the Municipal Spatial Development Framework for Council approval in terms of the Municipal Systems Act (2000); the Land Use Planning By-law (2015), Land Use Planning Act (2014) and the Spatial Planning Land Use Management Act (2013); and</p> <p>(e) use the MSDF as a platform to consider and align the following: (i) Strategic Environmental Management Framework (SEMF) (ii) Rural Area Plan (RAP) (iii) Urban Development Strategy leading to a Stellenbosch WCO24 SDF (iv) Heritage Resources Inventory (v) Integrated Human Settlement Plan (vi) Klapmuts Local Spatial Development Framework (LSDF) (vii) Stellenbosch LSDF amendment to be compliant with SPLUMA (viii) Jonkershoek LSDF amendment to be compliant with SPLUMA</p> <p>(f) proceed with the amendment of the current approved MSDF to be aligned with the 2017/18 IDP; and</p> <p>(g) both the amendment of the existing MSDF and the compilation of the new MSDF run concurrently with the Integrated Development Planning cycle.</p> <p>The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; GN Bakubaku-Vos (Ms); DA Hendrickse; LK Horsband (Ms); FT Bangani-Menziwa (Ms); N Mananga-Gugushe (Ms); LM Maqeba; RS Nalumango (Ms); MD Oliphant; N Sinkinya (Ms) and P Sitshoti (Ms).</p>						
473292	8.1.2 ESTABLISHMENT OF A RULES COMMITTEE	<p>8.1.2 ESTABLISHMENT OF A RULES COMMITTEE</p> <p>3RD COUNCIL MEETING: 2016-10-26: ITEM 8.1.2</p> <p>RESOLVED (majority vote)</p> <p>that this item be referred back to allow the Administration to obtain a legal opinion and the applicable Terms of Reference.</p> <p>The following Councillors requested that their votes of dissent be minuted:</p> <p>Councillors F Adams; GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); N Mananga-Gugushe (Ms); LM Maqeba; MD</p>	2016-10-26		IN PROGRESS	RICHARDB	50.00	One time to be submitted to Council on the establishment on the S.79 and S.80 committees.

OUTSTANDING COUNCIL RESOLUTIONS JANUARY 2017

		Oliphant; RS Nalumango (Ms); N Sinkinya (Ms) and P Sitshoti (Ms).						
473307	8.1.3 ESTABLISHMENT OF A DISCIPLINARY COMMITTEE	8.1.3 ESTABLISHMENT OF A DISCIPLINARY COMMITTEE 3RD COUNCIL MEETING: 2016-10-26: ITEM 8.1.3 RESOLVED (majority vote) that this item be referred back to allow the Administration to obtain a legal opinion and the applicable Terms of Reference. The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); N Mananga-Gugushe (Ms); LM Maqeba; MD Oliphant; RS Nalumango (Ms); N Sinkinya (Ms) and P Sitshoti (Ms).	2016-10-26		IN PROGRESS	RICHARDB	50.00	One time to be submitted to Council on the establishment on the S.79 and S.80 committees.
473309	8.1.4 ESTABLISHMENT OF APPEAL AUTHORITY (SECTION 62: SYSTEMS ACT)	8.1.4 ESTABLISHMENT OF APPEAL AUTHORITY (SECTION 62: SYSTEMS ACT) 3RD COUNCIL MEETING: 2016-10-26: ITEM 8.1.4 RESOLVED (majority vote) that this item be referred back to allow the Administration to obtain a legal opinion and the applicable Terms of Reference. The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); N Mananga-Gugushe (Ms); LM Maqeba; MD Oliphant; RS Nalumango (Ms); N Sinkinya (Ms) and P Sitshoti (Ms).	2016-10-26		IN PROGRESS	RICHARDB	50.00	One time to be submitted to Council on the establishment on the S.79 and S.80 committees.
473316	8.2 STRUCTURING OF COUNCIL: ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES)	8.2 STRUCTURING OF COUNCIL: ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES) 3RD COUNCIL MEETING: 2016-10-26: ITEM 8.2 RESOLVED (majority vote) that this item be referred back to allow the Administration to obtain a legal opinion and the applicable Terms of Reference. The following Councillors requested that their votes of dissent be minuted:	2016-10-26		IN PROGRESS	RICHARDB	50.00	One time to be submitted to Council on the establishment on the S.79 and S.80 committees.

		Councillors F Adams; GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); N Mananga-Gugushe (Ms); LM Maqeba; MD Oliphant; RS Nalumango (Ms); N Sinkinya (Ms) and P Sitshoti (Ms).						
473326	8.10 AMENDMENT OF CONTRACT: DEMAND-SIDE MANAGEMENT PROJECT FOR A PERIOD OF 37 MONTHS	<p>8.10 AMENDMENT OF CONTRACT: DEMAND-SIDE MANAGEMENT PROJECT FOR A PERIOD OF 37 MONTHS</p> <p>3RD COUNCIL MEETING: 2016-10-26: ITEM 8.10</p> <p>RESOLVED (nem con)</p> <p>(a) that Council notes the reasons for the proposed extension of the contract/agreement for a period of 37 months;</p> <p>(b) that the local community be given reasonable notice of the intention to extend the contract/agreement and be invited to submit representations to the municipality; and</p> <p>(c) that Council be informed of representation received from the public.</p>	2016-10-26		IN PROGRESS	SILVIAP	60.00	Approved by Council, Order issued to Service Provider
478900	WATER SERVICES BY-LAW	<p>7.6.5 WATER SERVICES BY-LAW</p> <p>4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.5</p> <p>RESOLVED (nem con)</p> <p>(a) that the attached Draft Water Services By-law be supported by Council in principle;</p> <p>(b) that the proposed Draft By-law be duly advertised for public comment until the end of February 2017, and be re-submitted together with any comments/ objections by the public, for final approval and adoption by the Council; and</p> <p>(c) that the Draft By-Law, once approved and adopted by Council, be promulgated by the Directorate: Strategic and Corporate Services' legal team in the Provincial Gazette.</p>	2016-11-23		IN PROGRESS	DRIESVT	40.00	Call for comments will be advertised on 19 January 2017. Comments close on 21 February 2017.
478901	THE THIRD GENERATION INTEGRATED WASTE MANAGEMENT PLAN (IWMP) FOR STELLENBOSCH MUNICIPALITY	<p>7.6.4 THE THIRD GENERATION INTEGRATED WASTE MANAGEMENT PLAN (IWMP) FOR STELLENBOSCH MUNICIPALITY</p> <p>4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.4</p> <p>RESOLVED (nem con)</p>	2016-11-23		IN PROGRESS	SALIEMH	5.00	A Service Provider will be appointed to conduct the Public Participation process. The preparation will be done in December 2016, and the actual

