STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2021-07-28

NOTICE OF THE 44TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY WEDNESDAY, 2021-07-28 AT 10:00

TO

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

COUNCILLORS

FJ Badenhorst
FT Bangani-Menziwa (Ms)
Ald PW Biscombe
G Cele (Ms)
PR Crawley (Ms)
A Crombie (Ms)
Z Dalling (Ms)
C Davidse
R Du Toit (Ms)
J Fasser
A Florence
AR Frazenburg
E Fredericks (Ms)
T Gosa
E Groenewald (Ms)
JG Hamilton
AJ Hanekom
JK Hendriks
LK Horsband (Ms)
MC Johnson
DD Joubert
J Kleynhans (Ms)
N Mananga-Gugushe (Ms)
C Manuel
NE Mcombring (Ms)
XL Mdemka (Ms)
C Moses (Ms)
RS Nalumango (Ms)
N Olayi
MD Oliphant
SA Peters
WF Pietersen
SR Schäfer
Ald JP Serdyn (Ms)
N Sinkinya (Ms)
P Sitshoti (Ms)
Q Smit
LL Stander
R Van Rooyen
E Vermeulen

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 **44TH MEETING** of the **COUNCIL** of **STELLENBOSCH MUNICIPALITY** will be held via **MS TEAMS** on **WEDNESDAY, 2021-07-28** at **10:00** to consider the items on the Agenda.

2021/07/22

SPEAKER
WC PETERSEN (MS)

A G E N D A

MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2021-07-28

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7.	CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING

7.1	43RD COUNCIL MEETING: 2021-05-26

The minutes of the 43rd Council Meeting: 2021-05-26 is attached as **APPENDIX 1**.

FOR CONFIRMATION

APPENDIX 1

STELLENBOSCH
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Ref. no.3/4/1/5

2021-05-26

MINUTES

43RD MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2021-05-26 AT 10:00

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

M I N U T E S

MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2021-05-26

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	(SEE IN-COMMITTEE DOCUMENTATION)	

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

COUNCILLORS

F Adams
FJ Badenhorst
FT Bangani-Menziwa (Ms)
Ald PW Biscombe
G Cele (Ms)
PR Crawley (Ms)
Z Dalling (Ms)
C Davidse
R Du Toit (Ms)
J Fasser
A Florence
AR Frazenburg
E Fredericks (Ms)
T Gosa
E Groenewald (Ms)
JG Hamilton
AJ Hanekom
JK Hendriks
LK Horsband (Ms)
MC Johnson
DD Joubert
N Mananga-Gugushe (Ms)
C Manuel
XL Mdemka (Ms)
N Olayi
MD Oliphant
SA Peters
WF Pietersen
SR Schäfer
Ald JP Serdyn (Ms)
N Sinkinya (Ms)
P Sitshoti (Ms)
R Van Rooyen

****

Officials:
Municipal Manager (Ms G Mettler)
Chief Financial Officer (K Carolus)
Acting Director: Community and Protection Services (A van der Merwe)
Director: Corporate Services (Ms A De Beer)
Director: Infrastructure Services (D Louw)
Acting Director: Planning and Economic Development (C Alexander)
Chief Audit Executive (F Hoosain)
Senior Administration Officer (T Samuels (Ms))

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1.	**OPENING AND WELCOME**

Good Morning to you all present in this, the 43rd Council Meeting.

A Warm welcoming to:

- The Executive Mayor, Alderman Gesie Van Deventer
- Deputy Executive Mayor, Nyaniso Jindela
- The Municipal Manager, Geraldine Mettler @ Directors
- The Members of the Executive Committee
- All Councillors present
- And the broader Stellenbosch Public tuned in on the Virtual Platform

I welcome you all present and hope that you will have a fruitful and constructive meeting as we will discuss today the newly proposed budget of Council.

I now ask Cllr: Wilfred Pietersen to open the meeting with a prayer.

2.	**MAYORAL ADDRESS**

"Speaker, Munisipale Bestuurder, Burgemeesterskomiteelede, Direkteure

Goeiedag, Good Morning, Molweni, As-salaam Alaikum

- The National Govern Roll-out for the vaccinations of people older than 60 started this week.
- I want to encourage all councillors and residents who qualify to please register for the vaccine and when you get your notification that it is your turn to please get vaccinated.
    - Registration is easy and ban be done on the website – https://vaccine.enroll.health.gov.za or WhatsApp the word REGISTER to 0600 123 456 or call *134*832#. You can also call 0860 142 142 for assistance with registration.
- We are nearing the third wave of COVID and I want to urge all residents, officials and students to please adhere to the COVID protocol.
    - Avoid large groups
    - WEAR A MASK
    - Sanitize your hands.
    - If the situation escalates out of control we might be faced with a new round of restrictions.
- Winter rains have started and it has been accompanied with some localised flooding.
    - We assist wherever possible, but there seems to be some confusion about how to apply for and get an emergency flood kit.
    - I want to use the opportunity to inform residents and councillors of the correct procedures.
    - The handing out of emergency kits are strictly regulated to make sure that people do not abuse it.
    - When damage is reported (either via the councillor or how emergency lines), it is directed to the head of our Disaster Management Section. Our Fire Services commanders and housing officials are then tasked with assessing the situation and to report back to Disaster Management.
    - When the assessment has been completed and it has been determined that there has been a flooding emergency, the necessary number of emergency flood kits are issued and delivered.
    - The victims must also sign for it.
    - The entire process is completed as quickly as possible but it is necessary to ensure that only those who are in real need, and not chancers, receive the necessary assistance because our resources are limited.
    - If you want to make a contribution to winter aid relief, please contact my office. Any assistance is more than welcome.
- The IEC has announced the registration dates for the upcoming local elections.
    - Registration weekend will be on 17 and 18 JULY 2021.
    - During that weekend all voting stations will be open and residents who need to reregister or register for the first time can do so.

- All eligible residents, meaning every resident, 18 years and older by the date of the election must ensure that they are correctly registered.
- You can also go to the nearest IEC office to update your registration.
- If you have moved since the last election, please make sure you update your registration.
- To check on whether or not you are correctly registered, you can visit the IEC's webpage at www.elections.org.za or send and SMS with your ID nr to 32810.

Thank you."

3.	COMMUNICATION BY THE SPEAKER

"Madame Mayor and Deputy Mayor, - today is our 43rd Council meeting against the backdrop of providing our last **Municipal Budget** – during our current term - Meaning that we still have**153** days left to complete our term / work of being of service to the broader Stellenbosch Public.

Councillor's @ Administration of Stellenbosch let us use this window of Opportunity – to correct and do what we should do to the broader Stellenbosch electorate.

Notices:

- On notices may I remind you all that **Covid 19** is still with us and especially here in Stellenbosch where we have been labelled as a Hotspot due to the increase in new cases and even death's in our area of jurisdiction.
- We have a duty as a town to help curb the Pandemic and I urged all our leaders in town, the University community, Business owners and leaders in general to work together to help stop this virus as a collective.
- Please take note of the Vaccination drive and especially to our elderly – Councillors please assist our senior members of our society as they experience challenges with the registration link.
- Councillors please also remind our electorate that Registration weekend will be 17th and 18th July 2021 only.
- Councillors not coming back after the elections are reminded that they do qualify for three month remuneration after the election.

Birthdays:

The following Councilors will be celebrating their birthdays:

- Aldridge Frazenburg – his birthday is today and
- Councillor Quinton Smit – 1 June
- Councillor James Hamilton – 11 June

On behalf of Council we hope you all of the best on your birthdays.

Madame Mayor, Municipal Manager and fellow Councilors let us move to the Business of the Day in dealing with the Council Agenda of point 4. Communications by the Municipal Manager.

Thank you."

4.	**COMMUNICATION BY THE MUNICIPAL MANAGER**

"Good day Madame Mayor, Speaker, Councillors and Colleagues,

- Given the economic climate we find ourselves in, and the impact covid had on (not only the municipality, but on every single citizen in this town) she is very proud of the Budget that will be presented today.

- Registration for elections will on the weekend of 17 and 18 July 2021. There will be 23 wards in the next elections and residents are urged to verify in which ward they are registered (on the IEC's website, electronically). Some boundaries of the wards have changed slightly in order to make provision for new ward.

- We are on the verge of the 3rd wave of covid and residents and staff are urged to follow the protocols at all times, because we are aware of the devastating effects it had on our economy, something our municipality and country can ill-afford. Please be careful and take care.

- As we approach Youth Day, it is sad to learn about the passing of a matric learner from Renish Girls High School in Stellenbosch. The Municipal Manager, on behalf of Council, expressed the municipality's deepest sympathy with the family, school, and students with the passing of the matric learner. Parents are requested to pay careful attention to their children and the challenges they face, especially as they are preparing for the exams and the issues with covid (not much social interaction, on-line classes, etc).

- The youth are indeed our future, and as Madiba said: "*The working youth is critical to our future. The economy depends on you. With your hard work and efforts at improving your skill, you can make our nation one of the most prosperous nations in the world."* With this, I want to emphasize the importance of youth in our society and what they bring to us. We need to look after our youth and encourage them.

- All staff of Stellenbosch Municipality are urged to adhere to protocols at all times. Please look after each other, it is for our own safety and benefit and that of the community. As the Municipal Manager and Head of the Administration I appreciate everything you do, the extra miles you go and the work you sometimes do without getting the necessary acknowledgement for it, it is not going unseen, I appreciate it.

I thank you."

5.	**DISCLOSURE OF INTERESTS**

NONE

6.	APPLICATIONS FOR LEAVE OF ABSENCE

The following application for leave of absence was approved in terms of the Rules and Order By-law of Council:-

Cllr A Crawley (Ms) – 26 May 2021
Cllr NE Mcombring (Ms) – 26 May 2021
Cllr Q Smit – 26 May 2021

ABSENT

Cllr MD Oliphant – 26 May 2021
Cllr C Moses (Ms) – 26 May 2021
Cllr RS Nalumango (Ms) – 26 May 2021

7.	CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING

7.1	42ND COUNCIL MEETING: 2021-04-28

The minutes of the 42nd Council Meeting: 2021-04-28 was **confirmed as correct.**

8.	STATUTORY MATTERS

8.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) OVERSIGHT REPORT ON THE ANNUAL REPORT 2019/20

Collaborator No: **706555**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **19 May 2021 and 26 May 2021**

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1. SUBJECT: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) OVERSIGHT REPORT ON THE ANNUAL REPORT 2019/20

2. PURPOSE

To submit to Council the Oversight Report on the Annual Report 2019/20 for consideration and approval.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Draft Annual Report 2019/20 was referred by Council, on 31 March 2021, to MPAC which fulfilled the functions of the Oversight Committee. The appointment and mandate of the MPAC/Oversight Committee were informed by the MFMA Circular 32 of 2006.

Committee members, including the two co-opted members, have scrutinised the Draft Annual Report 2019/20 and requested, where required, responses from the relevant Directorates. The Annual Report 2019/20 was objectively reviewed by the MPAC Members to ascertain whether the Annual Report 2019/20 is a true and accurate reflection of the municipality's performance for the 2019/20 financial year. The public was also invited to attend a public hearing to submit any representations on the Annual Report 2019/20. The public hearing was held on 15 April 2021.

At the time of deliberating on the Annual Report 2019/20, the report from the Auditor-General of South Africa (AGSA), as contemplated in terms of Section 121(3)(b) and (d), was not available. Hence, the AGSA's report must still be submitted to the MPAC as soon as it becomes available.

43RD COUNCIL MEETING: 2021-05-26: ITEM 8.1

RESOLVED (majority vote)

(a) that Council, having fully considered the Oversight Report on the Annual Report 2019/20 of the Stellenbosch Municipality, adopts the Oversight Report 2019/20;

(b) that Council, having fully considered the Annual Report 2019/20, attached hereto as **ANNEXURE B**, approves the Annual Report 2019/20 with the following reservations:

(i) that the Auditor-General's Report 2019/20 be submitted to the MPAC as soon as it is available; and

(ii) that the MPAC submits a separate report to Council after the MPAC considered the Auditor-General's Report 2019/20;

(c) that the Oversight Report 2019/20 be made public in accordance with Section 129(3) of the MFMA; and

(d) that the Oversight Report 2019/20 on the Annual Report for the 2019/20 financial year be submitted in accordance with Sections 129(2) and 132(2) of the MFMA to the Auditor-General of South Africa, Provincial Treasury: Western Cape, Department of Local Government: Western Cape and the Provincial Legislature: Western Cape.

Councillors F Adams; C Davidse and LK Horsband requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	***SHIREEN DE VISSER***
POSITION	***SENIOR MANAGER: GOVERNANCE***
DIRECTORATE	***OFFICE OF THE MUNICIPAL MANAGER***
CONTACT NUMBERS	***021 – 808 8035***
E-MAIL ADDRESS	***SHIREEN.DEVISSER@STELLENBOSCH.GOV.ZA***
REPORT DATE	***07 MAY 2021***

8.2	APPROVAL OF THE FOURTH REVIEW OF THE FOURTH GENERATION IDP 2017 – 2022

Collaborator No: 706595
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 19 May 2021 and 26 May 2021

1. SUBJECT: APPROVAL OF THE FOURTH REVIEW OF THE FOURTH GENERATION IDP 2017 – 2022

2. PURPOSE

To submit to Council for adoption:

(a) The Fourth Review of the Fourth Generation Integrated Development Plan (IDP) 2017 – 2022, attached as **ANNEXURE A;** and

(b) The public participation inputs, written submissions and Provincial Government LG MTEC findings on the Draft Fourth Review of the Fourth Generation IDP 2017 - 2022, attached as **ANNEXURE B.**

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Integrated Development Plan (IDP) is a 5-year Strategic Plan that is reviewed annually to accommodate changes in the municipal environment, including community priorities. It also informs the budget of the municipality. The Fourth Review of the Fourth Generation IDP 2017 – 2022 details the municipality's actions to address the needs of the community.

The municipal IDP must be reviewed every year to ensure that:

- Municipalities and communities keep track of progress in implementing development projects and spending the municipal budget; and
- Communities are provided with an opportunity to review their needs and make possible revisions to the priorities listed in the municipal IDP.

43RD COUNCIL MEETING: 2021-05-26: ITEM 8.2

RESOLVED (majority vote)

(a) that the Stellenbosch Municipality's Fourth Review of the Fourth Generation IDP 2017 – 2022, attached as **ANNEXURE A,** be adopted;

(b) that the public participation inputs and written submissions on the Draft Fourth Review of the Fourth Generation 2017 – 2022, attached as **ANNEXURE B**, be noted; and

(c) that an advertisement be placed on the official website of the municipality, municipal notice boards and in the local newspapers notifying the public that the final Fourth Review of the Fourth Generation 2017 – 2022 has been adopted by Council.

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

Cllrs F Adams; F Bangani-Menziwe (Ms); G Cele (Ms); C Davidse; LK Horsband (Ms); N Mananga-Gugushe (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

8.3	MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK: 2021/2022-2023/2024

Collaborator No: **706713**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **19 May 2021 and 26 May 2021**

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1. SUBJECT: MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK: 2021/2022-2023/2024

2. PURPOSE

The purpose of this report is as follows:

a) To consider the views/submissions of the local community in terms of Section 23(1) (a) of Municipal Finance Management Act (Act 56 of 2003), herein after called the MFMA and to allow the Executive Mayor to respond to the views of the public envisaged in terms of Section 23 (2) (a) and (b);

b) To approve the Medium Term Revenue and Expenditure Framework (inclusive of property rates charges and taxes, tariffs and service charges), annexures and proposed amendments to the budget-related policies and other policies to Council for approval in terms of Section 16(2) of the Municipal Finance Management Act, (Act 56 of 2003);

c) That Council specifically note and consider the need to take up external loans to fund critically needed refurbishment of infrastructure to the amount of R444 million of which over the MTREF R144 million will be required in year one, R140 million in year two, and R160 million in year three (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirms draft approval of same in order for the Chief Financial Officer to attend to the necessary legislative requirements.

3. DELEGATED AUTHORITY

FOR APPROVAL BY MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

BUDGET

Attached as **APPENDIX 1** is an Executive Summary by the Accounting Officer.

43RD COUNCIL MEETING: 2021-05-26: ITEM 8.3

The Speaker afforded the Executive Mayor the opportunity to deliver her Budget Speech (attached as an **APPENDIX**).

RESOLVED (majority vote)

(a) that the High Level Budget Summary, as set out in **APPENDIX 1 – PART 1 – SECTION C**; be approved;

(b) that the Annual Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 1 – PART 1 – SECTION D**, be approved;

(c) that the proposed Grants-In-Aid allocations as set out in **APPENDIX 1 – PART 2 – SECTION J**, be approved;

(d) that the three-year Capital Budget for 2021/2022, 2022/2023 and 2023/2024, as set out in **APPENDIX 1 – PART 2 – SECTION N**, be approved;

(e) that the proposed rates on properties in WCO24, tariffs, tariff structures and service charges for water, electricity, refuse, sewerage and other municipal services, as set out in **APPENDIX 3**, be approved;

(f) that the proposed amendments to existing budget-related policies and other policies as set out in **APPENDICES 5 - 31,** be approved;

(g) that Council specifically note and consider the need to take up an external loan, needed for investment in income generating infrastructure to the amount of R444 millions of which R144 million will be required in year one, R140 million in year two, and R160 million in year three (refer to Section G: High Level Budget Overview and Table A1 Budget Summary), and confirm approval of same;

(h) that Council specifically takes note of the fact that the proposed electricity charges and tariff structure is subject to NERSA approval that could change materially;

(i) that Council takes note of MFMA Circulars 107 and 108 that were published to guide the MTREF for 2021/2022 to 2023/2024 as set out in **APPENDICES 32 – 33;** and

(j) that Council takes note that the public comments and submissions were taken into account with the compilation of the final budget.

Councillors F Adams; and G Cele (Ms) requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	**KEVIN CAROLUS**
POSITION	***DIRECTOR: FINANCIAL SERVICES***
DIRECTORATE	***FINANCIAL SERVICES***
CONTACT NUMBERS	***021 808 8528***
E-MAIL ADDRESS	***kevin.carolus@stellenbosch.gov.za***
REPORT DATE	***26 May 2021***

8.4	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR APRIL 2021

Collaborator No: **706719**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **19 May 2021 and 26 May 2021**

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1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR APRIL 2021

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2020/2021 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

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

43RD COUNCIL MEETING: 2021-05-26: ITEM 8.4

NOTED

the deviations as listed for the month of April 2021.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	***CFO***
DIRECTORATE	***Finance***
CONTACT NUMBERS	***021 808 8528***
E-MAIL ADDRESS	***Kevin.Carolus@stellenbosch.gov.za***
REPORT DATE	***04 May 2021***

9.	REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS

As per Council directive (2021-01-27: Item 9) the Report by the Municipal Manager re Outstanding Resolutions taken at previous meetings of Council, is referred to the Section 80 Committees for scrutiny and interrogation.

The report attached hereto as **APPENDIX 1, IS FOR INFORMATION ONLY.**

43RD COUNCIL MEETING: 2021-05-26: ITEM 9

NOTED

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

10.	**ITEMS FOR NOTING**

10.1	**REPORT/S BY THE EXECUTIVE MAYOR**

10.1.1	**REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 24 MARCH 2021**

Collaborator No:
IDP KPA Ref No:
Meeting Date: **26 May 2021**

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1. SUBJECT: REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 24 MARCH 2021

2. PURPOSE

To inform Council of the matters under discussion at the Mayor – Rector Forum meeting held on 24 March 2021.

3. DELEGATED AUTHORITY

FOR INFORMATION

4. EXECUTIVE SUMMARY

The Executive Mayor has since her election reported to the Council on discussions that takes place a the regular meetings of the Mayor – Rector Forum. The meeting was held on 24 March 2021. The minutes is attached as **ANNEXURE A**.

43RD COUNCIL MEETING: 2021-05-26: ITEM 10.1.1

NOTED

the report by the Executive Mayor on the Mayor-Rector Forum Meeting dated 24 March 2021.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	***MANAGER: COUNCIL SUPPORT***
DIRECTORATE	***CORPORATE SERVICES***
CONTACT NUMBERS	***021 8088314***
E-MAIL ADDRESS	***Donovan.Muller@stellenbosch.gov.za***
REPORT DATE	***06 May 2021***

10.2	REPORT/S BY THE SPEAKER

10.2.1	RESIGNATION OF CLLR F ADAMS

Oral report by the Speaker

FOR INFORMATION

43RD COUNCIL MEETING: 2021-05-26: ITEM 10.2.1

The Speaker informed Council that Cllr F Adams tendered his resignation as PR Councillor, effective from 31 May 2021.

The Speaker afforded Councillors an opportunity to thank Cllr F Adams for his role and contributions in Council.

NOTED

the oral report by the Speaker on the resignation of Cllr F Adams as PR Councillor of Council.

10.3	**REPORT/S BY THE MUNICIPAL MANAGER**

NONE

11.	**ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE: [ALD. G VAN DEVENTER (MS)]**

11.1	**COMMUNITY DEVELOPMENT AND PROTECTION SERVICES: (PC: CLLR R BADENHORST)**

NONE

11.2	**CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)**

11.2.1	**CONSEQUENCE MANAGEMENT POLICY**

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **19 May 2021 and 26 May 2021**

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1. SUBJECT: CONSEQUENCE MANAGEMENT POLICY

2. PURPOSE

To approve the Consequence Management Policy after consultations have been finalised in the Local Labour Forum and the comments were addressed in the proposed Policy.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Draft Consequence Management Policy with which Stellenbosch Municipality seeks to formalise and consolidate the principles of consequence management (encompassing remedial and recourse measures) that can be implemented. In line with the objectives of the MFMA the policy seeks to, amongst others, improve the internal control processes relating to the reporting of allegations of financial misconduct and financial offences to Council.

The Policy served before Mayco in July 2019 and was referred to the Local Labour Forum for consultation. The Local Labour Forum completed its discussions and supported that the policy be referred to Council for approval on 27 September 2020. The policy had several comments that had to be addressed before it could be submitted for approval **(APPENDIX A).** The policy **(APPENDIX B)** is now tabled for approval

43RD COUNCIL MEETING: 2021-05-26: ITEM 11.2.1

RESOLVED (majority vote with abstentions)

that the Consequence Management Policy is supported by the Local Labour Forum and approved by Council.

FOR FURTHER DETAILS CONTACT:

NAME	*Ms. Annalene De Beer*
POSITION	*Director Corporate Services*
DIRECTORATE	*Corporate Services*
CONTACT NUMBERS	*021-808 8018*
E-MAIL ADDRESS	***Annalene.Debeer@stellenbosch.gov.za***
REPORT DATE	*29 April 2021*

11.2.2	**EXTENSION OF CESSION AND ASSIGNMENT OF LEASES: LEASE AREAS OVER REMAINDER FARM 377F AND LEASE AREA 1 OVER ERF 9190: KLEINE ZALZE WINE AND LICIACEPT**

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **19 May 2021 and 26 May 2021**

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1. SUBJECT: EXTENSION OF CESSION AND ASSIGNMENT OF LEASES: LEASE AREAS OVER REMAINDER FARM 377F AND LEASE AREA 1 OVER ERF 9190: KLEINE ZALZE WINE AND LICIACEPT

2. PURPOSE

To make a final determination on the request from Kleine Zalze Wines and Liciacept to extend the term of Lease Agreement.

3. DELEGATED AUTHORITY

Council must consider the matter

4. EXECUTIVE SUMMARY

On 19 April 2017 Council approved the cession and assignment of the Lease Agreement in relation to Lease Area 1 over Erf 9190 and Lease Area 1 over Farm 377F, Stellenbosch, subject thereto that the cession will be reviewed after June 2020, taking into account the progress with the empowerment and BBBEE initiatives for which Liciacept was established.

During 2020 Kleine Zalze Wines and Liciacept requested an extension of the Lease Agreement, in line with the above decision. On 28 October 2020 Council considered the matter and decided, in principle, to extent the Lease for another 9 years and 11 months, subject thereto that Council's intention to enter into the agreement be advertised for public inputs/alternative proposals or objections. A public notice to this effect was published. No written inputs/comments or objections were received.

Council must now make a final determination in this regard.

43RD COUNCIL MEETING: 2021-05-26: ITEM 11.2.2

RESOLVED (majority vote with abstentions)

(a) that Council takes note of the fact that no written inputs/objections were received; and

(b) that Council approves the extension of the Lease Agreement for a period of 9 years and 11 months on condition:

(i) that a yearly report be submitted to Council regarding Progress of the Black Empowerment entity; and
(ii) that the possible extension of the Lease Agreement be received/considered after 2029, taking into account the progress of the empowerment and BBEE initiative.

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

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

11.2.3	FUTURE IN REGARD TO LEASE PORTIONS 528A AND 529CC: MOUNTAIN BREEZE CARAVAN PARK

Collaborator No:
IDP KPA Ref No: ***GOOD GOVERNANCE***
Meeting Date: **19 May 2021 and 26 May 2021**

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1. SUBJECT: FUTURE IN REGARD TO LEASE PORTIONS 528A AND 529CC: MOUNTAIN BREEZE CARAVAN PARK

2. PURPOSE

To inform council that, following the decision on 2021-03-31 to allow for an extension of the existing Lease Agreement on a month-to-month basis, the Mountain Breeze Caravan Park CC has decided not to proceed with the agreement beyond 30 June 2021.

Some of the current long term residents through an attorney has written a letter wanting to secure the right to continue with the lease, but they are not organised in any legal entity. Council must now consider a way forward.

3. DELEGATED AUTHORITY

The Municipal Council must consider the matter.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality and Stellenbosch Caravan Park cc (Malan) concluded a long-term Lease Agreement during 1992 for a period of 30 years (1 April 1991-31 March 2021)

This Lease Agreement was later ceded to the Mountain Breeze Caravan Park CC (Visser).

The lease Agreement expired on 31 March 2021, but at a Council meeting held on 31-03-2021 Council has decided to extent the current Lease Agreement on a month-to-month basis. The Lessee has subsequently indicated that they will vacate the property by 30 June 2021 (**APPENDIX 4**).

Some of the current long term residents through an attorney has written a letter indicating that they are not going to vacate the property and requesting to secure the right to continue with the lease, but they are not organised in any legal entity (**APPENDIX 5**). Council has requested the municipal manager to assemble a TASK team to provide a report on the different types of properties owned by Council by December 2021. This is one of the properties that will then be discussed and taken a decision on. The task team is already busy with their process. The property fall in the over R10 million category and any disposal thereof will require a public participation process that involves the publication of an information statement.

From 1 July the Municipality will have to take over the security/access control of the facility/ collecting the rent and money for people who stay in the park as well as the bookings. There is no post on the organogram or warm body for this purpose. It can be dealt with by a temporary appointment until a decision is taken after the report on the properties was decided on. The other alternative is that discussions takes place with the current supervisor/janitor and his wife to be temporary employed by the

municipality. Both of these options will have a cost implications. The municipality will also have to enter into agreements with the long term occupants to regulate the rent and other services payments directly to the municipality should they be allowed to stay on after 30 June 2021. They have been given notice by the lessee to vacate the property.

43RD COUNCIL MEETING: 2021-05-26: ITEM 11.2.3

RESOLVED (majority vote)

a) that the Council takes note of the decision of the lessee not to continue with the lease agreement on a month to month basis;

b) that the lessee be held responsible for any costs that the municipality will have to incur should the properties not be returned to the municipality in the state envisaged by lease agreement;

c) that the Municipal Manager be mandated to take any necessary steps and measures, including access control, to secure the properties; and

d) that the Municipal Manager be mandated to investigate, as a matter of urgency, the current condition of the properties, including the alleged lease agreements and structures and advise council on the way forward at the next council meeting, but not later than the end of June 2021.

FOR FURTHER DETAILS CONTACT:

NAME	**Annalene de Beer**
POSITION	***Director: Corporate Services***
DIRECTORATE	***Corporate Services***
CONTACT NUMBERS	***021-8088018***
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.gov.za
REPORT DATE	***13-05-2021***

11.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]

NONE

11.4	HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)

11.4.1	STELLENBOSCH MUNICIPALITY: HOUSING PIPELINE (ANNUAL REVIEW)

Collaborator No: **706730**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **19 May 2021 and 26 May 2021**

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1. SUBJECT: STELLENBOSCH MUNICIPALITY: HOUSING PIPELINE (ANNUAL REVIEW)

2. PURPOSE:

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

b) To provide a brief to Council on the National and Provincial Departments of Human Settlements' directive on the provision of housing;

c) To provide clarity on the determination of priority projects by means of project readiness ranking;

d) To obtain Council's support in principle of all the identified projects as listed and fully described in the Housing Pipeline document. Subsequently, the relevant projects will be submitted to the Provincial Department of Human Settlements for approval on the Housing Pipeline; and,

e) To report to Council on the progress on existing housing projects that are currently on the approved Housing Pipeline.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The item relates to the annual review of the Stellenbosch Municipality Housing Pipeline. This particular review relates to the period 2021 to 2024.

The Provincial Department of Human Settlements presented new strategic shifts in human settlements development to enable the residents of the Western Cape to have access to liveable, accessible, safe, and multi-opportunity settlements.

The specific strategic objectives are radical acceleration of housing opportunities, radical integration approach to human settlements, radical implementation of innovative solutions and radical economic growth and job creation.

A Minister's engagement was held during September 2020 to discuss the business planning and budgeting process, with specific emphasis on the funding realities.

The National Department of Human Settlements submitted a communication dated 30 September 2020 to the Provincial Department of Human Settlements stating that the current budget cuts require a re-think regarding the housing subsidy programme approach. The delivery of top structures is considered fiscally unsustainable and the instruction is to rather prioritise the delivery of serviced sites.

43RD COUNCIL MEETING: 2021-05-26: ITEM 11.4.1

RESOLVED (majority vote with abstentions)

(a) that Council takes note of the National and Provincial Departments of Human Settlements' directive on the provision of housing;

(b) that Council takes note on the method undertaken in the determination of priority projects by means of project readiness ranking;

(c) that Council takes note of all the identified projects as described in the Housing Pipeline document, which will subsequently be submitted to the Provincial Department of Human Settlements for approval on the Housing Pipeline;

(d) that Council takes note on the progress of existing housing projects that are currently on the approved Housing Pipeline;

(e) that the Housing Pipeline be reviewed on an annual basis to align the project readiness with the DORA allocation;

(f) that the projects under construction (within the implementation phase) as reflected in the below table be supported in accordance with the appropriate funding and relevant provincial approvals as well as available bulk infrastructure capacity:

For the Financial Year 2021/2022

	Project Name	Housing Programme	Opportunities
1	Erf 9445 Stellenbosch Idas Valley (166)	FLISP	166 sites
2	Vlottenburg Longlands Village Phase 3 (144)	IRDP	138 units 6 sites
3	The Steps and Orlean Lounge, Cloetesville	Rectification (municipal)	161 existing units
4	Smartie Town, Cloetesville	Rectification (municipal)	106 existing units
5	Kayamandi Zone O (711)	UISP	78 sites funding approval in 2021/22. Remaining 112 of the current phase to proceed after approval of additional funds
6	Kayamandi Watergang Basic Services	ABS	Basic services
7	Watergang Phase 2C – Erf 3603 Kayamandi	UISP	87 sites * in implementation phase; however awaiting decision on the way forward

(g) that the projects currently in the pre-planning and/or planning phases as reflected in the below table be supported in accordance with the appropriate funding and relevant provincial approvals:

For the Financial Years 2021/2022 and 2022/2023 (with funding)

	Project Name	Housing Programme	Opportunities	Phase
1	Botmaskop (1500)	Social Housing, IRDP, FLISP	1500 sites (type TBD)	Feasibility 2021-22 Planning 2023-25
2	Farms 81/2 and 81/9 Stellenbosch	Social Housing	± 250 – 350 rental units	Planning 2021-22 Implement 2023-25
3	Erf 7001 Stellenbosch, Cloetesville ("Soek-mekaar")	IRDP, FLISP	250 – 300 sites	Planning 2021-22 Planning and implement 2023-25
4	Jamestown Development: Phase 2 - 4	IRDP, FLISP	2 000 sites	Planning (phase 4) and Implementation (phase 2,3) 2021-22
5	Erven 412, 217 and 284 Groendal, Franschhoek	IRDP, FLISP	150 – 200 sites	Planning 2021-22
6	Kayamandi Town Centre	UISP, Institutional	1847 top structures (units)	Planning 2021-22
7	Northern Extension, Kayamandi	IRDP, FLISP	4000 – 6000 sites	Planning 2021-22
8	Erf 3229 Franschhoek (Mooiwater)	UISP	258 sites	Planning 2021-22
9	Erf 64 Kylemore	IRDP	171 top structures (units)	Planning 2021-22
10	La Motte Old Forest Station	IRDP, FLISP	830 + 283 sites	Planning 2021-22 and 2023-25
11	Lapland Precinct	Social Housing	368 top structures	Planning 2021-22
12	3256 Franschhoek Langrug (1900)	UISP	1900 serviced sites	Planning 2021-22
13	Erf 2183 Klapmuts, La Rochelle	UISP	100 serviced sites; possible temporary relocation units	Planning 2021-22
14	Maasdorp Village, Franschhoek	Township Establishment	16 existing units	Planning (land use rights) – 2021-22
15	Enkanini	UISP	1300 sites	Planning 2021-22

(h) that the projects currently in the pre-planning and/or planning phases as reflected in the below table be supported, subject to funding approval:

For the Financial Years 2021/2022 and 2022/2023 (subject to funding)

	Project Name	Housing Programme	Opportunities	Phase
1	Portion of Erf 7271 Stellenbosch, Cloetesville	BNG, FLISP	168 serviced sites (top structures TBD)	Pre-planning 2021-22 Planning 2023-25
2	Erven 6300, 6847, 6886 Stellenbosch, Cloetesville	FLISP	279 sites	Pre-planning 2021-22 Planning 2023-25
3	Erf 8776 Stellenbosch, Cloetesville	FLISP	37 sites	Pre-planning 2021-22 Planning 2023-25
4	Erf 6705 Stellenbosch, Cloetesville	BNG	12 units /top structures	Pre-planning 2021-22 Planning 2023-25

5	Adam Tas Corridor	IRDP, FLISP, Social Housing	3500 – 5000 serviced sites (top structures TBD)	Planning 2023-25
6	Teen-die-bult Precinct	Social Housing	180 top structures	Pre-planning 2021-22 Planning 2023-25
7	3460 Meerlust, Franschhoek (200)	IRDP	200 top structures (units)	Pre-planning 2021-22 Planning 2023-25
8	Jonkershoek	Township Establishment, IRDP, FLISP	Units and sites TBD, together with 40 existing units	Pre-planning 2021-22 Planning 2023-25
9	Farm 34 Vaaldraai Elsenburg	IRDP, FLISP	283 top structures (units)	Pre-planning completed 2021-22 * outside urban edge

** All projects continuation subject to Council approval for each phase to proceed to the next*

(i) that the projects currently considered in the pre-planning phase as reflected in the below table be supported for future financial years from 2023/2024 and beyond, and subject to appropriate funding and relevant provincial approvals:

For the Financial Years from 2023/2024 and beyond

	Project Name	Housing Programme	Opportunities
1	Droë Dyke	IRDP, FLISP, Social Housing	1000 sites (type TBD)
2	Portion 7 of Farm 744 Paarl, Klapmuts	IRDP/ FLISP	850 sites
3	La Colline Precinct	Social Housing	TBD

Councillor F Adams requested that his vote of dissent be minuted.

11.4.2	**CLOETESVILLE FEASIBILITY STUDY FOR INFILL HOUSING DEVELOPMENT OF THE FOLLOWING: ERF 8915; ERF 7135; ERF 7181, ERF 6668; ERF 7271; ERF 6847, ERF 6886, ERF 6300; ERF 8776; ERF 6705 AND ERF 6767, CLOETESVILLE**

Collaborator No: **706763**
IDP KPA Ref No: **Good Governance**
Meeting Date: **19 May 2021 and 26 May 2021**

1. SUBJECT: CLOETESVILLE FEASIBILITY STUDY FOR INFILL HOUSING DEVELOPMENT OF THE FOLLOWING: ERF 8915; ERF 7135; ERF 7181, ERF 6668; ERF 7271; ERF 6847, ERF 6886, ERF 6300; ERF 8776; ERF 6705 AND ERF 6767, CLOETESVILLE

2. PURPOSE

To report to Council on the feasibility to determine the urgent housing needs and the suitability of the sites as residential development. The study is to investigate the housing requirements of backyarders in Cloetesville and Stellenbosch-areas.

3. DELEGATED AUTHORITY

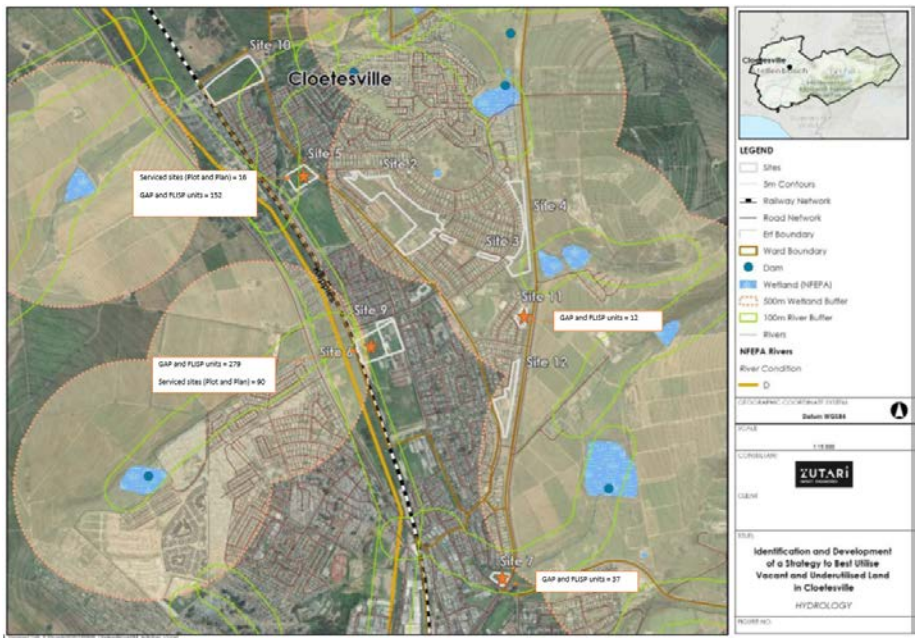
Council

4. EXECUTIVE SUMMARY

Stellenbosch Municipality is actively involved in creating housing opportunities for the disadvantaged, however there are an array of challenges including resources and allocations from National and Provincial Government as well as the availability of land for housing (Integrated Development Plan IDP 2017-2022, 2019, p. 150). This project serves as a means to develop vacant and underdeveloped portions of land within Cloetesville to address the housing need. This report will conduct a site investigation of the relevant properties, make recommendation on the highest and best use and provide a concept plan to illustrate the potential of the site.

The following section provides detailed information on each of the sites under investigation. The screening focuses on land and legal, environmental and infrastructure.

The following sites were under investigation:



43RD COUNCIL MEETING: 2021-05-26: ITEM 11.4.2

RESOLVED (nem con)

(a) that the outcome of the feasibility study be noted;

(b) that the appropriate land use rights be obtained as a matter of urgency taking into consideration the Rapid Land Release programme;

(c) that the delay caused by COVID-19 pandemic linked to the previous timeframes as stated by Council be noted;

(d) that the following sites be prioritise for development potential;

- Site 5: 16 Serviced sites (Plot and Plan)

152 GAP and/ or FLISP

- Site 6: Option 1: 279 GAP and/ or FLISP

Option 2: 90 Serviced sites (Plot and Plan)

- Site 7: 37 GAP and/ or FLISP

- Site 11: 12 GAP and/ or FLISP

(e) funding application to be submitted within 30 days after Council approval to the Provincial Department of Human Settlements (PDoHS).

FOR FURTHER DETAILS CONTACT:

NAME	**Lester van Stavel**
POSITION	***Manager: Housing Development***
DIRECTORATE	***Planning and Economic Development***
CONTACT NUMBERS	***021- 808 8462***
E-MAIL ADDRESS	***Lester.vanstavel@stellenbosch.gov.za***
REPORT DATE	***12.04.2021***

11.4.3	**ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES – *STATUS QUO***

Collaborator No:
IDP KPA Ref No: **Dignified Living**
Meeting Date: **19 May 2021 and 26 May 2021**

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1. SUBJECT: ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES – *STATUS QUO*

2. PURPOSE

To provide Council with a *status quo* on the processes the Municipality have followed to ultimately appoint a suitable and accredited SHIs and/or ODAs for the development and management of rental stock for families earning between R1 500 and R15 000.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Stellenbosch Municipality was identified by the Western Cape Provincial Administration as one of "Leader Towns" in the Province that have the necessary capacity to partake in the Social Housing Programme. Accordingly, there are not many land transactions that could be followed as best practices in order to expedite the delivery on Social Housing.

Notwithstanding, the Division Integrated Human Settlements can report on the following progress:

1) Feasibility report has been completed and approved by Council on 2 February 2020, Item 7.4.1;

2) The Public Participation Process completed and approved by Council on 29 July 2020, Item 11.4.1; and

3) The Call for Proposals is currently being finalised by the Department: Housing Development.

There are some challenges that the Municipality is currently experiencing (partly as result of the limited experience on how to roll out the Social Housing programme by Municipalities). One of these challenges is the time it takes to receive assistance/input on any related matter from relevant stakeholders involved in Social Housing. Case in point on the final inputs on the specifications for the Call for Proposals.

43RD COUNCIL MEETING: 2021-05-26: ITEM 11.4.3

NOTED

the *status quo* and progress to date.

11.5	**INFRASTRUCTURE: (PC: CLLR Q SMIT)**

11.5.1	**INTEGRATED WASTE MANAGEMENT PLAN FOR STELLENBOSCH MUNICIPALITY**

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **19 May 2021 and 26 May 2021**

---

1. SUBJECT: THE INTEGRATED WASTE MANAGEMENT PLAN FOR STELLENBOSCH MUNICIPALITY

2. PURPOSE

For Council to adopt the Integrated Waste Management Plan (IWMP) (**APPENDIX 1**).

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

In terms of Section 25 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) each council must, within a prescribed period after the start of its elected term, adopt a single, inclusive and strategic plan (IDP) for the development of the municipality. In relation to waste management, the IDP is required to include sectoral environmental plans which would be an IWMP for waste management.

Stellenbosch Municipality has drafted an IWMP and has appointed JPCE Consulting Engineers (Pty) Ltd (JPCE) to review and finalize this draft IWMP. This revised IWMP has been internally reviewed and has been circulated for public comment.

The public commenting period was from 14 January 2021 – 15 February 2021. A notice was published on 14 January in the Eikestadnuus newspaper and on the Municipal website requesting comments.

Comments were received from the Department of Environmental Affairs and Development Planning and the Franschhoek Heritage and Ratepayers Association. All comments received were incorporated into the final document.

43RD COUNCIL MEETING: 2021-05-26: ITEM 11.5.1

RESOLVED (majority vote)

(a) that Council accepts the final Integrated Waste Management Plan (IWMP) with all comments being included;

(b) that Council adopts the 3rd generation Integrated Waste Management Plan (IWMP) as a sectoral plan of the Integrated Development Plan; and

(c) that Council requests the Provincial Government's Member of the Executive Council (MEC) for Local Government to endorse this Integrated Waste Management Plan (IWMP).

11.6	**PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))**

NONE

11.7	**PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR E GROENEWALD (MS))**

NONE

11.8	**RURAL MANAGEMENT: (PC: CLLR S PETERS)**

NONE

11.9	**YOUTH, SPORTS AND CULTURE: (PC: CLLR J FASSER)**

NONE

11.10	**MUNICIPAL MANAGER**

NONE

12.	**CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER**

12.1	**MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]**

NONE

13.	REPORTS BY THE MUNICIPAL MANAGER

13.1	SUBJECT: REQUEST FOR EXEMPTION FROM THE APPROVED TARIFF STRUCTURE – ELECTORAL COMMISSION OF SOUTH AFRICA (IEC)

Collaborator No:
IDP KPA Ref No: ***Good Governance***
Meeting Date: **26 May 2021**

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1. SUBJECT: REQUEST FOR EXEMPTION FROM THE APPROVED TARIFF STRUCTURE – ELECTORAL COMMISSION OF SOUTH AFRICA (IEC)

2. PURPOSE

To consider an exemption for the Electoral Commission of South Africa to display posters on street poles for voter registration and for the upcoming elections without paying the tariffs for posters indicated in the tariff book.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

The next national voter registration for the Local Government Elections is scheduled to be held on 17-18 July 2021. The IEC requested to display the posters on the street poles without having to pay the tariff in the tariff book for the display (**Annexure 1**). The tariff book does not make provision for Government /Government Institutions free of charge or provide for a delegation to consider exemption. We have in the new tariff book (2021/22) made provision for the Municipal Manager to exempt applicants from paying a tariff. We are in the preparation process for the upcoming elections and although the current application deals with the upcoming registration weekend in July it is foreseen that there may be further posters related to the election that we may receive requests from the IEC. It must be noted that political parties must pay as per the tariff book. The tariff that an institution pay to display the posters inter alia cover the costs for the municipality to removed posters that are not removed within the time frame provided. The IEC undertook to ensure that the posters are taken down and it will be built into the approval agreement.

43RD COUNCIL MEETING: 2021-05-26: ITEM 13.1

RESOLVED (majority vote with abstentions)

(a) that the IEC be allowed to display posters for the upcoming election without the payment of any tariffs as displayed in the tariff book 2020/2; and

(b) that the IEC agree to the to ensure that the posters are taken down within the prescribed period.

13.2	**MFMA SECTION 116(3) – PROPOSAL TO AMEND THE CURRENT ICT CONTRACTS FOR SOFTWARE LICENCE AND SUPPORT AGREEMENTS FOR A PERIOD OF THIRTY-SIX MONTHS, EFFECTIVE FROM 01 JULY 2021 TO 30 JUNE 2024**

1. SUBJECT: MFMA SECTION 116(3) – PROPOSAL TO AMEND THE CURRENT ICT CONTRACTS FOR SOFTWARE LICENCE AND SUPPORT AGREEMENTS FOR A PERIOD OF THIRTY-SIX MONTHS, EFFECTIVE FROM 01 JULY 2021 TO 30 JUNE 2024

2. PURPOSE

To obtain Council's approval on the amendment of all the ICT contracts terminating on the 30 June 2021 for a period of 3 years effective 1 July 2021 – 30 June 2024.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

All the current ICT support contracts were previously amended in 2018 through a Section 116 (3) process in order to accommodate the mSCOA implementation and the investigation in regard to an assessment on ERP solutions for the Municipality (**Appendix 1).**

During the last 3 years the administration embarked on a process to determine which of ICT systems in use should we continue to use or should the municipality embark on the acquisition of a brand new system. Should the municipality decide to procure a new system National Treasury must approve such a system as it needed to be mScoa compliant. There are several financial systems used by municipalities and registered at National Treasury to be mSCOA compliant. One of the systems is the current SAMRAS system that is used by the Municipality. During these engagements, an assessment of current ICT systems, their capability to integrate with the financial system SAMRAS was explored as well as the MScoa compliance issue. This included unpacking the system capabilities as per the MSCOA business processes as well as eliminating standalone systems that have duplicated modules available on the SAMRAS solution.

The financial services department has been in constant communication with Bytes Technology now known as SOLVEM whom are the owners of the Financial System (SAMRAS) to ensure that the future system developments and enhancements are of such a nature that it can deal with mSCOA compliance in full. The long term impact of investments made in business systems and services warrants that the Stellenbosch Municipality continually re-assess its investment strategies to ensure on-going alignment with the deployment of business systems in line with mSCOA business processes.

To date various improvements have been made on the SAMRAS financial system to modernize the system to accommodate the growing needs of the municipality based on the MSCOA business processes. The majority of the ICT systems that have modules available on SAMRAS as per the 15 business processes will be evaluated and replaced by a module on SAMRAS. SAMRAS has been required to provide the Stellenbosch Municipality with an implementation roadmap of their system modernisation.

The recommendation from the administration is that we do not procure a new financial system and that we ensure that the ICT systems integrate to SAMRAS. There is in our view no ERP system that is compliant with mScoa and that can provide us the

functionalities of other systems like for example Spatial capabilities. No ICT system may be procured that is not approved by the ICT Forum and the Forums work is to ensure that integration takes place and that no duplication is allowed by procuring new systems where that functionality already exists in current systems. For the next 3 years, no new systems may be procured by any directorates unless it has been debated at the ICT steering committee to ensure integration with the SAMRAS system. Future requirement specifications will be written to ensure that systems can integrate, and that functionality is not duplicated.

Council may terminate any of the contracts on a 6 months' notice period during this period to ensure as new models of current systems are developed and take over other functionalities those other system are then terminated.

All the discussions took place in special ICT forums chaired by the CFO as prescribed by legislation. A summary of the recommendations from the forum on systems to be retained is attached as **Appendix 2.** The GIS system with related modules have been procured through a tender process and do not need to be amended through the section 116 process.

The intention of the municipality to amend these contracts were advertised for public comment (**Appendix 3-5)**

The changes may be affected in terms of the enabling provisions of Section 116(3) of the Local Government: Municipal Finance Management Act, Act No. 56 of 2003 (MFMA).

43RD COUNCIL MEETING: 2021-05-26: ITEM 13.2

RESOLVED (majority vote with abstentions)

(a) takes note of assessments done by the administration on ICT systems to be used and the procurement of an ERP system;

(b) approves the recommendation that the current ICT contracts listed below for ICT related systems and services be amended to be run for a further period of 36 months, effective from 1 July 2021 to 30 June 2024 with the provision that the Municipality can cancel any of the systems with a six (6) month notice period during this time.

Service Provider	Scope of Services
1. SOLVEM (used to be Bytes System Integration)	Financial Services - SAMRAS is the Core Financial System for the Stellenbosch Municipality.
2. PAYDAY	Corporate Services - HR and Payroll System for the Stellenbosch Municipality
3. BUSINESS ENGINEERING	Corporate Services - Data and Workflow System with Document Archiving Capabilities
4. IGNITE	Corporate Services - Performance and Compliance Management System
5. IMQS	Engineering Services - Support and Information System to Manage and Report on Municipal infrastructure Assets
6. GIJIMA	Corporate Services – IP based NEC PABX Telephone System and Support Services
7. ABC SERVICES	Financial Services – Valuations and Rates for the Stellenbosch Municipality
8. CATS	Financial Services – Water and Electricity Meter Reading for the Stellenbosch Municipality
9. MICROSOFT IRELAND	Corporate Services – Microsoft Office 365 Application Software Licenses and Azure Support Services.

(c) Takes note that the Municipalities intention to amend the contracts for a period of 36 months were advertised on on the 29 April 2021 on the local newspaper Eikestad Nuus and Die Burger, Municipal Notice Boards and Municipal Website and no comments were received; and

(d) Approves that sufficient funding on the operational budget vote for the Software Licensing Ukey: 20180711010516 is approved on an annual basis, to finance the extension and renewal of all the listed ICT systems and services.

FOR FURTHER DETAILS CONTACT:

NAME	**Annalene de Beer**
POSITION	***Director Corporate Services***
DIRECTORATE	***Corporate Services***
CONTACT NUMBERS	***021 808 8018***
E-MAIL ADDRESS	***Annalene.deBeer@stellenbosch.org.za***
REPORT DATE	***20 May 2021***

13.3	QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 JULY 2020 TILL 31 SEPTEMBER 2020

Collaborator No:
File No:
IDP KPA Ref No: **Good Governance**
Meeting Date:

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1. SUBJECT: QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 JULY 2020 TILL 31 SEPTEMBER 2020

2. PURPOSE

To inform Council of the activities of the Audit Committee for the period 01 July 2020 till 31 September 2020 (1st Quarter). The Minutes of the meeting held for this period mentioned is herewith attached as **APPENDIX 1** which outlines the activities of the Audit and Performance Audit Committee.

3. DELEGATED AUTHORITY

Audit and Performance Audit Committee reports to Council periodically.

4. EXECUTIVE SUMMARY

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

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

43RD COUNCIL MEETING: 2021-05-26: ITEM 13.3

NOTED

the Audit and Performance Audit Committee reports for the period 01 July 2020 till 31 September 2020.

FOR FURTHER DETAILS CONTACT:

NAME	*Faiz Hoosain*
POSITION	*Chief Audit Executive*
DIRECTORATE	*Municipal Manager's Office*
CONTACT NUMBERS	*021-808 8555*
E-MAIL ADDRESS	*Faiz.Hoosain@stellenbosch.gov.za*
REPORT DATE	*26 May 2021*

13.4	QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 OCTOBER 2020 TILL 31 DECEMBER 2020

Collaborator No:
File No:
IDP KPA Ref No: **Good Governance**
Meeting Date:

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1. SUBJECT: QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 OCTOBER 2020 TILL 31 DECEMBER 2020

2. PURPOSE

To inform Council of the activities of the Audit Committee for the period 01 October 2020 till 31 December 2020 (2nd Quarter). The Minutes of the meeting held for this period mentioned is herewith attached as **APPENDIX 1** which outlines the activities of the Audit and Performance Audit Committee.

3. DELEGATED AUTHORITY

Audit and Performance Audit Committee reports to Council periodically.

4. EXECUTIVE SUMMARY

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

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

43RD COUNCIL MEETING: 2021-05-26: ITEM 13.4

NOTED

the Audit and Performance Audit Committee reports Committee for the period 01 October 2020 till 31 December 2020.

FOR FURTHER DETAILS CONTACT:

NAME	*Faiz Hoosain*
POSITION	*Chief Audit Executive*
DIRECTORATE	*Municipal Manager's Office*
CONTACT NUMBERS	*021-808 8555*
E-MAIL ADDRESS	*Faiz.Hoosain@stellenbosch.gov.za*
REPORT DATE	*26 May 2021*

14.	**CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER**

14.1	**MOTION BY COUNCILLOR F ADAMS: IMPLEMENTATION OF AN AGRI-VILLAGE FOR FARMWORKERS**

A Notice of a Motion, dated 2021-05-12, was received from Councillor F Adams regarding the implementation of an agri-village for farmworkers.

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

FOR CONSIDERATION

43RD COUNCIL MEETING: 2021-05-26: ITEM 14.1

NOTED

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

The matter was put to the vote, yielding a result of majority of Councillors not in support of the Motion.

RESOLVED (majority vote)

that this Motion not be accepted.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	***Municipal Manager***
DIRECTORATE	***Office of the Municipal Manager***
CONTACT NUMBERS	***021 808-8025***
E-MAIL ADDRESS	***Municipal.Manager@stellenbosch.gov.za***
REPORT DATE	

14.2	QUESTION BY COUNCILLOR F ADAMS: DE ZALZE, STELLENBOSCH SQUARE AND LA CLEMENCE

A Notice of a Question, dated 2021-05-12, was received from Councillor F Adams regarding De Zalze, Stellenbosch Square and La Clemence.

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

FOR CONSIDERATION

43RD COUNCIL MEETING: 2021-05-26: ITEM 14.2

NOTED

It is noted that the Speaker RULED that Cllr F Adams is welcome to submit, in writing, a follow-up question.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	***Municipal Manager***
DIRECTORATE	***Office of the Municipal Manager***
CONTACT NUMBERS	***021 808-8025***
E-MAIL ADDRESS	***Municipal.Manager@stellenbosch.gov.za***
REPORT DATE	

15.	CONSIDERATION OF URGENT MOTIONS

NONE

16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

NONE

17.	REPORTS SUBMITTED BY THE SPEAKER

17.1	REPORT TO COUNCIL REGARDING THE INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY CLR R DU TOIT (MS)

Collaborator No:
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 26 May 2021

---

1. SUBJECT: REPORT TO COUNCIL REGARDING INVESTGATION INTO ALLEGATIONS OF MISCONDUCT BY COUNCILLOR R DU TOIT (MS)

2. PURPOSE

To consider the report submitted by the Speaker against Councillor Cllr R du Toit, which was done in terms of item 14 of Schedule 1 of the Local Government Act: Municipal Systems Act 32 of 2000, as well as the Approved Code of Conduct for Councillors.

3. DELGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The Office of the Speaker received a formal complaint from the complainant Liesl Rhaphoto against Cllr R du Toit, for various allegations as listed in her letter of complaint. The Office of the Speaker was requested to assist with the investigation and for this matter Speaker opted for outside legal services.

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

Advocate Vermaak provided a report with recommendations to the Speaker's office, which report served before Council for consideration on 24 August 2020. In his report Advocate Vermaak under **Remarks** page 36 said that: "In my view, she did not transgress the Code of Conduct for Councillors as attached **as Appendix 1**.

Council however referred the matter to the Disciplinary Committee of Council for Councillors to investigate the matters and make a finding on any alleged breach of the Code of conduct; and that, following the investigation, the Disciplinary Committee make appropriate recommendations to the Council in the event of any findings as per **Appendix 11.**

The Disciplinary Committee hearing was set for 20th April 2021 and Cllr R du Toit was informed of the hearing and also informed of her right to have a representative present. A copy of the Notice and Charge Sheet is attached as **Appendix 111.** Cllr R du Toit as well as the complainant Liesl Rhaptoto was present at the hearing.

The case was vigorously discussed, heated debate took place and cross examination of the accused and witness of the facts and circumstances around the matters at hand was thoroughly done.

Based on all evidence submitted and produced to the disciplinary committee and as per the regulations for disciplinary hearings the disciplinary committee make the following findings and subsequent recommendation to Council.

43RD COUNCIL MEETING: 2021-05-26: ITEM 17.1

The Speaker **RULED**

that this matter be dealt with at a next meeting of Council.

FOR FURTHER DETAILS CONTACT:

NAME	*JC Anthony*
POSITION	*Senior Clerk: Support Staff: Office of the Speaker*
DIRECTORATE	*Corporate Services*
CONTACT UMBERS	*021 – 808 8042*
EMAIL ADDRESS	*Speaker.admin@stellenbosch.gov.za*
REPORT DATE	*26 May 2021*

17.2	REPORT TO COUNCIL REGARDING THE INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY COUNCILLOR F ADAMS

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **28 October 2020**

---

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

2. PURPOSE

To consider the report submitted by the Speaker against Councillor Cllr F. Adams, which was done in terms of item 14 of Schedule 1 of the Local Government: Municipal Systems Act 32 of 2000, as well as the Council's Code of Conduct for Councillors.

3. DELGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The Office of the Speaker received five complaints from the Municipal Manager whereby it is alleged that Cllr F Adams had transgressed the Code of Conduct for Councillors. The Office of the Speaker was requested to assist with the investigation and for this matter Speaker opted for outside legal services.

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

Advocate Vermaak provided a report with recommendations to the Speaker's office, which report served before Council for consideration on 28 October 2020.

In his report Advocate Vermaak under **Recommendations** page 21 as **APPENDIX 1** state as follows:

I recommend that Cllr F Adams should be charged in a disciplinary hearing in terms of the Code of Conduct for Councillors, Schedule 1 to the Local Government Act: Municipal Systems Act of 2000, read with Council's policy document " Code of Conduct for Councillors-procedures: Disciplinary Hearing/Investigations" for the charges 1- 6.

Council during the debate of the item on 28 October 2020 however refer the matter to the Disciplinary Committee of Council for Councillors to investigate the matters and make a finding on any alleged breach of the Code of conduct; and that, following the investigation, the Disciplinary Committee make appropriate recommendations to the Council in the event of any findings.

The Disciplinary Committee hearing was set for Thursday 15th April 2021 and

Cllr F Adams was informed of the hearing and also informed of his right to have a representative present. A copy of the Notice and Charge Sheet is attached as **Appendix 11.** Cllr F Adams was present at the hearing. The Disciplinary Committee of council debate the matter and conclude to the following findings:

Herewith the findings and subsequent recommendations from the Disciplinary Committee with reference to the hearing of Cllr Franklin Adams on 15 April 2021.

Findings

Based on all evidence submitted to the disciplinary committee and disciplinary processes followed as per the regulations provided, the disciplinary committee unanimously find Cllr Franklin Adams guilty of misconduct as per the rules of order of Council and as per the Code of Conduct for Councilors.

The disciplinary committee considered all the evidence produced and find the evidence adequate to allow a finding and subsequent recommendation to Council.

The disciplinary committee unanimously found Cllr Adams guilty on all 5 charges as per the evidence provided.

It is furthermore clear to the committee that Cllr Adams is in breach of numerous sections within the Municipal Systems Act No 32 of 2000. As per schedule 1 of the Code of Conduct for Councilors.

43RD COUNCIL MEETING: 2021-05-26: ITEM 17.2

Before deliberations on the matter, Cllrs F Adams; P Crawley (Ms); DD Joubert and LL Stander recused themselves from the meeting.

RESOLVED (majority vote with abstentions)

that the MEC be requested to remove Councillor F Adams from Office.

FOR FURTHER DETAILS CONTACT:

NAME	*JC Anthony*
POSITION	*Senior Clerk: Support Staff: Office of the Speaker*
DIRECTORATE	*Corporate Services*
CONTACT NUMBERS	*021 – 808 8042*
EMAIL ADDRESS	*Speaker.admin@stellenbosch.gov.za*
REPORT DATE	*26 May 2021*

18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR

NONE

19.	MATTERS TO BE CONSIDERED IN–COMMITTEE

SEE IN-COMMITTEE DOCUMENTATION

The meeting adjourned at 15:40.

CHAIRPERSON: ……

DATE: ……

Confirmed on …… **with/without amendments**

7.2	SPECIAL COUNCIL MEETING: 2021-06-23

The minutes of a Special Council Meeting: 2021-06-23 is attached as **APPENDIX 1**.

FOR CONFIRMATION

APPENDIX 1

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2021-06-23

MINUTES

SPECIAL MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2021-06-23 AT 10:00

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

M I N U T E S

SPECIAL MEETING OF THE COUNCIL

OF STELLENBOSCH MUNICIPALITY

2021-06-23

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M I N U T E S

SPECIAL MEETING OF THE COUNCIL

OF STELLENBOSCH MUNICIPALITY

2021-06-23

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	(SEE PINK DOCUMENTATION)	

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

COUNCILLORS

FJ Badenhorst
Ald PW Biscombe
G Cele (Ms)
PR Crawley (Ms)
A Crombie (Ms)
Z Dalling (Ms)
R Du Toit (Ms)
J Fasser
A Florence
AR Frazenburg
E Fredericks (Ms)
E Groenewald (Ms) (until 13:00)
JG Hamilton
AJ Hanekom
JK Hendriks
MC Johnson
DD Joubert
C Manuel
NE Mcombring (Ms)
XL Mdemka (Ms)
N Olayi (from 11:15)
SA Peters
WF Pietersen
SR Schäfer
Ald JP Serdyn (Ms)
Q Smit
LL Stander
R Van Rooyen
E Vermeulen (until 11:40)

****

Officials:
Acting Municipal Manager (Mr D Louw)
Director: Community and Protection Services (G Boshoff)
Director: Corporate Services (Ms A De Beer)
Director: Planning and Economic Development (A Barnes)
Acting Chief Financial Officer (Ms M Steyl)
Chief Audit Executive (F Hoosain)
Senior Administration Officer (T Samuels (Ms))

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1.	**OPENING AND WELCOME**

Good Morning to you all present in this, Special Council Meeting.

Special welcoming to:

- The Executive Mayor, Alderman Gesie Van Deventer;
- The Municipal Manager, Ms Geraldine Mettler and Directors;
- The Members of the Executive Committee;
- All Councillors present and a special welcome to Councillor Joanne Kleinhans who is the newly appointed Councillor from the DNCA. Ek hoop u sal die kort tydjie as Raadslid met ons geniet; and
- The broader Stellenbosch Public tuned in on the Virtual Platform.

I welcome you all present and hope that you will have a fruitful and constructive meeting as we will today to discuss matters of statutory special importance to Council.

2.	**MAYORAL ADDRESS**

NONE

3.	**COMMUNICATION BY THE SPEAKER**

Madame Mayor and Councillors, - today we will be holding our Special Council meeting against the backdrop of a very tough and ever increasing LEVEL 3 Covid 19 pandemic.

- The third wave is moving fast to our areas as can be seen from the amount of positive cases that is growing in our areas.
- Councillors please help in your areas to restrict people to gather in high numbers. Please wear your mask, sanitise and keep your distance.
- Regarding the Vaccination drive **please** continue the registration of our 60 years and older family members and those teachers and ECD practitioners.

Other Notices:

- Birthdays: There are **no** Councilors with birthdays during the month of July.
- Section 80 Committee meetings – Councillors – please be aware that you are requested to follow Rule 21 of the Councils Rule of Order – leave of Absence and Attendance for meetings. Members please respect the rules - by not follow this procedure, I will have no option but to take action as per Rule 40.1-3.
- On behalf of Council I hereby announce the Annual recess starting from 25 June to 18 July 2021 but Councilors please stay home and stay safe.

Madame Mayor, Municipal Manager and fellow Councilors I have allowed three new Items on the Agenda so let us move to the Business of the Day in dealing with the Council Agenda.

I Thank You."

4.	**COMMUNICATION BY THE ACTING MUNICIPAL MANAGER**

NONE

5.	**DISCLOSURE OF INTERESTS**

NONE

6.	APPLICATIONS FOR LEAVE OF ABSENCE

6.1 The following application for leave of absence was approved in terms of the Rules and Order By-law of Council:-

Deputy Executive Mayor, Cllr N Jindela	–	23 June 2021
Cllr FT Bangani-Menziwa (Ms)	–	23 June 2021
Cllr C Davidse	–	23 June 2021
Cllr LK Horsband (Ms)	–	23 June 2021
Cllr J Kleynhans (Ms)	–	23 June 2021
Cllr C Moses (Ms)	–	23 June 2021
Cllr N Mananga-Gugushe (Ms)	–	23 June 2021
Cllr N Sinkinya (Ms)	–	23 June 2021
Cllr P Sitshoti (Ms)	–	23 June 2021

6.2 Permission was granted to the Cllrs E Vermeulen and E Groenewald (Ms) to leave the meeting earlier (at 11:45 and 13:00 respectively).

6.3 ABSENT

Cllr T Gosa
Cllr RS Nalumango (Ms)
Cllr MD Oliphant

7.	STATUTORY MATTERS

7.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MAY 2021

Collaborator No: **708328**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **15 June 2021 and 23 June 2021**

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1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MAY 2021

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2020/2021 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

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

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 7.1

NOTED

the deviations as listed for the month of May 2021.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	***CFO***
DIRECTORATE	***Finance***
CONTACT NUMBERS	***021 808 8528***
E-MAIL ADDRESS	***Kevin.Carolus@stellenbosch.gov.za***
REPORT DATE	***02 June 2021***

7.2	REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2020/21

Collaborator No: **708364**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **15 June 2021 and 23 June 2021**

1. SUBJECT: REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2020/21

2. PURPOSE

To obtain Council's approval for the revisions made to the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2020/21.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The TL SDBIP 2020/21 was approved by the Executive Mayor on 24 June 2020. It is common practice for a municipality, as provided for in the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), to review its performance indicators and targets after approving the adjustments budget. The TL SDBIP 2020/21 (as approved by Council on 24 February 2021) is attached hereto as **ANNEXURE A**. 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 2020/21 is the in-year plan of the municipality and any amendments made to the TL SDBIP 2020/21 must also be read in conjunction with the Integrated Development Plan (IDP). Therefore, changes made to the Revised TL SDBIP 2020/21 are considered to be made in the IDP as well.

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

a) KPI075- Based on the internal audit review by Internal Audit (IA), it was agreed by IA and the KPI owner that the portfolio of evidence (POE) be updated to ensure that complete and accurate data sources are being used to update the actual result of the indicator.

Any detected spelling, grammatical and or alignment errors in the document were also corrected where needed.

No material changes were made to the Revised TL SDBIP 2020/21 submitted to Council on 24 February 2021. The Revised TL SDBIP 2020/21 is aligned to the adjustments budget 2020/21.

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 7.2

RESOLVED (nem con)

(a) that the Revised TL SDBIP 2020/21 be approved;

(b) that the Revised TL SDBIP 2020/21 be published on the Municipal Website; and

(c) that the Revised TL SDBIP 2020/21 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.

FOR FURTHER DETAILS CONTACT:

NAME	*Shireen De Visser*
POSITION	*Snr Manager: Governance*
DIRECTORATE	*Office of the Municipal Manager*
CONTACT NUMBERS	*021 – 808 8035*
E-MAIL ADDRESS	*shireen.devisser@stellenbosch.gov.za*
REPORT DATE	*04 June 2021*

8.	**ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE**

8.1	**CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)**

8.1.1	**REPORT IN REGARD TO THE AUCTION 3 COUNCIL ERWEN IN ONDERPAPEGAAIBERG: DISPOSAL OF ERF 4810 (3 SWAWELAAN) ,ERF 4811 (3A SWAWELAAN) AND ERF 4812 (6 TINKTINKIE STREET) STELLENBOSCH**

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **15 June 2021 and 23 June 2021**

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1. SUBJECT: REPORT IN REGARD TO THE AUCTION 3 COUNCIL ERWEN IN ONDERPAPEGAAIBERG: DISPOSAL OF ERF 4810 (3 SWAWELAAN), ERF 4811 (3A SWAWELAAN) AND ERF 4812 (6 TINKTINKIE STREET) STELLENBOSCH

2. PURPOSE

To inform Council of the outcome of the auction that took place on 29 June 2021 and to request Council to consider the disposal of three erven, erf 4810,4811 and erf 4812 to the highest bidders at the auction.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Erf 4810 and 4811 (3 and 3A Swawellaan) as well as 6 Tinktinkie street) were used as rental properties for council employees and have been vacant for a long period. Stellenbosch Municipality is the owner of the three erven. Council resolved in October 2020 to have the erven sold by Public Auction.

The municipality obtained a valuation from a valuator for the properties which was lower than the general valuations.

Erf number	Street Address	Extent of property	Municipal Valuation	Valuation report
4810	3 Swawellaan	987m²	R1,926,000.00	R1 200 000.00
4811	3A Swawellaan	987m²	R1,810,000.00	R1 200 000.00
4812	6 Tinktinkie Street	1056m²	R1,849,000.00	R1 900 000.00

The Municipal Manager then decided to set the reserve price for the valuations at the general valuation price. The terms of the auction is attached as **APPENDIX 1.**

At the auction that took place on 29 April 2021 at the property bidders were also allowed to bid online. The provision that the erven must be sold to different bidders were observed and the highest bids received at the auction was as follows:

Erf number	Street Address	Extent of property	Reserve price	Highest bid
4810	3 Swawellaan	987m²	R1,926,000.00	R 2 150 000.00
4811	3A Swawellaan	987m²	R1,810,000.00	R 2 160 000.00
4812	6 Tinktinkie Street	1056m²	R1,849,000.00	R 2 150 000.00

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.1.1

RESOLVED (nem con)

(a) that Council approves of the disposal of the 3 erven to the bidders that bid the highest at the auction and accept the highest bids on the erven as indicated;

(b) that the Municipal Manager be authorised to conclude the sale agreements;

(c) that the municipality request a certificate of registered titles as the properties have not been registered as separate titles;

(d) that the new buyers register the property from the mother erf (3721) at their own costs;

(e) that the bidders be requested to take occupation of the erven as soon as the warranties have been provided, but not later than 30 days of this decision; and

(f) that the risk be transferred to the buyers on occupation of the erven.

FOR FURTHER DETAILS CONTACT:

NAME	***Annalene de Beer***
POSITION	***Director***
DIRECTORATE	***Corporate Services***
CONTACT NUMBERS	***021-8088018***
E-MAIL ADDRESS	***Annalene.deBeer@stellenbosch.gov.za***
REPORT DATE	***11 June 2021***

8.2	FINANCIAL SERVICES: (PC: CLLR P CRAWLEY (MS))

8.2.1	APPROVAL OF DEBT AGREEMENT

Collaborator No: **708329**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **15 June 2021 and 23 June 2021**

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1. SUBJECT: APPROVAL OF DEBT AGREEMENT

2. PURPOSE

To obtain Council's approval for the raising of an external loan in terms of Section 46 (2) of the Municipal Finance Management Act (Act No 56 of 2003).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

During April 2021 an advertisement was placed inviting interested parties to make submissions regarding the financing of the proposed loan of R120 million. Submissions were received from 5 authorised financial institutions:

(a) Development Bank of Southern Africa (DBSA);
(b) ABSA Bank;
(c) Nedbank;
(d) Standard Bank;
(e) First National Bank (FNB)

After due process, in terms of the municipality's approved Supply Chain Policy, the offer of Nedbank for the term of 10 years, was adjudicated by the Bid Adjudication Committee and approved by the Municipal Manager as being the most favorable for Council.

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.2.1

The comments and responses made by the Western Cape Provincial Treasury was distributed to all Councillors shortly before the start of the Council meeting (**attached as an APPENDIX)**. Cllr G Cele (Ms) requested that her concerns regarding the late distribution of these comments and responses be recorded, because this practice puts the opposition at a disadvantage and stifles the accountability in Council and the Administration.

The Executive Mayor apologized for the late distribution and explained that the Administration was awaiting the responses from the Western Cape Provincial Treasury, hence the late distribution thereof.

RESOLVED (majority vote)

(a) that Council approves the debt agreement as stipulated in **APPENDIX 1;** to the amount of R102 779 511; and

(b) that the Municipal Manager be mandated to enter into a loan agreement with Nedbank (PTY) Ltd.

8.2.2	**TABLING OF APPLICATION FOR COUNCIL SUPPORT/APPROVAL FOR THE DBSA GRANT FUNDING AGREEMENT RELATING TO COMPLETED WORK DONE ON THE CAPITAL EXPENDITURE FRAMEWORK (CEF)**

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **15 June 2021 and 23 June 2021**

---

1. SUBJECT: TABLING OF APPLICATION FOR COUNCIL SUPPORT/APPROVAL FOR THE DBSA GRANT FUNDING AGREEMENT RELATING TO COMPLETED WORK DONE ON THE CAPITAL EXPENDITURE FRAMEWORK (CEF)

2. PURPOSE

To obtain Council's approval for the Development Bank of South Africa (DBSA) grant funding agreement in respect of work done on the Capital Expenditure Framework.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

In accordance to section 21(n) of the Spatial Planning and Land Use Management Act (SPLUMA), Act No. 16 of 2013, the content of a municipal spatial development framework must determine a Capital Expenditure Framework (CEF) for the municipality's development programmes. This means that the CEF is informed by the Spatial Development Framework i.e. stating the spatial vision of the municipality where the CEF states the financial vision of the municipality.

The Municipality has entered into a Grant Agreement ("the Agreement") with the DBSA, in terms of which the DBSA has availed R2 000 000 to the benefit of the Municipality for the development of its Capital Expenditure Framework (CEF). As per the 25th meeting of the Council of Stellenbosch municipality, the Municipal Manager was duly authorised and mandated, to sign the Grant Agreement on its behalf, and to sign and/or dispatch all documents and notices to be signed and/or dispatched by it under or in connection with the Agreement. This agreement was concluded during the 2019/20 financial year and has been attached as **APPENDIX1**.

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.2.2

RESOLVED (majority vote)

(a) that Council hereby confirms support for the Project, accepts the DBSA's grant funding and infrastructure planning support on the terms set out in the Agreement;

(b) that the **Municipal Manager** is hereby authorised and mandated to sign the Agreement on its behalf, and to sign and/or dispatch all documents and notices to be signed and/or dispatched by it under or in connection with the Agreement;

(c) that the Municipal Manager is further authorised to provide the DBSA with the Designated and Authorised Signatories, any of whom shall represent the Municipality on the Project Steering Committee for the purposes stated in the Agreement; and

(d) that the Municipality provides the relevant FICA documentation required by the DBSA in terms of regulations 3, 4, 5 and 6 of FICA (the Financial Intelligence Centre Act, 38 of 2001).

8.3	**HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)**

8.3.1	**SECTION 116(3) AMENDMENT TO THE EXISTING APPOINTMENT OF SUSTAINABLE PLANNING SOLUTIONS FOR THE AWARDED TENDER B/SM 16/16 FOR THE TOWNSHIP ESTABLISHMENT PROCESS FOR MAASDORP FOREST VILLAGE, FRANSCHHOEK: PORTIONS 27 AND 28 OF FARM LA MOTTE NO 1041, AND FUTURE EXPANSION ON PORTIONS 3 AND 7 OF FARM LA MOTTE NO 1041, FRANSCHHOEK**

Collaborator No: **708209**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **15 June 2021 and 23 June 2021**

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1. SUBJECT: SECTION 116(3) AMENDMENT TO THE EXISTING APPOINTMENT OF SUSTAINABLE PLANNING SOLUTIONS FOR THE AWARDED TENDER B/SM 16/16 FOR THE TOWNSHIP ESTABLISHMENT PROCESS FOR MAASDORP FOREST VILLAGE, FRANSCHHOEK: PORTIONS 27 AND 28 OF FARM LA MOTTE NO 1041, AND FUTURE EXPANSION ON PORTIONS 3 AND 7 OF FARM LA MOTTE NO 1041, FRANSCHHOEK

2. PURPOSE

To table reasons and obtain Council's approval / necessary authorisation for the intended extension of an appointment concluded with the service provider, Silver Creek Trading CC trading as Sustainable Planning Solutions.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

In 2015, by virtue of a bidding process, i.e. tender B/SM 16/16, Stellenbosch Municipality invited professionals in the built environment to submit tender rates in favour of being enlisted on their panel of professional service providers for Planning, Land Use Management, Environmental Management, Land Development, Heritage Resources, Project Management, Architectural Services and Related Professions: Validity Period: 3 (Three) Financial Years: 2015/16, 2016/17 and 2017/18.

Silver Creek Trading CC trading as Sustainable Planning Solutions was one such service provider that was successful in the Town and Regional Planning category. In June 2018, Sustainable Planning Solutions was notified of being successful for the appointment in a project identified under the bid, namely, the township establishment process for Maasdorp Forest Village, Franschhoek: Portions 27 and 28 of Farm La Motte No 1041, and future expansion on Portions 3 and 7 of Farm La Motte No 1041, Franschhoek; the project has later been referred to only as the detailed planning and design for the township establishment of Maasdorp Forest Village.

The required process for township establishment took longer than anticipated primarily due to the impact of Covid-19 on processes, the challenges on the ability to interact with relevant stakeholders and also certain aspects in the planning process that arose and now requires additional input. Due to the socio-economic impact of Covid-19 and the relevancy of the socio-economic profile on the feasibility of proposed property extents and accommodation of original Maasdorp residents on these properties, the necessity to update the socio-economic survey and engineering services costing for efficient decision-making purposes on the development proposal, was identified.

In order to address the need identified to update the socio-economic survey and engineering services costing, which is an addition to the original scope of work and required to finalise the scope of work as originally appointed for (i.e. township establishment and the required land use application), it is imperative that the current appointment be extended beyond the appointed term to enable the finalisation of the township establishment process.

Sustainable Planning Solutions has an existing appointment with the Stellenbosch Municipality until the end of June 2021, which the Department: Housing Development requests that their appointment be extended beyond June 2021 to enable the finalisation of the original scope of work beyond the original appointment term.

It is not practical or cost effective for Stellenbosch Municipality to appoint a new service provider at this stage where the remaining original scope of work i.e. the submission of the land use applications, is pending.

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.3.1

RESOLVED (nem con)

(a) that Council notes, in terms of the Municipal Finance Management Act (MFMA) Section 116(3), the reasons for the required extension and amendment of the current appointment to enable the finalisation of the original scope of work beyond the current appointment term, which is valid only until the end of June 2021;

(b) that Council takes note that reasonable notice of intention to extend the appointment in terms of Section 116(3)(b)(i) was given to the public;

(c) that Council takes note that the local community was invited to submit representations to the Municipality in terms of Section 116(3)(b)(ii);

(d) that Council approves the extension of the appointment for an additional period of eighteen (18) months from the date of confirmation of extended appointment; and

(e) that the Municipal Manager be authorised to conclude the extension of the appointment in terms of the applicable legislation.

FOR FURTHER DETAILS CONTACT:

NAME	***Lester van Stavel***
POSITION	***Manager: Housing Development***
DIRECTORATE	***Planning and Economic Development***
CONTACT NUMBERS	***021 808 8462***
E-MAIL ADDRESS	***Lester.vanstavel@stellenbosch.gov.za***
REPORT DATE	***24 May 2021***

8.3.2	**SECTION 116(3) AMENDMENT TO THE EXISTING APPOINTMENT OF JUBELIE PROJECT MANAGEMENT (PTY) LTD FOR THE AWARDED TENDER B/SM 16/16 FOR THE TOWNSHIP APPROVALS AND IMPLEMENTATION FOR THE ZONE O AND KAYAMANDI TOWN CENTRE HOUSING PROJECT, STELLENBOSCH**

Collaborator No: **708223**
IDP KPA Ref No: **Good Governance**
Meeting Date: **15 June 2021 and 23 June 2021**

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1. SUBJECT: SECTION 116(3) AMENDMENT TO THE EXISTING APPOINTMENT OF JUBELIE PROJECT MANAGEMENT (PTY) LTD FOR THE AWARDED TENDER B/SM 16/16 FOR THE TOWNSHIP APPROVALS AND IMPLEMENTATION FOR THE ZONE O AND KAYAMANDI TOWN CENTRE HOUSING PROJECT, STELLENBOSCH

2. PURPOSE

To obtain Council's approval / necessary authorisation for the intended extension of an appointment concluded with the service provider with Jubelie Project Management
(Pty) Ltd.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

As part of the planning for the Northern Extension, Jubelie Project Management (Pty) Ltd was instructed to do a feasibility study of Kayamandi with emphasis on Zone O and the Town Centre. They were duly appointed, subsequent to the initial investigation to formally undertake a feasibility study for the Town Centre, Zone O and to use any information on Kayamandi (including Enkanini) in order to provide a holistic development picture of Kayamandi. The latter resulted in a framework for possible future development opportunities in Kayamandi and environs.

The required process for township establishment took longer than anticipated primarily due to the impact of Covid-19 on processes, the challenges on the ability to interact with relevant stakeholders and also certain aspects in the planning process that arose and now requires additional input.

Jubelie Project Management (Pty) Ltd has an existing appointment with the Stellenbosch Municipality until the end of June 2021, which the Department: Housing Development requests that their appointment be extended beyond June 2021 to enable the finalisation of the original scope of work beyond the original appointment term.

It is therefore not practical or cost effective for Stellenbosch Municipality to appoint new service providers for what is merely a continuation of a second phase of their first appointment which related into the Zone O and the Town Centre of Kayamandi.

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.3.2

RESOLVED (majority vote)

(a) that Council notes, in terms of the Municipal Finance Management Act MFMA Section 116(3), the reasons for required extension and amendment of the current appointment to enable the finalisation of the original scope of work beyond the current appointment term, which is valid only until the end of June 2021;

(b) that Council takes note that reasonable notice of intention to amend the contract or agreement in terms of section 116(3)(b)(i) was given to the public;

(c) that Council takes note that the local community was invited to submit representations to the Municipality in terms of Section 116(3)(b)(ii);

(d) that Council approves the extension of the appointment for an additional period of 36 months for the Zone O and 15 months for the Kayamandi Towns Centre Development; and

(e) that the Municipal Manager be authorised to conclude the extension of the appointment in terms of the applicable legislation.

FOR FURTHER DETAILS CONTACT:

NAME	***Lester van Stavel***
POSITION	***Manager: Housing Development***
DIRECTORATE	***Planning & Economic Development***
CONTACT NUMBERS	***021 808 8462***
E-MAIL ADDRESS	***lester.vanstavel@stellenbosch.gov.za***
REPORT DATE	***24 May 2021***

8.4	**INFRASTRUCTURE: (PC: CLLR Q SMIT)**

8.4.1	**B/SM 04/19: THE AMENDMENT OF THE TENDER AWARDED TO STREET PARKING SOLUTIONS FOR THE PARKING MANAGEMENT SYSTEM FOR STELLENBOSCH MUNICIPALITY**

Collaborator No:
IDP KPA Ref No: **Good Governance & Compliance**
Meeting Date: **23 June 2021**

1. SUBJECT: B/SM 04/19: THE AMENDMENT OF THE TENDER AWARDED TO STREET PARKING SOLUTIONS FOR THE PARKING MANAGEMENT SYSTEM FOR STELLENBOSCH MUNICIPALITY

2. PURPOSE

To request Council to consider to change the current terms of the contract as awarded per tender 04/19 to extend the contract period with 12 months from 1 July 2021.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Stellenbosch Municipality is responsible for the supply, maintenance, and management of public parking within its area of jurisdiction. In order to execute this the Municipality embarked on a Parking Tender.

Tender number B/SM 04/19 was awarded to Street Parking Solutions for the implementation of a parking management system for the Municipality, until the 30 June 2021. (**ANNEXURE A**)

During the preceding 6 months, the Municipality embarked on a follow up tender with the intention to alter those matters that was not to the satisfaction of the public and Council. The Directorate is currently in process of compiling a new parking development programme. This programme would provide inputs into a parking management model that is best suited for Stellenbosch.

Since the new Tender would not be in place on 30 June 2021 the administration published a notice to change the terms of the contract in terms of Section 116 (3) of the MFMA to explore a possible extension of the current period of the tender for 12 months beyond 30 June 2021. The extension will allow the municipality sufficient time to deal with a new tender.

A Municipal Finance Management Act (MFMA) Section 116 process was followed. In terms of this section a notice was published on the municipal website calling for public comments on the extension of the current Tender (Annexure B). No comments were received on the advertisement.

It must be noted that the tender has been a difficult one to implement due to various issues on the implementation of the tender. To the extent that there was a mediation to try and resolve the issues. The mediation could not resolve the issues and we are still experiencing deductions by the service provider before money is paid over

to the municipality that the municipality is not in agreement with. Recently one of the parking attendants was arrested due to cloning of a credit card. We have battled to get the names of the parking attendants from the service provider to enable the municipality to make sure they do not have criminal records without full compliance from the service provider. There was a huge outcry form the public on social media when the news broke.

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.4.1

RESOLVED (nem con)

(a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender:

- Mitigate impacts resulting from suspended parking management operations.
- Upgrading existing and construction of additional parking facilities
- Complete the parking development strategy, to determine the best parking model for inputs into a new tender

(b) that Council notes the public participation process that was followed and that no formal comments were received on the advertisement; and

(c) that Council notes the MFMA Section 116(3) Report and hereby grants a 3-Month extension on Tender B/SM 04/19 ending on 30 September 2021.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	***Director***
DIRECTORATE	***Infrastructure Services***
CONTACT NUMBERS	***021 808 8213***
E-MAIL ADDRESS	***Deon.louw@stellenbosch.gov.za***
REPORT DATE	***11 June 2021***

8.5	MUNICIPAL MANAGER

8.5.1	CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION (ANIMAL WELFARE) AS PROVIDED FOR BY THE POLICY: FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2021 / 2022

Collaborator No: **708233**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **15 June 2021**

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1. SUBJECT: CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION (ANIMAL WELFARE) AS PROVIDED FOR BY THE POLICY: FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2021 / 2022

2. PURPOSE

To discuss and consider the funding applications for the 2021 / 2022 financial year received from external bodies performing a Municipal function as provided by the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000.

3. DELEGATED AUTHORITY

In terms of Section 7(2) of said policy the Grants Committee is delegated to allocate funds to External Bodies Performing a Municipal Function.

4. EXECUTIVE SUMMARY

The Policy relating to External Bodies Performing a Municipal Function, as approved by Council, in terms of which allocations may be made to bodies performing a Municipal function, refers. In terms of Section 6(2) of said policy the Grants Committee is delegated to allocate funds to External Bodies performing a municipal function.

The notice of the applications for the funding of bodies performing a municipal function was advertised in the local newspapers on:

- Eikestadnuus 30 March 2021

The advert was also advertised on the Stellenbosch Municipal Website.

The notice invited applications, in accordance with the Policy, for funding in the areas of:

- Facilities for the accommodation and burial of animals

The closing date for applications was 29 April 2021 and each organization/ body which had responded to the notice in the media thus had a fair opportunity to provide the required information to be considered.

The following bodies submitted applications by the closing date for funding to perform the accommodation and burial of animals function for Council for the 2021 / 2022 financial year and this is compared with the funding granted for the 2020 / 2021 financial year:

COMMUNITY AND PROTECTION SERVICES:

Applicant	2021 / 2022 Funding requested in Rand Value	2020 /2021 Funding Received in Rand Value
Animal Welfare Society Stellenbosch	R2 948 232.88	R1 012 516.00
SPCA Franschhoek	R750 000.00	R187 484.00

Currently, Council has budgeted the following amount for 2021/2022:

Community and Protection Services:

SPCA: R1 236 000.00

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.5.1

RESOLVED (nem con)

(a) that the amount of R1 042 891.48 be allocated to the Animal Welfare Society of Stellenbosch for the 2021 / 2022 financial year; and

(b) that the amount of R193 108.52 be allocated to the SPCA Franschhoek for the 2021/2022 financial year, subject to the submission of audit financial statements to the Municipality.

FOR FURTHER DETAILS CONTACT:

NAME	Neville Langenhoven
POSITION	***CHIEF LAW ENFORCEMENT***
DIRECTORATE	***COMMUNITY AND PRTOECTION SERVICES***
CONTACT NUMBERS	***021 808 8497***
E-MAIL ADDRESS	***Neville.langenhoven@stellenbosch.gov.za***
REPORT DATE	***26 May 2021***

8.5.2	**CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION (LOCAL TOURISM) AS PROVIDED FOR BY THE POLICY: FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2021 / 2022**

Collaborator No: **708311**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **15 June 2021**

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1. SUBJECT: CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION (LOCAL TOURISM) AS PROVIDED FOR BY THE POLICY: FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2021 / 2022

2. PURPOSE

To discuss and consider the funding applications for the 2021 / 2022 financial year received from external bodies performing a Municipal function as provided by the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000.

3. DELEGATED AUTHORITY

In terms of Section 7(2) of said policy the Grants Committee is delegated to allocate funds to External Bodies Performing a Municipal Function.

4. EXECUTIVE SUMMARY

In terms of Section 7(2) of the Policy relating to External Bodies Performing a Municipal Function of which budget allocation are delegated to the Grants Committee to make recommendations to Council, as approved by Council.

The notices of the applications for the funding of bodies performing a municipal function was advertised in the Eikestadnuus and the Paarl Post dated 06 May 2021, respectively and the Die Burger dated 07 May 2021, attached as **APPENDIX 1** of which the closing date to submit such applications was at 12:00 midday on 21 May 2021.

The following bodies submitted applications by the closing date for funding to perform the local tourism function for Council for the 2021 / 2022 financial year and this is compared with the funding granted for the 2020 / 2021 financial year:

Applicant	**2020 / 2021 Funding received in Rand Value**	**2021 / 2022 Funding Requested in Rand Value**
Visit Stellenbosch Dwarsrivier Tourism	3 090 000.00 430 000.00	4 790 000.00 *Including funding for Dwarsrivier Tourism Region*
Franschhoek Wine Valley Tourist Association	1 475 000.00	1 918 000.00
Total Funding Requested	**4 995 000.00**	**6 708 000.00**

Currently, Council has budgeted for R5 561 393.00 for the 2021 / 2022 financial year. This includes funding for the Updating of the Stellenbosch Municipality Heritage Inventory. The requested amount by all the bodies is thus R6 708 000.00 (Local Tourism Organisations) and R492 904.00 (Stellenbosch Heritage Foundation), which is a total requested funding of R7 200 904.00. The requested funding is thus exceeding the budgeted amount by R1 639 511.00.

The Directorate: Planning & Economic Development has prepared a draft Stellenbosch Economic Development Strategy, which identify that the Strategic Plan for Tourism must be developed in consultation with the tourism partners of the municipality, the linkage to such tourism partners is identified as the Local Tourism Organisations within the Stellenbosch Municipal Area. Therefore, the strategies which is prepared and submitted as part of the funding request is supported as the Tourism Strategic Plan for the 2021 / 2022 financial year.

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.5.2

RESOLVED (nem con)

(a) that the amount of R1 616 489.00 (of which R60 000 will be allocated to the Franschhoek literacy festival) be allocated to Franschhoek Wine Valley Tourism Association;

(b) that the amount of R3 452 000.00 be allocated to Visit Stellenbosch;

(c) that Council supports the Franschhoek Wine Valley Tourism Performance Indicators 2021 – 2022, attached **APPENDIX 2**, as the Tourism Strategic Plan for the 2021 / 2022 financial year for the area covered by the Franschhoek Wine Valley Tourism Association; and

(d) that Council supports the Stellenbosch “A Dynamic Marketing Approach for Stellenbosch” and specifically the “Visit Stellenbosch: Marketing & Communications Strategy, 2021”, the Dwarsrivier Tourism, attached as **APPENDIX 3**, as the Tourism Strategic Plan for the 2021 / 2022 financial year for the Visit Stellenbosch Area.

8.5.3	**CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION (MANAGING AND UPDATING THE STELLENBOSCH MUNICIPALITY HERITAGE INVENTORY) AS PROVIDED FOR BY THE POLICY: FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2021 / 2022**

Collaborator No: **708315**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **15 June 2021**

1. SUBJECT: CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION (MANAGING AND UPDATING THE STELLENBOSCH MUNICIPALITY HERITAGE INVENTORY) AS PROVIDED FOR BY THE POLICY: FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2021 / 2022

2. PURPOSE

To discuss and consider the funding applications for the 2021 / 2022 financial year received from external bodies performing a Municipal function as provided by the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000.

3. DELEGATED AUTHORITY

In terms of Section 7(2) of said policy the Grants Committee is delegated to allocate funds to External Bodies Performing a Municipal Function.

4. EXECUTIVE SUMMARY

In terms of Section 7(2) of the Policy relating to External Bodies Performing a Municipal Function of which budget allocation are delegated to the Grants Committee to make recommendations to Council, as approved by Council.

The notice of the applications for the funding of bodies performing a municipal function was advertised in the Eikestadnuus and the Paarl Post-dated 06 May 2021, respectively and the Die Burger dated 07 May 2021, attached as **APPENDIX 1** of which the closing date to submit such applications was at 12:00 midday, 21 May 2021.

The following body submitted applications by the closing date for funding to perform the Updating and Management of the Stellenbosch Municipality Heritage Inventory function for Council for the 2021 / 2022 financial year.

Applicant	**2021 / 2022** **Funding Requested in Rand Value**
Stellenbosch Heritage Foundation	312 904.00 *Total for all projects (with the exclusion of Project 7) in the submission document attached as Appendix 2.*
Stellenbosch Heritage Foundation	492 904.00 Total for all projects including project 7 in the submission document, attached as Appendix 2.
Total Funding Requested	**492 904.00**

Currently, Council has budgeted for R5 561 393.00 for the 2021 / 2022 financial year. This includes funding for the Updating of the Stellenbosch Municipality Heritage Inventory. The requested amount by all the bodies is thus R6 708 000.00 (Local Tourism Organisations) and R492 904.00 (Stellenbosch Heritage Foundation), which is a total requested funding of R7 200 904.00. The requested funding is thus exceeding the budgeted amount by R1 639 511.00.

The Department has commissioned the Stellenbosch Heritage Inventory, which is only one of three complete heritage inventories within the Republic of South Africa. The inventory, which was approved by Heritage Western Cape, was updating on an ad hoc basis by the Stellenbosch Heritage Foundation through an "undocumented" agreement between the previous Director: Planning & Economic Development & the Stellenbosch Heritage Foundation. It must however be noted that due to the importance and value that Stellenbosch has with its heritage resource, it is of utmost importance that the heritage inventory remain updated.

In the light of the above and the reasons submitted in this report, the following is recommended to the Grants Committee for endorsement to Council for decision:

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.5.3

RESOLVED (nem con)

that the amount of R492 904.00 be allocated to the Stellenbosch Heritage Foundation to undertake the function of Updating the Stellenbosch Municipality's Heritage Inventory for the 2021 / 2022 financial year.

FOR FURTHER DETAILS, CONTACT:

NAME	Craig Alexander
POSITION	Senior Manager: Development Planning
DIRECTORATE	PLANNING AND ECONOMIC DEVELOPMENT
CONTACT NUMBERS	021 808 8196
E-MAIL ADDRESS	Craig.Alexander@stellenbosch.gov.za
REPORT DATE	07 June 2021

9.	**URGENT MATTERS**

9.1	**B/SM 91-18 THE AMENDMENT TO THE TENDER AWARDED TO SYNTELL (PTY) LTD FOR THE SUPPLY, INSTALLATION AND MANAGEMENT OF STS COMPLIANT PREPAYMENT ELECTRICITY VENDING**

Collaborator No:
IDP KPA Ref No: **Good Governance & Compliance**
Meeting Date: **23 June 2021**

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1. SUBJECT: B/SM 91-18 THE AMENDMENT TO THE TENDER AWARDED TO SYNTELL (PTY) LTD FOR THE SUPPLY, INSTALLATION AND MANAGEMENT OF STS COMPLIANT PREPAYMENT ELECTRICITY VENDING

2. PURPOSE

To extend the current contract period to beyond 30 June 2021, until the new tender is approved / 31 December 2021, whichever occurs first, to allow the Municipality to conclude the procurement process for a new service provider.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Tender number B/SM 91/18 was awarded to Syntell (Pty) Ltd for the supply, installation and management of STS compliant prepayment electricity vending for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

The supply, installation and management of STS compliant prepayment electricity vending is currently performed by Syntell (Pty) Ltd.

Integrated Revenue Management System is required to administrively manage and control the Electricity Metering Revenue system within the Stellenbosch Municipal areas of supply.

The main three focus areas of the system are:

- Vending System
- Vendor Management System
- Revenue Protection

This extension is also to ensure continued service delivery in the Stellenbosch Municipal areas of supply. This is achieved through this tender by Supply, Installation and Management of STS compliant Prepayment Electricity Vending.

5. RECOMMENDATIONS

(a) that Council note in terms of MFMA Section 116(3) the reasons for the extension of the tender;

(b) that Council note the public participation process that was followed and that no comments were received (**ANNEXURES B & C**); and

(c) that the extension of tender BSM 91/18 in favour of Syntell (Pty) Ltd be approved.

6. DISCUSSION / CONTENTS

6.1 Background

Tender number B/SM 91/18 was awarded to Syntell (Pty) Ltd for the supply, installation and management of STS compliant prepayment electricity vending for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

The supply, installation and management of STS compliant prepayment electricity vending is currently performed by Syntell (Pty) Ltd.

This is done to ensure that sales of electricity and associated services is rendered. This is performed under three sections of the tender, namely: Vending system, Vendor Management as well as Revenue Protection.

6.2 Discussion

Tender number B/SM 91/18 was awarded to Syntell (Pty) Ltd for the supply, installation and management of STS compliant prepayment electricity vending for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

In order to ensure the effective sales of electricity and management of its associated services, an experienced and Specialised Service Provider is required for Vending System, Vending Managementas well as Revenue Protection.

The purpose of this request is to obtain approval to extend the contract until the new tender is in place or until 31 December 2021 whichever occurs first.

The intention to follow a Section 116(3) process which was advertised under Notice 55/2021 in the local newspaper, Die Burger on 28 May 2021 with closing date on 11 June 2021 (**ANNEXURE B**).

No comments were received from the public (**ANNEXURE C**).

6.3 Financial Implications

The original approved rates as per BSM 91/18 will be applicable for the duration of the extension. Funding is available on the approved 2021/22 budget.

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 staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

Not applicable.

6.7 Risk Implications

In order for the Municipality to ensure sales of electricity and by doing so generate revenue, through sale of electricity purchased from the Utilities it purchases electricity from, it is necessary to have an operational and managed vending system.

The non-extension of B/SM 91/18 will result to the Supply, Installation and Management of STS Compliant Prepayment Electricity Vending Services not being performed. This would result in loss of revenue as customers would not be able to purchase electricity.

6.8 Comments from Senior Management

6.8.1 Director: Infrastructure Services

Author of this report

6.8.2 Chief Financial Officer

6.8.3 Municipal Manager

ANNEXURES

Annexure A: Approval of BAC BSM 91-18
Annexure B: Advertisement for S116(3) as advertised
Annexure C: Proof - No Objections received
Annexure D: Confirmation of Syntell (Pty) Ltd of rates

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 9.1

Cllr G Cele (Ms) expressed her concern for the late submission and distribution of this item and is of the view that this is unfair practice and does not give Councillors adequate time to prepare and it limits and stifles the role of Councillors, especially the opposition. In the view of service delivery, she will support the item.

RESOLVED (nem con)

(a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender;

(b) that Council notes the public participation process that was followed and that no comments were received (**ANNEXURES B & C**); and

(c) that the extension of tender BSM 91/18 in favour of Syntell (Pty) Ltd be approved until the new tender is in place or 31 December 2021, whichever occurs first.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	***Director***
DIRECTORATE	***Infrastructure Services***
CONTACT NUMBERS	***021 808 8213***
E-MAIL ADDRESS	***Deon.louw@stellenbosch.gov.za***
REPORT DATE	***02 June 2021***

9.2	SECTION 116(3); B/SM 11/19 THE AMENDMENT TO THE TENDER AWARDED TO CBI ELECTRIC- AFRICAN CABLES FOR THE TESTING AND REPAIRS OF HIGH AND MEDIUM VOLTAGE CABLES IN THE STELLENBOSCH WC024 AREA

Collaborator No:
IDP KPA Ref No: **Good Governance & Compliance**
Meeting Date: **23 June 2021**

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1. SUBJECT: SECTION 116(3); B/SM 11/19 THE AMENDMENT TO THE TENDER AWARDED TO CBI ELECTRIC- AFRICAN CABLES FOR THE TESTING AND REPAIRS OF HIGH AND MEDIUM VOLTAGE CABLES IN THE STELLENBOSCH WC024 AREA

2. PURPOSE

To extend the current contract period to beyond 30 June 2021, until the new tender is approved / 31 December 2021, whichever occurs first, to allow the Municipality to conclude the procurement process for a new service provider.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Tender number B/SM 11/19 was awarded to CBI Electric- African Cables for the testing and repairs of high and medium voltage cables in the Stellenbosch WC024 area for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

The testing, maintenance and repairs of 66kV and 11kV cables in the Stellenbosch WC024 is currently performed by CBI Electric- African Cables.

The aged oil filled cable (approximately 47 years old) which are also further subjected to increased loading are making up feeder cables between main substations. These cables require more maintenance and testing due to risk of increasing oil leaks and increasing demand of electricity in Stellenbosch area.

This extension is also to ensure continued service delivery in the Stellenbosch WC024. This is achieved through this tender by carrying out testing, maintenance and repairs of 66kV and 11kV cables in order to ensure that the municipality is operating the electrical high and medium voltage network effectively and to improve the overall safety of the network.

5. RECOMMENDATIONS

(a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender;

(b) that Council notes the public participation process that was followed and that no comments were received (Annexure B & C); and

(c) that the extension of tender BSM 11/19 in favour of CBI Electric- African Cables be approved.

6. DISCUSSION / CONTENTS

6.1 <u>Background</u>

Tender number B/SM 11/19 was awarded CBI Electric- African Cables for the testing, repairs and maintenance of 66kV and 11kV cables is currently being carried out by CBI Electric- African Cables in the WC024 for a period of three (3) years, ending June 2021 (**ANNEXURE A).**

The testing, repairs and maintenance of 66kV and 11kV cables is currently being carried out by CBI Electric- African Cables.

This is done to ensure that the primary internal high voltage and medium cable network are kept in a healthy state to ensure the provision of its intended use. These are specialised high voltage cables requiring dedicated specialised repair equipment and accredited and experienced personnel. It is therefore necessary to regularly test these cables in order to try and prevent unnecessary power interruptions. In an event of damages, repairs are to be conducted by specialised personnel.

6.2 Discussion

Tender number B/SM 11/19 was awarded to CBI Electric- African Cables for the testing and repairs of high and medium voltage cables in the Stellenbosch WC024 area for a period of three (3) years, ending June 2021.

The primary high voltage network for Stellenbosch and it's surrounding areas consists of 66kV oil filled underground cables as well as recently installed XLPE cables. These cables make up feeders from Main Substation and feeds Markotter, University, Jan Marais and Golf Substations. Some of the cables are operated since 1974. The oil filled cables are approximately 47 years old and are subjected to ever increasing loading. Under these conditions the network requires more maintenance and testing due to the risk of increasing oil leaks and increasing demand in the Stellenbosch areas. These are specialised high voltage cable requiring dedicated specialised repair equipment and accredited experienced personnel. The medium voltage cables are also subjected to the above and it is necessary to regularly test these in order to try and prevent unnecessary power interuptions. In an event of damages, repairs are required to be carried out by specialised personnel.

The purpose of this request is to obtain approval to extend the contract until the new tender is in place or until 31 December 2021 whichever occurs first.

The intention to follow a Section 116(3) process which was advertised under Notice 58/2021 in the local newspaper, Die Burger on 05 June 2021 with closing date on 18 June 2021 (Annexure B). No comments were received from the public (**ANNEXURE C**).

6.3 Financial Implications

The original approved rates as per BSM 11/19 will be applicable for the duration of the extention. Funding is available on the approved 2021/22 budget.

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 staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

Not applicable.

6.7 Risk Implications

In order for the Municipality to operate the electrical high and medium voltage network effectively and to ensure the overall safety of the network, it is necessary to carry out protection testing, repairs and maintenance.

The non-extension of B/SM 11/19 will result in the testing, repairs and maintenance of high voltage and medium voltage cables not being performed, as such may result in the municipality operating ineffectively and unsafe network. This may result to unnecessary power outages and repairs when cables are damaged, not being carried out.

6.8 Comments from Senior Management

6.8.1 Director: Infrastructure Services

Author of this report

6.8.2 Chief Financial Officer

6.8.3 Municipal Manager

ANNEXURES

Annexure A: Approval of BAC
Annexure B: Advertisement for S116 as advertised
Annexure C: Proof - No Objections received
Annexure D: Confirmation of CBI Electric- African Cables of rates

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 9.2

Cllr G Cele (Ms) expressed her concern for the late submission and distribution of this item and is of the view that this is unfair practice and does not give Councillors adequate time to prepare and it limits and stifles the role of Councillors, especially the opposition. In the view of service delivery, she will support the item.

RESOLVED (nem con)

(a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender;

(b) that Council notes the public participation process that was followed and that no comments were received (**ANNEXURE B & C**); and

(c) that the extension of tender BSM 11/19 in favour of CBI Electric- African Cables be approved until the new tender is in place or 31 December 2021, whichever occurs first.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	***Director***
DIRECTORATE	***Infrastructure Services***
CONTACT NUMBERS	***021 808 8213***
E-MAIL ADDRESS	***Deon.louw@stellenbosch.gov.za***
REPORT DATE	***14 June 2021***

9.3	**B/SM 110/18 THE AMENDMENT TO THE TENDER AWARDED TO EYA BANTU PROFFESIONAL SERVICES (PTY) LTD FOR SUBSTATION PROTECTION SYSTEM TESTING, REPAIRS AND MAINTENANCE**

Collaborator No:
IDP KPA Ref No: **Good Governance & Compliance**
Meeting Date: **23 June 2021**

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1. SUBJECT: B/SM 110/18 THE AMENDMENT TO THE TENDER AWARDED TO EYA BANTU PROFFESIONAL SERVICES (PTY) LTD FOR SUBSTATION PROTECTION SYSTEM TESTING, REPAIRS AND MAINTENANCE

2. PURPOSE

To extend the current contract period to beyond 30 June 2021, until the new tender is approved / 31 December 2021, whichever occurs first, to allow the Municipality to conclude the procurement process for a new service provider.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Tender number B/SM 110/18 was awarded to Eya Bantu Proffesional Services (Pty) Ltd for substation protection system testing, repairs and maintenance in the WC024 for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

The Testing, Repairs and Maintenance of substation protection is currently performed by Eyabantu Professional Services (Pty) Ltd.

This extension is also to ensure continued service delivery in the Stellenbosch WC024. A new tender process (BSM 109/21) has been initiated to source a new service provider. This is achieved through this tender by carrying out protection testing and maintenance in order to ensure that the municipality is operating the electrical high and medium voltage network effectively and to improve the overall safety of the network.

5. RECOMMENDATIONS

(a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender;

(b) that Council notes the public participation process that was followed and that no comments were received (**ANNEXURES B & C**); and

(c) that the extension of tender BSM 110/18 in favour of Eyabantu Professional Services (Pty) Ltd be approved.

6.1 DISCUSSION / CONTENTS

6.2 <u>Background</u>

Tender number B/SM 110/18 was awarded to Eya Bantu Proffesional Services (Pty) Ltd for the testing repairs and installation of substation protection equipment in the WC024 for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

The provision of Substation protection system Testing, Repairs and Maintenance is currently performed by Eya Bantu Proffesional Services (Pty) Ltd.

In order for the municipality to operate the electrical high and medium voltage network effectively and ensure the overall safety of the network, it is necessary to carry out protection and maintenance.

6.2 Discussion

Tender number B/SM 110/18 was awarded to Eya Bantu Proffesional Services (Pty) Ltd for the testing repairs and installation of substation protection equipment in the WC024 for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

The provision of substation protection system Testing, Repairs and Maintenance is currently performed by Eya Bantu Professional Services (Pty) Ltd.

As part of this operation any new substations need to be integrated with the network protection scheme, whilst existing substation's protection is maintained. This is necessary to be able to isolate any prospective faults which may occur, as fast as possible and with the least effect on the network and customers as possible.

As part of the annual refurbishment and replacement program, old medium voltage switchgear are replaced with new equipment. It then becomes necessary that the new equipment be tested and configured to be part of the greater protection scheme of the network. It is important that this integration and maintenance be performed by specialized service providers. The purpose of this request is to obtain approval to extend the contract until the new tender is in place or until 31 December 2021 whichever occurs first.

The intention to follow a Section 116(3) process which was advertised under Notice 57/2021 in the local newspaper, Die Burger on 05 June 2021 with closing date on 18 June 2021 (Annexure B). No comments were received from the public (**ANNEXURE C**).

6.3. Financial Implications

The original approved rates as per BSM 110/18 will be applicable for the duration of the extension. Funding is available on the approved 2021/22 budget. **ANNEXURE D**.

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 staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

Not applicable

6.7 Risk Implications

In order for the Municipality to operate the electrical high and medium voltage network effectively and to ensure the overall safety of the network, it is necessary to carry out protection testing, repairs and maintenance.

The non-extension of B/SM 110/18 will result in the testing, repairs and maintenance of substation not being performed, as such may result in the municipality operating ineffectively unsafe network. This may result to prospective faults that may occur not being isolated as fast as they should be, resulting to huge effect on the network and customers.

6.8 Comments from Senior Management

6.8.1 Director: Infrastructure Services

Author of this report

6.8.5 Chief Financial Officer

6.8.6 Municipal Manager

ANNEXURES

Annexure A: Approval of BAC
Annexure B: Advertisement for S116 as advertised
Annexure C: Proof - No Objections received
Annexure D: Confirmation of Eya Bantu Proffesional Services (Pty) Ltd of rates

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 9.3

Cllr G Cele (Ms) expressed her concern for the late submission and distribution of this item and is of the view that this is unfair practice and does not give Councillors adequate time to prepare and it limits and stifles the role of Councillors, especially the opposition. In the view of service delivery, she will support the item.

RESOLVED (nem con)

(a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender;

(b) that Council notes the public participation process that was followed and that no comments were received (**ANNEXURES B & C**); and

(c) that the extension of tender BSM 110/18 in favour of Eyabantu Professional Services (Pty) Ltd be approved until the new tender is in place or 31 December 2021, whichever occurs first.

9.4	**B/SM 32-18 THE AMENDMENT TO THE TENDER AWARDED TO IKAPA RETICULATION FOR THE DOMESTIC LEAK REPAIRS, WATER METER REPLACEMENT AND PRESSURE MANAGEMENT IN THE WC024**

Collaborator No:
IDP KPA Ref No: **Good Governance & Compliance**
Meeting Date: **23 June 2021**

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1. SUBJECT: B/SM 32-18 - THE AMENDMENT TO THE TENDER AWARDED TO IKAPA RETICULATION FOR THE DOMESTIC LEAK REPAIRS, WATER METER REPLACEMENT AND PRESSURE MANAGEMENT IN THE WC024

2. PURPOSE

To extend the current contract period to beyond 30 June 2021, until the new tender is approved / 31 December 2021, whichever occurs first, to allow the Municipality to conclude the procurement process for a new service provider.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Tender number B/SM 32/18 was awarded to Ikapa Reticulation for the domestic leak repairs, water meter replacement and pressure management in the WC024 for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

The programming, monitoring and repair of water demand management devices are currently performed by Ikapa Reticulation. The provision of free basic water to indigent households are dependent on the ongoing service currently being rendered by Ikapa Reticulation.

This extension is also to ensure continued service delivery in the Stellenbosch WC024. A new tender process (BSM 103/21) has been initiated to source a new service provider for this purpose.

5. RECOMMENDATIONS

(a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender;

(b) that Council note the public participation process that was followed and that no comments were received (**ANNEXURE B & C**); and

(c) that the extension of tender BSM 32/18 in favour of Ikapa Reticulation be approved.

6. DISCUSSION / CONTENTS

6.1 <u>Background</u>

Tender number B/SM 32/18 was awarded to Ikapa Reticulation for the domestic leak repairs, water meter replacement and pressure management in the WC024 for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

The programming, monitoring and repair of water demand management devices are currently performed by Ikapa Reticulation. The provision of free basic water to indigent households are dependent on the ongoing service currently being rendered by Ikapa Reticulation.

6.2 Discussion

Tender number B/SM 32/18 was awarded to Ikapa Reticulation for the domestic leak repairs, water meter replacement and pressure management in the WC024 for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

The programming, monitoring and repair of water demand management devices are currently performed by Ikapa Reticulation. The provision of free basic water to indigent households are dependent on the ongoing service currently being rendered by Ikapa Reticulation.

Ikapa Reticulation is managing in excess of 1500 water demand management devices on behalf of Stellenbosch Municipality. This includes the installation of new devices, replacement of existing devices re-programming of existing devices and all related device call outs including after-hours call-outs.

The installation of water demand management devices during this period has resulted in an annual saving of approximately 164 Megalitres of water which equates to approximately R2.36 million per annum.

The purpose of this request is to obtain approval to extend the contract until the new tender is in place or until 31 December 2021 whichever occurs first.

The intention to follow a Section 116(3) process which was advertised under Notice 49/2021 in the local newspaper, Die Burger on 19 May 2021 with closing date on 02 June 2021 (**ANNEXURE B**). No comments were received from the public (**ANNEXURE C**).

6.4. Financial Implications

The original approved rates as per BSM 32/18 will be applicable for the duration of the extention. Funding is available on the approved 2021/22 budget.

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 staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

Not applicable.

6.7 Risk Implications

Due to the technical nature of the water demand management devices, faulty devices result in the community being without a water supply. The non-extention of BSM32/18 will result in the non-compliance in provision of free basic water to the indigents of the WC024. Non responsiveness to complaints regarding the water demand management devices, can also result in vandalisim or removal of these devices at huge cost implication to the municipality.

6.8 Comments from Senior Management

6.8.1 Director: Infrastructure Services

Author of this report

6.8.5 Chief Financial Officer

6.8.6 Municipal Manager

ANNEXURES

Annexure A: Approval of BAC
Annexure B: Advertisement for S116 as advertised
Annexure C: Proof - No Objections received
Annexure D: Confirmation of Ikapa Reticulation of rates

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 9.2

Cllr G Cele (Ms) expressed her concern for the late submission and distribution of this item and is of the view that this is unfair practice and does not give Councillors adequate time to prepare and it limits and stifles the role of Councillors, especially the opposition. In the view of service delivery, she will support the item.

RESOLVED (nem con)

(a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender;

(b) that Council notes the public participation process that was followed and that no comments were received (**ANNEXURE B & C**); and

(c) that the extension of tender BSM 32/18 in favour of Ikapa Reticulation be approved until the new tender is in place or 31 December 2021, whichever occurs first.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	***Director***
DIRECTORATE	***Infrastructure Services***
CONTACT NUMBERS	***021 808 8213***
E-MAIL ADDRESS	***Deon.louw@stellenbosch.gov.za***
REPORT DATE	***02 June 2021***

10.	**MATTERS TO BE CONSIDERED IN–COMMITTEE**

(See pink documentation)

The meeting adjourned at 12:30.

CHAIRPERSON: ……

DATE: ……

Confirmed on …… **with/without amendments**

8.	STATUTORY MATTERS

8.1	APPROVED TOP LAYER (TL) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2021/22

Collaborator No: 709628
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 21 July 2021 and 28 July 2021

1. SUBJECT: APPROVED TOP LAYER (TL) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2021/22

2. PURPOSE

To inform Council that the Executive Mayor has approved the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2021/22.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Section 53(1)(c)(ii) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) requires the Mayor of a municipality to take all reasonable steps to ensure that the municipality's Service Delivery and Budget Implementation Plan (SDBIP) is approved by the mayor within 28 days after the approval of the budget.

The TL SDBIP 2021/22 was approved by the Executive Mayor on 23 June 2021, which falls within the prescribed 28 days after the approval of the Budget.

The TL SDBIP 2021/22 is herewith submitted to Council for notification.

5. RECOMMENDATIONS

(a) that Council takes note of the approved Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2021/22 attached hereto as ANNEXURE A;

(b) that Council takes note that the approved TL SDBIP 2021/22 has been made public within 10 working days after the approval of the TL SDBIP 2021/22 and duly submitted to the MEC for Local Government in the Province; and

(c) that Council takes note of the performance indicators and targets adjustment as contained in the approved Integrated Development Plan (2017 – 2022) in accordance with the performance indicators and targets contained in the approved TL SDBIP 2021/22 to ensure accurate technical alignment between the IDP 2017 – 2022 and TL SDBIP 2021/22.

6. DISCUSSION

6.1. Background

The Draft Top Layer SDBIP 2021/22 was made public for public participation during April 2021 as part of the Integrated Development Plan (IDP) and Budget consultative process.

The Municipal Manager, Directors and all affected managers participated in the setting of key performance indicators and targets.

The Municipal IDP and Budget were approved by Council on 26 May 2021. As a result, the TL SDBIP 2021/22 was submitted to the Executive Mayor for consideration on 09 June 2021, which was subsequently approved on 23 June 2021.

Council should note that the provisions of the MFMA allows the Executive Mayor to approve the TL SDBIP within 28 days after the approval of the Budget. The TL SDBIP 2021/22 was published in draft form with the final IDP 2017 – 2022. Council is requested to approve the technical adjustments which has occurred with the finalisation of the TL SDBIP 2021/22 after the adoption of the IDP 2017 – 2022, to ensure appropriate alignment between the performance indicators and targets contained in the IDP and the TL SDBIP 2021/22. The approved TL SDBIP 2021/22 must be read together with approved IDP 2017 – 2022.