		<p>(a) that the attached Draft 3rd Generation IWMP be supported by Council for approval in principle; and</p> <p>(b) that the proposed Draft 3rd Generation IWMP be duly advertised for public comment until the end of February 2017, and be re-submitted together with any comments / objections by D:EA&DP and the public, for final approval and adoption by Council.</p>						<p>process will commence in mid-January 2017 for 90 days. No public participation will occur in the December-January holiday period.</p>
478903	SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARDS TO PUBLIC	<p>7.6.2 SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARD TO PUBLIC TRANSPORT</p> <p>4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council approves the proposal that an assessment of the municipality's capacity be done to determine its ability to provide the proposed public transport service through an internal mechanism and that the recommendation of the assessment be submitted to Council for consideration and decision; and</p> <p>(b) that, should the above assessment recommend the use of an external mechanism for the provision of the public transport service, a feasibility study be conducted for the provision of the service through an external mechanism.</p> <p>The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; DA Hendrickse and LK Horsband (Ms).</p>	2016-11-23		IN PROGRESS	NIGELW	30.00	<p>The Assessment of the municipalities capabilities is in process. Western Cape Department of Public Works Roads and Transport has appointed Pegasus to start with the process. Their first status quo assessment report will be tabled early in February 2017. The report will then be submitted to the February 2017 Mayco and Council meetings</p>
478910	EVENTS POLICY	<p>7.7.3 EVENTS POLICY</p> <p>4TH COUNCIL MEETING: 2016-11-23: ITEM 7.7.3</p> <p>RESOLVED (nem con)</p> <p>(a) that Council considers the adoption and approval of the Draft Events Policy in principle; and</p> <p>(b) that the Draft Events Policy be advertised for public comment until the end of February 2017 and be re-submitted for final approval and adoption by Council.</p>	2016-11-23		IN PROGRESS	GERALDE	20.00	<p>The Events policy was advertised for 90 days and the due date is 28 February 2017.</p>
481422	WATER RESTRICTIONS MEASURES: WC024	<p>4.6.2 WATER RESTRICTION MEASURES: WCO24</p> <p>URGENT COUNCIL: 2016-12-12: ITEM 4.6.2</p> <p>RESOLVED (majority vote with 6 abstentions)</p> <p>(a) that Council takes note of the more stringent water restriction measures</p>	2016-12-12		IN PROGRESS	DRIESVT	100.00	<p>Water restriction implemented and monitored. Notices had been distributed to all residents with monthly accounts</p>

		<p>(APPENDIX 3) imposed from 1 December 2016 for the whole of WCO24 areas;</p> <p>(b) that the water supply be monitored and where necessary be re-evaluated as the drought situation progresses; and</p> <p>(c) that a notice pertaining to the water restrictions (APPENDIX 3) be distributed to all residents in the WCO24.</p>						
481580	AMENDMENT TO EXISTING ACTING ALLOWANCE POLICY	<p>4.4.2 AMENDMENT TO EXISTING ACTING ALLOWANCE POLICY</p> <p>URGENT COUNCIL: 2016-12-12: ITEM 4.4.2</p> <p>RESOLVED (majority vote with 3 abstentions)</p> <p>(a) that Clause 6 of the current Acting Allowance Policy 2013/2014 approved by Council on 30 May 2013 be deleted namely: "6. ACTING AS MUNICIPAL MANAGER</p> <ul style="list-style-type: none"> • The Stellenbosch Municipal Council in consultation with the Executive Mayor may appoint a senior manager (director) to act as Municipal Manager during the absence of the Municipal Manager, in terms of delegation and in line with the applicable legislation and policies, while Council has the discretion to appoint a Municipal Manager in terms of section 54 A of the Local Government: Municipal Systems Act, 2000, Act 32 of 2000. • Senior managers (directors) in the employ of Stellenbosch Municipality will not be paid for acting in the stead of the Municipal Manger, during the absence of the Municipal Manager." <p>(b) that the following Clause 6 of the current Acting Allowance Policy be inserted to read as follows:</p> <ul style="list-style-type: none"> • "The Stellenbosch Municipal Council in consultation with the Executive Mayor may appoint a senior manager (director) to act as Municipal Manager during the absence of the Municipal Manager, in terms of delegation and in line with the applicable legislation and policies, while Council has the discretion to appoint a Municipal Manager in terms of section 54 A of the Local Government: Municipal Systems Act, 2000, Act 32 of 2000. • An acting allowance is only payable when a Director acts as Municipal Manager for a minimum of five (5) consecutive working days. Acting Allowances will not be paid for any work done on Saturdays or Sundays. • The salary component for determining the acting allowance of the director will be 15% of his/her TCOE excluding bonuses up to a maximum allowable remuneration of the Municipal Manager according to the regulations." 	2016-12-12		IN PROGRESS	MARIUSW	50.00	Amendment has been advertised for comments and objections.

		(c) that the amended Acting Allowance Policy be advertised for comments.						
478911	BY-LAW ON THE PREVENTION OF PUBLIC NUISANCES AND THE KEEPING OF ANIMALS	<p>7.7.2 BY-LAW ON THE PREVENTION OF PUBLIC NUISANCES AND THE KEEPING OF ANIMALS</p> <p>4TH COUNCIL MEETING: 2016-11-23: ITEM 7.7.2</p> <p>RESOLVED (nem con)</p> <p>(a) that Council approves the amended Draft By-Law on the Prevention of Public Nuisances and the Keeping of Animals, in principle; and</p> <p>(b) that the Administration be mandated to advertise said By-Law for public comment until the end of February 2017, whereafter same be re-submitted to Council for approval.</p>	2016-11-23		IN PROGRESS	GERALDE	20.00	The By-law on the Prevention of Public Nuisances and the Keeping of Animals was advertised for 90 days and the due date is 28 February 2017.
478913	IMPOUNDMENT OF ANIMALS BY-LAW	<p>7.7.1 IMPOUNDMENT OF ANIMALS BY-LAW</p> <p>4TH COUNCIL MEETING: 2016-11-23: ITEM 7.7.1</p> <p>RESOLVED (nem con)</p> <p>(a) that Council considers the adoption and approval of the Draft Impoundment of Animals By- Law; and</p> <p>(b) that the proposed By-Law be duly advertised for public comment until the end of February 2017 and be re-submitted together with any comment/objections by the public, for final approval and adoption by Council.</p>	2016-11-23		IN PROGRESS	GERALDE	20.00	The By-law on impoundment of animals was advertised for 90 days and the due date is 28 February 2017.

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: (ALD G VAN DEVENTER (MS))
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7.1	COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: CLLR AR FRAZENBURG
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NONE

7.2	CORPORATE AND STRATEGIC SERVICES: (PC: CLLR E GROENEWALD (MS))
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7.2.1	TABLING OF THE DRAFT 2015/16 ANNUAL REPORT FOR THE STELLENBOSCH MUNICIPALITY IN ACCORDANCE WITH SECTION 121 OF THE MUNICIPAL FINANCE MANAGEMENT ACT (MFMA), ACT 56 OF 2003, READ TOGETHER WITH SECTION 46 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, ACT 32 OF 2000
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1. PURPOSE OF REPORT

To table the 2015/16 Annual Report which was compiled in terms of Section 121 of the Municipal Finance Management Act (MFMA), Act 56 of 2003, read together with Section 46 of the Local Government: Municipal Systems Act, Act 32 of 2000.

2. BACKGROUND

2.1 The Annual Report

Section 121 (1) (2) of the MFMA determines that every municipality must for each financial year prepare an Annual Report. The Council must within nine months after the end of the financial year deal with the Annual Report of the municipality in accordance with Section 129.

The Annual Report is compiled in terms of Section 121 of the Municipal Finance Management Act (MFMA), Act 56 of 2003, read together with Section 46 of the Local Government: Municipal Systems Act, 32 of 2000, and which is submitted herewith **under separate cover** as **APPENDIX 1**.

The National Treasury issued strict guidelines on the content, disclosures, timelines and format of the Annual Report.

MFMA Circular No. 63: Annual Report update, issued by National Treasury in September 2012, provides guidance to municipalities and municipal entities on the new Annual Report Format and its contents released earlier that year. The review of the format and content of the Municipal Annual Report was done with due consideration of the full legislative requirements.

The purpose of the Annual Report is:

-
- (a) to provide a record of the activities of the municipality or entity during the financial year to which the report relates;
 - (b) to provide a report on performance in service delivery and budget implementation for the financial year;
 - (c) to promote accountability to the local community for the decisions made throughout the year by the municipality or municipal entity; and
 - (d) to reduce the additional reporting requirements that will otherwise arise from Government Departments, monitoring agencies and financial institutions.

With the above in mind, the goals of the new Annual Report Format are to achieve the following:

- (a) standardise reporting to enable municipalities / municipal entities to submit comparable Annual Reports;
- (b) align financial and non-financial reporting in the Annual Report;
- (c) create a standardised reporting structure that will enhance comprehensive oversight, meaningful evaluation and improved understanding of service delivery output.

3. DISCUSSION

3.1 Meetings of MPAC

All meetings of council and the Municipal Public Accounts Committee (MPAC) at which the annual report is considered, must be open to the public and reasonable time must be allowed for discussion of any written submissions received and for members of the community and organs of state to address the meetings.

Representatives of the Auditor General would be entitled to attend and to speak at any meetings held to discuss the annual report.

Timely notice of meetings should be given to enable representations to be made. Making representations to MPAC should not preclude representations by the same individual to full council as this will promote transparency in the process.

Questions raised with the accounting officer by council or the MPAC may be taken on notice by the accounting officer and responses subsequently provided to the committee process. MPAC meetings to discuss the Annual Report will be published in local newspapers. In accordance with Section 129(2)(a) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), the accounting officer must attend council and council committee meetings where the annual report is discussed for the purpose of responding to questions concerning the report. The top management team may assist during the oversight committee meetings to avoid delays.

3.2 Outcome

A conclusion that the annual report is approved without reservation would be the preferred outcome from the process.

4. COMMENTS BY RELEVANT DEPARTMENTS**4.1 Financial Services**

Councillors will be remunerated in terms of the Public Office Bearers Act, 1998 (Act no 20 of 1998). Individuals co-opted for their expertise in specific fields to assist and advise the Municipal Public Accounts Committee will be able to claim for the hours worked at the following approved rate:

<i>Tariff</i>	<i>Number of co-opted Members</i>	<i>Not exceeding no. of hours</i>	<i>Remuneration</i>
<i>Per hour tariff for attendance of meeting</i>	2	40 hours	R 500
<i>Once-off Tariff for duties performed in preparation</i>	2	4 hours	R 1500

Sufficient provision is made under the relevant Cost Centre from Vote Number: 1/8110/0928 - Consulting and Planning Fees.

4.2 Legal Services

As required by Section 129 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), the Council has to appoint an oversight committee to assist it to consider the annual report and must adopt an oversight report containing the council's comments on the annual report.

It is critical that due consideration be given to the purpose of the Annual Report as outlined in *paragraph 2 above*. The Annual Report is relevant for oversight as it may be used to ensure transparent governance as it reports on the performance for the period of the National Treasury Local Government Budget and Expenditure Review (2013/14 - 2015/2016).

The annual report is the most important report regarding all the operations and functions of the municipality. It provides a detailed record of service delivery, income and expenditure and financial allocations.

The council can use the Annual Report to determine the financial state of the municipality and whether service delivery targets were implemented within the constraints of the budget. It is relevant as an oversight and accounting mechanism as it captures all the financial transactions that pertain to service delivery on an annual basis.

As the municipality is legislatively obligated to report *on all aspects of performance* providing a true, honest and accurate account of the goals set by the municipal council and the success or failures in achieving these goals, it will be prudent that all the matters reported on, be thoroughly scrutinised to ensure that the *Council met its Constitutional obligations and identify ways in how to address challenges identified within the Auditor General's report.*

RECOMMENDED

- (a) that Council takes note of the 2015/16 Annual Report for the Stellenbosch Municipality;
- (b) that the Annual Report be made public for comment on the official website of the Stellenbosch Municipality and local print media for a period of 21 days;
- (c) that the Municipal Public Accounts Committee (MPAC) fulfil the oversight role by considering and evaluating the content of the Annual Report and make recommendations to Council when adopting an Oversight Report on the Annual Report;
- (d) that Council approves that MPAC can co-opt members of the public with expertise in specific fields to assist and advise the Committee; and
- (e) that Council approves that the co-opted members can be remunerated in line with the recommendations of the Financial Services Department as stated in the following schedule:

<i>Tariff</i>	<i>Number of co-opted Members</i>	<i>Not exceeding no. of hours</i>	<i>Remuneration</i>
<i>Per hour tariff for attendance of meeting</i>	2	40 hours	R 500
<i>Once-off Tariff for duties performed in preparation</i>	2	4 hours	R 1500

Meeting: Ref No:	5 th Council: 2017-01-25 8/1/2 Annual Report	Submitted by Directorate: Author: Referred from:	Strategic & Corp Services V Bowers Mayco:2017-01-18
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7.2.2	MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR 2016/2017
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1. PURPOSE OF REPORT

To submit the Section 72 report (Mid-year Budget and Performance Assessment) as envisaged by Section 54 of the Municipal Finance Management Act (MFMA), 56 of 2003, to Council.

2. LEGAL CONTEXT

In terms of the Municipal Finance Management Act (MFMA) Section 72(1) the Accounting Officer of the municipality must by 25 January each year assess:

- (a) the performance of the municipality during the first half of the financial year, taking into account the following:
 - (i) the monthly statements referred to in Section 71 for the first half of the financial year;
 - (ii) the municipality's service delivery performance during the first half of the financial year, and the service delivery targets and performance indicators set in the service delivery and budget implementation plan;
 - (iii) the past year's annual report, and progress on resolving problems identified in the annual report; and
- (b) submit a report on such assessment to-
 - (i) the mayor of the municipality;
 - (ii) the National Treasury; and
 - (iii) the relevant Provincial Treasury

Once the Mayor has considered the section 72 report, same must be submitted to Council by the 31st of January of each year in terms of section 54 (1) (f) of the MFMA.

The statements as referred to in section 71 (1) of the MFMA for the first half of the financial year, specifically the sixth month, is incorporated into the mid-year budget and performance assessment in accordance with section 72 (2) of the MFMA.