6.2. Financial Implications

There are no financial implications beyond that which was approved in the 2021/22 MTRF Budget.

6.3. Legal Implications

In terms of Section 53(1)(c)(ii) the mayor of a municipality must take all reasonable steps to ensure that the municipality's service delivery and budget implementation plan is approved by the mayor within 28 days after the approval of the budget.

6.4. Staff Implications

This report has no staff implications to the Municipality.

6.5. Risk Implication

None

6.6. Comments from Senior Management

6.6.1. Director: Community and Protection Services

Supported

6.6.2. Chief Financial Officer

Supported

6.6.3. Director: Infrastructure Services

Supported

6.6.4. Director: Corporate Services

Supported

6.6.5. Director: Planning and Economic Development

Supported

6.6.6. Comments from the Municipal Manager

Supported

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-07-21: ITEM 6.1

(a) that Council takes note of the approved Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2021/22 attached hereto as **ANNEXURE A**;

(b) that Council takes note that the approved TL SDBIP 2021/22 has been made public within 10 working days after the approval of the TL SDBIP 2021/22 and duly submitted to the MEC for Local Government in the Province; and

(c) that Council takes note of the performance indicators and targets adjustment as contained in the approved Integrated Development Plan (2017 – 2022) in accordance with the performance indicators and targets contained in the approved TL SDBIP 2021/22 to ensure accurate technical alignment between the IDP 2017 – 2022 and TL SDBIP 2021/22.

ANNEXURES

Annexure A: Approved TL SDBIP 2021/22

FOR FURTHER DETAILS CONTACT:

NAME	Shireen De Visser
POSITION	Senior Manager: Governance
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8035
E-MAIL ADDRESS	shireen.devisser@stellenbosch.gov.za
REPORT DATE	06 July 2021

ANNEXURE A

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TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2021/22

(June 2021)

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1. MUNICIPAL MANAGER'S QUALITY CERTIFICATE

I, Geraldine Mettler, the Municipal Manager of the Stellenbosch Municipality, submits the Draft Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) for the 2021/22 financial year for approval by the Executive Mayor. This Draft TL SDBIP 2021/22 has been prepared in terms of the stipulated requirements as documented in the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) and regulations made under this Act.

GERALDINE METTLER
MUNICIPAL MANAGER

Date: 08/06/2021

2. EXECUTIVE MAYOR'S CERTIFICATE OF APPROVAL

I, Gesie Van Deventer, in my capacity as the Executive Mayor of the Stellenbosch Municipality, hereby approves the Final Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) for the 2021/22 financial year as required in terms of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) and regulations made under this Act.

CLLR ADV GESIE VAN DEVENTER
EXECUTIVE MAYOR

Date: 23/06/2021.

3. IMPLEMENTATION, MONITORING AND REVIEW – ONE YEAR

The Local Government: Municipal Finance Management, 2003 (Act No. 56 of 2003) (MFMA) requires that municipalities prepare a Service Delivery and Budget Implementation Plan (SDBIP) as a strategic financial management tool to ensure that budgetary decisions that are adopted by municipalities for the financial year are aligned with their strategic planning tool, the Integrated Development Plan (IDP). The SDBIP is a contract between Council, administration and the community. It gives effect to the IDP and budget of the municipality.

The municipal budget shall give effect to the Strategic Focus Areas (SFAs) as contained in the IDP. The Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) shall contain details on the execution of the budget and information on programmes and projects. Quarterly, half-yearly and annual performance reports must also be submitted to Council as a means to monitor the implementation of the predetermined objectives as contained in the IDP.

The SDBIP is a one – year detailed implementation plan which gives effect to the IDP and Budget of the Municipality. It is a contract between the administration, Council and community expressing the goals and objectives set by Council as quantifiable outcomes that can be implemented by the administration over the next twelve months. This provides the basis of measuring the performance in service delivery against end year targets and implementing budget.
Indicators developed for the Stellenbosch Municipality addresses the SFAs of the municipality. The municipality utilises the one-year TL SDBIP to ensure that it delivers on its service delivery mandate by indicating clear indicators and targets. These indicators also form the basis of the performance plans of the Municipal Manager and Directors, hence, the Municipal Manager and Directors are being evaluated on the approved TL SDBIP indicators.

The five necessary components are:

1. Monthly projections of revenue to be collected for each month;
2. Monthly projections of expenditure (operating and capital) and revenue for each vote;
3. Quarterly projections of service delivery targets and performance indicators;
4. Ward information for expenditure and service delivery; and
5. Detailed capital works plan broken down by ward over three years.

4. TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2021/22: PER STRATEGIC FOCUS AREA (SFA)

4.1 SFA 1 - VALLEY OF POSSIBILITY

SFA 1 – Valley of Possibility														
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2021/22	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
KPI007	TBC	Planning and Economic Development	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 through the municipality's local economic development initiatives including capital projects by 30 June	Programme	All	1 300 per annum	1 656	1 300 job opportunities created through the municipality's local economic development initiatives including capital projects by 30 June	400 (400)	900 (900)	1 100 (1 100)	1 300 (1 300)	Outcome
KPI008	TBC	Planning and Economic Development	Land-use applications considered by the Municipal Planning Tribunal (MPT) within 120 from days from a complete land-use application	Percentage of land-use applications considered by the MPT within 120 days from a complete land-use application	Programme	All	75% per annum	0%	75% of land-use applications considered by the MPT within 120 days from a complete land-use application	75%	75%	75%	75%	Outcome
KPI009	TBC	Planning and Economic Development	Training opportunities provided for entrepreneurs and Small, Medium and Micro Enterprises (SMMEs)	Number of quarterly training opportunities provided for entrepreneurs and SMMEs	Programme	All	4 per annum	4	4 quarterly training opportunities provided for entrepreneurs and SMMEs	1 (1)	1 (2)	1 (3)	1 (4)	Output
KPI010	TBC	Planning and Economic Development	Revised Spatial Development Framework (SDF) submitted to Council	Number of Revised SDFs submitted to Council by 30 June	Programme	All	1 per annum	New KPI	1 Revised SDF submitted to Council by 30 June	N/A	N/A	N/A	1	Output
KPI012	TBC	Planning and Economic Development	Revised Housing Pipeline (document) submitted to the Mayoral Committee (MayCo)	Number of Revised Housing Pipelines (documents) submitted to the MayCo by 31 May	Programme	All	1 per annum	1	1 Revised Housing Pipeline (document) submitted to the MayCo by 31 May	N/A	N/A	N/A	1	Output

SFA 1 – Valley of Possibility													
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2021/22	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
KPI080	TBC	Planning and Economic Development	Submission of Tourism Strategic Plan to the Municipal Manager	Number of Tourism Strategic Plans submitted to the Municipal Manager by 30 June	Key Initiative	All	1 per annum	New KPI	1 Tourism Strategic Plan submitted to the Municipal Manager by 30 June	N/A	N/A	N/A	1	Output

4.2 SFA 2 - GREEN AND SUSTAINABLE VALLEY

SFA 2 - Green and Sustainable Valley														
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2020/21	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
KPI016	TBC	Infrastructure Services	Conduct an external audit of the Stellenbosch Municipality Waste Disposal Facilities	Number of external audits of the Stellenbosch Municipality Waste Disposal Facilities conducted by 30 June	Programme	All	1 per annum	1	1 external audit of the Stellenbosch Municipality Waste Disposal Facilities conducted by 30 June	N/A	N/A	N/A	1	Output
KPI073	TBC	Infrastructure Services	Implementation of identified waste minimisation projects	Number of identified waste minimisation projects implemented by 30 June	Key Initiative	All	2 per annum	1	2 identified waste minimisation projects implemented by 30 June	N/A	N/A	1 (1)	1 (2)	Output
KPI018	TBC	Planning and Economic Development	Building plan applications of <500sqm decided on within 30 days	Percentage of building plan applications of <500sqm decided on within 30 days after date of receipt	Programme	All	80% per annum	72.92%	80% of building plan applications of <500sqm decided on within 30 days after date of receipt	80%	80%	80%	80%	Outcome
KPI019	TBC	Infrastructure Services	Waste water quality managed and measured ito the Department of Water and Sanitation's License Conditions for physical and micro parameters	Percentage waste water quality compliance as per analysis certificate, measured quarterly	Programme	All	70% per annum	60.70%	70% waste water quality compliance as per analysis certificate, measured quarterly	70%	70%	70%	70%	Outcome
KPI078	TBC	Corporate Services	Submission of the Revised Facility Management Plan to the MayCo	Number of Revised Facility Management Plans submitted to the MayCo by 31 May	Programme	All	1 per annum	1	1 Revised Facility Management Plan submitted to the MayCo by 31 May	N/A	N/A	N/A	1	Output
KPI081	TBC	Infrastructure Services	Reduce organic waste	Percentage of organic waste reduced by 30 June	Programme	All	20%	New KPI	20% of organic waste reduced by 30 June	N/A	N/A	N/A	20%	Outcome

SFA 2 - Green and Sustainable Valley														
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2020/21	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
KPI085	TBC	Community and Protection Services	Submission of a Friends Group Framework for the management of nature areas to the Municipal Manager	Number of Friends Group Frameworks for the management of nature areas submitted to the Municipal Manager by 31 March	Key Initiative	All	1 per annum	New KPI	1 Friends Group Framework for the management of nature areas submitted to the Municipal Manager by 31 March	N/A	N/A	1	N/A	Output

4.3 SFA 3 - SAFE VALLEY

SFA 3 - Safe Valley														
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2021/22	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
KPI025	TBC	Community and Protection Services	Revised Disaster Management Plan submitted to the Municipal Manager	Number of Revised Disaster Management Plans submitted to the Municipal Manager by 31 March	Programme	All	1 per annum	1	1 Revised Disaster Management Plan submitted to the Municipal Manager by 31 March	N/A	N/A	1	N/A	Output
KPI026	TBC	Community and Protection Services	Revised Safety and Security Strategy submitted to the Municipal Manager	Number of Revised Safety and Security Strategies submitted to the Municipal Manager by 30 April	Programme	All	1 per annum	1	1 Revised Safety and Security Strategy submitted to the Municipal Manager by 30 April	N/A	N/A	N/A	1	Output
KPI027	TBC	Community and Protection Services	Revised Traffic Management Plan submitted to the Municipal Manager	Number of Revised Traffic Management Plans submitted to the Municipal Manager by 31 March	Programme	All	1 per annum	1	1 Revised Traffic Management Plan submitted to the Municipal Manager by 31 March	N/A	N/A	1	N/A	Output

4.4 SFA 4 - DIGNIFIED LIVING

SFA 4 - Dignified Living													
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2021/22	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
KPI037	TBC	Infrastructure Services	Provision of waterborne toilet facilities in informal settlements as identified by the Department: Integrated Human Settlements	Number of waterborne toilet facilities provided in Informal settlements as identified by the Department: Integrated Human Settlements by 30 June	Programme	All	50 per annum	51	50 waterborne toilet facilities provided in informal settlements as identified by the Department: Integrated Human Settlements by 30 June	N/A	20 (20)	N/A	50 (50)	Output
KPI039	TBC	Financial Services	Registered indigent formal households with access to free basic water (NKPI Proxy - MSA, Reg. S10(a), (b)	Percentage of registered indigent formal households with access to free basic water, measured quarterly	Programme	All	100% per annum	100%	100% of registered indigent formal households with access to free basic water, measured quarterly	100%	100%	100%	100%	Outcome
KPI040	TBC	Infrastructure Services	Limit unaccounted electricity to less than 9% 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 measured by 30 June	Programme	All	<9% per annum	9.36%	<9% average electricity losses measured by 30 June	N/A	N/A	N/A	<9%	Outcome
KPI041	TBC	Infrastructure Services	Water quality managed and measured quarterly ito the SANS 241 physical and micro parameters	Percentage water quality level as per analysis certificate, measured quarterly	Programme	All	90% per annum	90.96%	90% water quality level as per analysis certificate, measured quarterly	90%	90%	90%	90%	Outcome
KPI042	TBC	Infrastructure Services	Limit unaccounted water to less than 25%	Average percentage water losses measured quarterly	Programme	All	<25% per annum	20.50%	<25% average percentage water losses measured quarterly	<25%	<25%	<25%	<25%	Outcome

SFA 4 - Dignified Living													
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2021/22	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
KPI043	TBC	Financial Services	Registered indigent formal households with access to free basic electricity provided by the municipality (NKPI Proxy - MSA, Reg. S10(a), (b)	Percentage of registered indigent formal households with access to free basic electricity provided by the municipality, measured quarterly	Programme	All	65% per annum	73.99%	65% of registered indigent formal households with access to free basic electricity provided by the municipality, measured quarterly	65%	65%	65%	65%	Output
KPI044	TBC	Financial Services	Registered indigent formal households with access to free basic refuse removal (NKPI Proxy - MSA, Reg. S10(a), (b)	Percentage of registered indigent formal households with access to free basic refuse removal, measured quarterly	Programme	All	100% per annum	100%	100% of registered indigent formal households with access to free basic refuse removal, measured quarterly	100%	100%	100%	100%	Output
KPI045	TBC	Financial Services	Registered indigent formal households with access to free basic sanitation (NKPI Proxy - MSA, Reg. S10(a), (b)	Percentage of registered indigent formal households with access to free basic sanitation, measured quarterly	Programme	All	100% per annum	100%	100% of registered indigent formal households with access to free basic sanitation, measured quarterly	100%	100%	100%	100%	Output
KPI074	TBC	Financial Services	Formal households with access to water (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to water, measured quarterly	Programme	All	25 500 per annum	26 397	25 500 formal households with access to water, measured quarterly	25 500	25 500	25 500	25 500	Output
KPI075	TBC	Financial Services	Formal households with access to electricity (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to electricity, measured quarterly	Programme	All	24 000 per annum	26 397	24 000 formal households with access to electricity, measured quarterly	24 000	24 000	24 000	24 000	Output
KPI076	TBC	Financial Services	Formal households with access to refuse removal (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to refuse removal, measured quarterly	Programme	All	25 500 per annum	26 397	25 500 formal households with access to refuse removal, measured quarterly	25 500	25 500	25 500	25 500	Output

SFA 4 - Dignified Living													
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2021/22	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
KPI077	TBC	Financial Services	Formal households with access to sanitation (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to sanitation, measured quarterly	Programme	All	25 500 per annum	26 397	25 500 formal households with access to sanitation, measured quarterly	25 500	25 500	25 500	25 500	Output

4.5 SFA 5 - GOOD GOVERNANCE AND COMPLIANCE

SFA 5 - Good Governance and Compliance														
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2021/22	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
KPI055	TBC	Financial Services	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)	Programme	All	4 per annum	2.43	4 (months)	N/A	N/A	N/A	4 (months)	Outcome
KPI056	TBC	Financial Services	Achieve an average payment percentage of 96% by 30 June (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	Programme	All	96% per annum	89.17%	96%	N/A	N/A	N/A	96%	Outcome
KPI057	TBC	Financial Services	Actual expenditure on the approved Capital Budget for the Municipality by 30 June (NKPI - MSA, Reg. S10(c))	Percentage of the approved Capital Budget for the municipality actually spent by 30 June	Programme	All	90% per annum	70.25%	90% of the approved Capital Budget for the municipality actually spent by 30 June	10%	30%	60%	90%	Input
KPI058	TBC	Office of the Municipal Manager	Employment equity appointments made within the financial year in the three highest levels of management	Percentage of employment equity appointments made within the financial year in the three highest levels of management, measured by 30 June	Programme	All	60% per annum	66.67%	60% of employment equity appointments made within the financial year in the three highest levels of management, measured by 30 June	N/A	N/A	N/A	60%	Outcome
KPI059	TBC	Corporate Services	The percentage of the 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 / Total Annual	Programme	All	0.20% per annum	0.13%	0.20% of the municipality's payroll budget actually spent on implementing its Workplace Skills Plan, measured by 30 June	N/A	N/A	N/A	0.20%	Input

SFA 5 - Good Governance and Compliance													
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2021/22	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
				payroll Budget) x100), measured by 30 June										
KPI060	TBC	Financial Services	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 by 30 June	Programme	All	15% per annum	59.13%	15%	N/A	N/A	N/A	15%	Outcome
KPI061	TBC	Financial Services	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 by 30 June	Programme	All	27% per annum	12.38%	27%	N/A	N/A	N/A	27%	Outcome
KPI062	TBC	Office of the Municipal Manager	Revised Risk-Based Audit Plan (RBAP) submitted to the Audit Committee	Number of Revised RBAPs submitted to the Audit Committee by 30 June	Programme	All	1 per annum	1	1 Revised RBAP submitted to the Audit Committee by 30 June	N/A	N/A	N/A	1	Output
KPI063	TBC	Office of the Municipal Manager	AGSA Audit Action Plan (AAP) submitted to the Audit Committee	Number of AGSA Audit Action Plans submitted to the Audit Committee by 28 February	Programme	All	1 per annum	1	1 AGSA Audit Action Plan submitted to the Audit Committee by 28 February	N/A	N/A	1	N/A	Output
KPI064	TBC	Office of the Municipal Manager	Revised Strategic Risk Register (SRR) submitted to the Risk Management Committee	Number of Revised Strategic Risk Registers submitted to the Risk Management Committee by 30 June	Programme	All	1 per annum	1	1 Revised Strategic Risk Register submitted to the Risk Management Committee by 30 June	N/A	N/A	N/A	1	Output
KPI065	TBC	Corporate Services	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	Programme	All	1 per annum	1	1 Revised ICT Backup Disaster Recovery Plan submitted to the ICT Steering Committee by 31 March	N/A	N/A	1	N/A	Output

SFA 5 - Good Governance and Compliance													
IDP Ref No	TL Ref No	Directorate	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator Type	Wards	5 year target	Baseline (Actual result 2019/20)	Annual Target 2021/22	TOP LAYER: Service Delivery and Budget Implementation Plan (SDBIP) 2021/22				Delivery Indicator
										Q1	Q2	Q3	Q4	
KPI066	TBC	Corporate Services	Revised Strategic ICT Plan submitted to the ICT Steering Committee	Number of Revised Strategic ICT Plans submitted to the ICT Steering Committee by 31 March	Programme	All	1 per annum	1	1 Revised Strategic ICT Plan submitted to the ICT Steering Committee by 31 March	N/A	N/A	1	N/A	Output
KPI067	TBC	Office of the Municipal Manager	Draft Integrated Development Plan (IDP) submitted to Council	Number of Draft IDPs submitted to Council by 31 March	Programme	All	1 per annum	1	1 Draft IDP submitted to Council by 31 March	N/A	N/A	1	N/A	Output
KPI070	TBC	Office of the Municipal Manager	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	Programme	All	1 per annum	1	1 IDP / Budget / SDF time schedule (process plan) submitted to Council by 31 August	1	N/A	N/A	N/A	Output
KPI071	TBC	Infrastructure Services	Revised Electrical Master Plan submitted to Council	Number of Revised Electrical Master Plans submitted to Council by 30 June	Programme	All	1 per annum	1	1 Revised Electrical Master Plan submitted to Council by 30 June	N/A	N/A	N/A	1	Output
KPI072	TBC	Corporate Services	Submission of a Draft Smart City Framework to the MayCo	Number of Draft Smart City Frameworks submitted to the MayCo by 31 May	Key Initiative	All	1 per annum	0	1 Draft Smart City Framework submitted to the MayCo by 31 May	N/A	N/A	N/A	1	Output
KPI084	TBC	Infrastructure Services	Submission of a new Comprehensive Integrated Transport Plan (CITP) to the MayCo	Number of new Comprehensive Integrated Transport Plans (CITPs) submitted to the MayCo by 30 June	Programme		1 per annum	New KPI	1 New Comprehensive Integrated Transport Plan (CITPs) submitted to the MayCo by 30 June	N/A	N/A	N/A	1	Output

Annexure A:

Revenue by source projections for the 2021/22 financial year

Revenue by source projections for the 2021/2022 financial year

Revenue By Source	July	August	September	October	November	December	January	February	March	April	May	June
Property rates	- 42 177 838	- 33 721 526	- 33 568 870	- 33 734 196	- 33 817 787	- 33 746 194	- 33 742 129	- 33 273 815	- 36 462 545	- 36 462 545	- 36 462 545	- 36 462 558
Service charges - electricity revenue	- 59 870 990	- 61 000 770	- 63 362 805	- 55 296 023	- 57 177 052	- 59 312 499	- 56 033 545	- 58 145 879	- 79 268 901	- 79 268 901	- 79 268 901	- 79 268 904
Service charges - water revenue	- 10 604 372	- 11 364 742	- 10 400 459	- 7 485 240	- 11 021 437	- 9 310 258	- 10 918 038	- 12 224 953	- 20 767 557	- 20 767 557	- 20 767 557	- 20 767 553
Service charges - sanitation revenue	- 12 072 626	- 5 519 896	- 5 542 087	- 5 444 729	- 5 550 273	- 5 392 334	- 5 446 686	- 5 421 951	- 16 023 689	- 16 023 689	- 16 023 689	- 16 023 683
Service charges - refuse revenue	- 13 355 645	- 3 616 149	- 3 892 021	- 3 756 195	- 3 664 796	- 3 698 263	- 3 683 657	- 3 691 825	- 12 144 475	- 12 144 475	- 12 144 475	- 12 144 471
Rental of facilities and equipment	- 755 131	- 827 436	- 935 413	- 824 978	- 797 434	- 750 595	- 754 567	- 805 423	- 1 180 943	- 1 180 943	- 1 180 943	- 1 180 933
Interest earned - external investments	- 282 096	- 4 428 647	- 2 254 794	- 2 110 583	- 251 102	- 1 516 893	- 2 682 476	- 1 143 684	367 569	367 569	367 569	367 568
Interest earned - outstanding debtors	- 440 930	- 1 029 701	- 1 033 652	- 1 031 099	- 1 053 297	- 1 077 153	- 1 108 293	- 1 073 922	- 1 546 591	- 1 546 591	- 1 546 591	- 1 546 580
Fines, penalties and forfeits	- 12 278 390	- 12 279 390	- 12 278 690	- 12 285 885	- 12 308 220	- 12 291 619	- 12 284 046	- 12 297 081	- 12 280 420	- 12 280 420	- 12 280 420	- 12 280 429
Licences and permits	- 16 810	- 16 994	- 481 180	- 542 676	- 1 332 997	- 466 765	- 124 424	- 445 093	- 587 776	- 587 776	- 587 776	- 587 782
Agency services	-	-	- 284 973	- 290 984	- 755 986	- 189 611	- 53 869	- 155 045	- 336 756	- 336 756	- 336 756	- 336 757
Transfers and subsidies	- 63 555 989	- 3 496 782	- 2 333 981	- 3 942 413	- 3 479 796	- 62 197 647	- 2 926 267	- 3 403 215	- 14 744 290	- 14 744 290	- 14 744 290	- 14 744 319
Other revenue	- 3 357 772	- 2 735 753	- 2 548 788	- 2 918 442	- 2 381 848	- 2 156 491	- 2 460 975	- 2 480 021	- 5 069 648	- 5 069 648	- 5 069 648	- 5 069 644
Transfers and subsidies - capital (monetary allocations) (National/ Provincial and District)	- 6 746 142	- 6 746 142	- 6 746 142	- 9 251 536	- 11 727 148	- 6 746 142	- 6 746 142	- 6 880 942	- 10 990 842	- 10 990 842	- 10 990 842	- 10 990 858
Grand Total	**- 225 514 731**	**- 146 783 928**	**- 145 663 855**	**- 138 914 979**	**- 145 319 173**	**- 198 852 464**	**- 138 965 114**	**- 141 442 849**	**- 211 036 864**	**- 211 036 864**	**- 211 036 864**	**- 211 036 903**

Annexure B:

Expenditure by type projections for the 2021/22 financial year

Expenditure by type projections for the 2021/2022 financial year

Expenditure by Type	July	August	September	October	November	December	January	February	March	April	May	June
Employee related costs	40 611 329	40 702 043	43 041 910	41 641 312	56 526 141	43 889 205	43 368 087	41 689 480	52 262 303	52 262 303	52 262 303	99 201 881
Remuneration of councillors	1 852 075	1 852 075	1 836 948	1 836 948	1 836 948	1 836 948	1 771 882	1 667 737	1 863 740	1 863 740	1 863 740	1 895 107
Debt impairment	-	-	1 144 660	41 010 448	4 068	3 005 824	-	4 143	-	-	-	58 730 857
Depreciation and asset impairment	-	-	-	-	-	70 513 714	-	-	70 513 714	-	-	70 513 767
Finance charges	-	-	-	-	-	21 921 039	-	-	-	-	-	21 921 037
Bulk purchases	-	46 154 496	46 154 496	46 154 496	46 154 496	46 154 496	46 154 496	46 154 496	46 154 496	46 154 496	46 154 496	46 154 500
Other materials	764 875	1 529 422	4 749 658	5 129 439	6 271 949	3 754 473	6 650 879	7 203 139	8 416 006	8 418 489	8 417 084	8 327 039
Contracted services	1 375 536	7 345 786	16 955 650	23 572 673	16 577 894	16 046 984	23 846 322	21 867 884	34 998 015	35 198 015	34 998 015	44 697 917
Transfers and subsidies	559 282	6 324 282	647 282	559 282	559 282	559 282	559 282	989 282	559 282	559 282	559 282	1 165 354
Other expenditure	3 665 058	12 551 670	6 566 849	14 408 130	11 234 226	9 258 890	8 511 024	13 292 065	2 136 170	34 890 751	35 826 488	8 016 588
Grand Total	**48 828 155**	**116 459 774**	**121 097 453**	**174 312 728**	**139 165 004**	**216 940 855**	**130 861 972**	**132 868 226**	**216 903 726**	**179 347 076**	**180 081 408**	**360 624 047**

Revenue by source projections for the 2021/2022 financial year

Revenue By Source	July	August	September	October	November	December	January	February	March	April	May	June
Property rates	-42 177 838	-33 721 526	-33 568 870	-33 734 196	-33 817 787	-33 746 194	-33 742 129	-33 273 815	-36 462 545	-36 462 545	-36 462 545	-36 462 558
Service charges - electricity revenue	-59 870 990	-61 000 770	-63 362 805	-55 296 023	-57 177 052	-59 312 499	-56 033 545	-58 145 879	-79 268 901	-79 268 901	-79 268 901	-79 268 904
Service charges - water revenue	-10 604 372	-11 364 742	-10 400 459	-7 485 240	-11 021 437	-9 310 258	-10 918 038	-12 224 953	-20 767 557	-20 767 557	-20 767 557	-20 767 553
Service charges - sanitation revenue	-12 072 626	-5 519 896	-5 542 087	-5 444 729	-5 550 273	-5 392 334	-5 446 686	-5 421 951	-16 023 689	-16 023 689	-16 023 689	-16 023 683
Service charges - refuse revenue	-13 355 645	-3 616 149	-3 892 021	-3 756 195	-3 664 796	-3 698 263	-3 683 657	-3 691 825	-12 144 475	-12 144 475	-12 144 475	-12 144 471
Rental of facilities and equipment	-755 131	-827 436	-935 413	-824 978	-797 434	-750 595	-754 567	-805 423	-1 180 943	-1 180 943	-1 180 943	-1 180 933
Interest earned - external investments	-282 096	-4 428 647	-2 254 794	-2 110 583	-251 102	-1 516 893	-2 682 476	-1 143 684	367 569	367 569	367 569	367 568
Interest earned - outstanding debtors	-440 930	-1 029 701	-1 033 652	-1 031 099	-1 053 297	-1 077 153	-1 108 293	-1 073 922	-1 546 591	-1 546 591	-1 546 591	-1 546 580
Fines, penalties and forfeits	-12 278 390	-12 279 390	-12 278 690	-12 285 885	-12 308 220	-12 291 619	-12 284 046	-12 297 081	-12 280 420	-12 280 420	-12 280 420	-12 280 429
Licences and permits	-16 810	-16 994	-481 180	-542 676	-1 332 997	-466 765	-124 424	-445 093	-587 776	-587 776	-587 776	-587 782
Agency services	-	-	-284 973	-290 984	-755 986	-189 611	-53 869	-155 045	-336 756	-336 756	-336 756	-336 757
Transfers and subsidies	-63 555 989	-3 496 782	-2 333 981	-3 942 413	-3 479 796	-62 197 647	-2 926 267	-3 403 215	-14 744 290	-14 744 290	-14 744 290	-14 744 319
Other revenue	-3 357 772	-2 735 753	-2 548 788	-2 918 442	-2 381 848	-2 156 491	-2 460 975	-2 480 021	-5 069 648	-5 069 648	-5 069 648	-5 069 644
Transfers and subsidies - capital (monetary allocations) (National/ Provincial and District)	-6 746 142	-6 746 142	-6 746 142	-9 251 536	-11 727 148	-6 746 142	-6 746 142	-6 880 942	-10 990 842	-10 990 842	-10 990 842	-10 990 858
Grand Total	**-225 514 731**	**-146 783 928**	**-145 663 855**	**-138 914 979**	**-145 319 173**	**-198 852 464**	**-138 965 114**	**-141 442 849**	**-211 036 864**	**-211 036 864**	**-211 036 864**	**-211 036 903**

Expenditure by type projections for the 2021/2022 financial year

Expenditure by Type	July	August	September	October	November	December	January	February	March	April	May	June
Employee related costs	40 611 329.00	40 702 043.00	43 041 910.00	41 641 312.00	56 526 141.00	43 889 205.00	43 368 087.00	41 689 480.00	52 262 303.00	52 262 303.00	52 262 303.00	99 201 881.00
Remuneration of councillors	1 852 075.00	1 852 075.00	1 836 948.00	1 836 948.00	1 836 948.00	1 836 948.00	1 771 882.00	1 667 737.00	1 863 740.00	1 863 740.00	1 863 740.00	1 895 107.00
Debt impairment	-	-	1 144 660.00	41 010 448.00	4 068.00	3 005 824.00	-	4 143.00	-	-	-	58 730 857.00
Depreciation and asset impairment	-	-	-	-	-	70 513 714.00	-	-	70 513 714.00	-	-	70 513 767.00
Finance charges	-	-	-	-	-	21 921 039.00	-	-	-	-	-	21 921 037.00
Bulk purchases	-	46 154 496.00	46 154 496.00	46 154 496.00	46 154 496.00	46 154 496.00	46 154 496.00	46 154 496.00	46 154 496.00	46 154 496.00	46 154 496.00	46 154 500.00
Other materials	764 875.00	1 529 422.00	4 749 658.00	5 129 439.00	6 271 949.00	3 754 473.00	6 650 879.00	7 203 139.00	8 416 006.00	8 418 489.00	8 417 084.00	8 327 039.00
Contracted services	1 375 536.00	7 345 786.00	16 955 650.00	23 572 673.00	16 577 894.00	16 046 984.00	23 846 322.00	21 867 884.00	34 998 015.00	35 198 015.00	34 998 015.00	44 697 917.00
Transfers and subsidies	559 282.00	6 324 282.00	647 282.00	559 282.00	559 282.00	559 282.00	559 282.00	989 282.00	559 282.00	559 282.00	559 282.00	1 165 354.00
Other expenditure	3 665 058.00	12 551 670.00	6 566 849.00	14 408 130.00	11 234 226.00	9 258 890.00	8 511 024.00	13 292 065.00	2 136 170.00	34 890 751.00	35 826 488.00	8 016 588.00
Grand Total	**48 828 155**	**116 459 774**	**121 097 453**	**174 312 728**	**139 165 004**	**216 940 855**	**130 861 972**	**132 868 226**	**216 903 726**	**179 347 076**	**180 081 408**	**360 624 047**

Annexure C:

Projections for the 2021/22 financial year

Projections for the 2021/2022 financial year

Operational Expenditure

Directorates	July	August	September	October	November	December	January	February	March	April	May	June
Municipal Manager	1 603 692	1 728 625	2 445 095	1 766 354	2 785 571	3 019 317	3 092 332	3 084 936	3 242 803	5 366 320	5 325 201	6 528 425
Planning and Development	5 382 195	10 138 537	5 739 469	6 705 467	6 072 474	7 945 887	5 577 607	6 456 632	9 990 756	9 635 213	9 221 155	18 009 449
Infrastructure Services	16 049 891	66 489 352	75 475 315	84 536 924	83 845 587	153 429 848	86 020 852	80 645 959	149 287 568	96 640 768	97 203 385	199 195 967
Community and Protection Services	11 497 520	16 453 152	17 805 245	57 759 191	22 060 284	26 889 417	17 615 275	20 547 441	30 445 242	28 168 843	27 568 445	97 670 951
Corporate Services	8 458 143	14 424 829	11 459 831	15 134 662	14 156 092	16 535 964	11 051 294	13 311 243	16 270 857	25 288 397	26 970 501	25 221 135
Financial Services	5 836 714	7 225 279	8 172 498	8 410 130	10 244 996	9 120 422	7 504 612	8 822 015	7 666 500	14 247 535	13 792 721	13 998 120
Grand Total	**48 828 155**	**116 459 774**	**121 097 453**	**174 312 728**	**139 165 004**	**216 940 855**	**130 861 972**	**132 868 226**	**216 903 726**	**179 347 076**	**180 081 408**	**360 624 047**

Operational Revenue

Directorates	July	August	September	October	November	December	January	February	March	April	May	June
Municipal Manager	-	-	-	-	-	-	-	-	-	-	-	-
Planning and Development	- 1 505 887	- 1 699 038	- 1 419 486	- 3 585 404	- 6 243 986	- 1 086 144	- 1 270 881	- 1 254 746	- 3 097 078	- 3 097 078	- 3 097 078	- 3 097 085
Infrastructure Services	- 144 353 561	- 90 759 056	- 92 519 047	- 82 020 615	- 86 726 015	- 124 397 107	- 85 409 609	- 89 346 013	- 149 767 096	- 149 767 096	- 149 767 096	- 149 767 101
Community and Protection Services	- 14 183 413	- 15 107 414	- 14 763 439	- 16 278 939	- 17 173 744	- 14 672 276	- 14 808 160	- 15 374 386	- 17 041 114	- 17 041 114	- 17 041 114	- 17 041 133
Corporate Services	- 490 783	- 443 737	- 532 234	- 533 782	- 490 875	- 508 689	- 438 639	- 445 226	- 613 825	- 613 825	- 613 825	- 613 814
Financial Services	- 64 981 087	- 38 774 683	- 36 429 649	- 36 496 239	- 34 684 553	- 58 188 248	- 37 037 825	- 35 022 478	- 40 517 751	- 40 517 751	- 40 517 751	- 40 517 770
Grand Total	**- 225 514 731**	**- 146 783 928**	**- 145 663 855**	**- 138 914 979**	**- 145 319 173**	**- 198 852 464**	**- 138 965 114**	**- 141 442 849**	**- 211 036 864**	**- 211 036 864**	**- 211 036 864**	**- 211 036 903**

Capital Expenditure

Directorates	July	August	September	October	November	December	January	February	March	April	May	June
Municipal Manager	3 667	3 667	3 667	3 667	3 667	3 667	3 667	3 667	3 667	3 667	3 667	3 663
Planning and Development	1 603 484	1 599 484	1 619 484	1 621 484	1 624 484	1 624 484	1 599 484	1 752 484	1 636 099	1 619 484	1 599 484	1 613 861
Infrastructure Services	20 944 564	26 009 501	26 694 564	30 020 925	25 853 777	21 618 755	26 940 877	28 702 945	28 273 292	32 719 072	33 451 067	33 285 406
Community and Protection Services	2 002 030	2 002 030	2 002 030	2 002 030	2 002 030	2 002 030	2 002 030	2 002 030	2 002 030	2 002 030	2 002 030	2 002 040
Corporate Services	2 313 083	2 313 083	2 313 083	2 313 083	2 313 083	2 313 083	2 313 083	2 313 083	2 313 083	2 313 083	2 313 083	2 313 087
Financial Services	16 667	16 667	16 667	16 667	16 667	16 667	16 667	16 667	16 667	16 667	16 667	16 663
Grand Total	**26 883 495**	**31 944 432**	**32 649 495**	**35 977 856**	**31 813 708**	**27 578 686**	**32 875 808**	**34 790 876**	**34 244 838**	**38 674 003**	**39 385 998**	**39 234 720**

Annexure D:

Consolidated Capital Budget

Directorate	Department	Project name	Strategic Objectives	Final budget 2020/21	Final budget 2021/22	Finald budget 2022/23	Total MTREF
Municipal Manager	Executive Support: Office of th	Furniture, Tools and Equipment	Good Governance and Compliance	40 000	44 000	49 000	133 000
Total Municipal Manager				**40 000**	**44 000**	**49 000**	**133 000**
Planning and Economic Development	Economic Development and Tourism	Local Economic Development Hub Jamestown	Valley of Possibility	-	-	3 000 000	4 500 000
Planning and Economic Development	Economic Development and Tourism	Furniture, Tools & Equipment	Good Governance and Compliance	180 000	100 000	150 000	35 000
Planning and Economic Development	Economic Development and Tourism	Establishment of the Kayamandi Informal Trading Area	Valley of Possibility	2 500 000	-	-	4 500 000
Planning and Economic Development	IHS: Housing Development	Kayamandi Town Centre	Dignified Living	3 000 000	3 000 000	6 000 000	1 000 000
Planning and Economic Development	IHS: Housing Development	Enkanini Planning and Implementation (Roads and Basic Services)	Dignified Living	-	-	3 000 000	135 600
Planning and Economic Development	IHS: Housing Development	Enkanini Planning and Implementation	Dignified Living	1 500 000	-	-	1 000 000
Planning and Economic Development	IHS: Housing Development	Furniture, Tools and Equipment	Good Governance and Compliance	58 800	25 000	50 000	1 000 000
Planning and Economic Development	IHS: Housing Development	Jamestown: Housing (Phase 2, 3 & 4)	Dignified Living	500 000	-	-	500 000
Planning and Economic Development	HIS: Housing Development	Northern Extension: Feasibility	Dignified Living	2 000 000	-	-	500 000
Planning and Economic Development	IHS: Housing Development	Erf 7001 and other possible sites for mix-used development in Cloetesville	Dignified Living	1 000 000	1 000 000	1 000 000	1 200 000
Planning and Economic Development	IHS: Housing Development	Erf 64 Kylemore	Dignified Living	200 000	-	-	1 000 000
Planning and Economic Development	Housing Administration	Furniture, Tools and Equipment: Housing Administration	Good Governance and Compliance	135 000	190 000	-	49 000 000
Planning and Economic Development	Spatial Planning: Planning and Development	Furniture, Tools & Equipment	Good Governance and Compliance	130 000	-	-	500 000
Planning and Economic Development	Land Use Management	Furniture, Tools & Equipment	Good Governance and Compliance	125 000	125 000	100 000	4 279 000
Planning and Economic Development	Building Development Management	Furniture, Tools & Equipment	Good Governance and Compliance	185 000	100 000	100 000	105 000
Total Planing and Economic Development	**TOTAL Planning and Development Services**			**11 513 800**	**4 540 000**	**13 400 000**	**69 254 600**
Infrastructure Services	Executive Support: Engineering Services: General	Furniture, Tools & Equipment	Good Governance and Compliance	75 000	75 000	50 000	200 000
Infrastructure Services	Electrical Services	Ad-Hoc Provision of Street lighting and Lighting of Public Spaces	Safe Valley	2 000 000	2 150 000	2 843 375	3 500 000
Infrastructure Services	Electrical Services	Alternative Energy	Green and Sustainable Valley	15 000 000	1 500 000	1 500 000	1 200 000
Infrastructure Services	Electrical Services	Automatic Meter Reader	Green and Sustainable Valley	-	400 000	400 000	70 000 000
Infrastructure Services	Electrical Services	Bien don 66/11kV substation new (new development and demand)	Valley of Possibility	1 200 000	1 000 000	35 000 000	3 700 000
Infrastructure Services	Electrical Services	Buildings & Facilities Electrical Supply - Stellenbosch	Valley of Possibility	-	412 000	412 000	1 736 250
Infrastructure Services	Electrical Services	Cable replacement 66kV oil MN - US - MK	Valley of Possibility	-	-	480 000	480 000
Infrastructure Services	Electrical Services	Cloetesville - University New 66kV cable	Valley of Possibility	-	-	450 000	1 000 000
Infrastructure Services	Electrical Services	DSM Geyser Control	Green and Sustainable Valley	-	100 000	100 000	400 000
Infrastructure Services	Electrical Services	Electricity Network: Pniel	Valley of Possibility	3 500 000	3 500 000	3 000 000	1 601 009
Infrastructure Services	Electrical Services	Energy Balancing Between Metering and Mini-Substations	Valley of Possibility	-	250 000	250 000	10 231 988

Directorate	Department	Project name	Strategic Objectives	Final budget 2020/21	Final budget 2021/22	Finald budget 2022/23	Total MTREF
Infrastructure Services	Electrical Services	Energy Efficiency and Demand Side Management	Green and Sustainable Valley	-	1 000 000	1 000 000	268 012
Infrastructure Services	Electrical Services	General System Improvements - Franschhoek	Valley of Possibility	2 000 000	2 000 000	2 000 000	1 000 000
Infrastructure Services	Electrical Services	General Systems Improvements - Stellenbosch	Valley of Possibility	6 392 000	3 542 126	3 600 000	2 000 000
Infrastructure Services	Electrical Services	Infrastructure Improvement - Franschoek	Valley of Possibility	1 500 000	1 500 000	1 500 000	4 000 000
Infrastructure Services	Electrical Services	Integrated National Electrification Programme	Valley of Possibility	18 000 000	6 000 000	6 000 000	6 000 000
Infrastructure Services	Electrical Services	Jan Marais Upgrade: Remove Existing Tx 1 and 2 and replace with 20MVA units	Valley of Possibility	8 000 000	500 000	500 000	3 127 956
Infrastructure Services	Electrical Services	Kayamandi(Costa grounds)new substation 66/11 kV 2x 20MVA	Valley of Possibility	-	-	300 000	4 500 000
Infrastructure Services	Electrical Services	Kwarentyn Sub cables: 11kV 3 core 185mmsq PILC(Table19) copper cabling, 3.8km	Valley of Possibility	5 700 000	-	-	27 037 000
Infrastructure Services	Electrical Services	Laterra Substation	Valley of Possibility	8 371 553	427 286	-	5 500 000
Infrastructure Services	Electrical Services	Main substation - Tx upgrade: Remove Existing Tx 2 and 3 and replace with 10MVA units from Jan Marais	Valley of Possibility	-	27 571 200	-	5 500 000
Infrastructure Services	Electrical Services	Meter Panels	Green and Sustainable Valley	-	500 000	400 000	798 839
Infrastructure Services	Electrical Services	Network Cable Replace 11 Kv	Valley of Possibility	-	3 000 000	3 000 000	8 000 000
Infrastructure Services	Electrical Services	Replace Ineffective Meters	Green and Sustainable Valley	250 000	-	-	7 571 200
Infrastructure Services	Electrical Services	Small Capital: Fte Electrical Services	Good Governance and Compliance	500 000	500 000	500 000	1 950 000
Infrastructure Services	Electrical Services	Substation 66kV equipment, control, VT's, CT's, Isolator links and cable terminals	Valley of Possibility	-	1 950 000	2 184 000	1 400 000
Infrastructure Services	Electrical Services	Substation upgrade US 66 /11kv 20MVA Transformer TRFX #3	Valley of Possibility	-	-	450 000	850 000
Infrastructure Services	Electrical Services	Switchgear - Stellenbosch (11kV replace oil type with SF6)	Valley of Possibility	-	-	14 334 268	9 000 000
Infrastructure Services	Electrical Services	Switchgear 66kV US - MN - Outdoor Breakers(66kV)	Valley of Possibility	-	-	4 807 000	-
Infrastructure Services	Electrical Services	System Control Centre & Upgrade Telemetry	Good Governance and Compliance	1 559 300	1 568 656	500 000	450 000
Infrastructure Services	Electrical Services	Update Electrical Master document	Valley of Possibility	700 000	-	-	1 600 000
Infrastructure Services	Infrastructure Plan, Dev and Implement	Access to Basic Services	Dignified Living	1 745 900	600 000	2 000 000	1 000 000
Infrastructure Services	Infrastructure Plan, Dev and Implement	Adam Tas Transit Oriented Development (3500)	Dignified Living	-	-	3 500 000	200 000
Infrastructure Services	Infrastructure Plan, Dev and Implement	Basic Improvements: Langrug	Dignified Living	2 490 248	-	-	68 000
Infrastructure Services	Infrastructure Plan, Dev and Implement	Computer – Hardware/Equipment	Good Governance and Compliance	50 000	50 000	50 000	3 220 682
Infrastructure Services	Infrastructure Plan, Dev and Implement	Droe Dyke (1000)	Dignified Living	-	-	2 000 000	1 000 000
Infrastructure Services	Infrastructure Plan, Dev and Implement	Furniture, Tools and Equipment	Good Governance and Compliance	20 000	50 000	50 000	1 000 000
Infrastructure Services	Infrastructure Plan, Dev and Implement	Franschhoek Langrug (1900) UISP ERF 3229	Dignified Living	4 500 000	17 880 000	-	42 820 000
Infrastructure Services	Infrastructure Plan, Dev and Implement	Housing Projects	Dignified Living	3 468 991	-	500 000	1 980 000

Directorate	Department	Project name	Strategic Objectives	Final budget 2020/21	Final budget 2021/22	Finald budget 2022/23	Total MTREF
Infrastructure Services	Infrastructure Plan, Dev and Implement	Kayamandi: Zone O (±711 services)	Dignified Living	4 680 000	32 140 000	9 000 000	13 560 000
Infrastructure Services	Infrastructure Plan, Dev and Implement	Kayamandi Watergang Basic Services	Dignified Living	6 500 000	-	-	15 820 000
Infrastructure Services	Infrastructure Plan, Dev and Implement	Stellenbosch Idas Valley (166) FLISP ERF 9445	Dignified Living	11 288 000	-	-	10 000 000
Infrastructure Services	Infrastructure Plan, Dev and Implement	Upgrading of The Steps/Orlean Lounge	Dignified Living	8 000 000	3 000 000	-	3 000 000
Infrastructure Services	Waste Management: Solid Waste Management	Expansion of the landfill site (New cells)	Green and Sustainable Valley	2 000 000	10 000 000	10 000 000	16 000 000
Infrastructure Services	Waste Management: Solid Waste Management	Formalize skip areas in Franschhoek and Kayamandi	Green and Sustainable Valley	-	500 000	-	10 000 000
Infrastructure Services	Waste Management: Solid Waste Management	Furniture, Tools and Equipment : Solid Waste	Good Governance and Compliance	45 000	45 000	45 000	29 000 000
Infrastructure Services	Waste Management: Solid Waste Management	Integrated Waste Management Plan	Green and Sustainable Valley	-	100 000	-	500 000
Infrastructure Services	Waste Management: Solid Waste Management	Landfill Gas To Energy	Green and Sustainable Valley	2 000 000	8 000 000	6 000 000	600 000
Infrastructure Services	Waste Management: Solid Waste Management	Mini Waste drop-off facilities at inf. Settlements	Green and Sustainable Valley	-	100 000	200 000	135 000
Infrastructure Services	Waste Management: Solid Waste Management	Skips (5,5Kl)	Green and Sustainable Valley	200 000	200 000	200 000	100 000
Infrastructure Services	Waste Management: Solid Waste Management	Street Refuse Bins	Green and Sustainable Valley	500 000	500 000	-	10 500 000
Infrastructure Services	Waste Management: Solid Waste Management	Transfer Station: Stellenbosch Planning and Design	Green and Sustainable Valley	1 000 000	3 000 000	3 000 000	100 000
Infrastructure Services	Waste Management: Solid Waste Management	Upgrade Refuse disposal site (Existing Cell)- Rehab	Green and Sustainable Valley	928 753	-	-	5 000 000
Infrastructure Services	Waste Management: Solid Waste Management	Vehicles	Good Governance and Compliance	-	2 000 000	3 000 000	14 000 000
Infrastructure Services	Waste Management: Solid Waste Management	Waste Biofuels	Green and Sustainable Valley	-	300 000	-	928 753
Infrastructure Services	Waste Management: Solid Waste Management	Waste Management Software	Green and Sustainable Valley	-	200 000	-	3 071 247
Infrastructure Services	Waste Management: Solid Waste Management	Waste Minimization Projects	Green and Sustainable Valley	500 000	500 000	-	5 000 000
Infrastructure Services	Waste Management: Solid Waste Management	Waste to Energy - Implementation	Green and Sustainable Valley	500 000	3 000 000	1 000 000	300 000
Infrastructure Services	Waste Management: Solid Waste Management	Waste to Energy - Planning	Green and Sustainable Valley	200 000	300 000	-	200 000
Infrastructure Services	Water and Wastewater Services: Water	Bulk water supply Klapmuts	Valley of Possibility	15 000 000	5 000 000	-	1 500 000
Infrastructure Services	Water and Wastewater Services: Water	Bulk water Supply Pipe : Cloetesville/ Idas Valley	Valley of Possibility	-	1 000 000	1 000 000	3 000 000
Infrastructure Services	Water and Wastewater Services: Water	Bulk water supply pipe and Reservoir: Kayamandi	Valley of Possibility	-	-	2 000 000	300 000
Infrastructure Services	Water and Wastewater Services: Water	Bulk water Supply Pipe Line & Pumpstations: Franschhoek	Valley of Possibility	-	-	10 000 000	22 579 511
Infrastructure Services	Water and Wastewater Services: Water	Bulk Water Supply Pipe: Idas Valley/Papegaaiberg and Network Upgrades	Valley of Possibility	-	-	1 000 000	1 000 000

Directorate	Department	Project name	Strategic Objectives	Final budget 2020/21	Final budget 2021/22	Finald budget 2022/23	Total MTREF
Infrastructure Services	Water and Wastewater Services: Water	Bulk Water Supply Pipeline & Reservoir - Jamestown	Valley of Possibility	10 000 000	9 000 000	9 000 000	19 500 000
Infrastructure Services	Water and Wastewater Services: Water	Chlorination Installation: Upgrade	Valley of Possibility	-	500 000	750 000	1 000 000
Infrastructure Services	Water and Wastewater Services: Water	Dwarsriver Bulk Supply Augmentation and Network Upgrades	Valley of Possibility	-	-	7 518 000	9 600 000
Infrastructure Services	Water and Wastewater Services: Water	Furniture, Tools and Equipment : Reticulation	Good Governance and Compliance	100 000	150 000	150 000	10 400 000
Infrastructure Services	Water and Wastewater Services: Water	New Developments Bulk Water Supply WC024	Valley of Possibility	-	1 000 000	3 000 000	1 500 000
Infrastructure Services	Water and Wastewater Services: Water	New Reservoir & Pipeline: Vlottenburg	Valley of Possibility	40 000 000	38 000 000	26 000 000	350 000
Infrastructure Services	Water and Wastewater Services: Water	Northern Extension: Phase 2 Water Infrastructure	Valley of Possibility	4 000 000	5 000 000	-	1 000 000
Infrastructure Services	Water and Wastewater Services: Water	Raithby WWTW	Valley of Possibility	-	5 000 000	-	30 000 000
Infrastructure Services	Water and Wastewater Services: Water	Reservoirs and Dam Safety	Valley of Possibility	-	1 500 000	2 000 000	12 000 000
Infrastructure Services	Water and Wastewater Services: Water	Stellenbosch WWTW	Valley of Possibility	-	-	6 000 000	14 300 000
Infrastructure Services	Water and Wastewater Services: Water	Update Water Masterplan and IMQS	Valley of Possibility	1 000 000	1 000 000	1 000 000	4 500 000
Infrastructure Services	Water and Wastewater Services: Water	Upgrade and Replace Water Meters	Valley of Possibility	2 000 000	2 500 000	2 500 000	3 850 000
Infrastructure Services	Water and Wastewater Services: Water	Upgrading of Koelenhof Water Scheme	Valley of Possibility	-	500 000	5 000 000	5 000 000
Infrastructure Services	Water and Wastewater Services: Water	Water Conservation & Demand Management	Valley of Possibility	3 000 000	3 000 000	3 000 000	7 000 000
Infrastructure Services	Water and Wastewater Services: Water	Water Telemetry Upgrade	Valley of Possibility	750 000	1 500 000	1 500 000	500 000
Infrastructure Services	Water and Wastewater Services: Water	Water Treatment Works: Idasvalley	Valley of Possibility	-	-	15 000 000	3 500 000
Infrastructure Services	Water and Wastewater Services: Water	Water Treatment Works: Paradyskloof and Associated works	Valley of Possibility	-	500 000	5 000 000	2 250 000
Infrastructure Services	Water and Wastewater Services: Water	Waterpipe Replacement	Valley of Possibility	4 000 000	4 000 000	4 000 000	500 000
Infrastructure Services	Water and Wastewater Services: Water	WSDP (tri-annually)	Valley of Possibility	-	400 000	400 000	28 000 000
Infrastructure Services	Water and Wastewater Services: Sanitation	Bulk Sewer Outfall: Jamestown	Dignified Living	6 400 000	-	-	500 000
Infrastructure Services	Water and Wastewater Services: Sanitation	Bulk Sewer Upgrade: Dwarsriver Area (Kylemore, Boschendal, Pniel)	Dignified Living	-	-	6 000 000	12 000 000
Infrastructure Services	Water and Wastewater Services: Sanitation	Cloetesville Bulk Sewer Upgrade	Dignified Living	-	-	1 000 000	800 000
Infrastructure Services	Water and Wastewater Services: Sanitation	Effluent Recycling of Waste Water 10Ml per day	Dignified Living	-	500 000	-	2 045 900
Infrastructure Services	Water and Wastewater Services: Sanitation	Franschhoek Sewer Network Upgrade	Dignified Living	-	6 000 000	6 000 000	5 535 000
Infrastructure Services	Water and Wastewater Services: Sanitation	Furniture, Tools and Equipment : Sanitation	Good Governance and Compliance	200 000	300 000	300 000	8 367 530

Directorate	Department	Project name	Strategic Objectives	Final budget 2020/21	Final budget 2021/22	Finald budget 2022/23	Total MTREF
Infrastructure Services	Water and Wastewater Services: Sanitation	Industrial Effluent Monitoring	Dignified Living	-	1 500 000	1 500 000	22 097 470
Infrastructure Services	Water and Wastewater Services: Sanitation	Kayamandi Bulk Sewer	Dignified Living	-	-	5 000 000	16 371 200
Infrastructure Services	Water and Wastewater Services: Sanitation	Klapmuts Bulk Sewer Upgrade	Dignified Living	-	1 000 000	4 000 000	14 628 800
Infrastructure Services	Water and Wastewater Services: Sanitation	Northern Extension: Phase 2 Sanitation Infrastructure	Dignified Living	-	-	2 000 000	1 000 000
Infrastructure Services	Water and Wastewater Services: Sanitation	Sewer Pumpstation & Telemetry Upgrade	Dignified Living	100 000	1 500 000	2 000 000	500 000
Infrastructure Services	Water and Wastewater Services: Sanitation	Sewerpipe Replacement	Dignified Living	-	4 000 000	7 000 000	6 000 000
Infrastructure Services	Water and Wastewater Services: Sanitation	Sewerpipe Replacement: Dorp Straat	Dignified Living	-	-	20 000 000	5 000 000
Infrastructure Services	Water and Wastewater Services: Sanitation	Update Sewer Masterplan and IMQS	Dignified Living	-	500 000	500 000	800 000
Infrastructure Services	Water and Wastewater Services: Sanitation	Upgrade Auto-Samplers	Dignified Living	-	200 000	200 000	1 750 000
Infrastructure Services	Water and Wastewater Services: Sanitation	Upgrade of WWTW Wemmershoek	Dignified Living	30 000 000	30 000 000	30 000 000	500 000
Infrastructure Services	Water and Wastewater Services: Sanitation	Upgrade of WWTW: Klapmuts	Dignified Living	-	10 000 000	6 000 000	1 000 000
Infrastructure Services	Water and Wastewater Services: Sanitation	Upgrade of WWTW: Pniel & Decommissioning Of Franschhoek	Dignified Living	48 000 000	-	-	5 000 000
Infrastructure Services	Roads and Stormwater	Adhoc Reconstruction Of Roads (WC024)	Valley of Possibility	2 000 000	2 000 000		5 000 000
Infrastructure Services	Roads and Stormwater	Bridge Construction	Valley of Possibility	30 000 000	30 000 000	-	1 500 000
Infrastructure Services	Roads and Stormwater	Furniture, Tools and Equipment : Tr&Stw	Good Governance and Compliance	250 000	500 000	300 000	-
Infrastructure Services	Roads and Stormwater	Reseal Roads - Jamestown & Technopark	Valley of Possibility	-	1 100 000	-	450 000
Infrastructure Services	Roads and Stormwater	Reseal Roads - Klapmuts, Raithby, Meerlust, wemmershoek, LaMotte, Maasdorp	Valley of Possibility	-	1 000 000	-	-
Infrastructure Services	Roads and Stormwater	Reseal Roads - Kylemore & Surrounding	Valley of Possibility	-	1 000 000	-	15 000 000
Infrastructure Services	Roads and Stormwater	Reseal Roads - Stellenbosch & Surrrounding	Valley of Possibility	2 500 000	2 500 000	-	17 655 000
Infrastructure Services	Roads and Stormwater	Reseal Roads - Franschhoek & Surrrounding	Valley of Possibility	2 000 000	1 000 000	2 000 000	20 000 000
Infrastructure Services	Roads and Stormwater	Technopark Access Road	Valley of Possibility	1 000 000	1 000 000	-	17 715 482
Infrastructure Services	Transport Planning	Adam Tas Road	Valley of Possibility	-	750 000	-	52 684 431
Infrastructure Services	Transport Planning	Bicycle Lockup Facilities	Safe Valley	200 000	200 000	-	4 284 518
Infrastructure Services	Transport Planning	Comprehensive Integrated Transport Plan	Green and Sustainable Valley	600 000	1 000 000	600 000	1 000 000
Infrastructure Services	Transport Planning	Cycle Plan - Design & Implementation	Valley of Possibility	500 000	500 000	-	3 000 000
Infrastructure Services	Transport Planning	Freight Strategy for Stellenbosch & Franschhoek	Valley of Possibility	-	200 000	-	1 500 000
Infrastructure Services	Transport Planning	Jamestown Transport Network	Green and Sustainable Valley	3 000 000	-	-	2 500 000
Infrastructure Services	Transport Planning	Non-Motorised Transport Implementation	Good Governance and Compliance	1 000 000	1 000 000	1 000 000	13 500 000
Infrastructure Services	Transport Planning	Pedestrian and Cycle paths Design and Phased implementation	Valley of Possibility	500 000	-	-	4 500 000
Infrastructure Services	Transport Planning	Public Transport Facilities	Valley of Possibility	-	2 000 000	-	2 500 000
Infrastructure Services	Transport Planning	Public Transport Infrastructure (Public Transport Shelters & Embayments)	Valley of Possibility	400 000	500 000	-	2 000 000

Directorate	Department	Project name	Strategic Objectives	Final budget 2020/21	Final budget 2021/22	Finald budget 2022/23	Total MTREF
Infrastructure Services	Transport Planning	Public Transport Service (Inclusive of Disabled)	Valley of Possibility	500 000	-	-	4 000 000
Infrastructure Services	Transport Planning	Re-design of Bergzicht Public Transport Facility	Valley of Possibility	1 500 000	2 500 000	-	1 000 000
Infrastructure Services	Transport Planning	Stellenbosch NMT: Jamestown - new sidewalks	Good Governance and Compliance	1 000 000	-	-	1 000 000
Infrastructure Services	Transport Planning	Taxi Rank - Franschhoek	Valley of Possibility	100 000	-	-	2 000 000
Infrastructure Services	Transport Planning	Taxi Rank: Klapmuts	Valley of Possibility	250 000	250 000	-	2 000 000
Infrastructure Services	Transport Planning	Tour Bus Parking	Valley of Possibility	-	400 000	-	2 000 000
Infrastructure Services	Transport Planning	Update Roads Master Plan for WC024	Valley of Possibility	-	1 000 000	-	1 500 000
Infrastructure Services	Traffic Engineering	Furniture tool and equipment	Good Governance and Compliance	100 000	100 000	100 000	1 000 000
Infrastructure Services	Traffic Engineering	Main road intersection improvements: Helshoogte rd/La Colline	Valley of Possibility	-	3 000 000	-	1 200 000
Infrastructure Services	Traffic Engineering	Main road intersection improvements: R44 / Helshoogte	Valley of Possibility	100 000	100 000	-	1 800 000
Infrastructure Services	Traffic Engineering	Main Road Intersection Improvements: R44 / Merriman Street	Valley of Possibility	500 000	3 000 000	-	750 000
Infrastructure Services	Traffic Engineering	Main Road Intersection Improvements: Strand / Adam Tas / Alexander	Valley of Possibility	1 000 000	3 000 000	-	200 000
Infrastructure Services	Traffic Engineering	Pedestrian Crossing Implementation	Safe Valley	300 000	300 000	300 000	1 500 000
Infrastructure Services	Traffic Engineering	Road Transport Safety Master Plan - WC024	Safe Valley	500 000	-	-	200 000
Infrastructure Services	Traffic Engineering	Signalisation implementation	Good Governance and Compliance	500 000	500 000	500 000	9 000 000
Infrastructure Services	Traffic Engineering	Traffic Calming Projects: Implementation	Safe Valley	500 000	300 000	300 000	1 000 000
Infrastructure Services	Traffic Engineering	Traffic Management Improvement Programme	Safe Valley	1 000 000	1 000 000	1 000 000	1 000 000
Infrastructure Services	Traffic Engineering	Traffic Signal Control: Installation and Upgrading of Traffic Signals and Associated Components	Safe Valley	500 000	500 000	500 000	2 500 000
Infrastructure Services	Traffic Engineering	Universal Access Implementation	Valley of Possibility	300 000	200 000	200 000	2 000 000
Total Infrastructure Services				**342 514 745**	**339 361 268**	**330 223 643**	**861 170 778**
Corporate Services	Information and Communications Technology (ICT)	Public WI-FI Network	Valley of Possibility	600 000	700 000	700 000	1 900 000
Corporate Services	Information and Communications Technology (ICT)	Purchase and Replacement of Computer/software and Peripheral devices	Good Governance and Compliance	1 800 000	600 000	800 000	1 700 000
Corporate Services	Information and Communications Technology (ICT)	Upgrade and Expansion of IT Infrastructure Platforms	Good Governance and Compliance	3 500 000	3 500 000	3 500 000	12 000 000
Corporate Services	Properties and Municipal Building Maintenance	Airconditioners	Dignified Living	300 000	300 000	300 000	1 000 000
Corporate Services	Properties and Municipal Building Maintenance	Furniture Tools and Equipment: Property Management	Good Governance and Compliance	250 000	500 000	250 000	750 000
Corporate Services	Properties and Municipal Building Maintenance	Kaymandi: Upgrading of Makapula Hall	Dignified Living	2 000 000	-	-	2 000 000
Corporate Services	Properties and Municipal Building Maintenance	Purchasing of land	Dignified Living	2 700 000	500 000	-	22 000 000
Corporate Services	Properties and Municipal Building Maintenance	Structural Improvement: General	Valley of Possibility	1 000 000	1 000 000	2 000 000	800 000
Corporate Services	Properties and Municipal Building Maintenance	Structural improvements at the Van der Stel Sport grounds	Valley of Possibility	2 600 000	1 000 000	-	3 000 000

Directorate	Department	Project name	Strategic Objectives	Final budget 2020/21	Final budget 2021/22	Finald budget 2022/23	Total MTREF
Corporate Services	Properties and Municipal Building Maintenance	Structural Upgrade: Heritage Building	Valley of Possibility	1 807 000	3 000 000	2 000 000	1 600 000
Corporate Services	Properties and Municipal Building Maintenance	Structural Upgrade: Jamestown Ward Office	Valley of Possibility	1 000 000	1 000 000	-	3 000 000
Corporate Services	Properties and Municipal Building Maintenance	Structural Upgrade: Kayamandi Corridor	Valley of Possibility	1 000 000	500 000	-	-
Corporate Services	Properties and Municipal Building Maintenance	Upgrading Fencing	Safe Valley	200 000	200 000	1 000 000	600 000
Corporate Services	Properties and Municipal Building Maintenance	Upgrading of New Office Space: Ryneveld Street	Valley of Possibility	9 000 000	5 000 000	-	-
Corporate Services	Properties and Municipal Building Maintenance	Upgrading of Traffic Offices: Stellenbosch	Valley of Possibility	-	-	5 000 000	2 000 000
Total Corporate Services				**27 757 000**	**17 800 000**	**15 550 000**	**52 350 000**
Community and Protection Services	Community and Protection Services: General	Enlarge Office Space (Jan Marais Reserve)	Valley of Possibility	250 000	-	-	185 000
Community and Protection Services	Community Development	Furniture Tools and Equipment	Good Governance and Compliance	85 000	50 000	55 000	500 000
Community and Protection Services	Community Services: Library Services	Pniel: Furniture, Tools and Equipment	Good Governance and Compliance	-	-	20 000	45 000
Community and Protection Services	Community Services: Library Services	Upgrading: Cloetesville Library	Valley of Possibility	200 000	-	180 000	50 000
Community and Protection Services	Community Services: Library Services	Libraries: Small Capital	Valley of Possibility	100 000	-	-	30 000
Community and Protection Services	Community Services: Library Services	Library Books	Valley of Possibility	170 000	180 000	-	20 000
Community and Protection Services	Disaster Management	Specialized Vehicles: Incident command vehicle	Good Governance and Compliance	-	-	1 500 000	25 000
Community and Protection Services	Disaster Management	Vehicle Fleet	Good Governance and Compliance	600 000	-	-	500 000
Community and Protection Services	Environmental Management: Nature Conservation	Hiking Trails in Nature Areas	Green and Sustainable Valley	-	1 000 000	-	150 000
Community and Protection Services	Environmental Management: Nature Conservation	Jan Marais Nature Reserve: Upgrading and maintenance of the reserve	Green and Sustainable Valley	500 000	2 000 000	-	50 000
Community and Protection Services	Environmental Management: Nature Conservation	Mont Rochelle Nature Reserve: Upgrade of Facilities.	Green and Sustainable Valley	1 504 347	-	1 000 000	510 000
Community and Protection Services	Environmental Management: Nature Conservation	Papegaaiberg Nature Reserve	Green and Sustainable Valley	870 000	-	-	100 000
Community and Protection Services	Environmental Management: Nature Conservation	Upgrade office space: Simonsberg Road	Valley of Possibility	800 000	-	-	300 000
Community and Protection Services	Environmental Management: Nature Conservation	Furniture, Tools and Equipment	Good Governance and Compliance	100 000	100 000	-	1 500 000
Community and Protection Services	Environmental Management: Nature Conservation	Workshop: Furniture, Tools and Equipment	Good Governance and Compliance	100 000	-	-	800 000

Directorate	Department	Project name	Strategic Objectives	Final budget 2020/21	Final budget 2021/22	Finald budget 2022/23	Total MTREF
Community and Protection Services	Environmental Management: Nature Conservation	Workshop: Community Services Tractors	Good Governance and Compliance	-	800 000	800 000	1 000 000
Community and Protection Services	Environmental Management: Nature Conservation	Workshop: Specialized equipment	Good Governance and Compliance	1 000 000	1 500 000	-	2 000 000
Community and Protection Services	Environmental Management: Urban Greening	Design and implement electronic Urban Forestry management tool	Green and Sustainable Valley	-	250 000	250 000	1 504 347
Community and Protection Services	Environmental Management: Urban Greening	Irrigation Systems	Green and Sustainable Valley	-	100 000	-	1 000 000
Community and Protection Services	Environmental Management: Urban Greening	Storage Containers: Fertilisers & Pesticides.	Green and Sustainable Valley	-	30 000	-	800 000
Community and Protection Services	Environmental Management: Urban Greening	Urban Forestry: Furniture, Tools and Equipment	Good Governance and Compliance	-	500 000	-	1 000 000
Community and Protection Services	Environmental Management: Urban Greening	Urban Forestry Specialized equipment	Good Governance and Compliance	-	1 200 000	-	220 000
Community and Protection Services	Environmental Management: Urban Greening	Urban Forestry: Vehicle Fleet	Good Governance and Compliance	1 500 000	-	-	200 000
Community and Protection Services	Fire and Rescue Services	Furniture Tools and Equipment	Good Governance and Compliance	200 000	200 000	200 000	800 000
Community and Protection Services	Fire and Rescue Services	Upgrading of Stellenbosch Fire Station	Safe Valley	4 445 023	-	-	3 000 000
Community and Protection Services	Fire and Rescue Services	Rapid Response Vehicle	Safe Valley	-	-	2 500 000	250 000
Community and Protection Services	Fire and Rescue Services	Rescue equipment	Safe Valley	300 000	300 000	300 000	100 000
Community and Protection Services	Law Enforcement and Security	Furniture Tools and Equipment	Good Governance and Compliance	150 000	150 000	150 000	30 000
Community and Protection Services	Law Enforcement and Security	Install and Upgrade CCTV/ LPR Cameras In WC024	Safe Valley	1 000 000	1 000 000	1 000 000	500 000

Directorate	Department	Project name	Strategic Objectives	Final budget 2020/21	Final budget 2021/22	Finald budget 2022/23	Total MTREF
Community and Protection Services	Law Enforcement and Security	Install Computerized Access Security Systems and CCTV Cameras At Municipal Buildings	Safe Valley	500 000	500 000	500 000	1 200 000
Community and Protection Services	Law Enforcement and Security	Law Enforcement Tools and Equipment	Safe Valley	750 000	300 000	-	1 000 000
Community and Protection Services	Law Enforcement and Security	Vehicle Fleet	Good Governance and Compliance	2 750 000	-	-	400 000
Community and Protection Services	Law Enforcement and Security	Neighbourhood Watch Safety equipment	Safe Valley	300 000	500 000	250 000	800 000
Community and Protection Services	Parks and Cemeteries	Artificial grass on parks and gardens	Green and Sustainable Valley	-	-	300 000	-
Community and Protection Services	Parks and Cemeteries	Extension of Cemetery Infrastructure	Dignified Living	1 000 000	7 000 000	9 000 000	2 500 000
Community and Protection Services	Parks and Cemeteries	Facilities upgrade- Nursery	Green and Sustainable Valley	-	50 000	-	1 000 000
Community and Protection Services	Parks and Cemeteries	Fencing on Various Parks and Gardens	Safe Valley	-	-	200 000	600 000
Community and Protection Services	Parks and Cemeteries	Pathways on Parks & gardens	Green and Sustainable Valley	100 000	200 000	-	-
Community and Protection Services	Parks and Cemeteries	Upgrading of Parks	Green and Sustainable Valley	1 000 000	1 000 000	-	800 000
Community and Protection Services	Parks and Cemeteries	Integrated and Spray Parks	Green and Sustainable Valley	2 000 000	2 000 000	2 000 000	3 200 000
Community and Protection Services	Parks and Cemeteries	Urban Greening: Beautification: Main Routes and Tourist Routes	Green and Sustainable Valley	200 000	-	-	1 500 000
Community and Protection Services	Recreation, Sports Grounds & Halls	Upgrading of swimming pool	Valley of Possibility	50 000	-	-	900 000
Community and Protection Services	Recreation, Sports Grounds & Halls	Furniture, Tools & Equipment	Good Governance and Compliance	150 000	150 000	-	2 400 000
Community and Protection Services	Recreation, Sports Grounds & Halls	Recreational Equipment Sport	Valley of Possibility	50 000	50 000	-	1 500 000
Community and Protection Services	Recreation, Sports Grounds & Halls	Re-Surface of Netball/Tennis Courts	Valley of Possibility	-	550 000	-	1 000 000
Community and Protection Services	Recreation, Sports Grounds & Halls	Sight Screens/Pitch Covers Sports Grounds	Valley of Possibility	100 000	100 000	-	300 000
Community and Protection Services	Recreation, Sports Grounds & Halls	Cricket/Tennis Nets	Valley of Possibility	150 000	150 000		18 500 000
Community and Protection Services	Recreation, Sports Grounds & Halls	Sport: Community Services Special Equipment	Valley of Possibility	200 000	300 000	-	150 000
Community and Protection Services	Recreation, Sports Grounds & Halls	Upgrade of Irrigation System	Green and Sustainable Valley	50 000	200 000	-	200 000
Community and Protection Services	Recreation, Sports Grounds & Halls	Upgrade of Sport Facilities	Valley of Possibility	600 000	-	-	400 000
Community and Protection Services	Traffic Services	Furniture, Tools & Equipment	Good Governance and Compliance	100 000	100 000	100 000	3 000 000
Community and Protection Services	Traffic Services	Mobile Radios	Safe Valley	100 000	-	-	6 500 000
Community and Protection Services	Traffic Services	Towing Vehicles	Safe Valley	-	-	1 750 000	150 000
Total Community Services				**24 024 370**	**22 510 000**	**22 055 000**	**65 169 347**
Financial Services	Financial Services: General	Furniture, Tools & Equipment	Good Governance and Compliance	200 000	200 000	210 000	1 000 000
Total Financial Services				**200 000**	**200 000**	**210 000**	**1 000 000**
Grand Total				**406 053 915**	**384 460 268**	**381 494 643**	**1 172 008 826**

8.2	SIGNED PERFORMANCE AGREEMENTS 2021/22 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER

Collaborator No: 708364
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 28 July 2021

1. SUBJECT: SIGNED PERFORMANCE AGREEMENTS 2021/22 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER

2. PURPOSE

To submit to Council, for notification, the following:

Signed Performance Agreements 2021/22 of the Municipal Manager and Managers Directly Accountable to the Municipal Manager.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

According to Section 57(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA) the performance agreement must be concluded annually:

"(a) …within one month after the beginning of each financial year of the municipality."

The Performance Agreements 2021/22 was developed in consultation with the Municipal Manager and each Director and signed on 07 July 2021.

5. RECOMMENDATION

that the signed Performance Agreements 2021/22 of the Municipal Manager and Managers Directly Accountable to the Municipal Manager, be noted.

6. DISCUSSION

6.1 Background

Regulation 4(4)(a) of the Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, 2006, requires that a separate performance agreement be signed within ninety (90) calendar days after the assumption of duty and annually within one month after the commencement of the new financial year.

The performance agreements 2021/22 of the Municipal Manager and Directors was concluded on 07 July 2021. Hence, the municipality complied with Regulation (4)(4)(a) of the Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, 2006.

6.2 Financial Implications

There are no financial implications beyond that which has been provided for in the 2021/22 MTREF Budget.

6.3 Legal Implications

According to Section 57(2) of the MSA the performance agreement must be concluded annually: "(a) …within one month after the beginning of each financial year of the municipality."

In terms of Section 53(3)(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) the Executive Mayor must ensure that the performance agreements*"…be submitted to the council and the MEC for local government in the province."*

The MFMA also requires the Municipality, in terms of Section 53(3)(b) to make public the signed performance agreements.

According to Regulation 23 of the Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, 805 of 2006, the purpose of the agreement is to:

"(1) comply with the provisions of Section 57(1)(b),(4A), (4B), (46) and (5) of the Act as well as the employment contract entered into between the parties;

(2) specify objectives and targets defined and agreed with the employee and to communicate to the employee the employer's expectations of the employee's performance and accountabilities in alignment with the Integrated Development Plan, Service Delivery and Budget Implementation Plan (SDBIP) and the Budget of the municipality;

(3) specify accountabilities as set out in a performance plan, which forms an annexure to the performance agreement;

(4) monitor and measure performance against set targeted outputs;

(5) use the performance agreement as the basis for assessing whether the employee has met the performance expectations applicable to his or her job;

(6) in the event of outstanding performance, to appropriately reward the employee; and

(7) give effect to the employer's commitment to a performance-orientated relationship with its employee in attaining equitable and improved service delivery."

Regulation 4(4)(a) of the Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, 2006, requires that a separate performance agreement be signed within ninety (90) calendar days after the assumption of duty and annually within one month after the commencement of the new financial year.

6.4 Staff Implications

This report has no staff implications to the Municipality.

6.5 Risk Implication

None

6.6 Comments from Senior Management

6.6.1 Director: Community and Protection Services

Supported

6.6.2 Chief Financial Officer

Supported

6.6.3 Director: Infrastructure Services

Supported

6.6.4 Director: Corporate Services

Supported

6.6.5 Director: Planning and Economic Development

Supported

6.6.6 Comments from the Municipal Manager

Supported

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-07-21: ITEM 6.2

that the signed Performance Agreements 2021/22 of the Municipal Manager and Managers Directly Accountable to the Municipal Manager, be noted.

ANNEXURES

Performance Agreements 2021/22 for:

- Geraldine Mettler- Municipal Manager (Annexure 1);
- Kevin Carolus – Chief Financial Officer (Annexure 2);
- Annalene de Beer- Director: Corporate Services (Annexure 3);
- Anthony Barnes - Director: Planning and Economic Development (Annexure 4);
- Deon Louw - Director: Infrastructure Services (Annexure 5); and
- Gary Boshoff – Director: Community and Protection Services (Annexure 6).

FOR FURTHER DETAILS CONTACT:

NAME	Shireen De Visser
POSITION	Senior Manager: Governance
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8035
E-MAIL ADDRESS	shireen.devisser@stellenbosch.gov.za
REPORT DATE	06 July 2021

ANNEXURE 1

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Performance Agreement

2021 – 2022

Municipal Manager

PERFORMANCE AGREEMENT

MADE AND ENTERED INTO BY AND BETWEEN
STELLENBOSCH MUNICIPALITY HEREBY REPRESENTED BY:

THE EXECUTIVE MAYOR
Cllr Adv Gesie Van Deventer
(herein and after referred as Employer**)**

AND

MUNICIPAL MANAGER
Ms Geraldine Mettler
(herein and after referred as Employee**)**

FOR THE FINANCIAL YEAR:

01 JULY 2021 – 30 JUNE 2022

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Municipal Manager
Ms Geraldine Mettler

Executive Mayor:
Cllr Adv Gesie Van Deventer

1. INTRODUCTION

1.1 The Employer, duly represented by **Cllr Adv Gesie Van Deventer**, in her capacity as the Executive Mayor has entered into a contract of employment with the Employee, **Ms Geraldine Mettler**, in terms of section 57(1)(a) of the Local Government: Municipal Systems Act 32 of 2000 ("the Systems Act"). The Employer and the Employee are hereinafter referred as "the Parties";

1.2 Section 57(1)(b) of the Systems Act, read with the Contract of Employment concluded between the parties, requires the Parties to conclude an annual performance agreement;

1.3 The Parties wish to ensure that they are clear about the goals to be achieved, and secure the commitment of the Employee to a set of outcomes that will promote local government policy goals;

1.4 The Parties wish to ensure that there is compliance with Sections 57(4B) and 57(5) of the Systems Act;

1.5 In this Agreement, the followings terms will have the meaning ascribed thereto:

1.5.1 "this Agreement" – means the performance agreement between the Employer and the employee and the Annexures thereto;

1.5.2 "the Executive Mayor" – means the **Executive Mayor** elected in terms of Section 55 of the Local Government: Municipal Structures Act 117 of 1998 ("the Structures Act") as represented by its chairperson, the Executive Mayor;

1.5.3 "the Employee" means the **Municipal Manager** appointed in terms of Section 54 (A) and 56 of the Systems Act;

1.5.4 "the Employer" means **Stellenbosch Municipality**; and

1.5.5 "the Parties" means the Employer and Employee.

2. PURPOSE OF THIS AGREEMENT

2.1 To comply with the provisions of Section 57(1)(b), (4B) and (5) of the Systems Act as well as the Contract of Employment entered into between the Parties;

2.2 To specify objectives and targets established for the Employee and to communicate to the Employee the Employer's expectations of the Employee's performance targets and accountabilities;

2.3 To specify accountabilities as set out in the Performance Plan (Annexure A);

2.4 To monitor and measure performance against set targeted outputs and outcomes;

2.5 To establish a transparent and accountable working relationship;

2.6 To appropriately reward the employee in accordance with section 11 of this agreement; and

2.7 To give effect to the Employer's commitment to a performance-orientated relationship with the Employee in attaining improved service delivery.

3. COMMENCEMENT AND DURATION

3.1 This Agreement will commence on **01 July 2021** and will remain in force until **30 June 2022** where-after a new Performance Agreement shall be concluded between the parties for the next financial year or any portion thereof;

3.2 The Parties will conclude a new Performance Agreement that replaces this Agreement at least once a year by not later than 31st of July of the succeeding financial year;

3.3 This Agreement will terminate on the termination of the Employee's contract of employment for any reason; and

3.4 The content of this Agreement may be revised at any time during the abovementioned period to determine the current applicability of the matters previously agreed upon.

4. PERFORMANCE OBJECTIVES

4.1 The Performance Plan (Annexure A) sets out –

4.1.1 The performance objectives and targets that must be met by the Employee;

4.1.2 The time frames within which those performance objectives and targets must be met; and

4.1.3 The core competency requirements (Annexure B – definitions) as the management skills regarded as critical to the position held by the Employee.

4.2 The performance objectives and targets reflected in Annexure A are set by the Employer in consultation with the Employee and based on the Integrated Development Plan, Service Delivery and Budget Implementation Plan (SDBIP) and the Budget of the Employer, and shall include:

4.2.1 Key objectives that describe the main tasks that need to be done;

4.2.2 Key performance indicators (KPIs) that provide the details of the evidence that must be provided to show that a key objective has been achieved;

4.2.3 Target dates that describe the timeframe in which the targets must be achieved; and

4.2.4 Weightings showing the relative importance of the key objectives to each other.

4.3 The Personal Development Plan (Annexure C) sets out the Employee's personal development requirements in line with the objectives and targets of the Employer; and

4.4 The Employee's performance will, in addition, be measured in terms of contributions to the goals and strategies set out in the Employer's Integrated Development Plan.

5. PERFORMANCE MANAGEMENT SYSTEM

5.1 The Employee agrees to participate in the performance management system that the Employer adopted for the employees of the Employer;

5.2 The Employee accepts that the purpose of the performance management system will be to provide a comprehensive system with specific performance standards to assist the employees and service providers to perform to the standards required;

5.3 The Employer will consult the Employee about the specific performance standards and targets that will be included in the performance management system applicable to the Employee;

5.4 The Employee undertakes to actively focus on the promotion and implementation of the Strategic Focus Areas (SFAs) (including special projects relevant to the employee's responsibilities) within the local government framework;

5.5 The criteria upon which the performance of the Employee shall be assessed shall consist of two components, SFAs and Competency Framework requirements as per the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, both of which shall be contained in the Performance Agreement;

5.6 The Employee's assessment will be based on his performance in terms of the outputs / outcomes (KPIs) identified as per attached Performance Plan (Annexure A), which are linked to the SFAs applicable to the Employee, and will constitute 80% of the overall assessment result as per the weightings agreed to between the Employer and Employee.

Table 1: Strategic Focus Areas

Strategic Focus Areas
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

5.7 The competency requirements for senior managers as per Regulation 9 of Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers will make up the other 20% of the Employee's assessment score. The competencies will be assessed every six (6) months (January and July).

Table 2: Leading and Core Competencies

Leading and Core Competencies		
1.	Strategic direction and leadership	• Impact and influence • Institutional performance management • Strategic planning and management • Organisational awareness
2.	People management	• Human capital planning and development • Diversity management • Employee relations management • Negotiation and dispute management
3.	Programme and project management	• Programme and project planning and implementation • Service delivery management • Program and project monitoring and evaluation
4.	Financial management	• Budget planning and execution • Financial strategy and delivery • Financial reporting and delivery
5.	Change leadership	• Change vision and strategy • Process design and improvement • Change impact monitoring and evaluation
6.	Governance leadership	• Policy formulation • Risk and compliance management • Cooperative governance
7.	Moral competence	• Core Competency
8.	Planning and organising	• Core Competency
9.	Analysis and innovation	• Core Competency
10.	Knowledge and information management	• Core Competency
11.	Communication	• Core Competency
12.	Results and quality focus	• Core Competency

6. PERFORMANCE ASSESSMENT

6.1 The Performance Plan (Annexure A) to this Agreement sets out –

6.1.1 The standards and procedures for evaluating the Employee's performance; and

6.1.2 The intervals for the evaluation of the Employee's performance.

6.2 Despite the establishment of agreed intervals for evaluation, the Employer may in addition review the Employee's performance at any stage while the contract of employment remains in force;

6.3 Personal growth and development needs identified during any performance review discussion must be documented in a Personal Development Plan as well as the actions agreed to and implementation must take place within set time frames;

6.4 The Employee's performance will be measured in terms of contributions to the goals and strategies set out in the Employer's Integrated Development Plan (IDP) as described in 6.6 – 6.12 below;

6.5 The Employee will submit quarterly performance reports (SDBIP) and a comprehensive annual performance report at least one week prior to the performance assessment meetings to the Evaluation Panel Chairperson for distribution to the panel members for preparation purposes;

6.6 Assessment of the achievement of results as outlined in the performance plan:

6.6.1 Each KPI or group of KPIs shall be assessed according to the extent to which the specified standards or performance targets have been met and with due regard to ad-hoc tasks that had to be performed under the KPI;

6.6.2 A rating on the five-point scale shall be provided for each KPI or group of KPIs which will then be multiplied by the weighting to calculate the final score;

6.6.3 The Employee will submit his self-evaluation to the Employer prior to the formal assessment;

6.6.4 In the instance where the employee could not perform due to reasons outside the control of the employer and employee, the KPI will not be considered during the evaluation. The employee should provide sufficient evidence in such instances; and

6.6.5 An overall score will be calculated based on the total of the scores calculated above.

6.7 Assessment of the Competencies:

6.7.1 Each Competency shall be assessed in terms of the description provided in (Annexure B);

6.7.2 A rating shall be provided for each Competency which will then be multiplied by the weighting to calculate the final score; and

6.7.3 An overall score will be calculated based on the total of the scores calculated above.

6.8 Overall rating

6.8.1 An overall rating is calculated by adding the overall scores as calculated in 6.6.5 and 6.7.3 above; and

6.8.2 Such overall rating represents the outcome of the performance appraisal.

6.9 The assessment of the performance of the Employee will be based on the following rating scales for SFAs and Competencies respectively:

6.9.1 Rating scale for SFAs - as mentioned in paragraph 5.6:

Table 3: Performance rating scale

Level	Terminology	Description
5	Outstanding performance	Performance far exceeds the standard expected of an employee at this level. The appraisal indicates that the Employee has achieved above fully effective results against all performance criteria and indicators as specified in the PA and Performance plan and maintained this in all areas of responsibility throughout the year.
4	Performance significantly above expectations	Performance is significantly higher than the standard expected in the job. The appraisal indicates that the Employee has achieved above fully effective results against more than half of the performance criteria and indicators and fully achieved all others throughout the year.
3	Fully effective	Performance fully meets the standards expected in all areas of the job. The appraisal indicates that the Employee has fully achieved effective results against all significant performance criteria and indicators as specified in the PA and Performance Plan.
2	Not fully effective	Performance is below the standard required for the job in key areas. Performance meets some of the standards expected for the job. The review/assessment indicates that the employee has achieved below fully effective results against more than half the key performance criteria and indicators as specified in the PA and Performance Plan.
1	Unacceptable performance	Performance does not meet the standard expected for the job. The review/assessment indicates that they employee has achieved below fully effective results against almost all the performance criteria and indicators as specified in the PA and Performance Plan. The employee has failed to demonstrate the commitment or ability to bring performance up to the level expected in the job despite management efforts to encourage improvement.

6.9.2 Rating scale for Competencies -as mentioned in paragraph 5.7:

Table 4: Rating scale for Competencies

Level	Achievement Levels	Description
5	Superior	Has a comprehensive understanding of local government operations, critical in shaping strategic direction and change, develops, and applies comprehensive concepts and methods
4	Advanced	Develops and applies complex concepts, methods and understanding. Effectively directs and leads a group and executes in-depth analyses

Level	Achievement Levels	Description
3	Competent	Develops and applies more progressive concepts, methods and understanding. Plans and guides the work of others and executes progressive analyses
2	Basic	Applies basic concepts, methods, and understanding of local government operations, but requires supervision and development intervention
1	Sub Standard	Applies little to no basic concepts, methods, and understanding of local government operations.

6.10 For purposes of evaluating the performance of the Employee for the year-end reviews, an evaluation panel constituted of the following persons will be established–

6.10.1 Executive Mayor;

6.10.2 Mayor from another municipality;

6.10.3 Chairperson of the Performance Audit Committee or in his/her absence thereof, the Chairperson of the Audit Committee; and

6.10.4 The Member of the Mayoral Committee (Portfolio Chairperson).

6.10.5 A Member of a ward committee as nominated by the Executive Mayor.

6.11 The Executive Mayor will evaluate the performance of the Employee as at the end of the 1st, and 3rd quarters; and

6.12 The Executive Mayor will give performance feedback to the Employee within five (5) working days after each quarterly and annual assessment meeting.

7. SCHEDULE FOR PERFORMANCE REVIEWS

7.1 The performance of the Employee in relation to his performance agreement shall be reviewed on the following dates.

Table 5: Schedule for performance reviews

Quarter	Review Period	Review to be completed by
1	July - September	October / November 2021 (Informal)
2	October – December	January / February 2022 (Formal)
3	January – March	April / May 2022 (Informal)
4	April - June	After the receipt of the AG's Management Report

7.2 The Employer shall keep a record of the mid-year and year-end assessment meetings;

7.3 Performance feedback shall be based on the Employer's assessment of the Employee's performance;

GM
.....
Municipal Manager
Ms Geraldine Mettler

.....
Executive Mayor:
Cllr Adv Gesie Van Deventer

7.4 The Employer will be entitled to review and make reasonable changes to the provisions of Annexure A from time to time for operational reasons. The Employee will be fully consulted before any such change is made; and

7.5 The Employer may amend the provisions of Annexure A whenever the performance management system is adopted, implemented, and/or amended as the case may be. In that case, the Employee will be fully consulted before any such change is made.

8. DEVELOPMENTAL REQUIREMENTS

8.1 The Personal Development Plan (PDP) for addressing developmental gaps is attached as Annexure C. Such Plan may be implemented and/or amended as the case may be after each assessment. In that case, the Employee will be fully consulted before any such change or plan is made.

9. OBLIGATIONS OF THE EMPLOYER

9.1 The Employer shall-

9.1.1 Create an enabling environment to facilitate effective performance by the employee;

9.1.2 Provide access to skills development and capacity building opportunities;

9.1.3 Work collaboratively with the Employee to solve problems and generate solutions to common problems that may impact on the performance of the Employee;

9.1.4 On the request of the Employee delegate such powers reasonably required by the Employee to enable him to meet the performance objectives and targets established in terms of this Agreement; and

9.1.5 Make available to the Employee such resources as the Employee may reasonably require from time to time assisting him to meet the performance objectives and targets established in terms of this Agreement.

10. CONSULTATION

10.1 The Employer agrees to consult the Employee timeously where the exercising of its powers will have amongst others-

10.1.1 A direct effect on the performance of any of the Employee's functions;

10.1.2 Commit the Employee to implement or to give effect to a decision made by the Employer; and

10.1.3 A substantial financial effect on the Employer.

GM
Municipal Manager
Ms Geraldine Mettler

Executive Mayor:
Cllr Adv Gesie Van Deventer

10.2 The Employer agrees to inform the Employee of the outcome of any decisions taken pursuant to the exercise of powers contemplated in clause 12.1 as soon as is practicable to enable the Employee to take any necessary action with delay.

11. REWARD

11.1 The evaluation of the Employee's performance will form the basis for rewarding outstanding performance or correcting unacceptable performance;

11.2 The payment of the performance bonus is determined by the performance score obtained during the 4th quarter and as informed by the quarterly performance assessments;

11.3 A performance bonus of between 5% to 14% of the all- inclusive annual remuneration package may be paid to the Employee in recognition of outstanding performance to be constituted as follows:

Table 6: Performance bonus calculations

Performance Rating		Bonus Calculation
0% - 64%	Poor Performance	0% of total package
65% - 69%	Average Performance	5% of total package
70% - 74%	Fair Performance	9% of total package
75% - 79%	Good Performance	11% of total package
80% - 100%	Excellent Performance	14% of total package

11.4 In the event of the Employee terminating his services during the validity period of this Agreement, the Employee's performance will be evaluated for the portion during which he was employed and he will be entitled to a pro-rata performance bonus based on his evaluated performance for the period of actual service; and

11.5 The Employer will submit the total score of the annual assessment and of the Employee, to full Council for purposes of recommending the bonus allocation.

12. MANAGEMENT OF EVALUATION OUTCOMES

12.1 Where the Employer is, any time during the Employee's employment, not satisfied with the Employee's performance with respect to any matter dealt with in this Agreement, the Employer will give notice to the Employee to attend a meeting;

12.2 The Employee will have the opportunity at the meeting to satisfy the Employer of the measures being taken to ensure that his performance becomes satisfactory and any programme, including any dates, for implementing these measures;

12.3 Where there is a dispute or difference as to the performance of the Employee under this Agreement, the Parties will confer with a view to resolving the dispute or difference; and

12.4 In the case of unacceptable performance, the Employer shall –

12.4.1 Provide systematic remedial or developmental support to assist the Employee to improve his performance; and

12.4.2 After appropriate performance counselling and having provided the necessary guidance and/or support as well as reasonable time for improvement in performance, the Employer may consider steps to terminate the contract of employment of the Employee on grounds of unfitness or incapacity to carry out his or her duties.

13. DISPUTE RESOLUTION

13.1 In the event that the Employee is dissatisfied with any decision or action of the Employer in terms of this Agreement, or where a dispute or difference arises as to the extent to which the Employee has achieved the performance objectives and targets established in terms of this Agreement, the Employee may within 3 (three) business days, meet with the Employer with a view to resolving the issue. The Employer will record the outcome of the meeting in writing;

13.2 If the Parties cannot resolve the issues within 10 (ten) business days, an independent arbitrator, acceptable to both parties, shall be appointed to resolve the matter within 30 (thirty) business days; and

13.3 In the event that the mediation process contemplated above fails, the relevant clause of the Contract of Employment together with the relevant laws and regulations shall apply.

14. GENERAL

14.1 The contents of this agreement and the outcome of any review conducted in terms of Annexure A may be made available to the public by the Employer; and

14.2 Nothing in this agreement diminishes the obligations, duties, or accountabilities of the Employee in terms of his contract of employment, or the effects of existing or new regulations, circulars, policies, directives, or other instruments.

Municipal Manager
Ms Geraldine Mettler

Executive Mayor:
Cllr Adv Gesie Van Deventer

Thus, done and signed at Stellenbosch on the 07 day of July 2021.

MUNICIPAL MANAGER

AS WITNESSES:

1. _____

2. _____

Thus, done and signed at Stellenbosch on the 07 day of July 2021.

EXECUTIVE MAYOR

AS WITNESSES:

1. _____

2. _____

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Annexure A
Performance Plan

MUNICIPAL MANAGER

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Municipal Manager
Ms Geraldine Mettler

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Executive Mayor:
Cllr Adv Gesie Van Deventer

The Performance Plan sets out:

a) Key Performance Areas that the employee should focus on, performance objectives, key performance indicators and targets that must be met within a specific timeframe; and

b) The Competencies required from employees prescribed in the Regulations on the appointment and conditions of employment of senior managers, R21 of 2014.

KEY PERFORMANCE INDICATORS

The key performance areas, the performance objectives, key performance indicators and targets that must be met within the agreed timeframe are described below. The assessment of these performance indicators will account for 80% (**eighty percent)** of the total employee assessment score.

Part 1: Implementation of Service Delivery and Budget Implementation Plan (80%)

MUNICIPAL MANAGER													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Director: Corporate Services	Percentage of indicators of the Director: Corporate Services achieved, measured quarterly	Outcome	50.27%	80% per annum	80%	SM	80%	80%	80%	80%	5
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Chief Financial Officer	Percentage of indicators of the Chief Financial Officer achieved, measured quarterly	Outcome	85.72%	80% per annum	80%	SM	80%	80%	80%	80%	5

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MUNICIPAL MANAGER													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Director: Planning and Economic Development	Percentage of indicators of the Director: Planning and Economic Development achieved, measured quarterly	Outcome	55.76%	80% per annum	80%	SM	80%	80%	80%	80%	5
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Director: Infrastructure Services	Percentage of indicators of the Director: Infrastructure Services achieved, measured quarterly	Outcome	43.75%	80% per annum	80%	SM	80%	80%	80%	80%	5
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Director: Community and Protection Services	Percentage of indicators of the Director: Community and Protection Services achieved, measured quarterly	Outcome	57.14%	80% per annum	80%	SM	80%	80%	80%	80%	5
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Chief Audit Executive	Percentage of indicators of the Chief Audit Executive achieved, measured quarterly	Outcome	93.33%	80% per annum	80%	SM	80%	80%	80%	80%	4
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Senior Manager: Governance	Percentage of indicators of the Senior Manager: Governance achieved, measured quarterly	Outcome	92.86%	80% per annum	80%	SM	80%	80%	80%	80%	4
KPI058	SFA 5: Good Governance and Compliance	Employment equity appointments made within the financial year in the three highest levels of management	Percentage of employment equity appointments made within the financial year in the three highest levels of management, measured by 30 June	Outcome	66.67%	60% per annum	60%	SM	N/A	N/A	N/A	60%	2

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MUNICIPAL MANAGER													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
KPI062	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	Output	1	1 per annum	1	SM	N/A	N/A	N/A	1	4
KPI063	SFA 5: Good Governance and Compliance	AGSA Audit Action Plan (AAP) submitted to the Audit Committee	Number of AGSA Audit Action Plans submitted to the Audit Committee by 28 February	Output	1	1 per annum	1	SM	N/A	N/A	1	N/A	6
KPI064	SFA 5: Good Governance and Compliance	Revised Strategic Risk Register (SRR) submitted to the Risk Management Committee	Number of Revised Strategic Risk Registers submitted to the Risk Management Committee by 30 June	Output	1	1 per annum	1	SM	N/A	N/A	N/A	1	4
KPI067	SFA 5: Good Governance and Compliance	Draft Integrated Development Plan (IDP) submitted to Council	Number of Draft IDPs submitted to Council by 31 March	Output	1	1 per annum	1	SM	N/A	N/A	1	N/A	6
KPI070	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	Output	1	1 per annum	1	SM	1	N/A	N/A	N/A	4
TBC	SFA 5: Good Governance and Compliance	Performance agreements signed with all identified personnel	Number of performance agreements signed by 31 August	Output	7	7 per annum	7	SM	7	N/A	N/A	N/A	2
TBC	SFA 5: Good Governance and Compliance	Conduct formal performance evaluations with all identified personnel	Number of formal performance evaluations conducted with all identified personnel by 28 February	Output	14	14 per annum	14	SM	N/A	N/A	14	N/A	2
TBC	SFA 5: Good Governance and Compliance	Facilitation of Strategic Management Meetings	Number of Strategic Management Meetings facilitated per month	Output	28	20 per annum	20	SM	5	5	5	5	2

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MUNICIPAL MANAGER													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good Governance and Compliance	Implementation of Directors Forum resolutions	Percentage of Directors Forum Resolutions implemented, measured quarterly	Output	80%	80% per annum	80%	SM	80%	80%	80%	80%	2
TBC	SFA 5: Good Governance and Compliance	Spend the Office of the Municipal Manager approved Capital Budget	Percentage of approved Capital Budget of the Office of the Municipal Manager actually spent by 30 June	Input	84.99%	90% per annum	90%	SM	10%	30%	60%	90%	2
TBC	SFA 5: Good Governance and Compliance	Develop Annual Departmental Risk Register	Number of Annual Departmental Risk Registers developed by 31 July	Output	1	1 per annum	1	SM	1	N/A	N/A	N/A	3
TBC	SFA 5: Good Governance and Compliance	Evaluation of the Departmental Risk Register	Number of Departmental Risk Registers evaluated by 31 May	Output	2	2 per annum	2	SM	N/A	1 (1)	N/A	1 (2)	1
TBC	SFA 5: Good Governance and Compliance	Implementation of Council resolutions	Percentage of Council resolutions implemented measured quarterly	Output	74.38%	70% per annum	70%	SM	70%	70%	70%	70%	5
TBC	SFA 5: Good Governance and Compliance	Attendance of quarterly Occupation Health and Safety (OHS) meetings	Number of quarterly OHS meetings attended by the Director or secondee	Output	4	4 per annum	4	SM	1 (1)	1 (2)	1 (3)	1 (4)	1
TBC	SFA 5: Good Governance and Compliance	Implementation of the Directorate's actions as per the AGSA Audit Action Plan	Percentage of the Directorate's actions as per the AGSA Audit Action Plan implemented by 30 June	Outcome	New KPI	100% per annum	100%	SM	N/A	N/A	50%	100%	1
												Total	80

Municipal Manager
Ms Geraldine Mettler

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Part 2: Competency Requirements (20%)

Ref	Leading and Core Competencies	(January) 1st Assessment	(July) Final Assessment	Weights	Comments
2.1	**Strategic direction and leadership**			**1.66%**	
2.2	**People management**			**1.66%**	
2.3	**Programme and project management**			**1.66%**	
2.4	**Financial management**			**1.66%**	
2.5	**Change leadership**			**1.67%**	
2.6	**Governance leadership**			**1.67%**	
2.7	**Moral competence**			**1.67%**	
2.8	**Planning and organising**			**1.67%**	
2.9	**Analysis and innovation**			**1.67%**	
2.10	**Knowledge and information management**			**1.67%**	
2.11	**Communication**			**1.67%**	
2.12	**Results and quality focus**			**1.67%**	
Total				**20%**	

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Annexure B
Competency Framework

MUNICIPAL MANAGER

Municipal Manager
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CLUSTER :	LEADING COMPETENCIES		
COMPETENCY NAME :	**Strategic Direction and Leadership**		
COMPETENCY DEFINITION :	**Provide and direct a vision for the institution, and inspire and deploy others to deliver on the strategic institutional mandate.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Understand Institutional and departmental strategic objectives, but • lacks the ability to inspire others to achieve set mandate.	• Give direction to a team in realising the institution's strategic mandate and set objectives.	• Evaluate all activities to determine value and alignment to strategic intent.	• Structure and position the institution to local government priorities.
• Describe how specific tasks link to institutional strategies but has limited influence in directing a strategy.	• Has a positive impact and influence on the morale, engagement and participation of team members.	• Display in-depth knowledge and understanding of strategic planning.	• Actively use in-depth knowledge and understanding to develop and implement a comprehensive institutional framework.
• Has a basic understanding of institutional performance management, but lacks the ability to integrate systems into a collective whole.	• Develop action plans to execute and guide strategy.	• Align strategy and goals across all functional areas.	• Hold self-accountable for strategy execution and results.
• Demonstrate basic understanding of key decision making.	• Assist in defining performance measures to monitor the progress and effectiveness of the institution.	• Actively define performance measures to monitor the progress and effectiveness of the institution.	• Provide impact and influence through building and maintaining strategic relationships.
	• Displays an awareness of institutional structures and political factors.	• Consistently challenge strategic plans to ensure relevance.	• Create an environment that facilitates loyalty and innovation. Display a superior level of self-discipline and integrity in actions.
	• Effectively communicate barriers to execution to relevant parties.	• Understand institutional structures and political factors, and the consequences of actions.	• Integrate various systems into a collective whole to optimise institutional performance management.
	• Provide guidance to all stakeholders in the achievement of the strategic mandate.	• Empower others to follow the strategic direction and deal with complex situations.	• Uses understanding of competing interests to maneuver successfully to a win/win outcome.
	• Understand the aim and objectives of the institution and relate it to own work.	• Guide the institution through complex and ambiguous concern. • Use understanding of power relationships and dynamic tensions among key players	

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CLUSTER :	LEADING COMPETENCIES		
COMPETENCY NAME :	Strategic Direction and Leadership		
COMPETENCY DEFINITION :	Provide and direct a vision for the institution, and inspire and deploy others to deliver on the strategic institutional mandate.		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
		to frame communications and develop strategies, positions and alliances.	

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CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**People Management**		
COMPETENCY DEFINITION :	**Effectively manage, inspire and encourage people, respect diversity, optimise talent and build and nurture relationships in order to achieve institutional objectives.**		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Participate in team goalsetting and problem solving.	• Seek opportunities to increase team contribution and responsibility.	• Identify ineffective team and work processes and recommend remedial interventions.	• Develop and incorporate best practice people management processes, approaches and tools across the institution.
• Interact and collaborate with people of diverse backgrounds.	• Respect and support the diverse nature of others and be aware of the benefits of a diverse approach.	• Recognise and reward effective and desired behavior.	• Foster a culture of discipline, responsibility and accountability.
• Aware of guidelines for employee development, but requires support in implementing development initiatives.	• Effectively delegate tasks and empower others to increase contribution and execute functions optimally.	• Provide mentoring and guidance to others in order to increase personal effectiveness.	• Understand the impact of diversity in performance and actively incorporate a diversity strategy in the institution.
	• Apply relevant employee legislation fairly and consistently.	• Identify development and learning needs within the team.	• Develop comprehensive integrated strategies and approaches to human capital development and management.
	• Effectively identify capacity requirements to fulfill the strategic mandate.	• Inspire a culture of performance excellence by giving positive and constructive feedback to the team. • Achieve agreement or consensus in adversarial environments. • Lead and unite diverse teams across divisions to achieve institutional objectives.	• Actively identify trends and predict capacity requirements to facilitate unified transition and performance management.

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CLUSTER :	LEADING COMPETENCIES		
COMPETENCY NAME :	**Programme and Project Management**		
COMPETENCY DEFINITION :	**Able to understand program and project management methodology; plan, manage, monitor and evaluate specific activities in order to deliver on set objectives.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Initiate projects after approval from higher authorities.	• Establish broad stakeholder involvement and communicate the project status and key milestones.	• Manage multiple programs and balance priorities and conflicts according to institutional goals.	• Understand and conceptualise the long-term implications of desired project outcomes.
• Understand procedures of program and project management methodology, implications and stakeholder involvement.	• Define the roles and responsibilities of the project team and create clarity around expectations.	• Apply effective risk management strategies through impact assessment and resource requirements.	• Direct a comprehensive strategic macro and micro analysis and scope projects accordingly to realise institutional objectives.
• Understand the rational of projects in relation to the institution's strategic objectives.	• Find a balance between project deadline and the quality of deliverables.	• Modify project scope and budget when required without compromising the quality and objectives of the project.	• Influence people in positions of authority to implement outcomes of projects
• Document and communicate factors and risk associated with own work.	• Identify appropriate project resources to facilitate the effective completion of the deliverables.	• Involve top-level authorities and relevant stakeholders in seeking project buy-in.	• Lead and direct translation of policy into workable action plans
• Use results and approaches of successful project implementation as guide.	• Comply with statutory requirements and apply policies in a consistent manner. • Monitor progress and use of resources and make needed adjustments to timelines, steps and resource allocation.	• Identify and apply contemporary project management methodology • Influence and motivate project team to deliver exceptional results. • Monitor policy implementation and apply procedures to manage risks.	• Ensures that programs are monitored to track progress and optimal resource utilisation, and that adjustments are made as needed.

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CLUSTER :	LEADING COMPETENCIES		
COMPETENCY NAME :	**Change Leadership**		
COMPETENCY DEFINITION :	**Able to direct and initiate institutional transformation on all levels in order to successfully drive and implement new initiatives and deliver professional and quality services to the community.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Display an awareness of change interventions and the benefits of transformation initiatives.	• Perform an analysis of the change impact on the social, political and economic environment.	• Actively monitor change impact and results and convey progress to relevant stakeholders.	• Sponsor change agents and create a network of change leaders who support the interventions.
• Able to identify basic needs for change.	• Maintain calm and focus during change.	• Secure buy-in and sponsorship for change initiatives.	• Actively adapt current structures and processes to incorporate the change interventions.
• Identify gaps between the current and desired state.	• Able to assist team members during change and keep them focused on the deliverables.	• Continuously evaluate change strategy and design and introduce new approaches to enhance the institution's effectiveness.	• Mentor and guide team members on the effects of change, resistance factors and how to integrate change.
• Identify potential risk and challenges to transformation, including resistance to change factors.	• Volunteer to lead change efforts outside of own work team.	• Build and nurture relationships with various stakeholders to establish strategic alliance in facilitating change.	• Motivate and inspire others around change initiatives.
• Participate in change programs and piloting change interventions.	• Able to gain buy-in and approval for change from relevant stakeholders.	• Take the lead in impactful change programmes.	
• Understand the impact of change interventions on the institution within the broader scope of local government.	• Identify change readiness levels and assist in resolving resistance to change factors. • Design change interventions that are aligned with the institution's strategic objectives and goals.	• Benchmark change interventions against best change practices. • Understand the impact and psychology of change and put remedial interventions in place to facilitate effective transformation. • Take calculated risk and seek new ideas from best practice scenarios and identify the potential for implementation.	

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CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Financial Management**		
COMPETENCY DEFINITION :	**Able to compile, plan and manage budgets, control cash flow, institute financial risk management and administer procurement processes in accordance with recognised financial practices. Further to ensure that all financial transactions are managed in an ethical manner**		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Understand basic financial concepts and methods as they relate to institutional processes and activities	• Exhibit knowledge of general financial concepts, planning, budgeting and forecasting and how they interrelate	• Take active ownership of planning, budgeting and forecasting processes and provides credible answers to queries within own responsibility.	• Develop planning tools to assist in evaluating and monitoring future expenditure trends.
• Display awareness into the various sources of financial data, reporting mechanisms, financial governance, processes and systems	• Assess, identify and manage financial risks.	• Prepare budgets that are aligned to the strategic objectives of the institution.	• Set budget frameworks for the institution.
• Understand the importance of financial accountability	• Assume a cost-saving approach to financial management.	• Address complex budgeting and financial management concerns.	• Set strategic direction for the institution on expenditure and other financial processes.
• Understand the importance of asset control.	• Prepare financial reports based on specified formats.	• Put systems and processes in place to enhance the quality and integrity of financial management practices.	• Build and nurture partnerships to improve financial management and achieve financial savings.
	• Consider and understand the financial implications of decisions and suggestions.	• Advise on policies and procedures regarding asset control.	• Actively identify and implement new methods to improve asset control.
	• Ensure that delegation and instructions as required by National Treasury guidelines are reviewed and updated. • Identify and implement proper monitoring and evaluation practices to ensure appropriate spending against budget.	• Promote National Treasury's regulatory framework for Financial Management.	• Display professionalism in dealing with financial data and processes.

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CLUSTER :	LEADING COMPETENCIES
COMPETENCY NAME :	Governance Leadership
COMPETENCY DEFINITION:	Able to promote, direct and apply professionalism in managing risk and compliance requirements and apply a thorough understanding of governance practices and obligations. Further, able to direct the conceptualisation of relevant policies and enhance cooperative governance relationships.

ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Display a basic awareness of risk, compliance and governance factors but require guidance and development in implementing such requirements.	• Display a thorough understanding of governance and risk and compliance factors and implement plans to address these.	• Able to link risk initiatives into key institutional objectives and drivers.	• Demonstrate a high level of commitment in complying with governance requirements.
• Understand the structure of cooperative government but requires guidance on fostering workable relationships between stakeholders.	• Demonstrate understanding of the techniques and processes for optimising risk taking decisions within the institution.	• Identify, analyse and measure risk, create valid risk forecasts and map risk profiles.	• Implement governance and compliance strategy to ensure achievement of institutional objectives within the legislative framework.
• Provide input into policy formulation.	• Actively drive policy formulation within the institution to ensure the achievement of objectives.	• Apply risk control methodology and approaches to prevent and reduce risk that impede on the achievement of institutional objectives.	• Able to advise local government on risk management, best practice interventions and compliance management.
		• Demonstrate a thorough understanding of risk retention plans.	• Able to forge positive relationships on cooperative governance level to enhance the effectiveness of local government.
		• Identify and implement comprehensive risk management systems and processes.	
		• Implement and monitor the formulation of policies, identify and analyse constraints and challenges with implementation and provide recommendations for improvement.	• Able to shape, direct and drive the formulation of policies on a macro level.

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CLUSTER :	CORE COMPETENCIES		
COMPETENCY NAME :	**Moral Competence**		
COMPETENCY DEFINITION :	**Able to identify moral triggers, apply reasoning that promotes honesty and integrity and consistently display behavior that reflects moral competence**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Realise the impact of acting with integrity, but requires guidance and development in implementing principles.	• Conduct self in alignment with the values of local government and the institution.	• Identify, develop and apply measures of self-correction.	• Create an environment conducive of moral practices.
• Follow basic rules and regulations of the institution.	• Able to openly admit own mistakes and weaknesses and seek assistance from others when unable to deliver.	• Able to gain trust and respect through aligning actions with commitments.	• Actively develop and implement measures to combat fraud and corruption.
• Able to identify basic moral situations, but requires guidance and development in understanding and reasoning with moral intent.	• Actively report fraudulent activity and corruption with local government.	• Make proposals and recommendations that are transparent and gain the approval of relevant stakeholders.	• Set integrity standards and shared accountability measures across the institution to support the objectives of local government.
	• Understand and honor the confidential nature of matters without seeking personal gain.	• Present values, beliefs and ideas that are congruent with the institution's rules and regulations.	• Take responsibility for own actions and decisions, even if the consequences are unfavorable.
	• Able to deal with situations of conflict of interest promptly and in the best interest of local government.	• Takes an active stance against corruption and dishonesty when noted.	
		• Actively promote the value of the institution to internal and external stakeholders.	
		• Able to work in unity with a team and not seek personal gain.	
		• Apply universal moral principles consistently to achieve moral decisions.	

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CLUSTER :	CORE COMPETENCIES		
COMPETENCY NAME :	**Planning and Organising**		
COMPETENCY DEFINITION :	**Able to plan, prioritise and organise information and resources effectively to ensure the quality of service delivery and build efficient contingency plans to manage risk.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Able to follow basic plans and organise tasks around set objectives.	• Actively and appropriately organise information and resources required for a task.	• Able to define institutional objectives, develop comprehensive plans, integrate and coordinate activities and assign appropriate resources for successful implementation.	• Focus on broad strategies and initiatives when developing plans and actions.
• Understand the process of planning and organising but requires guidance and development in providing detailed and comprehensive plans.	• Recognise the urgency and importance of tasks.	• Identify in advance required stages and actions to complete tasks.	• Able to protect and forecast short, medium and long term requirements of the institution and local government.
• Able to follow existing plans and ensure that objectives are met.	• Balance short and long-term plans and goals and incorporate into the team's performance objectives.	• Schedule realistic timelines, objectives and milestones for tasks and projects.	• Translate policy into relevant projects to facilitate the achievement of institutional objectives.
• Focus on short-term objectives in developing plans and actions	• Schedule tasks to ensure they are performed within budget and with efficient use of time and resources.	• Produce clear, detailed and comprehensive plans to achieve institutional objectives.	
• Arrange information and resources required for a task, but require further structure and organisation.	• Measures progress and monitor performance results.	• Identify possible risk factors and design and implement appropriate contingency plans. • Adapt plans in light of changing circumstances. • Prioritise tasks and projects according to their relevant urgency and importance.	

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CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Analysis and Innovation**		
COMPETENCY DEFINITION :	**Able to critically analyse information, challenges and trends to establish and implement fact-based solutions that are innovative to improve institutional processes in order to achieve key strategic objectives**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Understand the basic operation of analysis, but lack detail and thoroughness.	• Demonstrate logical problem solving techniques and approaches and provide rationale for recommendations.	• Coaches team members on analytical and innovative approaches and techniques.	• Demonstrate complex analytical and problem solving approaches and techniques.
• Able to balance independent analysis with requesting assistance from others.	• Demonstrate objectivity, insight and thoroughness when analysing problems.	• Engage with appropriate individuals in analysing and resolving complex problems.	• Create an environment conducive to analytical and fact-based problem solving.
• Recommend new ways to perform tasks within own function.	• Able to break down complex problems into manageable parts and identify solutions.	• Identify solutions on various areas in the institution.	• Analyse, recommend solutions and monitor trends in key challenges to prevent and manage occurrence.
• Propose simple remedial interventions that marginally challenges the status quo.	• Consult internal and external stakeholders on opportunities to improve processes and service delivery.	• Formulate and implement new ideas throughout the institution.	• Create an environment that fosters innovative thinking and follows a learning organisation approach.
• Listen to the ideas and perspectives of others and explore opportunities to enhance such innovative thinking.	• Clearly communicate the benefits of new opportunities and innovative solutions and stakeholders.	• Able to gain approval and buy-in for proposed interventions from relevant stakeholders.	• Be a thought leader on innovative customer service delivery and process optimisation.
	• Continuously identify opportunities to enhance internal processes.	• Identify trends and best practices in process and service delivery and propose institutional application.	• Play an active role in sharing best practice solutions and engage in national and international local government seminars and conferences.
	• Identify and analyse opportunities conducive to innovative approaches and propose remedial intervention.	• Continuously engage in research to identify client needs.	

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Municipal Manager
Ms Geraldine Mettler

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Executive Mayor:
Cllr Adv Gesie Van Deventer

CLUSTER :	CORE COMPETENCIES		
COMPETENCY NAME :	**Knowledge and Information Management**		
COMPETENCY DEFINITION :	**Able to promote the generation and sharing of knowledge and information through various processes and media, in order to enhance the collective knowledge base of local government**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Collect, categorise and track relevant information required for specific tasks and projects.	• Use appropriate information systems and technology to manage institutional knowledge and information sharing.	• Effectively predict future information and knowledge management requirements and systems.	• Create and support a vision and culture where team members are empowered to seek, gain and share knowledge and information.
• Analyse and interpret information to draw conclusions.	• Evaluate data from various sources and use information effectively to influence decisions and provide solutions.	• Develop standards and processes to meet future knowledge management needs.	• Establish partnerships across local government to facilitate knowledge management.
• Seek new sources of information to increase the knowledge base.	• Actively create mechanisms and structures for sharing information.	• Share and promote best-practice knowledge management across various institutions.	• Demonstrate a mature approach.
• Regularly share information and knowledge with internal stakeholders and team members.	• Use external and internal resources to research and provide relevant and cutting-edge knowledge to enhance institutional effectiveness and efficiency.	• Establish accurate measures and monitoring systems for knowledge and information management. • Create a culture conducive of learning and knowledge sharing. • Hold regular knowledge and information sharing sessions to elicit new ideas and share best practice approaches.	• Recognise and exploit knowledge points in interactions with internal and external stakeholders.