As part of the review in terms of Section 72 (3) the Accounting Officer must:

- (a) make recommendations on whether an adjustments budget is necessary; and
- (b) recommend revised projections for revenue and expenditure to the extent that this may be necessary.

3. DISCUSSION

3.1 Mid-year Budget and Financial Performance Assessment

The Financial Mid-year Performance is reported on in **APPENDIX 1** (Section 1) (**under separate cover**). This report encapsulates the performance of the first six months of the financial year and places emphasis on the positive as well as the areas of concern.

The condensed comparative statement report for operating revenue and operating expenditure for the period ending 31 December 2016 can be found in the executive summary of the attached report. It should however be noted that the following services included in the Operating Revenue relate to actual levied amounts against consumer accounts and not actual cash received:

- Property Rates
- Property Rates-Penalties imposed and collection charges
- Service Charges
- Electricity
- Refuse Removal
- Sewerage
- Water
- Interest earned-Outstanding Debtors

It is also important to note that the following services have already been levied for the full year and minimal movement will be seen for the rest of the financial year:

- Property Rates
- Refuse Removal
- Sewerage

The income projected for Electricity will have to be adjusted downwards due to a noticeable decline in consumption, negative impact of load shedding and the utilization of alternative energy sources by consumers.

Provincial Treasury indicated via their Adjustment Budget process that Stellenbosch Municipality's housing allocation will be decreased with R5.7m. The projects linked to this allocation will have to be adjusted during the adjustments budget process.

3.2 Mid-year Non-Financial Performance Assessment

Non-Financial Mid-year Performance is reported on in **APPENDIX 1** (Section 2) (**under separate cover**). It covers the overall performance of the Municipality on the Key Performance Indicators (KPI's) that are assessed in the period from 1 July 2016 to December 2016. The performance of the first six months of the financial year should be assessed and reported on in terms of Section 72 of the MFMA. This assessment must include the measurement of performance, the identification of corrective actions and recommendations for the adjustments of KPI's, if necessary.

A detailed report on Top layer SDBIP per National KPA and Assessment of targets achieved is attached as **APPENDIX 1** (Section 2) (under separate cover).

4. COMMENTS FROM OTHER RELEVANT DEPARTMENTS

4.1 Financial Services

The SDBIP is viewed as an implementation and monitoring tool rather than a financial tool, however this plan is supported by the financial information reported to Council in terms of Section 52 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

4.2 Legal Services

The report/item is compliant with the relevant legislative framework. Due regard must be taken of the fact that the budget was adjusted. Hence it will be prudent to ascertain if the targets remain the same.

RECOMMENDED

- (a) that Council takes note of the report and more specifically the assessment and forecasts contained in the report;
- (b) that Council takes note that an Adjustments Budget will be compiled and tabled to Council as a result of the following:
 - the appropriation of additional allocations received and increased realistically anticipated revenue during the financial year;
 - the reprioritization of projects in line with being completed by the communicated cut-off dates to facilitate year- end preparation;
- (c) that Council notes the performance of the Municipality against the set objectives contained in Section 2; and
- (d) that the Accounting Officer ensures that Directors put the necessary corrective measures in place for the proactive management of projects in order for Council to meet its strategic objectives contained in the Service Delivery and Budget Implementation Plan, and to report on same at the end of quarter 3.

Meeting:	5 th Council: 2017-01-25	Submitted by Directorate:	Strategic & Corp Services
Ref No:	8/1/3 Quarterly and Midyear Reports	Author:	V Bowers
		Referred from:	Mayco:2017-01-18

7.2.3	REVISION OF THE TOP LAYER SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN (SDBIP) FOR THE 2016/17 FINANCIAL YEAR
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1. PURPOSE OF REPORT

To request a revision of the Top Layer Service Delivery Budget Implementation Plan (SDBIP) for the 2016/17 financial year by amending target dates for Key Performance Indicators (KPIs).

2. BACKGROUND

The SDBIP for the 2016/17 financial year was approved on the 21 June 2016. The local government election of 3 August 2016 led to the establishment of a new Council. The delay in the establishment of Portfolio Committees impacted on the tabling of documented proof for some of the Key Performance Indicators (KPIs) stipulated in the SDBIP.

In order to resolve the matter it is proposed to set revised target dates for 30 June 2017 for all KPI's that require submission of reports to the relevant Portfolio Committees. The amendment of the dates will allow for the establishment of the said Portfolio Committees and the tabling of items by 30 June 2017.

There is also a request to change the target dates for the review of the Rules of Order and the Municipal Honours By-Law to 30 June 2017.

3. DISCUSSION

A copy of the TOP Layer SDBIP with the KPI's that require target dates to be moved to June 2017 is included as **APPENDIX 1**.

The SDBIP is prescribed by MFMA Circular Number 13 issued by National Treasury. In terms of this Circular, the SDBIP must provide a picture of service delivery areas, budget allocations and enable monitoring and evaluation of performance.

Circular 13 of the MFMA further allows for the revision of the SDBIP provided that Council is notified of the changes in the service delivery targets and performance indicators. The approval of Council for the revision of the top-layer of the SBIP and its targets is required following the approval of an adjustments budget (section 54(1)(c) of MFMA).to ensure that the mayor or municipal manager do not revise service delivery targets downwards in the event where there is poor performance.”

Section 41(1)(e) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000 (MSA)), stipulates that a process be established of regular reporting to Council. This process is detailed in the Performance Management Framework of the Municipality

RECOMMENDED

that Council approves the revised Top Layer SDBIP for the 2016/17 financial year as indicated in **APPENDIX 1**, hereby attached.

Meeting: Ref No:	Mayco: 2017-01-25 9/1/4/3	Submitted by Directorate: Author: Referred from:	Strategic & Corp Services V Bowers Mayco:2017-01-18
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Annexure 1

SDBIP 2016/2017: Top Layer SDBIF

Office of the Municipal Manager

Ref	Current TL KPI description		Reviewed TL KPI description		Annual Target	* A/N
	Current KPI description	Unit of Measurement	Proposed wording for Amended Top Layer SDBIP KPI's	Proposed Unit of measurement for Amended Top Layer SDBIP KPI's		
TL18	Review the Risk based audit plan and submit to the Audit Committee by 30 June 2017	Reviewed RBAP submitted to the Audit Committee by 30 June 2017			1	N
TL19	Approve an Audit Action Plan by 31 January 2017 to address the issues raised in the Audit Report for the 2015/16 financial year	Audit action plan developed and approved by 31 January 2017			1	N
TL20	Review the risk register and submit to the Risk Management Committee by 30 June 2017	Reviewed risk register submitted to the Risk Management Committee by 30 June 2017			1	N

Strategic & Corporate Services

Ref	Current TL KPI description		Reviewed TL KPI description		Annual Target	* A/N
	Current KPI description	Unit of Measurement	Proposed wording for Amended Top Layer SDBIP KPI's	Proposed Unit of measurement for Amended Top Layer SDBIP KPI's		
TL13	The number of people from employment equity target groups employed (to be appointed) in the top three occupational levels of management in compliance with the municipality's approved employment equity plan by 30 June 2017	Number of appointments made in the three highest levels of management by 30 June 2017 in compliance with the municipality's approved employment equity plan			5	N
TL14	The percentage of a municipality's payroll budget actually spent on implementing its workplace skills plan by 30 June 2017 ((Total Actual Training Expenditure/ Total annual payroll Budget)x100)	% of municipality's payroll budget actually spent on implementing its workplace skills plan by 30 June 2017 ((Total Actual Training Expenditure/ Total Annual payroll Budget)x100)			0.80%	N
TL21	Review the ICT Backup Disaster Recovery Plan and submit to the Portfolio Committee by 31 January 2017	Reviewed ICT Backup Disaster Recovery Plan submitted to Portfolio Committee by 31 January 2017	Review the ICT Backup Disaster Recovery Plan and submit to the Portfolio Committee by 30 June 2017	Reviewed ICT Backup Disaster Recovery Plan submitted to Portfolio Committee by 31 June 2017	1	A
TL22	Review the Communication Strategy and submit to the Portfolio Committee by 30 June 2017	Reviewed Communication Strategy submitted to Portfolio Committee by 30 June 2017			1	N
TL23	Review the Strategic ICT Plan and submit to the Portfolio Committee by 31 March 2017	Reviewed Strategic ICT Plan submitted to the Portfolio Committee by 31 March 2017	Review the Strategic ICT Plan and submit to the Portfolio Committee by 30 June 2017	Reviewed Strategic ICT Plan submitted to the Portfolio Committee by 30 June 2017	1	A
TL24	Review the Rules of Order By-Law and submit to Council by 31 December 2016	Reviewed Rules of Order By-Law submitted to Council by 31 December 2016	Review the Rules of Order By-Law and submit to Council by 30 June 2017	Reviewed Rules of Order By-Law submitted to Council by 30 June 2017	1	A
TL25	Review the Municipal Honours By-Law and submit to Council by 31 December 2016	Reviewed Municipal Honours By-Law submitted to Council by 31 December 2016	Review the Municipal Honours By-Law and submit to Council by 30 June 2017	Reviewed Municipal Honours By-Law submitted to Council by 30 June 2017	1	A
TL26	Compile and submit the draft 4th generation IDP to council by 31 March 2017	Draft 4th generation IDP compiled and submitted to council by 31 March 2017			1	N
TL27	Review the System of delegations and submit to the Portfolio Committee by 31 December 2016	Reviewed system of delegations submitted to the Portfolio Committee by 31 December 2016	Review the System of delegations and submit to the Portfolio Committee by 30 June 2017	Reviewed system of delegations submitted to the Portfolio Committee by 30 June 2017	1	A
TL28	Review the organisational structure and submit to the Portfolio committee by 30 June 2017	Reviewed organisational structure submitted to the Portfolio committee by 30 June 2017			1	N

* A = Amendment required

N = No amendment required

Financial Services

Ref	Current TL KPI description		Reviewed TL KPI description		Annual Target	* A/N
	Current KPI description	Unit of Measurement	Proposed wording for Amended Top Layer SDBIP KPI's	Proposed Unit of measurement for Amended Top Layer SDBIP KPI's		
TL1	Provide clean piped water to formal residential properties which are connected to the municipal water infrastructure network as at 30 June 2017	Number of formal residential properties receiving piped water as at 30 June 2017			23,000	N
TL2	Provide electricity to formal residential properties connected to the municipal electrical infrastructure network for both credit and prepaid electrical metering as at 30 June 2017	Number of formal residential properties connected to the municipal electrical infrastructure network (credit and prepaid electrical metering) as at 30 June 2017			23,000	N
TL3	Provide sanitation services to residential properties which are connected to the municipal waste water (sanitation/sewerage) network as at 30 June 2017	Number of residential properties which are billed for sewerage in accordance with the SAMRAS financial system as at 30 June 2017			23,000	N
TL4	Provision of refuse removal, refuse dumps and solid waste disposal to all residential account holders once a week as at 30 June 2017	Number of formal residential properties for which refuse is removed as at 30 June 2017			23,000	N
TL5	Provide free basic water in terms of the equitable share requirements to indigent account holders	Monthly provisioning of free basic water in terms of the equitable share requirements to indigent account holders (KL per account holders)			10	N
TL6	Provide clean piped water to registered indigent account holders which are connected to the municipal water infrastructure network as at 30 June 2017	Number of indigent account holders receiving free basic water as at 30 June 2017			5,000	N
TL7	Provide free basic electricity to registered indigent account holders connected to the municipal electrical infrastructure network	Provide free basic electricity to indigent account holders in terms of the equitable share requirements measured in terms of quantum approved (Free kw basic electricity per indigent household)			60	N
TL8	Provide free basic electricity to registered indigent account holders connected to the municipal electrical infrastructure network as at 30 June 2017	Number of indigent account holders receiving free basic electricity which are connected to the municipal electrical infrastructure network as at 30 June 2017			5,000	N
TL9	Provide free basic sanitation services to registered indigent account holders which are connected to the municipal waste water (sanitation/sewerage) network & are billed for sewerage service, irrespective of the number of water closets (toilets) as at 30 June 2017	Number of indigent account holders connected to the sanitation/sewerage network and are billed for sewerage services as at 30 June 2017			5,000	N
TL10	Provide free basic refuse removal, refuse dumps and solid waste disposal to registered indigent account holders as at 30 June 2017	Number of indigent account holders receiving free basic refuse removal as at 30 June 2017			5,000	N
TL11	The % of the Municipality's capital budget spent on capital projects by 30 June 2017 $\{ \{ \text{Total Actual capital Expenditure} / \text{Approved Capital Budget} \} \times 100 \}$	% of the Municipality's capital budget spent by 30 June 2017 $\{ \{ \text{Total Actual capital Expenditure} / \text{Approved Capital Budget} \} \times 100 \}$			90%	N
TL15	Financial viability measured in terms of the municipality's ability to meet its service debt obligations as at 30 June 2017 (Short Term Borrowing + Bank Overdraft + Short Term Lease + Long Term Borrowing + Long Term Lease) / Total Operating Revenue - Operating Conditional Grant	Debt to Revenue as at 30 June 2017 (Short Term Borrowing + Bank Overdraft + Short Term Lease + Long Term Borrowing + Long Term Lease) / Total Operating Revenue - Operating Conditional Grant			55	N
TL16	Financial viability measured in terms of the outstanding service debtors as at 30 June 2017 (Total outstanding service debtors/ revenue received for services)	% of outstanding service debtors as at 30 June 2017 (Total outstanding service debtors/ revenue received for services)			20%	N
TL17	Financial viability measured in terms of the available cash to cover fixed operating expenditure as at 30 June 2017 $\{ \{ \text{Cash and Cash Equivalents} - \text{Unspent Conditional Grants} - \text{Overdraft} \} + \text{Short Term Investment} \} / \text{Monthly Fixed Operational Expenditure excluding (Depreciation, Amortisation, and Provision for Bad Debts, Impairment and Loss on Disposal of Assets)} \}$.	Cost coverage as at 30 June 2017 $\{ \{ \text{Cash and Cash Equivalents} - \text{Unspent Conditional Grants} - \text{Overdraft} \} + \text{Short Term Investment} \} / \text{Monthly Fixed Operational Expenditure excluding (Depreciation, Amortisation, and Provision for Bad Debts, Impairment and Loss on Disposal of Assets)} \}$.			6	N
TL29	Achieve an average payment percentage of 93% by 30 June 2017 $\{ \{ \text{Gross Debtors Closing Balance} + \text{billed revenue} - \text{Gross Debtors Opening Balance} - \text{Bad Debts Written Off} \} / \text{Billed revenue} \} \times 100$	$\{ \{ \text{Gross Debtors Closing Balance} + \text{billed revenue} - \text{Gross Debtors Opening Balance} - \text{Bad Debts Written Off} \} / \text{Billed Revenue} \} \times 100$			93%	N