GM
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Municipal Manager
Ms Geraldine Mettler

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Executive Mayor:
Cllr Adv Gesie Van Deventer

CLUSTER :	CORE COMPETENCIES		
COMPETENCY NAME :	Communication		
COMPETENCY DEFINITION :	**Able to share information, knowledge and ideas in a clear, focused and concise manner appropriate for the audience in order to effectively convey, persuade and influence stakeholders to achieve the desired outcome.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Demonstrate an understanding for communication levers and tools appropriate for the audience, but requires guidance in utilising such tools.	• Express ideas to individuals and groups in formal and informal settings in a manner that is interesting and motivating.	• Effectively communicate high-risk and sensitive matters to relevant stakeholders.	• Regarded as a specialist in negotiations and representing the institution.
• Express ideas in a clear and focused manner, but does not always take the audience into consideration.	• Able to understand, tolerate and appreciate diverse perspectives, attitudes and beliefs.	• Develop a well-defined communication strategy.	• Able to inspire and motivate others through positive communication that is impactful and relevant.
• Disseminate and convey information and knowledge adequately.	• Adapt communication content and style to suit the audience and facilitate optimal information transfer.	• Balance political perspectives with institutional needs when communicating viewpoints on complex issues.	• Creates an environment conducive to transparent and productive communication and critical appreciate conversations.
	• Deliver content in a manner that gains support, commitment and agreement from relevant stakeholders.	• Able to effectively direct negotiations around complex.	• Able to coordinate negotiations at different levels within local government and externally.
	• Compile clear, focused, concise and well-structured written documents.	• Market and promote the institution to external stakeholders and seek to enhance a positive image of the institution. • Able to communicate with the media with high levels of moral competence and discipline.	

GM
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Municipal Manager
Ms Geraldine Mettler

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Executive Mayor:
Cllr Adv Gesie Van Deventer

CLUSTER :	CORE COMPETENCIES		
COMPETENCY NAME :	**Results and Quality Focus**		
COMPETENCY DEFINITION :	**Able to maintain high quality standards, focus on achieving results and objectives while consistently striving to exceed expectations and encourage others to meet quality standards. Further, to actively monitor and measure results and quality against identified objectives.**		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Understand quality of work but requires guidance in attending to important matters.	• Focus on high-priority actions and does not become distracted by lower-priority activities.	• Consistently verify own standards and outcomes to ensure quality output.	• Coach and guide others to exceed quality standards and results.
• Show a basic commitment to achieving the correct results.	• Display firm commitment and pride in achieving the correct results.	• Focus on the end result and avoids being distracted	• Develop challenging, client-focused goals and sets high standards for personal performance.
• Produce the minimum level of results required in the role.	• Set quality standards and design processes and tasks around achieving set standards.	• Demonstrate a determined and committed approach to achieving results and quality standards.	• Commit to exceed the results and quality standards, monitor own performance and implement remedial interventions when required.
• Produce outcomes that is of a good standard.	• Produce output of high quality.	• Follow task and projects through to completion.	• Work with team to set ambitious and challenging team goals, communicating long- and short term expectations.
• Focus on the quantity of output but requires development in incorporating the quality of work.	• Able to balance the quantity and quality and quality of results in order to achieve objectives.	• Set challenging goals and objectives to self and team and display commitment to achieving expectations.	• Take appropriate risks to accomplish goals.
• Produce quality work in general circumstances, but fails to meet expectation when under pressure.	• Monitors progress, quality of work and use of resources; provide status updates and make adjustments as needed.	• Maintain a focus on quality outputs when placed under pressure.	• Overcome setbacks and adjust action plans to realise goals.
		• Establishing institutional systems for managing and assigning work, defining responsibilities, tracking, monitoring and measuring success, evaluating and valuing the work of the institution.	• Focus people on critical activities that yield a high impact.

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Municipal Manager
Ms Geraldine Mettler

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Executive Mayor:
Cllr Adv Gesie Van Deventer

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Annexure C:

Personal Development Plan

MUNICIPAL MANAGER

Municipal Manager
Ms Geraldine Mettler

Executive Mayor:
Cllr Adv Gesie Van Deventer

Skills Performance Gap	Outcomes Expected	Suggested training and / or development activity	Suggested mode of delivery	Suggested Time Frames	Work opportunity created to practice skill / development area	Support Person
1.						
2.						
3.						

Signed and accepted by the Employee

Date: 07/07/2021

Signed by the Executive Mayor on behalf of the Municipality

Date: 07/07/2021.

ANNEXURE 2

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Performance Agreement

2021 – 2022

Chief Financial Officer

KC

GM

PERFORMANCE AGREEMENT

MADE AND ENTERED INTO BY AND BETWEEN
STELLENBOSCH MUNICIPALITY HEREBY REPRESENTED BY:

THE MUNICIPAL MANAGER
Ms Geraldine Mettler
(herein and after referred as Employer)

AND

CHIEF FINANCIAL OFFICER
Mr Kevin Carolus
(herein and after referred as Employee)

FOR THE FINANCIAL YEAR:

01 JULY 2021 – 30 JUNE 2022

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Chief Financial Officer
Mr Kevin Carolus

Municipal Manager:
Ms Geraldine Mettler

1. INTRODUCTION

1.1 The Employer, duly represented by **Ms Geraldine Mettler**, in her capacity as the Municipal Manager has entered into a contract of employment with the Employee, **Mr Kevin Carolus**, in terms of section 57(1)(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) ("the Systems Act"). The Employer and the Employee are hereinafter referred as "the Parties";

1.2 Section 57(1)(b) of the Systems Act, read with the Contract of Employment concluded between the parties, requires the Parties to conclude an annual performance agreement;

1.3 The Parties wish to ensure that they are clear about the goals to be achieved, and secure the commitment of the Employee to a set of outcomes that will promote local government policy goals;

1.4 The Parties wish to ensure that there is compliance with Sections 57(4B) and 57(5) of the Systems Act;

1.5 In this Agreement, the followings terms will have the meaning ascribed thereto:

1.5.1 "this Agreement" – means the performance agreement between the Employer and the employee and the Annexures thereto;

1.5.2 "the **Municipal Manager**" – means the Municipal Manager of the Municipality appointed in terms of Section 54(A) of the Systems Act;

1.5.3 "the Employee" means the **Chief Financial Officer** appointed in terms of Section 56 of the Systems Act;

1.5.4 "the Employer" means **Stellenbosch Municipality**; and

1.5.5 "the Parties" means the Employer and Employee.

2. PURPOSE OF THIS AGREEMENT

2.1 To comply with the provisions of Section 57(1)(b), (4B) and (5) of the Systems Act as well as the Contract of Employment entered into between the Parties;

2.2 To specify objectives and targets established for the Employee and to communicate to the Employee the Employer's expectations of the Employee's performance targets and accountabilities;

2.3 To specify accountabilities as set out in the Performance Plan (Annexure A);

2.4 To monitor and measure performance against set targeted outputs and outcomes;

2.5 To establish a transparent and accountable working relationship;

2.6 To appropriately reward the employee in accordance with section 11 of this agreement; and

2.7 To give effect to the Employer's commitment to a performance-orientated relationship with the Employee in attaining improved service delivery.

3. COMMENCEMENT AND DURATION

3.1 This Agreement will commence on **01 July 2021** and will remain in force until **30 June 2022** where-after a new Performance Agreement shall be concluded between the parties for the next financial year or any portion thereof;

3.2 The Parties will conclude a new Performance Agreement that replaces this Agreement at least once a year by not later than 31st of July of the succeeding financial year;

3.3 This Agreement will terminate on the termination of the Employee's contract of employment for any reason; and

3.4 The content of this Agreement may be revised at any time during the abovementioned period to determine the current applicability of the matters previously agreed upon.

4. PERFORMANCE OBJECTIVES

4.1 The Performance Plan (Annexure A) sets out –

4.1.1 The performance objectives and targets that must be met by the Employee;

4.1.2 The time frames within which those performance objectives and targets must be met; and

4.1.3 The core competency requirements (Annexure B – definitions) as the management skills regarded as critical to the position held by the Employee.

4.2 The performance objectives and targets reflected in Annexure A are set by the Employer in consultation with the Employee and based on the Integrated Development Plan, Service Delivery and Budget Implementation Plan (SDBIP) and the Budget of the Employer, and shall include:

4.2.1 Key objectives that describe the main tasks that need to be done;

4.2.2 Key performance indicators (KPIs) that provide the details of the evidence that must be provided to show that a key objective has been achieved;

4.2.3 Target dates that describe the timeframe in which the targets must be achieved; and

4.2.4 Weightings showing the relative importance of the key objectives to each other.

4.3 The Personal Development Plan (Annexure C) sets out the Employee's personal development requirements in line with the objectives and targets of the Employer; and

4.4 The Employee's performance will, in addition, be measured in terms of contributions to the goals and strategies set out in the Employer's Integrated Development Plan.

5. PERFORMANCE MANAGEMENT SYSTEM

5.1 The Employee agrees to participate in the performance management system that the Employer adopted for the employees of the Employer;

5.2 The Employee accepts that the purpose of the performance management system will be to provide a comprehensive system with specific performance standards to assist the employees and service providers to perform to the standards required;

5.3 The Employer will consult the Employee about the specific performance standards and targets that will be included in the performance management system applicable to the Employee;

5.4 The Employee undertakes to actively focus on the promotion and implementation of the Strategic Focus Areas (SFAs) (including special projects relevant to the employee's responsibilities) within the local government framework;

5.5 The criteria upon which the performance of the Employee shall be assessed shall consist of two components, SFAs and Competency Framework requirements as per the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, both of which shall be contained in the Performance Agreement;

5.6 The Employee's assessment will be based on his performance in terms of the outputs / outcomes (KPIs) identified as per attached Performance Plan (Annexure A), which are linked to the SFAs applicable to the Employee, and will constitute 80% of the overall assessment result as per the weightings agreed to between the Employer and Employee.

Table 1: Strategic Focus Areas

Strategic Focus Areas
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

5.7 The competency requirements for senior managers as per Regulation 9 of Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers will make up the other 20% of the Employee's assessment

score. The competencies will be assessed every six (6) months (January and July).

Table 2: Leading and Core Competencies

Leading and Core Competencies		
1.	**Strategic direction and leadership**	• Impact and influence • Institutional performance management • Strategic planning and management • Organisational awareness
2.	**People management**	• Human capital planning and development • Diversity management • Employee relations management • Negotiation and dispute management
3.	**Programme and project management**	• Programme and project planning and implementation • Service delivery management • Programme and project monitoring and evaluation
4.	**Financial management**	• Budget planning and execution • Financial strategy and delivery • Financial reporting and delivery
5.	**Change leadership**	• Change vision and strategy • Process design and improvement • Change impact monitoring and evaluation
6.	**Governance leadership**	• Policy formulation • Risk and compliance management • Cooperative governance
7.	**Moral competence**	• Core Competency
8.	**Planning and organising**	• Core Competency
9.	**Analysis and innovation**	• Core Competency
10.	**Knowledge and information management**	• Core Competency
11.	**Communication**	• Core Competency
12.	**Results and quality focus**	• Core Competency

6. PERFORMANCE ASSESSMENT

6.1 The Performance Plan (Annexure A) to this Agreement sets out –

6.1.1 The standards and procedures for evaluating the Employee's performance; and

6.1.2 The intervals for the evaluation of the Employee's performance.

6.2 Despite the establishment of agreed intervals for evaluation, the Employer may in addition review the Employee's performance at any stage while the contract of employment remains in force;

6.3 Personal growth and development needs identified during any performance review discussion must be documented in a Personal Development Plan as well

as the actions agreed to and implementation must take place within set time frames;

6.4 The Employee's performance will be measured in terms of contributions to the goals and strategies set out in the Employer's Integrated Development Plan (IDP) as described in 6.6 – 6.12 below;

6.5 The Employee will submit quarterly performance reports (SDBIP) and a comprehensive annual performance report at least one week prior to the performance assessment meetings to the Evaluation Panel Chairperson for distribution to the panel members for preparation purposes;

6.6 Assessment of the achievement of results as outlined in the performance plan:

6.6.1 Each KPI or group of KPIs shall be assessed according to the extent to which the specified standards or performance targets have been met and with due regard to ad-hoc tasks that had to be performed under the KPI;

6.6.2 A rating on the five-point scale shall be provided for each KPI or group of KPIs which will then be multiplied by the weighting to calculate the final score;

6.6.3 The Employee will submit his self-evaluation to the Employer prior to the formal assessment;

6.6.4 In the instance where the employee could not perform due to reasons outside the control of the employer and employee, the KPI will not be considered during the evaluation. The employee should provide sufficient evidence in such instances; and

6.6.5 An overall score will be calculated based on the total of the scores calculated above.

6.7 Assessment of the Competencies:

6.7.1 Each Competency shall be assessed in terms of the description provided in (Annexure B);

6.7.2 A rating shall be provided for each Competency which will then be multiplied by the weighting to calculate the final score; and

6.7.3 An overall score will be calculated based on the total of the scores calculated above.

6.8 Overall rating

6.8.1 An overall rating is calculated by adding the overall scores as calculated in 6.6.5 and 6.7.3 above; and

6.8.2 Such overall rating represents the outcome of the performance appraisal.

6.9 The assessment of the performance of the Employee will be based on the following rating scales for SFAs and Competencies respectively:

6.9.1 Rating scale for SFAs - as mentioned in paragraph 5.6:

Table 3: Performance rating scale

Level	Terminology	Description
5	**Outstanding performance**	Performance far exceeds the standard expected of an employee at this level. The appraisal indicates that the Employee has achieved above fully effective results against all performance criteria and indicators as specified in the PA and Performance plan and maintained this in all areas of responsibility throughout the year.
4	**Performance significantly above expectations**	Performance is significantly higher than the standard expected in the job. The appraisal indicates that the Employee has achieved above fully effective results against more than half of the performance criteria and indicators and fully achieved all others throughout the year.
3	**Fully effective**	Performance fully meets the standards expected in all areas of the job. The appraisal indicates that the Employee has fully achieved effective results against all significant performance criteria and indicators as specified in the PA and Performance Plan.
2	**Not fully effective**	Performance is below the standard required for the job in key areas. Performance meets some of the standards expected for the job. The review/assessment indicates that the employee has achieved below fully effective results against more than half the key performance criteria and indicators as specified in the PA and Performance Plan.
1	**Unacceptable performance**	Performance does not meet the standard expected for the job. The review/assessment indicates that they employee has achieved below fully effective results against almost all the performance criteria and indicators as specified in the PA and Performance Plan. The employee has failed to demonstrate the commitment or ability to bring performance up to the level expected in the job despite management efforts to encourage improvement.

6.9.2 Rating scale for Competencies -as mentioned in paragraph 5.7:

Table 4: Rating scale for Competencies

Level	Achievement Levels	Description
5	**Superior**	Has a comprehensive understanding of local government operations, critical in shaping strategic direction and change, develops, and applies comprehensive concepts and methods
4	**Advanced**	Develops and applies complex concepts, methods and understanding. Effectively directs and leads a group and executes in-depth analyses

Level	Achievement Levels	Description
3	Competent	Develops and applies more progressive concepts, methods and understanding. Plans and guides the work of others and executes progressive analyses
2	Basic	Applies basic concepts, methods, and understanding of local government operations, but requires supervision and development intervention
1	Sub Standard	Applies little to no basic concepts, methods, and understanding of local government operations.

6.10 For purposes of evaluating the performance of the Employee for the year-end reviews, an evaluation panel constituted of the following persons will be established–

6.10.1 Municipal Manager;

6.10.2 Municipal Manager from another municipality;

6.10.3 Chairperson of the Performance Audit Committee or in his/her absence thereof, the Chairperson of the Audit Committee; and

6.10.4 The Member of the Mayoral Committee (Portfolio Chairperson).

6.11 The Municipal Manager will evaluate the performance of the Employee as at the end of the 1st, and 3rd quarters; and

6.12 The Municipal Manager will give performance feedback to the Employee within five (5) working days after each quarterly and annual assessment meeting.

7. SCHEDULE FOR PERFORMANCE REVIEWS

7.1 The performance of the Employee in relation to his performance agreement shall be reviewed on the following dates.

Table 5: Schedule for performance reviews

Quarter	Review Period	Review to be completed by
1	July - September	October / November 2021 (Informal)
2	October – December	January / February 2022 (Formal)
3	January – March	April / May 2022 (Informal)
4	April - June	After the receipt of the AG's Management Report

7.2 The Employer shall keep a record of the mid-year and year-end assessment meetings;

7.3 Performance feedback shall be based on the Employer's assessment of the Employee's performance;

7.4 The Employer will be entitled to review and make reasonable changes to the provisions of Annexure A from time to time for operational reasons. The Employee will be fully consulted before any such change is made; and

7.5 The Employer may amend the provisions of Annexure A whenever the performance management system is adopted, implemented, and/or amended as the case may be. In that case, the Employee will be fully consulted before any such change is made.

8. DEVELOPMENTAL REQUIREMENTS

8.1 The Personal Development Plan (PDP) for addressing developmental gaps is attached as Annexure C. Such Plan may be implemented and/or amended as the case may be after each assessment. In that case, the Employee will be fully consulted before any such change or plan is made.

9. OBLIGATIONS OF THE EMPLOYER

9.1 The Employer shall-

9.1.1 Create an enabling environment to facilitate effective performance by the employee;

9.1.2 Provide access to skills development and capacity building opportunities;

9.1.3 Work collaboratively with the Employee to solve problems and generate solutions to common problems that may impact on the performance of the Employee;

9.1.4 On the request of the Employee delegate such powers reasonably required by the Employee to enable him to meet the performance objectives and targets established in terms of this Agreement; and

9.1.5 Make available to the Employee such resources as the Employee may reasonably require from time to time assisting him to meet the performance objectives and targets established in terms of this Agreement.

10. CONSULTATION

10.1 The Employer agrees to consult the Employee timeously where the exercising of its powers will have amongst others-

10.1.1 A direct effect on the performance of any of the Employee's functions;

10.1.2 Commit the Employee to implement or to give effect to a decision made by the Employer; and

10.1.3 A substantial financial effect on the Employer.

10.2 The Employer agrees to inform the Employee of the outcome of any decisions taken pursuant to the exercise of powers contemplated in clause 12.1 as soon as is practicable to enable the Employee to take any necessary action with delay.

11. REWARD

11.1 The evaluation of the Employee's performance will form the basis for rewarding outstanding performance or correcting unacceptable performance;

11.2 The payment of the performance bonus is determined by the performance score obtained during the 4th quarter and as informed by the quarterly performance assessments;

11.3 A performance bonus of between 5% to 14% of the all- inclusive annual remuneration package may be paid to the Employee in recognition of outstanding performance to be constituted as follows:

Table 6: Performance bonus calculations

Performance Rating		Bonus Calculation
0% - 64%	Poor Performance	0% of total package
65% - 69%	Average Performance	5% of total package
70% - 74%	Fair Performance	9% of total package
75% - 79%	Good Performance	11% of total package
80% - 100%	Excellent Performance	14% of total package

11.4 In the event of the Employee terminating his services during the validity period of this Agreement, the Employee's performance will be evaluated for the portion during which he was employed and he will be entitled to a pro-rata performance bonus based on his evaluated performance for the period of actual service; and

11.5 The Employer will submit the total score of the annual assessment and of the Employee, to full Council for purposes of recommending the bonus allocation.

12. MANAGEMENT OF EVALUATION OUTCOMES

12.1 Where the Employer is, any time during the Employee's employment, not satisfied with the Employee's performance with respect to any matter dealt with in this Agreement, the Employer will give notice to the Employee to attend a meeting;

12.2 The Employee will have the opportunity at the meeting to satisfy the Employer of the measures being taken to ensure that his performance becomes satisfactory and any programme, including any dates, for implementing these measures;

12.3 Where there is a dispute or difference as to the performance of the Employee under this Agreement, the Parties will confer with a view to resolving the dispute or difference; and

12.4 In the case of unacceptable performance, the Employer shall –

12.4.1 Provide systematic remedial or developmental support to assist the Employee to improve his performance; and

12.4.2 After appropriate performance counselling and having provided the necessary guidance and/or support as well as reasonable time for improvement in performance, the Employer may consider steps to terminate the contract of employment of the Employee on grounds of unfitness or incapacity to carry out his or her duties.

13. DISPUTE RESOLUTION

13.1 In the event that the Employee is dissatisfied with any decision or action of the Employer in terms of this Agreement, or where a dispute or difference arises as to the extent to which the Employee has achieved the performance objectives and targets established in terms of this Agreement, the Employee may within 3 (three) business days, meet with the Employer with a view to resolving the issue. The Employer will record the outcome of the meeting in writing;

13.2 If the Parties cannot resolve the issues within 10 (ten) business days, an independent arbitrator, acceptable to both parties, shall be appointed to resolve the matter within 30 (thirty) business days; and

13.3 In the event that the mediation process contemplated above fails, the relevant clause of the Contract of Employment together with the relevant laws and regulations shall apply.

14. GENERAL

14.1 The contents of this agreement and the outcome of any review conducted in terms of Annexure A may be made available to the public by the Employer; and

14.2 Nothing in this agreement diminishes the obligations, duties, or accountabilities of the Employee in terms of his contract of employment, or the effects of existing or new regulations, circulars, policies, directives, or other instruments.

Thus, done and signed at STELLENBOSCH on the 07 day of July 2021

CHIEF FINANCIAL OFFICER

AS WITNESSES:

1.

2.

Thus, done and signed at Stellenbosch on the 07 day of July 2021

MUNICIPAL MANAGER

AS WITNESSES:

1.

2.

MEMBER OF MAYORAL COMMITTEE
(Portfolio: Financial Services)
Cllr P Crawley

Chief Financial Officer
Mr Kevin Carolus

Municipal Manager:
Ms Geraldine Mettler

STELLENBOSCH
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Annexure A
Performance Plan

CHIEF FINANCIAL OFFICER

Chief Financial Officer
Mr Kevin Carolus

Municipal Manager:
Ms Geraldine Mettler

The Performance Plan sets out:

a) Key Performance Areas that the employee should focus on, performance objectives, key performance indicators and targets that must be met within a specific timeframe; and

b) The Competencies required from employees prescribed in the Regulations on the appointment and conditions of employment of senior managers, R21 of 2014.

KEY PERFORMANCE INDICATORS

The key performance areas, the performance objectives, key performance indicators and targets that must be met within the agreed timeframe are described below. The assessment of these performance indicators will account for 80% (**eighty percent)** of the total employee assessment score.

Part 1: Implementation of Service Delivery and Budget Implementation Plan (80%)

CHIEF FINANCIAL OFFICER													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Department: Financial Management Services	Percentage of indicators of the Department: Financial Management Services achieved, measured quarterly	Outcome	90%	80% per annum	80%	SM	80%	80%	80%	80%	4
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Department: Revenue and Expenditure	Percentage of indicators of the Department: Revenue and Expenditure achieved, measured quarterly	Outcome	90.50%	80% per annum	80%	SM	80%	80%	80%	80%	4
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Department: Supply Chain Management (SCM)	Percentage of indicators of the Department: Supply Chain Management (SCM) achieved, measured quarterly	Outcome	90%	80% per annum	80%	SM	80%	80%	80%	80%	4

KC
.....
Chief Financial Officer
Mr Kevin Carolus

GM
.....
Municipal Manager:
Ms Geraldine Mettler

CHIEF FINANCIAL OFFICER													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
KPI039	SFA 4 - Dignified Living	Registered indigent formal households with access to free basic water (NKPI Proxy - MSA, Reg. S10(a), (b)	Percentage registered indigent formal households with access to free basic water, measured quarterly	Outcome	100%	100% per annum	100%	SM	100%	100%	100%	100%	1
KPI043	SFA 4 - Dignified Living	Registered indigent formal households with access to free basic electricity provided by the Municipality (NKPI Proxy - MSA, Reg. S10(a), (b)	Percentage of registered indigent formal households with access to free basic electricity provided by the Municipality, measured quarterly	Output	73,99%	65% per annum	65%	SM	65%	65%	65%	65%	1
KPI044	SFA 4 - Dignified Living	Registered indigent formal households with access to free basic refuse removal (NKPI Proxy - MSA, Reg. S10(a), (b)	Percentage of registered indigent formal households with access to free basic refuse removal, measured quarterly	Output	100%	100% per annum	100%	SM	100%	100%	100%	100%	1
KPI045	SFA 4 - Dignified Living	Registered indigent formal households with access to free basic sanitation (NKPI Proxy - MSA, Reg. S10(a), (b)	Percentage of registered indigent formal households with access to free basic sanitation, measured quarterly	Output	100%	100% per annum	100%	SM	100%	100%	100%	100%	1
KPI074	SFA 4 - Dignified Living	Formal households with access to water (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to water, measured quarterly	Output	26 397	25 500 per annum	25 500	SM	25 500	25 500	25 500	25 500	1
KPI075	SFA 4 - Dignified Living	Formal households with access to electricity (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to electricity, measured quarterly	Output	26 397	24 000 per annum	24 000	SM	24 000	24 000	24 000	24 000	1
KPI076	SFA 4 - Dignified Living	Formal households with access to refuse removal (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to refuse removal, measured quarterly	Output	26 397	25 500 per annum	25 500	SM	25 500	25 500	25 500	25 500	1
KPI077	SFA 4 - Dignified Living	Formal households with access to sanitation (NKPI Proxy - MSA, Reg. S10(a))	Number of formal households with access to sanitation, measured quarterly	Output	26 397	25 500 per annum	25 500	SM	25 500	25 500	25 500	25 500	1

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CHIEF FINANCIAL OFFICER													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
KPI055	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)	Outcome	2.43	4 per annum	4 (months)	SM	N/A	N/A	N/A	4 (months)	2
KPI056	SFA 5: Good Governance and Compliance	Achieve an average payment percentage of 96% by 30 June (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	Outcome	89.17%	96% per annum	96%	SM	N/A	N/A	N/A	96%	2
KPI057	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	Input	70.25%	90% per annum	90%	SM	10%	30%	60%	90%	3
KPI060	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 by 30 June	Outcome	59.13%	15% per annum	15%	SM	N/A	N/A	N/A	15%	1
KPI061	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 by 30 June	Outcome	12.38%	27% per annum	27%	SM	N/A	N/A	N/A	27%	1
TBC	SFA 5: Good Governance and Compliance	Spend the Directorate: Financial Services approved Capital Budget	Percentage of approved Capital Budget of the Directorate: Financial Services actually spent by 30 June	Input	47.13%	90% per annum	90%	SM	10%	30%	60%	90%	15

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IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good Governance and Compliance	Submission of final bid specifications for all capital projects to the Bid Specification Committee (BSC) *(2022/23)*	Percentage of final bid specifications for all capital projects submitted to the BSC by 30 June *(50% by 31 March 2022 and 100% by 30 June 2022. For the 2022/23 financial year)*	Output	100%	100% per annum	100%	SM	N/A	N/A	50%	100%	**10**
TBC	SFA 5: Good Governance and Compliance	Submission of detailed procurement needs for all operational projects to the Supply Chain Management (SCM) Department	Number of quarterly detailed procurement needs submitted to SCM 10 days before start of the quarter	Output	5	4 per annum	4	SM	1 (1)	1 (2)	1 (3)	1 (4)	**2**
TBC	SFA 5: Good Governance and Compliance	Performance agreements signed with all identified personnel	Number of performance agreements signed by 31 August	Output	3	3 per annum	3	SM	3	N/A	N/A	N/A	**1**
TBC	SFA 5: Good Governance and Compliance	Conduct formal performance evaluations with all identified personnel	Number of formal performance evaluations conducted with all identified personnel by 28 February	Output	9	6 per annum	6	SM	N/A	N/A	6	N/A	**1**
TBC	SFA 5: Good Governance and Compliance	Develop Annual Departmental Risk Register	Number of Annual Departmental Risk Registers developed by 31 July	Output	1	1 per annum	1	SM	1	N/A	N/A	N/A	**1**
TBC	SFA 5: Good Governance and Compliance	Evaluation of the Departmental Risk Register	Number of Departmental Risk Registers evaluated by 31 May	Output	2	2 per annum	2	SM	N/A	1 (1)	N/A	1 (2)	**1**
TBC	SFA 5: Good Governance and Compliance	Implementation of Council resolutions	Percentage of Council resolutions implemented measured quarterly	Output	77.50%	70% per annum	70%	SM	70%	70%	70%	70%	**3**
TBC	SFA 5: Good Governance and Compliance	Attendance of quarterly Occupation Health and Safety (OHS) meetings	Number of quarterly OHS meetings attended by the Director or secondee	Output	6	4 per annum	4	SM	1 (1)	1 (2)	1 (3)	1 (4)	**1**

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IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good Governance and Compliance	Establishment of a Municipal Vehicle Fleet System	Number of Municipal Vehicle Fleets established by 31 March	Output	New KPI	1 per annum	1	SM	N/A	N/A	1	N/A	2
TBC	SFA 5: Good Governance and Compliance	Implementation of the adopted Revenue Enhancement Strategy	Number of actions implemented as identified in the Revenue Enhancement Strategy by 30 June	Output	New KPI	4 per annum	4	SM	1 (1)	1 (2)	1 (3)	1 (4)	3
TBC	SFA 5: Good Governance and Compliance	Resolve formal Revenue complaints received	Percentage of formal Revenue complaints resolved within 10 working days after receipt	Outcome	New KPI	90% per annum	90%	SM	90%	90%	90%	90%	2
TBC	SFA 5: Good Governance and Compliance	Awarding of Municipal Tenders by the Bid Adjudication Committee (BAC)	Percentage of Municipal Tenders awarded within 14 days after receipt of the BAC Report	Outcome	New KPI	90% per annum	90%	SM	90%	90%	90%	90%	2
TBC	SFA 5: Good Governance and Compliance	Implementation of the Directorate's actions as per the AGSA Audit Action Plan	Percentage of the Directorate's actions as per the AGSA Audit Action Plan implemented by 30 June	Outcome	New KPI	100% per annum	100%	SM	N/A	N/A	50%	100%	2
TBC	SFA 5: Good Governance and Compliance	Submission of the draft Annual Financial Statements (AFS) to the Municipal Manager	Number of the draft AFS submitted to the Municipal Manager by 15 August	Output	New KPI	1 per annum	1	SM	1	N/A	N/A	N/A	5
												Total	80

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Part 2: Competency Requirements (20%)

Ref	Leading and Core Competencies	(January) 1st Assessment	(July) Final Assessment	Weights	Comments
2.1	**Strategic direction and leadership**			**1.66%**	
2.2	**People management**			**1.66%**	
2.3	**Programme and project management**			**1.66%**	
2.4	**Financial management**			**1.66%**	
2.5	**Change leadership**			**1.67%**	
2.6	**Governance leadership**			**1.67%**	
2.7	**Moral competence**			**1.67%**	
2.8	**Planning and organising**			**1.67%**	
2.9	**Analysis and innovation**			**1.67%**	
2.10	**Knowledge and information management**			**1.67%**	
2.11	**Communication**			**1.67%**	
2.12	**Results and quality focus**			**1.67%**	
Total				**20%**	

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Annexure B
Competency Framework

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CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Strategic Direction and Leadership**		
COMPETENCY DEFINITION :	**Provide and direct a vision for the institution, and inspire and deploy others to deliver on the strategic institutional mandate.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Understand institutional and departmental strategic objectives, but • lacks the ability to inspire others to achieve set mandate.	• Give direction to a team in realising the institution's strategic mandate and set objectives.	• Evaluate all activities to determine value and alignment to strategic intent.	• Structure and position the institution to local government priorities.
• Describe how specific tasks link to institutional strategies but has limited influence in directing a strategy.	• Has a positive impact and influence on the morale, engagement and participation of team members.	• Display in-depth knowledge and understanding of strategic planning.	• Actively use in-depth knowledge and understanding to develop and implement a comprehensive institutional framework.
• Has a basic understanding of institutional performance management, but lacks the ability to integrate systems into a collective whole.	• Develop action plans to execute and guide strategy.	• Align strategy and goals across all functional areas.	• Hold self-accountable for strategy execution and results.
• Demonstrate basic understanding of key decision making.	• Assist in defining performance measures to monitor the progress and effectiveness of the institution.	• Actively define performance measures to monitor the progress and effectiveness of the institution.	• Provide impact and influence through building and maintaining strategic relationships.
	• Displays an awareness of institutional structures and political factors.	• Consistently challenge strategic plans to ensure relevance.	• Create an environment that facilitates loyalty and innovation. Display a superior level of self-discipline and integrity in actions.
	• Effectively communicate barriers to execution to relevant parties.	• Understand institutional structures and political factors, and the consequences of actions.	• Integrate various systems into a collective whole to optimise institutional performance management.
	• Provide guidance to all stakeholders in the achievement of the strategic mandate.	• Empower others to follow the strategic direction and deal with complex situations.	• Uses understanding of competing interests to maneuver successfully to a win/win outcome.
	• Understand the aim and objectives of the institution and relate it to own work.	• Guide the institution through complex and ambiguous concern. • Use understanding of power relationships and dynamic tensions among key players	

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CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Strategic Direction and Leadership**		
COMPETENCY DEFINITION :	**Provide and direct a vision for the institution, and inspire and deploy others to deliver on the strategic institutional mandate.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
		to frame communications and develop strategies, positions and alliances.	

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CLUSTER :	LEADING COMPETENCIES		
COMPETENCY NAME :	**People Management**		
COMPETENCY DEFINITION :	**Effectively manage, inspire and encourage people, respect diversity, optimise talent and build and nurture relationships in order to achieve institutional objectives.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Participate in team goalsetting and problem solving.	• Seek opportunities to increase team contribution and responsibility.	• Identify ineffective team and work processes and recommend remedial interventions.	• Develop and incorporate best practice people management processes, approaches and tools across the institution.
• Interact and collaborate with people of diverse backgrounds.	• Respect and support the diverse nature of others and be aware of the benefits of a diverse approach.	• Recognise and reward effective and desired behavior.	• Foster a culture of discipline, responsibility and accountability.
• Aware of guidelines for employee development, but requires support in implementing development initiatives.	• Effectively delegate tasks and empower others to increase contribution and execute functions optimally.	• Provide mentoring and guidance to others in order to increase personal effectiveness.	• Understand the impact of diversity in performance and actively incorporate a diversity strategy in the institution.
	• Apply relevant employee legislation fairly and consistently.	• Identify development and learning needs within the team.	• Develop comprehensive integrated strategies and approaches to human capital development and management.
	• Effectively identify capacity requirements to fulfill the strategic mandate.	• Inspire a culture of performance excellence by giving positive and constructive feedback to the team. • Achieve agreement or consensus in adversarial environments. • Lead and unite diverse teams across divisions to achieve institutional objectives.	• Actively identify trends and predict capacity requirements to facilitate unified transition and performance management.

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CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Programme and Project Management**		
COMPETENCY DEFINITION :	**Able to understand program and project management methodology; plan, manage, monitor and evaluate specific activities in order to deliver on set objectives.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Initiate projects after approval from higher authorities.	• Establish broad stakeholder involvement and communicate the project status and key milestones.	• Manage multiple programs and balance priorities and conflicts according to institutional goals.	• Understand and conceptualize the long-term implications of desired project outcomes.
• Understand procedures of program and project management methodology, implications and stakeholder involvement.	• Define the roles and responsibilities of the project team and create clarity around expectations.	• Apply effective risk management strategies through impact assessment and resource requirements.	• Direct a comprehensive strategic macro and micro analysis and scope projects accordingly to realize institutional objectives.
• Understand the rational of projects in relation to the institution's strategic objectives.	• Find a balance between project deadline and the quality of deliverables.	• Modify project scope and budget when required without compromising the quality and objectives of the project.	• Influence people in positions of authority to implement outcomes of projects
• Document and communicate factors and risk associated with own work.	• Identify appropriate project resources to facilitate the effective completion of the deliverables.	• Involve top-level authorities and relevant stakeholders in seeking project buy-in.	• Lead and direct translation of policy into workable action plans
• Use results and approaches of successful project implementation as guide.	• Comply with statutory requirements and apply policies in a consistent manner. • Monitor progress and use of resources and make needed adjustments to timelines, steps and resource allocation.	• Identify and apply contemporary project management methodology • Influence and motivate project team to deliver exceptional results. • Monitor policy implementation and apply procedures to manage risks.	• Ensures that programs are monitored to track progress and optimal resource utilization, and that adjustments are made as needed.

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CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Change Leadership**		
COMPETENCY DEFINITION :	**Able to direct and initiate institutional transformation on all levels in order to successfully drive and implement new initiatives and deliver professional and quality services to the community.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Display an awareness of change interventions and the benefits of transformation initiatives.	• Perform an analysis of the change impact on the social, political and economic environment.	• Actively monitor change impact and results and convey progress to relevant stakeholders.	• Sponsor change agents and create a network of change leaders who support the interventions.
• Able to identify basic needs for change.	• Maintain calm and focus during change.	• Secure buy-in and sponsorship for change initiatives.	• Actively adapt current structures and processes to incorporate the change interventions.
• Identify gaps between the current and desired state.	• Able to assist team members during change and keep them focused on the deliverables.	• Continuously evaluate change strategy and design and introduce new approaches to enhance the institution's effectiveness.	• Mentor and guide team members on the effects of change, resistance factors and how to integrate change.
• Identify potential risk and challenges to transformation, including resistance to change factors.	• Volunteer to lead change efforts outside of own work team.	• Build and nurture relationships with various stakeholders to establish strategic alliance in facilitating change.	• Motivate and inspire others around change initiatives.
• Participate in change programs and piloting change interventions.	• Able to gain buy-in and approval for change from relevant stakeholders.	• Take the lead in impactful change programs.	
• Understand the impact of change interventions on the institution within the broader scope of local government.	• Identify change readiness levels and assist in resolving resistance to change factors.	• Benchmark change interventions against best change practices.	
	• Design change interventions that are aligned with the institution's strategic objectives and goals.	• Understand the impact and psychology of change and put remedial interventions in place to facilitate effective transformation. • Take calculated risk and seek new ideas from best practice scenarios and identify the potential for implementation.	

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CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Financial Management**		
COMPETENCY DEFINITION :	**Able to compile, plan and manage budgets, control cash flow, institute financial risk management and administer procurement processes in accordance with recognized financial practices. Further to ensure that all financial transactions are managed in an ethical manner**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Understand basic financial concepts and methods as they relate to institutional processes and activities	• Exhibit knowledge of general financial concepts, planning, budgeting and forecasting and how they interrelate	• Take active ownership of planning, budgeting and forecasting processes and provides credible answers to queries within own responsibility.	• Develop planning tools to assist in evaluating and monitoring future expenditure trends.
• Display awareness into the various sources of financial data, reporting mechanisms, financial governance, processes and systems	• Assess, identify and manage financial risks.	• Prepare budgets that are aligned to the strategic objectives of the institution.	• Set budget frameworks for the institution.
• Understand the importance of financial accountability	• Assume a cost-saving approach to financial management.	• Address complex budgeting and financial management concerns.	• Set strategic direction for the institution on expenditure and other financial processes.
• Understand the importance of asset control.	• Prepare financial reports based on specified formats.	• Put systems and processes in place to enhance the quality and integrity of financial management practices.	• Build and nurture partnerships to improve financial management and achieve financial savings.
	• Consider and understand the financial implications of decisions and suggestions.	• Advise on policies and procedures regarding asset control.	• Actively identify and implement new methods to improve asset control.
	• Ensure that delegation and instructions as required by National Treasury guidelines are reviewed and updated. • Identify and implement proper monitoring and evaluation practices to ensure appropriate spending against budget.	• Promote National Treasury's regulatory framework for Financial Management.	• Display professionalism in dealing with financial data and processes.

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CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Governance Leadership**		
COMPETENCY DEFINITION:	**Able to promote, direct and apply professionalism in managing risk and compliance requirements and apply a thorough understanding of governance practices and obligations. Further, able to direct the conceptualization of relevant policies and enhance cooperative governance relationships.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Display a basic awareness of risk, compliance and governance factors but require guidance and development in implementing such requirements.	• Display a thorough understanding of governance and risk and compliance factors and implement plans to address these.	• Able to link risk initiatives into key institutional objectives and drivers.	• Demonstrate a high level of commitment in complying with governance requirements.
• Understand the structure of cooperative government but requires guidance on fostering workable relationships between stakeholders.	• Demonstrate understanding of the techniques and processes for optimising risk taking decisions within the institution.	• Identify, analyse and measure risk, create valid risk forecasts and map risk profiles.	• Implement governance and compliance strategy to ensure achievement of institutional objectives within the legislative framework.
• Provide input into policy formulation.	• Actively drive policy formulation within the institution to ensure the achievement of objectives.	• Apply risk control methodology and approaches to prevent and reduce risk that impede on the achievement of institutional objectives.	• Able to advise local government on risk management, best practice interventions and compliance management.
		• Demonstrate a thorough understanding of risk retention plans.	• Able to forge positive relationships on cooperative governance level to enhance the effectiveness of local government.t
		• Identify and implement comprehensive risk management systems and processes.	
		• Implement and monitor the formulation of policies, identify and analyse constraints and challenges with implementation and provide recommendations for improvement.	• Able to shape, direct and drive the formulation of policies on a macro level.

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CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Moral Competence**		
COMPETENCY DEFINITION :	**Able to identify moral triggers, apply reasoning that promotes honesty and integrity and consistently display behavior that reflects moral competence**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Realise the impact of acting with integrity, but requires guidance and development in implementing principles.	• Conduct self in alignment with the values of local government and the institution.	• Identify, develop and apply measures of self-correction.	• Create an environment conducive of moral practices.
• Follow basic rules and regulations of the institution.	• Able to openly admit own mistakes and weaknesses and seek assistance from others when unable to deliver.	• Able to gain trust and respect through aligning actions with commitments.	• Actively develop and implement measures to combat fraud and corruption.
• Able to identify basic moral situations, but requires guidance and development in understanding and reasoning with moral intent.	• Actively report fraudulent activity and corruption with local government.	• Make proposals and recommendations that are transparent and gain the approval of relevant stakeholders.	• Set integrity standards and shared accountability measures across the institution to support the objectives of local government.
	• Understand and honor the confidential nature of matters without seeking personal gain.	• Present values, beliefs and ideas that are congruent with the institution's rules and regulations.	• Take responsibility for own actions and decisions, even if the consequences are unfavorable.
	• Able to deal with situations of conflict of interest promptly and in the best interest of local government.	• Takes an active stance against corruption and dishonesty when noted.	
		• Actively promote the value of the institution to internal and external stakeholders.	
		• Able to work in unity with a team and not seek personal gain.	
		• Apply universal moral principles consistently to achieve moral decisions.	

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CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Planning and Organising**		
COMPETENCY DEFINITION :	**Able to plan, prioritise and organise information and resources effectively to ensure the quality of service delivery and build efficient contingency plans to manage risk.**		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Able to follow basic plans and organise tasks around set objectives.	• Actively and appropriately organise information and resources required for a task.	• Able to define institutional objectives, develop comprehensive plans, integrate and coordinate activities and assign appropriate resources for successful implementation.	• Focus on broad strategies and initiatives when developing plans and actions.
• Understand the process of planning and organising but requires guidance and development in providing detailed and comprehensive plans.	• Recognise the urgency and importance of tasks.	• Identify in advance required stages and actions to complete tasks.	• Able to protect and forecast short, medium and long term requirements of the institution and local government.
• Able to follow existing plans and ensure that objectives are met.	• Balance short and long-term plans and goals and incorporate into the team's performance objectives.	• Schedule realistic timelines, objectives and milestones for tasks and projects.	• Translate policy into relevant projects to facilitate the achievement of institutional objectives.
• Focus on short-term objectives in developing plans and actions	• Schedule tasks to ensure they are performed within budget and with efficient use of time and resources.	• Produce clear, detailed and comprehensive plans to achieve institutional objectives.	
• Arrange information and resources required for a task, but require further structure and organisation.	• Measures progress and monitor performance results.	• Identify possible risk factors and design and implement appropriate contingency plans. • Adapt plans in light of changing circumstances. • Prioritise tasks and projects according to their relevant urgency and importance.	

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CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Analysis and Innovation**		
COMPETENCY DEFINITION :	**Able to critically analyse information, challenges and trends to establish and implement fact-based solutions that are innovative to improve institutional processes in order to achieve key strategic objectives**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Understand the basic operation of analysis, but lack detail and thoroughness.	• Demonstrate logical problem solving techniques and approaches and provide rationale for recommendations.	• Coaches team members on analytical and innovative approaches and techniques.	• Demonstrate complex analytical and problem solving approaches and techniques.
• Able to balance independent analysis with requesting assistance from others.	• Demonstrate objectivity, insight and thoroughness when analysing problems.	• Engage with appropriate individuals in analysing and resolving complex problems.	• Create an environment conducive to analytical and fact-based problem solving.
• Recommend new ways to perform tasks within own function.	• Able to break down complex problems into manageable parts and identify solutions.	• Identify solutions on various areas in the institution.	• Analyse, recommend solutions and monitor trends in key challenges to prevent and manage occurrence.
• Propose simple remedial interventions that marginally challenges the status quo.	• Consult internal and external stakeholders on opportunities to improve processes and service delivery.	• Formulate and implement new ideas throughout the institution.	• Create an environment that fosters innovative thinking and follows a learning organisation approach.
• Listen to the ideas and perspectives of others and explore opportunities to enhance such innovative thinking.	• Clearly communicate the benefits of new opportunities and innovative solutions and stakeholders.	• Able to gain approval and buy-in for proposed interventions from relevant stakeholders.	• Be a thought leader on innovative customer service delivery and process optimisation.
	• Continuously identify opportunities to enhance internal processes.	• Identify trends and best practices in process and service delivery and propose institutional application.	• Play an active role in sharing best practice solutions and engage in national and international local government seminars and conferences.
	• Identify and analyse opportunities conducive to innovative approaches and propose remedial intervention.	• Continuously engage in research to identify client needs.	

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CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Knowledge and Information Management**		
COMPETENCY DEFINITION :	**Able to promote the generation and sharing of knowledge and information through various processes and media, in order to enhance the collective knowledge base of local government**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Collect, categorise and track relevant information required for specific tasks and projects.	• Use appropriate information systems and technology to manage institutional knowledge and information sharing.	• Effectively predict future information and knowledge management requirements and systems.	• Create and support a vision and culture where team members are empowered to seek, gain and share knowledge and information.
• Analyse and interpret information to draw conclusions.	• Evaluate data from various sources and use information effectively to influence decisions and provide solutions.	• Develop standards and processes to meet future knowledge management needs.	• Establish partnerships across local government to facilitate knowledge management.
• Seek new sources of information to increase the knowledge base.	• Actively create mechanisms and structures for sharing information.	• Share and promote best-practice knowledge management across various institutions.	• Demonstrate a mature approach.
• Regularly share information and knowledge with internal stakeholders and team members.	• Use external and internal resources to research and provide relevant and cutting-edge knowledge to enhance institutional effectiveness and efficiency.	• Establish accurate measures and monitoring systems for knowledge and information management. • Create a culture conducive of learning and knowledge sharing. • Hold regular knowledge and information sharing sessions to elicit new ideas and share best practice approaches.	• Recognise and exploit knowledge points in interactions with internal and external stakeholders.

KC
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Chief Financial Officer
Mr Kevin Carolus

GM
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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Communication**		
COMPETENCY DEFINITION :	**Able to share information, knowledge and ideas in a clear, focused and concise manner appropriate for the audience in order to effectively convey, persuade and influence stakeholders to achieve the desired outcome.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Demonstrate an understanding for communication levers and tools appropriate for the audience, but requires guidance in utilising such tools.	• Express ideas to individuals and groups in formal and informal settings in a manner that is interesting and motivating.	• Effectively communicate high-risk and sensitive matters to relevant stakeholders.	• Regarded as a specialist in negotiations and representing the institution.
• Express ideas in a clear and focused manner, but does not always take the audience into consideration.	• Able to understand, tolerate and appreciate diverse perspectives, attitudes and beliefs.	• Develop a well-defined communication strategy.	• Able to inspire and motivate others through positive communication that is impactful and relevant.
• Disseminate and convey information and knowledge adequately.	• Adapt communication content and style to suit the audience and facilitate optimal information transfer.	• Balance political perspectives with institutional needs when communicating viewpoints on complex issues.	• Creates an environment conducive to transparent and productive communication and critical appreciate conversations.
	• Deliver content in a manner that gains support, commitment and agreement from relevant stakeholders.	• Able to effectively direct negotiations around complex.	• Able to coordinate negotiations at different levels within local government and externally.
	• Compile clear, focused, concise and well-structured written documents.	• Market and promote the institution to external stakeholders and seek to enhance a positive image of the institution. • Able to communicate with the media with high levels of moral competence and discipline.	

.....
Chief Financial Officer
Mr Kevin Carolus

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Results and Quality Focus**		
COMPETENCY DEFINITION :	**Able to maintain high quality standards, focus on achieving results and objectives while consistently striving to exceed expectations and encourage others to meet quality standards. Further, to actively monitor and measure results and quality against identified objectives.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Understand quality of work but requires guidance in attending to important matters.	• Focus on high-priority actions and does not become distracted by lower-priority activities.	• Consistently verify own standards and outcomes to ensure quality output.	• Coach and guide others to exceed quality standards and results.
• Show a basic commitment to achieving the correct results.	• Display firm commitment and pride in achieving the correct results.	• Focus on the end result and avoids being distracted	• Develop challenging, client-focused goals and sets high standards for personal performance.
• Produce the minimum level of results required in the role.	• Set quality standards and design processes and tasks around achieving set standards.	• Demonstrate a determined and committed approach to achieving results and quality standards.	• Commit to exceed the results and quality standards, monitor own performance and implement remedial interventions when required.
• Produce outcomes that is of a good standard.	• Produce output of high quality.	• Follow task and projects through to completion.	• Work with team to set ambitious and challenging team goals, communicating long- and short term expectations.
• Focus on the quantity of output but requires development in incorporating the quality of work.	• Able to balance the quantity and quality and quality of results in order to achieve objectives.	• Set challenging goals and objectives to self and team and display commitment to achieving expectations.	• Take appropriate risks to accomplish goals.
• Produce quality work in general circumstances, but fails to meet expectation when under pressure.	• Monitors progress, quality of work and use of resources; provide status updates and make adjustments as needed.	• Maintain a focus on quality outputs when placed under pressure.	• Overcome setbacks and adjust action plans to realise goals.
		• Establishing institutional systems for managing and assigning work, defining responsibilities, tracking, monitoring and measuring success, evaluating and valuing the work of the institution.	• Focus people on critical activities that yield a high impact.

KC

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Chief Financial Officer
Mr Kevin Carolus

GM

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Municipal Manager:
Ms Geraldine Mettler

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Annexure C:

Personal Development Plan

CHIEF FINANCIAL OFFICER

KC
.....
Chief Financial Officer
Mr Kevin Carolus

GM
.....
Municipal Manager:
Ms Geraldine Mettler

Skills Performance Gap	Outcomes Expected	Suggested training and / or development activity	Suggested mode of delivery	Suggested Time Frames	Work opportunity created to practice skill/development area	Support Person
1.						
2.						
3.						

Signed and accepted by the Employee

Date: 07/07/2021.

Signed by the Municipal Manager on behalf of the Municipality

Date: 07/07/2021.

ANNEXURE 3

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Performance Agreement
2021 – 2022

Director: Corporate Services

PERFORMANCE AGREEMENT

MADE AND ENTERED INTO BY AND BETWEEN
STELLENBOSCH MUNICIPALITY HEREBY REPRESENTED BY:

THE MUNICIPAL MANAGER
Ms Geraldine Mettler
(herein and after referred as Employer**)**

AND

DIRECTOR: CORPORATE SERVICES
Ms Annalene de Beer
(herein and after referred as Employee**)**

FOR THE FINANCIAL YEAR:

01 JULY 2021 – 30 JUNE 2022

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Director: Corporate Services
Ms Annalene de Beer

Municipal Manager:
Ms Geraldine Mettler

1. INTRODUCTION

1.1 The Employer, duly represented by **Ms Geraldine Mettler**, in her capacity as the Municipal Manager has entered into a contract of employment with the Employee, **Ms Annalene de Beer**, in terms of section 57(1)(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) ("the Systems Act"). The Employer and the Employee are hereinafter referred as "the Parties";

1.2 Section 57(1)(b) of the Systems Act, read with the Contract of Employment concluded between the parties, requires the Parties to conclude an annual performance agreement;

1.3 The Parties wish to ensure that they are clear about the goals to be achieved, and secure the commitment of the Employee to a set of outcomes that will promote local government policy goals;

1.4 The Parties wish to ensure that there is compliance with Sections 57(4B) and 57(5) of the Systems Act;

1.5 In this Agreement, the followings terms will have the meaning ascribed thereto:

1.5.1 "this Agreement" – means the performance agreement between the Employer and the employee and the Annexures thereto;

1.5.2 "the **Municipal Manager**" – means the Municipal Manager of the Municipality appointed in terms of Section 54(A) of the Systems Act;

1.5.3 "the Employee" means the **Director: Corporate Services** appointed in terms of Section 56 of the Systems Act;

1.5.4 "the Employer" means **Stellenbosch Municipality**; and

1.5.5 "the Parties" means the Employer and Employee.

2. PURPOSE OF THIS AGREEMENT

2.1 To comply with the provisions of Section 57(1)(b), (4B) and (5) of the Systems Act as well as the Contract of Employment entered into between the Parties;

2.2 To specify objectives and targets established for the Employee and to communicate to the Employee the Employer's expectations of the Employee's performance targets and accountabilities;

2.3 To specify accountabilities as set out in the Performance Plan (Annexure A);

2.4 To monitor and measure performance against set targeted outputs and outcomes;

2.5 To establish a transparent and accountable working relationship;

2.6 To appropriately reward the employee in accordance with section 11 of this agreement; and

2.7 To give effect to the Employer's commitment to a performance-orientated relationship with the Employee in attaining improved service delivery.

3. COMMENCEMENT AND DURATION

3.1 This Agreement will commence on **01 July 2021** and will remain in force until **30 June 2022** where-after a new Performance Agreement shall be concluded between the parties for the next financial year or any portion thereof;

3.2 The Parties will conclude a new Performance Agreement that replaces this Agreement at least once a year by not later than 31st of July of the succeeding financial year;

3.3 This Agreement will terminate on the termination of the Employee's contract of employment for any reason; and

3.4 The content of this Agreement may be revised at any time during the abovementioned period to determine the current applicability of the matters previously agreed upon.

4. PERFORMANCE OBJECTIVES

4.1 The Performance Plan (Annexure A) sets out –

4.1.1 The performance objectives and targets that must be met by the Employee;

4.1.2 The time frames within which those performance objectives and targets must be met; and

4.1.3 The core competency requirements (Annexure B – definitions) as the management skills regarded as critical to the position held by the Employee.

4.2 The performance objectives and targets reflected in Annexure A are set by the Employer in consultation with the Employee and based on the Integrated Development Plan, Service Delivery and Budget Implementation Plan (SDBIP) and the Budget of the Employer, and shall include:

4.2.1 Key objectives that describe the main tasks that need to be done;

4.2.2 Key performance indicators (KPIs) that provide the details of the evidence that must be provided to show that a key objective has been achieved;

4.2.3 Target dates that describe the timeframe in which the targets must be achieved; and

4.2.4 Weightings showing the relative importance of the key objectives to each other.

4.3 The Personal Development Plan (Annexure C) sets out the Employee's personal development requirements in line with the objectives and targets of the Employer; and

4.4 The Employee's performance will, in addition, be measured in terms of contributions to the goals and strategies set out in the Employer's Integrated Development Plan.

5. PERFORMANCE MANAGEMENT SYSTEM

5.1 The Employee agrees to participate in the performance management system that the Employer adopted for the employees of the Employer;

5.2 The Employee accepts that the purpose of the performance management system will be to provide a comprehensive system with specific performance standards to assist the employees and service providers to perform to the standards required;

5.3 The Employer will consult the Employee about the specific performance standards and targets that will be included in the performance management system applicable to the Employee;

5.4 The Employee undertakes to actively focus on the promotion and implementation of the Strategic Focus Areas (SFAs) (including special projects relevant to the employee's responsibilities) within the local government framework;

5.5 The criteria upon which the performance of the Employee shall be assessed shall consist of two components, SFAs and Competency Framework requirements as per the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, both of which shall be contained in the Performance Agreement;

5.6 The Employee's assessment will be based on his performance in terms of the outputs / outcomes (KPIs) identified as per attached Performance Plan (Annexure A), which are linked to the SFAs applicable to the Employee, and will constitute 80% of the overall assessment result as per the weightings agreed to between the Employer and Employee.

Table 1: Strategic Focus Areas

Strategic Focus Areas
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

5.7 The competency requirements for senior managers as per Regulation 9 of Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers will make up the other 20% of the Employee's assessment

score. The competencies will be assessed every six (6) months (January and July).

Table 2: Leading and Core Competencies

Leading and Core Competencies		
1.	**Strategic direction and leadership**	• Impact and influence • Institutional performance management • Strategic planning and management • Organisational awareness
2.	**People management**	• Human capital planning and development • Diversity management • Employee relations management • Negotiation and dispute management
3.	**Programme and project management**	• Programme and project planning and implementation • Service delivery management • Programme and project monitoring and evaluation
4.	**Financial management**	• Budget planning and execution • Financial strategy and delivery • Financial reporting and delivery
5.	**Change leadership**	• Change vision and strategy • Process design and improvement • Change impact monitoring and evaluation
6.	**Governance leadership**	• Policy formulation • Risk and compliance management • Cooperative governance
7.	**Moral competence**	• Core Competency
8.	**Planning and organising**	• Core Competency
9.	**Analysis and innovation**	• Core Competency
10.	**Knowledge and information management**	• Core Competency
11.	**Communication**	• Core Competency
12.	**Results and quality focus**	• Core Competency

6. PERFORMANCE ASSESSMENT

6.1 The Performance Plan (Annexure A) to this Agreement sets out –

6.1.1 The standards and procedures for evaluating the Employee's performance; and

6.1.2 The intervals for the evaluation of the Employee's performance.

6.2 Despite the establishment of agreed intervals for evaluation, the Employer may in addition review the Employee's performance at any stage while the contract of employment remains in force;

6.3 Personal growth and development needs identified during any performance review discussion must be documented in a Personal Development Plan as well

as the actions agreed to and implementation must take place within set time frames;

6.4 The Employee's performance will be measured in terms of contributions to the goals and strategies set out in the Employer's Integrated Development Plan (IDP) as described in 6.6 – 6.12 below;

6.5 The Employee will submit quarterly performance reports (SDBIP) and a comprehensive annual performance report at least one week prior to the performance assessment meetings to the Evaluation Panel Chairperson for distribution to the panel members for preparation purposes;

6.6 Assessment of the achievement of results as outlined in the performance plan:

6.6.1 Each KPI or group of KPIs shall be assessed according to the extent to which the specified standards or performance targets have been met and with due regard to ad-hoc tasks that had to be performed under the KPI;

6.6.2 A rating on the five-point scale shall be provided for each KPI or group of KPIs which will then be multiplied by the weighting to calculate the final score;

6.6.3 The Employee will submit his self-evaluation to the Employer prior to the formal assessment;

6.6.4 In the instance where the employee could not perform due to reasons outside the control of the employer and employee, the KPI will not be considered during the evaluation. The employee should provide sufficient evidence in such instances; and

6.6.5 An overall score will be calculated based on the total of the scores calculated above.

6.7 Assessment of the Competencies:

6.7.1 Each Competency shall be assessed in terms of the description provided in (Annexure B);

6.7.2 A rating shall be provided for each Competency which will then be multiplied by the weighting to calculate the final score; and

6.7.3 An overall score will be calculated based on the total of the scores calculated above.

6.8 Overall rating

6.8.1 An overall rating is calculated by adding the overall scores as calculated in 6.6.5 and 6.7.3 above; and

6.8.2 Such overall rating represents the outcome of the performance appraisal.

6.9 The assessment of the performance of the Employee will be based on the following rating scales for SFAs and Competencies respectively:

6.9.1 Rating scale for SFAs - as mentioned in paragraph 5.6:

Table 3: *Performance rating scale*

Level	Terminology	Description
5	Outstanding performance	Performance far exceeds the standard expected of an employee at this level. The appraisal indicates that the Employee has achieved above fully effective results against all performance criteria and indicators as specified in the PA and Performance plan and maintained this in all areas of responsibility throughout the year.
4	Performance significantly above expectations	Performance is significantly higher than the standard expected in the job. The appraisal indicates that the Employee has achieved above fully effective results against more than half of the performance criteria and indicators and fully achieved all others throughout the year.
3	Fully effective	Performance fully meets the standards expected in all areas of the job. The appraisal indicates that the Employee has fully achieved effective results against all significant performance criteria and indicators as specified in the PA and Performance Plan.
2	Not fully effective	Performance is below the standard required for the job in key areas. Performance meets some of the standards expected for the job. The review/assessment indicates that the employee has achieved below fully effective results against more than half the key performance criteria and indicators as specified in the PA and Performance Plan.
1	Unacceptable performance	Performance does not meet the standard expected for the job. The review/assessment indicates that they employee has achieved below fully effective results against almost all the performance criteria and indicators as specified in the PA and Performance Plan. The employee has failed to demonstrate the commitment or ability to bring performance up to the level expected in the job despite management efforts to encourage improvement.

6.9.2 Rating scale for Competencies -as mentioned in paragraph 5.7:

Table 4: ***Rating scale for Competencies***

Level	Achievement Levels	Description
5	Superior	Has a comprehensive understanding of local government operations, critical in shaping strategic direction and change, develops, and applies comprehensive concepts and methods
4	Advanced	Develops and applies complex concepts, methods and understanding. Effectively directs and leads a group and executes in-depth analyses

Level	Achievement Levels	Description
3	Competent	Develops and applies more progressive concepts, methods and understanding. Plans and guides the work of others and executes progressive analyses
2	Basic	Applies basic concepts, methods, and understanding of local government operations, but requires supervision and development intervention
1	Sub Standard	Applies little to no basic concepts, methods, and understanding of local government operations.

6.10 For purposes of evaluating the performance of the Employee for the year-end reviews, an evaluation panel constituted of the following persons will be established–

6.10.1 Municipal Manager;

6.10.2 Municipal Manager from another municipality;

6.10.3 Chairperson of the Performance Audit Committee or in his/her absence thereof, the Chairperson of the Audit Committee; and

6.10.4 The Member of the Mayoral Committee (Portfolio Chairperson).

6.11 The Municipal Manager will evaluate the performance of the Employee as at the end of the 1st, and 3rd quarters; and

6.12 The Municipal Manager will give performance feedback to the Employee within five (5) working days after each quarterly and annual assessment meeting.

7. SCHEDULE FOR PERFORMANCE REVIEWS

7.1 The performance of the Employee in relation to his performance agreement shall be reviewed on the following dates.

Table 5: Schedule for performance reviews

Quarter	Review Period	Review to be completed by
1	July - September	October / November 2021 (Informal)
2	October – December	January / February 2022 (Formal)
3	January – March	April / May 2022 (Informal)
4	April - June	After the receipt of the AG's Management Report

7.2 The Employer shall keep a record of the mid-year and year-end assessment meetings;

7.3 Performance feedback shall be based on the Employer's assessment of the Employee's performance;

7.4 The Employer will be entitled to review and make reasonable changes to the provisions of Annexure A from time to time for operational reasons. The Employee will be fully consulted before any such change is made; and

7.5 The Employer may amend the provisions of Annexure A whenever the performance management system is adopted, implemented, and/or amended as the case may be. In that case, the Employee will be fully consulted before any such change is made.

8. DEVELOPMENTAL REQUIREMENTS

8.1 The Personal Development Plan (PDP) for addressing developmental gaps is attached as Annexure C. Such Plan may be implemented and/or amended as the case may be after each assessment. In that case, the Employee will be fully consulted before any such change or plan is made.

9. OBLIGATIONS OF THE EMPLOYER

9.1 The Employer shall-

9.1.1 Create an enabling environment to facilitate effective performance by the employee;

9.1.2 Provide access to skills development and capacity building opportunities;

9.1.3 Work collaboratively with the Employee to solve problems and generate solutions to common problems that may impact on the performance of the Employee;

9.1.4 On the request of the Employee delegate such powers reasonably required by the Employee to enable him to meet the performance objectives and targets established in terms of this Agreement; and

9.1.5 Make available to the Employee such resources as the Employee may reasonably require from time to time assisting him to meet the performance objectives and targets established in terms of this Agreement.

10. CONSULTATION

10.1 The Employer agrees to consult the Employee timeously where the exercising of its powers will have amongst others-

10.1.1 A direct effect on the performance of any of the Employee's functions;

10.1.2 Commit the Employee to implement or to give effect to a decision made by the Employer; and

10.1.3 A substantial financial effect on the Employer.

10.2 The Employer agrees to inform the Employee of the outcome of any decisions taken pursuant to the exercise of powers contemplated in clause 12.1 as soon as is practicable to enable the Employee to take any necessary action with delay.

11. REWARD

11.1 The evaluation of the Employee's performance will form the basis for rewarding outstanding performance or correcting unacceptable performance;

11.2 The payment of the performance bonus is determined by the performance score obtained during the 4th quarter and as informed by the quarterly performance assessments;

11.3 A performance bonus of between 5% to 14% of the all- inclusive annual remuneration package may be paid to the Employee in recognition of outstanding performance to be constituted as follows:

Table 6: Performance bonus calculations

Performance Rating		Bonus Calculation
0% - 64%	Poor Performance	0% of total package
65% - 69%	Average Performance	5% of total package
70% - 74%	Fair Performance	9% of total package
75% - 79%	Good Performance	11% of total package
80% - 100%	Excellent Performance	14% of total package

11.4 In the event of the Employee terminating his services during the validity period of this Agreement, the Employee's performance will be evaluated for the portion during which he was employed and he will be entitled to a pro-rata performance bonus based on his evaluated performance for the period of actual service; and

11.5 The Employer will submit the total score of the annual assessment and of the Employee, to full Council for purposes of recommending the bonus allocation.

12. MANAGEMENT OF EVALUATION OUTCOMES

12.1 Where the Employer is, any time during the Employee's employment, not satisfied with the Employee's performance with respect to any matter dealt with in this Agreement, the Employer will give notice to the Employee to attend a meeting;

12.2 The Employee will have the opportunity at the meeting to satisfy the Employer of the measures being taken to ensure that his performance becomes satisfactory and any programme, including any dates, for implementing these measures;

12.3 Where there is a dispute or difference as to the performance of the Employee under this Agreement, the Parties will confer with a view to resolving the dispute or difference; and

12.4 In the case of unacceptable performance, the Employer shall –

12.4.1 Provide systematic remedial or developmental support to assist the Employee to improve his performance; and

12.4.2 After appropriate performance counselling and having provided the necessary guidance and/or support as well as reasonable time for improvement in performance, the Employer may consider steps to terminate the contract of employment of the Employee on grounds of unfitness or incapacity to carry out his or her duties.

13. DISPUTE RESOLUTION

13.1 In the event that the Employee is dissatisfied with any decision or action of the Employer in terms of this Agreement, or where a dispute or difference arises as to the extent to which the Employee has achieved the performance objectives and targets established in terms of this Agreement, the Employee may within 3 (three) business days, meet with the Employer with a view to resolving the issue. The Employer will record the outcome of the meeting in writing;

13.2 If the Parties cannot resolve the issues within 10 (ten) business days, an independent arbitrator, acceptable to both parties, shall be appointed to resolve the matter within 30 (thirty) business days; and

13.3 In the event that the mediation process contemplated above fails, the relevant clause of the Contract of Employment together with the relevant laws and regulations shall apply.

14. GENERAL

14.1 The contents of this agreement and the outcome of any review conducted in terms of Annexure A may be made available to the public by the Employer; and

14.2 Nothing in this agreement diminishes the obligations, duties, or accountabilities of the Employee in terms of his contract of employment, or the effects of existing or new regulations, circulars, policies, directives, or other instruments.

Thus, done and signed at Stellenbosch on the 07 day of July 2021.

DIRECTOR: CORPORATE SERVICES

AS WITNESSES:

1. _____

2. _____

Thus, done and signed at Stellenbosch on the 07 day of July 2021.

MUNICIPAL MANAGER

AS WITNESSES:

1. _____

2. _____

MEMBER OF MAYORAL COMMITTEE
(Portfolio: Corporate Services)
Cllr AR Frazenburg

Director: Corporate Services
Ms Annalene de Beer

Municipal Manager:
Ms Geraldine Mettler

STELLENBOSCH
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Annexure A
Performance Plan

DIRECTOR: CORPORATE SERVICES

Director: Corporate Services
Ms Annalene de Beer

Municipal Manager:
Ms Geraldine Mettler

The Performance Plan sets out:

a) Key Performance Areas that the employee should focus on, performance objectives, key performance indicators and targets that must be met within a specific timeframe; and
b) The Competencies required from employees prescribed in the Regulations on the appointment and conditions of employment of senior managers, R21 of 2014.

KEY PERFORMANCE INDICATORS

The key performance areas, the performance objectives, key performance indicators and targets that must be met within the agreed timeframe are described below. The assessment of these performance indicators will account for 80% **(eighty percent)** of the total employee assessment score.

Part 1: Implementation of Service Delivery and Budget Implementation Plan (80%)

DIRECTOR: CORPORATE SERVICES													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Section: Registry and Office Auxiliary Services	Percentage of indicators of the Section: Registry and Office Auxiliary Services achieved, measured quarterly	Outcome	New KPI	80% per annum	80%	SM	80%	80%	80%	80%	2
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Section: Secretariat / Committee Services	Percentage of indicators of the Section: Secretariat / Committee Services achieved, measured quarterly	Outcome	New KPI	80% per annum	80%	SM	80%	80%	80%	80%	2

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Director: Corporate Services
Ms Annalene de Beer

.....
Municipal Manager:
Ms Geraldine Mettler

DIRECTOR: CORPORATE SERVICES													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Department: Human Resources Management (HRM)	Percentage of indicators of the Department: Human Resources Management (HRM) achieved, measured quarterly	Outcome	74.77%	80% per annum	80%	SM	80%	80%	80%	80%	4
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Department: Information and Communications Technology (ICT)	Percentage of indicators of the Department: Information and Communications Technology (ICT) achieved, measured quarterly	Outcome	78.48%	80% per annum	80%	SM	80%	80%	80%	80%	4
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Section: Councillor's Support	Percentage of indicators of the Section: Councillor's Support achieved, measured quarterly	Outcome	79.62%	80% per annum	80%	SM	80%	80%	80%	80%	4
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Section: Properties Management and Municipal Building Maintenance	Percentage of indicators of the Section: Properties Management and Municipal Building Maintenance achieved, measured quarterly	Outcome	59.18%	80% per annum	80%	SM	80%	80%	80%	80%	4
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Section: Legal and Compliance Services	Percentage of indicators of the Section: Legal and Compliance Services achieved, measured quarterly	Outcome	96.25%	80% per annum	80%	SM	80%	80%	80%	80%	4
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Section: Municipal Court	Percentage of indicators of the Section: Municipal Court achieved, measured quarterly	Outcome	72.23%	80% per annum	80%	SM	80%	80%	80%	80%	4

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Director: Corporate Services
Ms Annalene de Beer

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Municipal Manager:
Ms Geraldine Mettler

DIRECTOR: CORPORATE SERVICES													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
KPI078	SFA 5: Good Governance and Compliance	Submission of the Revised Facility Management Plan to the MayCo	Number of Revised Facility Management Plans submitted to the MayCo by 31 May	Output	1	1 per annum	1	SM	N/A	N/A	N/A	1	3
KPI059	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/ Total Annual payroll Budget) x100), measured by 30 June	Input	0.13%	0.20% per annum	0.20%	SM	N/A	N/A	N/A	0.20%	2
KPI065	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	Output	1	1 per annum	1	SM	N/A	N/A	1	N/A	3
KPI066	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 March	Output	1	1 per annum	1	SM	N/A	N/A	1	N/A	3
KPI072	SFA 5: Good Governance and Compliance	Submission of a Draft Smart City Framework to the MayCo	Number of Draft Smart City Frameworks submitted to the MayCo by 31 May	Output	1	1 per annum	1	SM	N/A	N/A	N/A	1	3
TBC	SFA 5: Good Governance and Compliance	Spend the Directorate: Corporate Services approved Capital Budget	Percentage of approved Capital Budget of the Directorate: Corporate Services actually spent by 30 June	Input	68.24%	90% per annum	90%	SM	10%	30%	60%	90%	15

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DIRECTOR: CORPORATE SERVICES													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good Governance and Compliance	Submission of final bid specifications for all capital projects to the Bid Specification Committee (BSC) *(2022/23)*	Percentage of final bid specifications for all capital projects submitted to the BSC by 30 June *(50% by 31 March 2022 and 100% by 30 June 2022. For the 2022/23 financial year)*	Output	100%	100% per annum	100%	SM	N/A	N/A	50%	100%	5
TBC	SFA 5: Good Governance and Compliance	Submission of detailed procurement needs for all operational projects to the Supply Chain Management (SCM) Department	Number of quarterly detailed procurement needs submitted to SCM 10 days before start of the quarter	Output	4	4 per annum	4	SM	1 (1)	1 (2)	1 (3)	1 (4)	1
TBC	SFA 5: Good Governance and Compliance	Performance agreements signed with all identified personnel	Number of performance agreements signed by 31 August	Output	7	8 per annum	8	SM	8	N/A	N/A	N/A	2
TBC	SFA 5: Good Governance and Compliance	Conduct formal performance evaluations with all identified personnel	Number of formal performance evaluations conducted with all identified personnel by 28 February	Output	14	14 per annum	16	SM	N/A	N/A	16	N/A	2
TBC	SFA 5: Good Governance and Compliance	Develop Annual Departmental Risk Register	Number of Annual Departmental Risk Registers developed by 31 July	Output	1	1 per annum	1	SM	1	N/A	N/A	N/A	1
TBC	SFA 5: Good Governance and Compliance	Evaluation of the Departmental Risk Register	Number of Departmental Risk Registers evaluated quarterly	Output	3	4 per annum	4	SM	1 (1)	1 (2)	1 (3)	1 (4)	2
TBC	SFA 5: Good Governance and Compliance	Implementation of Council resolutions	Percentage of resolutions implemented measured quarterly	Output	70%	70% per annum	70%	SM	70%	70%	70%	70%	3

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DIRECTOR: CORPORATE SERVICES													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good Governance and Compliance	Attendance of quarterly Occupation Health and Safety (OHS) meetings	Number of quarterly OHS meetings attended by the Director or secondee	Output	5	4 per annum	4	SM	1 (1)	1 (2)	1 (3)	1 (4)	1
TBC	SFA 5: Good Governance and Compliance	Implementation of the ICT Strategy	Number of actions implemented as identified in the ICT Strategy by 30 June	Outcome	New KPI	4 per annum	4	SM	1 (1)	1 (2)	1 (3)	1 (4)	3
TBC	SFA 5: Good Governance and Compliance	Conduct a customer satisfaction survey (CSS)	Number of CSSs conducted by 31 March	Output	New KPI	1 per annum	1	SM	N/A	N/A	1	N/A	2
TBC	Good governance and Compliance	Implementation of the Directorate's actions as per the AGSA Audit Action Plan	Percentage of the Directorate's actions as per the AGSA Audit Action Plan implemented by 30 June	Outcome	New KPI	100% per annum	100%	SM	N/A	N/A	50%	100%	1
												Total	80

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Part 2: Competency Requirements (20%)

Ref	Leading and Core Competencies	(January) 1st Assessment	(July) Final Assessment	Weights	Comments
2.1	**Strategic direction and leadership**			**1.66%**	
2.2	**People management**			**1.66%**	
2.3	**Programme and project management**			**1.66%**	
2.4	**Financial management**			**1.66%**	
2.5	**Change leadership**			**1.67%**	
2.6	**Governance leadership**			**1.67%**	
2.7	**Moral competence**			**1.67%**	
2.8	**Planning and organising**			**1.67%**	
2.9	**Analysis and innovation**			**1.67%**	
2.10	**Knowledge and information management**			**1.67%**	
2.11	**Communication**			**1.67%**	
2.12	**Results and quality focus**			**1.67%**	
Total				**20%**	

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Annexure B
Competency Framework

DIRECTOR: CORPORATE SERVICES

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CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Strategic Direction and Leadership**		
COMPETENCY DEFINITION :	**Provide and direct a vision for the institution, and inspire and deploy others to deliver on the strategic institutional mandate.**		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Understand Institutional and departmental strategic objectives, but • lacks the ability to inspire others to achieve set mandate.	• Give direction to a team in realising the institution's strategic mandate and set objectives.	• Evaluate all activities to determine value and alignment to strategic intent.	• Structure and position the institution to local government priorities.
• Describe how specific tasks link to institutional strategies but has limited influence in directing a strategy.	• Has a positive impact and influence on the morale, engagement and participation of team members.	• Display in-depth knowledge and understanding of strategic planning.	• Actively use in-depth knowledge and understanding to develop and implement a comprehensive institutional framework.
• Has a basic understanding of institutional performance management, but lacks the ability to integrate systems into a collective whole.	• Develop action plans to execute and guide strategy.	• Align strategy and goals across all functional areas.	• Hold self-accountable for strategy execution and results.
• Demonstrate basic understanding of key decision making.	• Assist in defining performance measures to monitor the progress and effectiveness of the institution.	• Actively define performance measures to monitor the progress and effectiveness of the institution.	• Provide impact and influence through building and maintaining strategic relationships.
	• Displays an awareness of institutional structures and political factors.	• Consistently challenge strategic plans to ensure relevance.	• Create an environment that facilitates loyalty and innovation. Display a superior level of self-discipline and integrity in actions.
	• Effectively communicate barriers to execution to relevant parties.	• Understand institutional structures and political factors, and the consequences of actions.	• Integrate various systems into a collective whole to optimise institutional performance management.
	• Provide guidance to all stakeholders in the achievement of the strategic mandate.	• Empower others to follow the strategic direction and deal with complex situations.	• Uses understanding of competing interests to maneuver successfully to a win/win outcome.
	• Understand the aim and objectives of the institution and relate it to own work.	• Guide the institution through complex and ambiguous concern. • Use understanding of power relationships and dynamic tensions among key players	

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CLUSTER :	LEADING COMPETENCIES		
COMPETENCY NAME :	Strategic Direction and Leadership		
COMPETENCY DEFINITION :	Provide and direct a vision for the institution, and inspire and deploy others to deliver on the strategic institutional mandate.		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
		to frame communications and develop strategies, positions and alliances.	

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CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**People Management**		
COMPETENCY DEFINITION :	**Effectively manage, inspire and encourage people, respect diversity, optimise talent and build and nurture relationships in order to achieve institutional objectives.**		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Participate in team goalsetting and problem solving.	• Seek opportunities to increase team contribution and responsibility.	• Identify ineffective team and work processes and recommend remedial interventions.	• Develop and incorporate best practice people management processes, approaches and tools across the institution.
• Interact and collaborate with people of diverse backgrounds.	• Respect and support the diverse nature of others and be aware of the benefits of a diverse approach.	• Recognise and reward effective and desired behavior.	• Foster a culture of discipline, responsibility and accountability.
• Aware of guidelines for employee development, but requires support in implementing development initiatives.	• Effectively delegate tasks and empower others to increase contribution and execute functions optimally.	• Provide mentoring and guidance to others in order to increase personal effectiveness.	• Understand the impact of diversity in performance and actively incorporate a diversity strategy in the institution.
	• Apply relevant employee legislation fairly and consistently.	• Identify development and learning needs within the team.	• Develop comprehensive integrated strategies and approaches to human capital development and management.
	• Effectively identify capacity requirements to fulfill the strategic mandate.	• Inspire a culture of performance excellence by giving positive and constructive feedback to the team. • Achieve agreement or consensus in adversarial environments. • Lead and unite diverse teams across divisions to achieve institutional objectives.	• Actively identify trends and predict capacity requirements to facilitate unified transition and performance management.

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CLUSTER :	LEADING COMPETENCIES		
COMPETENCY NAME :	**Programme and Project Management**		
COMPETENCY DEFINITION :	**Able to understand program and project management methodology; plan, manage, monitor and evaluate specific activities in order to deliver on set objectives.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Initiate projects after approval from higher authorities.	• Establish broad stakeholder involvement and communicate the project status and key milestones.	• Manage multiple programs and balance priorities and conflicts according to institutional goals.	• Understand and conceptualise the long-term implications of desired project outcomes.
• Understand procedures of program and project management methodology, implications and stakeholder involvement.	• Define the roles and responsibilities of the project team and create clarity around expectations.	• Apply effective risk management strategies through impact assessment and resource requirements.	• Direct a comprehensive strategic macro and micro analysis and scope projects accordingly to realise institutional objectives.
• Understand the rational of projects in relation to the institution's strategic objectives.	• Find a balance between project deadline and the quality of deliverables.	• Modify project scope and budget when required without compromising the quality and objectives of the project.	• Influence people in positions of authority to implement outcomes of projects
• Document and communicate factors and risk associated with own work.	• Identify appropriate project resources to facilitate the effective completion of the deliverables.	• Involve top-level authorities and relevant stakeholders in seeking project buy-in.	• Lead and direct translation of policy into workable action plans
• Use results and approaches of successful project implementation as guide.	• Comply with statutory requirements and apply policies in a consistent manner. • Monitor progress and use of resources and make needed adjustments to timelines, steps and resource allocation.	• Identify and apply contemporary project management methodology • Influence and motivate project team to deliver exceptional results. • Monitor policy implementation and apply procedures to manage risks.	• Ensures that programs are monitored to track progress and optimal resource utilisation, and that adjustments are made as needed.

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CLUSTER :	LEADING COMPETENCIES		
COMPETENCY NAME :	Change Leadership		
COMPETENCY DEFINITION :	Able to direct and initiate institutional transformation on all levels in order to successfully drive and implement new initiatives and deliver professional and quality services to the community.		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Display an awareness of change interventions and the benefits of transformation initiatives.	• Perform an analysis of the change impact on the social, political and economic environment.	• Actively monitor change impact and results and convey progress to relevant stakeholders.	• Sponsor change agents and create a network of change leaders who support the interventions.
• Able to identify basic needs for change.	• Maintain calm and focus during change.	• Secure buy-in and sponsorship for change initiatives.	• Actively adapt current structures and processes to incorporate the change interventions.
• Identify gaps between the current and desired state.	• Able to assist team members during change and keep them focused on the deliverables.	• Continuously evaluate change strategy and design and introduce new approaches to enhance the institution's effectiveness.	• Mentor and guide team members on the effects of change, resistance factors and how to integrate change.
• Identify potential risk and challenges to transformation, including resistance to change factors.	• Volunteer to lead change efforts outside of own work team.	• Build and nurture relationships with various stakeholders to establish strategic alliance in facilitating change.	• Motivate and inspire others around change initiatives.
• Participate in change programs and piloting change interventions.	• Able to gain buy-in and approval for change from relevant stakeholders.	• Take the lead in impactful change programs.	
• Understand the impact of change interventions on the institution within the broader scope of local government.	• Identify change readiness levels and assist in resolving resistance to change factors. • Design change interventions that are aligned with the institution's strategic objectives and goals.	• Benchmark change interventions against best change practices. • Understand the impact and psychology of change and put remedial interventions in place to facilitate effective transformation. • Take calculated risk and seek new ideas from best practice scenarios and identify the potential for implementation.	

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CLUSTER :	LEADING COMPETENCIES		
COMPETENCY NAME :	**Financial Management**		
COMPETENCY DEFINITION :	**Able to compile, plan and manage budgets, control cash flow, institute financial risk management and administer procurement processes in accordance with recognised financial practices. Further to ensure that all financial transactions are managed in an ethical manner**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Understand basic financial concepts and methods as they relate to institutional processes and activities	• Exhibit knowledge of general financial concepts, planning, budgeting and forecasting and how they interrelate	• Take active ownership of planning, budgeting and forecasting processes and provides credible answers to queries within own responsibility.	• Develop planning tools to assist in evaluating and monitoring future expenditure trends.
• Display awareness into the various sources of financial data, reporting mechanisms, financial governance, processes and systems	• Assess, identify and manage financial risks.	• Prepare budgets that are aligned to the strategic objectives of the institution.	• Set budget frameworks for the institution.
• Understand the importance of financial accountability	• Assume a cost-saving approach to financial management.	• Address complex budgeting and financial management concerns.	• Set strategic direction for the institution on expenditure and other financial processes.
• Understand the importance of asset control.	• Prepare financial reports based on specified formats.	• Put systems and processes in place to enhance the quality and integrity of financial management practices.	• Build and nurture partnerships to improve financial management and achieve financial savings.
	• Consider and understand the financial implications of decisions and suggestions.	• Advise on policies and procedures regarding asset control.	• Actively identify and implement new methods to improve asset control.
	• Ensure that delegation and instructions as required by National Treasury guidelines are reviewed and updated. • Identify and implement proper monitoring and evaluation practices to ensure appropriate spending against budget.	• Promote National Treasury's regulatory framework for Financial Management.	• Display professionalism in dealing with financial data and processes.

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CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Governance Leadership**		
COMPETENCY DEFINITION:	**Able to promote, direct and apply professionalism in managing risk and compliance requirements and apply a thorough understanding of governance practices and obligations. Further, able to direct the conceptualisation of relevant policies and enhance cooperative governance relationships.**		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Display a basic awareness of risk, compliance and governance factors but require guidance and development in implementing such requirements.	• Display a thorough understanding of governance and risk and compliance factors and implement plans to address these.	• Able to link risk initiatives into key institutional objectives and drivers.	• Demonstrate a high level of commitment in complying with governance requirements.
• Understand the structure of cooperative government but requires guidance on fostering workable relationships between stakeholders.	• Demonstrate understanding of the techniques and processes for optimising risk taking decisions within the institution.	• Identify, analyse and measure risk, create valid risk forecasts and map risk profiles.	• Implement governance and compliance strategy to ensure achievement of institutional objectives within the legislative framework.
• Provide input into policy formulation.	• Actively drive policy formulation within the institution to ensure the achievement of objectives.	• Apply risk control methodology and approaches to prevent and reduce risk that impede on the achievement of institutional objectives.	• Able to advise local government on risk management, best practice interventions and compliance management.
		• Demonstrate a thorough understanding of risk retention plans.	• Able to forge positive relationships on cooperative governance level to enhance the effectiveness of local government.
		• Identify and implement comprehensive risk management systems and processes.	• Able to shape, direct and drive the formulation of policies on a macro level.
		• Implement and monitor the formulation of policies, identify and analyse constraints and challenges with implementation and provide recommendations for improvement.	

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CLUSTER :	CORE COMPETENCIES		
COMPETENCY NAME :	**Moral Competence**		
COMPETENCY DEFINITION :	**Able to identify moral triggers, apply reasoning that promotes honesty and integrity and consistently display behavior that reflects moral competence**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Realise the impact of acting with integrity, but requires guidance and development in implementing principles.	• Conduct self in alignment with the values of local government and the institution.	• Identify, develop and apply measures of self-correction.	• Create an environment conducive of moral practices.
• Follow basic rules and regulations of the institution.	• Able to openly admit own mistakes and weaknesses and seek assistance from others when unable to deliver.	• Able to gain trust and respect through aligning actions with commitments.	• Actively develop and implement measures to combat fraud and corruption.
• Able to identify basic moral situations, but requires guidance and development in understanding and reasoning with moral intent.	• Actively report fraudulent activity and corruption with local government.	• Make proposals and recommendations that are transparent and gain the approval of relevant stakeholders.	• Set integrity standards and shared accountability measures across the institution to support the objectives of local government.
	• Understand and honor the confidential nature of matters without seeking personal gain.	• Present values, beliefs and ideas that are congruent with the institution's rules and regulations.	• Take responsibility for own actions and decisions, even if the consequences are unfavorable.
	• Able to deal with situations of conflict of interest promptly and in the best interest of local government.	• Takes an active stance against corruption and dishonesty when noted.	
		• Actively promote the value of the institution to internal and external stakeholders.	
		• Able to work in unity with a team and not seek personal gain.	
		• Apply universal moral principles consistently to achieve moral decisions.	

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CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Planning and Organising**		
COMPETENCY DEFINITION :	**Able to plan, prioritise and organise information and resources effectively to ensure the quality of service delivery and build efficient contingency plans to manage risk.**		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Able to follow basic plans and organise tasks around set objectives.	• Actively and appropriately organise information and resources required for a task.	• Able to define institutional objectives, develop comprehensive plans, integrate and coordinate activities and assign appropriate resources for successful implementation.	• Focus on broad strategies and initiatives when developing plans and actions.
• Understand the process of planning and organising but requires guidance and development in providing detailed and comprehensive plans.	• Recognise the urgency and importance of tasks.	• Identify in advance required stages and actions to complete tasks.	• Able to protect and forecast short, medium and long term requirements of the institution and local government.
• Able to follow existing plans and ensure that objectives are met.	• Balance short and long-term plans and goals and incorporate into the team's performance objectives.	• Schedule realistic timelines, objectives and milestones for tasks and projects.	• Translate policy into relevant projects to facilitate the achievement of institutional objectives.
• Focus on short-term objectives in developing plans and actions	• Schedule tasks to ensure they are performed within budget and with efficient use of time and resources.	• Produce clear, detailed and comprehensive plans to achieve institutional objectives.	
• Arrange information and resources required for a task, but require further structure and organisation.	• Measures progress and monitor performance results.	• Identify possible risk factors and design and implement appropriate contingency plans. • Adapt plans in light of changing circumstances. • Prioritise tasks and projects according to their relevant urgency and importance.	

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CLUSTER :	CORE COMPETENCIES		
COMPETENCY NAME :	**Analysis and Innovation**		
COMPETENCY DEFINITION :	**Able to critically analyse information, challenges and trends to establish and implement fact-based solutions that are innovative to improve institutional processes in order to achieve key strategic objectives**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Understand the basic operation of analysis, but lack detail and thoroughness.	• Demonstrate logical problem solving techniques and approaches and provide rationale for recommendations.	• Coaches team members on analytical and innovative approaches and techniques.	• Demonstrate complex analytical and problem solving approaches and techniques.
• Able to balance independent analysis with requesting assistance from others.	• Demonstrate objectivity, insight and thoroughness when analysing problems.	• Engage with appropriate individuals in analysing and resolving complex problems.	• Create an environment conducive to analytical and fact-based problem solving.
• Recommend new ways to perform tasks within own function.	• Able to break down complex problems into manageable parts and identify solutions.	• Identify solutions on various areas in the institution.	• Analyse, recommend solutions and monitor trends in key challenges to prevent and manage occurrence.
• Propose simple remedial interventions that marginally challenges the status quo.	• Consult internal and external stakeholders on opportunities to improve processes and service delivery.	• Formulate and implement new ideas throughout the institution.	• Create an environment that fosters innovative thinking and follows a learning organisation approach.
• Listen to the ideas and perspectives of others and explore opportunities to enhance such innovative thinking.	• Clearly communicate the benefits of new opportunities and innovative solutions and stakeholders.	• Able to gain approval and buy-in for proposed interventions from relevant stakeholders.	• Be a thought leader on innovative customer service delivery and process optimisation.
	• Continuously identify opportunities to enhance internal processes.	• Identify trends and best practices in process and service delivery and propose institutional application.	• Play an active role in sharing best practice solutions and engage in national and international local government seminars and conferences.
	• Identify and analyse opportunities conducive to innovative approaches and propose remedial intervention.	• Continuously engage in research to identify client needs.	

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CLUSTER :	CORE COMPETENCIES		
COMPETENCY NAME :	**Knowledge and Information Management**		
COMPETENCY DEFINITION :	**Able to promote the generation and sharing of knowledge and information through various processes and media, in order to enhance the collective knowledge base of local government**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Collect, categorise and track relevant information required for specific tasks and projects.	• Use appropriate information systems and technology to manage institutional knowledge and information sharing.	• Effectively predict future information and knowledge management requirements and systems.	• Create and support a vision and culture where team members are empowered to seek, gain and share knowledge and information.
• Analyse and interpret information to draw conclusions.	• Evaluate data from various sources and use information effectively to influence decisions and provide solutions.	• Develop standards and processes to meet future knowledge management needs.	• Establish partnerships across local government to facilitate knowledge management.
• Seek new sources of information to increase the knowledge base.	• Actively create mechanisms and structures for sharing information.	• Share and promote best-practice knowledge management across various institutions.	• Demonstrate a mature approach.
• Regularly share information and knowledge with internal stakeholders and team members.	• Use external and internal resources to research and provide relevant and cutting-edge knowledge to enhance institutional effectiveness and efficiency.	• Establish accurate measures and monitoring systems for knowledge and information management. • Create a culture conducive of learning and knowledge sharing. • Hold regular knowledge and information sharing sessions to elicit new ideas and share best practice approaches.	• Recognise and exploit knowledge points in interactions with internal and external stakeholders.

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CLUSTER :	CORE COMPETENCIES		
COMPETENCY NAME :	**Communication**		
COMPETENCY DEFINITION :	**Able to share information, knowledge and ideas in a clear, focused and concise manner appropriate for the audience in order to effectively convey, persuade and influence stakeholders to achieve the desired outcome.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Demonstrate an understanding for communication levers and tools appropriate for the audience, but requires guidance in utilising such tools.	• Express ideas to individuals and groups in formal and informal settings in a manner that is interesting and motivating.	• Effectively communicate high-risk and sensitive matters to relevant stakeholders.	• Regarded as a specialist in negotiations and representing the institution.
• Express ideas in a clear and focused manner, but does not always take the audience into consideration.	• Able to understand, tolerate and appreciate diverse perspectives, attitudes and beliefs.	• Develop a well-defined communication strategy.	• Able to inspire and motivate others through positive communication that is impactful and relevant.
• Disseminate and convey information and knowledge adequately.	• Adapt communication content and style to suit the audience and facilitate optimal information transfer.	• Balance political perspectives with institutional needs when communicating viewpoints on complex issues.	• Creates an environment conducive to transparent and productive communication and critical appreciate conversations.
	• Deliver content in a manner that gains support, commitment and agreement from relevant stakeholders.	• Able to effectively direct negotiations around complex.	• Able to coordinate negotiations at different levels within local government and externally.
	• Compile clear, focused, concise and well-structured written documents.	• Market and promote the institution to external stakeholders and seek to enhance a positive image of the institution. • Able to communicate with the media with high levels of moral competence and discipline.	

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CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Results and Quality Focus**		
COMPETENCY DEFINITION :	**Able to maintain high quality standards, focus on achieving results and objectives while consistently striving to exceed expectations and encourage others to meet quality standards. Further, to actively monitor and measure results and quality against identified objectives.**		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Understand quality of work but requires guidance in attending to important matters.	• Focus on high-priority actions and does not become distracted by lower-priority activities.	• Consistently verify own standards and outcomes to ensure quality output.	• Coach and guide others to exceed quality standards and results.
• Show a basic commitment to achieving the correct results.	• Display firm commitment and pride in achieving the correct results.	• Focus on the end result and avoids being distracted	• Develop challenging, client-focused goals and sets high standards for personal performance.
• Produce the minimum level of results required in the role.	• Set quality standards and design processes and tasks around achieving set standards.	• Demonstrate a determined and committed approach to achieving results and quality standards.	• Commit to exceed the results and quality standards, monitor own performance and implement remedial interventions when required.
• Produce outcomes that is of a good standard.	• Produce output of high quality.	• Follow task and projects through to completion.	• Work with team to set ambitious and challenging team goals, communicating long- and short term expectations.
• Focus on the quantity of output but requires development in incorporating the quality of work.	• Able to balance the quantity and quality and quality of results in order to achieve objectives.	• Set challenging goals and objectives to self and team and display commitment to achieving expectations.	• Take appropriate risks to accomplish goals.
• Produce quality work in general circumstances, but fails to meet expectation when under pressure.	• Monitors progress, quality of work and use of resources; provide status updates and make adjustments as needed.	• Maintain a focus on quality outputs when placed under pressure.	• Overcome setbacks and adjust action plans to realise goals.
		• Establishing institutional systems for managing and assigning work, defining responsibilities, tracking, monitoring and measuring success, evaluating and valuing the work of the institution.	• Focus people on critical activities that yield a high impact.

.....
Director: Corporate Services
Ms Annalene de Beer

.....
Municipal Manager:
Ms Geraldine Mettler

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Annexure C:

Personal Development Plan

DIRECTOR: CORPORATE SERVICES

Director: Corporate Services
Ms Annalene de Beer

Municipal Manager:
Ms Geraldine Mettler

Skills Performance Gap	Outcomes Expected	Suggested training and / or development activity	Suggested mode of delivery	Suggested Time Frames	Work opportunity created to practice skill / development area	Support Person
1.						
2.						
3.						

Signed and accepted by the Employee

Date: 07/07/2021.

Signed by the Municipal Manager on behalf of the Municipality

Date: 07/07/2021.

ANNEXURE 4

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Performance Agreement

2021 – 2022

Director: Planning and Economic Development

AB GM

PERFORMANCE AGREEMENT

MADE AND ENTERED INTO BY AND BETWEEN
STELLENBOSCH MUNICIPALITY HEREBY REPRESENTED BY:

THE MUNICIPAL MANAGER
Ms Geraldine Mettler
(herein and after referred as Employer)

AND

DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT
Mr Anthony Barnes
(herein and after referred as Employee)

FOR THE FINANCIAL YEAR:

01 JULY 2021 – 30 JUNE 2022

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Director: Planning and Economic Development
Mr Anthony Barnes

Municipal Manager
Ms Geraldine Mettler

1. INTRODUCTION

1.1 The Employer, duly represented by **Ms Geraldine Mettler**, in her capacity as the Municipal Manager has entered into a contract of employment with the Employee, **Mr Anthony Barnes**, in terms of section 57(1)(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) ("the Systems Act"). The Employer and the Employee are hereinafter referred as "the Parties";

1.2 Section 57(1)(b) of the Systems Act, read with the Contract of Employment concluded between the parties, requires the Parties to conclude an annual performance agreement;

1.3 The Parties wish to ensure that they are clear about the goals to be achieved, and secure the commitment of the Employee to a set of outcomes that will promote local government policy goals;

1.4 The Parties wish to ensure that there is compliance with Sections 57(4B) and 57(5) of the Systems Act;

1.5 In this Agreement, the followings terms will have the meaning ascribed thereto:

1.5.1 "this Agreement" – means the performance agreement between the Employer and the employee and the Annexures thereto;

1.5.2 "the **Municipal Manager**" – means the Municipal Manager of the Municipality appointed in terms of Section 54(A) of the Systems Act;

1.5.3 "the Employee" means the **Director: Planning and Economic Development** appointed in terms of Section 56 of the Systems Act;

1.5.4 "the Employer" means **Stellenbosch Municipality**; and

1.5.5 "the Parties" means the Employer and Employee.

2. PURPOSE OF THIS AGREEMENT

2.1 To comply with the provisions of Section 57(1)(b), (4B) and (5) of the Systems Act as well as the Contract of Employment entered into between the Parties;

2.2 To specify objectives and targets established for the Employee and to communicate to the Employee the Employer's expectations of the Employee's performance targets and accountabilities;

2.3 To specify accountabilities as set out in the Performance Plan (Annexure A);

2.4 To monitor and measure performance against set targeted outputs and outcomes;

2.5 To establish a transparent and accountable working relationship;

2.6 To appropriately reward the employee in accordance with section 11 of this agreement; and

2.7 To give effect to the Employer's commitment to a performance-orientated relationship with the Employee in attaining improved service delivery.

3. COMMENCEMENT AND DURATION

3.1 This Agreement will commence on **01 July 2021** and will remain in force until **30 June 2022** where-after a new Performance Agreement shall be concluded between the parties for the next financial year or any portion thereof;

3.2 The Parties will conclude a new Performance Agreement that replaces this Agreement at least once a year by not later than 31st of July of the succeeding financial year;

3.3 This Agreement will terminate on the termination of the Employee's contract of employment for any reason; and

3.4 The content of this Agreement may be revised at any time during the abovementioned period to determine the current applicability of the matters previously agreed upon.

4. PERFORMANCE OBJECTIVES

4.1 The Performance Plan (Annexure A) sets out –

4.1.1 The performance objectives and targets that must be met by the Employee;

4.1.2 The time frames within which those performance objectives and targets must be met; and

4.1.3 The core competency requirements (Annexure B – definitions) as the management skills regarded as critical to the position held by the Employee.

4.2 The performance objectives and targets reflected in Annexure A are set by the Employer in consultation with the Employee and based on the Integrated Development Plan, Service Delivery and Budget Implementation Plan (SDBIP) and the Budget of the Employer, and shall include:

4.2.1 Key objectives that describe the main tasks that need to be done;

4.2.2 Key performance indicators (KPIs) that provide the details of the evidence that must be provided to show that a key objective has been achieved;

4.2.3 Target dates that describe the timeframe in which the targets must be achieved; and

4.2.4 Weightings showing the relative importance of the key objectives to each other.

4.3 The Personal Development Plan (Annexure C) sets out the Employee's personal development requirements in line with the objectives and targets of the Employer; and

4.4 The Employee's performance will, in addition, be measured in terms of contributions to the goals and strategies set out in the Employer's Integrated Development Plan.

5. PERFORMANCE MANAGEMENT SYSTEM

5.1 The Employee agrees to participate in the performance management system that the Employer adopted for the employees of the Employer;

5.2 The Employee accepts that the purpose of the performance management system will be to provide a comprehensive system with specific performance standards to assist the employees and service providers to perform to the standards required;

5.3 The Employer will consult the Employee about the specific performance standards and targets that will be included in the performance management system applicable to the Employee;

5.4 The Employee undertakes to actively focus on the promotion and implementation of the Strategic Focus Areas (SFAs) (including special projects relevant to the employee's responsibilities) within the local government framework;

5.5 The criteria upon which the performance of the Employee shall be assessed shall consist of two components, SFAs and Competency Framework requirements as per the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, both of which shall be contained in the Performance Agreement;

5.6 The Employee's assessment will be based on his performance in terms of the outputs / outcomes (KPIs) identified as per attached Performance Plan (Annexure A), which are linked to the SFAs applicable to the Employee, and will constitute 80% of the overall assessment result as per the weightings agreed to between the Employer and Employee.

Table 1: Strategic Focus Areas

Strategic Focus Areas
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

5.7 The competency requirements for senior managers as per Regulation 9 of Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers will make up the other 20% of the Employee's assessment

score. The competencies will be assessed every six (6) months (January and July).

Table 2: Leading and Core Competencies

Leading and Core Competencies		
1.	**Strategic direction and leadership**	• Impact and influence • Institutional performance management • Strategic planning and management • Organisational awareness
2.	**People management**	• Human capital planning and development • Diversity management • Employee relations management • Negotiation and dispute management
3.	**Programme and project management**	• Programme and project planning and implementation • Service delivery management • Programme and project monitoring and evaluation
4.	**Financial management**	• Budget planning and execution • Financial strategy and delivery • Financial reporting and delivery
5.	**Change leadership**	• Change vision and strategy • Process design and improvement • Change impact monitoring and evaluation
6.	**Governance leadership**	• Policy formulation • Risk and compliance management • Cooperative governance
7.	**Moral competence**	• Core Competency
8.	**Planning and organising**	• Core Competency
9.	**Analysis and innovation**	• Core Competency
10.	**Knowledge and information management**	• Core Competency
11.	**Communication**	• Core Competency
12.	**Results and quality focus**	• Core Competency

6. PERFORMANCE ASSESSMENT

6.1 The Performance Plan (Annexure A) to this Agreement sets out –

6.1.1 The standards and procedures for evaluating the Employee's performance; and

6.1.2 The intervals for the evaluation of the Employee's performance.

6.2 Despite the establishment of agreed intervals for evaluation, the Employer may in addition review the Employee's performance at any stage while the contract of employment remains in force;

6.3 Personal growth and development needs identified during any performance review discussion must be documented in a Personal Development Plan as well

as the actions agreed to and implementation must take place within set time frames;

6.4 The Employee's performance will be measured in terms of contributions to the goals and strategies set out in the Employer's Integrated Development Plan (IDP) as described in 6.6 – 6.12 below;

6.5 The Employee will submit quarterly performance reports (SDBIP) and a comprehensive annual performance report at least one week prior to the performance assessment meetings to the Evaluation Panel Chairperson for distribution to the panel members for preparation purposes;

6.6 Assessment of the achievement of results as outlined in the performance plan:

6.6.1 Each KPI or group of KPIs shall be assessed according to the extent to which the specified standards or performance targets have been met and with due regard to ad-hoc tasks that had to be performed under the KPI;

6.6.2 A rating on the five-point scale shall be provided for each KPI or group of KPIs which will then be multiplied by the weighting to calculate the final score;

6.6.3 The Employee will submit his self-evaluation to the Employer prior to the formal assessment;

6.6.4 In the instance where the employee could not perform due to reasons outside the control of the employer and employee, the KPI will not be considered during the evaluation. The employee should provide sufficient evidence in such instances; and

6.6.5 An overall score will be calculated based on the total of the scores calculated above.

6.7 Assessment of the Competencies:

6.7.1 Each Competency shall be assessed in terms of the description provided in (Annexure B);

6.7.2 A rating shall be provided for each Competency which will then be multiplied by the weighting to calculate the final score; and

6.7.3 An overall score will be calculated based on the total of the scores calculated above.

6.8 Overall rating

6.8.1 An overall rating is calculated by adding the overall scores as calculated in 6.6.5 and 6.7.3 above; and

6.8.2 Such overall rating represents the outcome of the performance appraisal.

6.9 The assessment of the performance of the Employee will be based on the following rating scales for SFAs and Competencies respectively:

6.9.1 Rating scale for SFAs - as mentioned in paragraph 5.6:

Table 3: Performance rating scale

Level	Terminology	Description
5	**Outstanding performance**	Performance far exceeds the standard expected of an employee at this level. The appraisal indicates that the Employee has achieved above fully effective results against all performance criteria and indicators as specified in the PA and Performance plan and maintained this in all areas of responsibility throughout the year.
4	**Performance significantly above expectations**	Performance is significantly higher than the standard expected in the job. The appraisal indicates that the Employee has achieved above fully effective results against more than half of the performance criteria and indicators and fully achieved all others throughout the year.
3	**Fully effective**	Performance fully meets the standards expected in all areas of the job. The appraisal indicates that the Employee has fully achieved effective results against all significant performance criteria and indicators as specified in the PA and Performance Plan.
2	**Not fully effective**	Performance is below the standard required for the job in key areas. Performance meets some of the standards expected for the job. The review/assessment indicates that the employee has achieved below fully effective results against more than half the key performance criteria and indicators as specified in the PA and Performance Plan.
1	**Unacceptable performance**	Performance does not meet the standard expected for the job. The review/assessment indicates that they employee has achieved below fully effective results against almost all the performance criteria and indicators as specified in the PA and Performance Plan. The employee has failed to demonstrate the commitment or ability to bring performance up to the level expected in the job despite management efforts to encourage improvement.

6.9.2 Rating scale for Competencies -as mentioned in paragraph 5.7:

Table 4: Rating scale for Competencies

Level	Achievement Levels	Description
5	**Superior**	Has a comprehensive understanding of local government operations, critical in shaping strategic direction and change, develops, and applies comprehensive concepts and methods
4	**Advanced**	Develops and applies complex concepts, methods and understanding. Effectively directs and leads a group and executes in-depth analyses

Level	Achievement Levels	Description
3	Competent	Develops and applies more progressive concepts, methods and understanding. Plans and guides the work of others and executes progressive analyses
2	Basic	Applies basic concepts, methods, and understanding of local government operations, but requires supervision and development intervention
1	Sub Standard	Applies little to no basic concepts, methods, and understanding of local government operations.

6.10 For purposes of evaluating the performance of the Employee for the year-end reviews, an evaluation panel constituted of the following persons will be established–

6.10.1 Municipal Manager;

6.10.2 Municipal Manager from another municipality;

6.10.3 Chairperson of the Performance Audit Committee or in his/her absence thereof, the Chairperson of the Audit Committee; and

6.10.4 The Member of the Mayoral Committee (Portfolio Chairperson).

6.11 The Municipal Manager will evaluate the performance of the Employee as at the end of the 1st, and 3rd quarters; and

6.12 The Municipal Manager will give performance feedback to the Employee within five (5) working days after each quarterly and annual assessment meeting.

7. SCHEDULE FOR PERFORMANCE REVIEWS

7.1 The performance of the Employee in relation to his performance agreement shall be reviewed on the following dates.

Table 5: Schedule for performance reviews

Quarter	Review Period	Review to be completed by
1	July - September	October / November 2021 (Informal)
2	October – December	January / February 2022 (Formal)
3	January – March	April / May 2022 (Informal)
4	April - June	After the receipt of the AG's Management Report

7.2 The Employer shall keep a record of the mid-year and year-end assessment meetings;

7.3 Performance feedback shall be based on the Employer's assessment of the Employee's performance;

7.4 The Employer will be entitled to review and make reasonable changes to the provisions of Annexure A from time to time for operational reasons. The Employee will be fully consulted before any such change is made; and

7.5 The Employer may amend the provisions of Annexure A whenever the performance management system is adopted, implemented, and/or amended as the case may be. In that case, the Employee will be fully consulted before any such change is made.

8. DEVELOPMENTAL REQUIREMENTS

8.1 The Personal Development Plan (PDP) for addressing developmental gaps is attached as Annexure C. Such Plan may be implemented and/or amended as the case may be after each assessment. In that case, the Employee will be fully consulted before any such change or plan is made.

9. OBLIGATIONS OF THE EMPLOYER

9.1 The Employer shall-

9.1.1 Create an enabling environment to facilitate effective performance by the employee;

9.1.2 Provide access to skills development and capacity building opportunities;

9.1.3 Work collaboratively with the Employee to solve problems and generate solutions to common problems that may impact on the performance of the Employee;

9.1.4 On the request of the Employee delegate such powers reasonably required by the Employee to enable him to meet the performance objectives and targets established in terms of this Agreement; and

9.1.5 Make available to the Employee such resources as the Employee may reasonably require from time to time assisting him to meet the performance objectives and targets established in terms of this Agreement.

10. CONSULTATION

10.1 The Employer agrees to consult the Employee timeously where the exercising of its powers will have amongst others-

10.1.1 A direct effect on the performance of any of the Employee's functions;

10.1.2 Commit the Employee to implement or to give effect to a decision made by the Employer; and

10.1.3 A substantial financial effect on the Employer.

10.2 The Employer agrees to inform the Employee of the outcome of any decisions taken pursuant to the exercise of powers contemplated in clause 12.1 as soon as is practicable to enable the Employee to take any necessary action with delay.

11. REWARD

11.1 The evaluation of the Employee's performance will form the basis for rewarding outstanding performance or correcting unacceptable performance;

11.2 The payment of the performance bonus is determined by the performance score obtained during the 4th quarter and as informed by the quarterly performance assessments;

11.3 A performance bonus of between 5% to 14% of the all- inclusive annual remuneration package may be paid to the Employee in recognition of outstanding performance to be constituted as follows:

Table 6: Performance bonus calculations

Performance Rating		Bonus Calculation
0% - 64%	Poor Performance	0% of total package
65% - 69%	Average Performance	5% of total package
70% - 74%	Fair Performance	9% of total package
75% - 79%	Good Performance	11% of total package
80% - 100%	Excellent Performance	14% of total package

11.4 In the event of the Employee terminating his services during the validity period of this Agreement, the Employee's performance will be evaluated for the portion during which he was employed and he will be entitled to a pro-rata performance bonus based on his evaluated performance for the period of actual service; and

11.5 The Employer will submit the total score of the annual assessment and of the Employee, to full Council for purposes of recommending the bonus allocation.

12. MANAGEMENT OF EVALUATION OUTCOMES

12.1 Where the Employer is, any time during the Employee's employment, not satisfied with the Employee's performance with respect to any matter dealt with in this Agreement, the Employer will give notice to the Employee to attend a meeting;

12.2 The Employee will have the opportunity at the meeting to satisfy the Employer of the measures being taken to ensure that his performance becomes satisfactory and any programme, including any dates, for implementing these measures;

12.3 Where there is a dispute or difference as to the performance of the Employee under this Agreement, the Parties will confer with a view to resolving the dispute or difference; and

12.4 In the case of unacceptable performance, the Employer shall –

12.4.1 Provide systematic remedial or developmental support to assist the Employee to improve his performance; and

12.4.2 After appropriate performance counselling and having provided the necessary guidance and/or support as well as reasonable time for improvement in performance, the Employer may consider steps to terminate the contract of employment of the Employee on grounds of unfitness or incapacity to carry out his or her duties.

13. DISPUTE RESOLUTION

13.1 In the event that the Employee is dissatisfied with any decision or action of the Employer in terms of this Agreement, or where a dispute or difference arises as to the extent to which the Employee has achieved the performance objectives and targets established in terms of this Agreement, the Employee may within 3 (three) business days, meet with the Employer with a view to resolving the issue. The Employer will record the outcome of the meeting in writing;

13.2 If the Parties cannot resolve the issues within 10 (ten) business days, an independent arbitrator, acceptable to both parties, shall be appointed to resolve the matter within 30 (thirty) business days; and

13.3 In the event that the mediation process contemplated above fails, the relevant clause of the Contract of Employment together with the relevant laws and regulations shall apply.

14. GENERAL

14.1 The contents of this agreement and the outcome of any review conducted in terms of Annexure A may be made available to the public by the Employer; and

14.2 Nothing in this agreement diminishes the obligations, duties, or accountabilities of the Employee in terms of his contract of employment, or the effects of existing or new regulations, circulars, policies, directives, or other instruments.

Thus, done and signed at Stellenbosch on the 07 day of July 2021.

DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

AS WITNESSES:

1. _____

2. _____

Thus, done and signed at Stellenbosch on the 07 day of July 2021.

MUNICIPAL MANAGER

AS WITNESSES:

1. _____

2. _____

MEMBER OF MAYORAL COMMITTEE
(Portfolio: Integrated Human Settlements)
Cllr N Jindela GHM via Doenter (PP)
(Mayor)

MEMBER OF MAYORAL COMMITTEE
(Portfolio: Planning, Local Economic Development and Tourism)
Cllr E Groenewald

MEMBER OF MAYORAL COMMITTEE
(Portfolio: Rural Management)
Cllr S Peters

.....
Director: Planning and Economic Development
Mr Anthony Barnes

.....
Municipal Manager
Ms Geraldine Mettler

STELLENBOSCH
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Annexure A
Performance Plan

DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

.....
Director: Planning and Economic Development
Mr Anthony Barnes

.....
Municipal Manager
Ms Geraldine Mettler

The Performance Plan sets out:

a) Key Performance Areas that the employee should focus on, performance objectives, key performance indicators and targets that must be met within a specific timeframe; and

b) The Competencies required from employees prescribed in the Regulations on the appointment and conditions of employment of senior managers, R21 of 2014.

KEY PERFORMANCE INDICATORS

The key performance areas, the performance objectives, key performance indicators and targets that must be met within the agreed timeframe are described below. The assessment of these performance indicators will account for 80% **(eighty percent)** of the total employee assessment score.