* A = Amendment required

N = No amendment required

Engineering Services

Ref	Current TL KPI description		Reviewed TL KPI description		Annual Target	* A/N
	Current KPI description	Unit of Measurement	Proposed wording for Amended Top Layer SDBIP KPI's	Proposed Unit of measurement for Amended Top Layer SDBIP KPI's		
TL35	Limit unaccounted for electricity to less than 11% by 30 June 2017 $\{(Number\ of\ Electricity\ Units\ Purchased\ and/or\ Generated - Number\ of\ Electricity\ Units\ Sold\ (incl\ Free\ basic\ electricity)) / (Number\ of\ Electricity\ Units\ Purchased\ and/or\ Generated) \times 100\}$	$\{(Number\ of\ Electricity\ Units\ Purchased\ and/or\ Generated - Number\ of\ Electricity\ Units\ Sold\ (incl\ Free\ basic\ electricity)) / (Number\ of\ Electricity\ Units\ Purchased\ and/or\ Generated) \times 100\}$			11%	N
TL36	50% Weighted Average effluent quality achieved in terms of requirements as regulated by the water use license for all Waste Water Treatment Works	% effluent quality			50%	N
TL37	90% Weighted Average water quality achieved as per micro, chemical, operational and physical determinants in terms of the Blue Drop requirements regulated by SANS 241 for all Water Treatment Works	% Average water quality achieved as per micro, chemical, operational and physical determinants			90%	N
TL38	Limit unaccounted for water to less than 25% by 30 June 2017	Percentage of unaccounted for water calculated in terms of standard IWA formula			25%	N
TL39	Review and submit the Water Services Development Plan to the Portfolio Committee by 30 June 2017	Reviewed Water Services Development Plan submitted to the Portfolio Committee by 30 June 2017			1	N
TL40	Develop the Integrated Waste Management Plan and submit it to the Portfolio Committee by 30 June 2017	Integrated Waste Management Plan submitted to Portfolio Committee by 30 June 2017			1	N
TL41	Develop a Waste Management Bylaw and submit to the Portfolio Committee by 30 June 2017	Bylaw developed and submitted to the Portfolio Committee by 30 June 2017			1	N

Planning & Economic Development

Ref	Current TL KPI description		Reviewed TL KPI description		Annual Target	* A/N
	Current KPI description	Unit of Measurement	Proposed wording for Amended Top Layer SDBIP KPI's	Proposed Unit of measurement for Amended Top Layer SDBIP KPI's		
TL12	Number of FTE's created by 30 June 2017 through in terms of Expended Public Works Programme	Number of FTE's created by 30 June 2017			84	N
TL46	Report quarterly to the Portfolio Committee on the process of land-use applications within the prescribed/legislated periods	Number of reports submitted	Quarterly reports to the Portfolio Committee on the process of land-use applications within the prescribed/legislated periods	N	4	A
TL47	Report quarterly to the Portfolio Committee on the process of building plan applications within the prescribed/legislated periods	Number of reports submitted	Quarterly reports to the Portfolio Committee on the process of building plan applications within the prescribed/legislated periods	N	4	A
TL48	Provide training to entrepreneurs and SMME's	Number of training events			4	N
TL49	Develop the Urban Development Strategy as the first phase of the WC024 SDF and submit it to the Portfolio Committee by 30 June 2017	Strategy submitted to the Portfolio committee by 30 June 2017			1	N
TL50	Review Grant in aid policy and submit it to the Portfolio Committee by 31 March 2017	Policy submitted to the Portfolio committee by 31 March 2017	Review Grant in aid policy and submit it to the Portfolio Committee by 30 June 2017	Policy submitted to the Portfolio committee by 30 June 2017	1	A
TL51	Identify land for emergency housing and submit report with recommendations to the Portfolio Committee by 30 June 2017	Report with recommendations submitted to the Portfolio Committee by 30 June 2017			1	N

* A = Amendment required

N = No amendment required

Human Settlements & Property Management

Ref	Current TL KPI description		Reviewed TL KPI description		Annual Target	* A/N
	Current KPI description	Unit of Measurement	Proposed wording for Amended Top Layer SDBIP KPI's	Proposed Unit of measurement for Amended Top Layer SDBIP KPI's		
TL30	Provide 50 additional waterborne toilet facilities to informal settlements by 30 June 2017	Number of waterborne toilets facilities provided by 30 June 2017			50	N
TL31	Service sites for low cost housing development by 30 June 2017	Number of sites serviced by 30 June 2017			190	N
TL32	Compile and sign 200 transfer documents for ownership of low cost houses by 30 June 2017	Number of transfer documents compiled and signed by 30 June 2017			200	N
TL33	Construct 105 top structures by 30 June 2017	Number of top structures constructed by 30 June 2017			105	N
TL34	Install 50 taps in informal settlements by 30 June 2017	Number of taps installed by 30 June 2017			50	N

Community & Protection Services

Ref	Current TL KPI description		Reviewed TL KPI description		Annual Target	* A/N
	Current KPI description	Unit of Measurement	Proposed wording for Amended Top Layer SDBIP KPI's	Proposed Unit of measurement for Amended Top Layer SDBIP KPI's		
TL42	Review the Disaster Management Plan and submit to the Portfolio committee by 30 June 2017	Reviewed Plan submitted to Portfolio Committee by 30 June 2017			1	N
TL43	Review the Safety and Security Strategy and submit to the Portfolio Committee by 31 March 2017	Revised Safety and Security Strategy submitted to the Portfolio Committee by 31 March 2017	Review the Safety and Security Strategy and submit to the Portfolio Committee by 30 June 2017	Revised Safety and Security Strategy submitted to the Portfolio Committee by 31 March 2017	1	A
TL44	Review the Sport Management Plan and submit to the Portfolio committee by 30 June 2017	Reviewed plan submitted to the Portfolio committee by 30 June 2017			1	N
TL45	Report quarterly to the Portfolio Committee on the enforcement of municipal By-Laws on public open spaces, municipal owned property and municipal owned land	Number of reports submitted	Quarterly reports to the Portfolio Committee on the enforcement of municipal By-Laws on public open spaces, municipal owned property and municipal owned land	N	4	A

* A = Amendment required

N = No amendment required

7.3	ECONOMIC DEVELOPMENT AND PLANNING: (CLLR JP SERDYN (MS))
7.3.1	REPORT BACK TO COUNCIL ON MFMA SECTION 116(3) – PROPOSAL TO EXTEND THE INTEGRATED ZONING SCHEME CONTRACT

1. PURPOSE OF REPORT

To report back to Council after giving approval (2nd Council meeting 05-10-2016) to commence with the minimum requirements as set in Section 116(3) of the Local Government: Municipal Finance Management Act, 56 of 2003 to extend the contract of the service provider (@Planning) to perform additional work in respect of the Integrated Zoning Scheme (IZS)

2. BACKGROUND

At the 2nd Council Meeting of 05 October 2016 (**APPENDIX 1**) Council approved that administration proceed with the legal requirements i.t.o. Sec.116(3) of the Local Government: Municipal Finance Management Act, 56 of 2003 enabling local government institutions to amend contracts with service providers under certain conditions.

The purpose of this Item is to report back on the above mentioned requirements and to request that the Administration be commissioned to make budgetary provision during the adjustment budget process to the amount of R105 000 (excluding vat) for the additional work and to extend the contract with the service provider (@Planning) to the end of the 2016/2017 financial year.

3. DISCUSSION

As per the legal prescriptive provisions of Section 116(3) of the Municipal Finance Management Act (Act 56 of 2003) the following requirements have to be complied with:

- (a) *A contract or agreement procured through the supply chain management policy of the municipality or municipal entity may amended by parties, but only after -*
- (b) *the reasons for the proposed amendment have been tabled in the council of the municipality or, in the case of a municipal entity, in the council of its parent municipality, and*
- (c) *the local community-*
 - (i) *has been given reasonable notice the intention to amend the contract arrangement; and*
 - (ii) *has been invited to submit representations to the municipality or municipality entity*

The following motivation has been tabled as per previous Council approval (**APPENDIX 1 dated 05 October 2016**):

- (a) the Spatial Planning Land Use Management Act, 2013 was only enacted in July 2015 as well as the Land Use Planning Act, 2014 in August 2015. Both these Acts late promulgation effectively delayed the project start;

- (b) the Planning Department followed a more extensive inter-departmental comment process, which took longer than originally set out in the scope of works;
- (c) this process highlighted a number of issues which has led to the need for an additional interdepartmental workshop which was not included for in the scope of works and which will lead to additional revision to the draft by-law document;
- (d) the outcomes of the workshop will also lead to amendments to the zoning map in GIS;
- (e) it would not have been prudent to advertise the by-law on an Integrated Zoning Scheme for public comment in the run-up to the local government elections in August. Permission to advertise can only be obtained at the earliest in September 2016 once the new Council is constituted. This means the earliest possible conclusion date for this project is June 2017.

Furthermore, as per MFMA Section 116(3)(b)(i-ii) the administration proceeded in consulting the community by giving notice in the media (Die Burger and Cape Argus) from 22 October 2016 to the 11/11/2016 and no comments/objects were received (**See APPENDIX 2**).

Based on the above, the municipality has complied with the minimum legal requirements to extend the contract with the service provider to do the additional work and to extend the contract to the end of the 2016/2017 financial year.

4. LEGAL IMPLICATIONS

None

5. FINANCIAL IMPLICATIONS

Extra R105 000.00 to complete the work.

RECOMMENDED

- (a) that note be taken that the minimum requirements have been complied with as set out in the prescriptive provisions of Section 116(3) of the Local Government: Municipal Finance Management Act, 56 of 2003 enabling local government institutions to amend contracts with service providers under certain conditions. The reasons for the proposed extension of the contract have been submitted to Council for consideration (**APPENDIX 1**). The public was given reasonable notice of the intention to amend and extend the contract and the public has been invited to make submissions to the municipality (**APPENDIX 2**);
- (b) that the administration be commissioned to make budgetary provision during the adjustment budget process to the amount of R105 000.00 (excluding vat) for additional work; and
- (c) that the tender with @Planning be extended to the end of the 2016/2017 financial year to complete the project awarded under tender B/SM 66/15

Meeting: Ref No:	5 th Council: 2017-01-25 1/1/1/40	Submitted by Directorate: Author: Referred from:	Planning and Economic Development D Lombaard Mayco:2017-01-18
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APPENDIX 1



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Ref no.3/4/1/5

2016-10-07

MINUTES

2nd COUNCIL MEETING

2016-10-05 AT 15:00

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

A G E N D A
2ND MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2016-10-05
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7.4.3	MFMA SECTION 116(3) – PROPOSAL TO EXTEND THE INTEGRATED ZONING SCHEME CONTRACT
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1. PURPOSE OF REPORT

To obtain Council approval for the extension of the contract of the service provider to perform additional work in respect of the Integrated Zoning Scheme (IZS).

2. BACKGROUND

A zoning scheme is a legal document that records all land use rights on properties within the area of jurisdiction of a municipality. The purpose of a zoning scheme is to allocate rights to a property with respect to:

- (i) the use which may be conducted from the property;
- (ii) ~~the extent to which buildings may be developed on the property;~~
and
- (iii) any other related matters, eg heritage, parking, etc.

In 2012 Stellenbosch Municipality embarked on a project to prepare an Integrated Zoning Scheme (IZS) for Stellenbosch Municipality (WC024). This project was aimed at standardising, reviewing and addressing the main shortcomings of the various “legacy” zoning and scheme regulations of earlier administrations. These older schemes, amongst other, include Franschhoek, Stellenbosch, Kayamandi and rural area which regulated land in different ways. Amongst others the Municipality has no delegation to consider land use planning applications in Kayamandi under the existing old zoning scheme applicable to the area.

2ND COUNCIL MEETING: 2016-10-05: ITEM 7.4.3**RESOLVED** (nem con)

- (a) that Council takes note of the prescriptive provisions of Section 116(3) of the Local Government: Municipal Finance Management Act, 56 of 2003 enabling local government institutions to amend contracts with service providers under certain conditions, being:
 - (i) the reasons for the proposed extension of the contract have been submitted to Council for consideration;
 - (ii) the public was given reasonable notice of the intention to amend and extend the contract;
 - (iii) the public has been invited to make submissions to the municipality;
- (b) that permission be granted to advertise in local newspapers in terms of Section 116(3)(b) of the MFMA for comments to extend the contract of June 2015 until June 2017 with reasons mentioned in this report; and

- (c) that the Administration be commissioned to make budgetary provision during the adjustment budget process to the amount of R105 000 (excluding vat) for the additional work.

Meeting: Ref No:	<i>Council: 2016-10-05 1/1/1/40</i>	Submitted by Directorate: Author: Referred from:	<i>Economic Development & Planning SPLUMA Compliance Officer: (J Jansen v Rensburg EM 2016-09-21</i>
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APPENDIX 2

at 12:00.