Part 1: Implementation of Service Delivery and Budget Implementation Plan (80%)

DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT														
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Department: Development Management	Percentage of indicators of the Department: Development Management achieved, measured quarterly	Outcome	75%	80% per annum	80%	SM	80%	80%	80%	80%	6
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Department: Development Planning	Percentage of indicators of the Department: Development Planning achieved, measured quarterly	Outcome	75%	80% per annum	80%	SM	80%	80%	80%	80%	6

.....
Director: Planning and Economic Development
Mr Anthony Barnes

.....
Municipal Manager
Ms Geraldine Mettler

DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Department: Integrated Human Settlements	Percentage of indicators of the Department: Integrated Human Settlements achieved, measured quarterly	Outcome	70%	80% per annum	80%	SM	80%	80%	80%	80%	6
KPI007	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 through the Municipality's local economic development initiatives including capital projects by 30 June	Outcome	1 656	1 300 per annum	1 300	SM	400 (400)	900 (900)	1 100 (1 100)	1 300 (1 300)	3
KPI008	SFA 1: Valley of Possibility	Land-use applications considered by the Municipal Planning Tribunal within 120 from days from a complete land-use application	Percentage of land-use applications considered by the Municipal Planning Tribunal within 120 days from a complete land-use application	Outcome	0%	75% per annum	75%	SM	75%	75%	75%	75%	3
KPI009	SFA 1: Valley of Possibility	Training opportunities provided for entrepreneurs and Small, Medium and Micro Enterprises (SMMEs)	Number of quarterly training opportunities provided for entrepreneurs and SMMEs	Output	4	4 per annum	4	SM	1 (1)	1 (2)	1 (3)	1 (4)	2
KPI010	SFA 1: Valley of Possibility	Revised Spatial Development Framework (SDF) submitted to Council	Number of Revised SDFs submitted to Council by 30 June	Output	New KPI	1 per annum	1	SM	N/A	N/A	N/A	1	2
KPI012	SFA 1: Valley of Possibility	Revised Housing Pipeline (document) submitted to the Mayoral Committee (MayCo)	Number of Revised Housing Pipelines (documents) submitted to the MayCo by 31 May	Output	1	1 per annum	1	SM	N/A	N/A	N/A	1	1

.....
Director: Planning and Economic Development
Mr Anthony Barnes

.....
Municipal Manager
Ms Geraldine Mettler

DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
KPI080	SFA 1: Valley of Possibility	Submission of Tourism Strategic Plan to the Municipal Manager	Number of Tourism Strategic Plans submitted to the Municipal Manager by 30 June	Output	New KPI	1 per annum	1	SM	N/A	N/A	N/A	1	3
KPI018	SFA 2: Green and Sustainable Valley	Building plan applications decided on within 30 days	Percentage of building plan applications of <500sqm decided on within 30 days after date of receipt	Outcome	72.92%	80% per annum	80%	SM	80%	80%	80%	80%	3
TBC	SFA 5: Good Governance and Compliance	Spend the Directorate: Planning and Economic Development approved Capital Budget	Percentage of approved Capital Budget of the Directorate: Planning and Economic Development actually spent by 30 June	Input	60.66%	90% per annum	90%	SM	10%	30%	60%	90%	15
TBC	SFA 5: Good Governance and Compliance	Submission of final bid specifications for all capital projects to the Bid Specification Committee (BSC) (2022/23)	Percentage of final bid specifications for all capital projects submitted to the BSC by 30 June (50% by 31 March 2022 and 100% by 30 June 2022. For the 2022/23 financial year)	Output	100%	100% per annum	100%	SM	N/A	N/A	50%	100%	5
TBC	SFA 5: Good Governance and Compliance	Submission of detailed procurement needs for all operational projects to the Supply Chain Management (SCM) Department	Number of quarterly detailed procurement needs submitted to SCM 10 days before start of the quarter	Output	5	4 per annum	4	SM	1 (1)	1 (2)	1 (3)	1 (4)	1
TBC	SFA 5: Good Governance and Compliance	Performance agreements signed with all identified personnel	Number of performance agreements signed by 31 August	Output	3	5 per annum	5	SM	5	N/A	N/A	N/A	1
TBC	SFA 5: Good Governance and Compliance	Conduct formal performance evaluations with all identified personnel	Number of formal performance evaluations conducted with all identified personnel by 28 February	Output	6	10 per annum	10	SM	N/A	N/A	10	N/A	1

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Director: Planning and Economic Development
Mr Anthony Barnes

.....
Municipal Manager
Ms Geraldine Mettler

DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good Governance and Compliance	Develop Annual Departmental Risk Register	Number of Annual Departmental Risk Registers developed by 31 July	Output	1	1 per annum	1	SM	1	N/A	N/A	N/A	1
TBC	SFA 5: Good Governance and Compliance	Evaluation of the Departmental Risk Register	Number of Departmental Risk Registers evaluated by 31 May	Output	2	2 per annum	2	SM	N/A	1 (1)	N/A	1 (2)	2
TBC	SFA 5: Good Governance and Compliance	Implementation of Council resolutions	Percentage of resolutions implemented measured quarterly	Output	69.31%	70% per annum	70%	SM	70%	70%	70%	70%	2
TBC	SFA 5: Good Governance and Compliance	Attendance of quarterly Occupation Health and Safety (OHS) meetings	Number of quarterly OHS meetings attended by the Director or secondee	Output	4	4 per annum	4	SM	1 (1)	1 (2)	1 (3)	1 (4)	1
TBC	SFA 1: Valley of Possibility	Implementation of the Rural Management Plan	Percentage of actions implemented for the 2021/22 financial year as per the Rural Management Plan by 30 June	Outcome	New KPI	70% per annum	70%	SM	5%	30%	50%	70%	2
TBC	SFA 5: Good Governance and Compliance	Raise / Collect Operating Budget revenue of the Department: Planning and Economic Development as per approved budget	Percentage of the Department: Planning and Economic Development revenue raised / collected by 30 June	Outcome	New KPI	96% per annum	96%	SM	25%	50%	75%	96%	3
TBC	SFA 1: Valley of Possibility	Submission of a final Adam Tas Corridor (ATC) Concept Plan to the MayCo	Number of final ATC Concept Plans submitted to the MayCo by 30 June	Output	New KPI	1 per annum	1	SM	N/A	N/A	N/A	1	3

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Director: Planning and Economic Development
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Ms Geraldine Mettler

DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 4: Dignified Living	Submission of a final Inclusionary Housing Policy Framework to the Municipal Manager	Number of final Inclusionary Housing Policy Frameworks submitted to the Municipal Manager by 30 June	Output	New KPI	1 per annum	1	SM	N/A	N/A	N/A	1	4
TBC	SFA 1: Valley of Possibility	Submission of a final draft Economic Development Strategy to the Municipal Manager	Number of final draft Economic Development Strategies submitted to the Municipal Manager by 30 June	Output	New KPI	1 per annum	1	SM	N/A	N/A	N/A	1	3
TBC	SFA 5: Good governance and Compliance	Implementation of the Directorate's actions as per the AGSA Audit Action Plan	Percentage of the Directorate's actions as per the AGSA Audit Action Plan implemented by 30 June	Outcome	New KPI	100% per annum	100%	SM	N/A	N/A	50%	100%	1
												Total	80

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Ms Geraldine Mettler

Part 2: Competency Requirements (20%)

Ref	Leading and Core Competencies	(January) 1st Assessment	(July) Final Assessment	Weights	Comments
2.1	**Strategic direction and leadership**			**1.66%**	
2.2	**People management**			**1.66%**	
2.3	**Programme and project management**			**1.66%**	
2.4	**Financial management**			**1.66%**	
2.5	**Change leadership**			**1.67%**	
2.6	**Governance leadership**			**1.67%**	
2.7	**Moral competence**			**1.67%**	
2.8	**Planning and organising**			**1.67%**	
2.9	**Analysis and innovation**			**1.67%**	
2.10	**Knowledge and information management**			**1.67%**	
2.11	**Communication**			**1.67%**	
2.12	**Results and quality focus**			**1.67%**	
Total				20%	

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Annexure B
Competency Framework

DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

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Director: Planning and Economic Development
Mr Anthony Barnes

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	LEADING COMPETENCIES		
COMPETENCY NAME :	**Strategic Direction and Leadership**		
COMPETENCY DEFINITION :	**Provide and direct a vision for the institution, and inspire and deploy others to deliver on the strategic institutional mandate.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Understand Institutional and departmental strategic objectives, but • lacks the ability to inspire others to achieve set mandate.	• Give direction to a team in realising the institution's strategic mandate and set objectives.	• Evaluate all activities to determine value and alignment to strategic intent.	• Structure and position the institution to local government priorities.
• Describe how specific tasks link to institutional strategies but has limited influence in directing a strategy.	• Has a positive impact and influence on the morale, engagement and participation of team members.	• Display in-depth knowledge and understanding of strategic planning.	• Actively use in-depth knowledge and understanding to develop and implement a comprehensive institutional framework.
• Has a basic understanding of institutional performance management, but lacks the ability to integrate systems into a collective whole.	• Develop action plans to execute and guide strategy.	• Align strategy and goals across all functional areas.	• Hold self-accountable for strategy execution and results.
• Demonstrate basic understanding of key decision making.	• Assist in defining performance measures to monitor the progress and effectiveness of the institution.	• Actively define performance measures to monitor the progress and effectiveness of the institution.	• Provide impact and influence through building and maintaining strategic relationships.
	• Displays an awareness of institutional structures and political factors.	• Consistently challenge strategic plans to ensure relevance.	• Create an environment that facilitates loyalty and innovation. Display a superior level of self-discipline and integrity in actions.
	• Effectively communicate barriers to execution to relevant parties.	• Understand institutional structures and political factors, and the consequences of actions.	• Integrate various systems into a collective whole to optimise institutional performance management.
	• Provide guidance to all stakeholders in the achievement of the strategic mandate.	• Empower others to follow the strategic direction and deal with complex situations.	• Uses understanding of competing interests to maneuver successfully to a win/win outcome.
	• Understand the aim and objectives of the institution and relate it to own work.	• Guide the institution through complex and ambiguous concern. • Use understanding of power relationships and dynamic tensions among key players	

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Ms Geraldine Mettler

CLUSTER :	LEADING COMPETENCIES		
COMPETENCY NAME :	Strategic Direction and Leadership		
COMPETENCY DEFINITION :	Provide and direct a vision for the institution, and inspire and deploy others to deliver on the strategic institutional mandate.		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
		to frame communications and develop strategies, positions and alliances.	

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CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**People Management**		
COMPETENCY DEFINITION :	**Effectively manage, inspire and encourage people, respect diversity, optimise talent and build and nurture relationships in order to achieve institutional objectives.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Participate in team goalsetting and problem solving.	• Seek opportunities to increase team contribution and responsibility.	• Identify ineffective team and work processes and recommend remedial interventions.	• Develop and incorporate best practice people management processes, approaches and tools across the institution.
• Interact and collaborate with people of diverse backgrounds.	• Respect and support the diverse nature of others and be aware of the benefits of a diverse approach.	• Recognise and reward effective and desired behavior.	• Foster a culture of discipline, responsibility and accountability.
• Aware of guidelines for employee development, but requires support in implementing development initiatives.	• Effectively delegate tasks and empower others to increase contribution and execute functions optimally.	• Provide mentoring and guidance to others in order to increase personal effectiveness.	• Understand the impact of diversity in performance and actively incorporate a diversity strategy in the institution.
	• Apply relevant employee legislation fairly and consistently.	• Identify development and learning needs within the team.	• Develop comprehensive integrated strategies and approaches to human capital development and management.
	• Effectively identify capacity requirements to fulfill the strategic mandate.	• Inspire a culture of performance excellence by giving positive and constructive feedback to the team. • Achieve agreement or consensus in adversarial environments. • Lead and unite diverse teams across divisions to achieve institutional objectives.	• Actively identify trends and predict capacity requirements to facilitate unified transition and performance management.

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Mr Anthony Barnes

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CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Programme and Project Management**		
COMPETENCY DEFINITION :	**Able to understand program and project management methodology; plan, manage, monitor and evaluate specific activities in order to deliver on set objectives.**		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Initiate projects after approval from higher authorities.	• Establish broad stakeholder involvement and communicate the project status and key milestones.	• Manage multiple programs and balance priorities and conflicts according to institutional goals.	• Understand and conceptualise the long-term implications of desired project outcomes.
• Understand procedures of program and project management methodology, implications and stakeholder involvement.	• Define the roles and responsibilities of the project team and create clarity around expectations.	• Apply effective risk management strategies through impact assessment and resource requirements.	• Direct a comprehensive strategic macro and micro analysis and scope projects accordingly to realise institutional objectives.
• Understand the rational of projects in relation to the institution's strategic objectives.	• Find a balance between project deadline and the quality of deliverables.	• Modify project scope and budget when required without compromising the quality and objectives of the project.	• Influence people in positions of authority to implement outcomes of projects
• Document and communicate factors and risk associated with own work.	• Identify appropriate project resources to facilitate the effective completion of the deliverables.	• Involve top-level authorities and relevant stakeholders in seeking project buy-in.	• Lead and direct translation of policy into workable action plans
• Use results and approaches of successful project implementation as guide.	• Comply with statutory requirements and apply policies in a consistent manner. • Monitor progress and use of resources and make needed adjustments to timelines, steps and resource allocation.	• Identify and apply contemporary project management methodology • Influence and motivate project team to deliver exceptional results. • Monitor policy implementation and apply procedures to manage risks.	• Ensures that programs are monitored to track progress and optimal resource utilisation, and that adjustments are made as needed.

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Director: Planning and Economic Development
Mr Anthony Barnes

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CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Change Leadership**		
COMPETENCY DEFINITION :	**Able to direct and initiate institutional transformation on all levels in order to successfully drive and implement new initiatives and deliver professional and quality services to the community.**		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Display an awareness of change interventions and the benefits of transformation initiatives.	• Perform an analysis of the change impact on the social, political and economic environment.	• Actively monitor change impact and results and convey progress to relevant stakeholders.	• Sponsor change agents and create a network of change leaders who support the interventions.
• Able to identify basic needs for change.	• Maintain calm and focus during change.	• Secure buy-in and sponsorship for change initiatives.	• Actively adapt current structures and processes to incorporate the change interventions.
• Identify gaps between the current and desired state.	• Able to assist team members during change and keep them focused on the deliverables.	• Continuously evaluate change strategy and design and introduce new approaches to enhance the institution's effectiveness.	• Mentor and guide team members on the effects of change, resistance factors and how to integrate change.
• Identify potential risk and challenges to transformation, including resistance to change factors.	• Volunteer to lead change efforts outside of own work team.	• Build and nurture relationships with various stakeholders to establish strategic alliance in facilitating change.	• Motivate and inspire others around change initiatives.
• Participate in change programs and piloting change interventions.	• Able to gain buy-in and approval for change from relevant stakeholders.	• Take the lead in impactful change programs.	
• Understand the impact of change interventions on the institution within the broader scope of local government.	• Identify change readiness levels and assist in resolving resistance to change factors.	• Benchmark change interventions against best change practices.	
	• Design change interventions that are aligned with the institution's strategic objectives and goals.	• Understand the impact and psychology of change and put remedial interventions in place to facilitate effective transformation. • Take calculated risk and seek new ideas from best practice scenarios and identify the potential for implementation.	

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Mr Anthony Barnes

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Financial Management**		
COMPETENCY DEFINITION :	**Able to compile, plan and manage budgets, control cash flow, institute financial risk management and administer procurement processes in accordance with recognised financial practices. Further to ensure that all financial transactions are managed in an ethical manner**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Understand basic financial concepts and methods as they relate to institutional processes and activities	• Exhibit knowledge of general financial concepts, planning, budgeting and forecasting and how they interrelate	• Take active ownership of planning, budgeting and forecasting processes and provides credible answers to queries within own responsibility.	• Develop planning tools to assist in evaluating and monitoring future expenditure trends.
• Display awareness into the various sources of financial data, reporting mechanisms, financial governance, processes and systems	• Assess, identify and manage financial risks.	• Prepare budgets that are aligned to the strategic objectives of the institution.	• Set budget frameworks for the institution.
• Understand the importance of financial accountability	• Assume a cost-saving approach to financial management.	• Address complex budgeting and financial management concerns.	• Set strategic direction for the institution on expenditure and other financial processes.
• Understand the importance of asset control.	• Prepare financial reports based on specified formats.	• Put systems and processes in place to enhance the quality and integrity of financial management practices.	• Build and nurture partnerships to improve financial management and achieve financial savings.
	• Consider and understand the financial implications of decisions and suggestions.	• Advise on policies and procedures regarding asset control.	• Actively identify and implement new methods to improve asset control.
	• Ensure that delegation and instructions as required by National Treasury guidelines are reviewed and updated. • Identify and implement proper monitoring and evaluation practices to ensure appropriate spending against budget.	• Promote National Treasury's regulatory framework for Financial Management.	• Display professionalism in dealing with financial data and processes.

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Director: Planning and Economic Development
Mr Anthony Barnes

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Ms Geraldine Mettler

CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Governance Leadership**		
COMPETENCY DEFINITION:	**Able to promote, direct and apply professionalism in managing risk and compliance requirements and apply a thorough understanding of governance practices and obligations. Further, able to direct the conceptualisation of relevant policies and enhance cooperative governance relationships.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Display a basic awareness of risk, compliance and governance factors but require guidance and development in implementing such requirements.	• Display a thorough understanding of governance and risk and compliance factors and implement plans to address these.	• Able to link risk initiatives into key institutional objectives and drivers.	• Demonstrate a high level of commitment in complying with governance requirements.
• Understand the structure of cooperative government but requires guidance on fostering workable relationships between stakeholders.	• Demonstrate understanding of the techniques and processes for optimising risk taking decisions within the institution.	• Identify, analyse and measure risk, create valid risk forecasts and map risk profiles.	• Implement governance and compliance strategy to ensure achievement of institutional objectives within the legislative framework.
• Provide input into policy formulation.	• Actively drive policy formulation within the institution to ensure the achievement of objectives.	• Apply risk control methodology and approaches to prevent and reduce risk that impede on the achievement of institutional objectives.	• Able to advise local government on risk management, best practice interventions and compliance management.
		• Demonstrate a thorough understanding of risk retention plans.	• Able to forge positive relationships on cooperative governance level to enhance the effectiveness of local government.t
		• Identify and implement comprehensive risk management systems and processes.	• Able to shape, direct and drive the formulation of policies on a macro level.
		• Implement and monitor the formulation of policies, identify and analyse constraints and challenges with implementation and provide recommendations for improvement.	

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Director: Planning and Economic Development
Mr Anthony Barnes

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Ms Geraldine Mettler

CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Moral Competence**		
COMPETENCY DEFINITION :	**Able to identify moral triggers, apply reasoning that promotes honesty and integrity and consistently display behavior that reflects moral competence**		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Realise the impact of acting with integrity, but requires guidance and development in implementing principles.	• Conduct self in alignment with the values of local government and the institution.	• Identify, develop and apply measures of self-correction.	• Create an environment conducive of moral practices.
• Follow basic rules and regulations of the institution.	• Able to openly admit own mistakes and weaknesses and seek assistance from others when unable to deliver.	• Able to gain trust and respect through aligning actions with commitments.	• Actively develop and implement measures to combat fraud and corruption.
• Able to identify basic moral situations, but requires guidance and development in understanding and reasoning with moral intent.	• Actively report fraudulent activity and corruption with local government.	• Make proposals and recommendations that are transparent and gain the approval of relevant stakeholders.	• Set integrity standards and shared accountability measures across the institution to support the objectives of local government.
	• Understand and honor the confidential nature of matters without seeking personal gain.	• Present values, beliefs and ideas that are congruent with the institution's rules and regulations.	• Take responsibility for own actions and decisions, even if the consequences are unfavorable.
	• Able to deal with situations of conflict of interest promptly and in the best interest of local government.	• Takes an active stance against corruption and dishonesty when noted.	
		• Actively promote the value of the institution to internal and external stakeholders.	
		• Able to work in unity with a team and not seek personal gain.	
		• Apply universal moral principles consistently to achieve moral decisions.	

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Director: Planning and Economic Development
Mr Anthony Barnes

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Planning and Organising**		
COMPETENCY DEFINITION :	**Able to plan, prioritise and organise information and resources effectively to ensure the quality of service delivery and build efficient contingency plans to manage risk.**		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Able to follow basic plans and organise tasks around set objectives.	• Actively and appropriately organise information and resources required for a task.	• Able to define institutional objectives, develop comprehensive plans, integrate and coordinate activities and assign appropriate resources for successful implementation.	• Focus on broad strategies and initiatives when developing plans and actions.
• Understand the process of planning and organising but requires guidance and development in providing detailed and comprehensive plans.	• Recognise the urgency and importance of tasks.	• Identify in advance required stages and actions to complete tasks.	• Able to protect and forecast short, medium and long term requirements of the institution and local government.
• Able to follow existing plans and ensure that objectives are met.	• Balance short and long-term plans and goals and incorporate into the team's performance objectives.	• Schedule realistic timelines, objectives and milestones for tasks and projects.	• Translate policy into relevant projects to facilitate the achievement of institutional objectives.
• Focus on short-term objectives in developing plans and actions	• Schedule tasks to ensure they are performed within budget and with efficient use of time and resources.	• Produce clear, detailed and comprehensive plans to achieve institutional objectives.	
• Arrange information and resources required for a task, but require further structure and organisation.	• Measures progress and monitor performance results.	• Identify possible risk factors and design and implement appropriate contingency plans. • Adapt plans in light of changing circumstances. • Prioritise tasks and projects according to their relevant urgency and importance.	

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CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Analysis and Innovation**		
COMPETENCY DEFINITION :	**Able to critically analyse information, challenges and trends to establish and implement fact-based solutions that are innovative to improve institutional processes in order to achieve key strategic objectives**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Understand the basic operation of analysis, but lack detail and thoroughness.	• Demonstrate logical problem solving techniques and approaches and provide rationale for recommendations.	• Coaches team members on analytical and innovative approaches and techniques.	• Demonstrate complex analytical and problem solving approaches and techniques.
• Able to balance independent analysis with requesting assistance from others.	• Demonstrate objectivity, insight and thoroughness when analysing problems.	• Engage with appropriate individuals in analysing and resolving complex problems.	• Create an environment conducive to analytical and fact-based problem solving.
• Recommend new ways to perform tasks within own function.	• Able to break down complex problems into manageable parts and identify solutions.	• Identify solutions on various areas in the institution.	• Analyse, recommend solutions and monitor trends in key challenges to prevent and manage occurrence.
• Propose simple remedial interventions that marginally challenges the status quo.	• Consult internal and external stakeholders on opportunities to improve processes and service delivery.	• Formulate and implement new ideas throughout the institution.	• Create an environment that fosters innovative thinking and follows a learning organisation approach.
• Listen to the ideas and perspectives of others and explore opportunities to enhance such innovative thinking.	• Clearly communicate the benefits of new opportunities and innovative solutions and stakeholders.	• Able to gain approval and buy-in for proposed interventions from relevant stakeholders.	• Be a thought leader on innovative customer service delivery and process optimisation.
	• Continuously identify opportunities to enhance internal processes.	• Identify trends and best practices in process and service delivery and propose institutional application.	• Play an active role in sharing best practice solutions and engage in national and international local government seminars and conferences.
	• Identify and analyse opportunities conducive to innovative approaches and propose remedial intervention.	• Continuously engage in research to identify client needs.	

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Director: Planning and Economic Development
Mr Anthony Barnes

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Knowledge and Information Management**		
COMPETENCY DEFINITION :	**Able to promote the generation and sharing of knowledge and information through various processes and media, in order to enhance the collective knowledge base of local government**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Collect, categorise and track relevant information required for specific tasks and projects.	• Use appropriate information systems and technology to manage institutional knowledge and information sharing.	• Effectively predict future information and knowledge management requirements and systems.	• Create and support a vision and culture where team members are empowered to seek, gain and share knowledge and information.
• Analyse and interpret information to draw conclusions.	• Evaluate data from various sources and use information effectively to influence decisions and provide solutions.	• Develop standards and processes to meet future knowledge management needs.	• Establish partnerships across local government to facilitate knowledge management.
• Seek new sources of information to increase the knowledge base.	• Actively create mechanisms and structures for sharing information.	• Share and promote best-practice knowledge management across various institutions.	• Demonstrate a mature approach.
• Regularly share information and knowledge with internal stakeholders and team members.	• Use external and internal resources to research and provide relevant and cutting-edge knowledge to enhance institutional effectiveness and efficiency.	• Establish accurate measures and monitoring systems for knowledge and information management. • Create a culture conducive of learning and knowledge sharing. • Hold regular knowledge and information sharing sessions to elicit new ideas and share best practice approaches.	• Recognise and exploit knowledge points in interactions with internal and external stakeholders.

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Director: Planning and Economic Development
Mr Anthony Barnes

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	CORE COMPETENCIES		
COMPETENCY NAME :	Communication		
COMPETENCY DEFINITION :	**Able to share information, knowledge and ideas in a clear, focused and concise manner appropriate for the audience in order to effectively convey, persuade and influence stakeholders to achieve the desired outcome.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Demonstrate an understanding for communication levers and tools appropriate for the audience, but requires guidance in utilising such tools.	• Express ideas to individuals and groups in formal and informal settings in a manner that is interesting and motivating.	• Effectively communicate high-risk and sensitive matters to relevant stakeholders.	• Regarded as a specialist in negotiations and representing the institution.
• Express ideas in a clear and focused manner, but does not always take the audience into consideration.	• Able to understand, tolerate and appreciate diverse perspectives, attitudes and beliefs.	• Develop a well-defined communication strategy.	• Able to inspire and motivate others through positive communication that is impactful and relevant.
• Disseminate and convey information and knowledge adequately.	• Adapt communication content and style to suit the audience and facilitate optimal information transfer.	• Balance political perspectives with institutional needs when communicating viewpoints on complex issues.	• Creates an environment conducive to transparent and productive communication and critical appreciate conversations.
	• Deliver content in a manner that gains support, commitment and agreement from relevant stakeholders.	• Able to effectively direct negotiations around complex.	• Able to coordinate negotiations at different levels within local government and externally.
	• Compile clear, focused, concise and well-structured written documents.	• Market and promote the institution to external stakeholders and seek to enhance a positive image of the institution. • Able to communicate with the media with high levels of moral competence and discipline.	

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Director: Planning and Economic Development
Mr Anthony Barnes

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Results and Quality Focus**		
COMPETENCY DEFINITION :	**Able to maintain high quality standards, focus on achieving results and objectives while consistently striving to exceed expectations and encourage others to meet quality standards. Further, to actively monitor and measure results and quality against identified objectives.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Understand quality of work but requires guidance in attending to important matters.	• Focus on high-priority actions and does not become distracted by lower-priority activities.	• Consistently verify own standards and outcomes to ensure quality output.	• Coach and guide others to exceed quality standards and results.
• Show a basic commitment to achieving the correct results.	• Display firm commitment and pride in achieving the correct results.	• Focus on the end result and avoids being distracted	• Develop challenging, client-focused goals and sets high standards for personal performance.
• Produce the minimum level of results required in the role.	• Set quality standards and design processes and tasks around achieving set standards.	• Demonstrate a determined and committed approach to achieving results and quality standards.	• Commit to exceed the results and quality standards, monitor own performance and implement remedial interventions when required.
• Produce outcomes that is of a good standard.	• Produce output of high quality.	• Follow task and projects through to completion.	• Work with team to set ambitious and challenging team goals, communicating long- and short term expectations.
• Focus on the quantity of output but requires development in incorporating the quality of work.	• Able to balance the quantity and quality and quality of results in order to achieve objectives.	• Set challenging goals and objectives to self and team and display commitment to achieving expectations.	• Take appropriate risks to accomplish goals.
• Produce quality work in general circumstances, but fails to meet expectation when under pressure.	• Monitors progress, quality of work and use of resources; provide status updates and make adjustments as needed.	• Maintain a focus on quality outputs when placed under pressure.	• Overcome setbacks and adjust action plans to realise goals.
		• Establishing institutional systems for managing and assigning work, defining responsibilities, tracking, monitoring and measuring success, evaluating and valuing the work of the institution.	• Focus people on critical activities that yield a high impact.

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Director: Planning and Economic Development
Mr Anthony Barnes

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Annexure C:

Personal Development Plan

DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

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Director: Planning and Economic Development
Mr Anthony Barnes

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Municipal Manager:
Ms Geraldine Mettler

Skills Performance Gap	Outcomes Expected	Suggested training and /or development activity	Suggested mode of delivery	Suggested Time Frames	Work opportunity created to practice skill/development area	Support Person
1.	Completed training in Municipal Minimum Competency Levels (MMCL)	MMCL training	N/A	31 December 2021	N/A	N/A
2.						
3.						

Signed and accepted by the Employee

Date: 07 July 2021

Signed by the Municipal Manager on behalf of the Municipality

Date: 07 July 2021.

ANNEXURE 5

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Performance Agreement

2021 – 2022

Director:
Infrastructure Services

PERFORMANCE AGREEMENT

MADE AND ENTERED INTO BY AND BETWEEN
STELLENBOSCH MUNICIPALITY HEREBY REPRESENTED BY:

THE MUNICIPAL MANAGER
Ms Geraldine Mettler
(herein and after referred as Employer)

AND

DIRECTOR: INFRASTRUCTURE SERVICES
Mr Deon Louw
(herein and after referred as Employee)

FOR THE FINANCIAL YEAR:

01 JULY 2021 – 30 JUNE 2022

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Director: Infrastructure Services
Mr Deon Louw

.....
Municipal Manager:
Ms Geraldine Mettler

1. INTRODUCTION

1.1 The Employer, duly represented by **Ms Geraldine Mettler**, in her capacity as the Municipal Manager has entered into a contract of employment with the Employee, **Mr Deon Louw**, in terms of section 57(1)(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) ("the Systems Act"). The Employer and the Employee are hereinafter referred as "the Parties";

1.2 Section 57(1)(b) of the Systems Act, read with the Contract of Employment concluded between the parties, requires the Parties to conclude an annual performance agreement;

1.3 The Parties wish to ensure that they are clear about the goals to be achieved, and secure the commitment of the Employee to a set of outcomes that will promote local government policy goals;

1.4 The Parties wish to ensure that there is compliance with Sections 57(4B) and 57(5) of the Systems Act;

1.5 In this Agreement, the followings terms will have the meaning ascribed thereto:

1.5.1 "this Agreement" – means the performance agreement between the Employer and the employee and the Annexures thereto;

1.5.2 "the **Municipal Manager**" – means the Municipal Manager of the Municipality appointed in terms of Section 54(A) of the Systems Act;

1.5.3 "the Employee" means the **Director: Infrastructure Services** appointed in terms of Section 56 of the Systems Act;

1.5.4 "the Employer" means **Stellenbosch Municipality**; and

1.5.5 "the Parties" means the Employer and Employee.

2. PURPOSE OF THIS AGREEMENT

2.1 To comply with the provisions of Section 57(1)(b), (4B) and (5) of the Systems Act as well as the Contract of Employment entered into between the Parties;

2.2 To specify objectives and targets established for the Employee and to communicate to the Employee the Employer's expectations of the Employee's performance targets and accountabilities;

2.3 To specify accountabilities as set out in the Performance Plan (Annexure A);

2.4 To monitor and measure performance against set targeted outputs and outcomes;

2.5 To establish a transparent and accountable working relationship;

2.6 To appropriately reward the employee in accordance with section 11 of this agreement; and

2.7 To give effect to the Employer's commitment to a performance-orientated relationship with the Employee in attaining improved service delivery.

3. COMMENCEMENT AND DURATION

3.1 This Agreement will commence on **01 July 2021** and will remain in force until **30 June 2022** where-after a new Performance Agreement shall be concluded between the parties for the next financial year or any portion thereof;

3.2 The Parties will conclude a new Performance Agreement that replaces this Agreement at least once a year by not later than 31st of July of the succeeding financial year;

3.3 This Agreement will terminate on the termination of the Employee's contract of employment for any reason; and

3.4 The content of this Agreement may be revised at any time during the abovementioned period to determine the current applicability of the matters previously agreed upon.

4. PERFORMANCE OBJECTIVES

4.1 The Performance Plan (Annexure A) sets out –

4.1.1 The performance objectives and targets that must be met by the Employee;

4.1.2 The time frames within which those performance objectives and targets must be met; and

4.1.3 The core competency requirements (Annexure B – definitions) as the management skills regarded as critical to the position held by the Employee.

4.2 The performance objectives and targets reflected in Annexure A are set by the Employer in consultation with the Employee and based on the Integrated Development Plan, Service Delivery and Budget Implementation Plan (SDBIP) and the Budget of the Employer, and shall include:

4.2.1 Key objectives that describe the main tasks that need to be done;

4.2.2 Key performance indicators (KPIs) that provide the details of the evidence that must be provided to show that a key objective has been achieved;

4.2.3 Target dates that describe the timeframe in which the targets must be achieved; and

4.2.4 Weightings showing the relative importance of the key objectives to each other.

4.3 The Personal Development Plan (Annexure C) sets out the Employee's personal development requirements in line with the objectives and targets of the Employer; and

4.4 The Employee's performance will, in addition, be measured in terms of contributions to the goals and strategies set out in the Employer's Integrated Development Plan.

5. PERFORMANCE MANAGEMENT SYSTEM

5.1 The Employee agrees to participate in the performance management system that the Employer adopted for the employees of the Employer;

5.2 The Employee accepts that the purpose of the performance management system will be to provide a comprehensive system with specific performance standards to assist the employees and service providers to perform to the standards required;

5.3 The Employer will consult the Employee about the specific performance standards and targets that will be included in the performance management system applicable to the Employee;

5.4 The Employee undertakes to actively focus on the promotion and implementation of the Strategic Focus Areas (SFAs) (including special projects relevant to the employee's responsibilities) within the local government framework;

5.5 The criteria upon which the performance of the Employee shall be assessed shall consist of two components, SFAs and Competency Framework requirements as per the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, both of which shall be contained in the Performance Agreement;

5.6 The Employee's assessment will be based on his performance in terms of the outputs / outcomes (KPIs) identified as per attached Performance Plan (Annexure A), which are linked to the SFAs applicable to the Employee, and will constitute 80% of the overall assessment result as per the weightings agreed to between the Employer and Employee.

Table 1: Strategic Focus Areas

Strategic Focus Areas
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

5.7 The competency requirements for senior managers as per Regulation 9 of Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers will make up the other 20% of the Employee's assessment

score. The competencies will be assessed every six (6) months (January and July).

Table 2: Leading and Core Competencies

Leading and Core Competencies		
1.	**Strategic direction and leadership**	• Impact and influence • Institutional performance management • Strategic planning and management • Organisational awareness
2.	**People management**	• Human capital planning and development • Diversity management • Employee relations management • Negotiation and dispute management
3.	**Programme and project management**	• Programme and project planning and implementation • Service delivery management • Programme and project monitoring and evaluation
4.	**Financial management**	• Budget planning and execution • Financial strategy and delivery • Financial reporting and delivery
5.	**Change leadership**	• Change vision and strategy • Process design and improvement • Change impact monitoring and evaluation
6.	**Governance leadership**	• Policy formulation • Risk and compliance management • Cooperative governance
7.	**Moral competence**	• Core Competency
8.	**Planning and organising**	• Core Competency
9.	**Analysis and innovation**	• Core Competency
10.	**Knowledge and information management**	• Core Competency
11.	**Communication**	• Core Competency
12.	**Results and quality focus**	• Core Competency

6. PERFORMANCE ASSESSMENT

6.1 The Performance Plan (Annexure A) to this Agreement sets out –

6.1.1 The standards and procedures for evaluating the Employee's performance; and

6.1.2 The intervals for the evaluation of the Employee's performance.

6.2 Despite the establishment of agreed intervals for evaluation, the Employer may in addition review the Employee's performance at any stage while the contract of employment remains in force;

6.3 Personal growth and development needs identified during any performance review discussion must be documented in a Personal Development Plan as well

as the actions agreed to and implementation must take place within set time frames;

6.4 The Employee's performance will be measured in terms of contributions to the goals and strategies set out in the Employer's Integrated Development Plan (IDP) as described in 6.6 – 6.12 below;

6.5 The Employee will submit quarterly performance reports (SDBIP) and a comprehensive annual performance report at least one week prior to the performance assessment meetings to the Evaluation Panel Chairperson for distribution to the panel members for preparation purposes;

6.6 Assessment of the achievement of results as outlined in the performance plan:

6.6.1 Each KPI or group of KPIs shall be assessed according to the extent to which the specified standards or performance targets have been met and with due regard to ad-hoc tasks that had to be performed under the KPI;

6.6.2 A rating on the five-point scale shall be provided for each KPI or group of KPIs which will then be multiplied by the weighting to calculate the final score;

6.6.3 The Employee will submit his self-evaluation to the Employer prior to the formal assessment;

6.6.4 In the instance where the employee could not perform due to reasons outside the control of the employer and employee, the KPI will not be considered during the evaluation. The employee should provide sufficient evidence in such instances; and

6.6.5 An overall score will be calculated based on the total of the scores calculated above.

6.7 Assessment of the Competencies:

6.7.1 Each Competency shall be assessed in terms of the description provided in (Annexure B);

6.7.2 A rating shall be provided for each Competency which will then be multiplied by the weighting to calculate the final score; and

6.7.3 An overall score will be calculated based on the total of the scores calculated above.

6.8 Overall rating

6.8.1 An overall rating is calculated by adding the overall scores as calculated in 6.6.5 and 6.7.3 above; and

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Director: Infrastructure Services
Mr Deon Louw

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Municipal Manager:
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6.8.2 Such overall rating represents the outcome of the performance appraisal.

6.9 The assessment of the performance of the Employee will be based on the following rating scales for SFAs and Competencies respectively:

6.9.1 Rating scale for SFAs - as mentioned in paragraph 5.6:

Table 3: Performance rating scale

Level	Terminology	Description
5	Outstanding performance	Performance far exceeds the standard expected of an employee at this level. The appraisal indicates that the Employee has achieved above fully effective results against all performance criteria and indicators as specified in the PA and Performance plan and maintained this in all areas of responsibility throughout the year.
4	Performance significantly above expectations	Performance is significantly higher than the standard expected in the job. The appraisal indicates that the Employee has achieved above fully effective results against more than half of the performance criteria and indicators and fully achieved all others throughout the year.
3	Fully effective	Performance fully meets the standards expected in all areas of the job. The appraisal indicates that the Employee has fully achieved effective results against all significant performance criteria and indicators as specified in the PA and Performance Plan.
2	Not fully effective	Performance is below the standard required for the job in key areas. Performance meets some of the standards expected for the job. The review/assessment indicates that the employee has achieved below fully effective results against more than half the key performance criteria and indicators as specified in the PA and Performance Plan.
1	Unacceptable performance	Performance does not meet the standard expected for the job. The review/assessment indicates that they employee has achieved below fully effective results against almost all the performance criteria and indicators as specified in the PA and Performance Plan. The employee has failed to demonstrate the commitment or ability to bring performance up to the level expected in the job despite management efforts to encourage improvement.

6.9.2 Rating scale for Competencies -as mentioned in paragraph 5.7:

Table 4: Rating scale for Competencies

Level	Achievement Levels	Description
5	Superior	Has a comprehensive understanding of local government operations, critical in shaping strategic direction and change, develops, and applies comprehensive concepts and methods
4	Advanced	Develops and applies complex concepts, methods and understanding. Effectively directs and leads a group and executes in-depth analyses

Level	Achievement Levels	Description
3	Competent	Develops and applies more progressive concepts, methods and understanding. Plans and guides the work of others and executes progressive analyses
2	Basic	Applies basic concepts, methods, and understanding of local government operations, but requires supervision and development intervention
1	Sub Standard	Applies little to no basic concepts, methods, and understanding of local government operations.

6.10 For purposes of evaluating the performance of the Employee for the year-end reviews, an evaluation panel constituted of the following persons will be established–

6.10.1 Municipal Manager;

6.10.2 Municipal Manager from another municipality;

6.10.3 Chairperson of the Performance Audit Committee or in his/her absence thereof, the Chairperson of the Audit Committee; and

6.10.4 The Member of the Mayoral Committee (Portfolio Chairperson).

6.11 The Municipal Manager will evaluate the performance of the Employee as at the end of the 1st, and 3rd quarters; and

6.12 The Municipal Manager will give performance feedback to the Employee within five (5) working days after each quarterly and annual assessment meeting.

7. SCHEDULE FOR PERFORMANCE REVIEWS

7.1 The performance of the Employee in relation to his performance agreement shall be reviewed on the following dates.

Table 5: Schedule for performance reviews

Quarter	Review Period	Review to be completed by
1	July - September	October / November 2021 (Informal)
2	October – December	January / February 2022 (Formal)
3	January – March	April / May 2022 (Informal)
4	April - June	After the receipt of the AG's Management Report

7.2 The Employer shall keep a record of the mid-year and year-end assessment meetings;

7.3 Performance feedback shall be based on the Employer's assessment of the Employee's performance;

7.4 The Employer will be entitled to review and make reasonable changes to the provisions of Annexure A from time to time for operational reasons. The Employee will be fully consulted before any such change is made; and

7.5 The Employer may amend the provisions of Annexure A whenever the performance management system is adopted, implemented, and/or amended as the case may be. In that case, the Employee will be fully consulted before any such change is made.

8. DEVELOPMENTAL REQUIREMENTS

8.1 The Personal Development Plan (PDP) for addressing developmental gaps is attached as Annexure C. Such Plan may be implemented and/or amended as the case may be after each assessment. In that case, the Employee will be fully consulted before any such change or plan is made.

9. OBLIGATIONS OF THE EMPLOYER

9.1 The Employer shall-

9.1.1 Create an enabling environment to facilitate effective performance by the employee;

9.1.2 Provide access to skills development and capacity building opportunities;

9.1.3 Work collaboratively with the Employee to solve problems and generate solutions to common problems that may impact on the performance of the Employee;

9.1.4 On the request of the Employee delegate such powers reasonably required by the Employee to enable him to meet the performance objectives and targets established in terms of this Agreement; and

9.1.5 Make available to the Employee such resources as the Employee may reasonably require from time to time assisting him to meet the performance objectives and targets established in terms of this Agreement.

10. CONSULTATION

10.1 The Employer agrees to consult the Employee timeously where the exercising of its powers will have amongst others-

10.1.1 A direct effect on the performance of any of the Employee's functions;

10.1.2 Commit the Employee to implement or to give effect to a decision made by the Employer; and

10.1.3 A substantial financial effect on the Employer.

10.2 The Employer agrees to inform the Employee of the outcome of any decisions taken pursuant to the exercise of powers contemplated in clause 12.1 as soon as is practicable to enable the Employee to take any necessary action with delay.

11. REWARD

11.1 The evaluation of the Employee's performance will form the basis for rewarding outstanding performance or correcting unacceptable performance;

11.2 The payment of the performance bonus is determined by the performance score obtained during the 4th quarter and as informed by the quarterly performance assessments;

11.3 A performance bonus of between 5% to 14% of the all- inclusive annual remuneration package may be paid to the Employee in recognition of outstanding performance to be constituted as follows:

Table 6: Performance bonus calculations

Performance Rating		Bonus Calculation
0% - 64%	Poor Performance	0% of total package
65% - 69%	Average Performance	5% of total package
70% - 74%	Fair Performance	9% of total package
75% - 79%	Good Performance	11% of total package
80% - 100%	Excellent Performance	14% of total package

11.4 In the event of the Employee terminating his services during the validity period of this Agreement, the Employee's performance will be evaluated for the portion during which he was employed and he will be entitled to a pro-rata performance bonus based on his evaluated performance for the period of actual service; and

11.5 The Employer will submit the total score of the annual assessment and of the Employee, to full Council for purposes of recommending the bonus allocation.

12. MANAGEMENT OF EVALUATION OUTCOMES

12.1 Where the Employer is, any time during the Employee's employment, not satisfied with the Employee's performance with respect to any matter dealt with in this Agreement, the Employer will give notice to the Employee to attend a meeting;

12.2 The Employee will have the opportunity at the meeting to satisfy the Employer of the measures being taken to ensure that his performance becomes satisfactory and any programme, including any dates, for implementing these measures;

12.3 Where there is a dispute or difference as to the performance of the Employee under this Agreement, the Parties will confer with a view to resolving the dispute or difference; and

12.4 In the case of unacceptable performance, the Employer shall –

12.4.1 Provide systematic remedial or developmental support to assist the Employee to improve his performance; and

12.4.2 After appropriate performance counselling and having provided the necessary guidance and/or support as well as reasonable time for improvement in performance, the Employer may consider steps to terminate the contract of employment of the Employee on grounds of unfitness or incapacity to carry out his or her duties.

13. DISPUTE RESOLUTION

13.1 In the event that the Employee is dissatisfied with any decision or action of the Employer in terms of this Agreement, or where a dispute or difference arises as to the extent to which the Employee has achieved the performance objectives and targets established in terms of this Agreement, the Employee may within 3 (three) business days, meet with the Employer with a view to resolving the issue. The Employer will record the outcome of the meeting in writing;

13.2 If the Parties cannot resolve the issues within 10 (ten) business days, an independent arbitrator, acceptable to both parties, shall be appointed to resolve the matter within 30 (thirty) business days; and

13.3 In the event that the mediation process contemplated above fails, the relevant clause of the Contract of Employment together with the relevant laws and regulations shall apply.

14. GENERAL

14.1 The contents of this agreement and the outcome of any review conducted in terms of Annexure A may be made available to the public by the Employer; and

14.2 Nothing in this agreement diminishes the obligations, duties, or accountabilities of the Employee in terms of his contract of employment, or the effects of existing or new regulations, circulars, policies, directives, or other instruments.

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Director: Infrastructure Services
Mr Deon Louw

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Municipal Manager:
Ms Geraldine Mettler

Thus, done and signed at Stellenbosch on the 7th day of July 2021.

DIRECTOR: INFRASTRUCTURE SERVICES

AS WITNESSES:

1.

2.

Thus, done and signed at Stellenbosch on the 07 day of July 2021.

MUNICIPAL MANAGER

AS WITNESSES:

1.

2.

MEMBER OF MAYORAL COMMITTEE
(Portfolio: Infrastructure Services)
Cllr Q Smit

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Annexure A
Performance Plan

DIRECTOR: INFRASTRUCTURE SERVICES

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Director: Infrastructure Services
Mr Deon Louw

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Municipal Manager:
Ms Geraldine Mettler

The Performance Plan sets out:

a) Key Performance Areas that the employee should focus on, performance objectives, key performance indicators and targets that must be met within a specific timeframe; and

b) The Competencies required from employees prescribed in the Regulations on the appointment and conditions of employment of senior managers, R21 of 2014.

KEY PERFORMANCE INDICATORS

The key performance areas, the performance objectives, key performance indicators and targets that must be met within the agreed timeframe are described below. The assessment of these performance indicators will account for 80% (**eighty percent)** of the total employee assessment score.

Part 1: Implementation of Service Delivery and Budget Implementation Plan (80%)

DIRECTOR: INFRASTRUCTURE SERVICES														
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good governance and Compliance	Effective Management and Functional Supervision of the Department: Water and Wastewater Services	Percentage of indicators of the Department: Water and Wastewater Services achieved, measured quarterly	Outcome	89%	80% per annum	80%	SM	80%	80%	80%	80%	4
TBC	SFA 5: Good governance and Compliance	Effective Management and Functional Supervision of the Department: Infrastructure Planning, Development and Implementation	Percentage of indicators of the Department: Infrastructure Planning, Development and Implementation achieved, measured quarterly	Outcome	77.70%	80% per annum	80%	SM	80%	80%	80%	80%	4

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IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good governance and Compliance	Effective Management and Functional Supervision of the Department: Roads, Transport and Storm Water (RTS)	Percentage of indicators of the Department: Roads, Transport and Storm Water (RTS) achieved, measured quarterly	Outcome	51.19%	80% per annum	80%	SM	80%	80%	80%	80%	4
TBC	SFA 5: Good governance and Compliance	Effective Management and Functional Supervision of the Department: Electrical Services	Percentage of indicators of the Department: Electrical Services achieved, measured quarterly	Outcome	72.72%	80% per annum	80%	SM	80%	80%	80%	80%	4
TBC	SFA 5: Good governance and Compliance	Effective Management and Functional Supervision of the Department: Waste Services	Percentage of indicators of the Department: Waste Services achieved, measured quarterly	Outcome	33.30%	80% per annum	80%	SM	80%	80%	80%	80%	4
KPI016	SFA 2 - Green and Sustainable Valley	Conduct an external audit of the Stellenbosch Municipality Waste Disposal Facilities	Number of external audits of the Stellenbosch Municipality Waste Disposal Facilities conducted by 30 June	Output	1	1 per annum	1	SM	N/A	N/A	N/A	1	2
KPI073	SFA 2 - Green and Sustainable Valley	Implementation of identified waste minimisation projects	Number of identified waste minimisation projects implemented by 30 June	Output	1	2 per annum	2	SM	N/A	N/A	1 (1)	1 (2)	2
KPI019	SFA 2 - Green and Sustainable Valley	Waste water quality managed and measured ito the Department of Water and Sanitation's License Conditions for physical and micro parameters	Percentage waste water quality compliance as per analysis certificate, measured quarterly	Outcome	60.70%	70% per annum	70%	SM	70%	70%	70%	70%	2

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IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
KPI081	SFA 2 - Green and Sustainable Valley	Reduce organic waste	Percentage of organic waste reduced by 30 June	Outcome	New KPI	20% per annum	20%	SM	N/A	N/A	N/A	20%	2
KPI037	SFA 4 - Dignified Living	Provision of waterborne toilet facilities in informal settlements as identified by the Department: Integrated Human Settlements	Number of waterborne toilet facilities provided in Informal settlements as identified by the Department: Integrated Human Settlements by 30 June	Output	51	50 per annum	50	SM	N/A	20 (20)	N/A	50 (50)	1
KPI040	SFA 4 - Dignified Living	Limit unaccounted electricity to less than 9% 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 measured by 30 June	Outcome	9.36%	<9% per annum	<9%	SM	N/A	N/A	N/A	<9%	1
KPI041	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	Outcome	90.96%	90% per annum	90%	SM	90%	90%	90%	90%	1
KPI042	SFA 4 - Dignified Living	Limit unaccounted water to less than 25%	Average percentage water losses measured quarterly	Outcome	20.50%	<25% per annum	<25%	SM	<25%	<25%	<25%	<25%	2
KPI071	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	Output	1	1 per annum	1	SM	N/A	N/A	N/A	1	1

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IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
KPI084	SFA 5: Good governance and Compliance	Submission of a new Comprehensive Integrated Transport Plan (CITP) to the MayCo	Number of a new Comprehensive Integrated Transport Plans (CITPs) submitted to the MayCo by 30 June	Output	New KPI	1 per annum	1	SM	N/A	N/A	N/A	1	1
TBC	SFA 5: Good governance and Compliance	Spend the Directorate: Infrastructure Services approved Capital Budget	Percentage of approved Capital Budget of the Directorate: Infrastructure Services actually spent by 30 June	Input	76.81%	90% per annum	90%	SM	10%	30%	60%	90%	15
TBC	SFA 5: Good governance and Compliance	Submission of final bid specifications for all capital projects to the Bid Specification Committee (BSC) *(2022/23)*	Percentage of final bid specifications for all capital projects submitted to the BSC by 30 June *(50% by 31 March 2022 and 100% by 30 June 2022. For the 2022/23 financial year)*	Output	40%	100% per annum	100%	SM	N/A	N/A	50%	100%	5
TBC	SFA 5: Good governance and Compliance	Submission of detailed procurement needs for all operational projects to the Supply Chain Management (SCM) Department	Number of quarterly detailed procurement needs submitted to SCM 10 days before start of the quarter	Output	4	4 per annum	4	SM	1 (1)	1 (2)	1 (3)	1 (4)	1
TBC	SFA 5: Good governance and Compliance	Performance agreements signed with all identified personnel	Number of performance agreements signed by 31 August	Output	5	5 per annum	5	SM	5	N/A	N/A	N/A	1
TBC	SFA 5: Good governance and Compliance	Conduct formal performance evaluations with all identified personnel	Number of formal performance evaluations conducted with all identified personnel by 28 February	Output	10	10 per annum	10	SM	N/A	N/A	10	N/A	1
TBC	SFA 5: Good governance and Compliance	Develop Annual Departmental Risk Register	Number of Annual Departmental Risk Registers developed by 31 July	Output	1	1 per annum	1	SM	1	N/A	N/A	N/A	1

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IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good governance and Compliance	Evaluation of the Departmental Risk Register	Number of Departmental Risk Registers evaluated by 31 May	Output	4	2 per annum	2	SM	N/A	1 (1)	N/A	1 (2)	1
TBC	SFA 5: Good governance and Compliance	Implementation of Council resolutions	Percentage of resolutions implemented measured quarterly	Output	70%	70% per annum	70%	SM	70%	70%	70%	70%	2
TBC	SFA 5: Good governance and Compliance	Attendance of quarterly Occupation Health and Safety (OHS) meetings	Number of quarterly OHS meetings attended by the Director or secondee	Output	4	4 per annum	4	SM	1 (1)	1 (2)	1 (3)	1 (4)	1
TBC	SFA 5: Good governance and Compliance	Raise / Collect Operating Budget revenue of the Department: Infrastructure Services as per approved budget	Percentage of the Department: Infrastructure Services revenue raised / collected by 30 June	Outcome	New KPI	96% per annum	96%	SM	25%	50%	75%	96%	2
TBC	SFA 2 - Green and Sustainable Valley	Implementation of the Non-Motorised Transport (NMT) Plan	Percentage of actions implemented for the 2021/22 financial year as per the NMT Plan by 30 June	Outcome	New KPI	90% per annum	90%	SM	5%	30%	60%	90%	2
TBC	SFA 2 - Green and Sustainable Valley	Submission of a Green Energy Strategy to the Municipal Manager	Number of Green Energy Strategies submitted to the Municipal Manager by 31 March	Output	New KPI	1 per annum	1	SM	N/A	N/A	1	N/A	1
TBC	SFA 2 - Green and Sustainable Valley	Implementation of the Integrated Waste Management Plan	Percentage of actions implemented for the 2021/22 financial year as per the Integrated Waste Management Plan by 30 June	Outcome	New KPI	90% per annum	90%	SM	5%	30%	60%	90%	1

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IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good governance and Compliance	Resolve formal complaints received	Percentage of formal complaints resolved within 10 working days after receipt	Outcome	New KPI	90% per annum	90%	SM	90%	90%	90%	90%	2
TBC	SFA 2 - Green and Sustainable Valley	Submission of a Parking Facilities Plan for the Stellenbosch Town to the Municipal Manager	Number of Parking Facilities Plans for the Stellenbosch Town submitted to the Municipal Manager by 30 June	Output	New KPI	1 per annum	1	SM	N/A	N/A	N/A	1	1
TBC	SFA 2 - Green and Sustainable Valley	Submission of a Park and Ride Master Plan to MayCo	Number of Park and Ride Master Plans submitted to MayCo by 31 March	Output	New KPI	1 per annum	1	SM	N/A	N/A	1	N/A	1
TBC	SFA 2 - Green and Sustainable Valley	Submission of a Waste to Energy Strategy to the Municipal Manager	Number of Waste to Energy Strategies submitted to the Municipal Manager by 31 December	Output	New KPI	1 per annum	1	SM	N/A	1	N/A	N/A	1
TBC	SFA 2 - Green and Sustainable Valley	Submission of a Waste Diversion Strategy to the MayCo	Number of Waste Diversion Strategies submitted to the MayCo by 31 March	Output	New KPI	1 per annum	1	SM	N/A	N/A	1	N/A	1
TBC	SFA 2 - Green and Sustainable Valley	Submission of a Revised Non-motorised Plan (NMT) to the MayCo	Number of Revised NMTs submitted to the MayCo by 31 December	Output	New KPI	1 per annum	1	SM	N/A	1	N/A	N/A	1
TBC	SFA 2 - Green and Sustainable Valley	Completion of the planning phase of the Adam Tas link road	Number of planning phases of the Adam Tas link road completed by 30 June	Output	New KPI	1 per annum	1	SM	N/A	N/A	N/A	1	1

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Director: Infrastructure Services
Mr Deon Louw

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Municipal Manager:
Ms Geraldine Mettler

DIRECTOR: INFRASTRUCTURE SERVICES													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 2 - Green and Sustainable Valley	Submission of an Asset Management Framework to the Municipal Manager	Number of Asset Management Frameworks submitted to the Municipal Manager by 31 December	Output	New KPI	1 per annum	1	SM	N/A	1	N/A	N/A	1
TBC	SFA 2 - Green and Sustainable Valley	Submission of a Master Energy Plan to the Municipal Manager	Number of Master Energy Plans submitted to the Municipal Manager by 31 December	Output	New KPI	1 per annum	1	SM	N/A	1	N/A	N/A	1
TBC	Good governance and Compliance	Implementation of the Directorate's actions as per the AGSA Audit Action Plan	Percentage of the Directorate's actions as per the AGSA Audit Action Plan implemented by 30 June	Outcome	New KPI	100% per annum	100%	SM	N/A	N/A	50%	100%	1
												Total	80

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Director: Infrastructure Services
Mr Deon Louw

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Municipal Manager:
Ms Geraldine Mettler

Part 2: Competency Requirements (20%)

Ref	Leading and Core Competencies	(January) 1st Assessment	(July) Final Assessment	Weights	Comments
2.1	**Strategic direction and leadership**			**1.66%**	
2.2	**People management**			**1.66%**	
2.3	**Programme and project management**			**1.66%**	
2.4	**Financial management**			**1.66%**	
2.5	**Change leadership**			**1.67%**	
2.6	**Governance leadership**			**1.67%**	
2.7	**Moral competence**			**1.67%**	
2.8	**Planning and organising**			**1.67%**	
2.9	**Analysis and innovation**			**1.67%**	
2.10	**Knowledge and information management**			**1.67%**	
2.11	**Communication**			**1.67%**	
2.12	**Results and quality focus**			**1.67%**	
Total				**20%**	

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Mr Deon Louw

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Municipal Manager:
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Annexure B
Competency Framework

DIRECTOR: INFRASTRUCTURE SERVICES

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Director: Infrastructure Services
Mr Deon Louw

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	LEADING COMPETENCIES		
COMPETENCY NAME :	Strategic Direction and Leadership		
COMPETENCY DEFINITION :	Provide and direct a vision for the institution, and inspire and deploy others to deliver on the strategic institutional mandate.		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Understand institutional and departmental strategic objectives, but • lacks the ability to inspire others to achieve set mandate.	• Give direction to a team in realising the institution's strategic mandate and set objectives.	• Evaluate all activities to determine value and alignment to strategic intent.	• Structure and position the institution to local government priorities.
• Describe how specific tasks link to institutional strategies but has limited influence in directing a strategy.	• Has a positive impact and influence on the morale, engagement and participation of team members.	• Display in-depth knowledge and understanding of strategic planning.	• Actively use in-depth knowledge and understanding to develop and implement a comprehensive institutional framework.
• Has a basic understanding of institutional performance management, but lacks the ability to integrate systems into a collective whole.	• Develop action plans to execute and guide strategy.	• Align strategy and goals across all functional areas.	• Hold self-accountable for strategy execution and results.
• Demonstrate basic understanding of key decision making.	• Assist in defining performance measures to monitor the progress and effectiveness of the institution.	• Actively define performance measures to monitor the progress and effectiveness of the institution.	• Provide impact and influence through building and maintaining strategic relationships.
	• Displays an awareness of institutional structures and political factors.	• Consistently challenge strategic plans to ensure relevance.	• Create an environment that facilitates loyalty and innovation. Display a superior level of self-discipline and integrity in actions.
	• Effectively communicate barriers to execution to relevant parties.	• Understand institutional structures and political factors, and the consequences of actions.	• Integrate various systems into a collective whole to optimise institutional performance management.
	• Provide guidance to all stakeholders in the achievement of the strategic mandate.	• Empower others to follow the strategic direction and deal with complex situations.	• Uses understanding of competing interests to maneuver successfully to a win/win outcome.
	• Understand the aim and objectives of the institution and relate it to own work.	• Guide the institution through complex and ambiguous concern. • Use understanding of power relationships and dynamic tensions among key players	

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Director: Infrastructure Services
Mr Deon Louw

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	LEADING COMPETENCIES		
COMPETENCY NAME :	Strategic Direction and Leadership		
COMPETENCY DEFINITION :	Provide and direct a vision for the institution, and inspire and deploy others to deliver on the strategic institutional mandate.		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
		to frame communications and develop strategies, positions and alliances.	

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Director: Infrastructure Services
Mr Deon Louw

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	LEADING COMPETENCIES		
COMPETENCY NAME :	**People Management**		
COMPETENCY DEFINITION :	**Effectively manage, inspire and encourage people, respect diversity, optimise talent and build and nurture relationships in order to achieve institutional objectives.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Participate in team goalsetting and problem solving.	• Seek opportunities to increase team contribution and responsibility.	• Identify ineffective team and work processes and recommend remedial interventions.	• Develop and incorporate best practice people management processes, approaches and tools across the institution.
• Interact and collaborate with people of diverse backgrounds.	• Respect and support the diverse nature of others and be aware of the benefits of a diverse approach.	• Recognise and reward effective and desired behavior.	• Foster a culture of discipline, responsibility and accountability.
• Aware of guidelines for employee development, but requires support in implementing development initiatives.	• Effectively delegate tasks and empower others to increase contribution and execute functions optimally.	• Provide mentoring and guidance to others in order to increase personal effectiveness.	• Understand the impact of diversity in performance and actively incorporate a diversity strategy in the institution.
	• Apply relevant employee legislation fairly and consistently.	• Identify development and learning needs within the team.	• Develop comprehensive integrated strategies and approaches to human capital development and management.
	• Effectively identify capacity requirements to fulfill the strategic mandate.	• Inspire a culture of performance excellence by giving positive and constructive feedback to the team. • Achieve agreement or consensus in adversarial environments. • Lead and unite diverse teams across divisions to achieve institutional objectives.	• Actively identify trends and predict capacity requirements to facilitate unified transition and performance management.

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Director: Infrastructure Services
Mr Deon Louw

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Programme and Project Management**		
COMPETENCY DEFINITION :	**Able to understand program and project management methodology; plan, manage, monitor and evaluate specific activities in order to deliver on set objectives.**		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Initiate projects after approval from higher authorities.	• Establish broad stakeholder involvement and communicate the project status and key milestones.	• Manage multiple programs and balance priorities and conflicts according to institutional goals.	• Understand and conceptualise the long-term implications of desired project outcomes.
• Understand procedures of program and project management methodology, implications and stakeholder involvement.	• Define the roles and responsibilities of the project team and create clarity around expectations.	• Apply effective risk management strategies through impact assessment and resource requirements.	• Direct a comprehensive strategic macro and micro analysis and scope projects accordingly to realise institutional objectives.
• Understand the rational of projects in relation to the institution's strategic objectives.	• Find a balance between project deadline and the quality of deliverables.	• Modify project scope and budget when required without compromising the quality and objectives of the project.	• Influence people in positions of authority to implement outcomes of projects
• Document and communicate factors and risk associated with own work.	• Identify appropriate project resources to facilitate the effective completion of the deliverables.	• Involve top-level authorities and relevant stakeholders in seeking project buy-in.	• Lead and direct translation of policy into workable action plans
• Use results and approaches of successful project implementation as guide.	• Comply with statutory requirements and apply policies in a consistent manner. • Monitor progress and use of resources and make needed adjustments to timelines, steps and resource allocation.	• Identify and apply contemporary project management methodology • Influence and motivate project team to deliver exceptional results. • Monitor policy implementation and apply procedures to manage risks.	• Ensures that programs are monitored to track progress and optimal resource utilisation, and that adjustments are made as needed.

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Director: Infrastructure Services
Mr Deon Louw

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Ms Geraldine Mettler

CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Change Leadership**		
COMPETENCY DEFINITION :	**Able to direct and initiate institutional transformation on all levels in order to successfully drive and implement new initiatives and deliver professional and quality services to the community.**		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Display an awareness of change interventions and the benefits of transformation initiatives.	• Perform an analysis of the change impact on the social, political and economic environment.	• Actively monitor change impact and results and convey progress to relevant stakeholders.	• Sponsor change agents and create a network of change leaders who support the interventions.
• Able to identify basic needs for change.	• Maintain calm and focus during change.	• Secure buy-in and sponsorship for change initiatives.	• Actively adapt current structures and processes to incorporate the change interventions.
• Identify gaps between the current and desired state.	• Able to assist team members during change and keep them focused on the deliverables.	• Continuously evaluate change strategy and design and introduce new approaches to enhance the institution's effectiveness.	• Mentor and guide team members on the effects of change, resistance factors and how to integrate change.
• Identify potential risk and challenges to transformation, including resistance to change factors.	• Volunteer to lead change efforts outside of own work team.	• Build and nurture relationships with various stakeholders to establish strategic alliance in facilitating change.	• Motivate and inspire others around change initiatives.
• Participate in change programs and piloting change interventions.	• Able to gain buy-in and approval for change from relevant stakeholders.	• Take the lead in impactful change programs.	
• Understand the impact of change interventions on the institution within the broader scope of local government.	• Identify change readiness levels and assist in resolving resistance to change factors.	• Benchmark change interventions against best change practices.	
	• Design change interventions that are aligned with the institution's strategic objectives and goals.	• Understand the impact and psychology of change and put remedial interventions in place to facilitate effective transformation. • Take calculated risk and seek new ideas from best practice scenarios and identify the potential for implementation.	

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Director: Infrastructure Services
Mr Deon Louw

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Financial Management**		
COMPETENCY DEFINITION :	**Able to compile, plan and manage budgets, control cash flow, institute financial risk management and administer procurement processes in accordance with recognised financial practices. Further to ensure that all financial transactions are managed in an ethical manner**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Understand basic financial concepts and methods as they relate to institutional processes and activities	• Exhibit knowledge of general financial concepts, planning, budgeting and forecasting and how they interrelate	• Take active ownership of planning, budgeting and forecasting processes and provides credible answers to queries within own responsibility.	• Develop planning tools to assist in evaluating and monitoring future expenditure trends.
• Display awareness into the various sources of financial data, reporting mechanisms, financial governance, processes and systems	• Assess, identify and manage financial risks.	• Prepare budgets that are aligned to the strategic objectives of the institution.	• Set budget frameworks for the institution.
• Understand the importance of financial accountability	• Assume a cost-saving approach to financial management.	• Address complex budgeting and financial management concerns.	• Set strategic direction for the institution on expenditure and other financial processes.
• Understand the importance of asset control.	• Prepare financial reports based on specified formats.	• Put systems and processes in place to enhance the quality and integrity of financial management practices.	• Build and nurture partnerships to improve financial management and achieve financial savings.
	• Consider and understand the financial implications of decisions and suggestions.	• Advise on policies and procedures regarding asset control.	• Actively identify and implement new methods to improve asset control.
	• Ensure that delegation and instructions as required by National Treasury guidelines are reviewed and updated. • Identify and implement proper monitoring and evaluation practices to ensure appropriate spending against budget.	• Promote National Treasury's regulatory framework for Financial Management.	• Display professionalism in dealing with financial data and processes.

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Director: Infrastructure Services
Mr Deon Louw

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Governance Leadership**		
COMPETENCY DEFINITION:	**Able to promote, direct and apply professionalism in managing risk and compliance requirements and apply a thorough understanding of governance practices and obligations. Further, able to direct the conceptualisation of relevant policies and enhance cooperative governance relationships.**		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Display a basic awareness of risk, compliance and governance factors but require guidance and development in implementing such requirements.	• Display a thorough understanding of governance and risk and compliance factors and implement plans to address these.	• Able to link risk initiatives into key institutional objectives and drivers.	• Demonstrate a high level of commitment in complying with governance requirements.
• Understand the structure of cooperative government but requires guidance on fostering workable relationships between stakeholders.	• Demonstrate understanding of the techniques and processes for optimising risk taking decisions within the institution.	• Identify, analyse and measure risk, create valid risk forecasts and map risk profiles.	• Implement governance and compliance strategy to ensure achievement of institutional objectives within the legislative framework.
• Provide input into policy formulation.	• Actively drive policy formulation within the institution to ensure the achievement of objectives.	• Apply risk control methodology and approaches to prevent and reduce risk that impede on the achievement of institutional objectives.	• Able to advise local government on risk management, best practice interventions and compliance management.
		• Demonstrate a thorough understanding of risk retention plans.	• Able to forge positive relationships on cooperative governance level to enhance the effectiveness of local government.t
		• Identify and implement comprehensive risk management systems and processes.	• Able to shape, direct and drive the formulation of policies on a macro level.
		• Implement and monitor the formulation of policies, identify and analyse constraints and challenges with implementation and provide recommendations for improvement.	

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Director: Infrastructure Services
Mr Deon Louw

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	CORE COMPETENCIES		
COMPETENCY NAME :	**Moral Competence**		
COMPETENCY DEFINITION :	**Able to identify moral triggers, apply reasoning that promotes honesty and integrity and consistently display behavior that reflects moral competence**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Realise the impact of acting with integrity, but requires guidance and development in implementing principles.	• Conduct self in alignment with the values of local government and the institution.	• Identify, develop and apply measures of self-correction.	• Create an environment conducive of moral practices.
• Follow basic rules and regulations of the institution.	• Able to openly admit own mistakes and weaknesses and seek assistance from others when unable to deliver.	• Able to gain trust and respect through aligning actions with commitments.	• Actively develop and implement measures to combat fraud and corruption.
• Able to identify basic moral situations, but requires guidance and development in understanding and reasoning with moral intent.	• Actively report fraudulent activity and corruption with local government.	• Make proposals and recommendations that are transparent and gain the approval of relevant stakeholders.	• Set integrity standards and shared accountability measures across the institution to support the objectives of local government.
	• Understand and honor the confidential nature of matters without seeking personal gain.	• Present values, beliefs and ideas that are congruent with the institution's rules and regulations.	• Take responsibility for own actions and decisions, even if the consequences are unfavorable.
	• Able to deal with situations of conflict of interest promptly and in the best interest of local government.	• Takes an active stance against corruption and dishonesty when noted.	
		• Actively promote the value of the institution to internal and external stakeholders.	
		• Able to work in unity with a team and not seek personal gain.	
		• Apply universal moral principles consistently to achieve moral decisions.	

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Director: Infrastructure Services
Mr Deon Louw

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	CORE COMPETENCIES		
COMPETENCY NAME :	**Planning and Organising**		
COMPETENCY DEFINITION :	**Able to plan, prioritise and organise information and resources effectively to ensure the quality of service delivery and build efficient contingency plans to manage risk.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Able to follow basic plans and organise tasks around set objectives.	• Actively and appropriately organise information and resources required for a task.	• Able to define institutional objectives, develop comprehensive plans, integrate and coordinate activities and assign appropriate resources for successful implementation.	• Focus on broad strategies and initiatives when developing plans and actions.
• Understand the process of planning and organising but requires guidance and development in providing detailed and comprehensive plans.	• Recognise the urgency and importance of tasks.	• Identify in advance required stages and actions to complete tasks.	• Able to protect and forecast short, medium and long term requirements of the institution and local government.
• Able to follow existing plans and ensure that objectives are met.	• Balance short and long-term plans and goals and incorporate into the team's performance objectives.	• Schedule realistic timelines, objectives and milestones for tasks and projects.	• Translate policy into relevant projects to facilitate the achievement of institutional objectives.
• Focus on short-term objectives in developing plans and actions	• Schedule tasks to ensure they are performed within budget and with efficient use of time and resources.	• Produce clear, detailed and comprehensive plans to achieve institutional objectives.	
• Arrange information and resources required for a task, but require further structure and organisation.	• Measures progress and monitor performance results.	• Identify possible risk factors and design and implement appropriate contingency plans. • Adapt plans in light of changing circumstances. • Prioritise tasks and projects according to their relevant urgency and importance.	

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Director: Infrastructure Services
Mr Deon Louw

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Analysis and Innovation**		
COMPETENCY DEFINITION :	**Able to critically analyse information, challenges and trends to establish and implement fact-based solutions that are innovative to improve institutional processes in order to achieve key strategic objectives**		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Understand the basic operation of analysis, but lack detail and thoroughness.	• Demonstrate logical problem solving techniques and approaches and provide rationale for recommendations.	• Coaches team members on analytical and innovative approaches and techniques.	• Demonstrate complex analytical and problem solving approaches and techniques.
• Able to balance independent analysis with requesting assistance from others.	• Demonstrate objectivity, insight and thoroughness when analysing problems.	• Engage with appropriate individuals in analysing and resolving complex problems.	• Create an environment conducive to analytical and fact-based problem solving.
• Recommend new ways to perform tasks within own function.	• Able to break down complex problems into manageable parts and identify solutions.	• Identify solutions on various areas in the institution.	• Analyse, recommend solutions and monitor trends in key challenges to prevent and manage occurrence.
• Propose simple remedial interventions that marginally challenges the status quo.	• Consult internal and external stakeholders on opportunities to improve processes and service delivery.	• Formulate and implement new ideas throughout the institution.	• Create an environment that fosters innovative thinking and follows a learning organisation approach.
• Listen to the ideas and perspectives of others and explore opportunities to enhance such innovative thinking.	• Clearly communicate the benefits of new opportunities and innovative solutions and stakeholders.	• Able to gain approval and buy-in for proposed interventions from relevant stakeholders.	• Be a thought leader on innovative customer service delivery and process optimisation.
	• Continuously identify opportunities to enhance internal processes.	• Identify trends and best practices in process and service delivery and propose institutional application.	• Play an active role in sharing best practice solutions and engage in national and international local government seminars and conferences.
	• Identify and analyse opportunities conducive to innovative approaches and propose remedial intervention.	• Continuously engage in research to identify client needs.	

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Director: Infrastructure Services
Mr Deon Louw

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Knowledge and Information Management**		
COMPETENCY DEFINITION :	**Able to promote the generation and sharing of knowledge and information through various processes and media, in order to enhance the collective knowledge base of local government**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Collect, categorise and track relevant information required for specific tasks and projects.	• Use appropriate information systems and technology to manage institutional knowledge and information sharing.	• Effectively predict future information and knowledge management requirements and systems.	• Create and support a vision and culture where team members are empowered to seek, gain and share knowledge and information.
• Analyse and interpret information to draw conclusions.	• Evaluate data from various sources and use information effectively to influence decisions and provide solutions.	• Develop standards and processes to meet future knowledge management needs.	• Establish partnerships across local government to facilitate knowledge management.
• Seek new sources of information to increase the knowledge base.	• Actively create mechanisms and structures for sharing information.	• Share and promote best-practice knowledge management across various institutions.	• Demonstrate a mature approach.
• Regularly share information and knowledge with internal stakeholders and team members.	• Use external and internal resources to research and provide relevant and cutting-edge knowledge to enhance institutional effectiveness and efficiency.	• Establish accurate measures and monitoring systems for knowledge and information management. • Create a culture conducive of learning and knowledge sharing. • Hold regular knowledge and information sharing sessions to elicit new ideas and share best practice approaches.	• Recognise and exploit knowledge points in interactions with internal and external stakeholders.

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Director: Infrastructure Services
Mr Deon Louw

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	CORE COMPETENCIES		
COMPETENCY NAME :	**Communication**		
COMPETENCY DEFINITION :	**Able to share information, knowledge and ideas in a clear, focused and concise manner appropriate for the audience in order to effectively convey, persuade and influence stakeholders to achieve the desired outcome.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Demonstrate an understanding for communication levers and tools appropriate for the audience, but requires guidance in utilising such tools.	• Express ideas to individuals and groups in formal and informal settings in a manner that is interesting and motivating.	• Effectively communicate high-risk and sensitive matters to relevant stakeholders.	• Regarded as a specialist in negotiations and representing the institution.
• Express ideas in a clear and focused manner, but does not always take the audience into consideration.	• Able to understand, tolerate and appreciate diverse perspectives, attitudes and beliefs.	• Develop a well-defined communication strategy.	• Able to inspire and motivate others through positive communication that is impactful and relevant.
• Disseminate and convey information and knowledge adequately.	• Adapt communication content and style to suit the audience and facilitate optimal information transfer.	• Balance political perspectives with institutional needs when communicating viewpoints on complex issues.	• Creates an environment conducive to transparent and productive communication and critical appreciate conversations.
	• Deliver content in a manner that gains support, commitment and agreement from relevant stakeholders.	• Able to effectively direct negotiations around complex.	• Able to coordinate negotiations at different levels within local government and externally.
	• Compile clear, focused, concise and well-structured written documents.	• Market and promote the institution to external stakeholders and seek to enhance a positive image of the institution. • Able to communicate with the media with high levels of moral competence and discipline.	

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Director: Infrastructure Services
Mr Deon Louw

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Results and Quality Focus**		
COMPETENCY DEFINITION :	**Able to maintain high quality standards, focus on achieving results and objectives while consistently striving to exceed expectations and encourage others to meet quality standards. Further, to actively monitor and measure results and quality against identified objectives.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Understand quality of work but requires guidance in attending to important matters.	• Focus on high-priority actions and does not become distracted by lower-priority activities.	• Consistently verify own standards and outcomes to ensure quality output.	• Coach and guide others to exceed quality standards and results.
• Show a basic commitment to achieving the correct results.	• Display firm commitment and pride in achieving the correct results.	• Focus on the end result and avoids being distracted	• Develop challenging, client-focused goals and sets high standards for personal performance.
• Produce the minimum level of results required in the role.	• Set quality standards and design processes and tasks around achieving set standards.	• Demonstrate a determined and committed approach to achieving results and quality standards.	• Commit to exceed the results and quality standards, monitor own performance and implement remedial interventions when required.
• Produce outcomes that is of a good standard.	• Produce output of high quality.	• Follow task and projects through to completion.	• Work with team to set ambitious and challenging team goals, communicating long- and short term expectations.
• Focus on the quantity of output but requires development in incorporating the quality of work.	• Able to balance the quantity and quality and quality of results in order to achieve objectives.	• Set challenging goals and objectives to self and team and display commitment to achieving expectations.	• Take appropriate risks to accomplish goals.
• Produce quality work in general circumstances, but fails to meet expectation when under pressure.	• Monitors progress, quality of work and use of resources; provide status updates and make adjustments as needed.	• Maintain a focus on quality outputs when placed under pressure.	• Overcome setbacks and adjust action plans to realise goals.
		• Establishing institutional systems for managing and assigning work, defining responsibilities, tracking, monitoring and measuring success, evaluating and valuing the work of the institution.	• Focus people on critical activities that yield a high impact.

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Director: Infrastructure Services
Mr Deon Louw

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Municipal Manager:
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Annexure C:

Personal Development Plan

DIRECTOR: INFRASTRUCTURE SERVICES

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Director: Infrastructure Services
Mr Deon Louw

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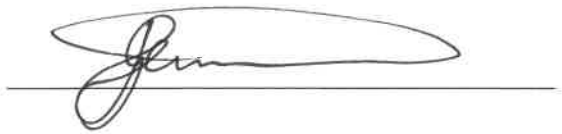
Municipal Manager:
Ms Geraldine Mettler

Skills Performance Gap	Outcomes Expected	Suggested training and / or development activity	Suggested mode of delivery	Suggested Time Frames	Work opportunity created to practice skill / development area	Support Person
1.						
2.						
3.						

Signed and accepted by the Employee



Date: 07 July 2021.

Signed by the Municipal Manager on behalf of the Municipality

Date: 07 July 2021.

ANNEXURE 6

STELLENBOSCH

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Performance Agreement

2021 – 2022

Director:
Community and Protection Services

PERFORMANCE AGREEMENT

MADE AND ENTERED INTO BY AND BETWEEN
STELLENBOSCH MUNICIPALITY HEREBY REPRESENTED BY:

THE MUNICIPAL MANAGER
Ms Geraldine Mettler
(herein and after referred as Employer**)**

AND

DIRECTOR: COMMUNITY AND PROTECTION SERVICES
Mr Gary Boshoff
(herein and after referred as Employee**)**

FOR THE FINANCIAL YEAR:

01 JULY 2021 – 30 JUNE 2022

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Director: Community and Protection Services
Mr Gary Boshoff

Municipal Manager:
Ms Geraldine Mettler

1. INTRODUCTION

1.1 The Employer, duly represented by **Ms Geraldine Mettler**, in her capacity as the Municipal Manager has entered into a contract of employment with the Employee, **Mr Gary Boshoff**, in terms of section 57(1)(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) ("the Systems Act"). The Employer and the Employee are hereinafter referred as "the Parties";

1.2 Section 57(1)(b) of the Systems Act, read with the Contract of Employment concluded between the parties, requires the Parties to conclude an annual performance agreement;

1.3 The Parties wish to ensure that they are clear about the goals to be achieved, and secure the commitment of the Employee to a set of outcomes that will promote local government policy goals;

1.4 The Parties wish to ensure that there is compliance with Sections 57(4B) and 57(5) of the Systems Act;

1.5 In this Agreement, the followings terms will have the meaning ascribed thereto:

1.5.1 "this Agreement" – means the performance agreement between the Employer and the employee and the Annexures thereto;

1.5.2 "the **Municipal Manager**" – means the Municipal Manager of the Municipality appointed in terms of Section 54(A) of the Systems Act;

1.5.3 "the Employee" means the **Director: Community and Protection Services** appointed in terms of Section 56 of the Systems Act;

1.5.4 "the Employer" means **Stellenbosch Municipality**; and

1.5.5 "the Parties" means the Employer and Employee.

2. PURPOSE OF THIS AGREEMENT

2.1 To comply with the provisions of Section 57(1)(b), (4B) and (5) of the Systems Act as well as the Contract of Employment entered into between the Parties;

2.2 To specify objectives and targets established for the Employee and to communicate to the Employee the Employer's expectations of the Employee's performance targets and accountabilities;

2.3 To specify accountabilities as set out in the Performance Plan (Annexure A);

2.4 To monitor and measure performance against set targeted outputs and outcomes;

2.5 To establish a transparent and accountable working relationship;

2.6 To appropriately reward the employee in accordance with section 11 of this agreement; and

2.7 To give effect to the Employer's commitment to a performance-orientated relationship with the Employee in attaining improved service delivery.

3. COMMENCEMENT AND DURATION

3.1 This Agreement will commence on **01 July 2021** and will remain in force until **30 June 2022** where-after a new Performance Agreement shall be concluded between the parties for the next financial year or any portion thereof;

3.2 The Parties will conclude a new Performance Agreement that replaces this Agreement at least once a year by not later than 31st of July of the succeeding financial year;

3.3 This Agreement will terminate on the termination of the Employee's contract of employment for any reason; and

3.4 The content of this Agreement may be revised at any time during the abovementioned period to determine the current applicability of the matters previously agreed upon.

4. PERFORMANCE OBJECTIVES

4.1 The Performance Plan (Annexure A) sets out –

4.1.1 The performance objectives and targets that must be met by the Employee;

4.1.2 The time frames within which those performance objectives and targets must be met; and

4.1.3 The core competency requirements (Annexure B – definitions) as the management skills regarded as critical to the position held by the Employee.

4.2 The performance objectives and targets reflected in Annexure A are set by the Employer in consultation with the Employee and based on the Integrated Development Plan, Service Delivery and Budget Implementation Plan (SDBIP) and the Budget of the Employer, and shall include:

4.2.1 Key objectives that describe the main tasks that need to be done;

4.2.2 Key performance indicators (KPIs) that provide the details of the evidence that must be provided to show that a key objective has been achieved;

4.2.3 Target dates that describe the timeframe in which the targets must be achieved; and

4.2.4 Weightings showing the relative importance of the key objectives to each other.

4.3 The Personal Development Plan (Annexure C) sets out the Employee's personal development requirements in line with the objectives and targets of the Employer; and

4.4 The Employee's performance will, in addition, be measured in terms of contributions to the goals and strategies set out in the Employer's Integrated Development Plan.

5. PERFORMANCE MANAGEMENT SYSTEM

5.1 The Employee agrees to participate in the performance management system that the Employer adopted for the employees of the Employer;

5.2 The Employee accepts that the purpose of the performance management system will be to provide a comprehensive system with specific performance standards to assist the employees and service providers to perform to the standards required;

5.3 The Employer will consult the Employee about the specific performance standards and targets that will be included in the performance management system applicable to the Employee;

5.4 The Employee undertakes to actively focus on the promotion and implementation of the Strategic Focus Areas (SFAs) (including special projects relevant to the employee's responsibilities) within the local government framework;

5.5 The criteria upon which the performance of the Employee shall be assessed shall consist of two components, SFAs and Competency Framework requirements as per the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, both of which shall be contained in the Performance Agreement;

5.6 The Employee's assessment will be based on his performance in terms of the outputs / outcomes (KPIs) identified as per attached Performance Plan (Annexure A), which are linked to the SFAs applicable to the Employee, and will constitute 80% of the overall assessment result as per the weightings agreed to between the Employer and Employee.

Table 1: Strategic Focus Areas

Strategic Focus Areas
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

5.7 The competency requirements for senior managers as per Regulation 9 of Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers will make up the other 20% of the Employee's assessment

score. The competencies will be assessed every six (6) months (January and July).

Table 2: Leading and Core Competencies

Leading and Core Competencies		
1.	**Strategic direction and leadership**	• Impact and influence • Institutional performance management • Strategic planning and management • Organisational awareness
2.	**People management**	• Human capital planning and development • Diversity management • Employee relations management • Negotiation and dispute management
3.	**Programme and project management**	• Programme and project planning and implementation • Service delivery management • Programme and project monitoring and evaluation
4.	**Financial management**	• Budget planning and execution • Financial strategy and delivery • Financial reporting and delivery
5.	**Change leadership**	• Change vision and strategy • Process design and improvement • Change impact monitoring and evaluation
6.	**Governance leadership**	• Policy formulation • Risk and compliance management • Cooperative governance
7.	**Moral competence**	• Core Competency
8.	**Planning and organising**	• Core Competency
9.	**Analysis and innovation**	• Core Competency
10.	**Knowledge and information management**	• Core Competency
11.	**Communication**	• Core Competency
12.	**Results and quality focus**	• Core Competency

6. PERFORMANCE ASSESSMENT

6.1 The Performance Plan (Annexure A) to this Agreement sets out –

6.1.1 The standards and procedures for evaluating the Employee's performance; and

6.1.2 The intervals for the evaluation of the Employee's performance.

6.2 Despite the establishment of agreed intervals for evaluation, the Employer may in addition review the Employee's performance at any stage while the contract of employment remains in force;

6.3 Personal growth and development needs identified during any performance review discussion must be documented in a Personal Development Plan as well

as the actions agreed to and implementation must take place within set time frames;

6.4 The Employee's performance will be measured in terms of contributions to the goals and strategies set out in the Employer's Integrated Development Plan (IDP) as described in 6.6 – 6.12 below;

6.5 The Employee will submit quarterly performance reports (SDBIP) and a comprehensive annual performance report at least one week prior to the performance assessment meetings to the Evaluation Panel Chairperson for distribution to the panel members for preparation purposes;

6.6 Assessment of the achievement of results as outlined in the performance plan:

6.6.1 Each KPI or group of KPIs shall be assessed according to the extent to which the specified standards or performance targets have been met and with due regard to ad-hoc tasks that had to be performed under the KPI;

6.6.2 A rating on the five-point scale shall be provided for each KPI or group of KPIs which will then be multiplied by the weighting to calculate the final score;

6.6.3 The Employee will submit his self-evaluation to the Employer prior to the formal assessment;

6.6.4 In the instance where the employee could not perform due to reasons outside the control of the employer and employee, the KPI will not be considered during the evaluation. The employee should provide sufficient evidence in such instances; and

6.6.5 An overall score will be calculated based on the total of the scores calculated above.

6.7 Assessment of the Competencies:

6.7.1 Each Competency shall be assessed in terms of the description provided in (Annexure B);

6.7.2 A rating shall be provided for each Competency which will then be multiplied by the weighting to calculate the final score; and

6.7.3 An overall score will be calculated based on the total of the scores calculated above.

6.8 Overall rating

6.8.1 An overall rating is calculated by adding the overall scores as calculated in 6.6.5 and 6.7.3 above; and

6.8.2 Such overall rating represents the outcome of the performance appraisal.

6.9 The assessment of the performance of the Employee will be based on the following rating scales for SFAs and Competencies respectively:

6.9.1 Rating scale for SFAs - as mentioned in paragraph 5.6:

Table 3: Performance rating scale

Level	Terminology	Description
5	**Outstanding performance**	Performance far exceeds the standard expected of an employee at this level. The appraisal indicates that the Employee has achieved above fully effective results against all performance criteria and indicators as specified in the PA and Performance plan and maintained this in all areas of responsibility throughout the year.
4	**Performance significantly above expectations**	Performance is significantly higher than the standard expected in the job. The appraisal indicates that the Employee has achieved above fully effective results against more than half of the performance criteria and indicators and fully achieved all others throughout the year.
3	**Fully effective**	Performance fully meets the standards expected in all areas of the job. The appraisal indicates that the Employee has fully achieved effective results against all significant performance criteria and indicators as specified in the PA and Performance Plan.
2	**Not fully effective**	Performance is below the standard required for the job in key areas. Performance meets some of the standards expected for the job. The review/assessment indicates that the employee has achieved below fully effective results against more than half the key performance criteria and indicators as specified in the PA and Performance Plan.
1	**Unacceptable performance**	Performance does not meet the standard expected for the job. The review/assessment indicates that they employee has achieved below fully effective results against almost all the performance criteria and indicators as specified in the PA and Performance Plan. The employee has failed to demonstrate the commitment or ability to bring performance up to the level expected in the job despite management efforts to encourage improvement.

6.9.2 Rating scale for Competencies -as mentioned in paragraph 5.7:

Table 4: Rating scale for Competencies

Level	Achievement Levels	Description
5	**Superior**	Has a comprehensive understanding of local government operations, critical in shaping strategic direction and change, develops, and applies comprehensive concepts and methods
4	**Advanced**	Develops and applies complex concepts, methods and understanding. Effectively directs and leads a group and executes in-depth analyses

Level	Achievement Levels	Description
3	Competent	Develops and applies more progressive concepts, methods and understanding. Plans and guides the work of others and executes progressive analyses
2	Basic	Applies basic concepts, methods, and understanding of local government operations, but requires supervision and development intervention
1	Sub Standard	Applies little to no basic concepts, methods, and understanding of local government operations.

6.10 For purposes of evaluating the performance of the Employee for the year-end reviews, an evaluation panel constituted of the following persons will be established–

6.10.1 Municipal Manager;

6.10.2 Municipal Manager from another municipality;

6.10.3 Chairperson of the Performance Audit Committee or in his/her absence thereof, the Chairperson of the Audit Committee; and

6.10.4 The Member of the Mayoral Committee (Portfolio Chairperson).

6.11 The Municipal Manager will evaluate the performance of the Employee as at the end of the 1st, and 3rd quarters; and

6.12 The Municipal Manager will give performance feedback to the Employee within five (5) working days after each quarterly and annual assessment meeting.

7. SCHEDULE FOR PERFORMANCE REVIEWS

7.1 The performance of the Employee in relation to his performance agreement shall be reviewed on the following dates.

Table 5: Schedule for performance reviews

Quarter	Review Period	Review to be completed by
1	July - September	October / November 2021 (Informal)
2	October – December	January / February 2022 (Formal)
3	January – March	April / May 2022 (Informal)
4	April - June	After the receipt of the AG's Management Report

7.2 The Employer shall keep a record of the mid-year and year-end assessment meetings;

7.3 Performance feedback shall be based on the Employer's assessment of the Employee's performance;

7.4 The Employer will be entitled to review and make reasonable changes to the provisions of Annexure A from time to time for operational reasons. The Employee will be fully consulted before any such change is made; and

7.5 The Employer may amend the provisions of Annexure A whenever the performance management system is adopted, implemented, and/or amended as the case may be. In that case, the Employee will be fully consulted before any such change is made.

8. DEVELOPMENTAL REQUIREMENTS

8.1 The Personal Development Plan (PDP) for addressing developmental gaps is attached as Annexure C. Such Plan may be implemented and/or amended as the case may be after each assessment. In that case, the Employee will be fully consulted before any such change or plan is made.

9. OBLIGATIONS OF THE EMPLOYER

9.1 The Employer shall-

9.1.1 Create an enabling environment to facilitate effective performance by the employee;

9.1.2 Provide access to skills development and capacity building opportunities;

9.1.3 Work collaboratively with the Employee to solve problems and generate solutions to common problems that may impact on the performance of the Employee;

9.1.4 On the request of the Employee delegate such powers reasonably required by the Employee to enable him to meet the performance objectives and targets established in terms of this Agreement; and

9.1.5 Make available to the Employee such resources as the Employee may reasonably require from time to time assisting him to meet the performance objectives and targets established in terms of this Agreement.

10. CONSULTATION

10.1 The Employer agrees to consult the Employee timeously where the exercising of its powers will have amongst others-

10.1.1 A direct effect on the performance of any of the Employee's functions;

10.1.2 Commit the Employee to implement or to give effect to a decision made by the Employer; and

10.1.3 A substantial financial effect on the Employer.

10.2 The Employer agrees to inform the Employee of the outcome of any decisions taken pursuant to the exercise of powers contemplated in clause 12.1 as soon as is practicable to enable the Employee to take any necessary action with delay.

11. REWARD

11.1 The evaluation of the Employee's performance will form the basis for rewarding outstanding performance or correcting unacceptable performance;

11.2 The payment of the performance bonus is determined by the performance score obtained during the 4th quarter and as informed by the quarterly performance assessments;

11.3 A performance bonus of between 5% to 14% of the all- inclusive annual remuneration package may be paid to the Employee in recognition of outstanding performance to be constituted as follows:

Table 6: Performance bonus calculations

Performance Rating		Bonus Calculation
0% - 64%	Poor Performance	0% of total package
65% - 69%	Average Performance	5% of total package
70% - 74%	Fair Performance	9% of total package
75% - 79%	Good Performance	11% of total package
80% - 100%	Excellent Performance	14% of total package

11.4 In the event of the Employee terminating his services during the validity period of this Agreement, the Employee's performance will be evaluated for the portion during which he was employed and he will be entitled to a pro-rata performance bonus based on his evaluated performance for the period of actual service; and

11.5 The Employer will submit the total score of the annual assessment and of the Employee, to full Council for purposes of recommending the bonus allocation.

12. MANAGEMENT OF EVALUATION OUTCOMES

12.1 Where the Employer is, any time during the Employee's employment, not satisfied with the Employee's performance with respect to any matter dealt with in this Agreement, the Employer will give notice to the Employee to attend a meeting;

12.2 The Employee will have the opportunity at the meeting to satisfy the Employer of the measures being taken to ensure that his performance becomes satisfactory and any programme, including any dates, for implementing these measures;

12.3 Where there is a dispute or difference as to the performance of the Employee under this Agreement, the Parties will confer with a view to resolving the dispute or difference; and

12.4 In the case of unacceptable performance, the Employer shall –

12.4.1 Provide systematic remedial or developmental support to assist the Employee to improve his performance; and

12.4.2 After appropriate performance counselling and having provided the necessary guidance and/or support as well as reasonable time for improvement in performance, the Employer may consider steps to terminate the contract of employment of the Employee on grounds of unfitness or incapacity to carry out his or her duties.

13. DISPUTE RESOLUTION

13.1 In the event that the Employee is dissatisfied with any decision or action of the Employer in terms of this Agreement, or where a dispute or difference arises as to the extent to which the Employee has achieved the performance objectives and targets established in terms of this Agreement, the Employee may within 3 (three) business days, meet with the Employer with a view to resolving the issue. The Employer will record the outcome of the meeting in writing;

13.2 If the Parties cannot resolve the issues within 10 (ten) business days, an independent arbitrator, acceptable to both parties, shall be appointed to resolve the matter within 30 (thirty) business days; and

13.3 In the event that the mediation process contemplated above fails, the relevant clause of the Contract of Employment together with the relevant laws and regulations shall apply.

14. GENERAL

14.1 The contents of this agreement and the outcome of any review conducted in terms of Annexure A may be made available to the public by the Employer; and

14.2 Nothing in this agreement diminishes the obligations, duties, or accountabilities of the Employee in terms of his contract of employment, or the effects of existing or new regulations, circulars, policies, directives, or other instruments.

Thus, done and signed at Stellenbosch on the 07 day of July 2021.

DIRECTOR: COMMUNITY AND PROTECTION SERVICES

AS WITNESSES:

1.

2.

Thus, done and signed at Stellenbosch on the 07 day of July 2021.

MUNICIPAL MANAGER

AS WITNESSES:

1.

2.

MEMBER OF MAYORAL COMMITTEE
(Portfolio: Community Development and Protection Services)
Cllr R Badenhorst

MEMBER OF MAYORAL COMMITTEE
(Portfolio: Parks, Open Spaces and Environment)
Cllr X Mdemka

MEMBER OF MAYORAL COMMITTEE
(Portfolio: Youth, Sport and Culture)
Cllr J Fasser

.....
Director: Community and Protection Services
Mr Gary Boshoff

.....
Municipal Manager:
Ms Geraldine Mettler

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Annexure A
Performance Plan

DIRECTOR: COMMUNITY AND PROTECTION SERVICES

.....
Director: Community and Protection Services
Mr Gary Boshoff

.....
Municipal Manager:
Ms Geraldine Mettler

The Performance Plan sets out:

a) Key Performance Areas that the employee should focus on, performance objectives, key performance indicators and targets that must be met within a specific timeframe; and
b) The Competencies required from employees prescribed in the Regulations on the appointment and conditions of employment of senior managers, R21 of 2014.

KEY PERFORMANCE INDICATORS

The key performance areas, the performance objectives, key performance indicators and targets that must be met within the agreed timeframe are described below. The assessment of these performance indicators will account for 80% (**eighty percent)** of the total employee assessment score.

Part 1: Implementation of Service Delivery and Budget Implementation Plan (80%)

DIRECTOR: COMMUNITY AND PROTECTION SERVICES													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Department: Protection Services	Percentage of indicators of the Department: Protection Services achieved, measured quarterly	Outcome	72.83%	80%per annum	80%	SM	80%	80%	80%	80%	5
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Department: Community Services	Percentage of indicators of the Department: Community Services achieved, measured quarterly	Outcome	52.47%	80%per annum	80%	SM	80%	80%	80%	80%	5

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Director: Community and Protection Services
Mr Gary Boshoff

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Municipal Manager:
Ms Geraldine Mettler

DIRECTOR: COMMUNITY AND PROTECTION SERVICES													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good Governance and Compliance	Effective Management and Functional Supervision of the Section: Community Development	Percentage of indicators of the Section: Community Development achieved, measured quarterly	Outcome	58.85%	80%per annum	80%	SM	80%	80%	80%	80%	5
KPI085	SFA 2 - Green and Sustainable Valley	Submission of a Friends Group Framework for the management of nature areas to the Municipal Manager	Number of Friends Group Frameworks for the management of nature areas submitted to the Municipal Manager by 31 March	Output	New indicator	1 per annum	1	SM	N/A	N/A	1	N/A	2
KPI025	SFA 3: Safe Valley	Revised Disaster Management Plan submitted to the Municipal Manager	Number of Revised Disaster Management Plans submitted to the Municipal Manager by 31 March	Output	1	1 per annum	1	SM	N/A	N/A	1	N/A	3
KPI026	SFA 3: Safe Valley	Revised Safety and Security Strategy submitted to the Municipal Manager	Number of Revised Safety and Security Strategies submitted to the Municipal Manager by 30 April	Output	1	1 per annum	1	SM	N/A	N/A	N/A	1	3
KPI027	SFA 3: Safe Valley	Revised Traffic Management Plan submitted to the Municipal Manager	Number of Revised Traffic Management Plans submitted to the Municipal Manager by 31 March	Output	New KPI	1 per annum	1	SM	N/A	N/A	1	N/A	3
TBC	SFA 5: Good Governance and Compliance	Spend the Directorate: Community and Protection Services approved Capital Budget	Percentage of approved Capital Budget of the Directorate: Community and Protection Services actually spent by 30 June	Input	37.75%	90% per annum	90%	SM	10%	30%	60%	90%	15

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Director: Community and Protection Services
Mr Gary Boshoff

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Municipal Manager:
Ms Geraldine Mettler

DIRECTOR: COMMUNITY AND PROTECTION SERVICES													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good Governance and Compliance	Submission of final bid specifications for all capital projects to the Bid Specification Committee (BSC) *(2022/23)*	Percentage of final bid specifications for all capital projects submitted to the BSC by 30 June *(50% by 31 March 2022 and 100% by 30 June 2022. For the 2022/23 financial year)*	Output	100%	100% per annum	100%	SM	N/A	N/A	50%	100%	5
TBC	SFA 5: Good Governance and Compliance	Submission of detailed procurement needs for all operational projects to the Supply Chain Management (SCM) Department	Number of quarterly detailed procurement needs submitted to SCM 10 days before start of the quarter	Output	4	4 per annum	4	SM	1 (1)	1 (2)	1 (3)	1 (4)	1
TBC	SFA 5: Good Governance and Compliance	Performance agreements signed with all identified personnel	Number of performance agreements signed by 31 August	Output	3	3 per annum	3	SM	3	N/A	N/A	N/A	1
TBC	SFA 5: Good Governance and Compliance	Conduct formal performance evaluations with all identified personnel	Number of formal performance evaluations conducted with all identified personnel by 28 February	Output	6	6 per annum	6	SM	N/A	N/A	6	N/A	1
TBC	SFA 5: Good Governance and Compliance	Develop Annual Departmental Risk Register	Number of Annual Departmental Risk Registers developed by 31 July	Output	1	1 per annum	1	SM	1	N/A	N/A	N/A	2
TBC	SFA 5: Good Governance and Compliance	Evaluation of the Departmental Risk Register	Number of Departmental Risk Registers evaluated by 31 May	Output	2	2 per annum	2	SM	N/A	1 (1)	N/A	1 (2)	2
TBC	SFA 5: Good Governance and Compliance	Implementation of Council resolutions	Percentage of resolutions implemented measured quarterly	Output	70%	70% per annum	70%	SM	70%	70%	70%	70%	2

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Director: Community and Protection Services
Mr Gary Boshoff

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Municipal Manager:
Ms Geraldine Mettler

DIRECTOR: COMMUNITY AND PROTECTION SERVICES													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 5: Good Governance and Compliance	Attendance of quarterly Occupation Health and Safety (OHS) meetings	Number of quarterly OHS meetings attended by the Director or secondee	Output	4	4 per annum	4	SM	1 (1)	1 (2)	1 (3)	1 (4)	1
TBC	SFA 3 - Safe Valley	Spend the allocated CCTV cameras budget	Percentage of the allocated CCTV Camera budget actually spend by 30 June	Output	New KPI	90% per annum	90%	SM	10%	30%	60%	90%	2
TBC	SFA 5: Good Governance and Compliance	Raise / Collect Operating Budget revenue of the Department: Community and Protection Services as per approved budget	Percentage of the Department: Community and Protection Services revenue raised / collected by 30 June	Outcome	New KPI	96% per annum	96%	SM	25%	50%	75%	96%	3
TBC	SFA 2 - Green and Sustainable Valley	Information sessions held on alternative burial methods	Number of quarterly information sessions held on alternative burial methods	Output	New KPI	4 per annum	4	SM	1 (1)	1 (2)	1 (3)	1 (4)	3
TBC	SFA 2 - Green and Sustainable Valley	Implementation of the Invasive Alien Vegetation Management Plan	Percentage of actions implemented for the 2021/22 financial year as per the Invasive Alien Vegetation Management Plan by 30 June	Outcome	New KPI	90% per annum	90%	SM	5%	30%	60%	90%	3
TBC	SFA 2 - Green and Sustainable Valley	Submission of the Revised Public Facility Management Plan to the MayCo	Number of Revised Public Facility Management Plans submitted to the MayCo by 31 March	Output	New KPI	1 per annum	1	SM	N/A	N/A	1	N/A	3
TBC	SFA 3 - Safe Valley	Implementation of the Safety Plan	Percentage of actions implemented for the 2021/22 financial year as per the Safety Plan by 30 June	Outcome	New KPI	90% per annum	90%	SM	5%	30%	60%	90%	3

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Mr Gary Boshoff

.....
Municipal Manager:
Ms Geraldine Mettler

DIRECTOR: COMMUNITY AND PROTECTION SERVICES													
IDP/ Ref No.	Strategic Focus Area (SFA)	Indicator (Activity / Project / Programme / Key Initiative)	Unit of Measurement	Indicator type	Baseline (Actual 2019/20)	5 Year Target	2021/22	Funding Source	Service Delivery and Budget Implementation Plan (SDBIP 2021/22)				Weight
									Q1	Q2	Q3	Q4	
TBC	SFA 2 - Green and Sustainable Valley	Finalise COVID-19 related burial applications within 24 hours of date of notification	Percentage of COVID-19 related burials applications finalised within 24 hours of date of notification	Outcome	New KPI	90% per annum	90%	SM	90%	90%	90%	90%	1
TBC	SFA 5: Good Governance and Compliance	Implementation of the Sport Facilities Management Plan	Percentage of actions implemented for the 2021/22 financial year as per the Sport Facilities Management Plan by 30 June	Outcome	New KPI	90% per annum	90%	SM	5%	30%	60%	90%	2
TBC	SFA 5: Good Governance and Compliance	Implementation of a centralised electronic venue booking system for public facilities	Number of centralised electronic venue booking systems for public facilities implemented by 30 June	Output	New KPI	1 per annum	1	SM	N/A	N/A	N/A	1	2
TBC	SFA 5: Good Governance and Compliance	Establishment of a Local Drug Action Committee (LDAC)	Number of Local LDACs established by 31 May	Output	New KPI	1 per annum	1	SM	N/A	N/A	N/A	1	1
TBC	Good governance and Compliance	Implementation of the Directorate's actions as per the AGSA Audit Action Plan	Percentage of the Directorate's actions as per the AGSA Audit Action Plan implemented by 30 June	Outcome	New KPI	100% per annum	100%	SM	N/A	N/A	50%	100%	1
												Total	80

Director: Community and Protection Services
Mr Gary Boshoff

Municipal Manager:
Ms Geraldine Mettler

Part 2: Competency Requirements (20%)

Ref	Leading and Core Competencies	(January) 1st Assessment	(July) Final Assessment	Weights	Comments
2.1	**Strategic direction and leadership**			**1.66%**	
2.2	**People management**			**1.66%**	
2.3	**Programme and project management**			**1.66%**	
2.4	**Financial management**			**1.66%**	
2.5	**Change leadership**			**1.67%**	
2.6	**Governance leadership**			**1.67%**	
2.7	**Moral competence**			**1.67%**	
2.8	**Planning and organising**			**1.67%**	
2.9	**Analysis and innovation**			**1.67%**	
2.10	**Knowledge and information management**			**1.67%**	
2.11	**Communication**			**1.67%**	
2.12	**Results and quality focus**			**1.67%**	
Total				**20%**	

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Mr Gary Boshoff

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Municipal Manager:
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Annexure B
Competency Framework

DIRECTOR: COMMUNITY AND PROTECTION SERVICES

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Director: Community and Protection Services
Mr Gary Boshoff

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	LEADING COMPETENCIES		
COMPETENCY NAME :	**Strategic Direction and Leadership**		
COMPETENCY DEFINITION :	**Provide and direct a vision for the institution, and inspire and deploy others to deliver on the strategic institutional mandate.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Understand institutional and departmental strategic objectives, but • lacks the ability to inspire others to achieve set mandate.	• Give direction to a team in realising the institution's strategic mandate and set objectives.	• Evaluate all activities to determine value and alignment to strategic intent.	• Structure and position the institution to local government priorities.
• Describe how specific tasks link to institutional strategies but has limited influence in directing a strategy.	• Has a positive impact and influence on the morale, engagement and participation of team members.	• Display in-depth knowledge and understanding of strategic planning.	• Actively use in-depth knowledge and understanding to develop and implement a comprehensive institutional framework.
• Has a basic understanding of institutional performance management, but lacks the ability to integrate systems into a collective whole.	• Develop action plans to execute and guide strategy.	• Align strategy and goals across all functional areas.	• Hold self-accountable for strategy execution and results.
• Demonstrate basic understanding of key decision making.	• Assist in defining performance measures to monitor the progress and effectiveness of the institution.	• Actively define performance measures to monitor the progress and effectiveness of the institution.	• Provide impact and influence through building and maintaining strategic relationships.
	• Displays an awareness of institutional structures and political factors.	• Consistently challenge strategic plans to ensure relevance.	• Create an environment that facilitates loyalty and innovation. Display a superior level of self-discipline and integrity in actions.
	• Effectively communicate barriers to execution to relevant parties.	• Understand institutional structures and political factors, and the consequences of actions.	• Integrate various systems into a collective whole to optimise institutional performance management.
	• Provide guidance to all stakeholders in the achievement of the strategic mandate.	• Empower others to follow the strategic direction and deal with complex situations.	• Uses understanding of competing interests to maneuver successfully to a win/win outcome.
	• Understand the aim and objectives of the institution and relate it to own work.	• Guide the institution through complex and ambiguous concern. • Use understanding of power relationships and dynamic tensions among key players	

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Director: Community and Protection Services
Mr Gary Boshoff

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Strategic Direction and Leadership**		
COMPETENCY DEFINITION :	**Provide and direct a vision for the institution, and inspire and deploy others to deliver on the strategic institutional mandate.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
		to frame communications and develop strategies, positions and alliances.	

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Mr Gary Boshoff

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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	LEADING COMPETENCIES		
COMPETENCY NAME :	**People Management**		
COMPETENCY DEFINITION :	**Effectively manage, inspire and encourage people, respect diversity, optimise talent and build and nurture relationships in order to achieve institutional objectives.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Participate in team goalsetting and problem solving.	• Seek opportunities to increase team contribution and responsibility.	• Identify ineffective team and work processes and recommend remedial interventions.	• Develop and incorporate best practice people management processes, approaches and tools across the institution.
• Interact and collaborate with people of diverse backgrounds.	• Respect and support the diverse nature of others and be aware of the benefits of a diverse approach.	• Recognise and reward effective and desired behavior.	• Foster a culture of discipline, responsibility and accountability.
• Aware of guidelines for employee development, but requires support in implementing development initiatives.	• Effectively delegate tasks and empower others to increase contribution and execute functions optimally.	• Provide mentoring and guidance to others in order to increase personal effectiveness.	• Understand the impact of diversity in performance and actively incorporate a diversity strategy in the institution.
	• Apply relevant employee legislation fairly and consistently.	• Identify development and learning needs within the team.	• Develop comprehensive integrated strategies and approaches to human capital development and management.
	• Effectively identify capacity requirements to fulfill the strategic mandate.	• Inspire a culture of performance excellence by giving positive and constructive feedback to the team. • Achieve agreement or consensus in adversarial environments. • Lead and unite diverse teams across divisions to achieve institutional objectives.	• Actively identify trends and predict capacity requirements to facilitate unified transition and performance management.

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CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Programme and Project Management**		
COMPETENCY DEFINITION :	**Able to understand program and project management methodology; plan, manage, monitor and evaluate specific activities in order to deliver on set objectives.**		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Initiate projects after approval from higher authorities.	• Establish broad stakeholder involvement and communicate the project status and key milestones.	• Manage multiple programs and balance priorities and conflicts according to institutional goals.	• Understand and conceptualise the long-term implications of desired project outcomes.
• Understand procedures of program and project management methodology, implications and stakeholder involvement.	• Define the roles and responsibilities of the project team and create clarity around expectations.	• Apply effective risk management strategies through impact assessment and resource requirements.	• Direct a comprehensive strategic macro and micro analysis and scope projects accordingly to realise institutional objectives.
• Understand the rational of projects in relation to the institution's strategic objectives.	• Find a balance between project deadline and the quality of deliverables.	• Modify project scope and budget when required without compromising the quality and objectives of the project.	• Influence people in positions of authority to implement outcomes of projects
• Document and communicate factors and risk associated with own work.	• Identify appropriate project resources to facilitate the effective completion of the deliverables.	• Involve top-level authorities and relevant stakeholders in seeking project buy-in.	• Lead and direct translation of policy into workable action plans
• Use results and approaches of successful project implementation as guide.	• Comply with statutory requirements and apply policies in a consistent manner. • Monitor progress and use of resources and make needed adjustments to timelines, steps and resource allocation.	• Identify and apply contemporary project management methodology • Influence and motivate project team to deliver exceptional results. • Monitor policy implementation and apply procedures to manage risks.	• Ensures that programs are monitored to track progress and optimal resource utilisation, and that adjustments are made as needed.

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CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Change Leadership**		
COMPETENCY DEFINITION :	**Able to direct and initiate institutional transformation on all levels in order to successfully drive and implement new initiatives and deliver professional and quality services to the community.**		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Display an awareness of change interventions and the benefits of transformation initiatives.	• Perform an analysis of the change impact on the social, political and economic environment.	• Actively monitor change impact and results and convey progress to relevant stakeholders.	• Sponsor change agents and create a network of change leaders who support the interventions.
• Able to identify basic needs for change.	• Maintain calm and focus during change.	• Secure buy-in and sponsorship for change initiatives.	• Actively adapt current structures and processes to incorporate the change interventions.
• Identify gaps between the current and desired state.	• Able to assist team members during change and keep them focused on the deliverables.	• Continuously evaluate change strategy and design and introduce new approaches to enhance the institution's effectiveness.	• Mentor and guide team members on the effects of change, resistance factors and how to integrate change.
• Identify potential risk and challenges to transformation, including resistance to change factors.	• Volunteer to lead change efforts outside of own work team.	• Build and nurture relationships with various stakeholders to establish strategic alliance in facilitating change.	• Motivate and inspire others around change initiatives.
• Participate in change programs and piloting change interventions.	• Able to gain buy-in and approval for change from relevant stakeholders.	• Take the lead in impactful change programs.	
• Understand the impact of change interventions on the institution within the broader scope of local government.	• Identify change readiness levels and assist in resolving resistance to change factors.	• Benchmark change interventions against best change practices.	
	• Design change interventions that are aligned with the institution's strategic objectives and goals.	• Understand the impact and psychology of change and put remedial interventions in place to facilitate effective transformation. • Take calculated risk and seek new ideas from best practice scenarios and identify the potential for implementation.	

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Mr Gary Boshoff

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CLUSTER :	**LEADING COMPETENCIES**		
COMPETENCY NAME :	**Financial Management**		
COMPETENCY DEFINITION :	**Able to compile, plan and manage budgets, control cash flow, institute financial risk management and administer procurement processes in accordance with recognised financial practices. Further to ensure that all financial transactions are managed in an ethical manner**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Understand basic financial concepts and methods as they relate to institutional processes and activities	• Exhibit knowledge of general financial concepts, planning, budgeting and forecasting and how they interrelate	• Take active ownership of planning, budgeting and forecasting processes and provides credible answers to queries within own responsibility.	• Develop planning tools to assist in evaluating and monitoring future expenditure trends.
• Display awareness into the various sources of financial data, reporting mechanisms, financial governance, processes and systems	• Assess, identify and manage financial risks.	• Prepare budgets that are aligned to the strategic objectives of the institution.	• Set budget frameworks for the institution.
• Understand the importance of financial accountability	• Assume a cost-saving approach to financial management.	• Address complex budgeting and financial management concerns.	• Set strategic direction for the institution on expenditure and other financial processes.
• Understand the importance of asset control.	• Prepare financial reports based on specified formats.	• Put systems and processes in place to enhance the quality and integrity of financial management practices.	• Build and nurture partnerships to improve financial management and achieve financial savings.
	• Consider and understand the financial implications of decisions and suggestions.	• Advise on policies and procedures regarding asset control.	• Actively identify and implement new methods to improve asset control.
	• Ensure that delegation and instructions as required by National Treasury guidelines are reviewed and updated. • Identify and implement proper monitoring and evaluation practices to ensure appropriate spending against budget.	• Promote National Treasury's regulatory framework for Financial Management.	• Display professionalism in dealing with financial data and processes.

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Director: Community and Protection Services
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CLUSTER :	LEADING COMPETENCIES		
COMPETENCY NAME :	**Governance Leadership**		
COMPETENCY DEFINITION:	**Able to promote, direct and apply professionalism in managing risk and compliance requirements and apply a thorough understanding of governance practices and obligations. Further, able to direct the conceptualisation of relevant policies and enhance cooperative governance relationships.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Display a basic awareness of risk, compliance and governance factors but require guidance and development in implementing such requirements.	• Display a thorough understanding of governance and risk and compliance factors and implement plans to address these.	• Able to link risk initiatives into key institutional objectives and drivers.	• Demonstrate a high level of commitment in complying with governance requirements.
• Understand the structure of cooperative government but requires guidance on fostering workable relationships between stakeholders.	• Demonstrate understanding of the techniques and processes for optimising risk taking decisions within the institution.	• Identify, analyse and measure risk, create valid risk forecasts and map risk profiles.	• Implement governance and compliance strategy to ensure achievement of institutional objectives within the legislative framework.
• Provide input into policy formulation.	• Actively drive policy formulation within the institution to ensure the achievement of objectives.	• Apply risk control methodology and approaches to prevent and reduce risk that impede on the achievement of institutional objectives.	• Able to advise local government on risk management, best practice interventions and compliance management.
		• Demonstrate a thorough understanding of risk retention plans.	• Able to forge positive relationships on cooperative governance level to enhance the effectiveness of local government.t
		• Identify and implement comprehensive risk management systems and processes.	• Able to shape, direct and drive the formulation of policies on a macro level.
		• Implement and monitor the formulation of policies, identify and analyse constraints and challenges with implementation and provide recommendations for improvement.	

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CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Moral Competence**		
COMPETENCY DEFINITION :	**Able to identify moral triggers, apply reasoning that promotes honesty and integrity and consistently display behavior that reflects moral competence**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Realise the impact of acting with integrity, but requires guidance and development in implementing principles.	• Conduct self in alignment with the values of local government and the institution.	• Identify, develop and apply measures of self-correction.	• Create an environment conducive of moral practices.
• Follow basic rules and regulations of the institution.	• Able to openly admit own mistakes and weaknesses and seek assistance from others when unable to deliver.	• Able to gain trust and respect through aligning actions with commitments.	• Actively develop and implement measures to combat fraud and corruption.
• Able to identify basic moral situations, but requires guidance and development in understanding and reasoning with moral intent.	• Actively report fraudulent activity and corruption with local government.	• Make proposals and recommendations that are transparent and gain the approval of relevant stakeholders.	• Set integrity standards and shared accountability measures across the institution to support the objectives of local government.
	• Understand and honor the confidential nature of matters without seeking personal gain.	• Present values, beliefs and ideas that are congruent with the institution's rules and regulations.	• Take responsibility for own actions and decisions, even if the consequences are unfavorable.
	• Able to deal with situations of conflict of interest promptly and in the best interest of local government.	• Takes an active stance against corruption and dishonesty when noted.	
		• Actively promote the value of the institution to internal and external stakeholders.	
		• Able to work in unity with a team and not seek personal gain.	
		• Apply universal moral principles consistently to achieve moral decisions.	

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Mr Gary Boshoff

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Ms Geraldine Mettler

CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Planning and Organising**		
COMPETENCY DEFINITION :	**Able to plan, prioritise and organise information and resources effectively to ensure the quality of service delivery and build efficient contingency plans to manage risk.**		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Able to follow basic plans and organise tasks around set objectives.	• Actively and appropriately organise information and resources required for a task.	• Able to define institutional objectives, develop comprehensive plans, integrate and coordinate activities and assign appropriate resources for successful implementation.	• Focus on broad strategies and initiatives when developing plans and actions.
• Understand the process of planning and organising but requires guidance and development in providing detailed and comprehensive plans.	• Recognise the urgency and importance of tasks.	• Identify in advance required stages and actions to complete tasks.	• Able to protect and forecast short, medium and long term requirements of the institution and local government.
• Able to follow existing plans and ensure that objectives are met.	• Balance short and long-term plans and goals and incorporate into the team's performance objectives.	• Schedule realistic timelines, objectives and milestones for tasks and projects.	• Translate policy into relevant projects to facilitate the achievement of institutional objectives.
• Focus on short-term objectives in developing plans and actions	• Schedule tasks to ensure they are performed within budget and with efficient use of time and resources.	• Produce clear, detailed and comprehensive plans to achieve institutional objectives.	
• Arrange information and resources required for a task, but require further structure and organisation.	• Measures progress and monitor performance results.	• Identify possible risk factors and design and implement appropriate contingency plans. • Adapt plans in light of changing circumstances. • Prioritise tasks and projects according to their relevant urgency and importance.	

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Director: Community and Protection Services
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CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Analysis and Innovation**		
COMPETENCY DEFINITION :	**Able to critically analyse information, challenges and trends to establish and implement fact-based solutions that are innovative to improve institutional processes in order to achieve key strategic objectives**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Understand the basic operation of analysis, but lack detail and thoroughness.	• Demonstrate logical problem solving techniques and approaches and provide rationale for recommendations.	• Coaches team members on analytical and innovative approaches and techniques.	• Demonstrate complex analytical and problem solving approaches and techniques.
• Able to balance independent analysis with requesting assistance from others.	• Demonstrate objectivity, insight and thoroughness when analysing problems.	• Engage with appropriate individuals in analysing and resolving complex problems.	• Create an environment conducive to analytical and fact-based problem solving.
• Recommend new ways to perform tasks within own function.	• Able to break down complex problems into manageable parts and identify solutions.	• Identify solutions on various areas in the institution.	• Analyse, recommend solutions and monitor trends in key challenges to prevent and manage occurrence.
• Propose simple remedial interventions that marginally challenges the status quo.	• Consult internal and external stakeholders on opportunities to improve processes and service delivery.	• Formulate and implement new ideas throughout the institution.	• Create an environment that fosters innovative thinking and follows a learning organisation approach.
• Listen to the ideas and perspectives of others and explore opportunities to enhance such innovative thinking.	• Clearly communicate the benefits of new opportunities and innovative solutions and stakeholders.	• Able to gain approval and buy-in for proposed interventions from relevant stakeholders.	• Be a thought leader on innovative customer service delivery and process optimisation.
	• Continuously identify opportunities to enhance internal processes.	• Identify trends and best practices in process and service delivery and propose institutional application.	• Play an active role in sharing best practice solutions and engage in national and international local government seminars and conferences.
	• Identify and analyse opportunities conducive to innovative approaches and propose remedial intervention.	• Continuously engage in research to identify client needs.	

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Director: Community and Protection Services
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CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Knowledge and Information Management**		
COMPETENCY DEFINITION :	**Able to promote the generation and sharing of knowledge and information through various processes and media, in order to enhance the collective knowledge base of local government**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Collect, categorise and track relevant information required for specific tasks and projects.	• Use appropriate information systems and technology to manage institutional knowledge and information sharing.	• Effectively predict future information and knowledge management requirements and systems.	• Create and support a vision and culture where team members are empowered to seek, gain and share knowledge and information.
• Analyse and interpret information to draw conclusions.	• Evaluate data from various sources and use information effectively to influence decisions and provide solutions.	• Develop standards and processes to meet future knowledge management needs.	• Establish partnerships across local government to facilitate knowledge management.
• Seek new sources of information to increase the knowledge base.	• Actively create mechanisms and structures for sharing information.	• Share and promote best-practice knowledge management across various institutions.	• Demonstrate a mature approach.
• Regularly share information and knowledge with internal stakeholders and team members.	• Use external and internal resources to research and provide relevant and cutting-edge knowledge to enhance institutional effectiveness and efficiency.	• Establish accurate measures and monitoring systems for knowledge and information management. • Create a culture conducive of learning and knowledge sharing. • Hold regular knowledge and information sharing sessions to elicit new ideas and share best practice approaches.	• Recognise and exploit knowledge points in interactions with internal and external stakeholders.

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Director Community and Protection Services
Mr Gary Boshoff

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Ms Geraldine Mettler

CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Communication**		
COMPETENCY DEFINITION :	**Able to share information, knowledge and ideas in a clear, focused and concise manner appropriate for the audience in order to effectively convey, persuade and influence stakeholders to achieve the desired outcome.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Demonstrate an understanding for communication levers and tools appropriate for the audience, but requires guidance in utilising such tools.	• Express ideas to individuals and groups in formal and informal settings in a manner that is interesting and motivating.	• Effectively communicate high-risk and sensitive matters to relevant stakeholders.	• Regarded as a specialist in negotiations and representing the institution.
• Express ideas in a clear and focused manner, but does not always take the audience into consideration.	• Able to understand, tolerate and appreciate diverse perspectives, attitudes and beliefs.	• Develop a well-defined communication strategy.	• Able to inspire and motivate others through positive communication that is impactful and relevant.
• Disseminate and convey information and knowledge adequately.	• Adapt communication content and style to suit the audience and facilitate optimal information transfer.	• Balance political perspectives with institutional needs when communicating viewpoints on complex issues.	• Creates an environment conducive to transparent and productive communication and critical appreciate conversations.
	• Deliver content in a manner that gains support, commitment and agreement from relevant stakeholders.	• Able to effectively direct negotiations around complex.	• Able to coordinate negotiations at different levels within local government and externally.
	• Compile clear, focused, concise and well-structured written documents.	• Market and promote the institution to external stakeholders and seek to enhance a positive image of the institution. • Able to communicate with the media with high levels of moral competence and discipline.	

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Director: Community and Protection Services
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Municipal Manager:
Ms Geraldine Mettler

CLUSTER :	**CORE COMPETENCIES**		
COMPETENCY NAME :	**Results and Quality Focus**		
COMPETENCY DEFINITION :	**Able to maintain high quality standards, focus on achieving results and objectives while consistently striving to exceed expectations and encourage others to meet quality standards. Further, to actively monitor and measure results and quality against identified objectives.**		
ACHIEVEMENT LEVELS			
BASIC	COMPETENT	ADVANCED	SUPERIOR
• Understand quality of work but requires guidance in attending to important matters.	• Focus on high-priority actions and does not become distracted by lower-priority activities.	• Consistently verify own standards and outcomes to ensure quality output.	• Coach and guide others to exceed quality standards and results.
• Show a basic commitment to achieving the correct results.	• Display firm commitment and pride in achieving the correct results.	• Focus on the end result and avoids being distracted	• Develop challenging, client-focused goals and sets high standards for personal performance.
• Produce the minimum level of results required in the role.	• Set quality standards and design processes and tasks around achieving set standards.	• Demonstrate a determined and committed approach to achieving results and quality standards.	• Commit to exceed the results and quality standards, monitor own performance and implement remedial interventions when required.
• Produce outcomes that is of a good standard.	• Produce output of high quality.	• Follow task and projects through to completion.	• Work with team to set ambitious and challenging team goals, communicating long- and short term expectations.
• Focus on the quantity of output but requires development in incorporating the quality of work.	• Able to balance the quantity and quality and quality of results in order to achieve objectives.	• Set challenging goals and objectives to self and team and display commitment to achieving expectations.	• Take appropriate risks to accomplish goals.
• Produce quality work in general circumstances, but fails to meet expectation when under pressure.	• Monitors progress, quality of work and use of resources; provide status updates and make adjustments as needed.	• Maintain a focus on quality outputs when placed under pressure.	• Overcome setbacks and adjust action plans to realise goals.
		• Establishing institutional systems for managing and assigning work, defining responsibilities, tracking, monitoring and measuring success, evaluating and valuing the work of the institution.	• Focus people on critical activities that yield a high impact.

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Annexure C:

Personal Development Plan

DIRECTOR: COMMUNITY AND PROTECTION SERVICES

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Director: Community and Protection Services
Mr Gary Boshoff

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Municipal Manager:
Ms Geraldine Mettler

Skills Performance Gap	Outcomes Expected	Suggested training and / or development activity	Suggested mode of delivery	Suggested Time Frames	Work opportunity created to practice skill / development area	Support Person
1.						
2.						
3.						

Signed and accepted by the Employee

Date: 07 July 2021.

Signed by the Municipal Manager on behalf of the Municipality

Date: 07 July 2021.

8.3	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2021

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **28 July 2021**

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2021

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2020/2021 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

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

5. RECOMMENDATION

that Council notes the deviations as listed for the month of June 2021.

6. DISCUSSION / CONTENTS

6.1 Background/Legislative Framework

The regulation applicable is as follows:

GNR.868 of 30 May 2005: Municipal Supply Chain Management Regulations

Deviation from and ratification of minor breaches of, procurement processes

36. (1) A supply chain management policy may **allow the accounting officer**—
(*a*) To **dispense with the official procurement processes** established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only—
(i) in an emergency;
(ii) if such goods or services are produced or available from a single provider only;
(iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile;
(iv) acquisition of animals for zoos; or
(v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes; and
(*b*) to ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.

(2) The accounting officer must record the reasons for any deviations in terms of sub regulation (1) (*a*) and (*b*) and **report them to the next meeting of the council**, or board of directors in the case of a municipal entity, and include as a note to the annual financial statements.

6.2 Discussion

Reporting the deviations as approved by the Accounting Officer for June 2021:

The following deviations were approved with the reasons as indicated below:

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 16/21	25 June 2021	Adjuvo Enterprises	BSM 106/21 (Polar fleece blankets)	Exceptional case and it is impractical or impossible to follow the official procurement processes	The municipality followed a tender process to appoint a service provider for the provision of fleece blankets that forms part of the ward projects. The service provider defaulted and did not deliver the blankets as agreed. Subsequently the service provider was put on terms and the contract was cancelled. The municipality commenced with a new tender process, but the tender was cancelled due to non-responsive bids. The ward projects needs to be completed and after testing the market twice without success it is impractical to follow a tender process again and it was decided to follow a targeted procurement process. The provision of the blankets were advertised again on the website and we received responses from four service. The preferred service provider is the least expensive of the four. The appointment of this service provider is required to complete the operational ward projects for 2020/21.	R 312 800.00 (Incl. Vat)

D/SM 17/21	30 June 2021	Securitem (Pty) Ltd	Extension on security services	Emergency	Tender BSM87/18 for the rendering of security services for a period of three years expired on 30 June 2021. A new Tender BSM73/21 was advertised in April 2021 and the closing date was 17 May 2021, the technical report was submitted and the tender is currently under evaluation. Due to the number of tenders received for Tender BSM73/21 (23 bids) and the technical nature of the evaluation, it is not possible to do a comprehensive evaluation and finalize the tender process inclusive of a 21 day appeal period for the tender to be implemented on 01 July 2021.	Estimated cost for 3 months - R5.6million
D/SM 18/21	30 June 2021	TMT Services	Provision of Traffic Law Enforcement equipment, back office system and related services.	Exceptional case and it is impossible to follow the official procureme nt process	D/SM 10/21 was approved for six months to enable the conclusion of tender B/SM 04/20. This Deviation expired on 30 June 2021. Tender: B/SM 04/20 was not awarded due to unsuccessful negotiations with the preferred bidder. As the municipality cannot afford to be without a service provider for any given period due to the nature of this function relating to the provision of traffic law enforcement equipment and back office systems, the request was made for the extension of D/SM 10/21 for a period of six (6) months or until a new tender has been awarded whichever date comes first. This is to allow the municipality to start a new competitive bidding process and to appoint a service provider on tender for an extended period.	R121.49 per fine
D/SM 19/21	30 June 2021	Esri South Africa (Pty) Ltd	The renewal of annual software maintenance	Goods or services are produced	Esri South Africa (PTY) Ltd is the single/sole provider for the provision of software licensing for	R6 247 525.94 (Incl. VAT)

			for geographic information system (GIS) licenses with training, maintenance and support for a period ending 30 June 2022	or available from a single provider; Exceptional case and it is impractical or impossible to follow the official procurement processes	the municipality's Geographic Information System (GIS) as well as for the provision of maintenance, support and training. It is impractical to follow an official procurement process for the provision of goods and services that are produced or available from a single provider.	

6.3 Financial Implications

As per table above.

6.4 Legal Implications

The regulation applicable is:

GNR.868 of 30 May 2005: Municipal Supply Chain Management Regulations: Deviations from and ratification of minor breaches of, procurement processes.

6.5 Staff Implications:

No staff implications

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

That the market may not be tested.

The measures in place to deal with deviations mitigate the risk to an acceptable level. The auditor general also audit the deviations during the yearly audit

6.8 Comments from Senior Management:

The item was not circulated for comment except to Municipal Manager

6.8.1 Municipal Manager

Supports the recommendations.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-07-21: ITEM 6.3

that the deviations as listed for the month of June 2021, be noted.

8.4	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY - REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL IMPLEMENTATION REPORT (01 JULY 2020 - 30 JUNE 2021)

Collaborator No:
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 28 July 2021

1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY - REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL IMPLEMENTATION REPORT (01 JULY 2020 - 30 JUNE 2021)

2. PURPOSE

To submit to Executive Management a report for the period 01 July 2020 - 30 June 2021 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

3. FOR DECISION BY MUNICIPAL COUNCIL

Section 6 (2) (i) & 4 of the SCM Policy 2020/2021 determines that the Accounting Officer must within 30 days of the end of each financial year; submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

4. EXECUTIVE SUMMARY

Within 30 days of the end of each financial year the Accounting Officer must submit a report on the implementation of the Supply Chain Management Policy to the Executive Mayor. In terms of the SCM Regulations and Council's SCM Policy the SCM unit has been delegated to perform powers and functions that related to the procurement of goods and services, disposal of goods no longer needed, the selection of contractors to provide assistance in the provision of municipal services.

5. RECOMMENDATIONS

(a) that the Executive Mayor and Council takes note of this report and Annexure A attached to the report, and

(b) that the report be made public in accordance with section 21A of the Municipal Systems Act.

6 DISCUSSION/CONTENTS

6.1 Background

SCM must report within 30 days of the end of each financial year on the implementation of the SCM System.

6.2 Constitutional and Policy Implications

Paragraph 2(1) of Council's SCM Policy determines that all officials and other role players in the supply chain management system of the Stellenbosch Municipality must implement the SCM Policy in a way that gives effect to section 217 of the Constitution and Part 1 of Chapter 11 of the Municipal Finance Management Act (56 of 2003) and other applicable provisions of the Act; is fair, equitable, transparent, competitive and cost-effective; complies with the Regulations and any norms and standards that may be prescribed in terms of section 168 of the MFMA; is consistent with other applicable legislation; does not undermine the objective for uniformity in supply chain

management systems between organs of state in all spheres; and is consistent with national economic policy concerning the promotion of investments and doing business with the public sector.

Paragraph 6(1) of the Supply Chain Management Policy of Council determines that the Council of Stellenbosch municipality reserves the right to maintain oversight over the implementation of the SCM Policy as approved and amended from time to time. Paragraph 6 (2) (i) of the above stated Policy determines that the Accounting Officer must within 30 days of the end of each financial year; submit a report on the implementation of the SCM Policy to the Executive Mayor.

6.3 Environmental implications

None.

6.4 Financial Implications

The financial implications are the transactions for the procurement of goods and services that were processed during the 01 July 2020 - 30 June 2021 and the payments that will derive from these commitments.

6.5 Legal Implications

The Municipal Finance Management Act (section 112) stipulates that the SCM Policy should comply with a prescribed framework as set out in section 112(1) and section 112(2) that stipulates that the regulatory framework for the municipal supply chain management must be fair, equitable, transparent, competitive and cost-effective. Reporting back in terms of paragraph 6 (2) (i) of the SCM Policy 2020/2021 to the Executive Mayor and Council on the implementation of the supply chain management system and processes enables the Executive Mayor and Council to maintain the oversight role over the implementation of the SCM Policy as approved by Council.

6.6 Staff Implications

None.

6.7 Previous / Relevant Council Resolutions

None.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-07-21: ITEM 6.4

(a) that Council takes note of this report and **ANNEXURE A** attached to the report; and

(b) that the report be made public in accordance with section 21A of the Municipal Systems Act.

APPENDICES

APPENDIX 1: Report for the period 01 July 2020 - 30 June 2021 on the Implementation of Council's Supply Chain Management Policy

APPENDIX 1

STELLENBOSCH MUNICIPALITY

IMPLEMENTATION OF SYSTEM – SUPPLY CHAIN MANAGEMENT

SECTION 6 OF SCM POLICY:
OVERSIGHT ROLE OF COUNCIL OVER THE IMPLEMENTATION OF SCM POLICY

PERIOD: 01 JULY 2020 – 30 JUNE 2021 (2020/2021)

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
3(1)(a)	Prepare and submit a draft supply chain management policy complying with regulation 2 to the council of the municipality for adoption.	Accounting Officer	Chief Financial Officer	YES	Done
3(1)(b)	Review at least annually the implementation of the policy.	Accounting Officer	Chief Financial Officer	YES	Done
3(1)(c)	Submit when considered necessary, proposals for amendment of the policy by the Council.	Accounting Officer	Chief Financial Officer	YES	The SCM Policy are part of the budget related policies that are annually reviewed.
3(2)(a)	Make use of any Treasury guidelines determining standards for municipal supply chain management policies, and submit to the council that guidelines standard or modified version therefore, as a draft policy.	Accounting Officer	Chief Financial Officer	YES	All NT guidelines are included in standard documents and the municipalities SCM policy is aligned with the Model SCM policy of NT.
3(2)(b)	Ensure that a draft policy submitted to council that differs from the guideline standard complies with Regulation 2.	Accounting Officer	Chief Financial Officer	YES	Not Applicable
3(1)(c)	Report any deviation from the guideline standard to the National Treasury and relevant provincial treasury	Accounting Officer	Chief Financial Officer	YES	Not Applicable
3(4)	Must, in terms of section 62(1)(f)((iv) take all reasonable steps to ensure that the municipality has and implements a supply chain management policy as set out in Regulation 2	Accounting Officer	Chief Financial Officer	YES	Done

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
5(2)(a)	Make a final award above R10 million (VAT included).	Accounting Officer (after considering recommendation of Bid Adjudication Committee)		YES	In the 2020/2021 financial year, there were twenty-five (25) final awards above R10 million.
5(2)(b)	Make a final award above R200 000(VAT included), but not exceeding R10 million (VAT included).	Accounting Officer	Bid Adjudication Committee	YES	In the 2020/2021 financial year, there were seventy-four (74) final awards above R200 000 but not exceeding R10 million.
5(2)(c)	Make a final award not exceeding R200 000(VAT included) including the appointment of consultants	Accounting Officer	CFO and Senior Manager - SCM and Senior Accountants	YES	Operational Delegations are in place with clear segregation of duties as stipulated in MFMA section 115 (b)
5(3)	Submit to the officials referred to in regulation 5(4) within five days of the end of each month a written report containing particulars of each final award, except procurements made out of petty cash, made during that month, including – (a) the amount of the award; (b) the name of the person to whom the award was made; (c) the reason why the award was made to that person; and (d) the BEE/HDI status of that entity/person.	Bid Adjudication Committee (refer regulation 5(4)(a) Chief Financial Officer – 5(4)(b)	Chief Financial Officer Senior Manager SCM	YES	**The awards made were submitted on the following dates within this financial year:** 03 August 2020 02 September 2020 03 October 2020 03 November 2020 03 December 2020 04 January 2021 03 February 2021 01 March 2021 01 April 2021 03 May 2021 03 June 2021 02 July 2021
6(1)	Maintain oversight over the implementation of the supply chain management policy	Municipal Council		YES	The Supply Chain Management policy has been submitted to council in the last quarter of the previous financial year as part of the Budget Related

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
					policies.
6(2)(a)(i)	Submit a report to council within 30 days of the end of each financial year on the implementation of the supply chain management policy of the municipality.	Accounting Officer		YES	Done
6(2)(a)	Immediately submit a report to council whenever there are serious and material; problems in the implementation of the supply chain management policy, including such a report from any municipal entity as envisaged by this Regulation 6(2)(a)(iii)	Accounting Officer		N/A	To date no serious or material problems occurred in implementing the SCM policy.
6(3)	Submit a report to the mayor of the municipality within ten days of each quarter on the implementation of the supply chain management policy.	Accounting Officer	Chief Financial Officer	YES	Done.
7(1)	Establish a supply chain management unit.	Accounting Officer	Chief Financial Officer	YES	Unit operates under direct supervision of CFO
12(1)	Direct that: a) cash purchases up to transaction value as defined I Council's Petty Cash policy b) one verbal quotation be obtained for any specified procurement of a transaction value lower than R2,000 (VAT included); c) written or verbal quotations for procurement of goods and/or services of a transaction value between R 2, 000.00 and R 10 000.00 (VAT included) d) formal written price quotations for procurement of goods and/or services of a transaction value between R 10,000.00 and R 200,000.00 e) a competitive bidding process be followed for any specific procurement of a transaction value higher	Accounting Officer	Operational delegations in place	YES	The SCM unit is responsible for procurement within these thresholds. Delegations approved and signed by the relevant officials.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	than R200 000.				
12(2)(a)	Allow the Accounting Officer to lower, but not to increase, the different threshold values specified in sub regulation(1).	Accounting Officer	Chief Financial Officer	YES	Delegated officials act within delegated thresholds.
14(1)(a)(ii)	Invite prospective providers of goods and services at least once a year through newspaper commonly circulating locally, the website of the municipality	Accounting Officer	Senior : Manager SCM	YES	Done
14(1)(b)	Specify the listing criteria for accredited prospective providers.	Accounting Officer	Chief Financial Officer	YES	Listing criteria is contained within the registration form.
14(1)(c)	Disallow the listing of any prospective provider whose name appears on the National Treasury's database as a person prohibited from doing business with the public sector.	Accounting Officer		YES	SCM consult National Treasury's database of defaulters before awarding of tenders and quotations
14(2)	Update the list of prospective providers at least quarterly to include any additional prospective providers and any new commodities or types of services.	Municipal Council	Chief Financial Officer	YES	Done
15	Requesting reconciliation's on petty cash purchases on a monthly basis.	Chief Financial Officer	Manager: Expenditure section	YES	N\A
16(c)	If it is not possible to obtain at least three written quotations, record and report quarterly to the accounting officer, or another official designated by the accounting officer, the reasons for this.	Accounting Officer	Chief Financial Officer	YES	**Reports were submitted on the following dates within this financial year:** 03 August 2020 02 September 2020 03 October 2020 03 November 2020 03 December 2020

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
					04 January 2021 03 February 2021 01 March 2021 01 April 2021 03 May 2021 03 June 2021 02 July 2021
16(e)	Record the name of potential providers requested to provide written quotation with their quoted prices.	Accounting Officer	Chief Financial Officer	YES	**Reports were submitted on the following dates within this financial year:** 03 August 2020 02 September 2020 03 October 2020 03 November 2020 03 December 2020 04 January 2021 03 February 2021 01 March 2021 01 April 2021 03 May 2021 03 June 2021 02 July 2021
17(1)(c)	Approve the recorded reasons for not obtaining at least three written price quotations.	Chief Financial Officer	Senior Manager SCM & CFO: below R200,000 Accountants: Acquisitions, Contracts and SCM: Accountant Demand and Chief Buyer : below R200,000	YES	
17(1)(d)	Record the names of the potential formal written price quotation providers and their written quotations.	Accounting Officer	Senior Manager : Supply Chain Management	YES	
17(2)	Report to the CFO within three days at the end of the month on any approvals given during that month by that the designed official referred to in sub-regulation (1) (c).	Chief Financial Officer	Senior Manager: Supply Chain Management	YES	
18 (a)	All requirements in excess of R30,000 (VAT included) by means of formal written price quotations should be advertised for at least 7 days on the website and municipal official website.	Chief Financial Officer	Senior Manager: Supply Chain Management	YES	Done
18 (b)	When using the list of accredited prospective providers, it should promote ongoing competition amongst providers by inviting providers to submit	Chief Financial Officer	Senior Manager: Supply Chain Management	YES	Done

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	quotations on a rotational basis.				
18(c)	Must take all reasonable steps to ensure that the procurement of goods and services through written quotations or formal written price quotations is not abused.	Accounting Officer	Chief Financial Officer	YES	Quotations and Formal written quotations are placed on the website and only opened on the closing date and time and mitigate the risks during the calling for quotations.
18(d)	Notify the Accounting Officer or CFO in writing on a monthly basis of all written quotations and formal written price quotations accepted by the official acting in terms of a sub-delegation.	Chief Financial Officer	Senior Manager : Supply Chain Management	YES	**Reports were submitted on the following dates within this financial year.** 03 August 2020 02 September 2020 03 October 2020 03 November 2020 03 December 2020 04 January 2021 03 February 2021 01 March 2021 01 April 2021 03 May 2021 03 June 2021 02 July 2021
22 (b) (i)	The publication notice must contain the closure date for the submission of bids, which may not be less than 3 weeks in case of transactions over R10m (VAT included), or which are of long term nature, or 14 days in any other case, from date on which the advertisement is placed in a newspaper.	Accounting Officer	Bid Specifications Committee	YES	For financial year 2020/2021, one-hundred-and-fifty-five (155) tender specifications served before the Bid Specifications committee.
22(2)	The Accounting Officer may determine the closure date for the submission of bids which is less than the 30 days or 14 days requirement, but only if such shorter period can be justified on the grounds of urgency or emergency or any exceptional case	Accounting Officer		YES	None

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	where it is impractical or impossible to follow the official procurement process				
23(a) (i)(ii)	The handling, opening and recording of bids should be (i) be opened in public (ii) must be opened at the same time and as soon as possible after the period for the submission of bids has expired;	Accounting Officer	Senior Manager: Supply Chain Management	YES	Done
23 (c)	(ii) make the register available for public inspection (iii) publish the entries in the register and the bid results on the website of the municipality	Accounting Officer	Senior Manager: Supply Chain Management	YES	Done
24(1)	Negotiate the final terms of a contract with bidders identified through a competitive bidding process as preferred bidders, provided that such negotiation – (a) does not allow any preferred bidder a second or unfair opportunity; (b) is not to the detriment of any other bidder; and (c) does not lead to a higher price than the bid submitted. Minutes of such negotiations must be kept.	Accounting Officer	Relevant user department Head of Department or Director	YES	Provision for the signing of a Form of Tender/Service Level Agreement with successful vendors is being made in the tender documents
26(1)(b)	Appoint the members of the bid specification, evaluation and adjudication committees, taking into account Section 117 of the MFMA.	Accounting Officer		YES	Done
26(1)(c)	Appoint a neutral or independent observer to a bid specification, evaluation or adjudication committee	Accounting Officer		N/A	Not Applicable

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	for an attendance and oversight process when this is appropriate for ensuring fairness and promoting transparency.				
26(3)	Apply the committee system to formal written price quotations.	Accounting Officer		N/A	Committee system is applied for goods/services above R200 000
27(1)	Compile specifications for the procurement of goods and services by the municipality.	Accounting Officer	Bid Specifications Committee, upon advice of the relevant user department	YES	The Director signs for items to serve on Specification committee.
27(2)(g)	Approve specifications compiled by the bid specification committee prior to publication of the invitation for bids.	Accounting Officer	Bid Specifications Committee, upon advice of the relevant user department	YES	The specifications are accompanied with a questionnaire that the relevant department has to complete. Meetings are held according pre-determined schedule.
28(1)(a)	Evaluate bids in accordance with – (i) the specifications for a specific procurement ; and (ii) the points system as must be set out in the supply chain management policy of the municipality in terms of Regulation 27(2)(f) and a prescribed in terms of the Preferential Procurement Policy Framework Act.	Accounting Officer	Bid Evaluation Committee upon advice of the relevant user department.	YES	Have regular BEC scheduled meetings.
28(1)(b)	Evaluate each bidder's ability to execute the contract.	Accounting Officer	Bid Evaluation Committee, upon advice from SCM	YES	Currently part of the Standard Evaluation Report
28(1)(c)	Check in respect of the recommended bidder whether municipal rates and taxes and municipal service charges are not in arrears.	Accounting Officer	Bid Evaluation Committee	YES	Has a screening list that has to be completed.
28(1)(d)	Submit to the adjudication committee a report and recommendations regarding the award of the bid or any other related matter.	Bid Evaluation Committee		YES	Currently part of the Standard Evaluation Report
29(1)(a)	Consider the report and recommendations of the bid evaluation committee where the award value exceeds R200 000 (VAT incl.) and make the award	Accounting Officer	Bid Adjudication Committee	YES	In the 2020/2021 financial year, there were forty-nine (49) BAC meetings

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	up to value of R10m (as per delegated authority)				
29(1)(b)(i)	For bids above R10 million, the SCM BAC will make recommendation to the Municipal Manager to make the final award.	Accounting Officer		YES	In financial year 2020/2021 there were twenty-five (25) final awards above R10 million.
29(1)(b)(ii)	Make another recommendation to the accounting officer on how to proceed with the relevant procurement.	Accounting Officer		YES	None.
29(3)	Appoint the chairperson of the bid adjudication committee.	Accounting Officer		YES	Delegations given is kept for record purposes
29(5)(a)	If a bid adjudication committee decides to award a bid other than the one recommended by the bid evaluation committee, the bid adjudication committee must prior to awarding the bid – (i) check in respect of the preferred bidder whether that bidder's municipal rates and taxes and municipal service charges are not in arrears; and (ii) notify the accounting officer.	Bid Adjudication Committee		YES	None
29(5)(b)	(i) After due consideration of the reasons for the deviation, ratify or reject the decision of the bid adjudication committee referred to in Regulation 29(5)(a); and (ii) If the decision of the bid adjudication committee is rejected, refer the decision of the adjudication committee back to that committee for reconsideration.	Accounting Officer		YES	None

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
29(6)	Refer any recommendation made by the evaluation committee or adjudication committee back to that committee for reconsideration of the recommendation.	Accounting Officer		YES	Fourteen (14) tenders were referred back to the BEC in 2020/2021 financial year
29(7)	Comply with Section 114 of the MFMA within ten working days.	Accounting Officer		YES	Not applicable
31(1)	Request the State Information Technology Agency (SITA) to assist the municipality with the acquisition of IT related goods or services through a competitive bidding process.	Accounting Officer	Bid Adjudication Committee	YES	Not Applicable
31(2)	Enter into a written agreement to regulate the services rendered by, and the payments made to, SITA.	Accounting Officer		YES	Not Applicable
31(3)	Notify SITA together with a motivation of the IT needs of the municipality if – (a) the transaction value of IT related goods or services required by the municipality in any financial year will exceed R50 million (VAT incl); or (b) the transaction value of a contract to be procured by the municipality whether for one or more years exceeds R50 million.	Accounting Officer		YES	Not Applicable
31(4)	Submit to the Council, the National Treasury, the relevant provincial treasury and the Auditor General the SITA comments and the reasons for rejecting or not following such comments if the municipality disagrees with SITA's comments.	Accounting Officer	Senior Manager: Supply Chain Management	YES	Not Applicable

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
32(1)	To procure goods or services for the municipality under a contract secured by another organ of state, but only if – (a) the contract has been secured by that organ of state by means of a competitive bidding process applicable to that organ of state; (b) the municipality has no reason to believe that such contract was not validly procured; (c) there are demonstrable discounts or benefits f or the municipality; and that other organ of state and the provider have consented to such procurement in writing.	Accounting Officer	Bid Adjudication Committee	YES	None
35(1)	Procure consulting services above the value of R200 000 (VAT incl.) provided that any Treasury guidelines in respect of consulting services or CIDB guidelines in respect of services related to the build environment and construction works are taken into account when such procurements are made.	Accounting Officer	Bid Adjudication Committee	YES	New tender has been advertised
35(4)	Ensure that copyright in any document produced, and the patent rights or ownership in any plant, machinery, thing, system or process designed or devised, by a consultant in the course of the consultancy service is vested in the municipality.	Municipal Council	Relevant user Department	YES	Not Applicable
36(1)(a)	Dispense with the official procurement processes	Accounting Officer	BAC considers deviations and	YES	Delegations are in place for BAC to

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only – (i) in an emergency; (ii) if such goods or services are produced or available from a single provider only; (iii) for the acquisition of special worker of art or historical objects where specifications are difficult to compile; (iv) acquisition of animals or zoos; or (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes (vi) any contract relating to the publication of notices and advertisements by or on behalf of the municipality (vii) any purchase on behalf of the municipality at a public auction (viii) any contract with an organ of state, local authority or a public utility corporation or company (ix) any contract in respect of which compliance therein would not be in the public interest or interest of Council (x) ad-hoc repairs to plant and equipment where it is not possible to ascertain the nature or extent of the work required in order to call for bids (xi) workshop strip & quote		recommend to the Accounting Officer.		recommend deviations to the Accounting Officer. Records and recordings are kept of all meetings. Departments draft memorandums and table items at BEC for consideration and recommendation to the BAC. The BAC upon approval will recommend deviation to the Accounting –Officer.
36(1)(b)	Ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.	Accounting Officer		YES	Done
36(2)	Record the reasons for any deviations in terms of	Municipal Council	Accounting Officer	YES	Done

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	Regulations 36(1)(a) and (b); and Report them to the next meeting of the Council and include as a note to the annual financial statements.				
37(2)	Decide to consider an unsolicited bid but only if – (a) the product or service offered is a demonstrably or proven unique innovative concept; (b) the product or service will be exceptionally beneficially to, or have exceptional cost advantages for, the municipality; (c) the person who made the bid is the sole provider of the product or service; and (d) the reasons for not going through the normal bidding processes are found to be sound by the accounting officer.	Accounting Officer		NO	None
37(4)	Submit written comments received pursuant to Regulation 37(3), including any responses from the unsolicited bidder, to the National Treasury and the relevant provincial treasury for comment.	Accounting Officer		NO	None
37(5)	Consider and may award the bid or make recommendations to the accounting officer depending on the delegations to the adjudication committee.	Accounting Officer	Bid Adjudication Committee	YES	None
37(7)	When considering an unsolicited bid, take into account where considering an unsolicited bid – (i) any comments submitted by the public; and any written comments and recommendations of the	Accounting Officer		NO	None

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	National Treasury or the relevant provincial treasury.				
37(8)	Submit to the Auditor General, the relevant provincial treasury and the National Treasury the reasons for rejecting or not following any recommendations of the National Treasury or provincial treasury in regard to the unsolicited bid.	Accounting Officer	Senior Manager: Supply Chain Management	NO	None
38(1)(a)	Take all reasonable steps to prevent abuse of the supply chain management system.	Accounting Officer	Chief Financial Officer	YES	The National Treasury Code of Conduct has been circulated and communicated to municipal staff at various formal and informal meetings.
38(1)(b)	Investigate any allegations against an official or other role player of fraud, corruption, favoritism, unfair or irregular practices or failure to comply with the supply chain management policy, and when justified – (i) take appropriate steps against such official or other role player; or (ii) report any alleged criminal conduct to the South African Police Service.	Accounting Officer	Internal Audit	YES	None
38(1)(c)	Check the National Treasury's database prior to awarding any contract to ensure that no recommended bidder, or any of its directors, is listed as a person prohibited from doing business with the public sector.	Accounting Officer	Senior Manager: Supply Chain Management	YES	The National Treasury website information of the List of Defaulters is currently used to verify.
38(1)(d)	Reject any bid from a bidder – (i) if any municipal rates and taxes or municipal service charges owed by that bidder or any directors to the municipality are in arrears for more than three months; (ii) who during the last five years has failed to	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.				
38(1)(e)	Reject a recommendation for the award of a contract if the recommended bidder, or any of its directors, has committed a corrupt or fraudulent act in competing for the particular contract.	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place
38(1)(f)	Cancel a contract awarded to a person if – the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract; or (i) an official or other role player committed any corrupt or fraudulent act during the bidding process or the execution of the contract that benefited that person.	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place
38(1)(g)	Reject the bid of any bidder if that bidder or any of its directors – (i) has abused the supply chain management system of the municipality or has committed any improper conduct in relation to such system; (ii) has been convicted for fraud or corruption during the last five years; (iii) has willfully neglected or reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	(iv) has been listed in the Register for Tender Defaulters in terms of Section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).				
38(2)	Inform the National Treasury and relevant provincial treasury in writing of any actions taken in terms of Regulation 38(1)(b)(ii), (e)	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place
40(1)	The Supply chain policy must provide for an effective system of disposal management for the disposal or letting of assets, including unserviceable, redundant or obsolete assets, subject to sections 14&90 of MFMA	Municipal Council	Chief Financial Officer	YES	Delegations are in place
40(2) a	A Supply Chain management policy must specify the ways in which assets may be disposed of, including by – (i) Transferring the asset to another organ of state in terms of a provision of the MFMA enabling the transfer of assets (ii) Transferring the asset to another organ of state at market related value or, when appropriate, free of charge (iii) Selling the asset (iv) Destroying the asset	Municipal Council	Chief Financial Officer	YES	As per delegations
40(2) (b)	Stipulate that – Immoveable property may be sold only at market related prices except when public interest or the plight of the poor demands otherwise	Municipal Council		YES	Not Applicable

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
40(2)(b)(ii)	Movable assets may be sold either by way of written price quotations, a competitive bidding process, auction or at market related prices, whichever is the most advantageous to the municipality	Accounting Officer	Chief Financial Officer	YES	As per delegations
40(2)(b)(iii)	In the case of the free disposal of computer equipment, the Provincial Department of Education must first be approached to indicate within 30 days whether any of the local schools are interested in the equipment.	Accounting Officer	Chief Financial Officer	N/A	Not Applicable
40(2)(b)(iv)	In the case of the disposal of firearms, the National Conventional Arms Control Committee has approved any sale or donation of firearms to any person or institution within or outside the Republic	Accounting Officer		N/A	Not Applicable
40(2)(c)(ii)	All fees, charges, rates, tariffs, scales of fees or other charges relating to the letting of immovable property are annually reviewed	Municipal Council		YES	Done
40(2)(d)	Ensure that where assets are traded in for other assets, the highest possible trade-in is negotiated	Municipal Council		N/A	None
40(2)(b)(iii)	In the case of the free disposal of computer equipment, the provincial department of education is first approached to indicate within 30 days whether any of the local schools are interested in the equipment.			N/A	Not Applicable
41(1)	A Supply chain management policy must provide for an effective system of risk management for the identification, consideration and avoidance of potential risks in the supply chain management system	Accounting Officer	Internal Audit	YES	Busy implementing a system for risk management
42	Establish and implement an internal monitoring	Accounting Officer	Chief Financial Officer	YES	Busy implementing a system for

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	system in order to determine, on a retrospective analysis, whether the authorized supply chain management processes were followed and whether the objectives of this policy were achieved.				performance management in SCM
43(2)	Check with SARS whether a person's tax matters are in order before making an award to such person.	Municipal Council	Senior Manager: Supply Chain Management	YES	The Tax Clearance of vendors registered on the Central Supplier Database are checked regularly and before awards are made.
45	Disclose in the notes to the annual financial statements of the municipality particulars of any award of more than R2,000 to a person who is a spouse, child or parent of a person in the service of the state, or has been in the service of the state in the previous twelve months, including – (a) the name of that person; (b) the capacity in which that person is in the service of the state; and (c) the amount of the award.	Municipal Council	Chief Financial Officer	YES	This information was disclosed within the 19/20 financial statements of the municipality.
46(3)(a)	Keep a register of all declarations in terms of Regulation 46(2)(d) and (e).	Accounting Officer	Senior Manager: Supply Chain Management	YES	SCM keep record of it.
46(3)(b)	Declarations must be made to the mayor of the municipality who must ensure that such declarations are recorded in the register.	Accounting Officer	Chief Financial Officer	YES	Declarations are kept at SCM section and hard copy on file.
46(4)	Adopt the National Treasury's code of conduct and Schedule 2 of the Systems Act for supply chain management practitioners and other role players involved in supply chain management.	Accounting Officer	Senior Manager: Supply Chain Management Council's Speaker	YES	Code of conduct are circulated annually to all officials
47(2)	Report any alleged contravention of Regulation 47(1) to the National Treasury for considering whether the	Accounting Officer	Chief Financial Officer	YES	

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	offending person, and any representative or intermediate through which such person is alleged to have acted, should be listed in the National Treasury's database of persons prohibited from doing business with the public sector.				None
48	Disclose to the National Treasury and the relevant provincial treasury any sponsorship promised, offered or granted to the municipality whether directly or through a representative or intermediate, by any person who is – (a) a provider or prospective provider of goods or services to the municipality; or (b) a recipient or prospective recipient of goods disposed or to be disposed, of by the municipality.	Accounting Officer	Senior Manager: Supply Chain Management	YES	None.
49	Persons aggrieved by decisions or actions taken in the implementation of this supply chain management system, may lodge within 14 days of the decision or action, a written objection or compliant against the decision or action.	Accounting Officer		YES	Have an administrative process in place.
50(1)	Appoint an independent and impartial person to assist in the resolution of disputes between the municipality and other persons and to deal with objections, complaints or queries as described more fully in Regulation 49.	Accounting Officer		YES	Done.
50(1)(a)	Responsible to assist the person appointed in terms of Regulation 50(1) to perform his or her functions effectively.	Accounting Officer		YES	Done
50(4)(b)	Appointed must submit monthly reports to the Accounting Officer on all disputes, objections, complaints or queries received, attended to or resolved.	Accounting Officer		YES	The appointed official is responsible for the submission of the monthly report to the Municipal Manager.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
51	Service provider that acts on behalf of municipality to provide any service or act as a collector of fees, service charges or taxes and the compensation payable to service provider, contract must stipulate a cap on compensation payable to the service provider; that such compensation must be performance based.	Accounting Officer		YES	Done

8.5	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY - REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 4 (01 April 2021 - 30 June 2021)

Collaborator No:
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 28 July 2021

1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY - REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 4 (01 April 2021 - 30 June 2021)

2. PURPOSE

To submit to Executive Management a report for the period 01 April to 30 June 2021 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

3. FOR DECISION BY MUNICIPAL COUNCIL

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

4. EXECUTIVE SUMMARY

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

5. RECOMMENDATIONS

(a) that the Executive Mayor and Council takes note of this report and **ANNEXURE A** attached to the report, and

(b) that the report be made public in accordance with section 21A of the Municipal Systems Act.

6. DISCUSSION/CONTENTS

6.1 Background

SCM must report within 10 days before the end of each quarter on the implementation of the SCM System.

6.2 Constitutional and Policy Implications

Paragraph 2(1) of Council's SCM Policy determines that all officials and other role players in the supply chain management system of the Stellenbosch Municipality must implement the SCM Policy in a way that gives effect to section 217 of the Constitution and Part 1 of Chapter 11 of the Municipal Finance Management Act (56 of 2003) and

other applicable provisions of the Act; is fair, equitable, transparent, competitive and cost-effective; complies with the Regulations and any norms and standards that may be prescribed in terms of section 168 of the MFMA; is consistent with other applicable legislation; does not undermine the objective for uniformity in supply chain management systems between organs of state in all spheres; and is consistent with national economic policy concerning the promotion of investments and doing business with the public sector.

Paragraph 6(1) of the Supply Chain Management Policy of Council determines that the Council of Stellenbosch municipality reserves the right to maintain oversight over the implementation of the SCM Policy as approved and amended from time to time. Paragraph 6(3) of the above stated Policy determines that the Accounting Officer must within 10 days of the end of each quarter; submit a report on the implementation of the Supply Chain Management Policy to the Executive Mayor.

6.3 Environmental implications

None.

6.4 Financial Implications

The financial implications are the transactions for the procurement of goods and services that were processed during the 01 April to 30 June 2021 and the payments that will derive from these commitments.

6.5 Legal Implications

The Municipal Finance Management Act (section 112) stipulates that the SCM Policy should comply with a prescribed framework as set out in section 112(1) and section 112(2) that stipulates that the regulatory framework for the municipal supply chain management must be fair, equitable, transparent, competitive and cost-effective. Reporting back in terms of paragraph 6(3) of the SCM Policy 2020/2021 to the Executive Mayor and Council on the implementation of the supply chain management system and processes enables the Executive Mayor and Council to maintain the oversight role over the implementation of the SCM Policy as approved by Council.

6.6 Staff Implications

None.

6.7 Previous / Relevant Council Resolutions

None

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-07-21: ITEM 6.5

(a) that Council takes note of this report and **ANNEXURE A** attached to the report; and

(b) that the report be made public in accordance with section 21A of the Municipal Systems Act.

APPENDICES

APPENDIX 1: Report for the period 01 April to 30 June 2021 on the Implementation of Council's Supply Chain Management Policy

APPENDIX 1

STELLENBOSCH MUNICIPALITY

IMPLEMENTATION OF SYSTEM – SUPPLY CHAIN MANAGEMENT

SECTION 6 OF SCM POLICY:
OVERSIGHT ROLE OF COUNCIL OVER THE IMPLEMENTATION OF SCM POLICY

PERIOD: 01 APRIL 2021 - 30 JUNE 2021

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
3(1)(a)	Prepare and submit a draft supply chain management policy complying with regulation 2 to the council of the municipality for adoption.	Accounting Officer	Chief Financial Officer	YES	Done
3(1)(b)	Review at least annually the implementation of the policy.	Accounting Officer	Chief Financial Officer	YES	Done
3(1)(c)	Submit when considered necessary, proposals for amendment of the policy by the Council.	Accounting Officer	Chief Financial Officer	YES	The SCM Policy are part of the budget related policies that are annually reviewed.
3(2)(a)	Make use of any Treasury guidelines determining standards for municipal supply chain management policies, and submit to the council that guidelines standard or modified version therefore, as a draft policy.	Accounting Officer	Chief Financial Officer	YES	All NT guidelines are included in standard documents and the municipalities SCM policy is aligned with the Model SCM policy of NT.
3(2)(b)	Ensure that a draft policy submitted to council that differs from the guideline standard complies with Regulation 2.	Accounting Officer	Chief Financial Officer	YES	Not Applicable
3(1)(c)	Report any deviation from the guideline standard to the National Treasury and relevant provincial treasury	Accounting Officer	Chief Financial Officer	YES	Not Applicable
3(4)	Must, in terms of section 62(1)(f)((iv) take all reasonable steps to ensure that the municipality has and implements a supply chain management policy as set out in Regulation 2	Accounting Officer	Chief Financial Officer	YES	Done

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
5(2)(a)	Make a final award above R10 million (VAT included).	Accounting Officer (after considering recommendation of Bid Adjudication Committee)		YES	In the fourth quarter, there were seven (7) final awards above R10 million.
5(2)(b)	Make a final award above R200 000(VAT included), but not exceeding R10 million (VAT included).	Accounting Officer	Bid Adjudication Committee	YES	In the fourth quarter, there were twenty-four (24) final awards above R200 000 but not exceeding R10 million.
5(2)(c)	Make a final award not exceeding R200 000(VAT included) including the appointment of consultants	Accounting Officer	CFO and Senior Manager - SCM and Senior Accountants	YES	Operational Delegations are in place with clear segregation of duties as stipulated in MFMA section 115 (b)
5(3)	Submit to the officials referred to in regulation 5(4) within five days of the end of each month a written report containing particulars of each final award, except procurements made out of petty cash, made during that month, including – (a) the amount of the award; (b) the name of the person to whom the award was made; (c) the reason why the award was made to that person; and (d) the BEE/HDI status of that entity/person.	Bid Adjudication Committee (refer regulation 5(4)(a) Chief Financial Officer – 5(4)(b)	Chief Financial Officer Senior Manager SCM	YES	**The awards made were submitted on the following dates within this quarter:** 03 May 2021 03 June 2021 02 July 2021
6(1)	Maintain oversight over the implementation of the supply chain management policy	Municipal Council		YES	The Supply Chain Management policy has been submitted to council in the last quarter of the previous financial year as part of the Budget Related policies.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
6(2)(a)(i)	Submit a report to council within 30 days of the end of each financial year on the implementation of the supply chain management policy of the municipality.	Accounting Officer		YES	Done
6(2)(a)	Immediately submit a report to council whenever there are serious and material; problems in the implementation of the supply chain management policy, including such a report from any municipal entity as envisaged by this Regulation 6(2)(a)(iii)	Accounting Officer		N/A	To date no serious or material problems occurred in implementing the SCM policy.
6(3)	Submit a report to the mayor of the municipality within ten days of each quarter on the implementation of the supply chain management policy.	Accounting Officer	Chief Financial Officer	YES	Done.
7(1)	Establish a supply chain management unit.	Accounting Officer	Chief Financial Officer	YES	Unit operates under direct supervision of CFO
12(1)	Direct that: a) cash purchases up to transaction value as defined I Council's Petty Cash policy b) one verbal quotation be obtained for any specified procurement of a transaction value lower than R2,000 (VAT included); c) written or verbal quotations for procurement of goods and/or services of a transaction value between R 2, 000.00 and R 10 000.00 (VAT included) d) formal written price quotations for procurement of goods and/or services of a transaction value between R 10,000.00 and R 200,000.00 e) a competitive bidding process be followed for any specific procurement of a transaction value higher than R200 000.	Accounting Officer	Operational delegations in place	YES	The SCM unit is responsible for procurement within these thresholds. Delegations approved and signed by the relevant officials.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
12(2)(a)	Allow the Accounting Officer to lower, but not to increase, the different threshold values specified in sub regulation(1).	Accounting Officer	Chief Financial Officer	YES	Delegated officials act within delegated thresholds.
14(1)(a)(ii)	Invite prospective providers of goods and services at least once a year through newspaper commonly circulating locally, the website of the municipality	Accounting Officer	Senior : Manager SCM	YES	Done
14(1)(b)	Specify the listing criteria for accredited prospective providers.	Accounting Officer	Chief Financial Officer	YES	Listing criteria is contained within the registration form.
14(1)(c)	Disallow the listing of any prospective provider whose name appears on the National Treasury's database as a person prohibited from doing business with the public sector.	Accounting Officer		YES	SCM consult National Treasury's database of defaulters before awarding of tenders and quotations
14(2)	Update the list of prospective providers at least quarterly to include any additional prospective providers and any new commodities or types of services.	Municipal Council	Chief Financial Officer	YES	Done
15	Requesting reconciliation's on petty cash purchases on a monthly basis.	Chief Financial Officer	Manager: Expenditure section	YES	N\A
16(c)	If it is not possible to obtain at least three written quotations, record and report quarterly to the accounting officer, or another official designated by the accounting officer, the reasons for this.	Accounting Officer	Chief Financial Officer	YES	**Reports were submitted on the following dates within this quarter:** 03 May 2021 03 June 2021 02 July 2021

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
16(e)	Record the name of potential providers requested to provide written quotation with their quoted prices.	Accounting Officer	Chief Financial Officer	YES	
17(1)(c)	Approve the recorded reasons for not obtaining at least three written price quotations.	Chief Financial Officer	Senior Manager SCM & CFO: below R200,000 Accountants: Acquisitions, Contracts and SCM: Accountant Demand and Chief Buyer : below R200,000	YES	**Reports were submitted on the following dates within this quarter:** 03 May 2021 03 June 2021 02 July 2021
17(1)(d)	Record the names of the potential formal written price quotation providers and their written quotations.	Accounting Officer	Senior Manager : Supply Chain Management	YES	
17(2)	Report to the CFO within three days at the end of the month on any approvals given during that month by that the designed official referred to in sub-regulation (1) (c).	Chief Financial Officer	Senior Manager: Supply Chain Management	YES	
18 (a)	All requirements in excess of R30,000 (VAT included) by means of formal written price quotations should be advertised for at least 7 days on the website and municipal official website.	Chief Financial Officer	Senior Manager: Supply Chain Management	YES	Done
18 (b)	When using the list of accredited prospective providers, it should promote ongoing competition amongst providers by inviting providers to submit quotations on a rotational basis.	Chief Financial Officer	Senior Manager: Supply Chain Management	YES	Done
18(c)	Must take all reasonable steps to ensure that the procurement of goods and services through written	Accounting Officer	Chief Financial Officer	YES	Quotations and Formal written quotations are placed on the website

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	quotations or formal written price quotations is not abused.				and only opened on the closing date and time and mitigate the risks during the calling for quotations.
18(d)	Notify the Accounting Officer or CFO in writing on a monthly basis of all written quotations and formal written price quotations accepted by the official acting in terms of a sub-delegation.	Chief Financial Officer	Senior Manager : Supply Chain Management	YES	**Reports were submitted on the following dates within this quarter.** 03 May 2021 03 June 2021 02 July 2021
22 (b) (i)	The publication notice must contain the closure date for the submission of bids, which may not be less than 3 weeks in case of transactions over R10m (VAT included), or which are of long term nature, or 14 days in any other case, from date on which the advertisement is placed in a newspaper.	Accounting Officer	Bid Specifications Committee	YES	For quarter four, forty-five (45) tender specifications served before the Bid Specifications committee.
22(2)	The Accounting Officer may determine the closure date for the submission of bids which is less than the 30 days or 14 days requirement, but only if such shorter period can be justified on the grounds of urgency or emergency or any exceptional case where it is impractical or impossible to follow the official procurement process	Accounting Officer		YES	None
23(a) (i)(ii)	The handling, opening and recording of bids should be (i) be opened in public (ii) must be opened at the same time and as soon as possible after the period for the submission of bids has expired;	Accounting Officer	Senior Manager: Supply Chain Management	YES	Done

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
23 (c)	(ii) make the register available for public inspection (iii) publish the entries in the register and the bid results on the website of the municipality	Accounting Officer	Senior Manager: Supply Chain Management	YES	Done
24(1)	Negotiate the final terms of a contract with bidders identified through a competitive bidding process as preferred bidders, provided that such negotiation – (a) does not allow any preferred bidder a second or unfair opportunity; (b) is not to the detriment of any other bidder; and (c) does not lead to a higher price than the bid submitted. Minutes of such negotiations must be kept.	Accounting Officer	Relevant user department Head of Department or Director	YES	Provision for the signing of a Form of Tender/Service Level Agreement with successful vendors is being made in the tender documents
26(1)(b)	Appoint the members of the bid specification, evaluation and adjudication committees, taking into account Section 117 of the MFMA.	Accounting Officer		YES	Done
26(1)(c)	Appoint a neutral or independent observer to a bid specification, evaluation or adjudication committee for an attendance and oversight process when this is appropriate for ensuring fairness and promoting transparency.	Accounting Officer		N/A	Not Applicable
26(3)	Apply the committee system to formal written price quotations.	Accounting Officer		N/A	Committee system is applied for goods/services above R200 000
27(1)	Compile specifications for the procurement of goods and services by the municipality.	Accounting Officer	Bid Specifications Committee, upon advice of the relevant user department	YES	The Director signs for items to serve on Specification committee.
27(2)(g)	Approve specifications compiled by the bid specification committee prior to publication of the invitation for bids.	Accounting Officer	Bid Specifications Committee, upon advice of the relevant user department	YES	The specifications are accompanied with a questionnaire that the relevant department has to complete. Meetings

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
					are held according pre-determined schedule.
28(1)(a)	Evaluate bids in accordance with – (i) the specifications for a specific procurement ; and (ii) the points system as must be set out in the supply chain management policy of the municipality in terms of Regulation 27(2)(f) and a prescribed in terms of the Preferential Procurement Policy Framework Act.	Accounting Officer	Bid Evaluation Committee upon advice of the relevant user department.	YES	Have regular BEC scheduled meetings.
28(1)(b)	Evaluate each bidder's ability to execute the contract.	Accounting Officer	Bid Evaluation Committee, upon advice from SCM	YES	Currently part of the Standard Evaluation Report
28(1)(c)	Check in respect of the recommended bidder whether municipal rates and taxes and municipal service charges are not in arrears.	Accounting Officer	Bid Evaluation Committee	YES	Has a screening list that has to be completed.
28(1)(d)	Submit to the adjudication committee a report and recommendations regarding the award of the bid or any other related matter.	Bid Evaluation Committee		YES	Currently part of the Standard Evaluation Report
29(1)(a)	Consider the report and recommendations of the bid evaluation committee where the award value exceeds R200 000 (VAT incl.) and make the award up to value of R10m (as per delegated authority)	Accounting Officer	Bid Adjudication Committee	YES	In the fourth quarter there were fifteen (15) BAC meetings
29(1)(b)(i)	For bids above R10 million, the SCM BAC will make recommendation to the Municipal Manager to make the final award.	Accounting Officer		YES	In the fourth quarter there were seven (7) final awards above R10 million.
29(1)(b)(ii)	Make another recommendation to the accounting officer on how to proceed with the relevant procurement.	Accounting Officer		YES	None.
29(3)	Appoint the chairperson of the bid adjudication committee.	Accounting Officer		YES	Delegations given is kept for record purposes

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
29(5)(a)	If a bid adjudication committee decides to award a bid other than the one recommended by the bid evaluation committee, the bid adjudication committee must prior to awarding the bid – (i) check in respect of the preferred bidder whether that bidder's municipal rates and taxes and municipal service charges are not in arrears; and (ii) notify the accounting officer.	Bid Adjudication Committee		YES	None
29(5)(b)	(i) After due consideration of the reasons for the deviation, ratify or reject the decision of the bid adjudication committee referred to in Regulation 29(5)(a); and (ii) If the decision of the bid adjudication committee is rejected, refer the decision of the adjudication committee back to that committee for reconsideration.	Accounting Officer		YES	None
29(6)	Refer any recommendation made by the evaluation committee or adjudication committee back to that committee for reconsideration of the recommendation.	Accounting Officer		YES	One (1) tender was referred back to the BEC in the fourth quarter
29(7)	Comply with Section 114 of the MFMA within ten working days.	Accounting Officer		YES	Not applicable
31(1)	Request the State Information Technology Agency (SITA) to assist the municipality with the acquisition of IT related goods or services through a competitive bidding process.	Accounting Officer	Bid Adjudication Committee	YES	Not Applicable
31(2)	Enter into a written agreement to regulate the	Accounting Officer		YES	Not Applicable

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	services rendered by, and the payments made to, SITA.				
31(3)	Notify SITA together with a motivation of the IT needs of the municipality if – (a) the transaction value of IT related goods or services required by the municipality in any financial year will exceed R50 million (VAT incl); or (b) the transaction value of a contract to be procured by the municipality whether for one or more years exceeds R50 million.	Accounting Officer		YES	Not Applicable
31(4)	Submit to the Council, the National Treasury, the relevant provincial treasury and the Auditor General the SITA comments and the reasons for rejecting or not following such comments if the municipality disagrees with SITA's comments.	Accounting Officer	Senior Manager: Supply Chain Management	YES	Not Applicable
32(1)	To procure goods or services for the municipality under a contract secured by another organ of state, but only if – (a) the contract has been secured by that organ of state by means of a competitive bidding process applicable to that organ of state; (b) the municipality has no reason to believe that such contract was not validly procured;	Accounting Officer	Bid Adjudication Committee	YES	None

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	(c) there are demonstrable discounts or benefits f or the municipality; and that other organ of state and the provider have consented to such procurement in writing.				
35(1)	Procure consulting services above the value of R200 000 (VAT incl.) provided that any Treasury guidelines in respect of consulting services or CIDB guidelines in respect of services related to the build environment and construction works are taken into account when such procurements are made.	Accounting Officer	Bid Adjudication Committee	YES	New tender has been advertised
35(4)	Ensure that copyright in any document produced, and the patent rights or ownership in any plant, machinery, thing, system or process designed or devised, by a consultant in the course of the consultancy service is vested in the municipality.	Municipal Council	Relevant user Department	YES	Not Applicable
36(1)(a)	Dispense with the official procurement processes established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only – (i) in an emergency; (ii) if such goods or services are produced or available from a single provider only; (iii) for the acquisition of special worker of art or historical objects where specifications are difficult to compile; (iv) acquisition of animals or zoos; or	Accounting Officer	BAC considers deviations and recommend to the Accounting Officer.	YES	Delegations are in place for BAC to recommend deviations to the Accounting Officer. Records and recordings are kept of all meetings. Departments draft memorandums and table items at BEC for consideration and recommendation to the BAC. The BAC upon approval will recommend deviation to the Accounting –Officer.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	(v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes (vi) any contract relating to the publication of notices and advertisements by or on behalf of the municipality (vii) any purchase on behalf of the municipality at a public auction (viii) any contract with an organ of state, local authority or a public utility corporation or company (ix) any contract in respect of which compliance therein would not be in the public interest or interest of Council (x) ad-hoc repairs to plant and equipment where it is not possible to ascertain the nature or extent of the work required in order to call for bids (xi) workshop strip & quote				
36(1)(b)	Ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.	Accounting Officer		YES	Done
36(2)	Record the reasons for any deviations in terms of Regulations 36(1)(a) and (b); and Report them to the next meeting of the Council and include as a note to the annual financial statements.	Municipal Council	Accounting Officer	YES	Done
37(2)	Decide to consider an unsolicited bid but only if – (a) the product or service offered is a demonstrably or proven unique innovative concept; (b) the product or service will be exceptionally beneficially to, or have exceptional cost	Accounting Officer		NO	None

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	advantages for, the municipality; (c) the person who made the bid is the sole provider of the product or service; and (d) the reasons for not going through the normal bidding processes are found to be sound by the accounting officer.				
37(4)	Submit written comments received pursuant to Regulation 37(3), including any responses from the unsolicited bidder, to the National Treasury and the relevant provincial treasury for comment.	Accounting Officer		NO	None
37(5)	Consider and may award the bid or make recommendations to the accounting officer depending on the delegations to the adjudication committee.	Accounting Officer	Bid Adjudication Committee	YES	None
37(7)	When considering an unsolicited bid, take into account where considering an unsolicited bid – (i) any comments submitted by the public; and any written comments and recommendations of the National Treasury or the relevant provincial treasury.	Accounting Officer		NO	None
37(8)	Submit to the Auditor General, the relevant provincial treasury and the National Treasury the reasons for rejecting or not following any recommendations of the National Treasury or provincial treasury in regard to the unsolicited bid.	Accounting Officer	Senior Manager: Supply Chain Management	NO	None
38(1)(a)	Take all reasonable steps to prevent abuse of the supply chain management system.	Accounting Officer	Chief Financial Officer	YES	The National Treasury Code of Conduct has been circulated and communicated to municipal staff at various formal and informal meetings.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
38(1)(b)	Investigate any allegations against an official or other role player of fraud, corruption, favoritism, unfair or irregular practices or failure to comply with the supply chain management policy, and when justified – (i) take appropriate steps against such official or other role player; or (ii) report any alleged criminal conduct to the South African Police Service.	Accounting Officer	Internal Audit	YES	None
38(1)(c)	Check the National Treasury's database prior to awarding any contract to ensure that no recommended bidder, or any of its directors, is listed as a person prohibited from doing business with the public sector.	Accounting Officer	Senior Manager: Supply Chain Management	YES	The National Treasury website information of the List of Defaulters is currently used to verify.
38(1)(d)	Reject any bid from a bidder – (i) if any municipal rates and taxes or municipal service charges owed by that bidder or any directors to the municipality are in arrears for more than three months; (ii) who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place
38(1)(e)	Reject a recommendation for the award of a contract if the recommended bidder, or any of its directors, has committed a corrupt or fraudulent act in competing for the particular contract.	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place
38(1)(f)	Cancel a contract awarded to a person if – the person committed any corrupt or fraudulent act	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply	YES	Bid Evaluation checklist is in place

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	during the bidding process or the execution of the contract; or (i) an official or other role player committed any corrupt or fraudulent act during the bidding process or the execution of the contract that benefited that person.		Chain Management		
38(1)(g)	Reject the bid of any bidder if that bidder or any of its directors – (i) has abused the supply chain management system of the municipality or has committed any improper conduct in relation to such system; (ii) has been convicted for fraud or corruption during the last five years; (iii) has willfully neglected or reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or (iv) has been listed in the Register for Tender Defaulters in terms of Section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place
38(2)	Inform the National Treasury and relevant provincial treasury in writing of any actions taken in terms of Regulation 38(1)(b)(ii), (e)	Accounting Officer	Bid Adjudication Committee Senior Manager: Supply Chain Management	YES	Bid Evaluation checklist is in place
40(1)	The Supply chain policy must provide for an effective system of disposal management for the disposal or	Municipal Council	Chief Financial Officer	YES	Delegations are in place

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	letting of assets, including unserviceable, redundant or obsolete assets, subject to sections 14&90 of MFMA				
40(2) a	A Supply Chain management policy must specify the ways in which assets may be disposed of, including by – (i) Transferring the asset to another organ of state in terms of a provision of the MFMA enabling the transfer of assets (ii) Transferring the asset to another organ of state at market related value or, when appropriate, free of charge (iii) Selling the asset (iv) Destroying the asset	Municipal Council	Chief Financial Officer	YES	. As per delegations
40(2) (b)	Stipulate that – Immoveable property may be sold only at market related prices except when public interest or the plight of the poor demands otherwise	Municipal Council		YES	Not Applicable
40(2)(b)(ii)	Movable assets may be sold either by way of written price quotations, a competitive bidding process, auction or at market related prices, whichever is the most advantageous to the municipality	Accounting Officer	Chief Financial Officer	YES	As per delegations
40(2)(b)(iii)	In the case of the free disposal of computer equipment, the Provincial Department of Education must first be approached to indicate within 30 days	Accounting Officer	Chief Financial Officer	N/A	Not Applicable

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	whether any of the local schools are interested in the equipment.				
40(2)(b)(iv)	In the case of the disposal of firearms, the National Conventional Arms Control Committee has approved any sale or donation of firearms to any person or institution within or outside the Republic	Accounting Officer		N/A	Not Applicable
40(2)(c)(ii)	All fees, charges, rates, tariffs, scales of fees or other charges relating to the letting of immovable property are annually reviewed	Municipal Council		YES	Done
40(2)(d)	Ensure that where assets are traded in for other assets, the highest possible trade-in is negotiated	Municipal Council		N/A	None
40(2)(b)(iii)	In the case of the free disposal of computer equipment, the provincial department of education is first approached to indicate within 30 days whether any of the local schools are interested in the equipment.			N/A	Not Applicable
41(1)	A Supply chain management policy must provide for an effective system of risk management for the identification, consideration and avoidance of potential risks in the supply chain management system	Accounting Officer	Internal Audit	YES	Busy implementing a system for risk management
42	Establish and implement an internal monitoring system in order to determine, on a retrospective analysis, whether the authorized supply chain management processes were followed and whether the objectives of this policy were achieved.	Accounting Officer	Chief Financial Officer	YES	Busy implementing a system for performance management in SCM
43(2)	Check with SARS whether a person's tax matters are in order before making an award to such person.	Municipal Council	Senior Manager: Supply Chain Management	YES	The Tax Clearance of vendors registered on the Central Supplier Database are checked regularly and before awards are made.
45	Disclose in the notes to the annual financial	Municipal Council	Chief Financial Officer	YES	This information was disclosed within

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	statements of the municipality particulars of any award of more than R2,000 to a person who is a spouse, child or parent of a person in the service of the state, or has been in the service of the state in the previous twelve months, including – (a) the name of that person; (b) the capacity in which that person is in the service of the state; and (c) the amount of the award.				the 19/20 financial statements of the municipality.
46(3)(a)	Keep a register of all declarations in terms of Regulation 46(2)(d) and (e).	Accounting Officer	Senior Manager: Supply Chain Management	YES	SCM keep record of it.
46(3)(b)	Declarations must be made to the mayor of the municipality who must ensure that such declarations are recorded in the register.	Accounting Officer	Chief Financial Officer	YES	Declarations are kept at SCM section and hard copy on file.
46(4)	Adopt the National Treasury's code of conduct and Schedule 2 of the Systems Act for supply chain management practitioners and other role players involved in supply chain management.	Accounting Officer	Senior Manager: Supply Chain Management Council's Speaker	YES	Code of conduct are circulated annually to all officials
47(2)	Report any alleged contravention of Regulation 47(1) to the National Treasury for considering whether the offending person, and any representative or intermediate through which such person is alleged to have acted, should be listed in the National Treasury's database of persons prohibited from doing business with the public sector.	Accounting Officer	Chief Financial Officer	YES	None
48	Disclose to the National Treasury and the relevant provincial treasury any sponsorship promised, offered or granted to the municipality whether directly	Accounting Officer	Senior Manager: Supply Chain Management	YES	None.

REG. NO.	CRYPTIC DESCRIPTION OF POWER OR DUTY	POWER CURRENTLY RESIDING	DELEGATED	IMPLE-MENTED	COMMENTS
	or through a representative or intermediate, by any person who is – (a) a provider or prospective provider of goods or services to the municipality; or (b) a recipient or prospective recipient of goods disposed or to be disposed, of by the municipality.				
49	Persons aggrieved by decisions or actions taken in the implementation of this supply chain management system, may lodge within 14 days of the decision or action, a written objection or compliant against the decision or action.	Accounting Officer		YES	Have a complaints and appeal register in place.
50(1)	Appoint an independent and impartial person to assist in the resolution of disputes between the municipality and other persons and to deal with objections, complaints or queries as described more fully in Regulation 49.	Accounting Officer		YES	Done.
50(1)(a)	Responsible to assist the person appointed in terms of Regulation 50(1) to perform his or her functions effectively.	Accounting Officer		YES	Done
50(4)(b)	Appointed must submit monthly reports to the Accounting Officer on all disputes, objections, complaints or queries received, attended to or resolved.	Accounting Officer		YES	The appointed official is responsible for the submission of the monthly report to the Municipal Manager.
51	Service provider that acts on behalf of municipality to provide any service or act as a collector of fees, service charges or taxes and the compensation payable to service provider, contract must stipulate a cap on compensation payable to the service provider; that such compensation must be performance based.	Accounting Officer		YES	Done

8.6	TABLING OF THE REMAINING CORE COMPONENTS OF THE ANNUAL REPORT 2019/20

Collaborator No: 710066
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 28 July 2021

1. SUBJECT: TABLING OF THE REMAINING CORE COMPONENTS OF THE ANNUAL REPORT 2019/20

2. PURPOSE

a) To table to Council the remaining core components of the Annual Report 2019/20 for consideration and to be released for public comment.

b) Furthermore, it is also the purpose of this submission to, after consideration of the remaining core components of the Annual Report 2019/20 by Council, to refer it to the Municipal Public Accounts Committee (MPAC) to fulfil the role of an Oversight Committee and make to make a recommendation to Council as contemplated in terms of Section 129(1) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA).

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Draft Annual Report 2019/20 was referred by Council, on 31 March 2021, to the MPAC which fulfilled the functions of the Oversight Committee. The appointment and mandate of the MPAC/Oversight Committee were informed by the MFMA Circular 32 of 2006.

Committee members, including the two co-opted members, have scrutinized the Draft Annual Report 2019/20 and requested, where required, responses from the relevant Directorates. The Annual Report 2019/20 was objectively reviewed by the MPAC Members to ascertain whether the Annual Report 2019/20 is a true and accurate reflection of the municipality's performance for the 2019/20 financial year. The public were also invited to attend a public hearing to submit any representations on the Annual Report 2019/20. The public hearing was held on 15 April 2021.

At the time of deliberating on the Annual Report 2019/20, the report from the Auditor General of South Africa (AGSA), as contemplated in terms of Section 121(3)(b) and (d), was not yet available.

The Annual Report 2019/20 was approved by Council on 26 May 2021 with the following reservation that, as soon as the AGSA's report for the 2019/20 becomes available, that it be submitted to the MPAC and Council for consideration.

The AGSA's report was signed on 13 July 2021 (**ANNEXURE A**). The Audit and Performance Audit Committee (APAC) also concluded its annual report and is also herewith submitted to Council for consideration (**ANNEXURE B**).

5. RECOMMENDATIONS

(a) that Council takes note of the remaining core components of the Annual Report 2019/20;

(b) that Council takes note that the Municipal Manager will make the remaining core components of the Annual Report 2019/20 public for comment on the official website of the Stellenbosch Municipality and at the offices of the municipality for a period of 21 days; the public will be invited through the local print media to provide written inputs / comments; and

(c) that Council notes that the remaining core components of the Annual Report 2019/20 **(ANNEXURE A and B)** be referred to the MPAC for consideration and to make recommendations to Council as contemplated in terms of Section 129(1) of the MFMA.

6. DISCUSSION

6.1 Background

The MFMA promotes transparency and accountability for the fiscal and financial affairs of all municipalities and municipal entities through in-year and annual reporting. This can be achieved where there is a clear link between the strategic objectives agreed with the community, the Integrated Development Plan (IDP), the Budget, Service Delivery and Budget Implementation Plan (SDBIP), performance agreements of senior management and officials, in-year reports, annual financial statements, annual performance report and the Annual Report. All these forms one process to ensure that the actual performance is reported against what was planned and contained in the IDP. In this way the annual reporting is a backward-looking process of financial and non-financial performance for the financial year ended, and audited. It is therefore a post-financial year document.

The Annual Report requires the collection and consolidation of a range of financial and non-financial performance information about the municipality. It provides an authoritative record of the activities and performance of the municipality for each financial year. In time it will serve as a key historic record of the municipality revealing the progress, growth and development of municipal services and performance.

In terms of Section 121(3) of the MFMA, the Annual Report of a municipality or municipal entity must include the following core components. These core components are normally annexed to the Draft Annual Report:

a) The Annual Financial Statements as submitted to the AGSA (Section 121(3)(a));
b) the AGSA's audit report in terms of section 126(3) on those financial statements (Section 121(3)(b));
c) the annual performance report of the municipality prepared by the municipality in terms of Section 46 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA) (Section 121(3)(c));
d) the AGSA's audit report in terms of section 45(b) of the MSA (Section 121(3)(d)); and
e) particulars of any corrective action taken or to be taken in response to issues raised in the audit reports referred to in paragraphs (b) and (d) in the MFMA (Section 121(3)(g)).

The Minister of Finance issued a Ministerial Exemption in terms of section 177(1)(b) of the MFMA on 05 August 2020, exempting municipalities and municipal entities from submitting their annual financial statements and related reports for auditing at the end of August 2020. The notice allows for a two-month delay in the submission of Annual Financial Statements, Annual Reports, Audit opinions, and oversight reports. Hence,

why the Draft Annual Report 2019/20 is submitted to Council in March 2021 and the final MPAC Oversight Report to Council in May 2021.

It must, therefore, be noted that the AGSA commenced with its audit later as per usual. This has caused a delay with the inception of the external audit by the AGSA as well as with the issuing of their report. The AGSA report 2019/20 was signed on 13 July 2021 and is herewith submitted to Council to finalise the Annual Report 2019/20 in terms of submitting the remaining core components of the Annual Report 2019/20. Council should also take notice that the APAC has also concluded its report after receiving the AGSA report 2019/20, and is submitted herewith as **ANNEXURE B**.

6.2 Financial Implications

There are no financial implications beyond that which was approved in the 2020/21 MTREF Budget.

6.3 Legal Implications

Section 121(3) of the MFMA states that the annual report of a municipality must include—

(a) the annual financial statements of the municipality, and in addition, if section 122(2) applies, consolidated annual financial statements, as submitted to the Auditor-General for audit in terms of section 126(1);

(b) the Auditor-General's audit report in terms of section 126(3) on those financial statements;

(c) the annual performance report of the municipality prepared by the municipality in terms of section 46 of the Municipal Systems Act;

(d) the Auditor-General's audit report in terms of section 45(b) of the Municipal Systems Act;

(e) an assessment by the municipality's accounting officer of any arrears on municipal taxes and service charges;

(f) an assessment by the municipality's accounting officer of the municipality's performance against the measurable performance objectives referred to in section 17(3)(b) for revenue collection from each revenue source and for each vote in the municipality's approved budget for the relevant financial year;

(g) particulars of any corrective action taken or to be taken in response to issues raised in the audit reports referred to in paragraphs (b) and (d);

(h) any explanations that may be necessary to clarify issues in connection with the financial statements;

(i) any information as determined by the municipality;

(j) any recommendations of the municipality's audit committee; and

(k) any other information as may be prescribed.

Section 127(2) of the MFMA states that "*The mayor of a municipality must, within seven months after the end of a financial year, table in the municipal council the annual report of the municipality and of any municipal entity under the municipality's sole or shared control."*

Furthermore, Section 127(3) of the MFMA states that *"If the mayor, for whatever reason, is unable to table in the council the annual report of the municipality, or the annual report of any municipal entity under the municipality's sole or shared control, within seven months after the end of the financial year to which the report relates, the mayor must— (a) promptly submit to the council a written explanation referred to in section 133(1)(a) setting out the reasons for the delay, together with any components of the annual report listed in section 121(3) or (4) that are ready; and (b) submit to the*

council the outstanding annual report or the outstanding components of the annual report as soon as may be possible."

6.4 Staff Implication

This report has no staff implications to the Municipality.

6.5 Risk Implication

None

6.6 Previous Council Resolutions

Item 8.4 of the 41st meeting of the Stellenbosch Municipal Council, 31 March 2021, *"Tabling of the Draft Annual Report 2019/20"*

Item 8.1 of the 43rd meeting of the Stellenbosch Municipal Council, 26 May 2021, *"Municipal Public Accounts Committee (MPAC) Oversight Report on the Annual Report 2019/20"*

6.7 Comments from Senior Management

6.7.1 Director: Community and Protection Services
Supported

6.7.2 Chief Financial Officer
Supported

6.7.3 Director: Infrastructure Services
Supported

6.7.4 Director: Corporate Services
Supported

6.7.5 Director: Planning and Economic Development
Supported

6.7.6 Comments from the Municipal Manager
Supported

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-07-21: ITEM 6.6

(a) that Council takes note of the remaining core components of the Annual Report 2019/20;

(b) that Council takes note that the Municipal Manager will make the remaining core components of the Annual Report 2019/20 public for comment on the official website of the Stellenbosch Municipality and at the offices of the municipality for a period of 21 days; the public will be invited through the local print media to provide written inputs / comments; and

(c) that Council notes that the remaining core components of the Annual Report 2019/20 **(ANNEXURES A and B)** be referred to the MPAC for consideration and to make recommendations to Council as contemplated in terms of Section 129(1) of the MFMA.

ANNEXURE A

Report of the auditor-general to the Western Cape Provincial Parliament and council on the Stellenbosch Municipality

Report on the audit of the financial statements

Opinion

1. I have audited the financial statements of the Stellenbosch Municipality set out on pages 5 to 143, which comprise the statement of financial position as at 30 June 2020, statement of financial performance, statement of changes in net assets, cash flow statement and statement of comparison of budget and actual amounts for the year then ended, as well as the notes to the financial statements, including a summary of significant accounting policies.

2. In my opinion, the financial statements present fairly, in all material respects, the financial position of the Stellenbosch Municipality as at 30 June 2020, and its financial performance and cash flows for the year then ended in accordance with the Standards of Generally Recognised Accounting Practice (GRAP) and the requirements of the Municipal Finance Management Act 56 of 2003 (MFMA) and the Division of Revenue Act 16 of 2019 (Dora).

Basis for opinion

3. I conducted my audit in accordance with the International Standards on Auditing (ISAs). My responsibilities under those standards are further described in the auditor-general's responsibilities for the audit of the financial statements section of this auditor's report.

4. I am independent of the municipality in accordance with the International Ethics Standards Board for Accountants' *International code of ethics for professional accountants (including International Independence Standards)* (IESBA code) as well as other ethical requirements that are relevant to my audit in South Africa. I have fulfilled my other ethical responsibilities in accordance with these requirements and the IESBA code.

5. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Emphasis of matters

6. I draw attention to the matters below. My opinion is not modified in respect of these matters.

Restatement of corresponding figures

7. As disclosed in note 61 to the financial statements, the corresponding figures for 30 June 2019 were restated as a result of errors in the financial statements of the municipality at, and for the year ended, 30 June 2020.

Material impairments

8. As disclosed in note 5 to the financial statements, the municipality provided for impairment of receivables from exchange transactions of R151,4 million (2018-19: R142,8 million).

9. As disclosed in note 6 to the financial statements, the municipality provided for impairment of receivables from non-exchange transactions of R153,4 million (2018-19: R167,5 million).

Other matter

10. I draw attention to the matter below. My opinion is not modified in respect of this matter.

Unaudited disclosure note

11. In terms of section 125(2)(e) of the MFMA the municipality is required to disclose particulars of non-compliance with the MFMA in the financial statements. This disclosure requirement did not form part of the audit of the financial statements and, accordingly, I do not express an opinion on it.

Responsibilities of the accounting officer for the financial statements

12. The accounting officer is responsible for the preparation and fair presentation of the financial statements in accordance with the GRAP and the requirements of the MFMA and Dora, and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

13. In preparing the financial statements, the accounting officer is responsible for assessing the municipality's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless the appropriate governance structure either intends to liquidate the municipality or to cease operations, or has no realistic alternative but to do so.

Auditor-general's responsibilities for the audit of the financial statements

14. My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

15. A further description of my responsibilities for the audit of the financial statements is included in the annexure to this auditor's report.

Report on the audit of the annual performance report

Introduction and scope

16. In accordance with the Public Audit Act 25 of 2004 (PAA) and the general notice issued in terms thereof, I have a responsibility to report on the usefulness and reliability of the reported performance information against predetermined objectives for the selected strategic focus area presented in the annual performance report. I performed procedures to identify material findings but not to gather evidence to express assurance.

17. My procedures address the usefulness and reliability of the reported performance information, which must be based on the municipality's approved performance planning documents. I have not evaluated the completeness and appropriateness of the performance indicators/measures included in the planning documents. My procedures do not examine whether the actions taken by the municipality enabled service delivery. My procedures also do not extend to any disclosures or assertions relating to planned performance strategies and information in respect of future periods that may be included as part of the reported performance information. Accordingly, my findings do not extend to these matters.

18. I evaluated the usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework, as defined in the general notice, for the following selected strategic focus area presented in the municipality's annual performance report for the year ended 30 June 2020:

Strategic focus area	Pages in the annual performance report
Strategic focus area 4 – dignified living	16 to 18

19. I performed procedures to determine whether the reported performance information was properly presented and whether performance was consistent with the approved performance planning documents. I performed further procedures to determine whether the indicators and related targets were measurable and relevant, and assessed the reliability of the reported performance information to determine whether it was valid, accurate and complete.

20. I did not identify any material findings on the usefulness and reliability of the reported performance information for this strategic focus area:

- Strategic focus area 4 – dignified living

Other matter

21. I draw attention to the matter below.

Achievement of planned targets

22. Refer to the annual performance report on pages 16 to 18 for information on the achievement of planned targets for the year.

Report on the audit of compliance with legislation

Introduction and scope

23. In accordance with the PAA and the general notice issued in terms thereof, I have a responsibility to report material findings on the municipality's compliance with specific matters in key legislation. I performed procedures to identify findings but not to gather evidence to express assurance.

24. I did not identify any material findings on compliance with the specific matters in key legislation set out in the general notice issued in terms of the PAA.

Other information

25. The accounting officer is responsible for the other information. The other information comprises the information included in the annual report. The other information does not include the financial statements, the auditor's report and the selected strategic focus area presented in the annual performance report that have been specifically reported in this auditor's report.

26. My opinion on the financial statements and findings on the reported performance information and compliance with legislation do not cover the other information and I do not express an audit opinion or any form of assurance conclusion on it.

27. In connection with my audit, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements and the selected strategic focus area presented in the annual performance report, or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

28. If based on the work I have performed, I conclude that there is a material misstatement in this other information, I am required to report that fact.

29. I have nothing to report in this regard.

Internal control deficiencies

30. I considered internal control relevant to my audit of the financial statements, reported performance information and compliance with applicable legislation; however, my objective was not to express any form of assurance on it.

31. I did not identify any significant deficiencies in internal control.

Auditor - General

Cape Town

13 July 2021

AUDITOR-GENERAL
SOUTH AFRICA

Auditing to build public confidence

Annexure – Auditor-general's responsibility for the audit

1. As part of an audit in accordance with the ISAs, I exercise professional judgement and maintain professional scepticism throughout my audit of the financial statements and the procedures performed on reported performance information for the selected strategic focus area and on the municipality's compliance with respect to the selected subject matters.

Financial statements

2. In addition to my responsibility for the audit of the financial statements as described in this auditor's report, I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error; design and perform audit procedures responsive to those risks; and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the municipality's internal control
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the accounting officer
- conclude on the appropriateness of the accounting officer's use of the going concern basis of accounting in the preparation of the financial statements. I also conclude, based on the audit evidence obtained, whether a material uncertainty exists relating to events or conditions that may cast significant doubt on the ability of the Stellenbosch Municipality to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements about the material uncertainty or, if such disclosures are inadequate, to modify my opinion on the financial statements. My conclusions are based on the information available to me at the date of this auditor's report. However, future events or conditions may cause a municipality to cease operating as a going concern
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation

Communication with those charged with governance

3. I communicate with the accounting officer regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

4. I also confirm to the accounting officer that I have complied with relevant ethical requirements regarding independence, and communicate all relationships and other matters that may reasonably be thought to have a bearing on my independence and, where applicable, the actions taken to eliminate threats or the safeguards applied.

ANNEXURE B

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Report of the Audit and Performance Audit Committee

This report of the Audit and Performance Audit Committee of Stellenbosch Municipality is in respect of the 2019/2020 financial year. The Audit and Performance Audit Committee has complied with its responsibilities in terms of Section 166 of the MFMA and applicable Treasury Regulations. The Committee has also regulated its affairs and discharged its responsibilities concordant to the approved Audit Committee Charter. The Committee's operation is guided by the International Institute of Internal Auditor's Standards and the King IV report on Corporate Governance.

The Committee consists of four independent members, elected by the Council: Len Mortimer (Chairperson), Tsepo Lesihla, Vincent Botto and June Williams. The Council appointed the Chairperson of the Committee, an independent member. The Municipal Manager, Chief Financial Officer, Directors, Chief Audit Executive, Senior Manager Governance, Chief Risk Officer, MPAC Chairperson, and External Auditors are permanent invitees to the Committee meetings.

Execution of Functions

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

During the year under review, the Committee, amongst other matters, considered the following:

1.1 In respect of the External Auditors and the External Audit

i. Approved the External Auditors' (Auditor-General of RSA) terms of engagement, the audit plan and budgeted audit fees payable;
ii. Engaged and interrogated extensively the External Auditors' report and management report of the Auditor General at the Audit and Performance Audit Committee meeting dated 29th June 2021;
iii. Considered the audit outcome of the Municipality extensively and communicated the Audit and Performance Audit Committee's satisfaction and congratulated the Accounting Officer and Management on the Clean Audit Outcome;
iv. Based on the audit outcome recommendations were made by the Audit and Performance Audit Committee on the other important matters as well as control deficiencies identified in the Auditor-Generals' report;

v. Management have been requested by the Audit and Performance Audit Committee to implement processes and reconciliations of transactions;
vi. Management are urged to strengthen controls to adequately monitor non-compliance with laws and regulations on a timely basis;
vii. Management need to concentrate on accurate presentation and review of the Annual Financial Statements submitted to the Auditor General for audit;
viii. The supervision and review process need to be addressed to prevent, detect and correct misstatements on a timely basis and the controls designed to monitor compliance with regulations that are not always able to prevent or report the instances of non-compliance in a timely manner to allow for corrective action;
ix. The quality of submitted financial statements and the compliance with the requirements of the supply chain management are still matters that can be improved on; thus, management is encouraged to develop action plans early to allow for the improvement in the next reporting cycle;

1.2 In respect of the Annual Financial Statements (AFS)

i. Confirmed the going concern as the basis of preparation of the Interim and Annual Financial Statements;
ii. Examined, reviewed and interrogated the Annual Financial Statements, performance report as well as financial information disclosed to the public prior to submission and approval by Council;
iii. Reviewed reports on the adequacy of the portfolio and specific impairments and impairment of other assets;
iv. Ensured that the Annual Financial Statements fairly represented the financial position of the Stellenbosch Municipality as at the end of the financial year in accordance with SA Standards of GRAP and in the manner required by the MFMA and DORA;
v. Considered the appropriateness of accounting treatments, significant unusual transactions and management accounting judgements;
vi. Considered the appropriateness of the accounting policies adopted by Management and changes thereto;
vii. Through the Chairperson, met separately over the course of the year with the Chief Audit Executive, CFO, Chief Risk Officer, Management and the External Auditors (Auditor-General of RSA);
viii. Reviewed any significant legal and tax matters that could have a material impact on the financial statements; and
ix. Noted that there were no material reports or complaints received concerning accounting practices, internal financial controls, content of Annual Financial Statements, internal controls and related matters.

1.3 In respect of Internal Control and Internal Audit

i. Reviewed and approved the Internal Audit mandate, annual and three-year rolling audit plans and evaluated the independence, effectiveness and performance of the Internal Audit Department and compliance with its mandate;
ii. Considered reports of the Internal and External Auditors on Council's system of internal control, including internal financial controls and maintenance of effective internal control systems;
iii. Reviewed significant issues raised by the internal audit process and the adequacy of corrective action in response to such findings;
iv. Reviewed significant differences of opinion between the Internal Audit function and Management and noted that there were no material issues of difference raised and all matters were addressed and resolved;
v. Assessed the adequacy of the performance of the Internal Audit function and found it to be effective in providing assurance;
vi. Reviewed the External Quality Assurance Review conducted by an independent Quality Assurance Provider on Internal Audit as required by the IIA Standards;

vii. Assessed the adequacy and sufficiency of available Internal Audit resources and found them to be very limited as more resources are required to evaluate the control weaknesses and high-risk areas identified in both the corporate strategic risk, external audit and the audit universe;
viii. Received assurance that proper and adequate accounting records were maintained and that systems safeguarded the assets against unauthorised use or the disposal thereof; and
ix. Based on the above, the Committee were of the opinion that at the date of this report, there were breakdowns in internal control, including internal financial controls, for the year under review in the following areas:

- Supply Chain Management. The Audit and Performance Audit Committee felt strongly that controls in this area require urgent strengthening. Training interventions and, in some instances SOP's are required and monitoring by the CFO and MM in these areas as well as in:
- Contract Management;
- Pre-determined objectives;
- Monthly or regular reconciliations of assets, debtors, and creditors;
- Compilation of mid-year or interim AFS;

x. In addition, the Committee noted Management's improved responses to conclude on internal and external audit findings from the prior and current year as reported in the internal audit follow up reports.

1.4 In respect of Legal and Compliance with Laws and Regulations

i. Reviewed with management matters that could have a material impact on Council;
ii. Monitored compliance with the MFMA and other key legislation applicable to the Municipality, requirements of National and Provincial Treasury, Council's policies, and all other applicable legislation and codes of good governance;
iii. Reviewed reports from the Internal and External Auditors detailing the extent of compliance.

1.5 In respect of Risk Management, Combined Assurance and Information Technology

During the period under review, Management presented Strategic and Operational Risk profiles for the Municipality to the Audit and Performance Audit Committee who :

i. Considered and reviewed reports from Management on risk management, including fraud risks and information technology risks as they pertain to financial reporting and the going concern assessment;
ii. In respect of the coordination of assurance activities, the Committee reviewed the plans and work outcomes of the external and internal auditors and concluded that these were adequate to address all significant financial, operational and compliance risks facing the Municipality;
iii. Noted the progress made in terms of Combined Assurance and the co-ordination between assurance providers to mitigate the top 10 strategic risks facing the Municipality as well as the emerging risks;
iv. The Audit and Performance Audit Committee, in respect of compliance, notes an emerging risk and expresses concern with non-compliance with the SCM regulation and policies; and
v. The Audit and Performance Audit Committee took cognisance that Information Technology and IT systems controls have improved in the Auditor General's Management report.

1.6 In respect of Pre-Determined Objectives (PDO's)

The Audit and Performance Audit Committee:

i. Noted the need that management should ensure the accurate and reliable reporting of PDO's and the reporting on the top-layer SDBIP; and
ii. The quality of submitted performance information in the Management report is indicated as satisfactory. There were no material findings reported on performance information by the Auditor General and Internal Audit, respectively.

1.7 In respect of the Finance Function

The Audit and Performance Audit Committee:

i. Considered the existing expertise, resources and experience of the organisation-wide finance functional capacity and concluded that it needs to be monitored and evaluated and addressed as it appears to be the root cause of the errors in the AFS submitted to the Auditor General.

ii. The Chief Financial Officer should ensure appropriate measures are in place for the accurate and timeous submission of information to the office of the Auditor-General.

1.8 Independence of the External Auditors

The Audit and Performance Audit Committee is satisfied that the Audit General of RSA (AGSA) were independent of the Council. This conclusion was arrived at, inter alia, after taking into account the following factors:

i. The presentations made by the Auditor-General to the Audit and Performance Audit Committee;
ii. The Auditors' independence was not impaired by any consultancy, advisory or other work undertaken by the auditors; and
iii. The Audit and Performance Committee met with the External Auditors independently of management.

1.9 General

i. The Audit and Performance Audit Committee has monitored quarterly the Municipality's implementation plan for audit issues raised in the prior year and are satisfied that the matters have been adequately resolved. Of all the matters raised in the 2019/20 audit outcome, no repeat-findings occurred from the prior year. The Audit and Performance Committee has raised its concern around the other important matters raised in the Auditor-General's Management Report. The Municipal Manager has given assurance that all of these will be addressed as urgent and tracked for the 2020/2021 financial year.

ii. The Audit and Performance Audit Committee concurs and accepts the conclusions of the External Auditor on the Annual Financial Statements and is of the opinion that the audited Annual Financial Statements be accepted and read together with the report of the Auditor-General.

Stellenbosch Municipality has progressively been stable in the areas of second and third levels of assurance and governance over a three year period. There has also been stability in the leadership over the past five financial years. The only area for concern, and where attention is required, is financial and performance management over processing and reconciliation controls. The Audit and Performance Committee has made recommendations in this area which management have committed to.

1.10 Conclusion

I am extremely grateful to the members for their professionalism and diligence in their duties, as well as their flexibility in accommodating last-minute calls to duty. We are fortunate to have the diversity of skills and expertise available to the Municipality. It would be amiss not to convey on behalf of the Committee our appreciation to the Mayor, the entire Council and its Committees for the leadership, support and oversight they have provided during the year.

Finally, the Audit and Performance Audit Committee would like to express its appreciation to Management, Internal Audit, Risk Management and the Auditor General for the support and co-operation extended during the financial year and for providing the relevant information to enable the Audit and Performance Audit Committee to compile this report. This past year was indeed trying and Stellenbosch Municipality should be proud of its elected and appointed leaders for taking control and driving an agenda of sustainability and service delivery and improving its audit results in the process.

On behalf of the Audit and Performance Audit Committee.

Dr Llewellyn Nimrod Mortimer
Chairperson Audit and Performance Audit Committee
30 June 2020

9.	REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS

As per Council directive (2021-01-27: Item 9) the Report by the Municipal Manager re Outstanding Resolutions taken at previous meetings of Council, is referred to the Section 80 Committees for scrutiny and interrogation.

The report attached hereto as **APPENDIX 1, IS FOR INFORMATION ONLY.**

APPENDIX 1

Council Meeting		Resolution	Resolution Date	Allocated To	% Feedback	Feedback Comment
478903	SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARDS TO PUBLIC TRANSPORT	7.6.2 SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARD TO PUBLIC TRANSPORT **4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.2** **RESOLVED (majority vote)** (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 (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. The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; DA Hendrickse and LK Horsband (Ms).	2016-11-23	ROSCOEB	75.00	Item held back due to PGWC change of view on this matter. Awaiting new input from PGWC. The change of view has not yet filtered through to us with the result that we could not alter report to reflect this. Public Transport such as Trains, Busses and Taxi Management is a matter that is dealt with by Provincial and National Government. Until Provincial Government (Busses and Taxis) and National Government (trains) have set the groundworks (Issuing the role that Local Government must play), we cannot commence with a strategy of co-providing or arranging such a service. We will however now provide a status quo report and propose possible solutions in anticipation of the guidelines from Provincial Government. Report to be submitted by August 2021.
513321	THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS	7.3.1 THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS **8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.1** **RESOLVED (majority vote with abstentions)** (a) that Council supports the establishment of a "heritage portfolio" that can be managed independently from other assets and that the Municipal Manager be mandated to identify all council owned properties to be placed in the heritage portfolio; (b) that the Rhenish complex including Voorgelegen and the Transvalia complex of	2017-04-26	PIETS	70.00	The draft return item has not been submitted in view of the separate process that Council approved for PED. When their information is ready, the impact of their information will be incorporated in the draft item to ensure a merging of the two processes. The item on Transvalia and Rhenish is also kept back in view of the Task Team report that was requested by the Executive Mayor.

		apartments (Transvalia, Tinetta, Bosmanhuis en Alma) be agreed to be categorised as category A assets; (c) that in terms of Section 14(2)(a) of the MFMA, the properties listed in paragraph 3.4 (table 2) marked as Category A properties, be identified as properties not needed to provide the minimum level of basic municipal services; (d) that, in terms of Regulation 34(3) of the ATR, the Municipal Manager be authorized to conduct the prescribed public participation process, as envisaged in Regulation 35 of the ATR, with the view of awarding long term rights in relation to the Category A properties; (e) that, for the purpose of disposal, two independent valuers be appointed to determine the fair market value and fair market rental of the properties listed in Categories A and B; (f) that, following the public participation process, a report be tabled before Council to consider in principle, the awarding of long term rights in the relevant properties, whereafter a public competitive disposal process be followed; and (g) that, with regard to the properties listed as Category B and C, the Municipal Manager be mandated to investigate the best way of disposing of or managing these assets, including feasibility studies on the possible disposal/awarding of long term rights and/or outsourcing of the maintenance function and that a progress report be tabled before Council within 6 months from the date of approval of the recommendation. Councillor F Adams requested that his vote of dissent be minuted. (DIRECTOR: PLANNING AND ECON DEV TO ACTION)				
514994	STELLENBOSCH MUNICIPALITY: EXTENSION OF BURIAL SPACE	7.3.2 STELLENBOSCH MUNICIPALITY: EXTENSION OF BURIAL SPACE **8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.2** **RESOLVED (nem con)** (a) that Council amends its 27th Meeting of the Council of Stellenbosch (25 February 2015) resolution by adding (b)(x) to include any alternative land in the same area which could feasibly be used as a site to be investigated as a solution to the critical need for burial space within Stellenbosch Municipality; (b) that Council supports the acquisition of the required authorization for the proposed establishment of regional cemeteries (for burial need within WC024) at Farm Culcatta No. 29 and the Remainder of Farm Louw's Bos No. 502 as well as the proposed establishment of a regional cemetery at Farm De Novo No. 727/10 and Portion 1 of 'Farm Meer Lust No 1006 should the process of acquiring the necessary approval from the Department of Transport and Public Works be acquired;	2017-04-26	SCHALKVDM	85.00	Environmental Impact Assessment proceeded on 2 sites, Louw's Bos and Culcatta Bos. Environmental Authorization (ito the National Environmental Management Act, 107 of 1998) for the Culcatta Bos site was issued on 20 September 2019 and Louw's Bos 22 January 2020. An appeal on the EA issued for Louw's Bos has been received. This appeal was upheld by the Minister Local Government, Environmental Affairs and Development Planning during January 2021. A progress report with proposals on the way forward on Louw's Bos has been submitted to the Portfolio Committee (March

		(c) that the possible creation of a garden of remembrance as alternative to a traditional land site also be investigated; and (d) that Council authorises the Municipal Manager to proceed with acquiring the necessary approvals for the establishment of the above cemeteries. (DIRECTOR: PLANNING & ECON DEV TO ACTION)				2021). The Calcutta Bos Land Use application was approved by the Municipal Planning Tribunal on 26 June 2020. This application is not finalised as an appeal against the decision was received. The General Authorization (ito the National Water Act, 36 of 1998) on the water use Culcatta Bos' was received 7 July 2021.
616959	MIGRATION OF OLD HOUSING WAITING LIST TO A HOUSING DEMAND DATABASE SYSTEM	7.5.5 MIGRATION OF OLD HOUSING WAITING LIST TO A HOUSING DEMAND DATABASE SYSTEM **21ST COUNCIL MEETING: 2018-10-31: ITEM 7.5.5** **RESOLVED (nem con)** (a) that Council approves that the administration embarks on a process of updating data on the old Housing Waiting List; (b) that all updated information be imported into the Municipal Housing Demand Database; and (c) that, when the above process has been concluded, the Municipal Housing Demand Database becomes the only reference point and source of information in determining the municipality's housing backlog and the profile of applicants.	2018-10-31	ROTANDAS	95.00	The capturing of all data collected during the completed Demand Data programme on both the Western Cape and Vois Systems is still in process. The Vois System now generates weekly reports on all updated applicants in the WC024 and monthly reports on capturing done. Recent outreach updates in Wemmershoekdam and Vlottenburg areas have also now been uploaded. Updating on the system continues and is ongoing as applicants submit forms.
616954	CONDONATION OF QUALIFYING CRITERIA: SALE OF UNDEVELOPED ERVEN IN KAYAMANDI	7.2.3 CONDONATION OF QUALIFYING CRITERIA: SALE OF UNDEVELOPED ERVEN IN KAYAMANDI **21ST COUNCIL MEETING: 2018-10-31: ITEM 7.2.3** **RESOLVED (majority vote with abstentions)** (a) that Council resolves not to condone the criteria set out in the tender documentation published on 12 November 2016; and (b) that Council resolves that the following criteria be used in the new tender process, i.e. i) Beneficiary must be a resident of Kayamandi for a minimum period of ten (10) years; ii) If younger than 40 years (at date of closing tender), then the beneficiary must be married or have a legal dependent staying with him/her; ii) May not have received any form of financial assistance/subsidy from the State in	2018-10-31	PIETS	90.00	Tender specifications submitted to DCS.

		obtaining a house/serviced site previously; iii) May not currently own any other fixed asset; iv) Must be a South African citizen; v) Must be a first time home owner; and vi) that a pre-emptive clause be inserted in the title deed of the property that the property be developed within 2 years and not be sold within 5 years of registration.				
621772	PROPOSED SERVICE DELIVERY IN JONKERSHOEK	7.2.4 PROPOSED SERVICE DELIVERY IN JONKERSHOEK **22ND COUNCIL MEETING: 2018-11-28: ITEM 7.2.4** **RESOLVED (majority vote with abstentions)** (a) that the Power of Attorney from the National Department of Public Works, authorising Stellenbosch Municipality to commence with service delivery in Jonkershoek, be noted; (b) that the Administration be authorised to render interim municipal services in the Mixed Use Precinct in Jonkershoek on a cost recovery basis from the users who receive the services, except to those households that qualify for free basic services in terms of the Municipality's Indigent Policy; (c) that the Administration be authorised to provide/upgrade Access to Basic Services (Communal services) in informal areas, free of charge; (d) that the Director: Planning and Economic Development be requested to commission a feasibility study with the view of identifying a possible site(s) for possible township establishment, taking into account the Draft SDF for Jonkershoek, but also taking into account the positioning of bulk infrastructure and access to the site(s); (e) that the National Department of Public Works be requested to transfer the land to Stellenbosch Municipality; (f) that the National Department of Public Works be requested to transfer the land on which the office space previously used by Cape Nature, either by way of acquisition or by way of a Lease Agreement, to the Municipality; (g) that, the Director: Infrastructure Services be requested to compile a status quo report regarding the availability of bulk infrastructure but also indicating the cost of possible interim upgrading of such bulk infrastructure; (h) that the Director: Planning & Economic Development be requested to finalise the SDF for Jonkershoek in terms of the SPLUMA Act 16 of 2013; (i) that the Municipal Manager be authorised to conclude an agreement(s) with the relevant authorities to ensure that Stellenbosch Municipality is in a position to do law enforcement in the Jonkershoek Valley, with specific reference to the prevention of further unauthorised structures being constructed/erected;	2018-11-28	ALL DIRECTORS	70.00	The National Department of Public Works was requested the use of the office space. A meeting in this regard was scheduled for 29 January 2020. The meeting took place and after an inspection at the property the Municipality decided not to take up the offer of the office space from Public Works due to the dilapidated state of the building and the costs involved to repair it. Water Services is available, a sanitation service is provided as well as a waste service. Electricity is provided by Eskom. The transfer of the land has not taken place yet despite various follow ups from Stellenbosch. Matter needs political intervention on provincial level to ensure action by the National Department. Infrastructure Services is rendering a waste removal service through the provision of a skip and has upgraded the toilets. Stellenbosch is also providing water if the water provision from the farm fails.

		(j) that a progress report be tabled to Council within 6 months, including an environmental impact report and indicating progress that has been made regarding the provision of services; and (k) that, in the mean-time, all expenditure be incurred within the existing, approved budget. The following Councillors requested that it be minuted that they abstained from voting on the matter: Cllrs F Adams; DA Hendrickse and LK Horsband (Ms).				
639570	TO AUTHORISE THE MUNICPAL MANAGER TO START THE PRESCRIBED PUBLIC PARTICIPATION PROCESS AS PER CHAPTER 4 OF THE MUNICIPAL ASSET TRANSFER REGULATIONS, WITH THE VIEW OF THE FOLLOWING A TENDER/CALL FOR PROPOSAL PROCESS FOR OUTSOURCING THE MANAGEMENT/USE OF THE KAYAMANDI ECONOMIC AND TOURISM CORRIDOR (KETC)	7.7.2 TO AUTHORISE THE MUNICIPAL MANAGER TO START THE PRESCRIBED PUBLIC PARTICIPATION PROCESS AS PER CHAPTER 4 OF THE MUNICIPAL ASSET TRANSFER REGULATIONS, WITH THE VIEW OF FOLLOWING A TENDER/CALL FOR PROPOSAL PROCESS FOR OUTSOURCING THE MANAGEMENT/USE OF THE KAYAMANDI ECONOMIC AND TOURISM CORRIDOR (KETC) **25TH COUNCIL MEETING: 2019-03-27: ITEM 7.7.2** **RESOLVED (majority vote)** a) that Council authorises the Municipal Manager to start the Public Participation Process (60 days) as per Chapter 4 of the Asset Transfer Regulations with the intention of following an appropriate process for the outsourcing and management of the Kayamandi Economic and Tourism Corridor; (b) that Council gives reasonable consideration to all regulations and processes required by the Municipal Policy on the Management of Immovable Property, the Asset Transfer Regulations and prescriptions of the MFMA, and then to follow the process that best ensures the correct operational outcome for the Kayamandi Economic and Tourism Corridor; (c) that the local community be invited to submit representations; and (d) that the Municipal Manager be authorized to conclude the contract or agreement after (c) above is finalized in terms of the applicable Act/Regulation. The following Councillors requested that their votes of dissent be minuted: Cllrs RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.	2019-03-27	CRAIGA	90.00	Item supported by Planning & Economic Development Committee dated 10 March 2021 for submission to Council. The Department will action this decision during Aug / Sep 2021.
	PROPOSED DISPOSAL OF ERVEN 3192, 3019 AND 3111 IN MOOIWATER, FRANSCHHOEK: CONSIDERATION OF PUBLIC INPUTS	7.2.2 PROPOSED DISPOSAL OF ERVEN 3192, 3019 AND 3111 IN MOOIWATER, FRANSCHHOEK: CONSIDERATION OF PUBLIC INPUTS **26TH COUNCIL MEETING: 2019-04-24: ITEM 7.2.2** **RESOLVED (majority vote)**	2019-04-24	ANNALENEDB	90.00	Specifications submitted to DCS for approval.

		(a) that it be noted that no comment/inputs were received from the residents of wards 1 and 2 in regard to the future use of the properties; (b) that erven 3192, 3019 and 3111 be identified as land not needed to provide the minimum level of basic municipal services, i.e. that it can be, in principle, disposed of; (c) that Council resolves that the properties be put out on a Call for Proposals for multi-purpose institutional use to the benefit of the community. Proposals will be evaluated based on the type of institutional uses, how it will benefit the greater community, and how many institutions will be accommodated through the proposals; (d) that the matter be reported back to Mayco and Council after implementation of resolution (c) above; and (e) that the conditional awarding of the tenders by the Bid Adjudication Committee, should in principle disposal be approved, be submitted to Council to make a final determination on the disposal of the properties. *Councillor DA Hendrickse requested that his vote of dissent be minuted, on the grounds that, in his view, the item is not legally compliant.*				
	PROPOSED DISPOSAL OF ERF 347, LE ROUX (GROENDAL)	7.2.2 PROPOSED DISPOSAL OF ERF 347, LE ROUX (GROENDAL) **27TH COUNCIL MEETING: 2019-05-29: ITEM 7.2.2** **RESOLVED (majority vote)** (a) that Erf 347, Le Roux (Groendal) be identified as land not needed to provide the minimum level of basic municipal services, i.e. that it can be disposed of in principle; (b) that Council resolves to dispose of the property by going out on a Call for Proposal, soliciting proposals to develop the land for high density gap housing opportunities; ensuring optimal use of the land, and thereby creating more opportunities for residents of the area. This may include apartments, flats or town houses of different typologies; (c) that the market value of the property be determined by two independent valuators and be taken into consideration in the SCM determination and reported to Council when the item is tabled for final consideration as indicated in (d) below; and (d) that, following the supply chain process, the matter be brought back to Council for a final decision on whether to dispose of the property under the conditions set in the supply chain process.	2019-05-29	PIETS	30.00	Compilation of tender document in progress.

		Cllrs DA Hendrickse and LK Horsband requested that their votes of dissent be minuted				
	PROPOSED TRANSFER OF MANAGEMENT AND OWNERSHIP OF VAALDRAAI (ELSENBURG) FROM PROVINCIAL GOVERNMENT OF THE WESTERN CAPE TO STELLENBOSCH MUNICIPALITY	7.10.2 PROPOSED TRANSFER OF MANAGEMENT AND OWNERSHIP OF VAALDRAAI (ELSENBURG) FROM PROVINCIAL GOVERNMENT OF THE WESTERN CAPE TO STELLENBOSCH MUNICIPALITY **27TH COUNCIL MEETING: 2019-05-29: ITEM 7.10.2** **RESOLVED (nem con)** (a) that Council, in principle, agrees to take over the Management of the Vaaldraai Settlement, as an interim arrangement; (b) that Council, in principle, agrees to attend to the township establishment of Vaaldraai, subject thereto that additional land be made available, the detail to be agreed upon; © that before any final decision in this regard is made (i.e. (a) and (b) above) the Department: Planning and Economic Development be requested to conduct a feasibility study, which study must also attend to the availability (or not) of bulk infrastructure as well as the identification of additional land to be transferred, taking into account the number of residents/backyard dwellers already on the property; and (d) that, following the feasibility study, a progress report be submitted to Council with the view of making a final determination on the matter.	2019-05-29	LESTERVS	90.00	Further discussions with Provincial Department of Public Works are currently ongoing, given the fact that the said area is outside the urban edge with bulk infrastructure challenges. A meeting has been arranged with senior management of PDoPW for May 2021. The conclusion of the meeting was that the overall challenges in Vaaldraai will be elevated to HoD and MM level for strategic direction.
	VAN DER STEL SPORT FACILITY: REVIEW OF THE AGREEMENTS BETWEEN STELLENBOSCH MUNICIPALITY (WC024), STELLENBOSCH SPORT AND RECREATION ASSOCIATION (SSRA) AND VAN DER STEL SPORT COUNCIL	12.2 VAN DER STEL SPORT FACILITY: REVIEW OF THE AGREEMENTS BETWEEN STELLENBOSCH MUNICIPALITY (WC024), STELLENBOSCH SPORT AND RECREATION ASSOCIATION (SSRA) AND VAN DER STEL SPORT COUNCIL **29TH COUNCIL MEETING: 2019-07-24: ITEM 12.2** **RESOLVED (majority vote)** (a) that the draft MOU between the Stellenbosch Municipality and the SSRA be approved for a six-month period; (b) that, upon the dissolution of the lease agreement between the SSRA and Van Der Stel Sports Council, the Director: Community & Protection Services be mandated to conclude a lease agreement, in line with a rental amount in line with relevant tariffs for rental of municipal property, as amended, from time to time;	2019-07-24	ALBERTVDM	85.00	Point(b): As part of the implementation of the Hybrid Model is discussions with the different Sports Councils. Discussion with the Van der Stel Sports Council has been completed. Point (c): In progress. Point (d): The department received the final draft report from the Service Provider and is currently busy drafting the item that will serve before Council. Point (e) Discussions took place with Van der Stel Sports Council informing them about the

		© that Council agrees that the Community Services Department review the Sport Policy and Facilities Management Model (Plan) of the Stellenbosch Municipality, in consultation with the SSRA; (d) that Council notes that the Municipality will appoint a service provider to conduct a forensic audit of the financial (accounts), operational systems and processes in operation at the Van Der Stel Sport Club; and that the Senior Manager Community Services report back to Council on the forensic investigation's outcome; © that Council notes that the Community Services Department will commence with the process to develop an alternative management model for the Van Der Stel Sport facility, in consultation with the SSRA; (f) that a separate report on the outstanding debt of Area Sport Councils be submitted to the next Council Meeting; and (g) that the period of the aforementioned lease agreement period not exceed six (6) months and that the draft Lease Agreement be updated to reflect same. *The following Councillors requested that their votes of dissent be minuted:* *Cllrs FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); C Moses (Ms); RS Nalumango (Ms); N Mananga-Gugushe (Ms); MD Oliphant and N Sinkinya (Ms);* *Cllr J Hamilton requested that his vote of support be minuted.*				alternative model that will be implemented at Van der Stel Sports Council. Point (f) Financial services in process to compile the report for submission to Council.
	PROPOSED RENEWAL OF LEASE AGREEMENT: PORTION OF ERF 62, KAYAMANDI: DEPARTMENT OF PUBLIC WORKS: POLICE STATION	11.2.1 PROPOSED RENEWAL OF LEASE AGREEMENT: PORTION OF ERF 62, KAYAMANDI: DEPARTMENT OF PUBLIC WORKS: POLICE STATION **30TH COUNCIL MEETING: 2019-08-28: ITEM 11.2.1** **RESOLVED (nem con)** (a) that the portion of erf 62, used as a police station, be identified as land not needed for municipal purposes during the proposed lease period; (b) that approval be granted for the renewal of the Lease Agreement for a period of 9 years and 11 months; © that it be noted that leasing property to another sphere of government/organ of state is exempted from following a public participation process;	2019-08-28	PIETS	90.00	Lease agreement submitted to DPW for signature. No response yet – the progress is followed up regularly with the Department.

		(d) that Council considers the request of the department to rent the property at an amount of R 6121.99 per month, escalating at 6% per annum, and © that the Municipal Manager be authorised to draft and sign an appropriate new lease agreement.				
	DRAFT POLICY ON PLACE NAMING, STREET NAMING AND RENAMING AND NUMBERING FOR STELLENBOSCH MUNICIPALITY, EDITED 17 MAY 2019	11.7.2 DRAFT POLICY ON PLACE NAMING, STREET NAMING AND RENAMING AND NUMBERING FOR STELLENBOSCH MUNICIPALITY, EDITED 17 MAY 2019 **31ST COUNCIL MEETING: 2019-09-25: ITEM 11.7.2** **RESOLVED (nem con)** (a) that the revised Policy on Place Naming and Street Naming, Renaming and Numbering for Stellenbosch Municipality be advertised for public comment for 60 days; (b) that after public participation has been received, the Draft Policy will be brought back to Council for final consideration; and (c) that the final approved Policy be translated into all 3 official languages.	2019-09-25	STIAANC	75.00	After the Council considered the Draft Bylaw in March 2021, it was referred to the Section 80 Committee for Planning and Economic Development for additional scrutiny. The Planning Committee duly considered the Draft Policy and referred same back to the Administration to investigate several matters raised during the meeting. The Administration is currently investigating and addressing these matters and is in communication with the Portfolio Councillor for guidance and inputs.
	TRANSFER OF 80 HOUSES: LA MOTTE VILLAGE	11.2.1 TRANSFER OF 80 HOUSES: LA MOTTE VILLAGE **32ND COUNCIL MEETING: 2019-10-23: ITEM 11.2.1** **RESOLVED (majority vote with abstentions)** (a) that transfer to the 10 households that are paid up be effected as a matter of urgency; (b) that a monthly progress report from the transferring attorney on the status quo and progress of the transfer be provided to the Municipality; © that letters be given as a matter of urgency to the 9 beneficiaries who allowed illegal occupants to occupy the houses to provide reasons why the houses should not be transferred to other beneficiaries; (d) that letters be given as a matter of urgency to all illegal occupying households to provide reasons why they should not be evicted from the houses they are occupying illegally as they were not recognised as the beneficiaries for the houses they occupy;	2019-10-23	PIETS	90.00	Updated return item submitted to DCS. Item referred back to department for refinement and for consultation with ward councillors. Item will be resubmitted in August to Mayco.

		© that an investigation as a matter of urgency be lodged as to how the 10 illegal occupants of unallocated houses were allowed to occupy the houses; and (f) that letters be given as a matter of urgency to all beneficiaries who are in arrears on the outstanding rental amounts to inform them that council intend to assist them, should they qualify for financial assistance from financial institutions or government subsidies to buy the houses. They will however still be liable for outstanding amounts on services.				
	DRAFT HOUSING ALLOCATION POLICY	11.4.1 DRAFT HOUSING ALLOCATION POLICY **32ND COUNCIL MEETING: 2019-10-23: ITEM 11.4.1** **RESOLVED (majority vote with abstentions)** (a) that Council adopts the Housing Allocation Policy as a draft, in principle, and (b) that the Draft Housing Allocation Policy for Stellenbosch Municipality be advertised for public comments, whereafter it be resubmitted to Council for final consideration and subsequent adoption.	2019-10-23	ROTANDAS	60.00	The draft policy was submitted to the Director: PED and a workshop will be organised with MAYCO to thoroughly discuss the policy before it serves on MAYCO and it will then be published for public comments.
	ADOPTION OF THE STELLENBOSCH INFORMAL TRADING POLICY	13.3 ADOPTION OF THE STELLENBOSCH INFORMAL TRADING POLICY **32ND COUNCIL MEETING: 2019-10-23: ITEM 13.3** **RESOLVED (majority vote)** (a) that, after considering the comments made by the public, Council adopts the Stellenbosch Informal Trading Policy; and (b) that the Stellenbosch Informal Trading By-Law be amended to incorporate the objectives and provisions as incorporated in the Informal Trading Policy.	2019-10-23	CRAIGA	80.00	Request submitted to Council to consider the implementation of a pilot project for Mobile Informal Trading (i.e. food trucks, coffee carts, etc.), MAYCO noted that the intention must be Public Participated and that such comments be considered before submission to Council for approval. The Department is still busy with workshopping the bylaw.
	SECTION 78 (4) REPORT FOR THE PROVIDING OF SUFFICIENT PUBLIC PARKING	13.3 SECTION 78 (4) REPORT FOR THE PROVIDING OF SUFFICIENT PUBLIC PARKING **35TH COUNCIL MEETING: 2020-02-26: ITEM 13.3** **RESOLVED** a) that this report be noted; b) that Council accepts that all the requirements of Section 78(3) (Annexure A) in terms of investigating the feasibility of the provision of sufficient parking, has been complied with;	2020-02-26	DEONL	55.00	Municipal Systems Act, Section 80 and 81 – Providing a service through a Service Delivery Agreement. Any service provision of this nature was prohibited during the Alert Level 5 lockdown period. The provision of single level public parking is being debated and will be addressed once the final

		c) that Council accepts that parking forms an integral part of the total Mobility concept within Greater Stellenbosch Area and relates to other major parts such as: Traffic Flow, Public Transport (PT), Non-Motorised Transport (NMT), Transit Oriented Development (TOD), and Movement of Disabled Persons (normally seen as a primary part of NMT); d) that Council notes that in order to alleviate the parking process as a whole, matters such as PT, NMT, TOD must also be addressed in synchronisation, as this will directly affect the quantity and positioning of parking; e) that Council, in terms of the Municipal Systems Act (MSA), Act 32 of 2000, as amended, Section 78(4), accepts that the method of providing parking generally be considered as follows: (i) Provision of open one level parking space needs, be performed on an internal mechanism; (ii) Provision of multi storied parking space needs, be performed on an external mechanism. f) that Council approves the provision of parking as a first phase as mentioned hereunder, which must be in line with future mobility developments, as the final mobility status can by nature not be resolved at this time; g) that Council proceed with the initial provision and upgrade of parking spaces as follows: (i) that the legislative process be commenced with to provide multiple level parking, and management thereof, utilising an External Mechanism of parking in the following areas: (1) Eikestad Mall Parking area bounded by Andringa -, Victoria, and Ryneveld Streets. Portion of erf 1692, erven, 1969, 1972, 1973, 1974, 1975, 1976, 6402 and 6636; and (2) Techno Park area, considering the area bounded by Tegno Road, Termo Avenue and Proton Road. Portion of erf 13171 (ii) that the following areas, as a first phase, be upgraded and/or developed as a single layer open space parking area, utilising an internal service delivery mechanism:				2020/21 budget has been approved. The latter is drastically affected by the COVID-19 lockdown. Program: 1. Report to Council on Draft SDA as well as program for community participation in May 2021. Postponed to August 2021. 2. Community Participation to end June 2021. Postponed to September 2021. Have received full report. Presentation done to Directorate and Director's. Presentation planned to present to MAYCO.