Proposals must be submitted in a sealed envelope marked as "BADEN 5 69/2016" and placed in the tender box available at Reception, Casidra's Head Office, 22 Louws Avenue, Southern Paarl. No faxed, counter-to-counter courier or posted bids will be accepted.

For bid enquiries, kindly contact Jacques Swanepoel on tel. 021 863 5000 or jswanepoel@casidra.co.za.

For technical enquiries, kindly contact Jacques Swanepoel on tel. 021 863 5000.



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Page 35
Dankie dary
my lewe gered het!



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NOTICE

NOTICE IN TERMS OF SECTION 116(3) OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT 56 OF 2003) FOR THE PROPOSED AMENDMENTS TO THE CONTRACT FOR STELLENBOSCH (WC024) MUNICIPALITY DEVELOPMENT MANAGEMENT SCHEME PROMULGATION

Notice is hereby given in terms of Section 116 (3) (a) and (b) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) that it is the intention of the Stellenbosch Municipality to amend the existing contract:

Number: B/SM 66/15

Description: Municipality Development Management Scheme Promulgation

Contractor: At Planning Town and Regional Planning Services Cc t/a @Planning

Reasons for the proposed amendment: To make provision for additional interdepartmental workshops and subsequent revisions of the draft by-law document.

Notice is hereby further given in terms of Section 21 and 21A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) that the local community and affected parties are invited to submit comments or representations on the proposed amendment of the contract. Persons who are physical disabled or who cannot read or write but wish to participate in the process, may come during office hours to the Municipal Offices, Plein Street, Stellenbosch where a staff member will assist that person to transcribe that person's comments or representations.

Comments and/or representations must be submitted to the following email address: s116.contracts@stellenbosch.gov.za, with the subject line entitled "B/SM 66/15: COMMENTS ON NOTICE OF AMENDMENT OF EXISTING AGREEMENT WITH PLANNING TOWN AND REGIONAL PLANNING SERVICES Cc t/a @PLANNING".

The closing date and time for the submission of representations and/or comments is no later than 11/11/2016, at 12:00. Any comments or representations received after this time and date will not be considered.

All enquiries regarding this intent can be directed to the following official:

Name & Surname : Mr J Jansen van Rensburg
Telephone Number : E-mail enquiries only
E-mail address : Jacques.jansenvanrensburg@stellenbosch.gov.za
Physical address : 1st Floor
Plein Street
Stellenbosch
7600

Richard Bosman
Acting Municipal Manager

BREED VALLEY MUNICIPALITY BID NOTICE AND INVITATION TO TENDER

TENDER NUMBER	TENDER DESCRIPTION	PREFERENCE POINT APPLICABLE	CIDB GRADING	CLOSING DATE
BV558	OPERATION OF WORCESTER LANDFILL	90/10	4CE or higher	Friday, 11 November 2016
BV574	CONSTRUCTION OF NEIGHBOURHOOD CENTRES IN RIVERVIEW AND ROODEWAL, WORCESTER	90/10	3GB or higher	Friday, 11 November 2016

The Breede Valley Municipality invites tenders from suitably qualifying contractors for the projects mentioned above. Interested contractors can collect bid documents from the Supply Chain Management Offices, Stofberg House, 23 Baring Street, Worcester. Bid documents can be collected as from Monday, 24 October 2016, during office hours Mondays to Fridays 08h00 – 13h00 and 13h30 – 15h00. A non-refundable fee of R 228-00 (Two Hundred and Twenty Eight Rand) for each set of documents, payable by bank guaranteed cheque made out in favour of Breede Valley Municipality, is required on collection of the bid documents. Cash deposits will also be accepted.

Any enquiries regarding the bidding procedure or the issue of bid documents shall be directed to the Supply Chain Management Unit, for attention of Mr Wilfred Bells, at telephone number 023 348-2954, or Fax number 086 445 0476, or e-mail address: wbells@bvm.gov.za. Technical queries relating to tender BV558 may be addressed to Mr Jan Palm, Tel No. 021 9826570, Fax No. 021 981 0868, e-mail janpalm@jpce.co.za. Technical queries relating to tender BV574 may be addressed to Mr Chris Smal, Tel No. 072 8066529, e-mail csmal@bvm.gov.za.

A compulsory clarification meeting in respect of tender BV558 shall take place at the Waterloo Hall of Worcester's library, 30 Baring Street, Worcester on Tuesday, 1 November 2016 starting at 11:00. Tenderers who arrive later than 11:15 will not be allowed into the clarification meeting. A compulsory clarification meeting in respect of tender BV574 shall take place on Wednesday 2 November 2016 starting at 10:00 in the Committee Room, 1st Floor Main Building, 30 Baring Street, Worcester. Tenderers who arrive later than 10:15 will not be allowed into the clarification meeting.

Tender offers, in properly sealed envelopes and clearly marked on the outside with the corresponding bid number and description, must timeously be placed in the tender box at Breede Valley Municipality, Supply Chain Management Unit, Stofberg House, 23 Baring Street, Worcester, by not later than 11h00 on the dates specified above. Telephonic, telegraphic, telex, facsimile, electronic or e-mailed, bids will not be accepted. If the bid is late, it will not be accepted for consideration.

The Employer does not bind itself to accept the lowest or any tender and reserves the right to accept any tender or any part thereof, which may result in the acceptance of more than one tender, whichever the case may be. The Employer shall apply the Municipal Supply Chain Management Policy as adopted in terms of Section 111 of the Municipal Financial Management Act, 2003 (Act No 56 of 2003) and relevant regulations. No bids will be considered from persons in the service of the state.

D. MCTHOMAS (ACTING MUNICIPAL MANAGER)
SC 23/2016



NOTICE

NOTICE IN TERMS OF SECTION 116(3) OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT 56 OF 2003) FOR THE PROPOSED AMENDMENTS TO THE CONTRACT FOR STELLENBOSCH (WC024) MUNICIPALITY DEVELOPMENT MANAGEMENT SCHEME PROMULGATION

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Description: Municipality Development Management Scheme Promulgation

Contractor: At Planning Town and Regional Planning Services Cc t/a @Planning

Reasons for the proposed amendment: To make provision for additional interdepartmental workshops and subsequent revisions of the draft by-law document.

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Comments and/or representations must be submitted to the following email address: g116.contracts@stellenbosch.gov.za, with the subject line entitled "B/SM 66/15- COMMENTS ON NOTICE OF AMENDMENT OF EXISTING AGREEMENT WITH PLANNING TOWN AND REGIONAL PLANNING SERVICES Cc t/a @PLANNING".

The closing date and time for the submission of representations and/or comments is no later than 11/11/2016, at 12:00. Any comments or representations received after this time and date will not be considered.

All enquiries regarding this intent can be directed to the following official:
 Name & Surname : Mr J Jansen van Rensburg
 Telephone Number : E-mail enquiries only
 E-mail address : Jacques.jansen.vanrensburg@stellenbosch.gov.za
 Physical address : 1st Floor
 Plein Street
 Stellenbosch
 7600
 Richard Bosman
 Acting Municipal Manager (110482508)



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