		(1) Dennesig Existing Parking Area, entrance in Hoffman Road, Part of Erf 235; (2) Municipal Court Existing Parking Area, entrance from Papegaai Road, Erf 528; (3) Aandklas Existing Parking Area, entrance from Du Toit Road Part of Erf 235; (4) New Parking Area Bounded by Borcherd Road and Andringa Street to be considered as an extension of the public parking on erf 2529; (5) New Parking Area Bounded by Jan Cilliers Road, Ds Botha Road and Muller Road to be considered as new parking area. Part of Erf 175/0; and (6) Parking area to be upgraded at the old tennis courts, Franschhoek, Erf 1538. (h) that Council proceeds with the setting up of a Service Delivery Agreements for the provision of Bulk Parking, as required by Section 80(1) & (2), of the MSA and in particular section 80(1)(b) (which prescribes an SDA with a Private Company) for the areas mentioned under 4.7.1; (i) that the Service Delivery Agreement be approved by Council as a draft SDA prior to Community Participation takes place; and (j) that the matter of providing a synchronised total mobility network be urgently pursued with all the role-players participating in the mobility arena which includes Public Transport, Non-Motorised Transport, Transit Oriented Development, Parking and Universal Access. *The following Councillors requested that their votes of dissent be minuted:* *Cllrs F Adams; FT Bangani-Menziwa (Ms); DA Hendrickse; N Mananga-Gugushe (Ms); C Moses (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.*				

	POSSIBLE DEVELOPMENT OF ERVEN 412 AND 284, GROENDAL BY WAY OF A CALL FOR PROPOSAL(S)	POSSIBLE DEVELOPMENT OF ERVEN 412 AND 284, GROENDAL BY WAY OF A CALL FOR PROPOSAL(S) **COUNCIL ITEM 5.4.1, 2020-03-31:** After careful scrutiny of item 5.4.1: POSSIBLE DEVELOPMENT OF ERVEN 412 AND 284, GROENDAL, BY WAY OF A CALL FOR PROPOSAL(S), and as per the delegation approved by Council on 25 March 2020 (item 9.1) to confer Council powers and functions upon the Executive Mayor, as such I **HEREBY APPROVE THE SAID ITEM AS FOLLOWS**: (a) that erven 412 and 284, Le Roux, be identified as land not needed to provide the minimum level of basic municipal services; (b) that the Administration is authorised to follow a public Call-for-Proposal, based on the points system as set out in paragraph 6.2.9; © that approval is granted for the discounted sales prices as set out in paragraph 6.2.6 subject to the sales restrictions set out in paragraph 6.2.7; (d) that approval is granted for the qualifying criteria set out in paragraph 6.2.8; © that the discounted bulk infrastructure contribution as set out in paragraph 6.2.10, is approved; and (f) that, following the conditional awarding of the bid to the bidder(s) scoring the highest points, an item be submitted to Council to make a final decision on the disposal of the land.	2020-03-31	LESTERVS	65.00	A service provider has been appointed for the design of two site development plans. Concept layout designs received and will be submitted to Council during August 2021 for approval. Project ongoing.
	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY INTERWASTE (PTY) LTD	12.1.6 CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY INTERWASTE (PTY) LTD	2020-06-12	DEONL	70.00	Plan of action: 1. Report to be submitted to MayCo in August 2021.

		SPECIAL COUNCIL MEETING: 2020-06-12: ITEM 12.1.6 **RESOLVED** (majority vote) (a) that Council takes note of the circumstances as provided in the report; (b) that investigation be done with regard to transgression of policies for disciplinary purposes and that the associated disciplinary steps be taken; (c) that Council certifies the expenditure of R 4 111 001.60 (VAT inclusive) to Interwaste (Pty) Ltd as irrecoverable and that this amount be written off; and (d) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32 (2). *Cllr DA Hendrickse requested that his vote of dissent be minuted.*				
	ENCROACHMENT APPLICATION HORIZON HOUSE ERF 3722 AND PORTIONS OF ROAD RESERVE: RETURN ITEM	11.2.3 ENCROACHMENT APPLICATION HORIZON HOUSE ERF 3722 AND PORTIONS OF ROAD RESERVE: RETURN ITEM **36th COUNCIL MEETING: 2020-07-29: ITEM 11.2.3** **RESOLVED** (majority vote) (a) that Council considers the objection before making a final determination; (b) that, should Council decide to approve the encroachment application, the Municipal Manager be authorised to conclude the Agreement; and © that consideration be given to the proposed delegation to the Municipal Manager in **APPENDIX 5.** *The following Cllrs requested that their votes of dissent be minuted:* *Cllr F Adams; FT Bangani-Menziwe (Ms); G Cele (Ms); DA Hendrickse; LK Horsband (Ms);* *N Sinkinya (Ms); and P Sitshoti (Ms).*	2020-07-29	PIETS	90.00	Contract was referred back to be revised and will be send to MM after changes has been included.
687976	FEEDBACK ON PUBLIC PARTICIPATION PROCESS: ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING	11.4.1 FEEDBACK ON PUBLIC PARTICIPATION PROCESS: ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) AND/OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES	2020-07-29	LESTERVS	80.00	All studies as previously identified have been completed. Advertise for an appointment of an accredited SHI and/or ODA during

	INSTITUTIONS (SHIs) AND/OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES	**36th COUNCIL MEETING: 2020-07-29: ITEM 11.4.1** **RESOLVED** (majority vote) (a) that Council takes note of inputs/comments that were received, following the public notice advertised; (b) that a phased approached be adopted to implement social housing in Stellenbosch; (c) that the property situated to the north of the town opposite Kayamandi, erven 81/2 and 81/9, Stellenbosch, commences with the procurement process to appoint a suitable SHIs and/or ODAs; (d) that phase 2 commences after the successful completion of the development as mentioned in © above on Remainder of erf 2149 better known as Lapland; (e) that phase 3 commences after the successful completion of the development as mentioned in (d) above on Remainder of Farm 180 better known as Teen-die-Bult; and (f) that Council makes a final determination for the administration to commence with a process toward **entering into Land Availability Agreements** with SHIs and/or ODAs successful in a Public Competitive Process**.** *Councillors F Adams; DA Hendrickse and LK Horsband (Ms) requested that their vote of dissent be minuted.*				the month of July or August 2021 for 30 days.
	PROGRESS UPDATE: COMPILATION OF DRAFT ADAM TAS CORRIDOR LOCAL SPATIAL DEVELOPMENT FRAMEWORK	11.7.1 PROGRESS UPDATE: COMPILATION OF DRAFT ADAM TAS CORRIDOR LOCAL SPATIAL DEVELOPMENT FRAMEWORK **36th COUNCIL MEETING: 2020-07-29: ITEM 11.7.1** **RESOLVED** (majority vote)	2020-07-29	BERNABEDLBAT	90.00	Built Environment Partnership (Pty) Ltd appointed as the multi-disciplinary team to assist Council with the compilation of the ATC LSDF. Discussion around the incorporation of Inclusionary Housing held on 2 March 2021.

		(a) that Council takes cognizance that the process for the Compilation of the draft Adam Tas Corridor Local Spatial Development Framework has commenced; (b) that the Adam Tas Corridor geographic area to which the Local Spatial Development will apply, as specified in of this report, has been approved by the Municipal Manager; (c) that the Senior Manager: Development Planning has been assigned and appointed as the Project Leader for the formulation of the draft Adam Tas Corridor Local Spatial Development Framework; (d) that the process to procure a multi-disciplinary team to undertake the required professional services for the compilation of the draft Adam Tas Corridor Local Spatial Development Framework is currently underway; and (e) that a Project Team consisting of the following members have been identified to contract and project manage the Adam Tas Corridor Catalytic Initiative: • Craig Alexander Pr Pln, Project Leader (Senior Manager: Development Planning • Stiaan Carstens Pr Pln, Senior Manager: Development Management • Mr Lester van Stavel, Manager: Housing Development • Ms Jerri-Lee Mowers, Senior Manager: Development Services The following Western Cape Government: Department of Environmental Affairs & Development Planning ("DEA&DP") representatives, listed below, will coordinate the input from WCG and serve as technical advisors to the Project Team: • Ms Catherine Stone Pr Pln, Director: Spatial Planning; • Mr Kobus Munro Pr Pln, Director: Regulatory Planning; • Mr Jeremy Benjamin Pr Pln, Coordinator: Regional Socio-Economic Programme: Stellenbosch ("RSEP") *Councillors F Adams; DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.*				Final Inception report submitted on 16 March 2021 which includes project schedule and schedule of payments. Meeting held with PRASA and Roads authority on 18 March 2021 and to be continued on 25 March 2021. Workshop on Heritage matters scheduled for 22 April 2021. Second meeting of Transport Planning group scheduled for 17 May 2021. Envisage completion date end August 2021. Progress report submitted to Section 80 Committee and submitted to MayCo/Council in July 2021.

	DRAFT PROBLEM PROPERTY BY-LAW FOR STELLENBOSCH MUNICIPALITY	13.2 DRAFT PROBLEM PROPERTY BY-LAW FOR STELLENBOSCH MUNICIPALITY **36th COUNCIL MEETING: 2020-07-29: ITEM 13.2** **RESOLVED** (nem con) (a) that the revised draft By-law on Problem Properties for Stellenbosch Municipality (WC024) attached as **ANNEXURE 1** be recommended for approval in terms of Sections 11(3)(m) of the Local Government Municipal Systems Amendment Act 32 of 2000 and; (b) the administration proceed with the publication of the by-law.	2020-07-29	STIAANC	95.00	The discussion planned between Planning and Economic Development and Community and Protection services to workshop the implementation of the by-law have not been undertaken yet and is pending.
690383	LONGLANDS HOUSING PROJECT – CRITERIA FOR THE SELECTION OF BENEFICIARIES	11.4.2 LONGLANDS HOUSING PROJECT – CRITERIA FOR THE SELECTION OF BENEFICIARIES **37TH COUNCIL MEETING: 2020-08-24: ITEM 11.4.2** **RESOLVED** (nem con) (a) that 60 Erven with Top Structures of the 144 Erven (b) be allocated to beneficiaries residing in Longlands Property and that the original list of Longlands Property be used to determine these 60 beneficiaries; (ii) beneficiaries from Longlands Property who do not qualify be allocated Enhanced Serviced Sites, in which event these beneficiaries will be responsible to construct their own top structures; (b) that 42 Erven with Top structures of the 144 Erven be allocated to potential beneficiaries on the Longlands Broader Community Housing Demand Database, and that priority be given to potential beneficiaries over the age of 40 years and households with applicant(s) or dependants with permanent disability, in a registration ordered list and proof of such be obtained from SASSA; © that 4 of the 144 Erven be allocated to beneficiaries identified by Mr Kallie Kirsten as per agreement with the municipality; and (d) that 38 Erven of the 144 Erven be developed into a Temporary Residential Area (TRA), with 2 (Two) families being placed in each TRA Erf which will result in 76 opportunities, and that allocation be effected in the following manner:	2020-08-24	ROTANDAS	55.00	The Beneficiary Committee was elected, and the selection of beneficiaries has commenced and 59 subsidy application forms have been submitted to the Human Settlements Department for approval as the first batch of submissions from the Longlands Property Beneficiaries.

		(i) 18 TRA sites be allocated to families residing in the Triangle, and 2 families placed in 1 (One) Erf. This will accommodate 35 families who currently reside in the Triangle; (ii) that 10% of the sites in the project, which is 14 sites, be reserved for persons in WC024 who qualify for housing assistance in terms of the Emergency Housing Policy; and (iii) that a further 6 of the sites be reserved for persons in WC024 who are deemed as "SPECIAL CASES" and residing in conditions that are dangerous and deemed a health hazard due to medical conditions which have resulted in permanent disability and warrant better living conditions. A detailed report of such person(s) is to be submitted to the Municipal Manager for approval.				
	VOORGELEGEN COMPLEX: INFORMATION STATEMENT	**11.2.2 VOORGELEGEN COMPLEX: INFORMATION STATEMENT** **38TH COUNCIL MEETING: 2020-10-28: ITEM 11.2.2** **RESOLVED** (majority vote) (a) that Council approves the information statement attached as Appendix 1 for Public Participation; and (b) that, following the Public Participation process, a report be submitted to Council in order to consider the future use of the Voorgelegen Complex.	2020-10-28	PIETS	90.00	The draft return item has not been submitted in view of the separate process that Council approved for PED. When their information is ready, the impact of their information will be incorporated in the draft item to ensure a merging of the two processes.
	STELLENBOSCH MUNICIPALITY: ALIGNMENT OF THE MUNICIPAL INTEGRATED HUMAN SETTLEMENT PLAN (IHSP) WITH THE GUIDELINES AS PROPOSED BY THE WESTERN CAPE GOVERNMENT: HUMAN SETTLEMENTS	**11.4.1 STELLENBOSCH MUNICIPALITY: ALIGNMENT OF THE MUNICIPAL INTEGRATED HUMAN SETTLEMENT PLAN (IHSP) WITH THE GUIDELINES AS PROPOSED BY THE WESTERN CAPE GOVERNMENT: HUMAN SETTLEMENTS** **38TH COUNCIL MEETING: 2020-10-28: ITEM 11.4.1** **RESOLVED** (majority vote) (a) that a new Integrated Human Settlement Plan (IHSP) be compiled that adheres to the "Guidelines for the Preparation of Municipal Human Settlement Plans" as proposed by the Western Cape Government: Department Human Settlements, subject to funding being made available; and (b) that a new Integrated Human Settlements Plan (IHSP) be developed that aligns housing development with the long-term vision as envisaged in	2020-10-28	LESTERVS	70.00	The appointment of a suitable service provider is currently in its appeal period stage. The appointment of a service provider and to obtain a purchase order will be concluded during the first quarter of the 2021/22 financial year.

		the approved Integrated Development Plan and the Municipal Spatial Development Framework. *The following Councillors requested that their votes of dissent be minuted:* *Cllrs FT Bangani-Menziwe (Ms); DA Hendrickse; LK Horsband (Ms); C Moses (Ms); RS Nalumango; N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.*				
	FEEDBACK AND WAY FORWARD IN RESPECT OF THE BUSINESS WEBINAR STELLENBOSCH WC024 & COVID-19: REALITIES, REMEDIES, ROAD AHEAD, HELD ON 23 JULY 2020	**11.7.2 FEEDBACK AND WAY FORWARD IN RESPECT OF THE BUSINESS WEBINAR STELLENBOSCH WC024 & COVID-19: REALITIES, REMEDIES, ROAD AHEAD, HELD ON 23 JULY 2020** **38TH COUNCIL MEETING: 2020-10-28: ITEM 11.7.2** **RESOLVED** (majority vote) (a) that Council takes note of the comments and / or inputs submitted during the webinar and the written submissions; (b) that the Department: Development Planning be authorised to, through the Office of the Municipal Manager, allocate point person(s) from each Directorate to investigate the submissions and compile an Action Plan, which must be submitted to the next Council Meeting; (c) that, as part of point (b), an engagement be held with the following sectors, through virtual meetings, and if required, in person engagements, on the following preliminary dates, as per schedule attached as **APPENDIX 3**: • Tourism (Wine Industry, Events & Filming) – *04 September 2020* • Manufacturing – *08 September 2020* • Construction & Finance – *15 September 2020* • Agriculture – *09 September 2020* • Informal Sector – *10 September 2020* • Education – *18 September 2020* (d) that the Department: Development Planning compiles a detailed proposed Action Plan, to be included in the Stellenbosch Municipality Economic Recovery Plan, which must be completed before end February 2021, and which must be submitted to Council for	2020-10-28	CRAIGA	55.00	The Department will during Aug / Sep 2021 commence with engaging the economic sectors to determine and discuss further actions.

		consideration by November 2021, taking into account the financial, operational and risk implications; and © that, in the event 'quick' wins or responses are identified, that such initiatives be brought to Council at the next Council Meeting and be documented as part of the proposed Action Plan, and where such interventions are delegated to the Municipal Manager, that such interventions be implemented and Council be notified accordingly. *Cllrs FT Bangani-Menziwe (Ms); DA Hendrickse; LK Horsband (Ms); C Moses (Ms); RS Nalumango; N Sinkinya (Ms) and LL Stander.*				
691675	INVESTIGATION OF THE RHENISH COMPLEX FOR ECONOMIC DEVELOPMENT OPPORTUNITIES	**11.7.3 INVESTIGATION OF THE RHENISH COMPLEX FOR ECONOMIC DEVELOPMENT OPPORTUNITIES** **38TH COUNCIL MEETING: 2020-10-28: ITEM 11.7.3** **RESOLVED** (majority vote) (c) that Council takes note of the numerous studies and planning over the years that were done on the Rhenish Complex without any noticeable implementation of the approved recommendations; (d) that Council approves the request of the Directorate: Planning & Economic Development to investigate the development of all municipal owned landholdings within the demarcated areas as depicted within the boundaries of Dorp-, Herte-, Alexander-, Market-, Bird- and Mill Street for potential economic opportunities to kick start the development of the entire Rhenish Complex; (e) ©that the investigation into the development of the Council owned landholdings considers the context of the surrounding spaces in the town centre; and	2020-10-28	BERNABEDLBAT	60.00	The draft Rhenish Complex Report has been submitted to the Director, Portfolio Committee Member and Municipal Manager to discuss further actions. The report will be submitted before 31 July 2021.

		(f) that such an investigation be done within three months after which a report with a request for the advertisement of the proposals be tabled to Council to enable the phased implementation of such proposals. *Cllrs FT Bangani-Menziwe (Ms); DA Hendrickse; LK Horsband (Ms); C Moses (Ms); RS Nalumango; N Sinkinya (Ms) and LL Stander.*				
694269	PROGRESS REPORT IN RESPECT OF THE USAGE OF THE AGRICULTURAL LAND LEASED TO THE EMERGING FARMERS AND PROVIDING FEEDBACK ON POTENTIAL FURTHER LEASEHOLD FARMS TO POTENTIAL EMERGING FARMERS	**11.8.1 PROGRESS REPORT IN RESPECT OF THE USAGE OF THE AGRICULTURAL LAND LEASED TO THE EMERGING FARMERS AND PROVIDING FEEDBACK ON POTENTIAL FURTHER LEASEHOLD FARMS TO POTENTIAL EMERGING FARMERS** **38TH COUNCIL MEETING: 2020-10-28: ITEM 11.8.1** **RESOLVED** (majority vote) (a) that cognizance be taken of the farming activities as outlined in paragraph 6.3 of this report; (b) that an investigation be launched in respect of the land not previously allocated, as outlined in paragraph 6.4 of this report, for the use of livestock farming, specifically for the purposes of accommodating piggeries and bee farming, and that a report with recommendations in respect of such an investigation be tabled to Council; © that note be taken of the additional agricultural land parcels referred to in paragraph 6.5 of this report, and that the further investigation by the Directorate: Planning & Economic Development be supported to inform Council of the possible and best use of such agricultural land for the purpose of allocating such land to emerging farmers; (d) that financial support mechanisms be investigated by the Directorate: Planning & Economic Development, in consultation with the Western Cape Government: Department of Agriculture (Farmers Support Programme) and the National Department of Rural Development and Land Reform, to support emerging farmers with potential infrastructure- and operational shortcomings; © that the Directorate: Planning & Economic Development submits the investigation report referred to in recommendation (d) above to Council for noting purposes, and to distribute the list of funding organisations and / or	2020-10-28	DUDLEYA TAMZINL	80.00	The applications for allocation of the advertised two (2) land parcels, are awaiting the approval of the Operational Committee as indicated in the Municipal Policy for Management of Municipal Agricultural Land. The Establishment of the said Committee will serve at the next scheduled Council Meeting for approval, whereafter the applications may be reviewed and submitted for decision.

		mechanisms to emerging farmers to assist with the compilation of their business plans; and (f) that the Department: Development Planning & Economic Development commences with research to provide proposals to enable emerging farmers with the option for the placement of accommodation units for security and storage purposes, which include ablution facilities on the individual land parcels which were allocated. *Cllrs DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.*				
	APPLICATION FOR A OF LEASE AGREEMENT: FRANSCHHOEK LIFE CRAFT CENTRE: ERF 143, FRANSCHHOEK	11.2.2 APPLICATION FOR A OF LEASE AGREEMENT: FRANSCHHOEK LIFE CRAFT CENTRE: ERF 143, FRANSCHHOEK 39TH COUNCIL MEETING: 2020-11-25: ITEM 11.2.2 **RESOLVED** (majority vote with 1 abstention) (a) that a portion of Erf 143, Franschhoek, be identified as land not needed for own use as provided for in Regulation 36 of the Asset Transfer Regulations; (b) that Council does not approve the application; (c) that the department be requested to advertise for businesses to provide proposals on the future use of the property, and that the proposals include an indication of the type of business, a business plan, and the number of employment opportunities; (d) that Council will consider the proposals and then make a determination on which proposal to approve before a lease agreement will be entered into with a new lessee; and (e) that the Life Craft Centre be given notice to vacate the property by no later than 30 March 2021.	2020-11-25	PIETS	90.00	Call for proposals was advertised with a closing date of 25 January 2021. A return item was submitted to DCS. Item served at Mayco in June 2021 but was referred back. Item will be resubmitted after discussion with the MM.
	INVESTIGATION WITH REGARDS TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE	11.6.1 INVESTIGATION WITH REGARDS TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE 39TH COUNCIL MEETING: 2020-11-25: ITEM 11.6.1 **RESOLVED** (majority vote with 1 abstention)	2020-11-25	SCHALKVDM	60.00	A proposal, in consultation with Property Management, on the way forward have been presented to the Municipal Manager for consideration. An Item in this regard is circulating.

		(a) that Council approves Option 3: the redesign of the existing layout of erven in Mont Rochelle Nature Reserve; (b) that Option 3 be implemented once budget for this purpose becomes available; (c) that existing landowners of erven in sensitive areas be offered a like-for-like (with reference to erf size) proposal in a less sensitive location within the revised layout, as provided for in Paragraph 9.2.3 of the Property Management Policy; (d) that the Municipal Manager be authorised to finalise the above process insofar as an agreement between the relevant landowners can be reached; and (e) that the remaining unsold erven be de-proclaimed and consolidated into Mont Rochelle Nature Reserve. *Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.*				
	PROPOSED AMENDED LEASE AGREEMENT: KARLIEN AND KANDAS CRECHE: ERVEN 12758 AND 12759, STELLENBOSCH	11.2.2 PROPOSED AMENDED LEASE AGREEMENT: KARLIEN AND KANDAS CRECHE: ERVEN 12758 AND 12759, STELLENBOSCH **40TH COUNCIL MEETING: 2021-01-27: ITEM 11.2.2** **RESOLVED** (majority vote) (a) that it be confirmed that erven 12758 and 12759 were identified as land not needed for municipal purpose for the period for which the rights are awarded; (b) that Council notes that a current lease agreement with the Lessee exists; (c) that Council approves, in principle, the amendment to the period of lease from an undetermined period to a period of 9 years and 11 months; (d) that public comments/objections be requested on the amendment of the lease, and that the item be resubmitted after the public participation process; and (e) that the determination of the monthly rental and the decision on the costs for rezoning of the property stand over until after the public participation process has been completed.	2021-01-27	PIETS	99.00	Draft Lease Agreement submitted to DCS.

		Councillors F Adams; G Cele (Ms) and LK Horsband (Ms) requested that their votes of dissent be minuted.				
	REQUEST TO COMMENCE WITH THE INVESTIGATION INTO THE USE AND GENERATION OF ALTERNATE ELECTRICITY ENERGY SUPPLIES	11.5.1 REQUEST TO COMMENCE WITH THE INVESTIGATION INTO THE USE AND GENERATION OF ALTERNATE ELECTRICITY ENERGY SUPPLIES **40TH COUNCIL MEETING: 2021-01-27: ITEM 11.5.1** **RESOLVED** (nem con) (a) that Council approves the investigation into alternate methods of electricity generation and purchases; (b) that Council approves the joint investigation to be done by University of Stellenbosch, Council for Scientific and Industrial Research (CSIR), and the Western Cape Government; (c) that Council accepts the initiating of the following processes as may be required: i. Municipal Systems Act, Section 78(1) processes ii. Municipal Finance Management Act, Section 33 investigation processes iii. Electricity Regulation Act, Section 13; and (d) that Council considers the funding of such investigations and implementation of completed investigations within the determination of the 2021/22 budget process.	2021-01-27	DEONL	40.00	1. MOU with University and CSIR signed. 2. MOU with PGWC to be signed shortly. 3. Commenced with study on Solar Panels on Municipal Buildings. 4. Proposed funds on 2021/22 budget for implementation of Solar Panels and investigations into Economically Viable Projects as well as licencing to generate or purchase from Independent Power Producers. Draft MOU received from WCG and has been signed by both parties. Quarterly reports to be submitted to Council in July 2021. MOU signing to take place in June 2021. Full quarter at end of June 2021 and at approval of budget.. RFI called by Provincial Government. Closes at end July. Two projects being performed at Stellenbosch: 1. Solar Panel PV installation 2. Setting up of an Energy Master Plan
	ERF 13246, STELLENBOSCH: DUTCH REFORM CHURCH: WELGELEGEN: APPLICATION TO	8.1.1 ERF 13246, STELLENBOSCH: DUTCH REFORM CHURCH: WELGELEGEN: APPLICATION TO ENFORCE FALL-BACK CLAUSE **SPECIAL COUNCIL MEETING: 2021-02-24: ITEM 8.1** **RESOLVED** (majority vote)	2021-02-24	PIETS	90.00	Consultations with church at an impasse. Report from MM served at MAYCO 19 May 2021. Referred back for further discussion.

	ENFORCE FALL-BACK CLAUSE	(a) that Council invokes the buy-back clause; (b) that the Municipal Manager be mandated to negotiate a mutually agreed price to buy back erf 13246, Stellenbosch, from the Dutch Reform Church: Welgelegen; and (c) that the Municipal Manager reports back to Council on the price before a final decision is made and the sale agreement is signed. *The following Councillors requested that their votes of dissent be minuted:* *Cllr G Cele (Ms); FT Bangani-Menziwe (Ms); N Mananga-Gugushe (Ms); C Moses (Ms);* *RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.*				
696755	REQUEST FOR APPROVAL OF STELLENBOSCH MUNICIPALITY BY-LAW ON ROADS AND STREETS	11.5.1 REQUEST FOR APPROVAL OF STELLENBOSCH MUNICIPALITY BY-LAW ON ROADS AND STREETS **42ND COUNCIL MEETING: 2021-04-28: ITEM 11.5.1** **RESOLVED (majority vote)** (a) that the Draft By-Law on Roads and Streets, attached as ANNEXURE A, be accepted in terms of Section 12(2) to 12(3) and 13 of the Municipal Systems Act; and (b) that Council notes that a public participating process was followed and considered the discussion on comments received.	2021-04-28	DEONL	80.00	DCS to assist with the promulgation of the By-law.
696737	POSTER BY-LAW	11.5.2 POSTER BY-LAW **42ND COUNCIL MEETING: 2021-04-28: ITEM 11.5.2** **RESOLVED** (nem con) (a)that the Second Draft of the By-Law Relating to Outdoor Advertising and Signage, attached as ANNEXURE A, be accepted as the copy of the By-Law to be used in the second Public Participation process; (b)that this Second Draft By-Law Relating to Outdoor Advertising and Signage be duly advertised for the purpose of a Public Participation process; and (c) that, upon the completion of the Public Participation process, the Second Draft By-Law, together with any comments/objections by the public, be resubmitted to Council for final approval and adoption.	2021-04-28	DEONL	70.00	Currently in the Public domain for comments (14 May – 14 June 2021). New comments being assessed. Report to Mayor in August 2021 for referral to Section 80 Committee.

702617	REQUEST FOR APPROVAL OF STELLENBOSCH ROADS MASTER PLAN	REQUEST FOR APPROVAL OF STELLENBOSCH ROADS MASTER PLAN **42ND COUNCIL MEETING: 2021-04-28: ITEM 11.5.3** **RESOLVED** (nem con) (a) that the content of this item be noted; (b) that the Draft Roads Master Plan attached as ANNEXURE A, be accepted; and (c) that the Draft Roads Master Plan be advertised for public comment as part of the public participation process.	2021-04-28	DEONL	70.00	Currently in the Public domain for comments (14 May – 14 June 2021). Comments being assessed. Final report to Council in August 2021.
702615	REQUEST FOR APPROVAL OF STELLENBOSCH NON-MOTORISED TRANSPORT (NMT) MASTER PLAN & NMT POLICY	11.5.4 REQUEST FOR APPROVAL OF STELLENBOSCH NON-MOTORISED TRANSPORT (NMT) MASTER PLAN & NMT POLICY **42ND COUNCIL MEETING: 2021-04-28: ITEM 11.5.4** **RESOLVED** (nem con) **(a) that the content of this report be noted;** (b) that the Draft Non-Motorised Transport Master Plan & Policy attached as ANNEXURE A, be accepted; and (c) that the draft Non-Motorised Transport Master Plan & Policy be advertised for public comment as part of the public participation process.	2021-04-28	DEONL	70.00	Currently in the Public domain for comments (14 May – 14 June 2021). Comments being assessed. Final report to Council in August 2021.
696747	REQUEST FOR APPROVAL FOR STELLENBOSCH MUNICIPALITY'S REVISED DRAFT BY-LAW ON PARKING	11.5.6 REQUEST FOR APPROVAL FOR STELLENBOSCH MUNICIPALITY'S REVISED DRAFT BY-LAW ON PARKING **42ND COUNCIL MEETING: 2021-04-28: ITEM 11.5.6** **RESOLVED** (nem con) (a) that the Draft By-Law on Parking, attached as **ANNEXURE A**, be accepted in terms of Section 12(2) to 12(3) and 13 of the Municipal Systems Act; and (b) that Council notes that a public participating process was followed and considered the discussion on comments received.	2021-04-28	DEONL	80.00	DCS to assist with the promulgation of the by-law.
704777	DRAFT MONT ROCHELLE NATURE RESERVE	11.6.1 DRAFT MONT ROCHELLE NATURE RESERVE ENVIRONMENTAL MANAGEMENT PLAN	2021-04-28	SCHALKVDM	70.00	The draft Mont Rochelle Nature Reserve Environmental Management Plan was advertised in the Eikestadnuus on 20 May

	ENVIRONMENTAL MANAGEMENT PLAN	**42ND COUNCIL MEETING: 2021-04-28: ITEM 11.6.1** **RESOLVED** (nem con) (a)that Council approves the advertisement of the draft Mont Rochelle Nature Reserve Environmental Management Plan (February 2021) for a period of 21 days for public input; and (b)that the inputs received during the above-mentioned public participation process be worked into a final draft Mont Rochelle Nature Reserve Environmental Management Plan, to be presented to Council for approval.				2021. Closing date for comment was 10 June 2021. Comment received are being processed.
	EXTENSION OF CESSION AND ASSIGNMENT OF LEASES: LEASE AREAS OVER REMAINDER FARM 377F AND LEASE AREA 1 OVER ERF 9190: KLEINE ZALZE WINE AND LICIACEPT	11.2.2 EXTENSION OF CESSION AND ASSIGNMENT OF LEASES: LEASE AREAS OVER REMAINDER FARM 377F AND LEASE AREA 1 OVER ERF 9190: KLEINE ZALZE WINE AND LICIACEPT 43RD COUNCIL MEETING: 2021-05-26: ITEM 11.2.2 RESOLVED (majority vote with abstentions) (a)that Council takes note of the fact that no written inputs/objections were received; and (b)that Council approves the extension of the Lease Agreement for a period of 9 years and 11 months on condition: (i)that a yearly report be submitted to Council regarding Progress of the Black Empowerment entity; and (ii)that the possible extension of the Lease Agreement be received/considered after 2029, taking into account the progress of the empowerment and BBEE initiative. The following Cllrs requested that their votes of dissent be minuted: Cllrs FT Bangani-Menziwa (Ms); N Mananga-Gugushe (Ms); C Moses (Ms); N Sinkinya (Ms); RS Nalumango (Ms); P Sitshoti (Ms) and LL Stander.	2021-05-26	ANNALENEDEB	50.00	Amendment to Lease agreement in process and will be submitted for signature to parties.

706763	CLOETESVILLE FEASIBILITY STUDY FOR INFILL HOUSING DEVELOPMENT OF THE FOLLOWING: ERF 8915; ERF 7135; ERF 7181, ERF 6668; ERF 7271; ERF 6847, ERF 6886, ERF 6300; ERF 8776; ERF 6705 AND ERF 6767, CLOETESVILLE	11.4.2 CLOETESVILLE FEASIBILITY STUDY FOR INFILL HOUSING DEVELOPMENT OF THE FOLLOWING: ERF 8915; ERF 7135; ERF 7181, ERF 6668; ERF 7271; ERF 6847, ERF 6886, ERF 6300; ERF 8776; ERF 6705 AND ERF 6767, CLOETESVILLE 43RD COUNCIL MEETING: 2021-05-26: ITEM 11.4.2 RESOLVED (nem con) (a) that the outcome of the feasibility study be noted; (b)that the appropriate land use rights be obtained as a matter of urgency taking into consideration the Rapid Land Release programme; (c) that the delay caused by COVID-19 pandemic linked to the previous timeframes as stated by Council be noted; (d) that the following sites be prioritise for development potential; • Site 5: 16 Serviced sites (Plot and Plan) 152 GAP and/ or FLISP • Site 6: Option 1: 279 GAP and/ or FLISP Option 2: 90 Serviced sites (Plot and Plan) • Site 7: 37 GAP and/ or FLISP • Site 11: 12 GAP and/ or FLISP (e) funding application to be submitted within 30 days after Council approval to the Provincial Department of Human Settlements (PDoHS).	2021-05-26	LESTERVS	45.00	e) The user department is in process to finalise funding applications to be submitted by July/August 2021 to PDoHS.
	REPORT TO COUNCIL REGARDING THE INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY CLR R DU TOIT (MS)	17.1 REPORT TO COUNCIL REGARDING THE INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY CLR R DU TOIT (MS) 43RD COUNCIL MEETING: 2021-05-26: ITEM 17.1 The Speaker RULED that this matter be dealt with at a next meeting of Council.	2021-05-26	JCANTHONY	99.90	Matter has been concluded. Item will be submitted to Council for consideration.
	REPORT IN REGARD TO THE AUCTION 3 COUNCIL ERWEN IN ONDERPAPEGAAIBERG : DISPOSAL OF ERF 4810	8.1.1 REPORT IN REGARD TO THE AUCTION 3 COUNCIL ERWEN IN ONDERPAPEGAAIBERG: DISPOSAL OF ERF 4810 (3 SWAWELAAN) ,ERF 4811 (3A SWAWELAAN) AND ERF 4812 (6 TINKTINKIE STREET) STELLENBOSCH **SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.1.1**	2021-06-23	ANNALENEDEB	60.00	Auction completed Auctioneers informed of Council resolution. Auctioneers in process to implement the resolution.

	(3 SWAWELAAN) ,ERF 4811 (3A SWAWELAAN) AND ERF 4812 (6 TINKTINKIE STREET) STELLENBOSCH	**RESOLVED** (nem con) (a) that Council approves of the disposal of the 3 erven to the bidders that bid the highest at the auction and accept the highest bids on the erven as indicated; (b) that the Municipal Manager be authorised to conclude the sale agreements; (c) that the municipality request a certificate of registered titles as the properties have not been registered as separate titles; (d) that the new buyers register the property from the mother erf (3721) at their own costs; (e) that the bidders be requested to take occupation of the erven as soon as the warranties have been provided, but not later than 30 days of this decision; and (f) that the risk be transferred to the buyers on occupation of the erven.				Monitoring their process.
	SECTION 116(3) AMENDMENT TO THE EXISTING APPOINTMENT OF SUSTAINABLE PLANNING SOLUTIONS FOR THE AWARDED TENDER B/SM 16/16 FOR THE TOWNSHIP ESTABLISHMENT PROCESS FOR MAASDORP FOREST VILLAGE, FRANSCHHOEK: PORTIONS 27 AND 28 OF FARM LA MOTTE NO 1041, AND FUTURE EXPANSION ON PORTIONS 3 AND 7 OF FARM LA MOTTE NO 1041, FRANSCHHOEK	8.3.1 SECTION 116(3) AMENDMENT TO THE EXISTING APPOINTMENT OF SUSTAINABLE PLANNING SOLUTIONS FOR THE AWARDED TENDER B/SM 16/16 FOR THE TOWNSHIP ESTABLISHMENT PROCESS FOR MAASDORP FOREST VILLAGE, FRANSCHHOEK: PORTIONS 27 AND 28 OF FARM LA MOTTE NO 1041, AND FUTURE EXPANSION ON PORTIONS 3 AND 7 OF FARM LA MOTTE NO 1041, FRANSCHHOEK **SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.3.1** **RESOLVED** (nem con) (a) that Council notes, in terms of the Municipal Finance Management Act (MFMA) Section 116(3), the reasons for the required extension and amendment of the current appointment to enable the finalisation of the original scope of work beyond the current appointment term, which is valid only until the end of June 2021; (b) that Council takes note that reasonable notice of intention to extend the appointment in terms of Section 116(3)(b)(i) was given to the public; (c) that Council takes note that the local community was invited to submit representations to the Municipality in terms of Section 116(3)(b)(ii);	2021-06-23	LESTERVS	30.00	A new purchase order to be obtained during the first quarter of the 2021/22 financial year. Project ongoing.

		(d) that Council approves the extension of the appointment for an additional period of eighteen (18) months from the date of confirmation of extended appointment; and (e) that the Municipal Manager be authorised to conclude the extension of the appointment in terms of the applicable legislation.				
	SECTION 116(3) AMENDMENT TO THE EXISTING APPOINTMENT OF JUBELIE PROJECT MANAGEMENT (PTY) LTD FOR THE AWARDED TENDER B/SM 16/16 FOR THE TOWNSHIP APPROVALS AND IMPLEMENTATION FOR THE ZONE O AND KAYAMANDI TOWN CENTRE HOUSING PROJECT, STELLENBOSCH	8.3.2 SECTION 116(3) AMENDMENT TO THE EXISTING APPOINTMENT OF JUBELIE PROJECT MANAGEMENT (PTY) LTD FOR THE AWARDED TENDER B/SM 16/16 FOR THE TOWNSHIP APPROVALS AND IMPLEMENTATION FOR THE ZONE O AND KAYAMANDI TOWN CENTRE HOUSING PROJECT, STELLENBOSCH **SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.3.2** **RESOLVED** (majority vote) (a) that Council notes, in terms of the Municipal Finance Management Act MFMA Section 116(3), the reasons for required extension and amendment of the current appointment to enable the finalisation of the original scope of work beyond the current appointment term, which is valid only until the end of June 2021; (b) that Council takes note that reasonable notice of intention to amend the contract or agreement in terms of section 116(3)(b)(i) was given to the public; (c) that Council takes note that the local community was invited to submit representations to the Municipality in terms of Section 116(3)(b)(ii); (d) that Council approves the extension of the appointment for an additional period of 36 months for the Zone O and 15 months for the Kayamandi Towns Centre Development; and (e) that the Municipal Manager be authorised to conclude the extension of the appointment in terms of the applicable legislation.	201-06-23	LESTERVS	30.00	d) and e) that a new purchase order to be obtained during the first quarter of the 2021/22 financial year. Project ongoing.
	B/SM 04/19: THE AMENDMENT OF THE TENDER AWARDED TO STREET PARKING SOLUTIONS FOR THE PARKING	8.4.1 B/SM 04/19: THE AMENDMENT OF THE TENDER AWARDED TO STREET PARKING SOLUTIONS FOR THE PARKING MANAGEMENT SYSTEM FOR STELLENBOSCH MUNICIPALITY **SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.4.1**	2021-06-23	DEONL	50.00	Tender adjusted accordingly. Internal discussion being held on viable way forward.

	MANAGEMENT SYSTEM FOR STELLENBOSCH MUNICIPALITY	**RESOLVED** (nem con) (a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender: • Mitigate impacts resulting from suspended parking management operations. • Upgrading existing and construction of additional parking facilities • Complete the parking development strategy, to determine the best parking model for inputs into a new tender (b) that Council notes the public participation process that was followed and that no formal comments were received on the advertisement; and (c) that Council notes the MFMA Section 116(3) Report and hereby grants a 3-Month extension on Tender B/SM 04/19 ending on 30 September 2021.				
	B/SM 91-18 THE AMENDMENT TO THE TENDER AWARDED TO SYNTELL (PTY) LTD FOR THE SUPPLY, INSTALLATION AND MANAGEMENT OF STS COMPLIANT PREPAYMENT ELECTRICITY VENDING	9.1 B/SM 91-18 THE AMENDMENT TO THE TENDER AWARDED TO SYNTELL (PTY) LTD FOR THE SUPPLY, INSTALLATION AND MANAGEMENT OF STS COMPLIANT PREPAYMENT ELECTRICITY VENDING **SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 9.1** Cllr G Cele (Ms) expressed her concern for the late submission and distribution of this item and is of the view that this is unfair practice and does not give Councillors adequate time to prepare and it limits and stifles the role of Councillors, especially the opposition. In the view of service delivery, she will support the item. **RESOLVED** (nem con) (a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender; (b) that Council notes the public participation process that was followed and that no comments were received (**ANNEXURES B & C**); and (c)that the extension of tender BSM 91/18 in favour of Syntell (Pty) Ltd be approved until the new tender is in place or 31 December 2021, whichever occurs first.	2021-06-23	DEONL	45.00	Old Tender Adjusted. New Tender being processed.

	SECTION 116(3); B/SM 11/19 THE AMENDMENT TO THE TENDER AWARDED TO CBI ELECTRIC- AFRICAN CABLES FOR THE TESTING AND REPAIRS OF HIGH AND MEDIUM VOLTAGE CABLES IN THE STELLENBOSCH WC024 AREA	SECTION 116(3); B/SM 11/19 THE AMENDMENT TO THE TENDER AWARDED TO CBI ELECTRIC- AFRICAN CABLES FOR THE TESTING AND REPAIRS OF HIGH AND MEDIUM VOLTAGE CABLES IN THE STELLENBOSCH WC024 AREA **SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 9.2** Cllr G Cele (Ms) expressed her concern for the late submission and distribution of this item and is of the view that this is unfair practice and does not give Councillors adequate time to prepare and it limits and stifles the role of Councillors, especially the opposition. In the view of service delivery, she will support the item. **RESOLVED** (nem con) (a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender; (b) that Council notes the public participation process that was followed and that no comments were received (**ANNEXURE B & C**); and (c) that the extension of tender BSM 11/19 in favour of CBI Electric- African Cables be approved until the new tender is in place or 31 December 2021, whichever occurs first.	2021-06-23	DEONL	45.00	Old Tender Adjusted. New Tender being processed.
	B/SM 110/18 THE AMENDMENT TO THE TENDER AWARDED TO EYA BANTU PROFFESIONAL SERVICES (PTY) LTD FOR SUBSTATION PROTECTION SYSTEM TESTING, REPAIRS AND MAINTENANCE	9.3 B/SM 110/18 THE AMENDMENT TO THE TENDER AWARDED TO EYA BANTU PROFFESIONAL SERVICES (PTY) LTD FOR SUBSTATION PROTECTION SYSTEM TESTING, REPAIRS AND MAINTENANCE **SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 9.3** Cllr G Cele (Ms) expressed her concern for the late submission and distribution of this item and is of the view that this is unfair practice and does not give Councillors adequate time to prepare and it limits and stifles the role of Councillors, especially the opposition. In the view of service delivery, she will support the item. **RESOLVED** (nem con) (a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender; (b) that Council notes the public participation process that was followed and that no comments were received (**ANNEXURES B & C**); and (c) that the extension of tender BSM 110/18 in favour of Eyabantu Professional Services (Pty) Ltd be approved until the new tender is in	2021-06-23	DEONL	45.00	Old Tender Adjusted. New Tender being processed.

		place or 31 December 2021, whichever occurs first.				
	B/SM 32-18 THE AMENDMENT TO THE TENDER AWARDED TO IKAPA RETICULATION FOR THE DOMESTIC LEAK REPAIRS, WATER METER REPLACEMENT AND PRESSURE MANAGEMENT IN THE WC024	9.4 B/SM 32-18 THE AMENDMENT TO THE TENDER AWARDED TO IKAPA RETICULATION FOR THE DOMESTIC LEAK REPAIRS, WATER METER REPLACEMENT AND PRESSURE MANAGEMENT IN THE WC024 **SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 9.2** Cllr G Cele (Ms) expressed her concern for the late submission and distribution of this item and is of the view that this is unfair practice and does not give Councillors adequate time to prepare and it limits and stifles the role of Councillors, especially the opposition. In the view of service delivery, she will support the item. **RESOLVED** (nem con) (a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender; (b) that Council notes the public participation process that was followed and that no comments were received (**ANNEXURE B & C**); and (c) that the extension of tender BSM 32/18 in favour of Ikapa Reticulation be a	2021-06-23	DEONL	45.00	Old Tender Adjusted. New Tender being processed.

NB: RESPONSES OBTAINED FROM RELEVANT DEPARTMENTS

10.	**ITEMS FOR NOTING**

10.1	**REPORT/S BY THE EXECUTIVE MAYOR**

10.1.1	**REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: APRIL 2021 – JUNE 2021**

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **28 July 2021**

1. SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: APRIL 2021 – JUNE 2021

2. PURPOSE

To inform Council of the decisions taken by the Executive Mayor from April 2021 to June 2021 **(**see **APPENDIX 1)**.

3. DELEGATED AUTHORITY

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

For Notification

4. EXECUTIVE SUMMARY

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

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

5. RECOMMENDATION

that Council takes note of the decisions by the Executive Mayor.

6. DISCUSSION / CONTENTS

6.1 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."

6.2 Discussion

Council approved delegations to the Executive Mayor and legislation also contains powers that are vested in the Executive Mayor on which reports are made for notification.

The Executive Mayor also takes decisions in consultation with the Mayoral committee. The decisions of the 2020/21 financial year will be reported in a separate item.

6.3 Financial Implications

Dealt with in terms of the approved budget.

6.4 Legal Implications

The decisions are in line with approved delegations or powers vesting in the Executive Mayor.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

Item 10.1.1 – Council meeting: 2021-04-28

6.7 Risk Implications

Risk implications are mitigated when decisions taken are in line with approved powers and functions.

6.8 Comments from Senior Management:

The report was not circulated for comment. The Executive Mayor discusses relevant issues with the Municipal Manager who takes up actions with the Directors directly.

ANNEXURES

Annexure 1: Decisions taken by the Executive Mayor in the period April to June 2021.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	***MANAGER: COUNCILLOR SUPPORT***
DIRECTORATE	***CORPORATE SERVICES***
CONTACT NUMBERS	***021 8088314***
E-MAIL ADDRESS	***Donovan.Muller@stellenbosch.gov.za***
REPORT DATE	***30 June 2021***

ANNEXURE 1

DELEGATIONS EXERCISED FOR PERIOD [APRIL - JUNE 2021]

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 March 2021	19/04/2021	21/04/2021	Approved
110	FINANCE	S 71 monthly budget monitoring report for April 2021	14/05/2021	17/05/2021	Approved
110	FINANCE	S 71 monthly budget monitoring report for May 2021	15/06/2021	15/06/2021	Approved
110	FINANCE	S 52 Quarterly budget monitoring report 3rd quarter	21/04/2021	28/04/2021	Approved
LUP 63	PLANNING	Appeal lodged in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning By-Law (2015) against the decision of the Stellenbosch Municipal Planning Tribunal to approve the application for removal of restrictive title deeds conditions, special development and permanent departure: erf 4731, Stellenbosch	15/09/2020	09/04/2021	Confirm [see attached document – APPENDIX 1]
LUP 63	PLANNING	Appeal lodged in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning By-Law (2015) against the decision of the Authorised Employee to approve the application for the site development plan and landscaping plan: farm no 1310, Stellenbosch Division	03/03/2021	25/06/2021	Confirm [see attached document – APPENDIX 2]
LUP 63	PLANNING	Appeal lodged in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning By-Law (2015) against the decision of the Authorised Employee to approve the application for rezoning, consent use, departure, temporary departure, amendment of condition, amendment / cancellation of an approved phasing plan, naming of streets and approved of urban design, principles and landscaping Masterplan: farm 65/43, Stellenbosch.	16/03/2021	21/05/2021	Confirm [see attached document – APPENDIX 3]
LUP 63	PLANNING	Appeal in terms of section 62 of the Local Government Systems Act, 32 of 2000 against the decision of the Municipal Manager in relation to the Hamman Street Trust, Encroachment permit for erf 14144, Stellenbosch.	23/04/2021	04/05/2021	Confirm [see attached document – APPENDIX 4]

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NOTICE OF 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 STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL TO APPROVE THE APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, SPECIAL DEVELOPMENT AND PERMANENT DEPARTURE: ERF 4731, STELLENBOSCH

DECISION OF APPEAL AUTHORITY:
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	X	**VARY**		**REVOKE**	

THE DECISION OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL, ON THE 31ST OF JANUARY 2020, TO APPROVE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW DATED 20 OCTOBER 2015,THE APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, SPECIAL DEVELOPMENT AND PERMANENT DEPARTURE: ERF 4731, STELLENBOSCH

1. The abovementioned appeal refers.

2. The Municipal Planning Tribunal, on the 31st of January 2020, **approved in whole**, in terms of Section 60 of the Stellenbosch Municipality Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015, the application to permit the operation of a guest house, consisting of four (4) bedrooms.

3. The application was approved subject to a number of conditions imposed in terms of Section 66 of the Stellenbosch Municipality Land Use Planning By-Law (2015).

4. The Municipality received five (5) appeals respectively on the 20th, 23rd and the 24th of March 2020, against the decision of the Stellenbosch Municipal Planning Tribunal.

5. The appellants as indicated are Mr and Mrs Kotze, Mr and Mrs Smith, Mr Pina, Ms Furphy and lastly Professor Fischer. As the 5 appeals were lodged within the 21-day appeal period, it is therefore valid.

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6. The appeal assessment report was drafted based on all documentation provided.

7. In order to comply section 81(6) of the Stellenbosch Municipality Land Use Planning By-Law (2015), an inspection of the documents must be held before the handover to the Appeal Authority for consideration and decision making, however as the report was completed during the National Lockdown period, the appeal assessment report was forwarded electronically to all appellants as well as the applicant on the 06th and the 07th of August 2020.

8. It should be noted that the applicant did not submit any comments in respect of the abovementioned report, however Professor Fischer submitted his comments on the said report on the 16th of August 2020.

9. After careful consideration of the written appeal, as well as all the relevant documents, information and submissions made available to me as Appeal Authority, I have decided, in terms of Section 81(7) (b) of the By-Law to **CONFIRM** the decision of the Stellenbosch Municipal Planning Tribunal.

REASONS FOR THE DECISION

1. Limited impact on the residential character as the primary use of the property will still be residential.

2. Adequate onsite parking has been provided for the proposed use without impacting on the existing residential character of the property or surrounding area.

3. The proposed use is accommodated within the existing dwelling without alterations and additions being made to the existing building.

4. The fact that a guest house is to be considered as a special development in terms of the Stellenbosch Zoning Scheme Regulations on properties zoned single

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residential, highlights the intension of the zoning scheme to accommodate such uses after the necessary application procedure has been followed.

SIGNATURE: _____ **DATE:** 09 · 04 · 2021
Adv. Gesie van Deventer
EXECUTIVE MAYOR
(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-Law)

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NOTICE OF 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 AUTHORISED EMPLOYEE TO APPROVE THE APPLICATION FOR THE SITE DEVELOPMENT PLAN AND LANDSCAPING PLAN: FARM NO 1310, STELLENBOSCH DIVISION

DECISION OF APPEAL AUTHORITY:
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	X	**VARY**		**REVOKE**	

THE DECISION OF THE AUTHORISED EMPLOYEE, ON THE 09TH OF JUNE 2020, TO APPROVE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW DATED 20 OCTOBER 2015, THE APPLICATION FOR THE SITE DEVELOPMENT PLAN AND LANDSCAPING PLAN: FARM NO 1310, STELLENBOSCH DIVISION

1. The abovementioned appeal refers.

2. The Authorised Employee, on the 09th of June 2020, **approved in whole**, in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015, the application for the De Waldorf Retirement Village **(Annexure A)**.

3. The application was approved subject to a number of conditions imposed in terms of Section 66 of the Stellenbosch Municipality Land Use Planning By-Law (2015).

4. Mr. Johan Du Plessis from DHM Incorporated lodged an appeal on behalf of the De Zalze Homeowners Association in terms of Section 79(2) of the By-Law, with the Municipality on the 06th of July 2020, against the decision of the Authorised Employee **(Annexure B)**.

5. The appeal assessment report was drafted based on all documentation provided.

6. In order to comply section 81(6) of the Stellenbosch Municipality Land Use Planning By-Law (2015), an inspection of the documents must be held before the handover to the Appeal Authority for consideration and decision making, however as the

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report was completed during the National Lockdown period, the report was forwarded electronically to all relevant parties on the 30th of October 2020.

7. Mr Johan Du Plessis from DHM Incorporated, on the 06th of November 2020 submitted their comments in respect of the appeal assessment report, where after all documentation was handed over to the Appeal Authority for decision making **(Annexure C)**.

8. After careful consideration of the written appeal, as well as all the relevant documents, information and submissions made available to me as Appeal Authority, I have decided, in terms of Section 81(7) (b) of the By-Law to **CONFIRM** the decision of the Authorised Employee.

REASONS FOR THE DECISION

1. None of the reasons for approving the initial application is now compromised by the final Site Development Plan and Landscaping Plan proposed.
2. All authorities dealing with the assessment of visual impacts, aesthetic appearance, environmental and wetlands impacts has consider the final designs desirable and approved it.
3. The department is of the opinion that the concerns raised by the De Zalze Golf Estate and their consultant were adequately addressed in the response and final designs of the Site Development and Landscaping Plan.
4. No development parameters per site will be compromised as initially approved and that all developments now proposed still conforms to the approved zoning restrictions.
5. The Appeal Authority considered the grounds of appeal submitted against the decision of the Authorised Employee to approve the final Site Development Plan. The Appeal Authority however did not find any grounds to vary the decisions of the Authorised Employee.

SIGNATURE: _____ **DATE:** 25 · JUNE 2021
Adv. Gesie van Deventer
EXECUTIVE MAYOR
(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-Law)

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NOTICE OF 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 AUTHORISED EMPLOYEE TO APPROVE THE APPLICATION FOR REZONING, CONSENT USE, DEPARTURE, TEMPORARY DEPARTURE, AMENDMENT OF CONDITION, AMENDMENT/ CANCELLATION OF AN APPROVED PHASING PLAN, NAMING OF STREETS AND APPROVED OF URBAN DESIGN, PRINCIPLES AND LANDSCAPING MASTERPLAN: FARM 65/43 STELLENBOSCH

DECISION OF APPEAL AUTHORITY:
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	X	VARY		REVOKE	

THE DECISION OF THE AUTHORISED EMPLOYEE, ON THE 02ND OF JUNE 2020, TO APPROVE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW DATED 20 OCTOBER 2015, THE APPLICATION FOR REZONING,CONSENT USE, DEPARTURE, TEMPORARY DEPARTURE, AMENDMENT OF CONDITION, AMENDMENT/ CANCELLATION OF AN APPROVED PHASING PLAN, NAMING OF STREETS AND APPROVED OF URBAN DESIGN, PRINCIPLES AND LANDSCAPING MASTERPLAN: FARM 65/43 STELLENBOSCH

1. The abovementioned appeal refers.

2. The Authorized Employee, on the 02ndof June 2020, **approved in whole**, in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015, the application for a mix use development known as the Devonbosch Lifestyle Estate.

3. The application was approved subject to a number of conditions imposed in terms of Section 66 of the Stellenbosch Municipality Land Use Planning By-Law (2015).

4. Mr. Andrè Swart from Stadler & Swart Incorporated lodged an appeal on behalf of DB Property Development (Pty) Ltd in terms of Section 79(2) of the By-Law, with the Municipality on the 22nd of June 2020, against the decision of the Authorised Employee.

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5. The appeal assessment report was drafted based on all documentation provided.

6. In order to comply section 81(6) of the Stellenbosch Municipality Land Use Planning By-Law (2015), an inspection of the documents must be held before the handover to the Appeal Authority for consideration and decision making, however as the report was completed during the National Lockdown period, the report was forwarded electronically to the appellant on the 02nd of February 2021.

7. Mr Andrè Swart, on the 09th of February 2021 submitted a request for an extension of time in order to furnish the Administration with his client's comments. The Municipal Manager granted the request of Mr Swart and the said comments was received on the 1st of March 2021.

8. During a Memorandum dated the 12th March 2021 it was brought to the attention of the Municipal Manager that the applicant requested an oral hearing before the Appeal Authority. The Appeal Authority granted the request for an oral hearing due to the complex nature of the grounds of the appeal.

9. The oral hearing subsequently took place on the 25th of March 2021 where the applicant was represented by Mr. Andrè Swart and Advocate Adele Erasmus.

10. After careful consideration of the written appeal, the oral representations, as well as all the relevant documents, information and submissions made available to me as Appeal Authority, I have decided, in terms of Section 81(7) (b) of the By-Law to **CONFIRM** the decision of the Authorised Employee.

REASONS FOR THE DECISION

10.1 The Appellant had two specific arguments during the Oral Appeal. For ease of reference the oral argument is attached hereto.

10.1.1 Developer's Argument 1: The discretion in the policy was not applied in calculating the roads Development Contributions

The Appellant argued that the discretion in Clause 9, of the Stellenbosch Municipal Development Charges Policy, has not been exercised when calculating the Development Charges for this development. However, clause *14, should be read in conjunction with clause 9. Clause 14.1 reads as follows:" Development Charges will be applied based on the impact on services by the increase in land use rights and/or*

intensification of land use leading to increased demand, irrespective of the geographical location of the development. For example, the traffic generated by a development located along a provincial road, will ultimately end up on the Municipality's road network that link to the provincial roads. The same applies to the additional stormwater runoff that ends up in downstream municipal networks and river courses, increase in demand and the bulk supply of water, and sewer and solid waste disposal."

This clause specifically guides officials as to how to deal with applications for developments along provincial roads to ensure that the principles of consistency in decision making and administrative justice can be better complied with. For ease of reference, **The Development Charges Policy** is attached hereto.

The Developer argued that only 30% of trips have an impact on Stellenbosch Municipality roads and DCs should therefore only be 30% of the Roads DC calculated. The traffic impact assessment was done during the covid pandemic and it's not clear if the traffic patterns during this period reflects the true usage of the roads. Even without taking this into account, clause 14.1 of the Development Contribution Policy, already deals with this issue.

Furthermore: 6% of trips come to/from Klapmuts, which means this traffic also impacts on the Stellenbosch municipal road network (Stellengate Boulevard and the future Potbelly road that intersects with the R44 are municipal roads). This illustrates that their argument of 30% cannot be substantiated and nullifies the argument that clause 9, was not taken into account.

10.1.2 Developer's Argument 2: 2018 DC credit based on 5.8ha Industrial zoning vs 2019 DC credit based only on the GLA of the existing buildings

1. The Development Charges credit determined during 2018 was based on the 5.8ha industrial zoning, that was then in place. This stems from the application for an extension of validity of the 2014 approval (in terms of LUPO). This is clear from the engineering condition, which specifies "

   78. **that this Development Charges calculation is based on the principles applicable when the original approval was obtained in 2014, since this application is for the extension of validity of an existing approval. Therefore the existing rights for the 5.8ha Industrial zoning is recognised, and no DCs are charged for "Community Facilities";**

2. At the time, the Development Charges applied in terms of LUPO was determined and based on the existing rights, and not on actual payment received for Development Charges. No payments were ever made in this regard.

3. The subsequent application for approval in 2019, was in terms of SPLUMA, in terms of which, the Municipality only gives credit for actual payments received or for approved buildings already constructed of which the impact has already been

absorbed in the municipal infrastructure. If not applied in this way, then the Developer (user) is not paying for the impact that his development is causing on the bulk infrastructure, and this means that the municipality/ other developers / rates and payers will have to take up this financial burden and in effect subsidise private development. Should the appeal by the developer be allowed, the net effect will be that the Municipality will lose" +/- R24 m. The relevant sections of SPLUMA are listed below.

4. The principles as contained in paragraph (b)*(i)*, *(v)*, (c)*(i)* and *(ii)*, needs to be taken into account.

Development principles:

7. The following principles apply to spatial planning, land development and land use management:
(a) The principle of spatial justice, whereby—
(i) past spatial and other development imbalances must be redressed through improved access to and use of land;
(ii) spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation;
(iii) spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons;
(iv) land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas;
(v) land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas; and
(vi) a Municipal Planning Tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application;
(b) the principle of spatial sustainability, whereby spatial planning and land use management systems must—
(i) promote land development that is within the fiscal, institutional and administrative means of the Republic;
(ii) ensure that special consideration is given to the protection of prime and unique agricultural land;
(iii) uphold consistency of land use measures in accordance with environmental management instruments;
(iv) promote and stimulate the effective and equitable functioning of land markets;
(v) consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;
(vi) promote land development in locations that are sustainable and limit urban sprawl; and
(vii) result in communities that are viable;
(c) the principle of efficiency, whereby—
(i) land development optimises the use of existing resources and infrastructure;
(ii) decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts; and
(iii) development application procedures are efficient and streamlined and timeframes are adhered to by all parties;

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(d) the principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks; and
(e) the principle of good administration, whereby—
(i) all spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act;
(ii) all government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks;
(iii) the requirements of any law relating to land development and land use are met timeously;
(iv) the preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them; and
(v) policies, legislation and procedures must be clearly set in order to inform and empower members of the public.

SIGNATURE: _____ **DATE:** 21·05·2021

Adv. Gesie van Deventer
EXECUTIVE MAYOR
(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-Law)

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Ref: Hamman Street Trust/ Stellenbosch Municipality:

Encroachment permit: Erf 14144 Stellenbosch

Direct Telephone: (021) 808

3 May 2021

By Email: jwretief@telkomsa.net

Dear Mr Wilhelm Retief

RE: APPEAL IN TERMS OF SECTION 62 OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000 AGAINST THE DECISION OF THE MUNICIPAL MANAGER IN RELATION TO THE HAMMAN STREET TRUST, ENCROACHMENT PERMIT FOR ERF 14144 STELLENBOSCH

The Hamman Street Trust submitted an appeal against the decision of the Municipal Manager to refuse the cession of the encroachment agreement from the Hamman Street Trust to the Venezia Trust.

Section 62(4) of the Municipal Systems Act, 32 of 2000 vests the duties of an appeal authority in the Executive Mayor for decisions taken by the Accounting Officer/Municipal Manager. The Municipality do not have an Executive Committee, but an Executive Mayor, hence appeals referred to under Section 62 (4) must be directed to the Executive Mayor as appeal authority.

Decision appealed against by the Hamman Street Trust:

1. The Municipal Manager based her decision thereon that the Encroachment Permit is illegal and that none of the provisions of the Asset Transfer Regulation ("ATR") with

regard to Council owned land was followed and that the Encroachment permit amounts to a transfer of council property.

2. The Municipal Manager holds that view because the application for the cession of the Encroachment Permit is linked to the envisaged extension of the Rivierbos Guest House ("the guest house") and because the application for the extension of the guest house was not divulged, the cession cannot be approved.

3. The Municipal Manager determines that the Venezia Trust, in order to obtain cession of the Encroachment Permit must go through the public participation process provided for in the ATR.

4. The Municipal Manager found that the Encroachment Permit, despite having been duly negotiated by the Municipality (represented by Mr Piet Smit) does not comply with the requirements of the ATR.

5. The Municipal Manager refers to the Policy and states that the Property may only be let at market related rates, except when the plight of the poor or the public interest which impact on the economic and community value to be received by the Municipality demands otherwise.

6. The Municipal Manager states that the cession of the Encroachment Permit entails a transfer of property.

7. The Municipal Manager states that there is no justification for a reduction in the market related price/rate.

8. The Municipal Manager states that:
"The Municipality shall be entitled in its sole discretion from time to time to specify the types of immovable property to transactions in respect of which applications are permitted to be made to the Municipality to impose application fees, charges, rates, tariff, scales of fees and other charges relating to the immovable property transaction."

9. The Municipal Manager carries on to state that the Municipality shall also be entitled not to process the application for the immovable property transaction:
"... unless the appellant inter alia has confirmed in writing that it will pay the charges and bear all costs and that it will pay the charges and bear all such costs in respect of the immovable property transactions as the Municipality may require ... Fair market rentals of individual immovable properties are calculated as the average of the valuations sourced from two service providers, ..."

10. The Municipal Manager then refers to Regulation 45 of the ATR and clause 20 of the Policy. She states that minimum requirements are set out therein and that there may be additional terms and conditions incorporated in a lease agreement.

11. The Municipal Manager continues that the Policy makes provision for various methods of disposal and awarding of rights in immovable property and sets out what those methodologies may be.

12. The Municipal Manager points out that clause 21 of the Policy provides that in respect of non-viable immovable property the property can only be used by one adjacent landowner, in which event: "... a property transaction may be approved without any competitive process having been followed, including in response to an unsolicited application, on the basis that no purpose would be served by a competitive process but subject to the determination of the fair market value and public notice of the intent to dispose of the property.

13. It is not apparent whether the Municipal Manager is referring to the Encroachment Permit per se, or to the question of what is required if it is to be ceded.

14. Account is not taken that the use of the encroachment property is not affected. Substantively it is the identical entity utilising it, the Rivierbos Guest House. The Rivierbos Guest House leases the immovable property from the Venezia Trust."

The reasons for the appeal was as follow:

15. The content of the ATR is discussed in the 1 December 2020 letter from J.W. Retief Attorneys to the Municipal Manager. The encroachment area is a capital asset, but there is not a transfer of ownership.

16. The requirements of Regulation 45(1) were followed in that there was a written agreement. The agreement was authorised by the Municipality. The Hamman Street Trust was entitled to place reliance thereon that the content thereof was compliant with relevant Regulations. The content of paragraphs 11 and 12 of the 1 December 2020 letter from J.W. Retief Attorneys to the Municipal Manager is reiterated. The appellant is not informed of specific reasons why it cannot rely on the Encroachment Permit.

17. The Municipal Manager states that immovable property can only be let at market related prices, subject to the plight of the poor and the public interest. The appellant cannot understand this statement. Nowhere, as yet has it been contented that the rental set out in the Encroachment Permit is not market related.

18. The matters set out by the Municipal Manager in the paragraphs as referred to in the paragraphs above with the concomitant references to her letter of 7 January 2021 are merely iterations of what is provided for in the Asset Transfer Regulations and the Policy. These are not measured against what actually happened. The appellant cannot glean here from whether these are shortcomings contained in the presently extant Encroachment Permit.

19. It is submitted reasons must be understandable. The party to whom reasons are furnished, in an administrative law context, must know of the shortcomings in his case. The material iterated actually amounts to general propositions on the assumption that the present Encroachment Permit is invalid/illegal.

20. The requested cession of the Encroachment Permit appears, on the setting out of the Municipal Manager's decision, also to be invalid. The question in the mind of the appellant that is not patently clear from the record, is whether:

20.1 the presently extant Encroachment Permit is invalid, alternatively
20.2 whether the proposed cession thereof is invalid.

21. With respect, this renders the administrative action irrational.

Analysing of the documents applicable to this matter including the decision of the Municipal Manager to refuse the cession of the encroachment agreement

Firstly, I need to place on record that section 126 to 128 of the Municipal Ordinance, 1974 (Ordinance 20 of 1974 was repealed by the Western Cape Local Government Laws Rationalisation Act, 3 of 2017, a copy of which is annexed hereto as Annexure "A".

Section 126(1)(a) of the Municipal Ordinance, 20 of 1974 ("the Ordinance") deals with projections and projecting structures. A Municipal Council may permit the erection or retention of a verandah, balcony, sign, sign-board or similar structure, device or contrivance which projects or extends into or over any public place or public street. Furthermore, that the Municipal Council where the erection or retention of a building or structure which projects or extends into, over or under any public place or public street ("the projecting structure") is not permitted in terms of section 126(1)(a), permits such erection or retention where the land comprised in place or street:

(i) Is not owned by the municipality if, in the opinion of the council, such projecting structure will not or does not impede, restrict or interfere with the construction, maintenance and use of such place or street, or

(ii) Is owned by the municipality if, in the opinion of the council, such projecting structure is erected as part of the development of property in accordance with a provision contained in the council's town planning scheme which applies specifically to such property.

Section 127(1) of the Municipal Ordinance provides that when any immovable property owned by a municipality or under the control or management of a council is encroached upon, the council may and, when so directed by the Administrator, shall take such steps as may, in the opinion of the council, be necessary to remove or regularise such encroachment. In terms of section 127(2) subject to compliance with the provisions of section 137, a council may reduce the extent of a public place or public street which is encroached upon by the extent of the encroachment or by such greater extent as may, in its opinion, be desirable. Section 127(3) provides further that the issue of a permit under section 126(1) shall, for the purpose of subsection (1), be deemed to be a regularisation of the encroachment referred to in such permit. Section 128 deals with damage to municipal property and that any person who damages, destroys or defaces any movable or immovable property owned by the Municipality or under its control shall be guilty of an offence.

The purposes of encroachment agreements were for permitting projections and projecting structures such as verandahs, balconies, sign, sign-boards or similar

structures, device or contrivance, building or structure. The purpose in my view was not to permit parking and/or gardening on municipal land. Be that as it may, section 126 read with section 127 of the Ordinance which allows encroachments has been repealed and does not exist anymore. Section 137 of the Ordinance referred to in section 127(2) was also repealed. In light thereof the legal basis for entering into encroachment agreements and the issuing of encroachment permits or the cession of such agreements/permits does not exist anymore. A cession of the Encroachment Agreement/Permit simple cannot be applicable to this matter.

In light of the above the provisions of Chapter 4 of the ATR with regard to the granting of rights to use, control or manage municipal capital assets are applicable to any lease/use of municipal properties. Encroachments in terms of section 127 of the Ordinance or the cession thereof simply does not exist. The process to be followed to enter into a lease agreement with the Municipality for the use of municipal land should be in terms of the provisions of the ATR and not section 127 of the Ordinance. The reference made by the Municipal Manager pertaining to the applicability of the provisions of the ATR is in my view correct. The process for encroachments in terms of section 127 of the Ordinance do not have any application in this matter. The fact that the use of the encroachment property is not affected, i.e that the Grootrivier Trust will lease the municipal land from the Venezia Trust does not have any effect on the applicability of the provisions of the ATR on this matter.

Therefore, the requirements of Regulation 45(1) needs to be followed in terms of the provision of the ATR and not section 127 of the Ordinance. The Encroachment Agreement/Permit made provision that the permit will endure for an undetermined period from date of the signature of the last signing party, subject to the parties right of earlier termination as set out in clause 6.1. Clause 6.1 provides that this Permit may be terminated by either party at any time upon three (3) month's written notice in writing and without payment of any compensation. Upon termination of this Permit the Encroacher shall be obliged to remove the encroachment at his/her/its costs and to re-instate the land encroached upon to the satisfaction of the Municipality and shall not be entitled to claim compensation in respect thereof. Regulation 33(3) provides that the granting by a municipality of a right to use, control or manage a capital asset must for the purpose of these Regulations be dealt with in terms of Chapter 2 or 3 as if such granting of a right is a transfer within the meaning of that Chapter, if the right-

(a) Is granted for an indefinite or undetermined period;

(b) Is granted for a period which exceeds-

(i) The useful life of the capital asset; or

(ii) The economic usefulness of the capital asset and which would require the asset, in order to remain economically useful, to be substantially upgraded, altered or replaced during the period for which the right is granted

(c) Confers on the person to whom the right is granted-

(i) Option to buy or acquire ownership in the capital asset; or

(ii) The power to use, control or manage the capital asset as if that person is the beneficial (but not legal) owner of the asset.

In light of the fact that the duration of the encroachment agreement is for an indefinite or undetermined period the Municipal Manager was of the view that the encroachment agreement/permits falls within the definition of transfers envisaged in Chapter 2 and 3 of the ATR which provides for the transfer and permanent disposal of non-exempted capital assets and the transfer of exempted capital assets. In that context transfer in relation to a capital or subsidiary asset, means the transfer of ownership in the asset as a result of a sale or other transaction. I agree with this contention and is of the view that the Encroachment Agreement in this regard does not comply with the provisions of Chapter 4 of the ATR.

Furthermore, the payment of an amount of R1 736.00 per month (as initially provided for) for a 810 square meter plot in Stellenbosch can hardly be regarded as market related. The fair market related rental will be calculated as the average of the valuations sourced from two service providers. This will be done if an application for the lease of the municipal land is submitted by the Venezia Trust. Furthermore, a reduction in the market related rental on the basis of public interest or the plight of the poor as envisaged in the ATR and the Policy on the Management of Stellenbosch Municipality's Immovable Property ("the Policy") will not be applicable.

I agree with the Municipal Manager that the lease of municipal land is governed by the provisions of the ATR and the Policy and not the provisions of section 126 read with section 127 of the Ordinance. The appellant should apply for the rental of the municipal land at market related prices. The Policy sets out the process and procedure for an application for the rental of the municipal land, subject to a public participation process.

After careful consideration of all the relevant documents, I am satisfied that the decision of the Municipal Manager was rational and correct under the circumstances. The appeal is dismissed and the original decision of the Municipal Manager is confirmed.

Yours faithfully

- 04/05/2021

EXECUTIVE MAYOR

ADV. GESIE VAN DEVENTER

10.1.2	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR ON MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE EXECUTIVE MAYOR IN CONSULTATION WITH THE MAYORAL COMMITTEE [JULY 2020 – JUNE 2021]

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **28 July 2021**

1. SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR ON MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE EXECUTIVE MAYOR IN CONSULTATION WITH THE MAYORAL COMMITTEE [JULY 2020 – JUNE 2021]

2. PURPOSE

To inform Council of the decisions taken by the Executive Mayor on matters resolved under the authority delegated to the Executive Mayor, in consultation with the Mayoral Committee, for meetings from July 2020 to June 2021 **(**see **APPENDIX 1)**.

3. DELEGATED AUTHORITY

As per the delegations from Council and powers vested in the Executive Mayor by legislation. In terms of the Stellenbosch Municipality System of Delegations (2019) EM12 and section 56(5) of the Structures Act, the Executive Mayor must report to Council at such intervals as the latter may determine on decisions taken.

The Executive Mayor is herewith reporting on the decisions taken by the Executive Mayor in consultation the Mayoral Committee.

4. EXECUTIVE SUMMARY

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

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

5. RECOMMENDATION

that Council takes note of the decisions by the Executive Mayor taken in consultation with the Mayoral Committee at meetings from July 2020 until June 2021.

6. DISCUSSION / CONTENTS

6.1 <u>Background and discussion</u>

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."

Council approved delegations to the Executive Mayor as per EM 12 of the Stellenbosch Municipality Systems of Delegations, and legislation also contains powers that are vested in the Executive Mayor on which reports are made for notification.

6.3 Financial Implications

Dealt with in terms of the approved budget.

6.4 Legal Implications

The decisions are in line with approved delegations or powers vesting in the Executive Mayor.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

None.

6.7 Risk Implications

Addressed through the content of the item.

6.8 Comments from Senior Management:

The report was not circulated for comment. The Executive Mayor discusses relevant issues with the Municipal Manager who takes up actions with the Directors directly.

ANNEXURES

Appendix 1: Decisions taken by the Executive Mayor in the period July 2020 to June 2021 at Mayoral Committee meetings

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	***MANAGER: COUNCIL SUPPORT***
DIRECTORATE	***CORPORATE SERVICES***
CONTACT NUMBERS	***021 8088314***
E-MAIL ADDRESS	***Donovan.Muller@stellenbosch.gov.za***
REPORT DATE	***12 July 2021***

APPENDIX 1

MAYCO Meeting Date	Agenda Item no.	Report Subject	Date Resolved	Resolution
19 August 2020	7.3.2	INTERIM EMERGENCY EXPENDITURE REPORT IN RESPONSE TO THE COVID-19 PANDEMIC	EXECUTIVE MAYORAL COMMITTEE: 2020-08-19: ITEM 7.3.2	that Mayco notes the interim emergency expenditure, hereto attached as APPENDIX 1.
16 September 2020	7.7.4	FEEDBACK AND WAY FORWARD IN RESPECT OF THE ALLOCATION OF INFORMAL TRADING STALLS – FRANSCHHOEK ARTS & CRAFT MARKET	EXECUTIVE MAYORAL COMMITTEE: 2020-09-16: ITEM 7.7.4	(a) that MAYCO takes note that the 20 highest scoring applicants as depicted in APPENDIX 1, be recommended as the tenants to trade at the Franschhoek Arts & Craft Market; (b) that the Municipal Manager, in terms of Section 10.1 of the Stellenbosch Municipality Informal Trading Policy, 2019, approves the allocation as based on the criteria as noted in Section 9.5.4 of the said Policy, in line with the tariffs as noted in Council's Tariffs and Fees Policy; (c) that the lease agreement be signed with a renewable validity period of six (6) months; and (d) that the Senior Manager: Development Planning be authorized to renew such lease agreement by six (6) months, whereafter new applications must be considered.

MAYCO Meeting Date	Agenda Item no.	Report Subject	Date Resolved	Resolution
16 September 2020	7.7.5	ALLOCATION OF INFORMAL TRADING STALLS – CLOETESVILLE MARKET	EXECUTIVE MAYORAL COMMITTEE: 2020-09-16: ITEM 7.7.5	(a) that MAYCO takes notes that the 20 highest scoring applicants as depicted in APPENDIX 1, be recommended as the tenants to trade at the Cloetesville Market; (b) that the Municipal Manager, in terms of Section 10.1 of the Stellenbosch Municipality Informal Trading Policy, 2019, approves the allocation as based on the criteria as noted in Section 9.5.4 of the said Policy, in line with the tariffs as noted in Council's Tariffs and Fees Policy; (c) that the lease agreement be signed with a renewable validity period of six (6) months;

				(d) that stalls be allocated to the ten (10) qualifying applicants, and that a further process of advertising be followed to invite further applications for the remaining stalls; and (e) that the Senior Manager: Development Planning be authorised to renew such lease agreement by six (6) months, whereafter new applications must be considered.

MAYCO Meeting Date	Agenda Item no.	Report Subject	Date Resolved	Resolution
17 February 2021	7.2.1	PROPOSED RENEWAL OF LEASE AGREEMENT: FRANSCHHOEK TENNIS CLUB: ERF 1693, FRANSCHHOEK	EXECUTIVE MAYORAL COMMITTEE: 2021-02-17: ITEM 7.2.1	(a) that a portion of Erf 1693, Franschhoek, be identified as land not needed for own use during the period for which such rights are to be granted, as provided for in Regulation 36 of the Asset Transfer Regulations; (b) that a month-to-month lease agreement be approved until the process with the Sports Councils has been finalised and a property register has been compiled and considered by Council to determine the future of Council properties per category; (c) that the terms and conditions of the lease agreement be based on the lease agreement dated April 2010; (d) that the Tennis Club pay their municipal account and that the Municipal Manager be mandated to determine the lease amount; (e) that the Municipal Manager be mandated to take the necessary steps to ensure the drafting and finalisation of the property register and to submit it to Council by not later than December 2021; and (f) that the item be brought back to Council as soon as the property register has been adopted by Council.

MAYCO Meeting Date	Agenda Item no.	Report Subject	Date Resolved	Resolution
17 February 2021	7.2.2	PROPOSED RENEWAL OF LEASE AGREEMENT: STELLENBOSCH DISTRICT RIDING	EXECUTIVE MAYORAL COMMITTEE: 2021-02-17: ITEM 7.2.2	(a) that the lease area 502N be identified as land not needed to provide basic services during the period for which such rights are to be granted, as provided for in Regulation 36 of the Asset Transfer Regulations; (b) that the current lease agreement be extended on the same terms and conditions on a month-to-month basis until the process with the Sports Councils has been finalised

		CLUB: LEASE AREA 502N		and a property register has been compiled and considered by Council to determine the future of Council properties per category; (c) that the District Riding Club pay their municipal account and that the Municipal Manager be mandated to determine the lease amount; (d) that the Municipal Manager be mandated to take the necessary steps to ensure the drafting and finalisation of the property register and to submit it to Council by not later than December 2021; and (e) that the item be brought back to Council as soon as the property register has been adopted by Council.

MAYCO Meeting Date	Agenda Item no.	Report Subject	Date Resolved	Resolution
17 February 2021	7.2.5	OPTION TO RENEW LEASE AGREEMENT: FRANSCHHOEK METHODIST CHURCH	EXECUTIVE MAYORAL COMMITTEE: 2021-02-17: ITEM 7.2.5	(a) that a portion of Erf 23, Franschhoek, be identified as land not needed for own use during the period for which such rights are to be granted, as provided for in Regulation 36 of the Asset Transfer Regulations; (b) that a month-to-month lease agreement be approved until a property register has been compiled and considered by Council to determine the future of Council properties per category; (c) that the terms and conditions of the lease agreement be based on the lease agreement dated November 1995; (d) that the Methodist Church pay their municipal account and that the Municipal Manager be mandated to determine the lease amount; (e) that the Municipal Manager be mandated to take the necessary steps to ensure the drafting and finalisation of the property register and to submit it to Council by not later than December 2021; and (f) that the item be brought back to Council as soon as the property register has been adopted by Council.

MAYCO Meeting Date	Agenda Item no.	Report Subject	Date Resolved	Resolution
19 May 2021	7.2.3	PROPOSED LEASE AGREEMENT FOR ADDITIONAL	EXECUTIVE MAYORAL COMMITTEE:	(a) that note be taken of the fact that no comments/inputs or objections were received on the advertisement indicating an intention to lease the property for 12 months; (b) that the lease agreement for 12 months be approved;

		PARKING PURPOSES: ATTERBURY: PORTION OF LEASE FARM 369P	2021-05-19: ITEM 7.2.3	(c) that the Municipal Manager be delegated to determine a market-related rental amount; and (d) that the new request of Atterbury follows the normal process after the Task Team completed the process on the assessment of Council properties.

MAYCO Meeting Date	Agenda Item no.	Report Subject	Date Resolved	Resolution
19 May 2021	7.2.4	PROPOSED LEASE AGREEMENT: FRANSCHHOEK BOWLING CLUB: ERF 2885, FRANSCHHOEK	EXECUTIVE MAYORAL COMMITTEE: 2021-05-19: ITEM 7.2.4	(a) that a portion of Erf 2885, Franschhoek, be identified as land not needed for own use during the period for which such rights are to be granted, as provided for in Regulation 36 of the Asset Transfer Regulations; (b) that a month-to-month lease agreement be approved until the process with the property register has been compiled and considered by Council to determine the future of Council properties per category; (c) that the intended new lease agreement in paragraph (b) be compiled based on the terms and conditions of the lease agreement previously entered into; (d) that the Bowling Club pay their municipal account and that the Municipal Manager be mandated to determine the lease amount; (e) that the Municipal Manager be mandated to take the necessary steps to ensure the drafting and finalisation of the property register and submit it to Council by not later than December 2021; and (f) that the item be brought back to Council as soon as the Property Register has been adopted by council.

MAYCO Meeting Date	Agenda Item no.	Report Subject	Date Resolved	Resolution
19 May 2021	7.2.6	PROPOSED LEASE AGREEMENT: ERF 4, LA MOTTE: NEW APOSTOLIC CHURCH: LA MOTTE	EXECUTIVE MAYORAL COMMITTEE: 2021-05-19: ITEM 7.2.6	(a) that it be noted that the old clinic site on the portion of erf 4 La Motte is not needed for the provision of municipal services for the period of the proposed lease; (b) that it is noted that the municipality is not the owner of the property yet and that the Municipal Manager be authorised to request the necessary authorisation from the Cape Winelands District Municipality to enter into a short-term lease with the New Apostolic Congregation in La Motte until the transfer has taken place;

				(c) that a month-to-month lease agreement be approved in principle until the transfer has been approved; (d) that the Municipal Manager be authorised to enter into negotiations with the church to determine a suitable rent taking into account any investment the church will make into the site as well as their status as a church under the provisions in the policy associated with non-profit organisations and churches; and (e) that the item be brought back to Council after the registration of the properties to Council.

MAYCO Meeting Date	Agenda Item no.	Report Subject	Date Resolved	Resolution
19 May 2021	10.4.2	LEASE AGREEMENT: SAFE HOUSE SITUATED ON PORTION OF ERF 3363	EXECUTIVE MAYORAL COMMITTEE (I-C) 2021-05-19 ITEM 10.4.2	(a) that the portion of erf 3363, identified in Fig 1 and 2, be identified as land not needed to provide basic municipal services for the period for which the rights are awarded; (b) that the Municipality wishes to proceed with using the property as a safe house for abused women and children; (c) that the municipality advertises for people / organisations / NGO's that are interested in the management of the safe house to apply for a lease; (d) that the Call for Proposals should contain the information as indicated in APPENDIX C; (e) that "L'Abri De Dieu safe house" be allowed to continue until a new lessee is identified, under the following condition: (i) that they make arrangements to pay the arrears account; and (f) that the item be returned to Mayco after the public participation process (Call for Proposals) is completed.

MAYCO Meeting Date	Agenda Item no.	Report Subject	Date Resolved	Resolution
15 June 2021	7.2.3	PROPOSED AMENDED LEASE AGREEMENT: KARLIEN AND KANDAS CRECHE:	EXECUTIVE MAYORAL COMMITTEE: 2021-06-15: ITEM 7.2.3	(a) that it be noted that, following the public notice period, no inputs or objections were received; (b) that the lease be amended to indicate a lease period of 9 years and 11 months; (c) that the Municipal Manager be authorised to determine a new market-related rental;

		ERVEN 12758 AND 12759, STELLENBOSCH		(d) that the clause for early termination of the contract by either party be indicated as 12 months, given the nature of the business; and (e) that the application for the rezoning of the properties be dealt with by the Lessor and that the costs be carried by the Lessee.

10.1.3	REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 20 MAY 2021

Collaborator No: 710094
IDP KPA Ref No: Good Governance
Meeting Date: 28 July 2021

1. SUBJECT: REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 20 MAY 2021

2. PURPOSE

To inform Council of the matters under discussion at the Mayor – Rector Forum meeting held on 20 May 2021.

3. DELEGATED AUTHORITY

FOR INFORMATION

4. EXECUTIVE SUMMARY

The Executive Mayor has since her election reported to the Council on discussions that takes place at the regular meetings of the Mayor – Rector Forum. The meeting was held on 20 May 2021. The minutes are attached as **ANNEXURE A** and the COVID-19 presentation as **ANNEXURE B**.

5. RECOMMENDATION

that Council takes note of the report from the Executive Mayor.

6. DISCUSSION / CONTENTS

6.1 Background

The forum was established to collaborate and share information and research on main areas of agreement regarding the challenges facing Stellenbosch and the possible solutions.

6.2 Discussion

The Executive Mayor has since her election reported to the Council on discussions that takes place at the regular meetings of the Mayor – Rector Forum. The minutes is attached as **ANNEXURE A** and the COVID-19 presentation as **ANNEXURE B**.

The following concerns were discussed: 20 May 2021

- Standing items
  - Overview of SU regarding the COVID-19 pandemic [US]
  - Overview of SU regarding the COVID-19 pandemic [SM]
  - Feedback: Mobility Subcommittee
  - Feedback: Safety and Planning Subcommittee
  - Feedback: Infrastructure Development Subcommittee
  - Water Management

- New matters
  - Proposed election date and social responsibility / Good citizenry, voter registration drives
  - COVID-19 Third wave presentation

6.3 Financial Implications

Recommendations flowing from the discussions are dealt with in terms of the approved budget.

6.4 Legal Implications

Any recommendations flowing from the discussions are dealt with through items or normal administrative actions within the policies of Council.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

26 May 2021

6.7 Risk Implications

No additional risk implications

6.8 Comments from Senior Management:

The report was not circulated for comment. The Executive Mayor discusses relevant issues with the Municipal Manager who takes up actions with the Directors directly.

ANNEXURES

Annexure A: - Minutes of the Mayor/Rector meeting, 20 May 2021.
Annexure B: - Presentation on COVID-19 third wave (Prof J Pulliam)

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	***MANAGER: COUNCIL SUPPORT***
DIRECTORATE	***CORPORATE SERVICES***
CONTACT NUMBERS	***021 8088314***
E-MAIL ADDRESS	***Donovan.Muller@stellenbosch.gov.za***
REPORT DATE	***02 July 2021***

ANNEXURE A

Stellenbosch Rector / Executive Mayor Forum

Minutes of the Rector / Executive Mayor Forum

Date: Thursday, 20 May 2021
Time: 14h00 – 15h00
Venue: Microsoft TEAMS platform
Chair: Ms G Mettler

Members present:

Stellenbosch Municipality	
Ms G Mettler (GM)	Municipal Manager
Mr D Louw (DL)	Director: Engineering Services
Mr C Kitching (CK)	Deputy Director: Protection Services
Mr D Muller (DM)	Manager: Councillor Support
Stellenbosch University	
Prof S du Plessis (SdP)	Chief Operating Officer
Prof N Koopman (NK)	Vice-Rector: Social Impact, Transformation & Personnel
Prof E Cloete (EC)	Vice-Rector: Research, Innovation & Post Graduate Studies
Ms N van den Eijkel (NvdE)	Chief Director: Facilities Management
Mr D Thompson (DT)	Communication Specialist
Ms M Jooste	Secretariat - SU

Members absent with apology:

Stellenbosch Municipality	
Adv GMM van Deventer (GvD)	Executive Mayor
Mr G Boshoff (GB)	Director: Community and Protection Services
Mr A Barnes (AB)	Director: Planning and Human Settlements
Stellenbosch University	
Prof W de Villiers (WdV)	Rector and Vice-Chancellor
Dr L van Rooi (LvR)	Senior Director: Social Impact & Transformation
Prof H Klopper (HK)	Deputy Vice-Chancellor: Strategy and Internationalisation

ITEM	DISCUSSION	RESPONSIBLE PERSON
1.	**Opening and welcome**	
	GM welcomed all members present.	GM
2.	**Finalisation of agenda**	
	No new agenda items were added.	GM
3.	**Approval of previous minutes**	
	The minutes of the previous meeting of 24 March 2021 were approved.	GM
4.	**Matters from previous meeting**	
4.1	**Future upgrade of Die Braak** GM apologised that the Acting-Director: Planning was not present to provide input. Several bids were received, and the process is underway with the Department regarding the way forward. This matter will remain on the agenda. Director: Planning (AB) will be requested to provide feedback at the next meeting.	GM
5.	**Standing items**	
5.1	**Overview of SU regarding the Covid-19 pandemic** SdP alerted the meeting to the presentation to be presented later during the meeting by Prof Juliet Pulliam (JP) on the approach of the third wave. The letter from the ICBC	SdP

	regarding the third wave of infections were shared with the Executive Mayor and MM. It seems as if the Western cape is lagging slightly behind but unfortunately not Stellenbosch and the Cape Winelands district. On campus, a rise in infections was noticed. Last week, 3 staff members and 22 students tested positive for Covid-19. In town, there was an increase of 80% of a low base. This was misinterpreted by students, who thought I meant 80% of students were infected. This increase seems to be linked to the direction of movement and not current levels. The academic year is planned according to ARTLA (Augmented remote teaching, learning, assessment), and it is hoped the students will benefit from in person lectures and higher quality assessment through personal invigilation. The start of the second assessment cycle is due to start on 21 June 2021, but there is concern about invigilated exams. A decision will be made at the start of June about invigilated exams and to complete the ARTLA sector. In the worst case scenario, it will revert to ERTLA (Emergency remote teaching, learning, assessment), where the bulk of learning and assessment will be online. There is still some uncertainty about this in terms of the current status about the third wave.	
5.2	**Overview of SM regarding the Covid-19 pandemic** SM concerned about the increase in numbers of infected persons. Law enforcement stated the concern about enforcement matters, especially about students in public without masks. SM essential staff were registered as part of the Sisonke programme of vaccination, and some of the workers were part of the trial period of the vaccination roll-out. SM also concerned about the slow uptake of registrations for 60 years and older persons. This is due to scepticism about the vaccination, and some consumer education might help here. CK mentioned the Department of Health predicts the third wave around June 2021. On this premise, the focus in Stellenbosch for the vaccination programme were all the old age homes. Department: Community Development is pushing the registration of 60 years and older persons and to provide assistance with the registration of persons. 15 venues / sites were identified in Stellenbosch. 2 venues are private and the Van der Stel venue will operate daily, Monday – Friday (8am – 5pm). Facilities will work mostly on appointments, and the initial approach is that an area will be completed with the vaccination before opening another site. This is due to shortage of staff. In general, complaints about noise and pubs were investigated and addressed. At the moment, there is a JOC meeting every two weeks, but with the third wave it might become a weekly meeting. DT requested a full list of the vaccination sites, and these are: 1. Van Der Stel Hall 2. Klapmuts multi-purpose center 3. Groendal Community Hall 4. La Motte community Hall 5. Wemmershoek Community Hall 6. Lanquedoc Church Hall opposite community hall 7. Pniel community hall 8. Kylemore community hall 9. Cloetesville Eikestad hall 10. Jamestown Sport Clubhouse 11. Kayamandi Corridor hall 12. Raithby Sport Clubhouse 13. Vlottenberg Methodist Church – Not Municipal 14. Pebbles - Not Municipal 15. Spier - Not Municipal More venues / sites to be added to the list as more become operational.	GM
6.	**Feedback from standing committees**	

6.1	**Stellenbosch Municipality Mobility Forum** DL informed the meeting there was no Mobility forum meeting since the last Rector-Mayor forum meeting. However, Council approved the Road masterplan; NMT masterplan; Roads and streets by-law; Parking by-law; Comprehensive Integrated Transport plan.	DL
6.2	**Infrastructure Development Sub-committee** No meeting since the last forum meeting. There was meetings about the alternative energy project. The MOU was signed between the US and CSIR, and the WCG, and the WCG will make available consultants and funding for project. Energy projects were also included in the municipal budget, and will commence on 1 July 2021. After Council approval of the budget.	DL
6.3	**Water Management** This sub-committee started with the drought, but continues with working groups who focus on how to reduce water consumption and to address measures to counter a drought. Another focus of the groups is also to research water quality and consumption patterns. GM requested DL to submit written reports on the sub-committee for the next forum meeting.	DL
6.4	**Monitoring and Advisory Committee on Crime (MACC)** Next MACC meeting on 3 June 2021. No meeting since the last forum. Minutes of the scheduled meeting will be submitted.	NvdE
7.	**New matters**	
7.1	**Proposed election date and social responsibility / good citizenry – voter registration drives** Election date set for 27/10/2021. Registration weekends planned for 17 and 18 July 2021, and all voting stations will be open from 8am to 5pm. This is for the normal process to verify information, but also for people who have moved / new address and new registrations for especially students who have not yet registered. Students are also encouraged to use the IEC online facility. Students who moved / changed address during the year must re-register in new ward / area of residence. Stellenbosch will be getting another ward to the existing 22 wards, and the wards might have new boundaries. This is important to verify information. CK also mentioned the possibility that the IEC might be considering a new date for the elections but a formal announcement on this matter will be made if the date changes. DM mentioned the Executive Mayor had an engagement with the Prim committee, and part of the discussion was to encourage the students in residences to register / verify information / re-register if necessary. They were also encouraged to use the IEC website.	GM
7.2	**COVID-19: Third wave (presentation circulated to all members on the day – will include again as part of the minutes)** Presentation presented by Prof Julie Pulliam (JP), who warned against the emerging third wave. Nationally, there is a sustained increase. The second wave, where the average cases per day were 20 000, has passed but over the past few days (with reference to the date of the meeting), there is an increase in cases. This is more cases now than in the period leading up to the second wave then. Daily cases number 26 000 over the last seven days. The third wave is expected to hit the country by 5 June 2021. The stats for the province shows similar patterns to other provinces. In Gauteng, it seems they have reached the third wave threshold. Free State and North West have crossed the threshold. In Northern Cape (NC), it seems as if the province is still in the second wave. All provinces are showing an increase in numbers, with the WC that will hit the third wave in June 2021, where the threshold for the third wave is 970 cases per day. At district level, the Cape Winelands (CW) is in a strong alarming phase. However, the rate is not increasing at the very alarming rate that it was before.	JP

	For Stellenbosch, it is alarming on all the matrixes used for modelling. The town went through a clear second wave, and is now displaying sustained increase in cases. Cases per age group for the first three weeks of 2021 shows a spread through all the age groups, but in recent weeks, fewer cases in the older age groups. Most of the cases are clustered in the age groups 15 – 25 years. The key messages of JP is contained in the attached presentation. EC raised the concern about younger people transferring the infection / virus to older age groups, especially at the US. He mentioned the closer monitoring of the student age group. JP confirmed this substantial risk, and mentioned this was the pattern thus far throughout the pandemic. The idea of super spreader events was a concern, and the close monitoring of these are necessary. This might mean to limit in-person lectures and if not monitored, could lead to more transmissions. During week 19 of 2021, slides showed the visible spread of infections to the older age group 45 – 55 (also the average age group of most US staff). NK wanted more clarity on the experience of the Northern Cape regarding the second wave. The presentation showed the NC experienced the second wave but the numbers did not come down enough to declare that the second wave ended. JP indicated it is a matter of definition whether NC is at the end of the second wave or in the third wave. GM mentioned that the presentation again reiterated why the vaccination of older persons (as per the second roll out phase) is important. GM also thanked the US for the co-operation and support.	
8	**Closing**	
	The meeting adjourned at 15h00. The next meeting is scheduled for Friday, 30 July 2021 (Chair and Secretariat: Stellenbosch University)	GM

ANNEXURE B

SOUTH AFRICAN COVID-19 MODELLING CONSORTIUM

Epidemic status update

Approach of the third wave

Juliet Pulliam[1], Sheetal Silal[2], Gesine Meyer-Rath[3,4], Brooke Nichols[3,4], Lise Jamieson[3], & Harry Moultrie[5]
on behalf of the South African COVID-19 Modelling Consortium

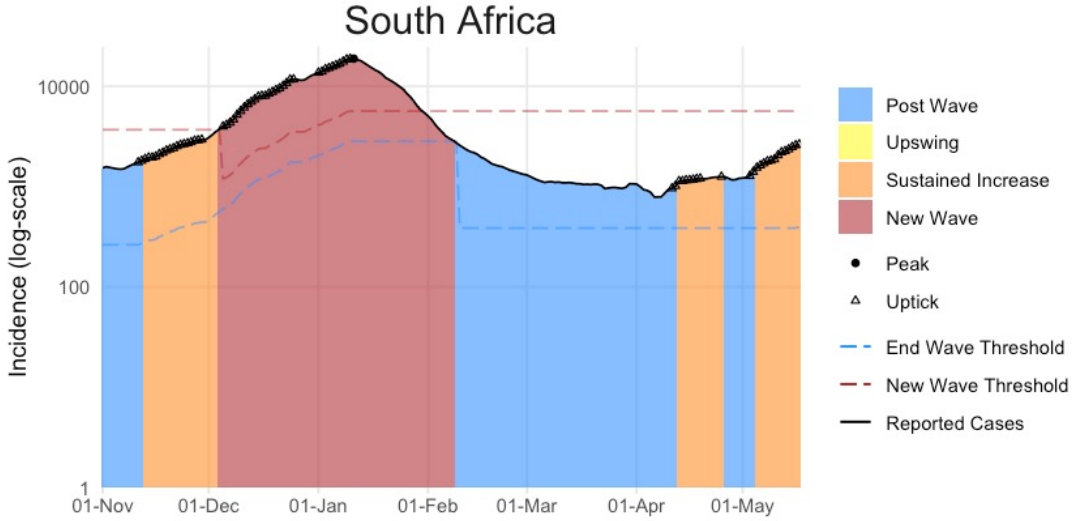
[1] South African DSI-NRF Centre of Excellence in Epidemiological Modelling and Analysis (**SACEMA**), Stellenbosch University, South Africa
[2] Modelling and Simulation Hub, Africa (**MASHA**), University of Cape Town, South Africa
[3] Health Economics and Epidemiology Research Office (**HE^{2}RO**), University of the Witwatersrand, Johannesburg, South Africa
[4] Boston University School of Public Health, US
[5]National Institute for Communicable Diseases **(NICD)**, South Africa

MASHA MODELLING & SIMULATION HUB, AFRICA | BOSTON UNIVERSITY | HE^{2}RO | SACEMA DSI-NRF Centre of Excellence in Epidemiological Modelling and Analysis | NATIONAL INSTITUTE FOR COMMUNICABLE DISEASES Division of the National Health Laboratory Service

Overview: National

Expected to meet 3rd wave criterion:

	Between…	and…
South Africa	2021-05-26	2021-06-05



Based on analysis of data through 2021-05-17:

	Current status	Current incidence†	Threshold incidence†	Weekly incidence per 100k‡	Percent changeˆ	Sustained increase duration
South Africa	Strong warning	2,638.6	5,650	31.0	40%	13 days

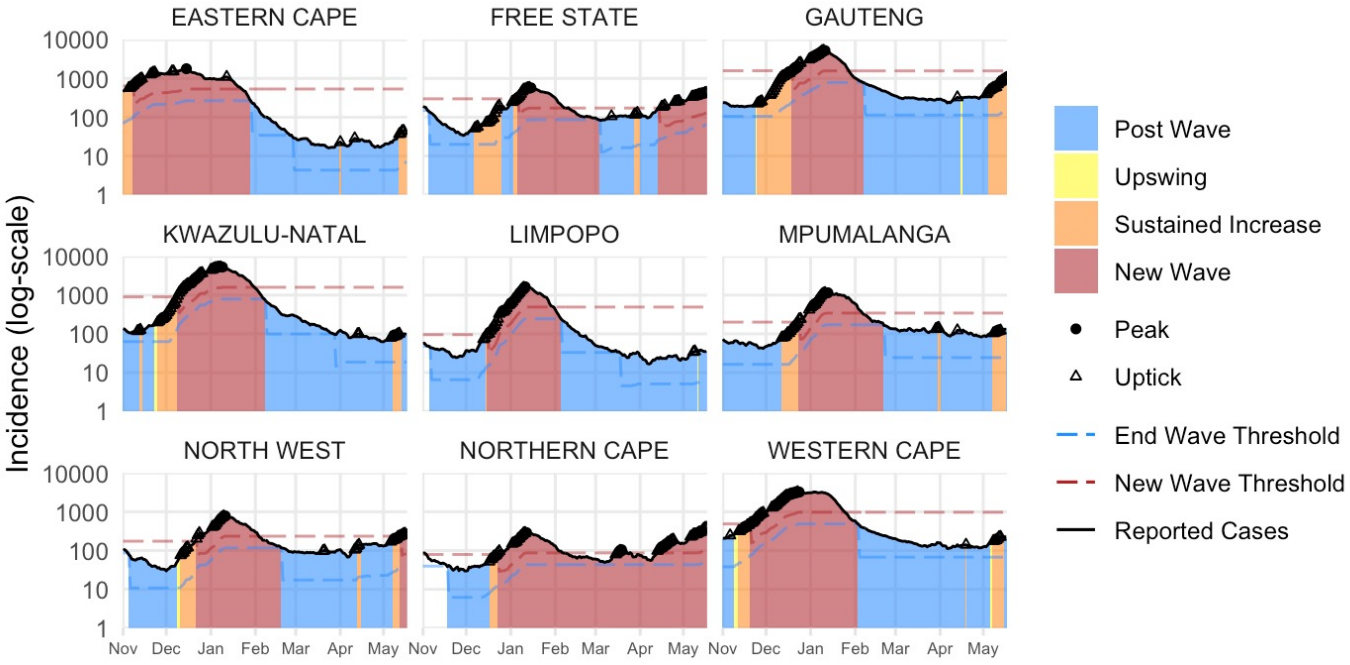
† 7-day moving average
‡ Total cases over the past 7 days per 100,000 population
ˆ Change in 7-day moving average of new cases compared to seven days ago

SACMC

Overview: Provincial

Expected to meet 3rd wave criterion:

	Between…	and…
Eastern Cape	2021-06-14	2021-07-17
Gauteng	2021-05-20	2021-05-27
KwaZulu-Natal	2021-07-10	2021-07-24
Limpopo	2021-06-12	2021-07-19
Mpumalanga	2021-06-06	2021-07-02
Western Cape	2021-06-04	2021-06-21



SACMC

Overview: Provincial

Based on analysis of data through 2021-05-17:

	Current status	Current incidence†	Threshold incidence†	Weekly incidence per 100k‡	Percent changeˆ	Sustained increase duration
Eastern Cape	Increasing	47.9	530	5.0	75%	6 days
Free State	Third wave	424.9	-	101.6	19%	-
Gauteng	Strong warning	1023.6	1560	46.3	70%	13 days
KwaZulu-Natal	Increasing	94.7	1590	5.7	3%	0 days
Limpopo	Increasing/Stable	35.7	490	4.3	0%	0 days
Mpumalanga	Increasing	130.4	340	19.5	15%	0 days
North West	Third wave	269.0	-	46.0	32%	-
Northern Cape	Second wave	388.3	-	210.5	47%	-
Western Cape	Increasing	224.1	970	22.4	20%	0 days

† 7-day moving average
‡ Total cases over the past 7 days per 100,000 population
ˆ Change in 7-day moving average of new cases compared to seven days ago

SACMC

Overview: District level

District	Date	Department of Health	Case Threshold (7 day total per 100k pop)	Percentage Change compared to 7 days ago (%)	Status	Duration on status (days)
Western Cape						
Cape Winelands	2021-05-12	Response	20.19	39.71	sustained increase	7
Central Karoo	2021-05-12	Response	21.30	33.33	post-wave	99
City of Cape Town	2021-05-12	Response	18.83	34.00	increasing trend	2
Garden Route	2021-05-12	Response	25.66	64.95	sustained increase	2
West Coast	2021-05-12	Response	26.91	49.40	increasing trend	2
Western Cape						
City of Cape Town	2021-05-17	Response	20.80	24.42	post-wave	4
West Coast	2021-05-17	Response	34.72	55.34	post-wave	1

Strong warning

Concern

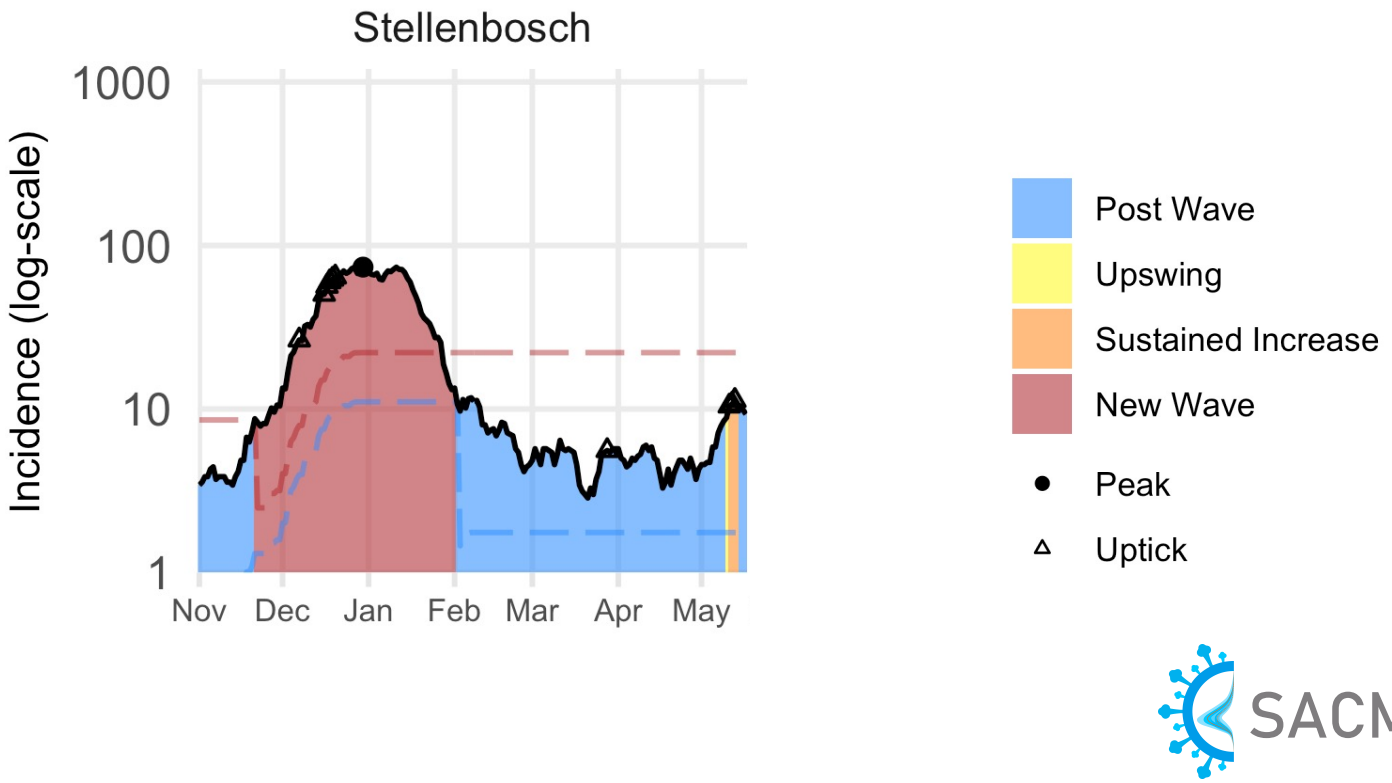
SACMC

Overview: Subdistrict level

Subdistrict	Date	Dept of Health	Upticks	Upswing	Case Threshold (7 day total per 100k pop)	Percentage Change compared to 7 days ago (%)
Cape Winelands						
Breede Valley	2021-05-12	Response	No	No	17.20	19.23
Drakenstein	2021-05-12	Response	No	No	23.33	59.52
Langeberg	2021-05-12	Alert	No	No	4.23	-50.00
Stellenbosch	2021-05-12	Response	Yes	Yes	37.53	80.49
Witzenberg	2021-05-12	Control	No	No	5.76	-50.00
Cape Winelands						
Breede Valley	2021-05-16	Response	No	No	13.87	-34.21
Drakenstein	2021-05-17	Response	No	No	22.98	20.00
Langeberg	2021-05-15	Alert	No	No	8.46	11.11
Stellenbosch	2021-05-17	Response	No	No	32.97	4.84
Witzenberg	2021-05-16	Response	No	No	13.45	180.00

SACMC

Stellenbosch: Epidemic trajectory



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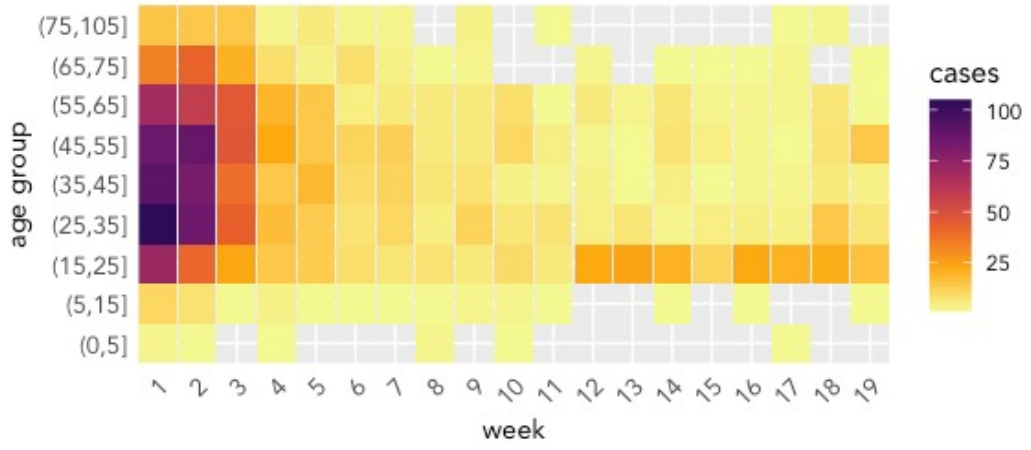
Stellenbosch: Cases by age group



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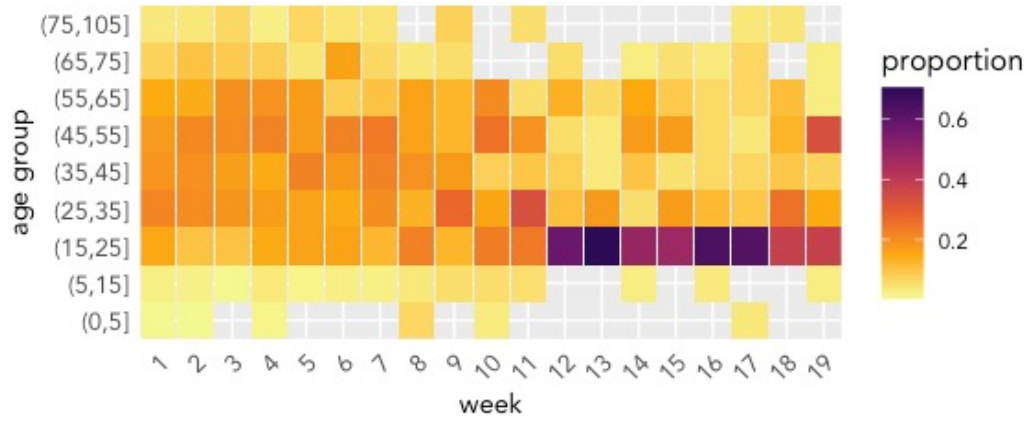
Stellenbosch: Cases by age group



SACMC

Key messages

- When possible, actions should be taken in response to the resurgence metrics well in advance of the new wave threshold being crossed.
- An early response is necessary to
  - reduce transmission, which can reduce the size of the peak and may even prevent a new wave and
  - mobilise resources in preparation for substantial increases in cases, hospitalizations, and deaths.
- The country is rapidly approaching the declaration of a 3rd wave.
- Now is the time to take individual and collective action.

SACMC

10.1.4	REQUEST TO NOMINATE COUNCILLORS TO SERVE IN CLINIC COMMITTEES: DON AND PAT BILTON CLINIC (JAMESTOWN), IDAS VALLEY CLINIC, GROENDAL CLINIC, KAYAMANDI CLINIC

Collaborator No: 710095
IDP KPA Ref No: Good Governance
Meeting Date: 28 July 2021

1. SUBJECT: REQUEST TO NOMINATE COUNCILLORS TO SERVE IN CLINIC COMMITTEES: DON AND PAT BILTON CLINIC (JAMESTOWN), IDAS VALLEY CLINIC, GROENDAL CLINIC, KAYAMANDI CLINIC

2. PURPOSE

To inform Council of the nomination of the ward councillors to serve on the respective Clinic Committees.

3. DELEGATED AUTHORITY

According to the Stellenbosch Municipality System of Delegations (2019), delegation CL2 [section 59(1) of the Systems Act], Council delegated the Executive Mayor the "*nomination / appointment of councillors to represent the municipality at meetings, functions and on outside bodies, etc. or to open projects, events, facilities and new buildings, etc.".*

4. EXECUTIVE SUMMARY

The Executive Mayor was requested to nominate four (4) councillors to serve in four clinic committees, namely Don And Pat Bilton Clinic (Jamestown), Ida's Valley Clinic, Groendal Clinic, Kayamandi Clinic.

The letter of request as per electronic communication from the Assistant Director: Statutory Bodies, Ministry of Health, Western Cape Government is attached as **ANNEXURE A**. [It must be noted that the Prince Alfred Hamlet Clinic, as per the correspondence in **ANNEXURE A**, does not fall within Stellenbosch Municipal area].

5. RECOMMENDATION

that Council takes note of the nomination of the following councillors to the respective Clinic Committees:

- Don And Pat Bilton Clinic (Jamestown) – Cllr R Badenhorst;
- Ida's Valley Clinic – Cllr N Mcombring;
- Groendal Clinic – Cllr W Petersen;
- Kayamandi Clinic – Cllr N Sinkinya

6. DISCUSSION / CONTENTS

6.1 Background

Over the last few months, the WC Dept of Health has undertaken the advertisement process for clinic committees which are expiring. They are in the final process of appointing the community members for the new term.

As per clause 6(1)(a) of the Western Cape Health Facility Boards and Committees Act, 2016 (Act 4 of 2016) each clinic committee needs to have a councillor appointed by the municipal council or a health-related committee of the municipal council. Clause 6(1)(a):

6. (1) The Provincial Minister must appoint to a Committee not more than 12 members, including—

(a) one or more councillors of the municipal council for the municipal area in which the primary health care facility is situated, nominated by the municipal council or a health-related committee of the municipal council;

The Western Cape Health Facility Boards and Committees Act, 2016 (Act 4 of 2016) is attached as **ANNEXURE B**.

Please note that a clinic committee is usually appointed for a period of 3 years. In this case, in light of the impending elections, the councillor will be appointed for a 3 year term or until the eve of Local Government Elections, whichever should come first. After the elections are over, the Ministers office will make contact with the new administration to request nominations for the remainder of the committee's term.

6.2 Discussion

The presence of the ward councillor is very crucial for the committee of the above mentioned clinics as they hold the interest of the citizens at heart. Is also important for accountability this initiative will build good relations between the Health Department and the municipality, as health is key in the development and deliverance of the IDP. The role of serving on the respective committees does not have any remuneration.

6.3 Financial Implications

Recommendations are dealt with in terms of the approved budget. No additional costs will be incurred.

6.4 Legal Implications

Recommendations comply with approved delegations, legislation and Council policies.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions:

Item 9.1.1 [2018-10-31]

6.7 Risk Implications

Addressed in the item.

6.8 Comments from Senior Management:

The report was not circulated for comment as it requested the Executive Mayor to nominate the councillors responsible for the wards where the respective clinics are situated.

ANNEXURES

Annexure A: Letter of request as per electronic communication from the Assistant Director: Statutory Bodies, Ministry of Health, Western Cape Government.

Annexure B: Western Cape Health Facility Boards and Committees Act, 2016 (Act 4 of 2016)

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	***MANAGER: COUNCILLOR SUPPORT***
DIRECTORATE	***CORPORATE SERVICES***
CONTACT NUMBERS	***021 8088314***
E-MAIL ADDRESS	***Donovan.Muller@stellenbosch.gov.za***
REPORT DATE	***12 July 2021***

ANNEXURE A

Donovan Muller

From:	Sean Stacey <Sean.Stacey@westerncape.gov.za>
Sent:	Monday, 05 July 2021 17:12
To:	Mayor (Gesie Van Deventer); Donovan Muller; Mayor Pa (Carmen Saville)
Subject:	[EX] Stellenbosch Municipal nominations for Clinic Committees
Attachments:	Western Cape Health Facility Boards and Committees Act_4 of 2016_prov-gazette-Extra_7648.pdf

Dear Mayor van Deventer

Over the last few months, the WC Dept of Health has undertaken the advertisement process for clinic committees which are expiring.

We are in the final process of appointing the community members for the new term.

As per clause 6(1)(a) of the Western Cape Health Facility Boards and Committees Act, 2016 (Act 4 of 2016) each clinic committee needs to have a councillor appointed by the municipal council or a health-related committee of the municipal council. Clause 6(1)(a):

6. (1) The Provincial Minister must appoint to a Committee not more than 12 members, including—
(a) one or more councillors of the municipal council for the municipal area in which the primary health care facility is situated, nominated by the municipal council or a health-related committee of the municipal council;

As such I am writing to you to request that your council or health portfolio committee submit a nomination for the below clinic committees:

- Don and Pat Bilton Clinic
- Idas Valley Clinic
- Groendal Clinic
- Kayamandi Clinic
- Prince Alfred Hamlet Clinic

Please note that a clinic committee is usually apointed for a period of 3 years. In this case, in light of the impending elections, the councillor will be apointed for a 3 year term or until the eve of Local Government Elections, whichever should come first. After the elections are over, the Ministers office will make contact with the new administration to request nominations for the ramainder of the committees term.

I have attached the Act. If you have any questions, please don't hestitate to ask.

Kind Regards
Sean Stacey
Assistant Director: Statutory Bodies
Ministry of Health
WESTERN CAPE GOVERNMENT

Address: 4 Dorp Street, Cape Town 8000
Tel: +27 21 483 5862
Mobile: +27 61 604 2165
E-mail: Sean.Stacey@westerncape.gov.za

ANNEXURE B

Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE | PROVINSIE WES-KAAP | IPHONDO LENTSHONA KOLONI

Provincial Gazette Extraordinary | Buitengewone Provinsiale Koerant | Tsongezelelo kwiGazethi yePhondo

7648 | 7648 | 7648

Tuesday, 5 July 2016 | Dinsdag, 5 Julie 2016 | Lwesibini, 5 Julayi 2016

Registered at the Post Office as a Newspaper

*(*Copies are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)*

OFFICE OF THE PREMIER OF THE PROVINCE OF THE WESTERN CAPE

P.N. 273/2016 5 July 2016

It is hereby notified that the Premier of the Province of Western Cape has assented to the following Act which is hereby published for general information:—

No. 4 of 2016: Western Cape Health Facility Boards and Committees Act, 2016.

As 'n nuusblad by die Poskantoor geregistreer

*(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)*

KANTOOR VAN DIE PREMIER VAN DIE PROVINSIE WES-KAAP

P.K. 273/2016 5 Julie 2016

Hiermee word bekend gemaak dat die Premier van die Provinsie Wes-Kaap die onderstaande Wet, wat hierby ter algemene inligting gepubliseer word, bekragtig het:—

Nr. 4 van 2016: Wes-Kaapse Wet op Rade en Komitees vir Gesondheidsfasiliteite, 2016.

Ibhaliswe ePosini njengePhephandaba

*(*Iikopi zifumaneka kwigumbi M21, kwiSakhiwo seNdlu yoWiso Mthetho yePhondo, e7 Wale Street, eKapa 8001.)*

I-OFISI YENKULUMBUSO YEPHONDO LENTSHONA KOLONI

I.S. 273/2016 5 Julayi 2016

Kwenziwa isaziso apha sokuba iNkulumbuso yePhondo leNtshona Koloni iwamkele ngokusemthethweni lo Mthetho ulandelayo opapashelwe ulwazi gabalala:—

Nomb 4 ka-2016: UMthetho weeKomiti kunye neeBhodi zaMaziko ezeMpilo weNtshona Koloni, 2016.

(English text signed by the Premier)
(Assented to 30 June 2016)

ACT

To provide for the establishment, functions and procedures of boards established for hospitals and committees established for primary health care facilities; and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Parliament of the Western Cape, as follows:—

Definitions

1. In this Act, unless the context indicates otherwise—
"auditor" means a person registered as an auditor in terms of the Auditing Profession Act, 2005 (Act 26 of 2005);
"Board" means a board established in terms of section 4(1);
"central hospital" means a hospital designated as such by the national Minister under the National Health Act;
"Committee" means a committee established in terms of section 4(4);
"Department" means the provincial department responsible for health matters in the Province;
"district health council" means a district health council as defined in section 1 of the Western Cape District Health Councils Act, 2010 (Act 5 of 2010);
"district health manager" means a district health manager as defined in section 1 of the Western Cape District Health Councils Act, 2010;
"existing central-hospital board" means a board appointed under the Western Cape Health Facility Boards Act for a central hospital and existing immediately before the commencement of this Act;
"Head of Department" means the head of the provincial department responsible for health matters in the Province;
"health facility" means a hospital or primary health care facility;
"hospital" means a building, institution or place designated as a hospital by the Provincial Minister in terms of section 3;
"member" means a member of a Board or Committee, as the case may be;
"National Health Act" means the National Health Act, 2003 (Act 61 of 2003);
"national Minister" means the national Minister responsible for health matters;
"prescribe" means prescribe by regulation;
"primary health care facility" means a building, institution or place designated as a primary health care facility by the Provincial Minister in terms of section 3;
"Province" means the Province of the Western Cape;
"Provincial Minister" means the Provincial Minister responsible for health matters in the Province;
"regulation" means a regulation made under this Act;
"representative central-hospital board" means a board appointed by the national Minister under section 41(4) of the National Health Act;
"this Act" includes the regulations;
"Western Cape Health Facility Boards Act" means the Western Cape Health Facility Boards Act, 2001 (Act 7 of 2001).

Objects of Act

2. The objects of this Act are to provide for—

(a) the establishment of representative and accountable Boards and Committees as statutory bodies;

(b) responsiveness of the management of health facilities to the community and the needs of patients and their families;

(c) community support for, and involvement in, health facilities and their programmes;

(d) a basic set of clearly defined functions for Boards and Committees, which may be incrementally expanded in the public interest as the capacity of a Board or Committee increases; and

(e) transitional provisions for existing central-hospital boards.

Designation of hospital or primary health care facility

3. (1) For the purposes of the establishment of a Board or Committee in terms of this Act, the Provincial Minister may designate as a hospital or primary health care facility any building, institution or place where persons receive treatment, diagnostic or therapeutic interventions or other health services.

(2) The Provincial Minister may so designate as a hospital or primary health care facility a building, institution or place that is administered by a municipality only with the concurrence of—

(a) the Provincial Minister responsible for local government; and

(b) the municipality concerned.

Establishment of Boards and Committees

4. (1) The Provincial Minister must establish a Board for each hospital or group of hospitals other than a central hospital or a group of central hospitals.

(2) Where a Board is established for a group of hospitals, the Provincial Minister must determine the group by having regard to—

(a) the geographic distance between the hospitals;

(b) the size and distribution of the population served by the hospitals; and

(c) the service volumes of the hospitals.

(3) A Board is a juristic person and is capable of suing and being sued and holding property in its own name.

(4) The Provincial Minister must establish a Committee for—

(a) every primary health care facility; or

(b) a group of primary health care facilities, determined by the Provincial Minister.

(5) The criteria and process for the clustering of primary health care facilities in the case of a Committee appointed for a group of primary health care facilities may be prescribed by the Provincial Minister.

(6) A Committee is not a juristic person and is not capable of suing or being sued or holding property in its own name.

Appointment of members of Board

5. (1) The Provincial Minister must appoint to a Board not more than 14 members, including—

(a) persons representing the community or communities served by the hospital for which the Board is established, nominated in terms of subsection (4);

(b) at least one person with technical expertise in business, law, finance or accounting or some other area relevant to the functions of the Board;

(c) the head of the hospital concerned or, in the case of a Board established for more than one hospital, at least one of the heads of those hospitals;

(d) at least one person representing the clinical staff of the hospital concerned, nominated by the clinical staff of the hospital, but in the case of a Board established for more than one hospital it is not necessary for a person representing the clinical staff of every hospital concerned to be appointed;

(e) at least one person representing the non-clinical staff of the hospital concerned, nominated by the non-clinical staff of the hospital, but in the case

of a Board established for more than one hospital it is not necessary for a person representing the non-clinical staff of every hospital concerned to be appointed; and

(f) in the case of a Board established for one or more hospitals where health professionals are trained, at least one person representing the academic interests of each hospital concerned, nominated by the Vice-Chancellor or Vice-Chancellors of the university or universities concerned.

(2) In addition to the members appointed in terms of subsection (1) the Provincial Minister may appoint to a Board—

(a) a member of the Provincial Parliament, nominated by the parliamentary committee concerned with health matters; and

(b) one or more councillors of the municipal council for the municipal area in which the hospital is situated, nominated by the municipal council or a health-related committee of the municipal council.

(3) The members appointed in terms of subsection (1)*(a)* must constitute at least fifty per cent of the total number of members of the Board.

(4) The members referred to in subsection (1)*(a)* must be nominated by a body that, in the opinion of the Provincial Minister, is sufficiently representative of the interests of the community or communities concerned.

(5) A body referred to in subsection (4)—

(a) may not be a political party;

(b) may be, but need not be, a—

(i) community health committee or forum;

(ii) community development forum;

(iii) civic organisation;

(iv) welfare organisation;

(v) representative organisation of patients who use health services or health facilities;

(vi) community-based organisation;

(vii) non-governmental organisation; or

(viii) representative organisation of children, women, the elderly, persons with disabilities or persons granted asylum.

(6) The Provincial Minister must prescribe procedures for the invitation of nominations contemplated in subsections (1)*(a)* and (4).

(7) Where nominations are required in terms of this section, all nominations received within the prescribed period must be considered by the Provincial Minister before the relevant appointments are made.

(8) If the Provincial Minister receives no or insufficient nominations required in terms of this section, any suitably qualified person may be appointed a member from the relevant category stipulated in subsection (1) or (2).

(9) The appointments to the Board must be made with racial and gender sensitivity and sensitivity to the elderly, the youth and persons with disabilities.

Appointment of members of Committee

6. (1) The Provincial Minister must appoint to a Committee not more than 12 members, including—

(a) one or more councillors of the municipal council for the municipal area in which the primary health care facility is situated, nominated by the municipal council or a health-related committee of the municipal council;

(b) members of the community or communities served by the primary health care facility for which the Committee is established, nominated in terms of subsection (3); and

(c) the head of the primary health care facility concerned or, in the case of a Committee appointed for more than one primary health care facility, a manager designated by the district health manager.

(2) The members appointed in terms of subsection (1)*(b)* must constitute at least fifty per cent of the total number of members of the Committee.

(3) The members referred to in subsection (1)*(b)* must be nominated by a body that—

(a) in the opinion of the Provincial Minister, is sufficiently representative of the interests of the community or communities concerned;

(b) is not a political party, but may be, yet need not be, a body referred to in section 5(5)*(b)*.

(4) The Provincial Minister may prescribe procedures for the invitation of nominations contemplated in subsections (1)*(b)* and (3).

(5) Where nominations are required in terms of subsection (1)*(b)* and (3), all nominations received within the prescribed period must be considered by the Provincial Minister before the relevant appointments are made.

(6) If the Provincial Minister receives no or insufficient nominations required in terms of paragraph *(b)* of subsection (1), any suitably qualified persons may be appointed as members from the category stipulated in that paragraph.

(7) The appointments to the Committee must be made with racial and gender sensitivity and sensitivity to the elderly, the youth and persons with disabilities.

Eligibility for appointment as a member

7. (1) To be eligible for appointment as a member a person must—

(a) be a South African citizen;

(b) be older than 18 years;

(c) not be an unrehabilitated insolvent;

(d) not, at any time, have been convicted of—

(i) an offence for which he or she was sentenced to imprisonment without the option of a fine; or

(ii) theft, fraud, forgery, the uttering of a forged document, perjury, any offence in terms of the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004), or any offence of which dishonesty is an element,

whether in the Republic or elsewhere if the conduct constituting the offence would be an offence in the Republic;

(e) demonstrate commitment to community service;

(f) demonstrate support for the mission and values of the health facility concerned; and

(g) demonstrate a high level of personal integrity and honesty.

Term of office of members

8. (1) Members are appointed for a period of three years.

(2) On the expiry of the term of office of a member, that member may remain in office until a successor has been appointed, but not for longer than six months.

(3) Subject to subsection (4), a member is eligible for reappointment to a Board or Committee at the expiry of his or her term of office.

(4) A member, other than a member appointed in terms of section 5(1)*(c)* or 6(1)*(c)*, may not serve on a Board or Committee for more than two consecutive terms.

(5) Despite subsection (4), a member who has served for two consecutive terms may be reappointed if, in the opinion of the Provincial Minister, exceptional circumstances exist for reappointment or, in the absence of exceptional circumstances, after an interval of not less than one year.

Vacancies

9. (1) The chairperson of a Board or Committee must immediately in writing declare an office on the Board or Committee vacant if a member—

(a) dies;

(b) submits his or her resignation from office in writing to the chairperson;

(c) is declared insolvent by a court of the Republic;

(d) is during his or her term of office convicted of—

(i) an offence and sentenced to imprisonment without the option of a fine; or

(ii) theft, fraud, forgery, the uttering of a forged document, perjury, any offence in terms of the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004), or any offence of which dishonesty is an element,

whether in the Republic or elsewhere if the conduct constituting the offence would be an offence in the Republic;

(e) is absent without leave of the chairperson of the Board or Committee from three consecutive ordinary meetings of the Board or Committee;

(f) is suspended or removed from office under section 24(12)*(b)*;

(g) ceases to hold any office by virtue of which that member was appointed to the Board or Committee; or

(h) fails to disclose to the Board or Committee any direct or indirect personal financial interest in a matter before the Board or Committee, and that member is present during, or participates in, the discussion of, or voting on, that matter.

(2) If a member of a Board or Committee continuously disrupts meetings of the Board or Committee or fails to perform his or her duties in good faith or honestly, the Provincial Minister may initiate an investigation into the matter and, if sufficient grounds are found to exist, remove that member and declare his or her office vacant.

(3) Within seven days of declaring an office vacant in terms of subsection (1), the chairperson must in writing inform the Provincial Minister of the vacancy.

(4) On receipt of notice of a vacancy in terms of subsection (3), or on the removal of a member under subsection (2), the Provincial Minister must appoint another person to fill the vacancy for the unexpired period of office of the previous incumbent and, for the purposes of section 8(4), the unexpired period constitutes a term of office.

(5) For the purposes of an appointment contemplated in subsection (4) the Provincial Minister must apply the same criteria used for the appointment of the vacating member.

(6) In the event that a Board or a Committee fails to hold four meetings in a calendar year, the Provincial Minister may declare the Board or Committee concerned dysfunctional and appoint a new Board in terms of section 5 or a new Committee in terms of section 6.

Duties of Boards

10. (1) A Board must, in respect of each hospital for which it is established—

(a) participate in strategic planning with a view to advising the hospital management;

(b) monitor the performance, effectiveness and efficiency of the hospital and measures taken by the hospital management to improve the performance and quality of service of the hospital;

(c) take measures to ensure that the needs, concerns and complaints of patients and the community are properly addressed by the hospital management;

(d) foster community support for the hospital;

(e) encourage volunteers to offer their services in performing general duties for the hospital in accordance with the applicable policy on volunteers;

(f) request and review at least once a year the financial statements and annual financial statements of the hospital;

(g) raise funds for the functioning of the Board; and

(h) at reasonable times and in cooperation with the hospital management conduct scheduled visits to the hospital, without impeding its functioning, and provide constructive written feedback on such visits to the management.

(2) A Board must take receipt of, administer and account for the funds raised by a Committee for which it is designated in terms of section 18(6) for the benefit of the primary health care facility concerned or the functioning of the Committee, in the manner prescribed by the Provincial Minister.

Powers of Boards

11. A Board may, in respect of a hospital for which it is established—

(a) advise and make recommendations to the Provincial Minister, the hospital management, the Head of Department or the municipality concerned, as the case may be, on any matter relating to the performance of the Board's functions;

(b) advise and make recommendations to the Provincial Minister or the municipality concerned, as the case may be, on the naming or renaming of the hospital or a part thereof, including a ward or theatre;

(c) obtain information it requires from the hospital management if the information does not violate the rights of a patient or staff member to privacy and confidentiality;

(d) request from the hospital management copies of routine progress reports that have been generated;

(e) conduct surveys, meetings and consultative workshops in the community or communities concerned;

(f) disseminate information to the community or communities concerned on the mission, vision, values, services, performance, standards, policies, strategies, needs and financial status of the hospital;

(g) appoint staff on a contractual basis to serve the purposes of the Board;

(h) donate funds or movable property for the provision, improvement or expansion of services and amenities, or donate funds for the acquisition of movable or immovable assets for the benefit of the hospital, in the manner prescribed by the Provincial Minister; and

(i) raise and administer trust funds or Board funds for the purposes referred to in paragraph *(g)* or *(h)*, or to give effect to any other provision of this Act.

Duties of Committees

12. A Committee must, in respect of each primary health care facility for which it is established—

(a) request feedback on measures taken by the management of the primary health care facility to improve the quality of service at the facility;

(b) assist the community to effectively communicate its needs, concerns and complaints to the management of the primary health care facility so that the needs, concerns and complaints can be appropriately addressed;

(c) foster community support for the primary health care facility;

(d) at reasonable times and in cooperation with the management of the primary health care facility conduct scheduled visits to the facility, without impeding its functioning, and provide constructive written feedback on such visits to the management;

(e) encourage volunteers to offer their services in performing general duties in respect of the primary health care facility in accordance with the applicable policy on volunteers; and

(f) provide constructive feedback to the management of the primary health care facility in order to enhance service delivery.

Powers of Committees

13. (1) A Committee may, in respect of a primary health care facility for which it is established—

(a) conduct surveys, meetings and consultative workshops in the community or communities concerned;

(b) disseminate information to the community or communities concerned on the mission, vision, values, services, performance, standards, policies, strategies, needs and financial status of the primary health care facility;

(c) advise and make recommendations to the Provincial Minister, the management of the primary health care facility, the Head of Department or the municipality concerned, as the case may be, on any matter relating to the performance of the Committee's functions;

(d) obtain information it requires from the management of the primary health care facility if the information does not violate the rights of a patient or staff member to privacy and confidentiality;

(e) request from the management of the primary health care facility copies of routine progress reports that have been generated; and

(f) conduct fundraising activities for the benefit of the primary health care facility and the functioning of the Committee.

(2) All funds raised by a Committee—

(a) must be paid to, administered by, and accounted for by, the Board designated by the Head of Department in terms of section 18(6), in the prescribed manner;

(b) may be used only for the benefit of the primary health care facility or facilities concerned or for the functioning of the Committee.

(3) Moveable property donated to the Committee must be allocated on receipt to the primary health care facility concerned and must be accounted for by that facility in accordance with the asset and inventory management policies applicable to the facility.

Alteration of functions of Board or Committee

14. (1) Subject to subsection (4) and any other law, the Provincial Minister may in consultation with a Board or Committee authorise that Board or Committee to perform additional duties or exercise additional powers if the Provincial Minister has reason to believe that—

(a) the Board or Committee has the capacity to perform those additional duties or exercise those additional powers; and

(b) it would be in the public interest for the Board or Committee to do so.

(2) The Provincial Minister may after consultation with a Board or Committee revoke the authority given to that Board or Committee in terms of subsection (1) to perform an additional duty or exercise an additional power if the Provincial Minister has reason to believe that—

(a) the Board or Committee no longer has the capacity to perform that additional duty or exercise that additional power; or

(b) it would be in the public interest for the Provincial Minister to do so.

(3) The Provincial Minister may after consultation with a Board or Committee—

(a) exempt that Board or Committee from performing a duty imposed by section 10 or 12; or

(b) revoke a power conferred on the Board or Committee by section 11 or 13.

(4) When exercising a power contemplated in subsection (1), (2) or (3), the Provincial Minister must act after consultation with the head or heads of the health facility or facilities concerned.

Performance of duties and exercise of powers

15. (1) In performing its duties or exercising its powers, a Board or Committee must act in accordance with the relevant and applicable laws and policy made by the national, provincial or local government.

(2) The Head of Department may request a Board or Committee to provide a quarterly report on its activities.

(3) The chairperson of a Board or Committee must, within two months of the end of each calendar year, submit a written report to the Provincial Minister on the activities of the Board or Committee during that year.

Measures for cooperation

16. (1) The Provincial Minister may take measures to ensure collaborative working relationships between Boards, Committees and district health councils.

(2) A Board or Committee must forge strong and cooperative relations with the management of the health facility it serves.

(3) The head of a health facility must—

(a) take measures to assist the Board or Committee concerned to perform its duties and exercise its powers; and

(b) forge strong and cooperative relations with the Board or Committee.

(4) If irreconcilable differences arise between the management of a health facility and the Board or Committee concerned, the Board or Committee or the head of the health facility may request mediation or arbitration by the Head of Department.

Chairperson and deputy chairperson

17. (1) A Board or Committee must, from among the members referred to in section 5(1)*(a)*, 5(1)*(b)* or 6(1)*(b)*, as the case may be, elect a chairperson and a deputy chairperson—

(a) at its first meeting; and

(b) subsequently, whenever either of those offices becomes vacant.

(2) An employee of the Department may not be the chairperson of a Board.

(3) The chairperson and the deputy chairperson are elected for the term of office of the member concerned.

(4) Within 14 days of the election of a chairperson or deputy chairperson in terms of subsection (1), the chairperson must notify the Head of Department in writing of the name and address of the office bearer concerned.

(5) When the chairperson is absent from a meeting of the Board or Committee or is not available, the deputy chairperson acts as chairperson.

(6) If both the chairperson and deputy chairperson are absent from a meeting of the Board or Committee, the members present must elect one of their number to act as chairperson for that meeting.

(7) The chairperson of a Board is the accounting officer for that Board and has the powers and duties prescribed by the Provincial Minister.

(8) The office of the chairperson or the deputy chairperson becomes vacant if the member concerned—

(a) resigns in writing; or

(b) is removed by a decision of the Board or Committee concerned.

General support

18. (1) The hospital for which a Board is established must provide a venue for the Board as well as secretarial, administrative and financial accounting support required by the Board.

(2) If a Board is established for more than one hospital, a venue and secretarial, administrative and financial accounting support required by the Board must be provided by one or more of the hospitals, as determined by—

(a) agreement between the heads of the hospitals concerned; or

(b) the Head of Department, in the absence of such agreement.

(3) Despite subsections (1) and (2), a Board may make alternative arrangements for the provision of a venue as well as secretarial, administrative and financial accounting support from its funds in the manner prescribed by the Provincial Minister.

(4) The primary health care facility or facilities for which a Committee is established must provide a venue for the Committee and, in so far as is possible, secretarial, administrative and financial accounting support required by the Committee.

(5) If a Committee is established for more than one primary health care facility, a venue and, in so far as is possible, secretarial, administrative and financial accounting support required by the Committee must be provided by one or more of the primary health care facilities, as determined by—

(a) agreement between the heads of the primary health care facilities concerned; or

(b) the Head of Department, in the absence of such agreement.

(6) The Head of Department must designate a Board for every Committee for the purposes of taking receipt of, administering and accounting for the funds raised by a Committee.

(7) A Board designated in terms of subsection (6) must receive, administer and account for the funds raised by the Committee in the manner prescribed.

(8) The Department must provide for the induction and training of members newly appointed to a first term of office and must provide additional training if considered necessary and appropriate.

Scheduling of meetings

19. (1) The Head of Department must determine the time and place for the first meeting of a Board or Committee.

(2) A Board or Committee must determine the time and place of subsequent ordinary meetings, which must take place at least once every three months and four times in a calendar year.

(3) The chairperson may at any time call a special meeting, and must do so if requested in writing by at least two members of the Board or Committee, as the case may be, and the chairperson is satisfied that the request is reasonable.

(4) The chairperson must notify members of the time, place and reason for a special meeting at least three working days in advance of the meeting, except where a shorter notice period is necessitated by the exceptional urgency of the circumstances.

(5) Notice of all meetings of a Board or Committee must be made public by the Board or Committee concerned.

Procedure at meetings

20. (1) The procedure at a meeting of a Board or Committee must, in so far as it has not been prescribed, be determined by the Board or Committee.

(2) A quorum of not less than one half of the members appointed in terms of section 5(1)*(a)* or 6(1)*(b)* and one half of the other members appointed in terms of section 5(1) and (2) or 6(1), as the case may be, must be present at a meeting at any time.

(3) A decision of a Board or Committee should be by consensus, but in the absence of consensus the decision of a majority of the members present at the meeting is the decision of the Board or Committee.

(4) In the event of an equality of votes on any matter, the chairperson at the meeting has a casting vote and a deliberative vote.

(5) A Board may request or permit any person to participate in a meeting of the Board in an advisory capacity.

(6) The chairperson must ensure that—

(a) a proper record is kept of attendance at, minutes of, and resolutions adopted at, every meeting; and

(b) a copy of a record referred to in paragraph *(a)*, signed by the chairperson, is sent to the Head of Department if the Head of Department requests it.

Public attendance at meetings

21. (1) Subject to subsection (2), all meetings of a Board or Committee are open to members of the public.

(2) If a Board or Committee decides on reasonable grounds that members of the public should not be present at a meeting while a particular issue is being discussed, the chairperson must exclude the public from the meeting for the duration of that discussion.

(3) A Board or Committee may use any reasonable means to inform members of the public of Board or Committee meetings.

Executive committee

22. (1) A Board or Committee may appoint an executive committee composed of members of the Board or Committee, at least half of whom must be members appointed in terms of section 5(1)*(a)* in the case of a Board and section 6(1)*(b)* in the case of a Committee.

(2) Subject to the directions of a Board or Committee and subsections (3) and (4), an executive committee may perform all the duties and exercise all the powers of the Board or Committee between meetings of the Board or Committee.

(3) An executive committee does not have the power to review or alter a decision of the Board or Committee, except in so far as the Board or Committee directs otherwise.

(4) Any action taken or decision made by an executive committee may at the first meeting of the Board or Committee following that action or decision be reviewed and altered by the Board or Committee, without prejudice to any person.

Specialist committees

23. (1) A Board or Committee may appoint specialist committees consisting of members of the Board or Committee to perform certain duties or exercise certain powers on behalf of the Board or Committee.

(2) Where executive power is delegated to a specialist committee, the mandate, terms of reference, procedure and quorums of the specialist committee must be agreed to and recorded by the Board or Committee.

(3) A specialist committee of a Board may co-opt a person or persons not serving on the Board to serve on the specialist committee in an advisory capacity.

(4) Any action taken or decision made by a specialist committee may, at the first meeting of the Board or Committee following that action or decision, be reviewed and altered by the Board or Committee, without prejudice to any person.

Raising and utilisation of Board funds

24. (1) A Board may receive services, funds or property for the purpose of performing its functions.

(2) A Board may use funds, property or equipment belonging to it for the purpose of performing its functions.

(3) A Board may establish a trust for the benefit of a hospital served by it and may accept and administer a trust already established for the benefit of a hospital served by it.

(4) A Board must keep records of all funds received and spent by it and of its assets, liabilities and transactions.

(5) A Board must annually, within two months of the end of its financial year, submit to the Head of Department its financial statements for that year, compiled according to the reporting framework determined by the Provincial Minister in consultation with the Provincial Minister responsible for finance.

(6) An auditor appointed by the Board must, subject to subsection (7), audit the records and annual financial statements of the Board and must submit an audit report to the Head of Department and the Board within two months of receipt of the statements referred to in subsection (5).

(7) The Provincial Minister may, after consultation with the Head of Department, determine that a Board is exempted from being audited.

(8) The Provincial Minister must consider the following when making a determination in terms of subsection (7):

(a) whether the total asset value, including investments of the Board, exceeded R5 000 000 in the previous financial year, with such amount to be adjusted annualy on 1 March in accordance with the consumer price index;

(b) the financial statements of the Board in the previous financial year; and

(c) whether the Board complied with its duties in terms of this Act in the previous financial year.

(9) Where the Provincial Minister has exempted a Board in terms of subsection (7), the Board must nevertheless submit to the Head of Department financial statements compiled according to the reporting framework determined by the Provincial Minister in consultation with the Provincial Minister responsible for finance.

(10) The Provincial Minister may require a Board that has been exempted in terms of subsection (7) to be audited as set out in subsection (6).

(11) The financial year of a Board is a year ending on 31 March.

(12) If a Board fails to comply with subsection (5) or (9), or in the event of any financial mismanagement by a Board, the Provincial Minister may take reasonable remedial steps that he or she considers necessary, including—

(a) the appointment of an administrator to administer the financial affairs or operational functions of the Board;

(b) the suspension or removal of Board members from office; and

(c) the alteration of the duties and powers of the Board, despite section 14.

(13) Before the Provincial Minister takes any remedial steps contemplated in subsection (12), the Head of Department must issue to the Board a compliance notice and copies thereof to its members setting out—

(a) a description of the transgression constituting the non-compliance;

(b) the steps that the Board is required to take and the period within which those steps must be taken to remedy the transgression; and

(c) a notification to the Board that if it fails to take any steps referred to in paragraph *(b)*, the Head of Department must refer the non-compliance to the Provincial Minister to take remedial steps in terms of subsection (12).

(14) If the Board complies with all the steps referred to in subsection (13)*(b)* within the period specified in the compliance notice, the Head of Department must notify the Board in writing of its compliance with the terms of the compliance notice.

(15) If the Board fails to comply with any or all of the steps referred to in subsection (13)*(b)* within the period specified in the compliance notice—

(a) the Head of Department must, on expiry of the period specified in the compliance notice, notify the Provincial Minister in writing of the non-compliance or partial compliance by the Board; and

(b) the Provincial Minister must within 30 days of receipt of a notification of non-compliance or partial compliance notify the Board in writing of its non-compliance or partial compliance with the terms of the compliance notice.

(16) The notice contemplated in subsection (15)*(b)* must state—

(a) the proposed remedial steps to be taken in terms of subsection (12); and

(b) that the Board is entitled to make written representations to the Provincial Minister within 14 days of receipt of the notice regarding the proposed remedial steps.

(17) On expiry of the 14 days contemplated in subsection (16)*(b)*, whether the Provincial Minister has or has not received any written representations from the Board, the Provincial Minister may, after due consideration of all relevant facts, including the partial compliance of the Board with the terms of the compliance notice and any written representations by the Board, take the proposed remedial steps.

(18) If an administrator is appointed in terms of subsection (12)*(a)*, he or she must—

(a) within six months of his or her appointment, furnish the Head of Department with a report on the financial affairs of the Board and any suspected breach of a statutory provision or unlawful act committed by the Board;

(b) thereafter, in consultation with the Head of Department, prepare a recovery plan for the Board; and

(c) upon completion of the implementation of the recovery plan, or failure to implement the recovery plan—

(i) if necessary, recommend to the Provincial Minister and Head of Department an extension of the recovery plan for a period not exceeding six months; or

(ii) furnish the Provincial Minister and Head of Department with a final report on the financial affairs of the Board and any suspected breach of a statutory provision or unlawful act committed by the Board.

(19) The Provincial Minister may, after consultation with the Head of Department and on receipt of the final report contemplated in subsection (18)*(c)*(ii), determine that—

(a) the Board is capable of administering its own financial affairs; or

(b) the Board is capable of administering its own financial affairs with the assistance of an administrator appointed by the Provincial Minister on such further terms and conditions as determined by the Provincial Minister.

(20) Before the Provincial Minister makes a determination in terms of subsection (19)*(b)*, he or she must notify the Board in writing of his or her intention to make such a determination.

(21) The notice contemplated in subsection (20) must state—

(a) the determination that the Provincial Minister intends to make; and

(b) that the Board is entitled to make written representations to the Provincial Minister within 14 days of receipt of the notice regarding the proposed determination.

(22) On expiry of the 14 days contemplated in subsection (21)*(b)*, whether the Provincial Minister has or has not received any written representations from the Board, the Provincial Minister may, after due consideration of all relevant facts, including any representations by the Board, make the proposed determination.

Travelling and other allowances

25. (1) Subject to tariffs set by the Provincial Minister in consultation with the Provincial Minister responsible for finance, a Board may from its funds reimburse a member of the Board appointed in terms of section 5(1)*(a)* and *(b)*, an advisor in terms of section 20(5) or any person co-opted to serve on a specialist committee in terms of section 23(3) for—

(a) transport expenses between that member's, advisor's or person's normal place of residence or business and the venue of a meeting of the Board or the specialist committee concerned; and

(b) travelling and subsistence expenses incurred as a result of attendance at conferences, seminars or training courses or other business of the Board, but in the case of conferences, seminars and training courses outside the Province, the Provincial Minister's prior written approval must be obtained.

(2)*(a)* A Board may not compensate its members for time spent on Board business.

(b) Subject to tariffs set by the Provincial Minister in consultation with the Provincial Minister responsible for finance, a Board may from its funds compensate an advisor in terms of section 20(5) or a person co-opted to serve on a specialist committee of the Board in terms of section 23(3) for time spent on Board business.

(3)*(a)* A member of a Committee is not entitled to be compensated for time spent on Committee business.

(b) Subject to tariffs set by the Provincial Minister in consultation with the Provincial Minister responsible for finance, the Department may from its funds compensate a member of a Committee appointed in terms of section 6(1)*(b)* for transport expenses incurred as a result of attendance at meetings of the Committee.

(4) In the event that the Board has insufficient available funds, and subject to tariffs set by the Provincial Minister in consultation with the Provincial Minister responsible for finance, the Department may from its funds reimburse a member of a Board appointed in terms of sections 5(1)*(a)* or *(b)* for the transport expenses contemplated in subsection (1)*(a)*.

Closure of health facility

26. (1) In the event of the closure of a health facility for which a Board or Committee has been established, the Head of Department must, at least three months prior to the closure and after consultation with that Board or Committee, instruct the Board or Committee in writing regarding—

(a) in the case of a Board or Committee established only for that health facility, the intended closure of that facility and the dissolution of the Board or Committee and, in the case of a Board, any trust that may have been established by the Board;

(b) in the case of a Board or Committee established for more than one health facility, any intended alteration of its composition necessitated by the closure of that facility; and

(c) in the case of a Board established only for that health facility, the disposal of the assets and liabilities of the Board and any trust which may have been established by the Board.

(2) On the closure of a health facility referred to in subsection (1)*(a)*, the Board or Committee serving that health facility and, in the case of a Board, any trust that may have been established by the Board are dissolved, and the Head of Department must, if necessary, take steps to give effect to the instructions contemplated in subsection (1)*(c)*.

Limitation of liability of members

27. A member is not liable for anything done in good faith in the performance of a function in terms of this Act.

Regulations

28. (1) Subject to subsection (3), the Provincial Minister must make regulations regarding—

(a) procedures for the nomination of members for appointment to Boards and Committees;

(b) the financial governance of Boards;

(c) the manner in which a Board may donate funds or other moveable property for the provision, improvement or expansion of services and amenities, or donate funds for the acquisition of movable or immovable assets for the benefit of the hospital;

(d) the powers and duties of the chairperson of a Board or Committee;

(e) the manner in which a Board may make arrangements for the provision of a venue, as well as secretarial, administrative and financial accounting support;

(f) the manner in which a Committee must pay funds raised for the benefit of the primary health care facility and the functioning of the Committee to the Board designated by the Head of Department in terms of section 18(6);

(g) the manner in which a Board designated in terms of section 18(6) must take receipt of, administer and account for the funds raised by a Committee;

(h) travelling and other allowances payable in terms of this Act;

(i) the establishment of trusts by Boards; and

(j) the criteria and process for the clustering of primary health care facilities for the purposes of the establishment of a Committee for a group of primary health care facilities.

(2) Subject to subsection (3), the Provincial Minister may make regulations regarding—

(a) procedures for meetings of a Board or Committee; and

(b) any other matter which may be necessary or expedient to prescribe in order to achieve the objects of this Act.

(3) In the case of regulations that have financial implications for the state, the Provincial Minister must make the regulations with the concurrence of the Provincial Minister responsible for finance.

Delegation

29. (1) The Provincial Minister may delegate or assign any of his or her powers or duties in terms of this Act, except the power to make regulations, to the Head of Department.

(2) The Head of Department may delegate or assign any of his or her powers or duties in terms of this Act to—

(a) an employee in the Department; or

(b) the holder of a specific office or position in the Department.

(3) Despite subsection (2), the Head of Department may not delegate a power or assign a duty to a member.

(4) A delegation or assignment referred to in subsection (1) or (2)—

(a) must be in writing;

(b) may be made subject to conditions;

(c) may be withdrawn or amended in writing by the Provincial Minister or the Head of Department, as the case may be;

(d) may permit the further delegation of that power or further assignment of that duty;

(e) does not prevent the Provincial Minister or the Head of Department, as the case may be, from exercising that power or performing that duty; and

(f) does not divest the Provincial Minister or the Head of Department, as the case may be, of the responsibility regarding the exercise of the delegated power or the performance of the assigned duty.

Transitional provisions in respect of central hospitals

30. (1) Despite the repeal of the Western Cape Health Facility Boards Act by this Act, an existing central-hospital board in the Province continues to function in accordance with the provisions of that Act until the national Minister has appointed a representative central-hospital board for the hospital concerned.

(2) Notwithstanding section 7 of the Western Cape Health Facility Boards Act, when the term of office of a member of an existing central-hospital board lapses prior to the appointment by the national Minister of a representative central-hospital board for the hospital concerned, that member may remain in office until the appointment has been made by the national Minister.

(3) On the appointment of a representative central-hospital board by the national Minister—

(a) the assets and liabilities of the existing central-hospital board vest in the representative central-hospital board, on condition that the assets must be utilised by the representative central-hospital board for the benefit of that board or the central hospital it serves; and

(b) the Provincial Minister may, after consultation with the existing central-hospital board, make a determination in writing regarding any matter that may be necessary to ensure the effective functioning of the representative central-hospital board.

Repeals and savings

31. (1) The Western Cape Health Facility Boards Act is repealed.

(2) Subject to section 30—

(a) a Board established under section 5 of the Western Cape Health Facilities Board Act and in existence immediately before the commencement of this Act continues to function and is regarded as having been established under section 4(1) of this Act;

(b) the juristic identity and the rights and obligations of such a Board are not affected by the repeal of that Act; and

(c) any person holding an office in accordance with that Act immediately before the commencement of this Act continues in office for the term of that person's appointment and is regarded as duly appointed in terms of this Act for the unexpired portion of his or her term of office.

(3) Any proclamation, regulation, notice, order, authority, permission or document issued, promulgated, given or granted and any other action taken under the Western Cape Health Facility Boards Act is, if not inconsistent with this Act, deemed to have been issued, promulgated, given, granted or taken under this Act.

Short title and commencement

32. This Act is called the Western Cape Health Facility Boards and Committees Act, 2016, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*.

(Engelse teks deur die Premier geteken)
(Bekragtig op 30 Junie 2016)

WET

Om voorsiening te maak vir die instelling, werksaamhede en prosedures van rade wat vir hospitale ingestel is en komitees wat vir primêregesondheidsorg-fasiliteite ingestel is; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Wes-Kaap, soos volg:—

Woordomskrywing

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken—

"bestaande sentralehospitaal-raad" 'n raad wat kragtens die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade vir 'n sentrale hospitaal aangestel is en onmiddellik voor die inwerkingtreding van hierdie Wet bestaan;

"Departement" die provinsiale departement verantwoordelik vir gesondheidsaangeleenthede in die Provinsie;

"Departementshoof" die hoof van die provinsiale departement verantwoordelik vir gesondheidsaangeleenthede in die Provinsie;

"distriksgesondheidsbestuurder" 'n distriksgesondheidsbestuurder soos omskryf in artikel 1 van die Wes-Kaapse Wet op Distriksgesondheidsrade, 2010 (Wet 5 van 2010);

"distriksgesondheidsraad" 'n distriksgesondheidsraad soos omskryf in artikel 1 van die Wes-Kaapse Wet op Distriksgesondheidsrade, 2010;

"gesondheidsfasiliteit" 'n hospitaal of 'n primêregesondheidsorg-fasiliteit;

"hierdie Wet" ook die regulasies;

"hospitaal" 'n gebou, inrigting of plek wat deur die Provinsiale Minister ingevolge artikel 3 as 'n hospitaal aangewys is;

"Komitee" 'n komitee wat ingevolge artikel 4(4) ingestel is;

"lid" 'n lid van 'n Raad of Komitee, na gelang van die geval;

"Nasionale Gesondheidswet" die "National Health Act, 2003" (Wet 61 van 2003);

"nasionale Minister" die nasionale Minister verantwoordelik vir gesondheidsaangeleenthede;

"ouditeur" 'n persoon geregistreer as 'n ouditeur ingevolge die "Auditing Profession Act, 2005" (Wet 26 van 2005);

"primêregesondheidsorg-fasiliteit" 'n gebou, inrigting of plek wat deur die Provinsiale Minister ingevolge artikel 3 as 'n primêregesondheidsorg-fasiliteit aangewys is;

"Provinsiale Minister" die Provinsiale Minister verantwoordelik vir gesondheidsaangeleenthede in die Provinsie;

"Provinsie" die Provinsie van die Wes-Kaap;

"Raad" 'n raad wat ingevolge artikel 4(1) ingestel is;

"regulasie" 'n regulasie wat kragtens hierdie Wet gemaak is;

"sentrale hospitaal" 'n hospitaal wat as sodanig aangewys is deur die nasionale Minister kragtens die Nasionale Gesondheidswet;

"verteenwoordigende sentralehospitaal-raad" 'n raad wat deur die nasionale Minister kragtens artikel 41(4) van die Nasionale Gesondheidswet aangestel is;

"voorskryf" voorskryf by regulasie;

"Wes-Kaapse Wet op Gesondheidsfasiliteitsrade" die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade, 2001 (Wet 7 van 2001).

Oogmerke van Wet

2. Die oogmerke van hierdie Wet is om voorsiening te maak vir—

(a) die instelling van verteenwoordigende en rekenpligtige Rade en Komitees as statutêre liggame;

(b) responsiwiteit van die bestuur van gesondheidsfasiliteite teenoor die gemeenskap en die behoeftes van pasiënte en hul gesinne;

(c) gemeenskapsteun vir, en -betrokkenheid by, gesondheidsfasiliteite en hul programme;

(d) 'n basiese stel duidelik omskrewe werksaamhede vir Rade en Komitees, wat toenemend uitgebrei kan word in die openbare belang namate die vermoë van 'n Raad of Komitee toeneem; en

(e) oorgangsbepalings vir bestaande sentralehospitaal-rade.

Aanwysing van hospitaal of primêregesondheidsorg-fasiliteit

3. (1) Met die doel van die instelling van 'n Raad of Komitee ingevolge hierdie Wet kan die Provinsiale Minister enige gebou, inrigting of plek waar persone behandeling, diagnostiese of terapeutiese ingrypings of ander gesondheidsdienste ontvang, aanwys as 'n hospitaal of primêregesondheidsorg-fasiliteit.

(2) Die Provinsiale Minister kan 'n gebou, inrigting of plek wat deur 'n munisipaliteit geadministreer word aldus aanwys as 'n hospitaal of primêregesondheidsorg-fasiliteit slegs met die instemming van—

(a) die Provinsiale Minister verantwoordelik vir plaaslike regering; en

(b) die betrokke munisipaliteit.

Instelling van Rade en Komitees

4. (1) Die Provinsiale Minister moet 'n Raad instel vir elke hospitaal of groep hospitale behalwe 'n sentrale hospitaal of 'n groep sentrale hospitale.

(2) Waar 'n Raad vir 'n groep hospitale ingestel word, moet die Provinsiale Minister die groep bepaal deur die volgende in ag te neem:

(a) die geografiese afstand tussen die hospitale;

(b) die grootte en verspreiding van die bevolking wat deur die hospitale bedien word; en

(c) die diensvolumes van die hospitale.

(3) 'n Raad is 'n regspersoon en is bevoeg om te dagvaar en gedagvaar te word en eiendom in sy eie naam te besit.

(4) Die Provinsiale Minister moet 'n Komitee instel vir—

(a) elke primêregesondheidsorg-fasiliteit; of

(b) 'n groep primêregesondheidsorg-fasiliteite, bepaal deur die Provinsiale Minister.

(5) Die maatstawwe en proses vir die groepering van primêregesondheidsorg-fasiliteite in die geval van 'n Komitee wat vir 'n groep primêregesondheidsorg-fasiliteite aangestel word, kan deur die Provinsiale Minister voorgeskryf word.

(6) 'n Komitee is nie 'n regspersoon nie en is nie bevoeg om te dagvaar of gedagvaar te word of eiendom te besit nie.

Aanstelling van lede van Raad

5. (1) Die Provinsiale Minister moet hoogstens 14 lede in 'n Raad aanstel, met inbegrip van—

(a) persone wat die gemeenskap of gemeenskappe verteenwoordig wat bedien word deur die hospitaal waarvoor die Raad ingestel is, benoem ingevolge subartikel (4);

(b) minstens een persoon met tegniese kundigheid oor die sakewêreld, die reg, finansies of rekeningkunde of 'n ander vakgebied van toepassing op die werksaamhede van die Raad;

(c) die hoof van die betrokke hospitaal of, in die geval van 'n Raad wat vir meer as een hospitaal ingestel is, minstens een van die hoofde van daardie hospitale;

(d) minstens een persoon wat die kliniese personeel van die betrokke hospitaal verteenwoordig, benoem deur die kliniese personeel van die hospitaal, maar in die geval van 'n Raad wat vir meer as een hospitaal ingestel is, is dit nie

nodig dat ’n persoon wat die kliniese personeel van elke betrokke hospitaal verteenwoordig, aangestel word nie;

(e) minstens een persoon wat die niekliniese personeel van die betrokke hospitaal verteenwoordig, benoem deur die niekliniese personeel van die hospitaal, maar in die geval van ’n Raad wat vir meer as een hospitaal ingestel is, is dit nie nodig dat ’n persoon wat die niekliniese personeel van elke betrokke hospitaal verteenwoordig, aangestel word nie; en

(f) in die geval van ’n Raad wat vir een of meer hospitale ingestel is waar gesondheidsberoepslui opgelei word, minstens een persoon wat die akademiese belange van elke betrokke hospitaal verteenwoordig, benoem deur die Visekanselier of Visekanseliers van die betrokke universiteit of universiteite.

(2) Buiten die lede aangestel ingevolge subartikel (1) kan die Provinsiale Minister die volgende persone in ’n Raad aanstel—

(a) ’n lid van die Provinsiale Parlement, benoem deur die parlementêre komitee betrokke by gesondheidsaangeleenthede; en

(b) een of meer raadslede van die munisipale raad vir die munisipale gebied waarin die hospitaal geleë is, benoem deur die munisipale raad of ’n gesondheidsverwante komitee van die munisipale raad.

(3) Die lede wat ingevolge subartikel (1)*(a)* aangestel word, moet minstens vyftig persent van die totale getal lede van die Raad uitmaak.

(4) Die lede bedoel in subartikel (1)*(a)* moet deur ’n liggaam benoem word wat, na die mening van die Provinsiale Minister, verteenwoordigend genoeg van die belange van die betrokke gemeenskap of gemeenskappe is.

(5) ’n Liggaam bedoel in subartikel (4)—

(a) mag nie ’n politieke party wees nie;

(b) kan die volgende wees, maar hoef dit nie te wees nie:

(i) ’n gemeenskapsgesondheidskomitee of -forum;

(ii) ’n gemeenskapsontwikkelingsforum;

(iii) ’n burgerlike organisasie;

(iv) ’n welsynsorganisasie;

(v) ’n verteenwoordigende organisasie van pasiënte wat gesondheidsdienste of gesondheidsfasiliteite gebruik;

(vi) ’n gemeenskapsgebaseerde organisasie;

(vii) ’n nieregeringsorganisasie; of

(viii) ’n verteenwoordigende organisasie van kinders, vroue, bejaardes, persone met gestremdhede of persone aan wie asiel verleen is.

(6) Die Provinsiale Minister moet prosedures voorskryf vir die uitnodiging van benoemings beoog in subartikels (1)*(a)* en (4).

(7) Waar benoemings ingevolge hierdie artikel vereis word, moet alle benoemings ontvang binne die voorgeskrewe tydperk deur die Provinsiale Minister oorweeg word voordat die tersaaklike aanstellings gemaak word.

(8) Indien die Provinsiale Minister geen, of nie die vereiste hoeveelheid, benoemings ingevolge hierdie artikel ontvang nie, kan enige toepaslik gekwalifiseerde persoon as ’n lid aangestel word uit die tersaaklike kategorie vermeld in subartikel (1) of (2).

(9) Die aanstellings in ’n Raad moet gedoen word met ras- en geslagsensitiwiteit en sensitiwiteit teenoor bejaardes, die jeug en persone met gestremdhede.

Aanstelling van lede van Komitee

6. (1) Die Provinsiale Minister moet hoogstens 12 lede in ’n Komitee aanstel, met inbegrip van—

(a) een of meer raadslede van die munisipale raad vir die munisipale gebied waarin die primêregesondheidsorg-fasiliteit geleë is, benoem deur die munisipale raad of ’n gesondheidsverwante komitee van die munisipale raad;

(b) lede van die gemeenskap of gemeenskappe wat bedien word deur die primêregesondheidsorg-fasiliteit waarvoor die Komitee ingestel is, benoem ingevolge subartikel (3);

(c) die hoof van die betrokke primêregesondheidsorg-fasiliteit of, in die geval van ’n Komitee wat vir meer as een primêregesondheidsorg-fasiliteit aangestel is, ’n bestuurder aangewys deur die distriksgesondheidsbestuurder.

(2) Die lede wat ingevolge subartikel (1)*(b)* aangestel word, moet minstens vyftig persent van die totale getal lede van die Komitee uitmaak.

(3) Die lede bedoel in subartikel (1)*(b)* moet deur ’n liggaam benoem word wat—

(a) na die mening van die Provinsiale Minister, voldoende verteenwoordigend van die belange van die betrokke gemeenskap of gemeenskappe is;

(b) nie ’n politieke party is nie, maar ’n liggaam bedoel in artikel 5(5)*(b)* kan wees, maar hoef nie te wees nie.

(4) Die Provinsiale Minister kan prosedures voorskryf vir die uitnodiging van benoemings beoog in subartikels (1)*(b)* en (3).

(5) Waar benoemings ingevolge subartikel (1)*(b)* en (3) vereis word, moet alle benoemings ontvang binne die voorgeskrewe tydperk deur die Provinsiale Minister oorweeg word voordat die tersaaklike aanstellings gemaak word.

(6) Indien die Provinsiale Minister geen, of nie die vereiste hoeveelheid, benoemings ingevolge paragraaf *(b)* van subartikel (1) ontvang nie, kan enige toepaslik gekwalifiseerde persone as lede aangestel word uit die kategorie vermeld in daardie paragraaf.

(7) Die aanstellings in die Komittee moet gedoen word met ras- en geslagsensitiwiteit en sensitiwiteit teenoor bejaardes, die jeug en persone met gestremdhede.

Benoembaarheid vir aanstelling as ’n lid

7. (1) Om vir aanstelling as ’n lid te kwalifiseer, moet ’n persoon—

(a) ’n Suid-Afrikaanse burger wees;

(b) ouer as 18 jaar wees;

(c) nie ’n ongerehabiliteerde insolvent wees nie;

(d) nie, te eniger tyd, skuldig bevind gewees het nie aan—

(i) ’n oortreding waarvoor hy of sy tot gevangenisstraf sonder die keuse van ’n boete gevonnis is; of

(ii) diefstal, bedrog, vervalsing, die in omloop bring van ’n vervalste dokument, meineed, enige misdryf ingevolge die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet 12 van 2004), of enige misdryf waarvan oneerlikheid ’n element is,

hetsy in die Republiek of elders indien die optrede wat die oortreding uitmaak ’n oortreding in die Republiek sal wees;

(e) toewyding tot gemeenskapsdiens toon;

(f) steun vir die missie en waardes van die betrokke gesondheidsfasiliteit toon; en

(g) ’n hoë vlak van persoonlike integriteit en eerlikheid toon.

Ampstermyn van lede

8. (1) Lede word vir ’n tydperk van drie jaar aangestel.

(2) By verstryking van die ampstermyn van ’n lid, kan daardie lid in die amp bly totdat ’n opvolger aangestel is, maar nie vir langer as ses maande nie.

(3) Behoudens subartikel (4) is ’n lid by verstryking van sy of haar ampstermyn heraanstelbaar in ’n Raad of Komitee.

(4) ’n Lid, behalwe ’n lid wat ingevolge artikel 5(1)*(c)* of 6(1)*(c)* aangestel is, mag nie vir langer as twee opeenvolgende termyne in ’n Raad of Komitee dien nie.

(5) Ondanks subartikel (4) kan ’n lid wat vir twee opeenvolgende termyne gedien het, heraangestel word indien daar, na die mening van die Provinsiale Minister, buitengewone omstandighede vir heraanstelling bestaan of, in die afwesigheid van buitengewone omstandighede, na ’n onderbreking van nie minder as een jaar nie.

Vakatures

9. (1) Die voorsitter van ’n Raad of Komitee moet ’n amp in die Raad of Komitee onmiddellik op skrif vakant verklaar indien ’n lid—

(a) sterf;

(b) sy of haar bedanking uit die amp skriftelik by die voorsitter indien;

(c) insolvent verklaar word deur ’n hof van die Republiek;

(d) gedurende sy of haar ampstermyn skuldig bevind word aan—

(i) ’n oortreding en gevonnis word tot gevangenisstraf sonder die keuse van ’n boete; of

(ii) diefstal, bedrog, vervalsing, die in omloop bring van ’n vervalste dokument, meineed, enige misdryf ingevolge die Wet op die Voorkoming

en Bestryding van Korrupte Bedrywighede, 2004 (Wet 12 van 2004), of enige misdryf waarvan oneerlikheid 'n element is,

hetsy in die Republiek of elders indien die optrede wat die oortreding uitmaak 'n oortreding in die Republiek sal wees;

(e) sonder verlof van die voorsitter van die Raad of Komitee afwesig is van drie opeenvolgende gewone vergaderings van die Raad of Komitee;

(f) geskors of uit die amp verwyder is kragtens artikel 24(12)*(b)*;

(g) ophou om enige amp te beklee uit hoofde waarvan daardie lid in die Raad of Komitee aangestel is; of

(h) versuim om aan die Raad of Komitee enige direkte of indirekte persoonlike finansiële belang in 'n aangeleentheid voor die Raad of Komitee bekend te maak, en daardie lid teenwoordig is gedurende, of deelneem aan, die bespreking van of stemmery oor, daardie aangeleentheid.

(2) Indien 'n lid van 'n Raad of Komitee voortdurend vergaderings van die Raad of Komitee ontwrig of versuim om sy of haar pligte te goeder trou of eerlik uit te voer, kan die Provinsiale Minister 'n ondersoek instel na die aangeleentheid en, indien daar voldoende gronde gevind word, daardie lid uit sy of haar amp verwyder en sy of haar amp vakant verklaar.

(3) Die voorsitter moet binne sewe dae vandat 'n amp ingevolge subartikel (1) vakant verklaar is die Provinsiale Minister skriftelik van die vakature in kennis stel.

(4) By ontvangs van kennisgewing van 'n vakature ingevolge subartikel (3) of by die verwydering van 'n lid kragtens subartikel (2) moet die Provinsiale Minister 'n ander persoon aanstel om die vakature te vul vir die onverstreke ampstermyn van die vorige ampsbekleër en, vir die toepassing van artikel 8(4), maak die onverstreke termyn 'n ampstermyn uit.

(5) Vir 'n aanstelling beoog in subartikel (4) moet die Provinsiale Minister dieselfde maatstawwe toepas wat vir die aanstelling van die uittredende lid gebruik is.

(6) In die geval dat 'n Raad of 'n Komitee versuim om vier vergaderings in 'n kalenderjaar te hou, kan die Provinsiale Minister die betrokke Raad of Komitee wanfunksioneel verklaar en 'n nuwe Raad ingevolge artikel 5 of 'n nuwe Komitee ingevolge artikel 6 aanstel.

Pligte van Rade

10. (1) 'n Raad moet, ten opsigte van elke hospitaal waarvoor hy ingestel is—

(a) deelneem aan strategiese beplanning met die doel om die hospitaalbestuur van raad te bedien;

(b) die prestasie, doeltreffendheid en doelmatigheid van die hospitaal en maatreëls wat deur die hospitaalbestuur getref word om die prestasie en gehalte van diens van die hospitaal te verbeter, monitor;

(c) maatreëls tref om toe te sien dat die behoeftes, kwellinge en klagtes van pasiënte en die gemeenskap behoorlik deur die hospitaalbestuur aangepak word;

(d) gemeenskapsteun vir die hospitaal bevorder;

(e) vrywilligers aanmoedig om hul dienste aan te bied om algemene pligte vir die hospitaal uit te voer ooreenkomstig die toepaslike beleid oor vrywilligers;

(f) minstens een keer 'n jaar die finansiële state en jaarlikse finansiële state van die hospitaal aanvra en hersien;

(g) fondse vir die funksionering van die Raad insamel; en

(h) op redelike tye en in samewerking met die hospitaalbestuur, geskeduleerde besoeke aan die hospitaal aflê, sonder om die funksionering daarvan te belemmer, en konstruktiewe skriftelike terugvoering oor sodanige besoeke aan die bestuur verskaf.

(2) 'n Raad moet fondse ingesamel deur 'n Komitee waarvoor hy ingevolge artikel 18(6) aangewys is tot voordeel van die betrokke primêregesondheidsorg-fasiliteit of die funksionering van die Komitee in ontvangs neem, administreer en van rekenskap gee, op die wyse voorgeskryf deur die Provinsiale Minister.

Bevoegdhede van Rade

11. 'n Raad kan, ten opsigte van 'n hospitaal waarvoor hy ingestel is—

(a) raad gee en aanbevelings maak aan die Provinsiale Minister, die hospitaalbestuur, die Departementshoof of die betrokke munisipaliteit, na

gelang van die geval, oor enige aangeleentheid wat met die verrigting van die Raad se werksaamhede verband hou;

(b) raad gee en aanbevelings maak aan die Provinsiale Minister of die betrokke munisipaliteit, na gelang van die geval, oor die benaming of herbenaming van die hospitaal of 'n deel daarvan, met inbegrip van 'n saal of teater;

(c) inligting bekom wat hy van die hospitaalbestuur benodig, indien die inligting nie die regte van 'n pasiënt of personeellid tot privaatheid en vertroulikheid skend nie;

(d) afskrifte van gegenereerde roetine-vorderingsverslae by die hospitaalbestuur aanvra;

(e) opnames, vergaderings en raadplegende werkswinkels in die betrokke gemeenskap of gemeenskappe hou;

(f) inligting aan die betrokke gemeenskap of gemeenskappe versprei oor die missie, visie, waardes, dienste, prestasie, standaarde, beleide, strategieë, behoeftes en finansiële status van die hospitaal;

(g) personeel op kontrak aanstel om die doeleindes van die Raad te dien;

(h) fondse of roerende eiendom skenk vir die verskaffing, verbetering of uitbreiding van dienste en geriewe, of fondse skenk vir die verkryging van roerende of onroerende bates tot voordeel van die hospitaal, op die wyse voorgeskryf deur die Provinsiale Minister; en

(i) trustfondse of Raadfondse insamel en administreer vir die doeleindes bedoel in paragraaf *(g)* of *(h)*, of om uitvoering te gee aan enige ander bepaling van hierdie Wet.

Pligte van Komitees

12. 'n Komitee moet, ten opsigte van elke primêregesondheidsorg-fasiliteit waarvoor hy ingestel is—

(a) terugvoering versoek oor maatreëls wat deur die bestuur van die primêre-gesondheidsorg-fasiliteit getref is om die gehalte van diens by die fasiliteit te verbeter;

(b) die gemeenskap bystaan om sy behoeftes, kwellinge en klagtes doeltreffend aan die bestuur van die primêregesondheidsorg-fasiliteit te kommunikeer sodat die behoeftes, kwellinge en klagtes toepaslik aangepak kan word;

(c) gemeenskapsteun vir die primêregesondheidsorg-fasiliteit bevorder;

(d) op redelike tye en in samewerking met die bestuur van die primêre-gesondheidsorg-fasiliteit geskeduleerde besoeke aan die fasiliteit aflê, sonder om die funksionering daarvan te belemmer, en konstruktiewe skriftelike terugvoer op sodanige besoeke aan die bestuur verskaf;

(e) vrywilligers aanmoedig om hul dienste aan te bied om algemene pligte uit te voer ten opsigte van die primêregesondheidsorg-fasiliteit ooreenkomstig die toepaslike beleid oor vrywilligers; en

(f) konstruktiewe terugvoer verskaf aan die bestuur van die primêre-gesondheidsorg-fasiliteit ten einde dienslewering te verbeter.

Bevoegdhede van Komitees

13. (1) 'n Komitee kan, ten opsigte van 'n primêregesondheidsorg-fasiliteit waarvoor hy ingestel is—

(a) opnames maak en vergaderings en raadplegende werkswinkels in die betrokke gemeenskap of gemeenskappe hou;

(b) inligting aan die betrokke gemeenskap of gemeenskappe versprei oor die missie, visie, waardes, dienste, prestasie, standaarde, beleide, strategieë, behoeftes en finansiële status van die primêregesondheidsorg-fasiliteit;

(c) raad gee en aanbevelings maak aan die Provinsiale Minister, die bestuur van die primêregesondheidsorg-fasiliteit, die Departementshoof of die betrokke munisipaliteit, na gelang van die geval, oor enige aangeleentheid wat met die verrigting van die Komitee se werksaamhede verband hou;

(d) inligting bekom wat hy van die bestuur van die primêregesondheidsorg-fasiliteit benodig indien die inligting nie die regte van 'n pasiënt of personeellid tot privaatheid en vertroulikheid skend nie;

(e) afskrifte van gegenereerde roetine-vorderingsverslae by die bestuur van die primêregesondheidsorg-fasiliteit aanvra; en

(f) fondsinsamelingsbedrywighede tot voordeel van die primêregesondheidsorg-fasiliteit en die funksionering van die Komitee hou.

(2) Alle fondse wat deur 'n Komitee ingesamel is—

(a) moet betaal word aan, en geadministreer word en van rekenskap gegee word deur, die Raad wat ingevolge artikel 18(6) deur die Departementshoof aangewys is, op die voorgeskrewe wyse;

(b) kan gebruik word slegs tot voordeel van die betrokke primêregesondheidsorg-fasiliteit of -fasiliteite of vir die funksionering van die Komitee.

(3) Roerende eiendom wat aan die Komitee geskenk is, moet by ontvangs aan die betrokke primêregesondheidsorg-fasiliteit toegewys word, en die fasiliteit moet daarvan rekenskap gee ooreenkomstig die bate- en inventarisbestuursbeleid van toepassing op die fasiliteit.

Verandering van werksaamhede van Raad of Komitee

14. (1) Behoudens subartikel (4) en enige ander wet kan die Provinsiale Minister in oorleg met 'n Raad of Komitee daardie Raad of Komitee magtig om bykomende pligte uit te voer of bykomende bevoegdhede uit te oefen indien die Provinsiale Minister rede het om te glo dat—

(a) die Raad of Komitee die vermoë het om daardie bykomende pligte uit te voer of daardie bykomende bevoegdhede uit te oefen; en

(b) dit in die openbare belang sal wees vir die Raad of Komitee om dit te doen.

(2) Die Provinsiale Minister kan na oorleg met 'n Raad of Komitee die gesag wat ingevolge subartikel (1) aan daardie Raad of Komitee gegee is om 'n bykomende plig uit te voer of 'n bykomende bevoegdheid uit te oefen, intrek indien die Provinsiale Minister rede het om te glo dat—

(a) die Raad of Komitee nie meer die vermoë het om daardie bykomende plig uit te voer of daardie bykomende bevoegdheid uit te oefen nie; of

(b) dit in die openbare belang sal wees vir die Provinsiale Minister om dit te doen.

(3) Die Provinsiale Minister kan na oorleg met 'n Raad of Komitee—

(a) daardie Raad of Komitee vrystel van die uitvoering van 'n plig wat by artikel 10 of 12 opgelê is; of

(b) 'n bevoegdheid intrek wat by artikel 11 of 13 aan die Raad of Komitee verleen is.

(4) Wanneer die Provinsiale Minister 'n bevoegdheid beoog in subartikel (1), (2) of (3) uitoefen, moet die Provinsiale Minister na oorleg met die hoof of hoofde van die betrokke gesondheidsfasiliteit of -fasiliteite handel.

Uitvoering van pligte en uitoefening van bevoegdhede

15. (1) By die uitvoering van sy pligte of uitoefening van sy bevoegdhede moet 'n Raad of Komitee handel ooreenkomstig die tersaaklike en toepaslike wette en beleid wat deur die nasionale, provinsiale of plaaslike regering gemaak is.

(2) Die Departementshoof kan 'n Raad of Komitee versoek om 'n kwartaallikse verslag van sy bedrywighede te verskaf.

(3) Die voorsitter van 'n Raad of Komitee moet binne twee maande voor die einde van elke kalenderjaar 'n skriftelik verslag by die Provinsiale Minister indien oor die bedrywighede van die Raad of Komitee gedurende daardie jaar.

Maatreëls vir samewerking

16. (1) Die Provinsiale Minister kan maatreëls tref om samewerkende werksbetrekkinge tussen Rade, Komitees en distriksgesondheidsrade te verseker.

(2) 'n Raad of Komitee moet sterk en samewerkende betrekkinge smee met die bestuur van die gesondheidsfasiliteit wat hy bedien.

(3) Die hoof van 'n gesondheidsfasiliteit moet—

(a) maatreëls tref om die Raad of Komitee by te staan in die uitvoering van sy pligte en die uitoefening van sy bevoegdhede; en

(b) sterk en samewerkende betrekkinge met die Raad of Komitee smee.

(4) Indien onversoenlike verskille tussen die bestuur van 'n gesondheidsfasiliteit en die betrokke Raad of Komitee ontstaan, kan die Raad of Komitee of die hoof van die gesondheidsfasiliteit bemiddeling of arbitrasie deur die Departementshoof aanvra.

Voorsitter en ondervoorsitter

17. (1) 'n Raad of Komitee moet, vanuit die lede bedoel in artikel 5(1)*(a)*, 5(1)*(b)* of 6(1)*(b)*, na gelang van die geval, 'n voorsitter en 'n ondervoorsitter verkies—

(a) by sy eerste vergadering; en

(b) daarna, wanneer ook al die een of die ander amp vakant word.

(2) 'n Werknemer van die Departement mag nie die voorsitter van 'n Raad wees nie.

(3) Die voorsitter en die ondervoorsitter word vir die ampstermyn van die betrokke lid verkies.

(4) Binne 14 dae vanaf die verkiesing van 'n voorsitter of ondervoorsitter ingevolge subartikel (1) moet die voorsitter die Departementshoof skriftelik in kennis stel van die naam en adres van die betrokke ampsbekleër.

(5) Wanneer die voorsitter afwesig is van 'n vergadering van die Raad of Komitee of nie beskikbaar is nie, neem die ondervoorsitter as voorsitter waar.

(6) Indien beide die voorsitter en ondervoorsitter afwesig is van 'n vergadering van die Raad of Komitee moet die teenwoordige lede een onder hulle verkies om as voorsitter vir daardie vergadering waar te neem.

(7) Die voorsitter van 'n Raad is die rekenpligtige beampte vir daardie Raad en het die bevoegdhede en pligte voorgeskryf deur die Provinsiale Minister.

(8) Die amp van die voorsitter of die ondervoorsitter word vakant indien die betrokke lid—

(a) skriftelik bedank; of

(b) verwyder word deur 'n besluit van die betrokke Raad of Komitee.

Algemene steun

18. (1) Die hospitaal waarvoor 'n Raad ingestel is, moet 'n lokaal vir die Raad asook die sekretariële, administratiewe en finansieel rekeningkundige steun verskaf wat die Raad benodig.

(2) Indien 'n Raad vir meer as een hospitaal ingestel word, moet 'n lokaal en die sekretariële, administratiewe en finansieel rekeningkundige steun wat die Raad benodig deur een of meer van die hospitale verskaf word, soos bepaal—

(a) by ooreenkoms tussen die hoofde van die betrokke hospitale; of

(b) deur die Departementshoof, in die afwesigheid van sodanige ooreenkoms.

(3) Ondanks subartikels (1) en (2) kan 'n Raad uit sy fondse op die wyse voorgeskryf deur die Provinsiale Minister alternatiewe reëlings tref vir die verskaffing van 'n lokaal asook sekretariële, administratiewe en finansieel rekeningkundige steun.

(4) Die primêregesondheidsorg-fasiliteit of -fasiliteite waarvoor 'n Komitee ingestel is, moet 'n lokaal vir die Komitee en, so ver as moontlik, die sekretariële, administratiewe en finansieel rekeningkundige steun wat die Komitee benodig, verskaf.

(5) Indien 'n Komitee vir meer as een primêregesondheidsorg-fasiliteit ingestel is, moet 'n lokaal en, so ver as moontlik, sekretariële, administratiewe en finansieel rekeningkundige steun benodig deur die Komitee deur een of meer van die primêregesondheidsorg-fasiliteite verskaf word, soos bepaal—

(a) by ooreenkoms tussen die hoofde van die betrokke primêregesondheidsorg-fasiliteite; of

(b) deur die Departementshoof, in die afwesigheid van sodanige ooreenkoms.

(6) Die Departementshoof moet 'n Raad vir elke Komitee aanwys met die doel om die fondse ingesamel deur 'n Komitee in ontvangs te neem, te administreer en van rekenskap te gee.

(7) 'n Raad aangewys ingevolge subartikel (6) moet die fondse ingesamel deur die Komitee ontvang, administreer en van rekenskap gee op die voorgeskrewe wyse.

(8) Die Departement moet voorsiening maak vir die inlywing en opleiding van lede wat nuut aangestel is in 'n eerste ampstermyn en moet bykomende opleiding verskaf, indien nodig en toepaslik geag.

Skedulering van vergaderings

19. (1) Die Departementshoof moet die tyd en plek vir die eerste vergadering van 'n Raad of Komitee bepaal.

(2) 'n Raad of Komitee moet die tyd en plek van daaropvolgende gewone vergaderings bepaal, wat minstens een keer elke drie maande en vier keer per kalenderjaar moet plaasvind.

(3) Die voorsitter kan te eniger tyd 'n spesiale vergadering belê en moet dit doen indien skriftelik versoek deur minstens twee lede van die Raad of Komitee en die voorsitter tevrede is dat die versoek redelik is.

(4) Die voorsitter moet lede van die tyd, plek en rede vir 'n spesiale vergadering in kennis stel minstens drie werksdae voor die vergadering, behalwe waar 'n korter kennisgewingtydperk genoodsaak word deur die uitsonderlike dringendheid van die omstandighede.

(5) Kennisgewing van alle vergaderings van 'n Raad of Komitee moet aan die publiek bekendgemaak word.

Prosedure by vergaderings

20. (1) Die prosedure by 'n vergadering van 'n Raad of Komitee moet, vir sover dit nie voorgeskryf is nie, deur die Raad of Komitee bepaal word.

(2) 'n Kworum van minstens een helfte van die lede aangestel ingevolge artikel 5(1)*(a)* of 6(1)*(b)* en een helfte van die ander lede aangestel ingevolge artikel 5(1) en (2) of 6(1), na gelang van die geval, moet te eniger tyd by 'n vergadering teenwoordig wees.

(3) 'n Besluit van 'n Raad of Komitee behoort deur eenparigheid te wees, maar by gebrek aan eenparigheid is die besluit van 'n meerderheid van die lede teenwoordig by die vergadering die besluit van die Raad of Komitee.

(4) In die geval van 'n staking van stemme oor enige aangeleentheid het die voorsitter by die vergadering 'n beslissende stem en 'n beraadslagende stem.

(5) 'n Raad kan enige persoon versoek of toelaat om in 'n raadgewende hoedanigheid aan 'n vergadering van die Raad deel te neem.

(6) Die voorsitter moet toesien dat—

(a) daar behoorlike rekord gehou word van bywoning van, die notule van, en besluite aangeneem by, elke vergadering; en

(b) 'n afskrif van 'n rekord bedoel in paragraaf *(a)*, onderteken deur die voorsitter, na die Departementshoof gestuur word indien die Departementshoof dit versoek.

Openbare bywoning by vergaderings

21. (1) Behoudens subartikel (2) is alle vergaderings van 'n Raad of Komitee oop vir lede van die publiek.

(2) Indien 'n Raad of Komitee op redelike gronde besluit dat lede van die publiek nie teenwoordig behoort te wees by 'n vergadering terwyl 'n bepaalde kwessie bespreek word nie moet die voorsitter die publiek vir die duur van daardie bespreking uit die vergadering uitsluit.

(3) 'n Raad of Komitee kan enige redelike middele gebruik om lede van die publiek van vergaderings van Rade of Komitees in kennis te stel.

Uitvoerende komitee

22. (1) 'n Raad of Komitee kan 'n uitvoerende komitee aanstel wat uit lede van die Raad of Komitee bestaan, waarvan minstens die helfte lede moet wees wat ingevolge artikel 5(1)*(a)* aangestel is in die geval van 'n Raad en artikel 6(1)*(b)* in die geval van 'n Komitee.

(2) Behoudens die opdragte van 'n Raad of Komitee en subartikels (3) en (4), kan 'n uitvoerende komitee tussen vergaderings van die Raad of Komitee alle pligte uitvoer en bevoegdhede uitoefen van die Raad of Komitee.

(3) 'n Uitvoerende komitee het nie die bevoegdheid om 'n besluit van die Raad of Komitee te hersien of te verander nie, behalwe vir sover die Raad of Komitee anders opdrag gee.

(4) Enige handeling wat verrig of besluit wat geneem is deur 'n uitvoerende komitee kan by die eerste vergadering van die Raad of Komitee wat volg op die handeling of besluit hersien en verander word deur die Raad of Komitee, sonder benadeling van enige persoon.

Spesialiskomitees

23. (1) 'n Raad of Komitee kan spesialiskomitees aanstel wat uit lede van die Raad of Komitee bestaan om namens die Raad of Komitee sekere pligte uit te voer of sekere bevoegdhede uit te oefen.

(2) Waar uitvoerende bevoegdheid aan 'n spesialiskomitee gedelegeer word, moet daar oor die mandaat, opdrag, prosedure en kworums van die spesialiskomitee ooreengekom word en moet dit deur die Raad of Komitee aangeteken word.

(3) 'n Spesialiskomitee van 'n Raad kan 'n persoon of persone wat nie in die Raad dien nie koöpteer om in 'n raadgewende hoedanigheid in die spesialiskomitee te dien.

(4) Enige handeling verrig of besluit geneem deur 'n spesialiskomitee kan by die eerste vergadering van die Raad of Komitee na daardie handeling of besluit deur die Raad of Komitee hersien en verander word, sonder benadeling van enige persoon.

Insameling en aanwending van fondse van Raad

24. (1) 'n Raad kan dienste, fondse, of eiendom ontvang met die doel om sy werksaamhede te verrig.

(2) 'n Raad kan fondse, eiendom of toerusting wat aan hom behoort, aanwend vir die doel om sy werksaamhede te verrig.

(3) 'n Raad kan 'n trust instel tot voordeel van 'n hospitaal wat deur hom bedien word en kan 'n trust aanvaar en administreer wat reeds ingestel is tot voordeel van 'n hospitaal wat deur hom bedien word.

(4) 'n Raad moet rekord hou van alle fondse deur hom ontvang en bestee en van sy bates, laste en transaksies.

(5) 'n Raad moet jaarliks, binne twee maande voor die einde van sy boekjaar, sy finansiële state vir daardie jaar by die Departementshoof indien, saamgestel volgens die verslagdoeningsraamwerk bepaal deur die Provinsiale Minister in oorleg met die Provinsiale Minister verantwoordelik vir finansies.

(6) 'n Ouditeur wat deur die Raad aangestel is, moet, behoudens subartikel (7), die rekords en jaarlikse finansiële state van die Raad ouditeer en moet binne twee maande vanaf ontvangs van die state bedoel in subartikel (5) 'n ouditverslag by die Departementshoof en die Raad indien.

(7) Die Provinsiale Minister kan, na oorleg met die Departementshoof, bepaal dat 'n Raad daarvan vrygestel is om geouditeer te word.

(8) Die Provinsiale Minister moet die volgende oorweeg wanneer 'n bepaling ingevolge subartikel (7) gemaak word:

(a) of die totale batewaarde, met inbegrip van beleggings van die Raad, in die vorige boekjaar R5 000 000 oorskry het, met sodanige bedrag wat jaarliks op 1 Maart ooreenkomstig die verbruikersprysindeks aangepas moet word;

(b) die finansiële state van die Raad in die vorige boekjaar; en

(c) of die Raad in die vorige boekjaar aan sy pligte ingevolge hierdie Wet voldoen het.

(9) Waar die Provinsiale Minister 'n Raad ingevolge subartikel (7) vrygestel het, moet die Raad nietemin finansiële state by die Departementshoof indien wat saamgestel is volgens die verslagdoeningsraamwerk bepaal deur die Provinsiale Minister in oorleg met die Provinsiale Minister verantwoordelik vir finansies.

(10) Die Provinsiale Minister kan vereis dat 'n Raad wat ingevolge subartikel (7) vrygestel is, geouditeer word soos uiteengesit in subartikel (6).

(11) Die boekjaar van 'n Raad is 'n jaar wat op 31 Maart eindig.

(12) Indien 'n Raad versuim om aan subartikel (5) of (9) te voldoen, of in die geval van enige finansiële wanbestuur deur 'n Raad, kan die Provinsiale Minister redelike regstellende stappe doen wat hy of sy nodig ag, met inbegrip van—

(a) die aanstelling van 'n administrateur om die finansiële sake of bedryfsfunksies van die Raad te administreer;

(b) die skorsing of verwydering van Raadslede uit hul amp; en

(c) die verandering van die pligte en bevoegdhede van die Raad, ondanks artikel 14.

(13) Voordat die Provinsiale Minister enige regstellende stappe beoog in subartikel (12) doen, moet die Departementshoof aan die Raad 'n voldoenings-kennisgewing, en afskrifte daarvan aan sy lede, uitreik wat die volgende uiteensit:

(a) 'n beskrywing van die oortreding wat die nievoldoening uitmaak;

(b) die stappe wat die Raad moet doen en die tydperk waarbinne daardie stappe gedoen moet word om die oortreding reg te stel; en

(c) 'n kennisgewing aan die Raad dat indien hy versuim om enige stappe bedoel in paragraaf *(b)* te doen, die Departementshoof die nievoldoening na die Provinsiale Minister moet verwys om ingevolge subartikel (12) regstellende stappe te doen.

(14) Indien die Raad binne die tydperk vermeld in die voldoeningskennisgewing aan die stappe bedoel in subartikel (13)*(b)* voldoen, moet die Departementshoof die Raad skriftelik in kennis stel van sy voldoening aan die bepalings van die voldoeningskennisgewing.

(15) Indien die Raad versuim om binne die tydperk vermeld in die voldoeningskennisgewing aan enige of alle stappe bedoel in subartikel (13)*(b)* te voldoen—

(a) moet die Departementshoof, by verstryking van die tydperk vermeld in die voldoeningskennisgewing, die Provinsiale Minister skriftelik in kennis stel van die nievoldoening of gedeeltelike voldoening deur die Raad; en

(b) moet die Provinsiale Minister binne 30 dae van ontvangs van 'n mededeling oor nievoldoening of gedeeltelike voldoening die Raad skriftelik in kennis stel van sy nievoldoening of gedeeltelike voldoening aan die bepalings van die voldoeningskennisgewing.

(16) Die kennisgewing beoog in subartikel (15)*(b)* moet die volgende vermeld:

(a) die voorgestelde regstellende stappe wat ingevolge subartikel (12) gedoen moet word; en

(b) dat die Raad daarop geregtig is om binne 14 dae van ontvangs van die kennisgewing rakende die voorgestelde regstellende stappe skriftelike vertoë aan die Provinsiale Minister te rig.

(17) By verstryking van die 14 dae beoog in subartikel (16)*(b)*, of die Provinsiale Minister enige skriftelike vertoë van die Raad ontvang het al dan nie, kan die Provinsiale Minister, na behoorlike oorweging van alle tersaaklike feite, met inbegrip van die Raad se gedeeltelike voldoening aan die bepalings van die voldoeningskennisgewing en enige skriftelike vertoë deur die Raad, die voorgestelde regstellende stappe doen.

(18) Indien 'n administrateur ingevolge subartikel (12)*(a)* aangestel word, moet hy of sy—

(a) binne ses maande van sy of haar aanstelling die Departementshoof voorsien van 'n verslag van die finansiële sake van die Raad en enige vermoedelike oortreding van 'n wetlike bepaling of onwettige handeling wat deur die Raad gepleeg is;

(b) daarna, in oorleg met die Departementshoof, 'n herstelplan vir die Raad voorberei; en

(c) by voltooiing van die implementering van die herstelplan, of by versuim om die herstelplan te implementeer—

(i) indien nodig, aan die Provinsiale Minister en Departementshoof 'n verlenging van die herstelplan vir 'n tydperk van hoogstens ses maande aanbeveel; of

(ii) die Provinsiale Minister en Departementshoof voorsien van 'n finale verslag van die finansiële sake van die Raad en enige vermoedelike oortreding van 'n wetlike bepaling of onwettige handeling wat deur die Raad gepleeg is.

(19) Die Provinsiale Minister kan, na oorleg met die Departementshoof en by ontvangs van die finale verslag beoog in subartikel (18)*(c)*(ii), bepaal dat—

(a) die Raad in staat is om sy eie finansiële sake te administreer; of

(b) die Raad in staat is om sy eie finansiële sake te administreer met die bystand van 'n administrateur aangestel deur die Provinsiale Minister op sodanige verdere bepalings en voorwaardes soos bepaal deur die Provinsiale Minister.

(20) Voordat die Provinsiale Minister 'n bepaling ingevolge subartikel (19)*(b)* maak, moet hy of sy die Raad skriftelik in kennis stel van sy of haar voorneme om so 'n bepaling te maak.

(21) Die kennisgewing beoog in subartikel (20) moet die volgende vermeld:

(a) die bepaling wat die Provinsiale Minister van voorneme is om te maak; en

(b) dat die Raad daarop geregtig is om binne 14 dae van ontvangs van die kennisgewing skriftelike vertoë rakende die voorgestelde bepaling aan die Provinsiale Minister te rig.

(22) By verstryking van die 14 dae beoog in subartikel (21)*(b)*, of die Provinsiale Minister enige skriftelike vertoë van die Raad ontvang het al dan nie, kan die Provinsiale Minister, na behoorlike oorweging van alle tersaaklike feite, met inbegrip van enige vertoë deur die Raad, die voorgestelde bepaling maak.

Reis- en ander toelae

25. (1) Behoudens tariewe wat deur die Provinsiale Minister in oorleg met die Provinsiale Minister verantwoordelik vir finansies vasgestel word, kan 'n Raad uit sy fondse 'n lid van die Raad wat ingevolge artikel 5(1)*(a)* en *(b)* aangestel is, 'n raadgewer ingevolge artikel 20(5) of enige persoon wat gekoöpteer is om ingevolge artikel 23(3) in 'n spesialiskomitee te dien, vergoed vir—

(a) vervoeruitgawes tussen daardie lid, raadgewer of persoon se normale woon- of werkplek en die plek van 'n vergadering van die Raad of die betrokke spesialiskomitee; en

(b) reis- en verblyfuitgawes wat aangegaan is as gevolg van bywoning van konferensies, seminare of opleidingskursusse of ander sake van die Raad, maar in die geval van konferensies, seminare en opleidingskursusse buite die Provinsie moet die skriftelike goedkeuring van die Provinsiale Minister vooraf bekom word.

(2)*(a)* 'n Raad mag nie sy lede vergoed vir tyd wat aan Raadsake bestee is nie.

(b) Behoudens tariewe wat deur die Provinsiale Minister in oorleg met die Provinsiale Minister verantwoordelik vir finansies vasgestel word, kan 'n Raad uit sy fondse 'n raadgewer ingevolge artikel 20(5) of 'n persoon wat gekoöpteer is om ingevolge artikel 23(3) in 'n spesialiskomitee van die Raad te dien, vergoed vir tyd wat aan Raadsake bestee is.

(3)*(a)* 'n Lid van 'n Komitee is nie geregtig op vergoeding vir tyd wat op Komiteesake bestee is nie.

(b) Behoudens tariewe wat deur die Provinsiale Minister in oorleg met die Provinsiale Minister verantwoordelik vir finansies vasgestel word, kan die Departement uit sy fondse 'n lid van 'n Komitee wat ingevolge artikel 6(1)*(b)* aangestel is, vergoed vir reisuitgawes wat as gevolg van bywoning van vergaderings van die Komitee aangegaan is.

(4) In die geval dat die Raad onvoldoende beskikbare fondse het, en behoudens tariewe wat deur die Provinsiale Minister in oorleg met die Provinsiale Minister verantwoordelik vir finansies vasgestel word, kan die Departement uit sy fondse 'n lid van 'n Raad wat ingevolge artikels 5(1)*(a)* of *(b)* aangestel is, vergoed vir die vervoeruitgawes beoog in subartikel (1)*(a)*.

Sluiting van gesondheidsfasiliteit

26. (1) In die geval van die sluiting van 'n gesondheidsfasiliteit waarvoor 'n Raad of Komitee ingestel is, moet die Departementshoof minstens drie maande voor die sluiting en na oorleg met daardie Raad of Komitee, die Raad of Komitee skriftelik opdrag gee rakende—

(a) in die geval van 'n Raad of Komitee wat slegs vir daardie gesondheidsfasiliteit ingestel is, die voorgenome sluiting van daardie fasiliteit en die ontbinding van die Raad of Komitee en, in die geval van 'n Raad, enige trust wat moontlik deur die Raad ingestel is;

(b) in die geval van 'n Raad of Komitee wat vir meer as een gesondheidsfasiliteit ingestel is, enige voorgenome aanpassing van sy samestelling wat deur die sluiting van daardie gesondheidsfasiliteit genoodsaak word; en

(c) in die geval van 'n Raad wat slegs vir daardie gesondheidsfasiliteit ingestel is, die beskikking oor die bates en laste van die Raad, en enige trust wat moontlik deur die Raad ingestel is.

(2) By die sluiting van 'n gesondheidsfasiliteit bedoel in subartikel (1)*(a)* word die Raad of Komitee wat daardie gesondheidsfasiliteit bedien en, in die geval van 'n Raad, enige trust wat moontlik deur die Raad ingestel is, ontbind, en die Departementshoof moet, indien nodig, stappe doen om uitvoering te gee aan die instruksies beoog in subartikel (1)*(c)*.

Beperking van aanspreeklikheid van lede

27. 'n Lid is nie aanspreeklik vir enigiets wat te goeder trou gedoen is in die uitvoering van 'n werksaamheid ingevolge hierdie Wet nie.

Regulasies

28. (1) Behoudens subartikel (3) moet die Provinsiale Minister regulasies maak rakende—

(a) prosedures vir die benoeming van lede vir aanstelling in Rade en Komitees;
(b) die finansiële bestuur van Rade;
(c) die wyse waarop 'n Raad fondse of ander roerende eiendom kan skenk vir die verskaffing, verbetering of uitbreiding van dienste en geriewe, of fondse kan skenk vir die verkryging van roerende of onroerende bates tot voordeel van die hospitaal;
(d) die bevoegdhede en pligte van die voorsitter van 'n Raad of Komitee;
(e) die wyse waarop 'n Raad reëlings kan tref vir die verskaffing van 'n lokaal, asook sekretariële, administratiewe en finansieel rekeningkundige steun;
(f) die wyse waarop 'n Komitee fondse wat ingesamel is tot voordeel van die primêregesondheidsorg-fasiliteit en vir die funksionering van die Komitee moet betaal aan die Raad wat ingevolge artikel 18(6) deur die Departementshoof aangewys is;
(g) die wyse waarop 'n Raad wat ingevolge artikel 18(6) aangewys is die fondse wat deur 'n Komitee ingesamel is in ontvangs moet neem, moet administreer en van rekenskap gee;
(h) reis- en ander toelae wat ingevolge hierdie Wet betaalbaar is;
(i) die instelling van trusts deur Rade; en
(j) die maatstawwe en proses vir die groepering van primêregesondheidsorg-fasiliteite met die doel om 'n Komitee vir 'n groep primêregesondheidsorg-fasiliteite in te stel.

(2) Behoudens subartikel (3) kan die Provinsiale Minister regulasies maak rakende—

(a) prosedures vir vergaderings van 'n Raad of Komitee; en
(b) enige ander aangeleentheid wat nodig of raadsaam kan wees om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.

(3) In die geval van regulasies wat finansiële implikasies vir die staat inhou, moet die Provinsiale Minister die regulasies maak met die instemming van die Provinsiale Minister verantwoordelik vir finansies.

Delegering

29. (1) Die Provinsiale Minister kan enige van sy of haar bevoegdhede of pligte ingevolge hierdie Wet aan die Departementshoof delegeer of opdra, behalwe die bevoegdheid om regulasies te maak.

(2) Die Departementshoof kan enige van sy of haar bevoegdhede of pligte ingevolge hierdie Wet delegeer of opdra aan—

(a) 'n werknemer in die Departement; of
(b) die bekleër van 'n spesifieke amp of posisie in die Departement.

(3) Ondanks subartikel (2) mag die Departementshoof nie aan 'n lid 'n bevoegdheid delegeer of 'n plig opdra nie.

(4) 'n Delegasie of opdrag bedoel in subartikel (1) of (2)—

(a) moet op skrif wees;
(b) kan behoudens voorwaardes gemaak word;
(c) kan skriftelik deur die Provinsiale Minister of die Departementshoof, na gelang van die geval, ingetrek of gewysig word;
(d) kan die verdere delegasie van daardie bevoegdheid of verdere opdrag van daardie plig toelaat;
(e) verhoed nie die Provinsiale Minister of die Departementshoof, na gelang van die geval, om daardie bevoegdheid uit te oefen of daardie plig uit te voer nie; en
(f) ontneem nie die Provinsiale Minister of die Departementshoof, na gelang van die geval, van die verantwoordelikheid rakende die uitoefening van die gedelegeerde bevoegdheid of die uitvoering van die opgedraagde plig nie.

Oorgangsbepalings ten opsigte van sentrale hospitale

30. (1) Ondanks die herroeping by hierdie Wet van die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade, gaan 'n bestaande sentralehospitaal-raad in die Provinsie voort om te funksioneer ooreenkomstig die bepalings van daardie Wet totdat die nasionale Minister 'n verteenwoordigende sentralehospitaal-raad vir die betrokke hospitaal aangestel het.

(2) Ondanks artikel 7 van die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade, wanneer die ampstermyn van 'n lid van 'n bestaande sentralehospitaal-raad verval voor die aanstelling deur die nasionale Minister van 'n verteenwoordigende sentralehospitaal-raad vir die betrokke hospitaal, kan daardie lid in die amp bly totdat die aanstelling deur die nasionale Minister gemaak is.

(3) By die aanstelling van 'n verteenwoordigende sentralehospitaal-raad deur die nasionale Minister—

(a) vestig die bates en laste van die bestaande sentralehospitaal-raad in die verteenwoordigende sentralehospitaal-raad op voorwaarde dat die bates deur die verteenwoordigende sentralehospitaal-raad aangewend moet word tot voordeel van daardie raad of die sentrale hospitaal wat hy bedien; en

(b) kan die Provinsiale Minister na oorleg met die bestaande sentralehospitaal-raad 'n skriftelike bepaling maak rakende enige aangeleentheid wat nodig kan wees om die doeltreffende funksionering van die verteenwoordigende sentralehospitaal-raad te verseker.

Herroeping en voorbehoude

31. (1) Die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade word herroep.

(2) Behoudens artikel 30—

(a) gaan 'n Raad ingestel kragtens artikel 5 van die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade en wat onmiddellik voor die inwerkingtreding van hierdie Wet bestaan, voort om te funksioneer en word die Raad geag ingestel te wees kragtens artikel 4(1) van hierdie Wet;

(b) word die regsidentiteit en die regte en verpligtinge van so 'n Raad nie deur die herroeping van daardie Wet geraak nie; en

(c) gaan enige persoon wat ooreenkomstig daardie Wet onmiddellik voor die inwerkingtreding van hierdie Wet 'n amp beklee, voort in die amp vir die termyn van daardie persoon se aanstelling en word die persoon geag behoorlik aangestel te wees ingevolge hierdie Wet vir die onverstreke gedeelte van sy of haar ampstermyn.

(3) Enige proklamasie, regulasie, kennisgewing, bevel, magtiging, toestemming of dokument wat uitgereik, gepromulgeer, gegee of verleen en enige ander handeling verrig kragtens die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade word geag, indien nie onbestaanbaar met hierdie Wet nie, kragtens hierdie Wet uitgereik, gepromulgeer, gegee, verleen of verrig te wees.

Kort titel en inwerkingtreding

32. Hierdie Wet heet die Wes-Kaapse Wet op Rade en Komitees vir Gesondheidsfasiliteite, 2016, en tree in werking op 'n datum wat die Premier by proklamasie in die *Provinsiale Koerant* bepaal.

(Uxwebhu lwesiNgesi lutyikitywe yiNkulumbuso)
(Wamkelwe ngowama-30 Juni 2016)

UMTHETHO

Lo mthetho uyilwayo ulungiselelwe ukuseka, imisebenzi, amagunya neenkqubo zeebhodi ezimiselwe izibhedlele neekomiti ezimiselweyo zamaziko ezempilo onyango olusisiseko; kunye nokulungiselela imiba enxulumene noko.

NGOKO KE KUWISWA UMTHETHO yiPalamente yeNtshona Koloni, ngolu hlobo lulandelayo:—

Inkcazo-magama

1. Kulo Mthetho naliphi na igama elinikwe intsingiselo lihlala linaloo ntsingiselo liyinikiweyo ngaphandle kwalapho indlela elisetyenziswe ngayo igama linika enye intsingiselo—

"umphicothi" uthetha umntu obhalise njengomphicothi ngokoMthetho i-*Auditing Profession Act, 2005* (uMthetho 26 ka-2005);

"iBhodi" ithetha iBhodi yesibhedlele esekwe ngokwecandelo 4(1);

"isibhedlele esikhulu" sithetha isibhedlele esibalelwa ukuba sisibhedlele esikhulu ngokwecandelo lama-35 lomthetho i*National Health Act* nguMphathiswa wesizwe onoxanduva lwemicimbi yezempilo;

"IKomiti" ithetha iKomiti yeziko lempilo leenkonzo zonyango olusisiseko esekwe ngokwecandelo (4);

"ISebe" lithetha isebe lephondo elinoxanduva lwemicimbi yezempilo kwiPhondo;

"IBhunga lezeMpilo leSithili" lithetha iBhunga leMpilo leSithili ngokwendlela echazwe kwicandelo 1 lomthetho i*Western Cape District Health Councils Act, 2010* (uMthetho 5 ka-2010);

"umphathi wezempilo wesithili" uthetha umphathiswa wezempilo wesithili njengeko kuchaziwe kwicandelo 1 lomthetho i*Western Cape District Health Councils Act, 2010*;

"ibhodi emileyo yesibhedlele esikhulu" ithetha ibhodi ngokwendlela echazwe phantsi kwecandelo 5 lomthetho i*Western Cape Health Facility Boards Act* yesibhedlele esikhulu;

"INtloko yeSebe" ithetha intloko yesebe enoxanduva lwemicimbi yezempilo kwiPhondo;

"iziko lempilo" lithetha isibhedlele okanye iziko lempilo elineenkonzo zonyango olusisiseko;

"isibhedlele" sithetha isakhiwo, iziko okanye indawo emiselwe njengesibhedlele nguMphathiswa wePhondo ngokwecandelo 3;

"ilungu" lithetha ilungu leBhodi okanye leKomiti, njengoko kunjalo;

"I*National Health Act*" ithetha i*National Health Act, 2003* (uMthetho 61 ka-2003);

"uMphathiswa wesizwe" uthetha uMphathiswa wesizwe onoxanduva lwemicimbi yezempilo;

"ukumisela" kuthetha ukumisela ngokommiselo;

"iziko lempilo leenkonzo ezisisiseko" lithetha isakhiwo, iziko okanye indawo emiselwe njengeziko lempilo nguMphathiswa wePhondo ngokwecandelo 3;

"IPhondo" lithetha iPhondo leNtshona Koloni;

"UMphathiswa wePhondo" uthetha uMphathiswa wePhondo onoxanduva lwemicimbi yezempilo kwiPhondo;

"ummiselo" uthetha ummiselo owenzwe phantsi kwalo mthetho;
"ibhodi yabameli yesibhedlele esikhulu" ithetha ibhodi enyulwe nguMphathiswa wesizwe phantsi kwecandelo 41(4) lomthetho i*National Health Act*;
"lo Mthetho" uquka nemimiselo;
"*iWestern Cape Health Facility Boards Act*" ithetha i*Western Cape Health Facility Boards Act, 2001* (uMthetho 7 ka-2001).

Injongo yalo Mthetho

2. Iinjongo zalo mthetho kukulungiselela—
(a) ukumisela abameli neeBhodi kunye neeKomiti njengamaqumrhu omthetho;
(b) ukukwazi kwabaphathi bamaziko empilo ukukhawulelana noluntu kunye neemfuno zezigulane neentsapho zazo;
(c) inkxaso yoluntu, ukubandakanyeka kwalo kumaziko empilo kunye neenkqubo zawo;
(d) iiBhodi zempilo neKomiti inikwe imisebenzi esisiseko ecacisiweyo, enokumana isandiswa ngokwezinto eziphambili ezifunwa luluntu njengoko umsebenzi weBhodi okanye oweKomiti uya usanda; kunye
(e) nemimiselo yethutyana yeebhodi esezikho zezibhedlele ezikhulu.

UkuChongwa kwesibhedlele okanye iziko lempilo leenkonzo ezisisiseko

3. (1) Ngokweenjongo zokumiselwa kweBhodi okanye kweKomiti ngokwalo Mthetho, uMphathiswa wePhondo uya kuchonga njengesibhedlele okanye iziko lempilo nasiphi isakhiwo, iziko okanye indawo apho abantu baye bafumane unyango khona, apho kukho iinkqubo zohlolo ukufumanisa ngezigulo nangonyango okanye kwenziwe nezinye iinkonzo zonyango.
(2) UMphathiswa wePhondo uya kuchonga njengesibhedlele okanye iziko lempilo elineenkonzo ezisisiseko isakhiwo, iziko okanye indawo emiselwe ngumasipala ekwenza oko kuphela ngokwesivumelwano—
(a) noMphathiswa wePhondo ojongene norhulumente wommandla; kunye
(b) nomasipala ochaphazelekayo.

Ukusekwa kweeBhodi neeKomiti

4. (1) UMphathiswa wePhondo uya kumisela iBhodi yesibhedlele okanye iqela lezibhedlele ngaphandle kwezibhedlele ezikhulu okanye iqela lezibhedlele ezikhulu.
(2) Apho iBhodi yeqela lezibhedlele iya kumiselwa khona, uMphathiswa wePhondo uya kumisela iqela enike ingqalelo—
(a) umgama ophakathi kwezibhedlele ngokweendawo ezimi kuzo;
(b) ubukhulu nobungakanani babantu abancedwa kwezi zibhedlele; kunye
(c) nobungakanani beenkonzo ezenziwa ezibhedlele.
(3) IBhodi ngumntu osemthethweni onokufaka isimangalo okanye amangalelwe ngegama layo.
(4) UMphathiswa wePhondo uya kumisela iKomiti—
(a) iziko lempilo elineenkonzo zonyango olusisiseko; kunye
(b) neqela lamaziko empilo aneenkonzo zonyango olusisiseko, amiselwe nguMphathiswa wePhondo.
(5) Imigaqo neenkqubo ezilandelwayo zokuhlanganisa amaziko empilo aneenkonzo zonyango olusisiseko kwimeko apho iKomiti ithe yatyunjelwa ukujongana namaziko empilo aneenkonzo zonyango olusisiseko iya kumiselwa nguMphathiswa wePhondo.
(6) IKomiti asingomntu womthetho kwaye akanako ukumangalela okanye amangalelwe okanye onepropathi egameni lakhe.

Ukutyunjwa kwamalungu eBhodi

5. (1) UMphathiswa wePhondo kufuneka amisele iBhodi enamalungu angekho ngaphezu kwesine kodwa angadluli kumalungu ali-14, kuqukwa—
(a) abantu abamele uluntu okanye iindawo ezahlukeneyo zoluntu oluncedwa kwesi sibhedlele emiselwe sona iBhodi, etyunjwe ngokwecandelwana (4);
(b) ubuncinane ibe ngumntu omnye onobungcali kwezomsebenzi, kwezomthetho, ezemali okanye kwezinye iindawo ezinxulumene nemisebenzi yeBhodi;

(c) intloko yesibhedlele esichaphazelekayo okanye, kwimeko apho iBhodi imiselwe ukujongana nezibhedlele eziliqela, makuphume intloko ibenye kwiintlo kwezo zibhedlele ubuncinane;

(d) ubuncinane mayibe ngumntu omnye omele abasebenzi bezonyango emiselwe bona iBhodi, atyunjwe ngabasebenzi bezonyango besibhedlele, kodwa kwimeko apho iBhodi imiselwe ukujongana bezibhedlele eziliqela, kodwa akukho mfuneko yokuba kutyunjwe umntu omele abasebenzi bezempilo kwisibhedlele ngasinye esichaphazelekayo;

(e) ubuncinane ngumntu omnye omele abasebenzi abangengobanyangi abasebenza esibhedlele esimiselwe sona iBhodi, okhethwa ngabasebenzi abangengobanyangi, kodwa kwimeko yokumiselwa kweBhodi ejongene nezibhedlele eziliqela akukho mfuneko yokuba kutyunjwe umntu omele abasebenzi abangengobanyangi kwisibhedlele ngasinye; kunye

(f) nakwimeko apho iBhodi imiselwe isibhedlele esinye okanye izibhedlele eziliqela iingcali zabasebenzi ziye ziqeqeshwe, ubuncinane umntu omnye omele iimfuno eziphambili ezinxulumene nemfundo kwisibhedlele ngasinye esichaphazelekayo, otyunjwe liSeleka-Ngqonyela okanye ngaMasekela-Ngqonyela eyunivesithi okanye eeyunivesithi ezichaphazelekayo.

(2) Ukwangeza kumalungu atyunjwe ngokwecandelwana (1) uMphathiswa wePhondo uya kunyulela kwiBhodi—

(a) ilungu lePalamente yePhondo limisele ikomiti yepalamente ejongene nemiba yempilo; kunye

(b) uceba omnye okanye ooceba abaninzi bebhunga likamasipala lendawo kamasipala enesibhedlele, amiselwa libhunga likamasipala okanye ikomiti echaphazelekayo yezempilo yebhunga laloo masipala.

(3) Amalungu amiselwe ngokwecandelwana (1)*(a)* aya kuba namalungu eBhodi akumlinganiselo wamashumi amahlanu eepesenti ewonke.

(4) Amalungu ekubhekiselelwa kuwo kwicandelwana (1)*(a)* aya kumiselwa liqumrhu eliya kuthi ngokwembono yoMphathiswa wePhondo libe nabameli abaya kuzifezekisa ngokupheleleyo iimfuno eziphambili zoluntu okanye zeendawo zoluntu oluchaphazelekayo

(5) Iqumrhu ekubhekiselelwa kulo kwicandelwana (4)—

(a) aliyi kuba ngumbutho wezopolitiko;

(b) liya kuthi, nangani kunganyanzelekanga ukuba libe—

(i) yikomiti okanye iforam yezempilo yoluntu;

(ii) yiforam yophuhliso loluntu;

(iii) ngumbutho wezokuhlala;

(iv) ngumbutho wezentlatlontle;

(v) ngumbutho omele izigulane ezisebenzisa inkonzo yezempilo okanye amaziko empilo;

(vi) ngumbutho osekwe eluntwini;

(vii) ngumbutho ongekho kurhulumente; okanye

(viii) ngumbutho omele abantwana, amabhinqa, abantu abadala, abantu abakhubazekileyo okanye iimbacu.

(6) UMphathiswa wePhondo uya kukhupha imigaqo eyalelayo yokwenziwa kwezimemelelo zokutyumba njengoko kuchaziwe kumacandelwana (1)*(a)* no-(4).

(7) Apho kufuneka kutyunjwe khona ngokweli candelo, onke amagama aphakanyiselwe ukutyunjwa afumanekileyo kwisithuba esimiselweyo aya kunikwa ingqalelo nguMphathiswa wePhondo ngaphambi kokuba kwenziwe inkqubo efanelekileyo yokutyumba.

(8) Ukuba uMphathiswa wePhondo uthe akafumana magama aphakanyiselwe ukutyunjwa okanye angonelanga afunekayo ngokweli candelo, nawuphi umntu oselungelweni nofanelekileyo uya kutyunjwa njengelungu etyunjwa kwisigaba esimiselweyo nesichazwe kwicandelwana (1) okanye (2).

(9) Ukutyunjelwa ukuba kwiBhodi kuya kwenziwa kuthatyathelwe ingqalelo uhlanga nesini kwanabantu abadala, ulutsha kwanabantu abakhubazekileyo.

Ukumiselwa kwamalungu ekomiti

6. (1) UMphathiswa wePhondo uya kumisela iKomiti engayi kuba namalungu angaphantsi kwamathathu kodwa angabi ngaphezu kwali-12, kuqukwa—

(a) uceba omnye okanye ooceba abaninzi bebhunga likamasipala lendawo kamasipala enesibhedlele, amiselwa libhunga likamasiapala okanye ikomiti echaphazelekayo yezempilo yebhunga laloo masipala;

(b) amalungu oluntu okanye eendawo zoluntu oluncedwa liziko lempilo elineenkonzo zonyango olusisiseko ngokubhekiselele kwindawo elikulo iziko lempilo elineenkonzo zonyango oluphambili elimiselwe lona uluntu, atyunjwe ngokwecandelwana (3); kunye

(c) nentloko yeziko elichaphazelekayo lempilo elineenkonzo zonyango oluphambili okanye, kwimeko apho iKomiti imiselwe ukujongana neziko lempilo elineenkonzo zonyango oluphambili, umanejala wesithilana sezonyango apho limi khona iziko lempilo elineenkonzo zonyango olusisiseko.

(2) Amalungu atyunjwe ngokwecandelwana (1)*(b)* aya kuba namalungu eKomiti akumlinganiselo wamashumi amahlanu eepesenti ewonke.

(3) Amalungu ekubhekiselelwa kuwo kwicandelwana (1)*(b)* aya kutyunjwa liqumrhu elithe—

(a) ngokwembono yoMphathiswa wePhondo libe nabameli abaya kuzifezekisa ngokupheleleyo iimfuno eziphambili zoluntu okanye zeendawo zoluntu oluchaphazelekayo;

(b) aliyi kuba ngumbutho wezopolitiko, kodwa lingalilo, nangani kunganyanzelekanga ukuba libe liqumrhu ekubhekiselelwe kulo kwicandelo 5(5)*(b)*. (4) UMphathiswa wePhondo uya kukhupha imigaqo eyalelayo yokwenziwa kwezimemelelo zokutyumba njengoko kuchaziwe kumacandelwana (1)*(b)* nele (3).

(5) Apho kufuneka kutyunjwe khona ngokwecandelo (1)*(b)*, onke amagama aphakanyiselwe ukutyunjwa afumanekileyo kwisithuba esimiselweyo aya kunikwa ingqalelo nguMphathiswa wePhondo ngaphambi kokuba kwenziwe inkqubo efanelekileyo yokutyumba.

(6) Ukuba uMphathiswa wePhondo uthe akafumana magama aphakanyiselwe ukutyunjwa okanye angenelanga afunekayo ngokwecandelo *(b)* wecandelwana (1), nabaphi na abantu abafanelekileyo baya kutyunjwa njengamalungu, betyunjwa kwisigaba esimiselweyo nesichazwe kula mhlathi.

(7) Ukonyulelwa kwiKomiti makwenziwe ngokukekelele kwisini nohlanga kwakunye nokukekelele kwabadala, ulutsha nabantu abakhubazekileyo.

Ukulungela ukuba sesikhundleni kwelungu

7. (1) Ukuze abe umntu ukulungele ukuba sesikhundleni njengelungu kufuneka abe—

(a) ungummi waseMzantsi Afrika;

(b) ngaphezulu kwiminyaka eli-18 ubudala;

(c) akakho matyaleni angahlawulekiyo;

(d) akazange, nangaliphi na ixesha, afunyaniswe—

(i) enetyala awakhe waligwetyelwa ngokuvalelwa entolongweni engasinikwanga isohlwayo; okanye

(ii) ebuseleni, ubuqhetseba, ukukhohlisa, lithethe inkohliso ngamaxwebhu, lifunge ubuxoki, libe likwanalo naliphi na ityala ngokwe*Prevention and Combating of Corrupt Activities Act, 2004* (uMthetho 12 ka-2004), okanye linalo naliphi ityala ngenxa yokungathembeki kwalo, nokuba kukwiRiphablikhi yoMzantsi Afrika okanye ngaphandle kwiRiphablikhi, ukuba oku kuziphatha bekuya kuba lityala kwiRiphablikhi;

(e) ubonakalisa ukuzinikela kwinkonzo yoluntu;

(f) ubonakalisa inkxaso kumnqophiso neempawu zentsulungeko zeziko lezempilo elichaphazelekayo; kunye

(g) nokubonakalisa imfezeko nentembeko enkulu.

Ixesha lokuba sesikhundleni kwamalungu

8. (1) Amalungu atyunjelwa ukuba sesikhundleni isithuba seminyaka emithathu

(2) Lakuba liphelile ixesha lokuba sesikhundleni kwelungu, elo lungu liya kuba sesikhundleni kude kutyunjwe umntu oya kungena esikhundleni salo, kodwa zingedluli iinyanga ezinthandathu.

(3) Ngokuxhomekeke kwicandelwana (4), ilungu linako ukutyunjelwa kwiBhodi okanye kwiKomiti lakuba liphelile ixesha lalo lokuba libe sesikhundleni.

(4) Ilungu, ngaphandle kwelungu elityunjwe ngokwecandelo 5(1)*(c)* okanye 6(1)*(c)*, liya kusebenza kwiBhodi okanye kwiKomiti izihlandlo ezilandelelanyo eziya kuba ngaphezulu kezibini.

(5) Nangona kuchazwa kwicandelwana (4), ilungu elisebenze izihlandlo ezilandelelanayo ezibini liya kuphinda lityunjwe kwakhona ukuba kuthe ngokwembono yoMphathiswa wePhondo kubekho iimeko ezibaluleke ngokukodwa ukuba lityunjwe kwakhona okanye, xa kungekho meko zibaluleke ngokukodwa, emva kokuba likhe lanqumama ixesha elingabanga ngaphantsi konyaka omnye.

Izikhundla

9. (1) USihlalo weBhodi okanye weKomiti uya kuthi ngokukhawuleza abhalele iBhodi okanye kwiKomiti isibhengezo esichaza ukuba isikhundla njengesingenamntu xa lithe ilungu—

(a) lasweleka;

(b) lithe lakwazisa ukurhoxa kwalo kusihlalo ngembalelwano;

(c) lisematyaleni angahlawulekiyo yinkundla yeRiphablikhi;

(d) lithe ngexesha lisesikhundleni lachaphazeleka—

(i) lafunyaniswa linetyala lize ligwetyelwe intolongo lingasinikwanga sohlwayo; okanye

(ii) ebuseleni, ubuqhetseba, ukukhohlisa, lithethe inkohliso ngamaxwebhu, lifunge ubuxoki, libe likwanalo naliphi na ityala ngokwe*Prevention and Combating of Corrupt Activities Act, 2004*, (uMthetho 12 ka-2004), okanye linalo naliphi ityala ngenxa yokungathembeki kwalo, nokuba kukwiRiphablikhi yoMzantsi Afrika okanye ngaphandle kwiRiphablikhi, ukuba oku kuziphatha bekuya kuba lityala kwiRiphablikhi;

(e) alibangakho kwiintlanganiso ezintathu zilandelelana libe lingekho kwikhefu elimiselwe yiBhodi okanye yiKomiti;

(f) linqunyanyisiwe okanye lirhoxisiwe kwisikhundla salo phantsi kwecandelo 24(12)*(b)*;

(g) liyayeka esikhundleni elalinyulelwe sona yiBhodi okanye kwiKomiti; okanye

(h) lisilele ukuchaza kwiBhodi okanye kwiKomiti layo nayiphi indlela eliyingenisa ngayo imali, aliwandlalanga umcimbi onjalo ngokungqalileyo okanye ngokungangqalanga kwiBhodi okanye kwiKomiti, kwaye elo lungu kufuneka libekho xa, okanye lithathe inxaxheba kwiingxoxo, okanye xa kuvotelwa lo mcimbi.

(2) Ukuba ilungu leBhodi okanye leKomiti liziphazamisa rhoqo iintlanganiso zeBhodi okanye ezeKomiti, okanye liyasilela ukwenza umsebenzi walo ngokuzimisela nangokuthembeka, uMphathiswa wePhondo uya kuqhuba uphando ngaloo mcimbi kwaye, ukuba akho amagunya afanelekileyo, uya kulirhoxisa elo lungu esikhundleni aze asibhengeze njengesingenamntu isikhundla salo.

(3) Kwisithuba seentsuku ezisixhenxe zokubhengeza isithuba ngokwecandelwana (1), usihlalo uya kubhalela uMphathiswa wePhondo amazise ngesithuba eso.

(4) Uya kuthi akuba esifumene isaziso ngesithuba ngokwecandelwana (3), okanye ngokurhoxiswa kwelungu ngokwecandelo (2), uMphathiswa wePhondo uya kunyula omnye umntu, elandela kwinkqubo efanayo naleyo yayilandelwe xa kwakunyulwa eli lungu likhutshwayo, lungu elo liya kuba sesikhundleni selungu elimkileyo ixesha elingayi kuphelelwa, kwaye ngokweenjongo zecandelo 8(4), kwakukho isithuba ngexesha ebelingene ngalo esikhundleni.

(5) Ngokweenjongo zokutyumba okuchazwe kwicandelwana (4) uMphathiswa wePhondo uya kusebenzisa imigaqo efanayo eyayisetyenzisiwe yokutyumba ilungu elingena kwisikhundla selungu elirhoxisiweyo.

(6) Xa iBhodi okanye iKomiti ithe yasilela ukuya kwiintlanganiso ezine ngokwekhalenda yonyaka, uMphathiswa wePhondo uya kuyibhengeza iBhodi okanye iKomiti echaphazelekayo njengengasebenzi kakuhle aze amisele iBhodi entsha ngokwecandelo 5 okanye iKomiti entsha ngokwecandelo 6.

Imisebenzi yeeBhodi

10. (1) IBhodi iya kuthi ngokuphathelele kwisibhedlele ngasinye emiselwe sona—

(a) ithathe inxaxheba kucwangciso-qhinga ngenjongo yokunika abalawuli besibhedlele iingcebiso;

(b) ikhangele ukuba ingaba isibhedlele sisebenza ngokufanelekileyo, ngokukuko namanyathelo athatyathwa ngabalawui besibhedlele ukuphucula indlela yokusebenza nomgangatho wenkonzo yesibhedlele;

(c) ithabathe amanyathelo okuqinisekisa ukuba iimfuno, izinto ezixhalabisayo nezikhalazo zezigulane nezoluntu ziqwalaselwa ngokukuko ngabalawuli besibhedlele;

(d) ukumilisela inkxaso yesibhedlele luluntu;

(e) ukukhuthaza amavoluntiya ukuba anikele ngeenkonzo zawo zokwenza imisebenzi ngokubanzi esenzela isibhedlele, oko ekwenza ngokomgaqo-nkqubo ophathelelene namavolontiya;

(f) ukwenza isicelo nokuphononongа kube kanye ngonyaka iingxelo zemali neengxomali-zemali zonyaka zesibhedlele;

(g) ukunyusa ingxowa-mali yokusebenza yeBhodi; nokuba

(h) ithi ngokusebenzisana nabalawuli besibhedlele indwendwele isibhedlele, kodwa kungabikho luphazamiseko kwimisebenzi yaso, kwaye inike ingxelo ebhaliweyo eyakhayo ngondwendwelo olo kubalawuli.

(2) IBhodi inokwamkela, ilawule kwaye iphendule ngengxowa-mali eyenziwe yiKomiti emiselelwe yona ngokwecandelo 18(6) elungiselelwe unyango olusisiseko lweziko elichaphazelekayo okanye ukusebenza kweKomiti, ngendlela emiselwe nguMphathiswa wePhondo.

Amagunya eeBhodi

11. IBhodi iya kuthi, ngokubhekiselele kwisibhedlele emiselwe sona—

(a) icebise yenze iziphakamiso kuMphathiswa wePhondo, kulawulo lwesibhedlele, kwiNtloko yeSebe, okanye kumasipala ochaphazelekayo, ngokwaloo meko, ngayo nayiphi indlela ewenza ngayo imisebenzi yayo iBhodi;

(b) icebise yenze iziphakamiso kuMphathiswa wePhondo okanye kumasipala ochapazelekayo, ngokwaloo meko, malunga nokuthiywa okanye ukuthiywa ngokutsha kwesibhedlele okanye inxalenye kuqukwa iwodi okanye ithiyetha;

(c) ifumana nayiphi into efuna ukuyazi kubalawuli besibhedlele, ukuba ngaba olo lwazi lufunekayo aluwanyhashi amalungele ezigulane okanye awabasebenzi okugcinwa kwengcombolo zabo ziyimfihlelo zikhuselekile;

(e) yenza iinkqubo zophando, iintlanganiso neendibano ezixhobisa ngolwazi kuluntu okanye kwiindawo zoluntu oluchaphazelekayo;

(f) ihambisa ulwazi eluntwini okanye kwiindawo zoluntu oluchaphazelekayo, umnqophiso, umbono, iimpawu zentsulungeko, iinkonzo, umsebenzi, umgangatho, imigaqo-nkqubo, iimfuno nobume bezimali zesibhedlele;

(g) iqesha abasebenzi ngokwekhontrakthi ukuze baphumeze iinjongo zeBhodi;

(h) inikele ngemali okanye ngempahla enokuphakamiseka ukubonelela, ukuphucula, okanye ukwandisa iinkonzo nezinto zolonwabo, okanye ukunikela ngemali ukuze kuthengwe iimpahla ezinokuphakamiseka okanye ezingenakuphakamiseka eziya kunceda isibhedlele, oko kusenzeka ngokwendlela emiselwe nguMphathiswa wePhondo;

(i) yenze ingxowa-mali ize ilawule imali yetrasti okanye imali yeBhodi ngeenjongo ekubhekiselelwa kuzo kumhlathi *(h)* okanye *(i)*, okanye yenze isebenze nayiphi imimiselo yalo Mthetho;

Imisebenzi yeeKomiti

12. IKomiti iya kuthi, ngokubhekiselele kwiziko ngalinye emiselwe lona—

(a) icele ingxelo malunga namanyathelo athatyathiweyo ngabalawuli beziko lonyango olusisisseko okuphucula umgangatho wenkonzo kwiziko;

(b) incedise uluntu ukuba luzichaze iimfuno, inkxalabo nezikhalazo zalo kwabezolawulo lweziko lezempilo elineenkonzo zonyango olusisiseko ukuze ezo mfuno, inkxalabo nezikhalazo ziqwalaselwe ngokufanelekileyo;

(c) imilisele ukuxhaswa kweziko lezempilo elineenkonzo zonyango ezisisiseko;

(d) ithi ngokusebenzisana nabalawuli besibhedlele indwendwele isibhedlele, kodwa kungabikho luphazamiseko kwimisebenzi yaso, kwaye inike ingxelo ebhaliweyo eyakhayo ngondwendwelo olo kubalawuli;

(e) amavolontiya ukuba anikele ngeenkonzo zawo zokwenza imisebenzi ngokubanzi esenzela isibhedlele, oko ekwenza ngokomgaqo-nkqubo ophathelelene namavolontiya; kunye

(f) nokunika ingxelo esulungekileyo kubalawuli beziko lezempilo elineenkonzo ezisisiseko ukuphucula ukwenziwa kweenkonzo.

Amagunya eeKomiti zeziko lonyango olusisiseko

13. (1) IKomiti iya kuthi ngokuphathelelene neziko lonyango olusisiseko emiselwe lona—

(a) yenze uphando, ihlale iintlanganiso yenze neendibano zokuxhobisana ngolwazi kuluntu okanye kwiindawo zoluntu oluchaphazelekayo;

(b) ihambise ulwazi oluphethelelene nomnqophiso, umbono, iimpawu zentsulungeko, iinkonzo, umsebenzi, imigangatho, imigaqo-nkqubo, izicwangciso-qhinga, iimfuno nobume bezezimali zeziko lezempilo elineenkonzo zonyango olusisiseko kuluntu okanye kwiindawo zoluntu oluchaphazelekayo;

(c) icebise kwaye yenze iziphakamiso kuMphathiswa wePhondo, kubalawuli beziko lonyango olusisiseko, kwiNtloko yeSebe okanye kumasipala ochaphazelekayo, ngokwaloo meko, ngawo nawuphi umba ophathelelene nendlela yokwenziwa kwemisebenzi yeKomiti;

(d) ifumane naluphi ulwazi olufunwa lulawulo okanye abalawuli beziko lempilo elineenkonzo zonyango olusisiseko, ukuba olo lwazi aluwanyhashi amalungelo ezigulane okanye awabasebenzi ngokugcina imicimbi yabo iyimfihlo kwaye isekhusini;

(e) iyalele abalawuli beziko lonyango olusisiseko ukuba likhuphe iikopi eziphathelelene neengxela ngenkqubela yemisebenzi eyenziwayo neyathi yasungulwa; kunye

(f) inyuse ingxowa-mali eya kusetyenziswa liziko lonyango olusisiseko nasekusebenzeni kweKomiti.

(2) Yonke imali eyenziwe yiKomiti—

(a) iya kuhlawulwa, ilawulwe kwaye kuphendule ngemali kwiBhodi emiselwe yiNtloko yeSebe ngokwecandelo 18(6), ngendlela emiselweyo;

(b) iya kusetyenziswa kuphela ukunceda iziko okanye amaziko onyango olusisiseko achaphazelekayo okanye ekusebenzeni kweKomiti.

(3) Impahla enokuphakamiseka engumnikelo kwiKomiti iya kwabiwa yakufunyanwa liziko lonyango olusisiseko elichaphazelekayo kwaye liziko elo eliya kuphendula, oko likwenza ngokwemigaqo-nkqubo emiselwe ukulawulwa kweempahla noluhlu lwezinto kwiziko.

Ukutshintsha-tshintshwa kwemisebenzi yeBhodi okanye yeKomiti

14. (1) Ngokuxhomekeke kwicandelwana (4) nawo nawiphi omnye umthetho, uMphathiswa wePhondo uya kuthi akuba ebonisene neBhodi okanye neKomiti agunyazise iBhodi okanye iKomiti ukuba yenze imisebenzi eyongezelelweyo okanye isebenzise amagunya ongezelelweyo, xa kuthe ngokwesizathu athe uMphathiswa wePhondo wabona ukuba—

(a) iBhodi okanye iKomiti ukuba inako ukuyenza loo imisebenzi yongezelelweyo okanye ukusebenzisa loo magunya ongezelelweyo; kunye

(b) nokuba kuya kuxhomekeka kumdla wabantu wokuba uMphathiswa wePhondo angakwenze oko.

(2) UMphathiswa wePhondo uya kuthi emva kokubonisana neBhodi okanye neKomiti, alirhoxise igunya ebelinikwe iBhodi okanye iKomiti ngokwecandelwana (1) lokuba yenze imisebenzi eyongezelelweyo okanye isebenzise igunya elongezelelweyo, xa kuthe ngokwesizathu athe uMphathiswa wePhondo wabona ukuba—

(a) iBhodi okanye iKomiti ayinakuwenza umsebenzi owongezelelweyo okanye ayinakulisebenzisa igunya; okanye

(b) nokuba kuya kuxhomekeka kumdla wabantu wokuba uMphathiswa wePhondo angakwenze oko.

(3) UMphathiswa wePhondo uya kuthi akuba ebonisene neBhodi okanye neKomiti—

(a) ayikhulule iBhodi okanye iKomiti ekubeni yenze imisebenzi ibimiselwe ukuba iyenze ngokwecandelo 10 okanye 12; okanye

(b) arhoxise igunya ekubhekiselelwe kulo kwicandelo 11 okanye 13 ngokumayela neBhodi okanye neKomiti.

(4) Xa esebenzisa igunya elichazwe kwicandelwana (1), (2) okanye (3), uMphathiswa wePhondo uya kuwasebenzisa emva kokubonisana nentloko okanye neentloko zeziko okanye zamaziko achaphazelekayo empilo.

Ukwenziwa kwemisebenzi nokusetyenziswa kwamagunya

15. (1) Xa kusenziwa imisebenzi okanye xa kusetyenziswa amagunya, iBhodi okanye iKomiti iya kusebenza ngokwemithetho echaphazelekayo nesetyenziswayo yezempilo kunye nomgaqo-siseko owenziwe ngurhulumente wesizwe, owephondo okanye owommandla.

(2) INtloko yeSebe iya kucela iBhodi okanye iKomiti ukuba ingenise ingxelo ephathelelene neenkqubo zayo.

(3) Usihlalo weBhodi okanye weKomiti uya kwisithuba seenyanga ezimbini ekupheleni konyaka ngamnye wekhalenda, angenise ingxelo ebhaliweyo kuMphathiswa wePhondo ngemisebenzi yeBhodi okanye yeKomiti ngaloo nyaka.

Amanyathelo eNtsebenziswano

16. (1) UMphathiswa wePhondo uya kuthabatha amanyathelo okuqinisekisa ubudlelane bentsebenziswano phakathi kweeBhodi, iiKomiti namabhunga ezithili zempilo.

(2) IBhodi okanye iKomiti iya kwenza kubekho ubudlelane bentsebenziswano eluqilima kunye nolawulo lwelo ziko lempilo ilisebenzelayo.

(3) INtloko yeziko lempilo iya—

(a) kuthabathela amanyathelo iBhodi okanye iKomiti echaphazelekayo ukuba yenze imisebenzi yayo okanye isebenzise amagunya ayo; kunye

(b) nokuqinisa ubudlelane bentsebenziswano kunye neBhodi okanye neKomiti echaphazelekayo.

(4) Ukuba isonjululwe iyantlukwano ethe yakho phakathi kwabalawulo beziko lezempilo kunye neBhodi okanye neKomiti echaphazelekayo, iBhodi okanye iKomiti okanye intloko yeziko lezempilo iya kucela iNtloko yeSebe ukuba ingenelele okanye ilamle.

USihlalo nesekela sihlalo

17. (1) IBhodi okanye iKomiti iya kuthi phakathi kwamalungu ekubhekiselelwe kuwo kwicandelo 5(1)*(a)* okanye 6(1)*(b)*, ngokwaloo meko, inyule usihlalo kunye nosekela sihlalo—

(a) kwintlanganiso yokuqala; kunye

(b) nokuya kuthi kwenziwe, nokuba sesiphi kwezo zikhundla esishiyeka singenamntu.

(2) Umsebenzi weSebe akayi kunyulwa njengosihlalo weBhodi.

(3) Usihlalo kunye nosekela sihlalo batyunjelwa esikhundleni ixesha le-ofisi lelungu ekuthethwa ngalo.

(4) Kwisithuba seentsuku ezili-14 zenkqubo yokutyumba usihlalo okanye usekela sihlalo ngokwecandelwana (1), usihlalo uya kuyazisa iNtloko yeSebe ngembalelwano ngegama nedilesi yegosa elichaphazelekayo elichaphazelekayo.

(5) Ukuba usihlalo akakho entlanganisweni yeBhodi okanye eyeKomiti okanye akafumaneki, usekela sihlalo uya kubamba njengosihlalo.

(6) Ukuba usihlalo kunye nosekela sihlalo abakho entlanganisweni yeBhodi okanye eKomiti, amalungu akhoyo aya kunyula omnye kwelo nani alilo ukuba abambe njengosihlalo kuloo ntlanganiso.

(7) Usihlalo weBhodi ligosa lengxelo laloo Bhodi kwaye uya kuba namagunya nemisebenzi emiselwe nguMphathiswa wePhondo.

(8) I-ofisi kasihlalo okanye usekela sihlalo ayibinamntu ukuba ilungu ekuthethawa nagalo—

(a) libeka phantsi iintambo ngembalelwano; okanye

(b) liyasuswa ngesigqibo seBhodi okanye iKomiti ekuthethwa ngayo.

Inkxaso ngokubanzi

18. (1) Isibhedlele emiselwe sona iBhodi siya kwalatha indawo, iofisi yonobhala, inkxaso kwezolawulo nakwezemali ezimiselwe yiBhodi.

(2) Ukuba iBhodi iye yamiselwa ukuba ijongane nezibhedlele eziliqela, indawo neofisi yonobhala, inkxaso kwezolawulo nakwezemali iya kunikwa sisibhedlele okanye zizibhedlele eziliqela njengoko kumiselwe—

(a) ngokwesivumelwano esiphakathi kweentloko ezibhedlele ezichaphazelekayo; okanye

(b) iNtloko yeSebe, xa singekho isivumelwano esinjalo.

(3) Nangona ngokwamacandelwana (1) nele-(2), iBhodi iya kwenza amanye amalungiselelo aphathelelene nendawo, iofisi yonobhala, inkxaso kwezolawulo nakwimali evela engxoweni yayo oko kusenziwa ngendlela emiselwe nguMphathiswa wePhondo.

(4) Iziko lonyango olusisiseko emiselwe kulo iKomiti liya kukunika indawo eya kusetyenziswa yiKomiti kwaye kukho imfuneko enkulu yokuba iKomiti ibe ne-ofisi yonobhala, inkxaso yezolawulo nokuphendula ngemali.

(5) Ukuba iKomiti imiselwe ukujongana namaziko empilo aneenkonzo zonyango oluphambili aliqela, indawo kukho imfuneko enkulu yokuba kubekhona unobhala, inkxaso kwezolawulo nophicotho zincwadi efunwa yiKomiti neya kwenziwa liziko elinye okanye amaziko aliqela ezempilo aneenkonzo zonyango oluphambili, njengoko kumiselwe—

(a) ngokwesivulwano esiphakathi kweentloko zamaziko onyango olusisiseko achaphazelekayo; okanye

(b) iNtloko yeSebe, xa singekho eso sivumelwano.

(6) INtloko yeSebe iya kumisela iBhodi yeKomiti nganye ngokweenjongo zokwamkela, ilawule kwaye iphendule ngemali eyenziwe yiKomiti.

(7) IBhodi emiselwe ngokwecandelwana (6) iya kwamkela, ilawule kwaye iphendule ngemali eyenziwe yiKomiti ngendlela emiselweyo.

(8) ISebe liya kuqeqesha lifundise amalungu alo amatsha aqeshiweyo kwisigaba sokuqala sokuba sesikhundleni eofisini kwaye makubonelelwe ngoqeqesho olongezelelweyo ukuba luthatyathwa luyimfuneko kwaye lufanelekile.

Ukumisela iintlanganiso

19. (1) INtloko yeSebe iya kumisela ixesha nendawo yentlanganiso yokuqala yeBhodi okanye yeKomiti.

(2) IBhodi okanye iKomiti iya kumisela ixesha nendawo yentlanganiso yezinye iintlanganiso zesiqhelo ezilandelayo eziya kuhlala kube kanye kwinyanga ezintathu kanye ngonyaka.

(3) Usihlalo uya kuthi nangaliphi na ixesha abize intlanganiso yesikhawu, kwaye uya kukwenza oko xa eceliwe ngembalelwano ngamalungu eBhodi okanye eKomiti amabini ubuncinane, xa athe wakubona oko kufanelekile.

(4) Usihlalo uya kuwazisa amalungu ngexesha, indawo nesizathu sokubizwa kwentlanganiso yesikhawu ubuncinane kwisithuba seentsuku ezintathu zomsebenzi ngaphambi kokuba ihlale kwintlanganiso leyo, ngaphandle kwaxa kufuneka ibizwe ngesiquphe intlanganiso ngokubangelwa ziimeko ezingxamisekileyo.

(5) Isaziso sazo zonke iintlanganiso zeBhodi okanye iKomiti mazenziwe zivuleleke eluntwini yiBhodi okanye iKomiti ekuthethwa ngayo.

Inkqubo elandelwayo ezintlanganisweni

20. (1) Inkqubo elandelwayo entlanganisweni yeBhodi kufuneka ithi, njengoko ingagunyaziswanga, imiselwe yiBhodi okanye yiKomiti.

(2) Ikhoram enamalungu angayi kuba ngaphantsi kwesiqingatha samalungu amiselwe ngokwecandelwana 5(1)*(a)* okanye 6(1)*(b)* kwaye esinye isiqingatha samanye amalungu atyunjwa ngokwecandelo 5(1) no (2) lecandelo 6(1), njengoko kunjalo, kulindeleke ukuba abekho entlanganisweni nangaliphi ixesha.

(3) Isigqibo seBhodi okanye seKomiti siya kwenziwa ngokufikelela kwisivumelwano, kodwa xa singafikelelanga isininzi samalungu ebekho entlanganisweni kwisivumelwano, eso sivumelwano kufikelelwe kuso iya kuba sisigqibo seBhodi okanye seKomiti.

(4) Xa kuye kwakho ukulingana ngokweevoti kuwo nawuphi umbandela, usihlalo kuloo ntlanganiso uya kongeza eyakhe ivoti ukuze kuthathwe isigqibo.

(5) IBhodi iya kunika umyalelo okanye inike imvume nawuphi na umntu osesikhundleni sokuba ngumcebisi athabathe inxaxheba kwiintlanganiso.

(6) Usihlalo uya kuqinisekisa ukuba—

(a) iyagcinwa irekhodi egqibeleleyo yamalungu abekho entlanganisweni, amanqaku entlanganiso nezisombululo ekugqitywe ngazo, kuzo zonke iintlanganiso; kunye

(b) nekopi yerekhodi ekubhekiselwe kuyo kumhlathi *(a)*, ityikitywe ngusihlalo, ithunyelwe kwiNtloko yeSebe, ukuba iNtloko yeSebe ithe yayifuna.

Iintlanganiso ezivulelekele noluntu

21. (1) Ngokuxhomekeke kwicandelwana (2), zonke iintlanganiso zeBhodi zivulelekile eluntwini.

(2) Ukuba iBhodi okanye iKomiti ithe ngezizathu ezifanelekileyo yagqiba ekubeni uluntu malungathabathi nxaxheba kwintlanganiso xa kuxoxwa ngomba othile, usihlalo akayi kulubandakanya uluntu entlanganisweni ngexesha laloo ngxoxo.

(3) IBhodi okanye iKomiti iya kusebenzisa nayiphi na into ebona ifanelekile, ukwazisa uluntu ngeentlanganiso zeBhodi okanye zeKomiti

Ikomiti elawulayo

22. (1) IBhodi okanye iKomiti iya kuseka ikomiti elawulayo enamalungu eBhodi okanye eKomiti, ekuya kubakho kuwo ubuncinane isiqingatha samalungu anyulwe ngokwecandelo 5(1)*(a)* xa iyiBhodi nangokwecandelo 6(1)*(b)*.

(2) Ngokuxhomekeke kwimigaqo yeBhodi okanye yeKomiti kunye necandelwana (3) nele (4), ikomiti elawulayo iya kwenza yonke imisebenzi kwaye isebenzise onke amagunya eBhodi okanye eKomiti phakathi kweentlanganiso zeBhodi okanye zeKomiti.

(3) IKomiti elawulayo ayinawo amagunya okumisela okanye okwenza nasiphi na isigqibo seBhodi okanye seKomiti, ngaphandle kwaxa iBhodi okanye iKomiti ikwalathile oko.

(4) Naliphi inyathelo okanye isigqibo esithatyathiweyo yikomiti elawulayo siya kuthi kwintlanganiso yokuqala yeBhodi okanye yeKomiti elandela emva kwelo nyathelo okanye eso sigqibo, siphononongwe yiBhodi okanye yiKomiti size silungiswe kungagatywanga nawuphi na umntu.

IiKomiti ezizodwa

23. (1) IBhodi okanye iKomiti iya kuseka iikomiti ezizodwa eziya kuba namalungu eBhodi okanye eKomiti aya kwenza imisebenzi ethile okanye asebenzise amagunya athile egameni leBhodi okanye leKomiti.

(2) Xa igunya lolawulo linikwe ikomiti eyodwa, umyalelo, imimiselo ekubhekiselelwa kuyo, inkqubo neekhoram zekomiti eyodwa kufuneka kuya kuvunyelwana ngazo zishicilelwe yiBhodi okanye yiKomiti.

(3) Ikomiti eyodwa yeBhodi iya kutyumba umntu okanye abantu abangasebenzi kwiBhodi ukuba basebenze kwikomiti njengabacebisi.

(4) Naliphi inyathelo elithatyathiweyo okanye isigqibo esithatyathiweyo yikomiti eyodwa, siya kuthi kwintlanganiso yokuqala yeBhodi okanye iKomiti emva kwelo nyathelo kweso sigqibo, kuphononongwa okanye sitshintshwe yiBhodi okanye iKomiti kungakhethwanga mntu utheni.

Ukunyusa ingxowa-mali yeBhodi nokusetyenziswa kwayo

24. (1) IBhodi iya kufumana iinkonzo, imali, oovimba bokugcina okanye izixhobo ngeenjongo zokufezekisa imisebenzi yayo.

(2) IBhodi iya kuyisebenza imali, oovimba okanye izixhobo ezinikwe ngeenjongo zokwenza imisebenzi yayo.

(3) IBhodi iya kuseka iqumrhu eliya kujongana nemali eya kuba luncedo kwiziko lempilo esebenzela lona kwaye iya kwamkela ize ilawule elo qumrhu lakuba lisekiwe ukuze lincede iziko lempilo esebenzela lona.

(4) IBhodi iya kugcina zonke iirekhodi zemali ezifumeneyo nezichithileyo neempahla.

(5) IBhodi iya kuthi rhoqo kwisithuba seenyanga ezimbini zokuphela konyaka-mali, ingenise kwiNtloko yeSebe iingxelo zemali zonyaka ezihlanganiswe ngokwesikhokelo soniko-ngxelo esimiselwe nguMphathiswa wePhondo ebonisene noMphathiswa wePhondo wezemali.

(6) UMphicothi zincwadi onyulwe yiBhodi uya kuthi ngokwecandelwana (7), enze uphicotho kwiirekhodi nakwiingxelo zonyaka zemali zeBhodi athumele ingxelo yophicotho kwiNtloko yeSebe nakwiBhodi echaphazelekayo kwisithuba seenyanga ezimbini zifumanekile iingxelo ekubhekiselelwa kuzo kwicandelwana (5).

(7) UMphathiswa wePhondo uya kuthi emva kokubonisana neNtloko yeSebe amisele ukuba iBhodi ixolelwe ekuphicothweni.

(8) UMphathiswa wePhondo uya kuqwalasela oku kulandelayo kuba iBhodi xa esenza isindululo ngokwecwandelwana (7):

(a) ukuba ngaba lilonke ixabiso lee-asethi kuqukwa nemali eselugcinweni yeBhodi egqithileyo kuma-R5 000 000 kumnyaka-mali odlulileyo, kunye nesixamali esinjalo siza kuhlengahlengiswa rhoqo ngonyaka ngowo-1 Matshi ngokuhambelana neSalathisi seXabiso loMthengi;

(b) iingxelo zemali zeBhodi zomnyaka-mali odlulileyo; kunye

(c) nokuba iBhodi yayenza imisebenzi yayo ngokwalo Mthetho kumnyaka-mali odlulileyo.

(9) Apho uMphathiswa wePhondo aye wayixolela iBhodi ngokwecandelwana (7), iBhodi iya kuthi nokuba kunjalo ingenise kwiNtloko yeSebe iingxelo zemali ezenziwe ngokwesikhokelo soniko ngxelo esimiselwe nguMphathiswa wePhondo ebonisene noMphathiswa wePhondo wemali.

(10) UMphathiswa wePhondo uya kumisela iBhodi exolelweyo ngokwecandelwana (7) kuba iphicothwe njengoko kuchaziwe kwicandelwana (6).

(11) Unyaka-mali weBhodi ngunyaka ophela ngomhla wama-31 kuMatshi.

(12) Ukuba iBhodi iyasilela ukuthobela icandelwana (5) okanye (9), okanye apho iBhodi iye yanamagingxigingxi ekuphatheni imali, uMphathiswa wePhondo uya kumisela amanyathelo olungiso awabona efanelekile, aquka—

(a) ukuqeshwa komlawuli ukuze alawule imicimbi yemali okanye imisebenzi eyenziwayo yiBhodi;

(b) ukunqunyanyiswa okanye ukurhoxiswa kwamalungu eBhodi esikhundleni; kunye

(c) nokutshintshwa kwemisebenzi namagunya eBhodi, nangona kumiselwe kwicandelo 14.

(13) Ngaphambi kokuba athabathe amanyathelo olungiso akhankanywe kwicandelwana (12), uMphathiswa wePhondo, iNtloko yeSebe iya kukhuphela amalungu eBhodi isaziso neekopi ezigunyazisa ukufezekiswa kwemisebenzi njengoko inikiwe—

(a) inkcazelo ephathelele ekunxaxheni kwimimiselo kuqukwa nokusilela ukwenza imisebenzi ngemfezeko;

(b) amanyathelo amiselwe iBhodi ukuba iwalandele kwanexesha apho la manyathelo aya kuthi alungise oko kunxaxhwe kuko; kunye

(c) nokwazisa iBhodi ukuba isilele ekuthabatheni amanyathelo akhankanywe kumhlathi *(b)* iNtloko yeSebe iya kugqithisela kuMphathiswa wePhondo olo nxaxho ukuze ibe nguye othabatha amanyathelo olungiso ngokwecandelwana (12).

(14) IBhodi iyakhawulelana nawo onke amanyathelo akhankanyiweyo kwicandelwana (13)*(b)* kwisithuba esikhankanyiweyo kwisaziso sothobelo, iNtloko yeSebe iya kuyazisa iBhodi ngembalelwano malunga nokuthobela kwayo ngokwesaziso sokuthobela.

(15) Ukuba iBhodi iyasilela ukuthobela naliphi na inyathelo kumanyathelo onke ekubhekiselelwa kuwo kwicandelwana (13)*(b)* kwisithuba esikhankanywe kwisaziso sothobelo—

(a) iNtloko yeSebe iya kuthi ekupheleni kwexesha elichazwe kwisaziso sothobelo, imazise uMphathiswa wePhondo ngembalelwano ngesizathu sokunxaxha okanye ukungathobeli ngokupheleleyo kweBhodi; kunye

(b) nokuthi uMphathiswa wePhondo athi kwiintsuku ezingama-30 esifumene isaziso sonxaxho okanye ukungathobeli ngokupheleleyo kweBhodi ngembalelwano malunga nokunxaxha okanye ukungathobeli ngokupheleleyo ngokwendlela ekhankanywe kwisaziso sothobelo.

(16) Isaziso esikhankanywe kwicandelwana (15)*(b)* iya kuchaza—

(a) amanyathelo aphakanyisiweyo olungiso aya kuthatyathwa ngokwecandelwana (12); kwaye

(b) ukuba iBhodi inelungelo lokwenza ulwandlalo phambi koMphathiswa wePhondo kwisithuba seentsuku ezi-14 sifunyenwe isaziso esiphathelele kumanyathelo aphakanyisiweyo olungiso.

(17) Zakuphela iintsuku ezili-14 ezichazwe kwicandelwana (16)*(b)*, ukuba uMphathiswa wePhondo uyifumene akayifumana ingcaciso ngembalelwano evela kwiBhodi, uMphathiswa wePhondo uya kuthi emva kokuqwalasela onke amanqaku afanelekileyo kuquka nokungathobeli ngokupheleleyo kweBhodi, athabathe amanyathelo olungiso aphakanyisiweyo

(18) Ukuba umlawuli uye waqeshwa ngokwecandelwana (12)*(a)*, uya kuthi—

(a) kwisithuba seenyanga ezintandathu eqeshiwe, angenise kwiNtloko yeSebe ingxelo emalunga nemicimbi yemali yeBhodi nazo naziphi na izenzo ezikrokrelwayo zonxaxho kwimimiselo esemthethweni okanye ukwenza isenzo solwaphulo-mthetho seBhodi echaphazelekayo

(b) emva koko, iya kuthi ibonisene neNtloko yeSebe, yenze isicwangciso sokulungisa seBhodi echaphazelekayo; kunye

(c) nokuthi sakuba sigqityiwe isicwangciso sokulungisa, okanye ukuphumeza isicwangciso sokulungisa—

(i) ukuba kufanelekile, kungenziwa isiphakamiso kuMphathiswa wePhondo neNtloko yeSebe sokuba kwandiswe isicwangciso sokulungisa esiya kuthatha isithuba seenyanga ezintandathu; okanye

(ii) kungeniswe kuMphathiswa wePhondo nakwiNtloko yeSebe ingxelo egqibeleleyo yemicimbi yemali yeBhodi kunye nalo naluphi na unxaxho kummiselo womthetho okanye isenzo esingekho mthethweni esenziwe yiBhodi.

(19) UMphathiswa wePhondo uya kuthi emva kokubonisana neNtloko yeSebe akufumana ingxelo egqibeleleyo echazwe kwicandelwana (18)*(c)(ii)*, nguye oya kubona ukuba—

(a) iBhodi inako ukulawula imicimbi yayo yemali; okanye

(b) iBhodi inako ukulawula imicimbi yayo yemali ngoncedo lomlawuli omiselwe nguMphathiswa wePhondo ngokuphathelelene ngemiqathango nemimiselo njengoko kumiselwe nguMphathiswa wePhondo.

(20) Ngaphambi kokuba uMphathiswa wePhondo enze isindululo ngokwecandelwana (19)*(b)*, uya kuyazisa iBhodi ngembalelwano ngeenjongo zakhe zokuba enze eso sindululo.

(21) Isaziso esikhankanywe kwicandelwana (20) siya kuchaza—

(a) isindululo sokuba uMphathiswa wePhondo abe nenjongo yokwenza; kunye

(b) nokuba iBhodi inelungelo lokwenza ingcaciso ebhaliweyo kuMphathiswa wePhondo kwisithuba seentsuku ezili-14 isifumene isaziso esimalunga nesindululo esenziweyo.

(22) Ukuphela kweentsuku ezili-14 ezikhankanywe kwicandelwana (21)*(b)*, ukuba ingaba uMphathiswa wePhondo uyifumene okanye akayifumananga ingcaciso ebhaliweyo evela kwiBhodi, uMphathiswa wePhondo uya kuthu emva kokuqwalasela onke amanqaku afanalekileyo kuquka nayo nayiphi na ingcaciso eyenziwe yiBhodi, enze isindululo

Iimfanelo zohambo nezimayela noko

25. (1) Ngokuxhomekeke kwixabiso elimiswe nguMphathiswa wePhondo, ebonisene noMphathiswa wePhondo wezemali, iBhodi ingathatha kwimali yayo ibuyekeze ilungu leBhodi, elatyunjwa ngokwecandelo 5(1)*(a)* no*(b)*, umcebisi ngokwecandelo 20(5), okanye nawuphi na umntu owatyunjwa njengelungu eliya kusebenza kwikomiti eyodwa ngokwecandelo 23(3) mayela—

(a) neendleko zothutho phakathi kwendawo elihlala, okanye elisebenza kuyo ilungu, umcebisi okanye umntu kunye nendawo ebanjelwe kuyo intlanganiso yeBhodi okanye yekomiti echaphazelekayo; kunye

(b) neendleko zohambo neemfanelo zokuphila ezithe zadaleka ngenxa yokuya kwiinkomfa, iisemina okanye kwiinkqubo zoqeqesho zeBhodi, kodwa xa iinkomfa, iisemina neenkqubo zoqeqesho zingaphaya kwemida yePhondo yoMzantsi Afrika, kuya kufumaneka imvume kuMphathiswa wePhondo.

(2) *(a)* IBhodi ayiyi kuwabuyekeza amalungu ayo ngexesha elichithelwe kwizinto zomsebenzi weBhodi.

(b) Ngokuxhomekeke kwixabiso elimiswe nguMphathiswa wePhondo ebonisene noMphathiswa wePhondo wezemali, iBhodi ingathatha kwimali yayo ibuyekeze umcebisi ngokwecandelo 20(5) okanye nawuphi na umntu owatyunjwa njengelungu eliya kusebenza kwikomiti eyodwa ngokwecandelo 23(3), ngexesha elichithwe emsebenzini weBhodi.

(3) *(a)* Ilungu leKomiti alinalungelo lokubuyekezwa ngexesha elilichithele emsebenzini weKomiti.

(b) Ngokuxhomekeke kwixabiso elimiswe nguMphathiswa wePhondo ebonisene noMphathiswa wePhondo wezemali, iSebe lingathatha kwingxowamali yalo libuyekeza ilungu leKomiti elatyunjwa ngokwecandelo 6(1)*(b)* iindleko zohambo ezenzeke ngokuya ezintlanganisweni zeKomiti.

(4) Xa iBhodi ingenamali yaneleyo, ize ithi ngokuxhomekeke kwixabiso elimiselwe nguMphathiswa wePhondo ebonisene noMphathiswa wezemali, iSebe lingathatha kwingxowamali yalo libuyekeza ilungu leBhodi elingekabikho lungelweni lokubuyekezwa ngeendleko zalo liSebe ngenxa yokuba sesikhundleni ekubhekiselelwa kuso kumacandelo 5(1)*(c)*, *(d)*, *(e)* okanye *(f)*, zohambo ezikhankanyiweyo kwicandelwana (1)*(a)*.

Ukuvalwa kweziko lempilo

26. (1) Xa lithe lavalwa iziko lempilo yiBhodi okanye yiKomiti emiselwe lona, iNtloko yeSebe iya kuthi kwisithuba seenyanga ezintathu ubuncinane ngaphambi kokuvalwa kwalo nasemva kokuba ibonisene neBhodi okanye neKomiti, iyalele iBhodi okanye iKomiti ngembalelwano malunga—

(a) nemeko apho ithe iBhodi okanye iKomiti eyayimiselwe ukujongana nelo ziko lempilo kuphela, kuthe injongo yokuvalwa kwalo ziko nokuchithwa kweBhodi okanye iKomiti kunye, naxa iBhodi yayisungule nayiphi na itrasti;

(b) naxa iBhodi okanye iKomiti eyayimiselwe ukujongana namaziko empilo angaphezulu kwelinye, nakuphi na ukutshintshwa okucetywayo ngolwakhiwo lwayo olubangelwa kukuvalwa kwelo ziko; kunye

(c) naxa iBhodi eyayimiselwe kuphela elo ziko lempilo, ukutshithsiswa kweempahla namatyala eBhodi, okanye nayiphi na itrasti eyayisungulwe yiBhodi.

(2) Xa kuvalwa iziko lempilo ekubhekiselelwa kulo kwicandelwana (1)*(a)*, iBhodi okanye iKomiti ejongene nelo ziko lempilo, apho itrasti eyayisungulwe yiBhodi ithe yatshitshiswa, iNtloko yeSebe iya kuthi, xa kukho imfuneko, ithabathe amanyathelo okuba kuqaliswe ukusetyenziswa imiyalelo echazwe kwicandelwana (1)*(c)*.

Imimiselo yexeshana ngokubhekiselele kwizibhedlele ezikhulu

27. Ilungu alinaxanduva layo nayiphi na into ethe yenziwa ngentembeko ekwenzeni umsebenzi ngokwalo Mthetho.

Imimiselo

28. (1) Ngokuxhomekeke kwicandelo (3), uMphathiswa wePhondo uya kwenza imimiselo ephathelele—

(a) neenkqubo zokutyunjwa kwamalungu aya kunyulwa asebenze kwiiBhodi nakwiiKomiti;

(b) nolawulo lwemali yeeBhodi;

(c) indlela ethi iBhodi yenze isibonelelo ngayo okanye enye iimpahla enokushukumiseka yokubonelela, ukuphucula okanye ukwandisa iinkonzo ukuphucula, okanye ukwandisa iinkonzo nezinto zolonwabo, okanye ukunikela ngemali ukuze kuthengwe iimpahla ezinokuphakamiseka okanye ezingenakuphakamiseka eziya kunceda isibhedlele;

(d) amagunya nemisebenzi kasihlalo weBhodi okanye weKomiti;

(e) indlela ethi iBhodi enokuthi yenze ngayo amalungiselelo endawo, kunye nenkxaso kwi-ofisi yonobhala, ulawulo nakwezemali;

(f) indlela emiselwe iKomiti ekuhlawuleni imali eyenzelwe ukuxhasa iziko lonyango olusisiseko nokusebenza kweKomiti kwiBhodi emiselwe yiNtloko yeSebe ngokwecandelo 18(6);

(g) indlela ethi imiselwe ngayo iBhodi ngokwecandelo 18(6) ukuba yamkele, ilawule iphendule ngemali eyenziwe yiKomiti;
(h) iindleko zokuhamba neemfanelo ezihlawulwayo ngokwalo Mthetho;
(i) ukusungulwa kwetrasti yiBhodi; kunye
(j) inkqubo elandelwayo inkqubo yokuhlanganiswa kwamaziko onyango olusisiseko nokumiselwa kweKomiti yamaziko aliqela onyango.

(2) Ngokuxhomekeke kwicandelwana (3), uMphathiswa wePhondo wenza imimiselo malunga—

(a) iinkqubo ezilandelwayo zentlanganiso zeBhodi okanye zeKomiti; kunye
(b) nawo nawuphi na omnye umba oyimfuneko okanye ungxamiseko lokukhupha umyalelo ukuze kufezekiswe iinjongo zalo Mthetho.

(3) Xa imimiselo ifuna kubekho imali kurhulumente, uMphathiswa wePhondo uya kwenza imimiselo ngokwesivumelwano soMphathiswa wePhondo wezemali.

Ulwabiwo-msebenzi

29. (1) UMphathiswa wePhondo uya kumisela nawaphi na amagunya okanye imisebenzi ayinikwe ngokwemimiselo yalo Mthetho, ngaphandle kwegunya lokwenza imimiselo, kwiNtloko yeSebe.

(2) INtloko yeSebe iya kumisela okanye inike naliphi na igunya ngokwemimisela yalo Mthetho—

(a) umsebenzi weSebe; okanye
(b) umntu osesikhundleni okanye kwisihlalo esithile kwiSebe.

(3) Ngaphandle kwe candelwana (2), iNtloko yeSebe iya kumisela amagunya okanye inike ilungu umsebenzi.

(4) Ukumiselwa magunya okanye imisebenzi ekubhekiselelwa kulo kwicandelwana (1) okanye (2)—

(a) kuya kubhalwa phantsi;
(b) kuyaa kwenziwa ngokwemiqathango;
(c) kuya kurhoxiswa okanye kulunguswe ngokubhalwa phantsi nguMphathiswa wePhondo okanye yiNtloko yeSebe, njengoko kunjalo;
(d) kunika imvume yokumiselwa kwamanye amagunya okanye oko kwenziwayo kula msebenzi;
(e) akumthinteli uMphathiswa wePhondo okanye iNtloko yeSebe, njengoko kunjalo, ekubeni asebenzise amagunya akhe okanye enze la msebenzi; kunye
(f) nokuba akumhluthi uMphathiswa wePhondo okanye iNtloko yeSebe, njengoko kunjalo, uxanduva lwakhe malunga namagunya amiselweyo okanye ukwenza umsebenzi omiselweyo.

Imimiselo yethutyana ephathelele nezibhedlele ezikhulu

30. (1) Nangona ubhangiso lwe*Western Cape Health Facility Boards Act* lalo Mthetho, ibhodi ekhoyo yesibhedlele esikhulu iqhuba nokusebenza ngokwemimiselo yala Mthetho ade uMphathiswa wesizwe atyumbe ibhodi engummeli wesibhedlele esikhulu yesibhedlele esichaphazelekayo.

(2) Lingatyeshelwanga nje icandelo 7 lomthetho i*Western Cape Health Facility Boards Act*, ukuba ixesha lokuba sesikhundleni kwelungu lebhodi lesibhedlele esikhulu elikhoyo liyaphela ngaphambi kokuba uMphathiswa wesizwe amisele isibhedlele esichaphazelekayo ibhodi engummeli wesibhedlele esikhulu, elo lungu liya kuhlala esikhundleni ade uMphathiswa wesizwe alimisele.

(3) Yakuba imiselwe ibhodi engummeli yesibhedlele esikhulu nguMphathiswa wesizwe—

(a) iimpahla namatyala ebhodi ekhoyo kwisibhedlele esikhulu, ezinikwe ibhodi engummelo wesibhedlele esikhulu ngokomqathango ezo mpahla ziya kusetyenziswa yibhodi engummeli wesibhedlele esikhulu ixhase le bhodi okanye isibhedlele esikhulu esebenzela sona; kunye
(b) nokuba uMphathiswa wePhondo uya kuthi emva kokubonisana nebhodi ekhoyo yesibhedlele esikhulu enze ummiselo obhaliweyo ophathelelene nawo nawuphi na umba oyimfuneko ukuqinisekisa ngokusebenza ngokufanalekileyo kwebhodi engummeli wesibhedlele esikhulu.

UBhangiso noLondolozo

31. (1) UMthetho weeBhodi zamaZiko eMpilo weNtshona Koloni uyabhangiswa.

(2) Ngokwecandelo 30—

(a) iBhodi emiselwe phantsi kwecandelo 5 le*Western Cape Health Facilities Board Act* kunye nokubakho kwayo ngaphambi kokuqalisa kokusebenza kwalo Mthetho iyaqhuba nokusebenza kwaye ithathwa njengemiselwe phantsi kwecandelo 4(1) lalo Mthetho;

(b) ukuchongwa kwegunya lolawulo lomthetho namalungelo nezimiselo zaloo Bhodi azichaphazeleki ngenxa yokubhangiswa kwala Mthetho; kunye

(c) nawuphi na umntu osesikhundleni ngokwala Mthetho othi ngaphambi kokuqalisa ukusebenza kwalo Mthetho aqhubeke esesikhundleni ixesha elisikelwe ukuba abe sesikhundleni loo mntu kwaye oku kuthathwa njengokuba watyunjelwa kweso sikhundla ngokwalo Mthetho ngokwenxalenye yexesha elingaphelelwayo lokuba sesikhundleni.

(3) Nawuphi na umpoposho, umgaqo, umyalelo, isigunyaziso, imvume okanye uxwebhu oluthe lwakhutshwa, lwapapashwa, lwanikelwa okanye lwavunywa kunye naso nasiphi na esinye isenzo esenziwe phantsi komthetho i*Western Cape Health Facility Boards Act*, ukuba oko akuhambi ngokwalo Mthetho, uthatyathwa njengopapashwe, wanikelwa, wavunywa okanye wenziwa phantsi kwalo Mthetho.

Isihloko esifutshane nokuqala kokusebenza komthetho

32. Lo Mthetho ubizwa ngokuba ngu uMthetho weeBhodi neeKomiti zamaZiko eMpilo weNtshona Koloni, 2016 noya kuqala ukusebenza ngomhla oya kumiselwa yiNkulumbuso ngokwenza umpoposho kwi*Gazethi yePhondo.*

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10.2	REPORT/S BY THE SPEAKER

NONE

10.3	REPORT/S BY THE MUNICIPAL MANAGER

10.3.1	DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 APRIL 2021 UNTIL 30 JUNE 2021

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **28 July 2021**

1. SUBJECT: DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM:01 APRIL 2021 UNTIL 30 JUNE 2021

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 April 2021 until 30 June 2021, 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 April 2021 until 30 June 2021, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler (01 April 2021 – 30 June 2021)
- Chief Financial Officer – Mr K Carolus (01 April 2021 – 30 June 2021)
- Director Infrastructure Services – Mr D Louw (01 April 2021 – 30 June 2021)
- Director Planning and Economic Development – Mr A Barnes (01 April 2021 – 30 June 2021)
- Director Corporate Services – Ms A de Beer (01 April 2021 – 30 June 2021)
- Director Community and Protection Services Mr G Boshoff (01 April 2021 – 30 June 2021).

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

ANNEXURES:

Annexure 1: Delegations exercised by Directorates: 01 April 2021 – 30 June 2021.

POSITION	Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@stellenbosch.gov.za
REPORT DATE	15 July 2021

ANNEXURE 1

DELEGATIONS EXERCISED FOR PERIOD APRIL 2021

DIRECTORATE: OFFICE OF THE MUNICIPAL MANAGER

Date	Delegation	Category	Report subject and Recommendations	Date Received	Date Resolved	Resolution and Comments
01/04/2021	HR2	Conditions of Service (SALGBC)	Advertising of various funded vacancies: Planning and Economic Development	01/04/2021	01/04/2021	Approved
01/04/2021	LEG9	General	Power of attorneys	01/04/2021	01/04/2021	Approved
01/04/2021	EL14	Section 3(1)	2020/21 Electrification Programme: April 2021	01/04/2021	01/04/2021	Approved
01/04/2021	C19.1	Section 56(1)(a)(i), Systems Act	Acting appointment: Director Community and Protection Services	01/04/2021	01/04/2021	Approved
01/04/2021	HR2	Conditions of Service (SALGBC)	Advertising of vacancy Project Manager: Infrastructure Services	01/04/2021	01/04/2021	Approved
01/04/2021	HO1	Housing Act 1997	Revised scope of SLA Enkanini Informal Settlement	01/04/2021	01/04/2021	Approved
01/04/2021	MM48	Section 32(4) MFMA	Quarterly Report – Irregular notification to MEC	01/04/2021	01/04/2021	Approved
01/04/2021	HR2	Conditions of Service (SALGBC)	Annual leave application: Office of the Municipal Manager	01/04/2021	01/04/2021	Approved
01/04/2021	LEG1	General	Case No. 3369/2018 Settlement Agreement: STB Mun/MTO Forestry Pty Ltd	01/04/2021	01/04/2021	Approved
01/04/2021	MM85	Section 67(1) MFMA	Agreement of Lease (Office space): STB Mun/ABSA Bank	01/04/2021	01/04/2021	Approved
01/04/2021	CM3	General Provisions	Tender BSM 90/18: Upgrade of Cloetesville Flats - Proposed expansion/variation of order against original contract	01/04/2021	01/04/2021	Approved
06/04/2021	MM10	Section 55(1)(f)-(h), Systems Act	Implementation of disciplinary hearing: Infrastructure Services	06/04/2021	06/04/2021	Approved
06/04/2021	MM82	Section 65(2)(c), MFMA	Invoice: Transit Solutions	06/04/2021	06/04/2021	Approved
06/04/2021	C18	Section 82 of Structures Act 117 of 1998	Acting Municipal Manager: K Carolus	06/04/2021	06/04/2021	Approved

08/04/2021	SB4	Streets By-Law (2010) S 4	Poster application: New Ad Media	08/04/2021	08/04/2021	Approved
09/04/2021	MM84	Section 66, MFMA	Cellphone allowance application: Governance X2	09/04/2021	09/04/2021	Approved
09/04/2021	HR2	Conditions of Service (SALGBC)	Shortlisting: Knowledge and Information Officer: Governance	09/04/2021	09/04/2021	Approved
13/04/2021	MM18	Section 62(4)(a), Systems Act	Grievance outcomes: Infrastructure Services	13/04/2021	13/04/2021	Approved
13/04/2021	MM18	Section 62(4)(a), Systems Act	Grievance outcome: Office of the Speaker	13/04/2021	13/04/2021	Approved
13/04/2021	HR2	Conditions of Service (SALGBC)	Leave application: Snr Man Governance	13/04/2021	13/04/2021	Approved
13/04/2021	HR2	Conditions of Service (SALGBC)	Conference leave application: Director Corporate Services	13/04/2021	13/04/2021	Approved
13/04/2021	HR2	Conditions of Service (SALGBC)	Approval of acting allowance: Internal Audit X2	13/04/2021	13/04/2021	Approved
13/04/2021	HR2	Conditions of Service (SALGBC)	Standby approval – Law Enforcement Management: April 2021	13/04/2021	13/04/2021	Approved: Discussed with HR as per policy and it was approved as recommended
13/04/2021		DoRA	IUDG Report: March 2021	13/04/2021	13/04/2021	Approved
13/04/2021	HR2	Conditions of Service (SALGBC)	Standby approval – Law Enforcement: March 2021	13/04/2021	13/04/2021	Approved
13/04/2021	HR2	Conditions of Service (SALGBC)	Flexi-hour application: Snr Man Governance	13/04/2021	13/04/2021	Approved
15/04/2021	MM37	Section 10(1)(a) MFMA	Monthly budget monitoring report March2021	15/04/2021	15/04/2021	Approved
15/04/2021		SCM Reg	Declaration of gift – Office of the Municipal Manager	15/04/2021	15/04/2021	Approved
15/04/2021	LEG9	General	Power of Attorneys	15/04/2021	15/04/2021	Approved
15/04/2021	LUP63	Stellenbosch Municipality: Land Use Planning By-Law Section 79	Handover of appeal assessment report to Appeal Authority i.t.o. Section 79(2) of the STB Mun Planning Bylaw – Rezoning and Departure Erf 1628 De la Rey Franschhoek	15/04/2021	15/04/2021	Approved
15/04/2021		SCM	Demand Management Plan 202/21	15/04/2021	15/04/2021	Approved
16/04/2021	CM3	General Provisions	BSM97/21: Supply and delivery of ICT hardware for STB Mun for period ending 30 June 2021	16/04/2021	16/04/2021	Approved

16/04/2021	HR2	Conditions of Service (SALGBC)	Acting allowances approval of various Directorates: April 2021	16/04/2021	16/04/2021	Approved
16/04/2021		MFMA	NT - FMG: Report - March 2021	16/04/2021	16/04/2021	Approved
16/04/2021		MFMA	Performance Evaluation Report STB Mun: 3rd quarter – Financial Services	16/04/2021	16/04/2021	Approved
16/04/2021	SB4	Streets By-Law (2010) S 4	Poster application: Gallophill gallery	16/04/2021	16/04/2021	Approved
16/04/2021	SC44	40(2)(b)	Reserves prices for auction of houses in Onder-pappegaaiberg: Erf 4810, 4811, 4812	16/04/2021	16/04/2021	Approved as per valuation report. Use the valuation p[rice as the property is badly vandalised. I have conducted a site visit in order to be informed of the condition and the reason for the valuation report. Based on the valuation report conducted on 1/11/2020 and my subsequent visit afterwards. The valuation report of the valuator for the professional valuator be used.
16/04/2021	CM3	General Provisions	BSM 14/221 Appointment of private armed security service for the WC024 for a period ending 30/06/2023	16/04/2021	16/04/2021	Approved. Given the numerous acts of vandalism and pressure from the community over the protection and security of this site it is imperative that services provider is capable of providing the required service is appointed. Please ensure that proper monitoring of the service provider to ensure we are paying for Council assets to be protected.
16/04/2021	CM3	General Provisions	BSM 08/19: Stage 1-Call for proposals for the development of Erf 2183 Klapmuts (La Rochelle)	16/04/2021	16/04/2021	Approved. Explanation required as to why this took more than 2 years to inform us that no offers received.

19/04/2021	PRA2	Section 23, PRA	Rates clearance: Erf 7269, 6665, 11702 Cloetesville, Stellenbosch	19/04/2021	19/04/2021	Approved
19/04/2021	HR2	Conditions of Service (SALGBC)	Standby allowance application: Infrastructure Services	19/04/2021	19/04/2021	Approved
19/04/2021	C95	Section 120(1) MFMA	MOA: STB Mun/Visit Stellenbosch – Die Vlakte Walking Tour and the Stellenbosch University Transformation Tour	19/04/2021	19/04/2021	Approved
19/04/2021		Section 65(2)(c) MFMA	Petty cash replenishment – Office of the Municipal Manager: April 2021	19/04/2021	19/04/2021	Approved
	SC2	3(2)(c)	Deviation: Appointment of service provider to assist with the drafting of STB Mun explanatory affidavit and to keep watching brief in the matter between Ricmal Green Pty Ltd and another/The unlawful occupiers of portion 2.3.4. and the remainder of the Farm Ruytershove No. 25			Approved
20/04/2021	HR2	Conditions of Service (SALGBC)	Leave application: Director Planning and Economic Development	20/04/2021	20/04/2021	Approved
20/04/2021	HR2	Conditions of Service (SALGBC)	Leave application: Director Infrastructure services	20/04/2021	20/04/2021	Approved
20/04/2021	LUP63	Stellenbosch Municipality: Land Use Planning By-Law Section 79	Hanover appeal assessment report to the Appeal authority i.t.o. Section 79(2) STB Mun Planning Bylaw, Erf 155 Stellenbosch	20/04/2021	20/04/2021	Approved
20/04/2021	MM10	Section 55(1)(f)-(h), Systems Act	Case No.: WCP032115: Point in Limine: Application for jurisdictional ruling: STB Mun/SAMWU	20/04/2021	20/04/2021	Approved
20/04/2021	MM26	Section 68(1) Systems Act	NT Bursaries: Financial Management Capacity Building Grant	20/04/2021	20/04/2021	Approved
20/04/2021	MM82	Section 65(2)(c), MFMA	Invoice: Vodacom (A0587674)	20/04/2021	20/04/2021	Approved
20/04/2021	C146	Section 12, FBSA	Deed of sale: Erf 8716 Idas Valley Stellenbosch	20/04/2021	20/04/2021	Approved
20/04/2021		MFMA	Quarterly Budget Monitoring Report – 3rd Quarter 2020/21	20/04/2021	20/04/2021	Approved
20/04/2021	MM24	Section 66(1) (d) Systems Act	Appeal on various posts evaluated: CWJEU (Review committee)	20/04/2021	20/04/2021	Approved

20/04/2021	MM10	Section 55(1)(f)-(h), Systems Act	Implementation of disciplinary action: Infrastructure Services	20/04/2021	20/04/2021	Approved
23/04/2021	EL10		2020/21 Electrification programme report – April 2021	23/04/2021	23/04/2021	Approved
23/04/2021	MM10	Section 55(1)(f)-(h), Systems Act	Report: Investigation regarding possible misconduct by municipal officials: various Directorates	23/04/2021	23/04/2021	Approved
29/04/2021	MM10	Section 55(1)(f)-(h), Systems Act	Plea Agreement: STB Mun/R Lindoor	29/04/2021	29/04/2021	Approved
29/04/2021	HO1		Addendum: Kayamandi, Enkanini Housing Project – Provision of additional interim basic services to 2500 households (increase of the project from 1300 to 2500 sites).	29/04/2021	29/04/2021	Approved
30/04/2021	HR2	Conditions of Service (SALGBC)	Leave application: Chief Financial Officer	30/04/2021	30/04/2021	Approved
30/04/2021	LEG	General	Notarial Deed of Servitude: Marzanne Bruwer/ Helshoogte Village Homeowners Association/STB Mun	30/04/2021	30/04/2021	Approved

DELEGATIONS EXERCISED FOR PERIOD MAY 2021

DIRECTORATE: OFFICE OF THE MUNICIPAL MANAGER

Date	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
03/05/2021	HR2	Conditions of Service (SALGBC)	Standby approval: Law Enforcement Management – May 2021	03/05/2021	03/05/2021	Approved
03/05/2021	HR2	Conditions of Service (SALGBC)	Standby approval: Traffic services: May 2021	03/05/2021	03/05/2021	Approved asper discussion with HR as per Council policy.
03/05/2021	HR2	Conditions of Service (SALGBC)	Standby requirements: Snr Man Protection Services	03/05/2021	03/05/2021	Approved as discussed with HR Manager as per Council policy.
03/05/2021	HR2	Conditions of Service (SALGBC)	Effective overtime expenditure for Law Enforcement	03/05/2021	03/05/2021	Approved
03/05/2021	MM82	Section 65(2)(c), MFMA	Invoice: Advance Call INA45155	03/05/2021	03/05/2021	Approved
03/05/2021		MFMA	Statement of Capital and Operational Expenditure – 3rd Quarter 31/03/2021	03/05/2021	03/05/2021	Approved
03/05/2021	C19.1	Section 56(1)(a)(i), Systems Act	Acting appointment: Director Community and Protection Services	03/05/2021	03/05/2021	Approved
03/05/2021	SC2	3(2)(c)	Deviation: CaseWare Financial Reporting System	03/05/2021	03/05/2021	Approved. Given the impact of the GRAP changes and impct that it will have on the AFS it is important that this be done to correctly present audit findings in relation to this – automation is important as previous audit findings was as a result of human error because process was not automated.

04/05/2021	C70	Section 34 (1) MFMA	EPWP Report 3rd Quarter	04/05/2021	04/05/2021	Approved
04/05/2021	C70	Section 34 (1) MFMA	EPWP 3rd Quarter Evaluation Report	04/05/2021	04/05/2021	Approved
04/05/2021	APP3	Section 62 MSA	Appeal i.t.o. Section 62 BSM 61/21 – Appointment of attorneys for the rendering of conveyancing service – Transfer of housing units – contract period from 01/06/2021 – 30/06/2024	04/05/2021	04/05/2021	Approved
04/05/2021	C146	Section 12, FBSA	Addendum to Deeds of Sale: Selford Properties Pty Ltd and Supergroup trading Pty Ltd	04/05/2021	04/05/2021	Approved
04/05/2021	APP3	Section 62 MSA	Appeal i.t.o. Section 62 of the LG MSA in relation to Hamman Street, Encroachment permit for Erf 14144 Stellenbosch	04/05/2021	04/05/2021	Approved
05/05/2021	HR2	Conditions of Service (SALGBC)	Standby approval: Community services May 2021	05/05/2021	05/05/2021	Approved as per discussion with HR manager as per Council policy
05/05/2021		DoRA	IUDGR Report: May 2021	05/05/2021	05/05/2021	Approved
05/05/2021	SC5	4(1)	Report on Regulation 5 of the SCM Regulations ad promulgated by Government Gazette for April 2021	05/05/2021	05/05/2021	Approved
07/05/2021	HO1	Housing Act	Implementation of Protocol between STB Mun and the Housing Development Agency	07/05/2021	07/05/2021	Approved
07/05/2021	MM	Section 55(1)(e)Systems Act	Confirmation of appointment certificate: Governance	07/05/2021	07/05/2021	Approved
07/05/2021	MM109	Section 79(1)(c), MFMA	Delegations exercised by Infrastructure Services: April 2021	07/05/2021	07/05/2021	Approved
10/05/2021	C19.1	Section 56(1)(a)(i), Systems Act	Acting appointment: Director Planning and Economic Development	10/05/2021	10/05/2021	Approved
10/05/2021	TR1	Skills Development Act/MSA	Internal Training on handling disciplinary and incapacity proceedings	10/05/2021	10/05/2021	Approved
10/05/2021	MM10	Section 55(1)(f)-(h), Systems Act	Implementation of disciplinary hearing: Governance	10/05/2021	10/05/2021	Approved
11/05/2021	CM3	General Provisions	BSM 106/21: Approval of Polar fleece blankets – Ward projects	11/05/2021	11/05/2021	Approved
11/05/2021		MFMA	Register of gift – Office of the Municipal Manager	11/05/2021	11/05/2021	Approved

11/05/2021	HR2	Conditions of Service (SALGBC)	Overtime and standby approval: Informal Settlements and Housing Administration – April 2021	11/05/2021	11/05/2021	Approved
12/05/2021		MFMA	NT – Financial Management Grant – April 2021	12/05/2021	12/05/2021	Approved
13/05/2021	MM82	Section 65(2)(c)	Request for payment; Co-opted members of the Oversight Committee	13/05/2021	13/05/2021	Approved
13/05/2021	MM10	Section 55(1)(f)-(h), Systems Act	Implementation of disciplinary action: Infrastructure Services	13/05/2021	13/05/2021	Approved
13/05/2021	C146	Section 12, FBSA	Addendum to Deed of Sale Portion of Erf 6372 Stellenbosch	13/05/2021	13/05/2021	Approved
13/05/2021		MFMA	Monthly Budget Monitoring Report April 2021	13/05/2021	13/05/2021	Approved
13/05/2021	MM82	Section 65(2)(c)	Request for payment: Audit and Performance Audit Committee Members	13/05/2021	13/05/2021	Approved
13/05/2021	MM18	Section 62(4)(a), Systems Act	Grievance outcomes: Library Services	13/05/2021	13/05/2021	Approved
13/05/2021	HR2	Conditions of Service (SALGBC)	Shortlisting Administrative Officer: Governance	13/05/2021	13/05/2021	Approved
13/05/2021	MM139	Section 127(5)(b) MFMA	Annual Report Oversight Report 2019/20 - AG	13/05/2021	13/05/2021	Approved
18/05/2021		ICT	Request for ICT equipment – IDP	18/05/2021	18/05/2021	Approved
18/05/2021		SCM Reg – Cost Containment policy	Request for refreshment – early retirement farewell – Senior Inspector - Community and Protection Services	18/05/2021	18/05/2021	Approved. Please see cost containment policy allow for this. Please in future refer to relevant section in policy.
18/05/2021	CM3	General Provisions	BSM 84/20: Financing of approved projects by means of External loan	18/05/2021	18/05/2021	Approved
18/05/2021	CM3	General Provisions	BSM 13/21: Appointment of consulting engineers for professional civil and electrical services for various projects for a period ending 30/06/2023	18/05/2021	18/05/2021	Approved. Important tender for the implementation of CAPEX projects
18/05/2021	CM3	General provisions	BSM 8/21: 2 year tender for supply of material and hire of equipment for roads, stormwater and other infrastructure requirements	18/05/2021	18/05/2021	Approved
18/05/2021	MM82	Section 65(2)(c)	Request for payment – Office of the Executive Mayor	18/05/2021	18/05/2021	Approved
18/05/2021	MM84	Section 66, MFMA	Cellphone allowance application: Infrastructure Services X 2	18/05/2021	18/05/2021	Approved

18/05/2021	CM3	General Provisions	BSM 102/21: Underwriting and management of municipal short term insurance and risk portfolio	18/05/2021	18/05/2021	Approved
19/05/2021	TR2	Skills Development Act	LGSETA Grant Claim Forma for Projects: L950701799 (LG Accounting Certificate)	19/05/2021	19/05/2021	Approved
20/05/2021	LEG9	General	Power of Attorney: Erf 758 – Kayamandi (United Methodist Church of SA)	20/05/2021	20/05/2021	Approved
20/05/2021	LEG	General	MOA: STB Mun/Wild Trust - Stellenbosch NRM Project	20/05/2021	20/05/2021	Approved
20/05/2021	PRA2	Section 23, PRA	Rates clearance Erven 1457, 2183, 1832 Kayamandi Stellenbosch	20/05/2021	20/05/2021	Approved
20/05/2021	MM10	Section 55(1)(f)-(h), Systems Act	Implementation of disciplinary action: Community and Protection Services	20/05/2021	20/05/2021	Approved
20/05/2021	MM71	Section 64(2)(c), MFMA	Request for approval of leakage tariff: Account 61870022	20/05/2021	20/05/2021	Approved as amended. The is no proof that the metering was faulty. There is no proof that there was a leak on the property. To the contrary the owner was away from the property for 16 days out of the 35 days of metering, which means anyone could have access to the property and left the tap running. However, there is no proof to this. Given the fact that the owner was present for 19 days at home and looking at the average consumption over the past 4 years charges to be paid is 33kl (32.7 KL) In future please ensure that the taps are properly secured during holiday period.
20/05/2021	HR2	Conditions of Service (SALGBC)	Approval of advertisement: Electrical Services	20/05/2021	20/05/2021	Approved
21/05/2021	MM10	Section 55(1)(f)-(h), Systems Act	Implementation of disciplinary action: Community and Protection Services	21/05/2021	21/05/2021	Approved

25/05/2021	MM10	Section 55(1)(f)-(h), Systems Act	Plea agreement: STB Mun/M Zacharek	25/05/2021	25/05/2021	Signed
25/05/2021	MM82	Section 65(2)(c), MFMA	Request for payment: Performance assessment scheduled on 17/03/2021(Mid-year) and 07/04/2021 (Annual) Dr L Mortimer	25/05/2021	25/05/2021	Approved
25/05/2021	MM9	Section 55(1)(e)Systems Act	Appointment of Superintendent Construction – Infrastructure Services	25/05/2021	25/05/2021	Not supported. Process to be held back for person to complete the required licence not exceeding 3 months.
25/05/2021	MM9	Section 55(1)(e)Systems Act	Appointment of Disaster Filed Worker – Community and Protection Services	25/05/2021	25/05/2021	Approved as per advisement from Director Corporate Services
25/05/2021	MM84	Section 66, MFMA	Cellphone allowance application: Administrative assistant Planning and Economic Development	25/05/2021	25/05/2021	Approved
26/05/2021	C93.1	Section 116(3) MFMA	Notice i.t.o. Section 116(3) of the LG MFMA – Amendment of tender awarded to Syntell Pty Ltd – supply, installation and management of STS compliant prepayment electricity vending (BSM 91/18)			Approved
26/05/2021	PRA2	Section 23, PRA	Rates Clearance: Erf 812 Klapmuts, Erf 707 Kayamandi	26/05/2021	26/05/2021	Approved
26/05/2021	LEG9	General	Power of Attorneys: Erven 7804, 7783, 7909 Cloetesville	26/05/2021	26/05/2021	Approved
26/05/2021	EL14	Section 3(1)	2020/21 Electrification programme Monthly report – May 2021	26/05/2021	26/05/2021	Approved
27/05/2021	EL15	To conclude an Electricity Generation Agreement	SLA – Solar Rooftop Project STB Mun/Stellenbosch University	27/05/2021	27/05/2021	Approved
27/05/2021	HR2	Conditions of Service (SALGBC)	Leave application – Internal Audit	27/05/2021	27/05/2021	Approved
27/05/2021	LEG	General	SLA - FNB	27/05/2021	27/05/2021	Approved
28/05/2021		NEMA	Dept of environment, Forestry and Fisheries: Application for licence – Protected trees	28/05/2021	28/05/2021	Approved
28/05/2021		MFMA	Quality Certificate – MTREF – 2021-2024	28/05/2021	28/05/2021	Approved
28/05/2021	C93.1	Section 116(3) MFMA	Notice i.t.o. Section 116(3) LG MFMA – Amendment to the Tender awarded to CBI Electric – African cables for	28/05/2021	28/05/2021	Approved

			the testing and repairs of high and medium voltage cables in the WC024 areas (BSM11/19)			
28/05/2021	HR2	Conditions of Service (SALGBC)	Overtime pre-approval – May 2021 – Informal Settlement	28/05/2021	28/05/2021	Approved
28/05/2021	HR2	Conditions of Service (SALGBC)	Leave application: Director Corporate Services	28/05/2021	28/05/2021	Approved
28/05/2021	HR2	Conditions of Service (SALGBC)	Approval of advertisement – Superintendent Substations, operations and maintenance - Electrical Services	28/05/2021	28/05/2021	Approved
28/05/2021	MM10	Section 55(1)(f)-(h), Systems Act	Plea agreement: STB Mun/B Pietersen	28/05/2021	28/05/2021	Approved
31/05/2021	LEG	General	Lease agreement: Voting Station STB Mun/IEC	31/05/2021	31/05/2021	Approved
31/05/2021	C47	Section 8(4) MFMA	Transfer Payment Agreement: STB Mun/CWDM – Community safety project	31/05/2021	31/05/2021	Approved

DELEGATIONS EXERCISED FOR PERIOD JUNE 2021

DIRECTORATE: OFFICE OF THE MUNICIPAL MANAGER:

Date	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
01/06/2021	CL10	Section 59(1) MSA	Application for donation: Dorothea Special school	01/06/2021	01/06/2021	Recommended for approval
01/06/2021	HR2	Conditions of Service (SALGBC)	Appointment of Foreman Pumpstation – Infrastructure Services	01/06/2021	01/06/2021	Approved. Appointment of Mr a Williams highest scoring 82,6% candidate, EE candidate scored below competency level at 45,1%.
01/06/2021	MM82	Section 65(2)(c), MFMA	Invoice: ETG CTINRIN0031794 CTINRIN0031795	01/06/2021	01/06/2021	Approved
01/06/2021	HO1	Housing Act	Addendum for the planning and feasibility studies consisting of 1854 sites (release of transche payment 1.2) Kayamandi Town Centre	01/06/2021	01/06/2021	Approved
02/06/2021	APP3	Section 62 MSA	Appeal i.t.o. Section 62 of MSA – BSM 46/21 – Maintenance and Operation of Public Ablution Facilities in Franschhoek and Klapmuts	02/06/2021	02/06/2021	Approved
03/06/2021	HR2	Conditions of Service (SALGBC)	Leave application – Office of the Municipal Manager	03/06/2021	03/06/2021	Approved
03/06/2021	LEG9	General	Special Power of Attorney – 142 Watergang, Kayamandi	03/06/2021	03/06/2021	Approved

03/06/2021	LEG9	General	Special Power of Attorney – L178 Mjandana Street, Kayamandi	03/06/2021	03/06/2021	Approved
03/06/2021	SB4	Streets By-Law (2010) S 4	Poster application: Park Village Auctions	03/06/2021	03/06/2021	Approved
03/06/2021	HR2	Conditions of Service (SALGBC)	Sick leave application: Director Community and Protection Services	03/06/2021	03/06/2021	Approved
03/06/2021	LEG9	General	Special Power of Attorneys: Dwarsrivier Valley bulk water supply – Registration of servitude	03/06/2021	03/06/2021	Approved
03/06/2021	MM10	Section 55(1)(f)-(h), Systems Act	Implementation of disciplinary action – Infrastructure Services	03/06/2021	03/06/2021	Approved
03/06/2021	VPR2	Paragraph 6f	Virementation: Internal Audit	03/06/2021	03/06/2021	Approved
03/06/2021		MFMA	Delegation i.t.o LG MFMA and all associated regulations. LG MSA DoRa by the Accounting Officer of the STB Mun of the relevant Officials	03/06/2021	03/06/2021	Approved
07/06/2021		MFMA	Request for roll-over of remainder of transferred payment made to the municipality Regional Socio-economic project/RSEP/VPUU	07/06/2021	07/06/2021	Approved
07/06/2021	HR2	Conditions of Service (SALGBC)	MOA Transport allowance – Financial Services X2	07/06/2021	07/06/2021	Approved
07/06/2021	HR2	Conditions of Service (SALGBC)	MOA Transport allowance - SCM	07/06/2021	07/06/2021	Approved

07/06/2021	C47	Section 8(4) MFMA	CWDM Grant Progress Report May 2021	07/06/2021	07/06/2021	Approved
07/06/2021	C146	Section 12, FBSA	Deed of Sale 13862, Erf 845 Klapmuts, Erf 721, Kayamandi	07/06/2021	07/06/2021	Approved
07/06/2021		MFMA	NT - Financial Management Grant Reporting May 2021	07/06/2021	07/06/2021	Approved
08/06/2021	SC18	27(2)(g)	Questionnaire: FQ Event coordinator and caterer for Honorary citizenship award function July 2021	08/06/2021	08/06/2021	Approved
08/06/2021	HR2	Conditions of Service (SALGBC)	Standby approval – Community Services – June 2021	08/06/2021	08/06/2021	Approved
08/06/2021	LUP63	Stellenbosch Municipality: Land Use Planning By-Law Section 79	Handover appeal assessment report to Appeal Authority i.t.o. Section 79 (2) of the STB Mun Planning Bylaw – Erf 5794 Stellenbosch	08/06/2021	08/06/2021	Approved
09/06/2021	EL14	Section 3(1)	Application ½ to NERSA for Electricity consumption tariffs increase for 2021/22	09/06/2021	09/06/2021	Approved
09/06/2021	EL14	Section 3(1)	Application 2/2 for small scale embedded generation (SSEG) and wheeling consumption and feed-in tariffs increases for 2021/22	09/06/2021	09/06/2021	Approved
09/06/2021	SC18	27(2)(g)	Questionnaire: FQ – Appointment of a Fraud Hotline Tip-off line 30/06/2022	09/06/2021	09/06/2021	Approved
09/06/2021	MM82	Section 65(2)(c), MFMA	Invoice: Madge Computers IND12120	09/06/2021	09/06/2021	Approved

09/06/2021	MM10	Section 55(1)(f)-(h), Systems Act	Implementation of disciplinary hearing: Community and Protection services	09/06/2021	09/06/2021	Approved
10/06/2021	HR2	Conditions of Service (SALGBC)	Approval of advertisement: Senior Clerk – Community Services	10/06/2021	10/06/2021	Approved
10/06/2021	HR2	Conditions of Service (SALGBC)	Flexi-hour application: Financial Services	10/06/2021	10/06/2021	Approved
10/06/2021		MFMA	Practical completion of the Capital Expenditure Framework - DBSA	10/06/2021	10/06/2021	Approved
10/06/2021		DoRA	IUDG Report May 2021	10/06/2021	10/06/2021	Approved
10/06/2021	LEG	General	MOA: Community Library Services Grant STB Mun/WCG via its Dept of Cultural Affairs and Sport 2021/22	10/06/2021	10/06/2021	Approved
10/06/2021	HR2	Conditions of Service (SALGBC)	Approval of advertisement – Development Planning X2	10/06/2021	10/06/2021	Approved
11/06/2021	LEG	General	Lease Agreement – Attacq Retail Fund Pty Ltd	11/06/2021	11/06/2021	Referred back. Director Corporate Services to please check if contract is in line with offer. I am concern I noticed a deposit of over a R1/2m and other deposit's as well as water and electricity deposits. Document also didn't have the first 6 page and o request I discovered the above on page 4 and

						lease agreement administration fee of R300 000.
11/06/2021	APP3	Section 62 MSA	Appeal i.t.o. Section 62 of MSA – BSM 18/21 – Construction of basic services (water and sanitation) at Watergang Informal Settlement Kayamandi	11/06/2021	11/06/2021	Approved
18/06/2021	HR2	Conditions of Service (SALGBC)	Overtime pre-approval – Housing Administration	18/06/2021	18/06/2021	Approved only pre-approved memo. HR advised only to approve memo for pre-approval as proper monitoring of actual hours work to be done by Director
18/06/2021	SC5	4(1)	Report on Regulation 5 i.t.o. SCM Regulations – May 2021	18/06/2021	18/06/2021	Approved
18/06/2021	HR2	Conditions of Service (SALGBC)	Task final outcome report – Community Services/Governance/Fire and Disaster Management/Community/SCM Management/Internal Audit/ICT/Parks and Cemeteries/Environmental Management/Human Resource Management/Financial Management Services	18/06/2021	18/06/2021	Approved
22/06/2021	HR2	Conditions of Service (SALGBC)	Standby approval – Law Enforcement Management	22/06/2021	22/06/2021	Approved
24/06/2021	MM82	Section 65(2)(c), MFMA	Invoice: FNB - 506154	24/06/2021	24/06/2021	Approved
25/06/2021	MM38	Section 10(2) MFMA	Compliance with suspensive conditions - Nedbank	25/06/2021	25/06/2021	Approved

25/06/2021	C45	Section 8(1) MFMA	Section 46 of MFMA – Raising of external loan at the end of 30/06/2021	25/06/2021	25/06/2021	Approved
25/06/2021	C45	Section 8(1) MFMA	Contract – R102 779 511 Stellenbosch – Taking up of an external loan	25/06/2021	25/06/2021	Signed
25/06/2021	EL14	Section 3(1)	Funding Agreement for Providing Free Basic Electricity – STB Mun/ESKOM	25/06/2021	25/06/2021	Approved
25/06/2021	C47	Section 8(4) MFMA	Grant agreement for EPWP Integrated Grant to Municipalities: STB Mun/Dept of Public Works and Infrastructure EPWP Business Plan 2021/2022	25/06/2021	25/06/2021	Approved
25/06/2021	LEG9	General	Power of Attorney Erf 13862 Cloetesville, Erf 845 Klapmuts, Erven 3, 55, 409, 410, 466 Kayamandi	25/06/2021	25/06/2021	Approved
25/06/2021	MM10	Section 55(1)(f)-(h), Systems Act	Appeal i.t.o. Section 62 of MSA – Assembly of a multi-disciplinary team of professionals in order to undertake a feasibility study for Botmaskop	25/06/2021	25/06/2021	Approved
25/06/2021	MM18	Section 62(4)(a), Systems Act	Grievance outcomes – SDBIP and Budget Monitoring	25/06/2021	25/06/2021	Approved
25/06/2021	SC13	17(C)	Deviation: BSM 106/21 Polar Fleece Blankets	25/06/2021	25/06/2021	Approved
25/06/2021	C107	Section 133 (c)(i) MFMA	Approval of Top Layer SDBIP 2021/22 to AG, WCDLG, National Treasury, Provincial Treasury	25/06/2021	25/06/2021	Approved
25/06/2021	SB4	Streets By-Law (2010) S 4	Poster application: K&A Marketing CC	25/06/2021	25/06/2021	Approved

28/06/2021	HR2	Conditions of Service (SALGBC)	Appointment of dedicated Sanitizing Team – Contract appointment	28/06/2021	28/06/2021	Approved
28/06/2021	MM84	Section 66, MFMA	Cellphone allowance applications – Development Planning X2	28/06/2021	28/06/2021	Approved
28/06/2021	TR1	Skills Development Act/MSA	Internal Bursaries: 2021 Studies	28/06/2021	28/06/2021	Approved
30/06/2021	HR2	Conditions of Service (SALGBC)	Resignation: Communications Officer	30/06/2021	30/06/2021	Approved

DELEGATION EXERCISED FOR PERIOD APRIL 2021

DIRECTORATE: FINANCIAL SERVICES

Date	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
April 2021	VPR1	Paragraph 6f	Capital Virementations – All Directorates	April 2021	April 2021	Approved
April 2021	HR2	Conditions of Service (SALGBC)	Standby / Overtime for SCM, Stores	April 2021	April 2021	Approved
April 2021	HR2	Conditions of Service (SALGBC)	Approval to pay Acting Allowances Louwrens van Schalkwyk	April 2021	April 2021	Approved
April 2021	HR2	Conditions of Service (SALGBC)	Approval to pay Acting Allowances Jamie-Lee Bruce	April 2021	April 2021	Approved
April 2021	Section 115(1)(a), MFMA	MM122	B/SM 31/21 Provision, Installation and Maintenance of Weighbridge Hardware and Software and Other Services at The Klapmuts Transfer Station, Stellenbosch Landfill Site and Stellenbosch for the Stellenbosch Municipality Until 30 June 2023	April 2021	April 2021	Approved
April 2021	CM3	General provisions	SCM letters approved Tenderers	April 2021	April 2021	Approved
April 2021	HR2	Conditions of Service (SALGBC)	Standby / Overtime for Salary Department	April 2021	April 2021	Approved
April 2021	Section 115(1)(a), MFMA	MM122	B/SM 39/21 To Appoint a Professional Service Provider to Assemble a Multi-Disciplinary Team of Professionals to Undertake a Broad Conceptual Urban Design Framework for The Northern Extension, Stellenbosch, and to Obtain Town Planning and Development Rights	April 2021	April 2021	Approved
April 2021	CM3	General provisions	SCM letters approved Tenderers	April 2021	April 2021	Approved
April 2021	Section 115(1)(a), MFMA	MM122	B/SM 14/21 Appointment of Private Armed Security Service for The Greater Wc024 for a Period Ending 30 June 2023	April 2021	April 2021	Approved
April 2021	Section 115(1)(a), MFMA	MM122	B/SM 45/21 Provision of Professional Service for Internal Refurbishment of The Building Located on Erf 1852, Corner of Plein- and Ryneveld Street, Stellenbosch, Colloquially Known as The NPK	April 2021	April 2021	Approved

			Building to Accommodate Administrative Offices of the Stellenbosch Municipality			
April 2021	CM3	General provisions	SCM letters approved Tenderers	April 2021	April 2021	Approved
April 2021	Section 115(1)(a), MFMA	MM122	B/SM 46/21 Maintenance and Operation of Public Ablution Facilities at Franschhoek and Klapmuts Informal Settlements, for a Contract Period Ending 30 June 2023	April 2021	April 2021	Approved
April 2021	Section 115(1)(a), MFMA	MM122	BS/M 29/21 Supply, Delivery and Off-Loading of Sabs Approved Personal Protective Equipment until 30 June 2022.	April 2021	April 2021	Approved
April 2021	CM3	General provisions	SCM letters approved Tenderers	April 2021	April 2021	Approved
April 2021	VPR1	Paragraph 6f	Capital Verimentations Various Directorates	April 2021	April 2021	Approved
April 2021	Section 115(1)(a), MFMA	MM122	B/SM 18/21 Construction of Basic Services (Water and Sanitation) at Watergang Informal Settlement, Khayamandi	April 2021	April 2021	Approved
April 2021	HR2	Conditions of Service (SALGBC)	Standby / Overtime for Revenue Section	April 2021	April 2021	Approved
April 2021	VPR1	Paragraph 6f	Capital Virementations – All Directorates	April 2021	April 2021	Approved
April 2021	CM3	General provisions	SCM Tender Questionnaires	April 2021	April 2021	Approved

DELEGATION EXERCISED FOR PERIOD MAY 2021

DIRECTORATE: FINANCIAL SERVICES

Date	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
May 2021	Section 115(1)(a), MFMA	MM122	B/SM 66/21 Provision for the Implementation and Maintaining of Public Transport Infrastructure for a Period ending 30 June 2023	May 2021	May 2021	Approved
May 2021	CM3	General provisions	SCM letters approved Tenderers	May 2021	May 2021	Approved
May 2021	Section 115(1)(a), MFMA	MM122	B/SM 49/21 "Supply and Delivery of Social Relief of Distress Resources: Blankets and Vanity Packs within the Wc024 Until 30 June 2024	May 2021	May 2021	Approved
May 2021	CM3	General provisions	SCM letters approved Tenderers	May 2021	May 2021	Approved
May 2021	HR2	Conditions of Service (SALGBC)	Standby / Overtime for SCM, Stores	May 2021	May 2021	Approved
May 2021	Section 115(1)(a), MFMA	MM122	B/SM 97/21 Supply and Delivery of ICT Hardware Equipment to the Stellenbosch Municipality: Period Ending 30 June 2021	May 2021	May 2021	Approved
May 2021	Section 115(1)(a), MFMA	MM122	B/SM 55/21 Professional Service Provider to Assemble a Multi-Disciplinary Team of Professionals to Undertake a Subdivision Application and Registration of the Diagrams in The Surveyor General's Office for Erf 2183, La Rochelle, Klapmuts	May 2021	May 2021	Approved
May 2021	Section 115(1)(a), MFMA	MM122	B/SM 42/21 Professional Services Provider to Assemble a Multi-Disciplinary Team of Professionals in Order to Obtain the Necessary Land Use Rights and Registration of Diagrams in The Surveyor – General's Office for Certain Housing Projects in Kayamandi, Stellenbosch	May 2021	May 2021	Approved
May 2021	HR2	Conditions of Service (SALGBC)	Overtime Standby approval Salary Section	May 2021	May 2021	Approved
May 2021	Section 115(1)(a), MFMA	MM122	B/SM 57/21 Appointment of a Suitable, Qualified and Experienced Professional Service Provider to Assemble a Multi-Disciplinary Team Of Professionals to Undertake a Feasibility Study for Botmaskop,	May 2021	May 2021	Approved

			Being Portion of Remainder Erf 3363 and Portion of Remainder Erf 3931, Stellenbosch			
May 2021	CM3	General provisions	SCM letters approved Tenderers	May 2021	May 2021	Approved
May 2021	Section 115(1)(a), MFMA	MM122	B/SM 08/21 "2 Year Term Tender for (a) Supply of Materials And (b) Hire of Equipment for Roads, Stormwater & Other Infrastructure Requirements "	May 2021	May 2021	Approved
May 2021	Section 115(1)(a), MFMA	MM122	B/SM 13/21 Appointment of Consulting Engineers, for Professional Civil and Electrical Services, for Various Projects for a Period of Two Years.	May 2021	May 2021	Approved
May 2021	CM3	General provisions	SCM letters approved Tenderers	May 2021	May 2021	Approved
May 2021	HR2	Conditions of Service (SALGBC)	Approval to pay Acting Allowances Jamie-Lee Bruce	May 2021	May 2021	Approved
May 2021	Section 115(1)(a), MFMA	MM122	B/SM 84/20 Financing of Approved Projects by Means of an External Loan.	May 2021	May 2021	Approved
May 2021	CM3	General provisions	SCM letters approved Tenderers	May 2021	May 2021	Approved
May 2021	HR2	Conditions of Service (SALGBC)	Standby / Overtime for Valuations Officer	May 2021	May 2021	Approved
May 2021	Section 115(1)(a), MFMA	MM122	B/SM 48/21 Appointment of an Auctioneer for the Period Ending 30 June 2021	May 2021	May 2021	Approved
May 2021	CM3	General provisions	SCM letters approved Tenderers	May 2021	May 2021	Approved
May 2021	VPR1	Paragraph 6f	Capital Verimentations Various Directorates	May 2021	May 2021	Approved
May 2021	HR2	Conditions of Service (SALGBC)	Standby / Overtime for Salaries, Revenue Section	May 2021	May 2021	Approved
May 2021	VPR1	Paragraph 6f	Capital Virementations – All Directorates	May 2021	May 2021	Approved
May 2021	CM3	General provisions	SCM Tender Questionnaires	May 2021	May 2021	Approved

DELEGATIONS EXERCISED FOR PERIOD JUNE 2021

DIRECTORATE: FINANCIAL SERVICES

Date	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
June 2021	VPR1	Paragraph 6f	Capital Virementations – All Directorates	June 2021	June 2021	Approved
June 2021	HR2	Conditions of Service (SALGBC)	Standby / Overtime for SCM, Stores	June 2021	June 2021	Approved
June 2021	HR2	Conditions of Service (SALGBC)	Approval to pay Acting Allowances Lauren Solomon, Vinolan Narainsamy	June 2021	June 2021	Approved
June 2021	HR2	Conditions of Service (SALGBC)	Approval to pay Acting Allowances Jamie-Lee Bruce	June 2021	June 2021	Approved
June 2021	Section 115(1)(a), MFMA	MM122	B/SM 71/21 Operation and Management of the Stellenbosch Landfill for Period Ending 30 June 2023	June 2021	June 2021	Approved
June 2021	CM3	General provisions	SCM letters approved Tenderers	June 2021	June 2021	Approved
June 2021	HR2	Conditions of Service (SALGBC)	Standby / Overtime for Valuations Officer	June 2021	June 2021	Approved
June 2021	Section 115(1)(a), MFMA	MM122	B/SM 46/20 Supply, Delivery, Installation and Repairs of Steel Park Equipment and Steel Street Furniture as and when Needed with a Contract Period Ending 30 June 2023	June 2021	June 2021	Approved
June 2021	Section 115(1)(a), MFMA	MM122	B/SM 93/21 Appointment of a Service Provider for the Provision of Municipal ICT Network Expansion with Maintenance and Support for the Period Starting 1 July 2021 ending 30 June 2024	June 2021	June 2021	Approved
June 2021	CM3	General provisions	SCM letters approved Tenderers	June 2021	June 2021	Approved
June 2021	Section 115(1)(a), MFMA	MM122	B/SM 85/21 Supply and Installation of a System Protection and Management Software with Annual Subscription, Maintenance and Support for a Period Ending 30 June 2024	June 2021	June 2021	Approved

June 2021	Section 115(1)(a), MFMA	MM122	B/SM 86/21 "Qualys Software License Renewal from 1 July 2021 to 30 June 2024 "	June 2021	June 2021	Approved
June 2021	Section 115(1)(a), MFMA	MM122	B/SM 28/21 Upgrading of the Wemmershoek Wastewater Treatment Works: Phase 1	June 2021	June 2021	Approved
June 2021	CM3	General provisions	SCM letters approved Tenderers	June 2021	June 2021	Approved
June 2021	Section 115(1)(a), MFMA	MM122	B/SM 88/21 Mimecast Unified Email Management Software License Renewal from 1 July 2021 to 30 June 2024	June 2021	June 2021	Approved
June 2021	Section 115(1)(a), MFMA	MM122	B/SM 91/21 Cibecs Software License Renewal from 1 July 2021 to 30 June 2024	June 2021	June 2021	Approved
June 2021	CM3	General provisions	SCM letters approved Tenderers	June 2021	June 2021	Approved
June 2021	VPR1	Paragraph 6f	Capital Verimentations Various Directorates	June 2021	June 2021	Approved
June 2021	Section 115(1)(a), MFMA	MM122	B/SM 102/21 Underwriting & Management of Municipal Short-term Insurance & Risk Portfolio: Contract Period 1 July 2021 to 30 June 2022	June 2021	June 2021	Approved
June 2021	Section 115(1)(a), MFMA	MM122	B/SM 90/21 Supply and Delivery of Replacement ICT Hardware Equipment as and when Required for the Contract Period ending 30 June 2024	June 2021	June 2021	Approved
June 2021	Section 115(1)(a), MFMA	MM122	B/SM 76/21 Supply and Delivery of 240L Wheelie Bins and / or 200l Compost Bin / Converters until 30 June 2024	June 2021	June 2021	Approved
June 2021	Section 115(1)(a), MFMA	MM122	B/SM 89/21 Veeam and VMware Software License Renewal From 1 July 2021 to 30 June 2023	June 2021	June 2021	Approved
June 2021	Section 115(1)(a), MFMA	MM122	B/SM 58/21 Appointment of a Suitable, Qualified and Experienced Professional Service Provider to Assemble a Multi-Disciplinary Team of Professionals in Order to Undertake an Integrated Human Settlement Plan for Stellenbosch Municipality	June 2021	June 2021	Approved
June 2021	Section 115(1)(a), MFMA	MM122	B/SM 78/21 Bill Payment Services for a Contract Period Ending 30 June 2024	June 2021	June 2021	Approved
June 2021	CM3	General provisions	SCM letters approved Tenderers	June 2021	June 2021	Approved

June 2021	HR2	Conditions of Service (SALGBC)	Standby / Overtime for Salaries, Revenue Section	June 2021	June 2021	Approved
June 2021	VPR1	Paragraph 6f	Capital Virementations – All Directorates	June 2021	June 2021	Approved
June 2021	CM3	General provisions	SCM Tender Questionnaires	June 2021	June 2021	Approved

DELEGATIONS EXERCISED FOR THE PERIOD APRIL 2021

DIRECTORATE: INFRASTRUCTURE SERVICES

Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
To authorize a staff member, co to gain access to any property for the purpose of conducting inspection, tests or maintenance works	EL18 Section 10	MUNICIPAL NOTICE: Supply of electricity disconnected on 22 Apr 2021 Area affected: Plein Str Supply of electricity disconnected on 8 Apr 2021 Area affected: 4 Distellery Temp Supply, Skate Park, Motor Workshop, Stellen Kaya Wines, CJ Hillebrand Supply of electricity disconnected on 4 May 2021 Area affected: Woltemade, Alpha & Lovelle Road		19/04/2021 01/04/2021 22/04/2021	Approved Approved Approved
To exercise all powers conferred upon the Municipality by applicable legislation relating to the supply of water and matters incidental thereto	WS1 Section 11, WSA	Water restrictions exemption: 0 – applications approved 0 – application not approved			Approved Not Approved

		0 – applications pending			Pending
		Water restrictions transgressions:			
		0 – reported and notices served by Law Enforcement			Approved
		Borehole registrations:			
		2 – Application to drill			Approved
		1 – Residential Applications			Approved
		0 – Commercial Applications			Approved
		0 – Public Buildings Applications			Approved
		0 – Grey water Applications			Approved
		Municipal Notice 31/2021 – Interruption in water supply on 20/04/2021 at Alexander Str, Stellenbosch	16/04/2021	16/04/2021	Approved
		Municipal Notice 27/2021 – Interruption in water supply on 14/04/2021 at Johannesdal area, Stellenbosch	11/04/2021	11/04/2021	Approved

		Municipal Notice 28/2021 –Upgrading sections of water network at Klapmuts, Stellenbosch Municipal Notice 26/2021 – Interruption in water supply on 15/04/2021 at Klapmuts, Stellenbosch Municipal Notice 33/2021 – Interruption in water supply on 23/04/2021 Cluver Str, Stellenbosch	11/04/2021 11/04/2021 20/04/2021	11/04/2021 11/04/2021 20/04/2021	Approved Approved Approved
To exercise all powers conferred upon the municipality by applicable legislation and by-laws relating to the collection, removal, storage and disposal of refuse and other offensive or unhealthy items of waste	**Section 7 – 9, NEMWA**	EXTENSION OF THE ORGANIC WASTE DIVERSION PLAN SUBMISSION FOR ACHIEVING THE LEGISLATIVE REQUIREMENT OF A 50% DIVERSION OF ORGANIC WASTE FROM WASTE DISPOSAL FACILITIES (WDPS) BY 2022		20/04/2021	Approved
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 3.3 kVA off-grid installation – Erf 4457, 16 Patrys Str Connect a 3.39 kVA off-grid installation – Erf 3804, 36 Unielaan		28/04/2021 28/04/2021	Approved Approved

DELEGATIONS EXERCISED FOR THE PERIOD MAY 2021

DIRECTORATE: INFRASTRUCTURE SERVICES

Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
To authorize a staff member, co to gain access to any property for the purpose of conducting inspection, tests or maintenance works	**EL18** **Section 10**	**MUNICIPAL NOTICE:** Supply of electricity disconnected on 03/06/2021 Area affected: 95 Bird Str Supply of electricity disconnected on 02/06/2021 Area affected: Toyota Auto Mark – 91 Papegaairand Str Supply of electricity disconnected on 04/06/2021 Area affected: 99 Bird Str, Toyota Barloworld Supply of electricity disconnected on 04/06/2021 Area affected: 91, 93 Bird Str, Tiger Wheel, Herotel, Dekra, Suzuki, Schoon Bakery Supply of electricity disconnected on 14/05/2021 Area affected: St Mary's Church, 31, 33,58, 98 Bird Str		 31/05/2021 21/05/2021 31/05/2021 31/05/2021 10/05/2021	 Approved Approved Approved Approved Approved

		Bird Str Pedestrian lights, 40, 44 Alexander Str and Burger Huis			
		Supply of electricity disconnected on 20/05/2021 Area affected: Post office, Anglo African Building, Nedbank Building, Twin Oaks Building – Plein Str		13/05/2021	Approved
		Supply of electricity disconnected on 26/05/2021 Area affected: Johannesdal & Surrounding farms		19/05/2021	Approved
		Supply of electricity disconnected on 03/06/2021 Area affected: Stellenbosch Hospital		25/05/2021	Approved
		Municipal Notice 41/2021 –Upgrading and maintenance work at 95 Bird Str / Pappagaairand Str, Stellenbosch		08/05/2021	Approved
		Municipal Notice 42/2021 –Upgrading and maintenance work at Cluver / Schoongezicht / Martinson Str		08/05/2021	Approved
		Municipal Notice 43/2021 –Upgrading and maintenance work at Verreweide Str		08/05/2021	Approved

To exercise all powers conferred upon the Municipality by applicable legislation relating to the supply of water and matters incidental thereto	**WS1** **Section 11, WSA**	Municipal Notice 51/2021 – Interruption in water supply on 18/05/2021 at Morgenster, Sonne, Lumley, Hoof, Green Way Str, Johannesdal, Stellenbosch		14/05/2021	Approved
To monitor industrial effluent discharges and industrial effluent quality for compliance and the minimisation of water pollution arising from commercial and industrial activity	**566**	**Industrial Effluent permit** Permit no IEA: Beyerskloof Wines 16/8/1 Permit no IEA: Stellekaya Wines 16/8/1		13/05/2021 17/05/2021	Approved Approved
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 248.4 kW low voltage installation at erf 10725, Vinyard Complex, Adam Tas Road, Stellenbosch Connect a 4.02 kW Peak installation at erf 5430, 70 Brandwacht Str		25/05/2021 24/05/2021	Approved Approved

		Connect a 3.35 kW Peak off-grid installation at erf 7995, 40 Longifolia Str Connect a 3.15 kW Peak off-grid installation at erf 16084, 4 Vyfde Slot, Brandwacht aan Rivier Connect a 5 kVA Installation at erf 5607, 1 Forelle Str		24/05/2021 24/05/2021 24/05/2021	Approved Approved Approved
To conclude an Electricity Generation Agreement	**EL15** **Section 3(3)**	**Service Level Agreement** Solar rooftop project Stellenbosch University and Stellenbosch Municipality		21/05/2021	Approved

DELEGATIONS EXERCISED FOR THE PERIOD JUNE 2021

DIRECTORATE: INFRASTRUCTURE SERVICES

Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
To authorize a staff member, co to gain access to any property for the purpose of conducting inspection, tests or maintenance works	**EL18** **Section 10**	MUNICIPAL NOTICE: Supply of electricity disconnected on 09/06/2021 Area affected: Dahlia, Speler, Botmanskop & Old Helshoogte Rd Supply of electricity disconnected on 07/06/2021 Area affected: Stellenbosch Hospital Supply of electricity disconnected on 23/06/2021 Area affected: Makapula, Swart Close, Monde Crescent, Mgabadeli, Manyano, Ndumela & Setona Str Supply of electricity disconnected on 15/06/2021 Area affected: Stone Square, Klein Welgevonden		03/06/2021 01/06/2021 21/06/2021 07/06/2021	Approved Approved Approved Approved
To exercise all powers conferred upon the Municipality by applicable	**WS1**	MUNICIPAL NOTICE:			

legislation relating to the supply of water and matters incidental thereto	**Section 11, WSA**	Municipal Notice 73/2021 – Interruption in water supply on 24/06/2021 at Krige Str, Stellenbosch		22/06/2021	Approved
		Municipal Notice 74/2021 – Interruption in water supply on 30/06/2021 at Suidwal Str, Stellenbosch		22/06/2021	Approved
		Municipal Notice 70/2021 – Interruption in water supply on 17/06/2021 at Suidwal Str, Stellenbosch		15/06/2021	Approved
		Municipal Notice 70/2021 – Interruption in water supply on 08/06/2021 – Klapmuts area		04/06/2021	Approved
		Basic Assessment (BA) Process for the proposed Kayamandi Northern Extension Water Supply Pump Station, Pipelines and Reservoir		04/06/2021	Approved
		BOREHOLE REGISTRATIONS:			
		1 – Application to drill		23/06/2021	Approved
		1– Residential Applications		23/06/2021	Approved
		1– Public Buildings Applications		24/06/2021	Approved

To monitor industrial effluent discharges and industrial effluent quality for compliance and the minimisation of water pollution arising from commercial and industrial activity	**566**	Industrial Effluent permit Permit no IEA: Rickety Bridge Winery 16/8/1		25/06/2021	Approved
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 3.6 kW peak installation at erf 5762, 3 Eldorado Str.		25/06/2021	Approved

DELEGATIONS EXERCISED FOR PERIOD: APRIL 2021

DIRECTORATE: PLANNING AND ECONOMIC DEVELOPMENT

Date	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
APPLICATION LETTER APPROVAL						
	LUP99	Section 24 of the BLUPBL	To consider and administer applications and approve applications for an alteration of the land use restrictions applicable to a particular zone in terms of the Stellenbosch Planning By-law, October 2015			
07/04/2021			Exemption certificate, Erf 156	07/04/2021	07/04/2021	Approved
07/04/2021	LUP100	Performing functions in terms of the "LUPO" "SPLUMA" "LUPA" "SLUPB" and "Zoning Schemes"	Correction of an error, Farm 387	07/04/2021	07/04/2021	Approved
09/04/2021			Application for consent use & departure, Farm 1538	09/04/2021	09/04/2021	Approved
13/04/2021			Application for rezoning & departure, Erf 1628	14/04/2021	14/04/2021	Supported
19/04/2021			Application for temporary departure, Erf 155	19/04/2021	19/04/2021	Approved
19/04/2021			Application for temporary departure, Erf 155	19/04/2021	19/04/2021	Approved

19/04/2021			Consolidation & subdivision, Farm 510/9, 510/31, 510/71 Jamestown	19/04/2021	19/04/2021	Approved
19/04/2021			Application for temporary departure, Erf 155	19/04/2021	19/04/2021	Approved
20/04/2021			Consolidation & subdivision, Farm 510/9, 510/31, 510/71 Jamestown	20/04/2021	20/04/2021	Approved
01/04/2021	HR2	Conditions of Service (SALGBC)	Overtime pre-approval: Housing Admin – March 2021	01/04/2021	01/04/2021	Approved
01/04/2021	HR2	Conditions of Service (SALGBC)	Overtime (time off): Housing Admin – March 2021	01/04/2021	01/04/2021	Approved
01/04/2021	HR2	Conditions of Service (SALGBC)	Overtime (housing maintenance team): Housing Admin – March 2021	01/04/2021	01/04/2021	Approved
06/04/2021	HR2	Conditions of Service (SALGBC)	Appointment Memo: Admin assistant: Support Services	06/04/2021	06/04/2021	Approved
06/04/2021	HR2	Conditions of Service (SALGBC)	Appointment Memo: Clerk – Housing Support + Demand	06/04/2021	06/04/2021	Approved
07/04/2021	VPR2	Paragraph 6f	Virementation: Housing Development	07/04/2021	07/04/2021	Approved
07/04/2021	C146	Section 12, FBSA	8 x deed of sale	07/04/2021	07/04/2021	Supported
09/04/2021	MM109	Section 79(1)(b), MFMA	Monthly Delegations March 2021 – Planning & Economic Development	09/04/2021	09/04/2021	Approved

09/04/2021	PRA2	Section 23, PRA	3 x rates of clearance (7269), (6665), (11702) – Cloetesville	09/04/2021	09/04/2021	Supported
09/04/2021	CM3	Authority to communicate the acceptance of tenders, quotations or offers for the procurement of goods / services i.t.o council's supply chain policy, valued up to R200 000 (vat inclusive)	FQ: Supply & fit of sewer pipes at the flats block B&D 13th Street Kayamandi	09/04/2021	09/04/2021	Approved
09/04/2021	MM82	Section 62(1)(f)(iv), MFMA	ETG Invoices – March 2021	09/04/2021	09/04/2021	Approved
13/04/2021	MM84	Section 66, MFMA	Acting Appointment Memo: Planning and Economic Development	13/04/2021	13/04/2021	Approved
14/04/2021	C146	Section 12, FBSA	16 x Power of attorney	14/04/2021	14/04/2021	Approved
16/04/2021	HR2	Conditions of Service (SALGBC)	IT request form – Housing Admin	16/04/2021	16/04/2021	Approved
16/04/2021	HR2	Conditions of Service (SALGBC)	Overtime pre-approval: Housing Admin – March 2021	16/04/2021	16/04/2021	Approved

16/04/2021	C146	Section 12, FBSA	1 x deed of sale (8716 Stellenbosch/Idas Valley)	16/04/2021	16/04/2021	Supported
16/04/2021	CM3	Authority to communicate the acceptance of tenders, quotations or offers for the procurement of goods / services i.t.o council's supply chain policy, valued up to R200 000 (vat inclusive)	FQ: Supply & fit of sewer pipes at the flats block B&D 13th Street Kayamandi	16/04/2021	16/04/2021	Approved
19/04/2021	MM82	Section 62(1)(f)(iv), MFMA	Invoices – Western Cape Government (11252-19032021)	16/04/2021	16/04/2021	Approved
19/04/2021	HR2	Conditions of Service (SALGBC)	Termination of EPWP contract: Urban Forestry	19/04/2021	19/04/2021	Resolved
19/04/2021	HR2	Conditions of Service (SALGBC)	Termination of EPWP contract: Community Services	19/04/2021	19/04/2021	Resolved
19/04/2021	CM3	Authority to communicate the acceptance of tenders, quotations or offers for the procurement of	FQ: Appointment of a Service Provider to serve Informal Settlements department's panel for demographic surveys for a period of 3 years	19/04/2021	19/04/2021	Approved

		goods / services i.t.o council's supply chain policy, valued up to R200 000 (vat inclusive)				

DELEGATIONS EXERCISED FOR PERIOD: MAY 2021

DIRECTORATE: PLANNING AND ECONOMIC DEVELOPMENT

Date	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
04/05/2021	MM109	Section 79(1)(b), MFMA	Monthly Delegations April 2021	04/05/2021	04/05/2021	Approved
06/05/2021	HR2	Conditions of Service (SALGBC)	Overtime pre-approval & Standby: Informal Settlements – April 2021	06/05/2021	06/05/2021	Approved
11/05/2021	MM82	Section 62(1)(f)(iv), MFMA	ETG Invoices – April 2021	11/05/2021	11/05/2021	Approved
14/05/2021	MM82	Section 62(1)(f)(iv), MFMA	Invoices – Western Cape Government (11313-230421)	14/05/2021	14/05/2021	Approved
14/05/2021	VPR2	Paragraph 6f	Virementation: Office of the Director: PED	14/05/2021	14/05/2021	Approved
14/05/2021	HR2	Conditions of Service (SALGBC)	Shortlisting: Clerk – Housing Support + Demand	14/05/2021	14/05/2021	Approved
19/05/2021	VPR2	Paragraph 6f	Virementation: Housing Admin	19/05/2021	19/05/2021	Approved
21/05/2021	VPR2	Paragraph 6f	Virementation: Housing Admin	21/05/2021	21/05/2021	Approved
21/05/2021	C146	Section 12, FBSA	Deed of sale, Erf 2066 Klapmuts	21/05/2021	21/05/2021	Supported
21/05/2021	C146	Section 12, FBSA	Deed of sale, Erf 721 Kayamandi	21/05/2021	21/05/2021	Supported
24/05/2021		Housing	Surveys hostile upgrading project Kayamandi	24/05/2021	24/05/2021	Approved

25/05/2021	CM3	Authority to communicate the acceptance of tenders, quotations or offers for the procurement of goods / services i.t.o council's supply chain policy, valued up to R200 000 (vat inclusive)	Addendum for the Planning & Feasibility of studies 1854 sites: Kayamandi Town Centre.	25/05/2021	25/05/2021	Supported
25/05/2021	MM82	Section 62(1)(f)(iv), MFMA	Invoices – Amazinc: INV -0967	25/05/2021	25/05/2021	Approved
25/05/2021	MM82	Section 62(1)(f)(iv), MFMA	Invoices – Gen X Tech (Pty) Ltd 364195; 364196	25/05/2021	25/05/2021	Approved
25/05/2021	HR2	Conditions of Service (SALGBC)	Termination of EPWP contract: Urban Forestry	25/05/2021	25/05/2021	Approved
26/05/2021	CM3	Authority to communicate the acceptance of tenders, quotations or offers for the procurement of goods / services i.t.o council's supply chain policy, valued up	FQ: Supply & Installation of Vinly flooring at HIS 3rd floor, Absa	26/05/2021	26/05/2021	Approved

		to R200 000 (vat inclusive)				
26/05/2021	MM82	Section 62(1)(f)(iv), MFMA	Invoices – X Cell Environment Services (364766)	26/05/2021	26/05/2021	Approved
26/05/2021	C146	Section 12, FBSA	3 x Power of attorney	26/05/2021	26/05/2021	Supported
26/05/2021			17 x Consent to cancellation of Bond	26/05/2021	26/05/2021	Supported
26/05/2021	Item 7.3.3 Council Meeting 2019-09-25	Items/ reports to consider the Administrator's consent as a condition in the title deed of the property.	Item: Emergency Housing Assistance Policy (EHAP) Second Revision	26/05/2021	26/05/2021	Approved
26/05/2021	HR2	Conditions of Service (SALGBC)	Termination of EPWP contracts	26/05/2021	26/05/2021	Approved
28/05/2021	VPR2	Paragraph 6f	Virementation: Housing Development	28/05/2021	28/05/2021	Approved
28/05/2021	VPR2	Paragraph 6f	Virementation: Informal Settlements	28/05/2021	28/05/2021	Approved
28/05/2021	MM82	Section 62(1)(f)(iv), MFMA	Chrisen consulting invoice	28/05/2021	28/05/2021	Approved
31/05/2021	Item 7.3.3 Council Meeting 2019-09-25	Items/ reports to consider the Administrator's consent as a condition in the title deed of the property.	Memo: Request to relocate portion of Informal Structure F43 Langrug, Franschhoek	31/05/2021	31/05/2021	Supported

DELEGATIONS EXERCISED FOR PERIOD: JUNE 2021

DIRECTORATE: PLANNING AND ECONOMIC DEVELOPMENT

Date	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
02/06/2021	HR2	Conditions of Service (SALGBC)	EPWP Internal Registration	02/06/2021	02/06/2021	Approved
02/06/2021		MSA	IT request Form - LUM	02/06/2021	02/06/2021	Approved
03/06/2021	MM82	Section 62(1)(f)(iv), MFMA	Invoices – Western Cape Government	03/06/2021	03/06/2021	Approved
04/06/2021	HR2	Conditions of Service (SALGBC)	Overtime approval: Housing Admin – May 2021	04/06/2021	04/06/2021	Approved
04/06/2021	C146	Section 12, FBSA	Deed of sale, 13862 Stellenbosch/Cloetesville; 845 Klapmuts	04/06/2021	04/06/2021	Approved
04/06/2021	C146	Section 12, FBSA	2 x Power of attorney	04/06/2021	04/06/2021	Approved
04/06/2021	PRA2	Section 23, PRA	3 x Rates clearance 288 Stellenbosch / Kayamandi	04/06/2021	04/06/2021	Approved
04/06/2021	VPR2	Paragraph 6f	Virementation: Housing Admin	04/06/2021	04/06/2021	Approved
06/05/2021	HR2	Conditions of Service (SALGBC)	Overtime approval: Housing Admin – May 2021	06/05/2021	06/05/2021	Approved
07/06/2021	VPR2	Paragraph 6f	Virementation: Housing Admin	07/06/2021	07/06/2021	Approved
08/06/2021	LUP99	Section 24 of the BLUPBL	Application for rezoning & departure, Erf 5794 Stellenbosch	08/06/2021	08/06/2021	Approved

		Performing functions in terms of the "LUPO" "SPLUMA" "LUPA" "SLUPB" and "Zoning Schemes				
14/06/2021	HR2	Conditions of Service (SALGBC)	EPWP termination letter	14/06/2021	14/06/2021	Approved
14/06/2021	Item 7.3.3 Council Meeting 2019-09-25	Items/ reports to consider the Administrator's consent as a condition in the title deed of the property.	Memo: Title deed restoration programme	14/06/2021	14/06/2021	Approved
14/06/2021			Performance agreement: N Swanepoel & SM October	14/06/2021	14/06/2021	Approved
15/06/2021	C146	Section 12, FBSA	10 x Power of attorney	15/06/2021	15/06/2021	Supported
17/06/2021			Approval of tender invitation BSM 115/21	17/06/2021	17/06/2021	Approved
21/06/2021	C146	Section 12, FBSA	7 x Power of attorney	21/06/2021	21/06/2021	Approved
22/06/2021	LUP99	Section 24 of the BLUPBL Performing functions in terms of the "LUPO"	Application for subdivision & consolidation, Farm 550 & 550/1	22/06/2021	22/06/2021	Approved

		"SPLUMA" "LUPA" "SLUPB" and "Zoning Schemes				
23/06/2021	MM82	Section 62(1)(f)(iv), MFMA	ETG Invoices – May 2021	23/06/2021	23/06/2021	Approved
23/06/2021	HR2	Conditions of Service (SALGBC)	EPWP Business Plan 21/22Incentives Grant & Municipalities	23/06/2021	23/06/2021	Approved
23/06/2021	HR2	Conditions of Service (SALGBC)	Confirmation of appointment certificate – C Hauptfleisch	23/06/2021	23/06/2021	Approved
24/06/2021	HR2	Conditions of Service (SALGBC)	Termination of EPWP contracts: Comm. Developments	24/06/2021	24/06/2021	Approved
24/06/2021	HR2	Conditions of Service (SALGBC)	EPWP termination letter: Care Takers	24/06/2021	24/06/2021	Approved
25/06/2021	LUP99	Section 24 of the BLUPBL Performing functions in terms of the "LUPO" "SPLUMA" "LUPA" "SLUPB" and "Zoning Schemes	Application for subdivision, consolidation, rezoning & amendment of the Municipal Urban Edge, Erf 2175 (Enkanini Project)	25/06/2021	25/06/2021	Supported
25/06/2021	MM84	Section 66, MFMA	Travel Claim: Manager: Informal Settlements	25/06/2021	25/06/2021	Approved

25/06/2021	HR2	Conditions of Service (SALGBC)	Motivation for Standby – June 2021 (Informal Settlements)	25/06/2021	25/06/2021	Approved
25/06/2021	MM82	Section 62(1)(f)(iv), MFMA	Invoices: Plan 4 SA (364877)	25/06/2021	25/06/2021	Approved
25/06/2021	MM82	Section 62(1)(f)(iv), MFMA	Invoices: Plan 4 SA (365224)	25/06/2021	25/06/2021	Approved
25/06/2021			Eviction report: case no. 1047/2020	25/06/2021	25/06/2021	Approved
28/06/2021	MM82	Section 62(1)(f)(iv), MFMA	Invoices – South African Council for Planners	25/06/2021	28/06/2021	Approved
28/06/2021	MM82	Section 62(1)(f)(iv), MFMA	Invoices – Zutari (Pyt)Ltd (Paarl) 364814	28/06/2021	28/06/2021	Approved
28/06/2021	HR2	Conditions of Service (SALGBC)	EPWP Letter of appointments	28/06/2021	28/06/2021	Approved
29/06/2021	MM82	Section 62(1)(f)(iv), MFMA	Invoices – Urban Dynamics WC (360932)	29/06/2021	29/06/2021	Approved
29/06/2021	MM82	Section 62(1)(f)(iv), MFMA	Invoices – SACAP fees (K Robinson)	29/06/2021	29/06/2021	Approved
29/06/2021	LUP99	Section 24 of the BLUPBL Performing functions in terms of the “LUPO” “SPLUMA” “LUPA” “SLUPB”	Application for removal of restrictive title deed, rezoning, subdivision, phasing, street name & numbering & departure, Erf1692 Franschhoek	29/06/2021	29/06/2021	Supported

		and "Zoning Schemes				
29/06/2021	Item 7.3.3 Council Meeting 2019-09-25	Items/ reports to consider the Administrator's consent as a condition in the title deed of the property.	Draft inclusionary zoning policy for Stellenbosch Municipality	29/06/2021	29/06/2021	Approved
30/06/2021	HR2	Conditions of Service (SALGBC)	Application for Bursary: Planning & Economic Development • M Mpotololo • B Zondo	30/06/2021	30/06/2021	Approved
30/06/2021	MM122	Section 115(1)(a), MFMA	B/SM 57/21 Appointment of A Service Provider to assemble a multi-disciplinary team to undertake a feasibility of study for Botmaskop, Erf 3363 & portion remainder Erf 3931 Stellenbosch	30/06/2021	30/06/2021	Approved
30/06/2021	HR2	Conditions of Service (SALGBC)	Termination of EPWP contracts	30/06/2021	30/06/2021	Approved

DELEGATIONS EXERCISED FOR PERIOD: APRIL 2021

DIRECTORATE: CORPORATE SERVICES

DATE	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
1/4/2021	HR2	Conditions of Service (SALBC)	Confirmation of employment (x3) Senior Clerk Rates	1/4/2021	1/4/2021	Approved
1/4/2021	HR2	Conditions of Service (SALBC)	Offer of employment – Foreman Halls	1/4/2021	1/4/2021	Approved
1/4/2021	HR2	Conditions of Service (SALBC)	Confirmation of employment – Senior Inspector	1/4/2021	1/4/2021	Approved
1/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Industries Education & training Institute refer to order 363663 for an amount of R2 137.50	1/4/2021	1/4/2021	Approved
1/4/2021	HR2	Conditions of Service (SALBC)	Addendum for S Adams and N Kati	1/4/2021	1/4/2021	Approved
1/4/2021	HR2	Conditions of Service (SALBC)	Addendum for TH de Koker and M Jacobs	1/4/2021	1/4/2021	Approved
1/4/2021	HR2	Conditions of Service (SALBC)	Addendum for JC Anthony	1/4/2021	1/4/2021	Approved
1/4/2021			Asset transfer form to stores	1/4/2021	1/4/2021	Approved
1/4/2021	HR2	Conditions of Service (SALBC)	Attendance register A Kannemeyer	1/4/2021	1/4/2021	Approved
1/4/2021	HR2	Conditions of Service (SALBC)	Internal bursaries 2021	1/4/2021	1/4/2021	Approved
1/4/2021	HR2	Conditions of Service (SALBC)	Local Labour Relations Quarterly report	1/4/2021	1/4/2021	Approved
6/4/2021			MTO forestry (proprietary) Limited Stellenbosch Municipality	6/4/2021	6/4/2021	Approved
6/4/2021	MM82	Section 65(2)(c), MFMA	Impressive designs refer to order 364115 for an amount of R4163.00	6/4/2021	6/4/2021	Approved

6/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: XON Systems refer to order 363938 for an amount of R2 893 194.82	6/4/2021	6/4/2021	Approved
6/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Microsoft Ireland operations for an amount of R18 788.52 refer to 364099	6/4/2021	6/4/2021	approved
6/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Microsoft Ireland operations for an amount of R19 427.92	6/4/2021	6/4/2021	Approved
6/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Microsoft Ireland operations for an amount of R19 399.71 refer to order 364099	6/4/2021	6/4/2021	Approved
6/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Microsoft Ireland operations for an amount of R18 051.68 refer to order 364099	6/4/2021	6/4/2021	Approved
6/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Microsoft Ireland operations for an amount of R17 527.99 refer to order 364090	6/4/2021	6/4/2021	Approved
6/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Madge Computers for an amount of R11 665.88	6/4/2021	6/4/2021	Approved
6/4/2021			Poster application for (“Skenk Bloed by Stellenbosch, NG Kerk, DS Bothastraat”)	6/4/2021	6/4/2021	Approved
6/4/2021	MM82	Section 65(2)(c), MFMA	Contempt of Court - March 2021 for an amount of R33 600.00	6/4/2021	6/4/2021	Approved
6/4/2021	HR2	Conditions of Service (SALBC)	Memorandum appointment – Operator Parks (Grass cutting)	6/4/2021	6/4/2021	Approved
7/4/2021			Memorandum – Additions and alteration for Community development offices in 821 Simonsberg street	7/4/2021	7/4/2021	Approved
7/4/2021	MM82	Section 65(2)(c), MFMA	Invoice – Industries Education and training institute refer to order 363661 for an amount of R17 710.00 (Electrical low voltage training)	7/4/2021	7/4/2021	Approved
7/4/2021	HR2	Conditions of Service (SALBC)	Confirmation of employment – foreman halls Stellenbosch	7/4/2021	7/4/2021	Approved
7/4/2021	MM82	Section 65(2)(c), MFMA	Invoice – Media 24 refer to order 363708 for an amount of R6327.30	7/4/2021	7/4/2021	Approved
7/4/2021	MM82	Section 65(2)(c), MFMA	Invoice – LJA construction refer to order 360737 for an amount of R10 315.50	7/4/2021	7/4/201	Approved
7/4/2021	MM82	Section 65(2)(c), MFMA	Invoice – ACE consulting refer to order 362456 for an amount of R103680.00	7/4/2021	7/4/2021	Approved
7/4/2021	MM82	Section 65(2)(c), MFMA	Invoice – Vision Elevators refer to order 360713 for an amount of R2932.50	7/4/2021	7/4/2021	Approved

7/4/2021	MM82	Section 65(2)(c), MFMA	Invoice – LJA Construction refer to order 360737 for an amount of R71 383.26	7/4/2021	7/4/2021	Approved
7/4/2021	MM82	Section 65(2)(c), MFMA	Bidvest Execuflora refer to order 360796 for an amount of R3790.40	7/4/2021	7/4/2021	Approved
7/4/2021	HR2	Conditions of Service (SALBC)	Work integrated learning – A Volozela	7/4/2021	7/4/2021	Approved
7/4/2021	MM82	Section 65(2)(c), MFMA	Invoice - Microsoft Ireland for an amount of R180 and R6913.23	7/4/2021	7/4/2021	Approved
7/4/2021	MM82	Section 65(2)(c), MFMA	Invoice – Vodacom for an amount of R128 606.08, R129 523.96	7/4/2021	7/4/2021	Approved
7/4/2021	HR2	Conditions of Service (SALBC)	Internal advertisement – General workers	7/4/2021	7/4/2021	Approved
8/4/2021	HR2	Conditions of Service (SALBC)	Time and attendance sheets for Council Support	8/4/2021	8/4/2021	Approved
8/4/2021	HR2	Conditions of Service (SALBC)	Time and attendance sheets for Municipal court staff	8/4/2021	8/4/2021	Approved
9/4/2021	MM82	Section 65(2)(c), MFMA	Direct payment – Airports company (APS13) R600.00	9/4/2021	9/4/2021	Approved
12/4/2021	HR2	Conditions of Service (SALBC)	Time and attendance sheets for Ward administrators and cleaners	12/4/2021	12/4/2021	Approved
12/4/2021	MM82	Section 65(2)(c), MFMA	Memorandum – Payment of ward committee members – R114 450.00	12/4/2021	12/4/2021	Approved
12/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: XON Systems refer to order 363938 for an amount of R305 738.31	12/4/2021	12/4/2021	Approved
12/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: XON Systems refer to order 361540 for an amount of R111 047.11	12/4/2021	12/4/2021	Approved
12/4/2021	MM64	Section 62(1)(f)(iv), MFMA	Tender – Ones off supply and delivery of ICT hardware network	12/4/2021	12/4/2021	Approved
12/4/2021	HR2	Conditions of Service (SALBC)	Fixed term contract of Dudley James Adolph	12/4/2021	12/4/2021	Approved

14/4/2021	MM64	Section 62(1)(f)(iv), MFMA	FQ: Appointment of service provider supply and installation of geysers	14/4/2021	14/4/2021	Approved
15/4/2021			Poster application – Gallophil Gallery (solo exhibition Phulani Liebenberg)	15/4/2021	15/4/2021	Approved
15/4/2021			Poster application – Gallaphil Gallery (solo exhibition Martin de Kock)	15/4/2021	15/4/2021	Approved
16/4/2021	HR2	Conditions of Service (SALBC)	Senior Clerk Bank reconciliations financial services	16/4/2021	16/4/2021	Approved
16/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Bidvest Waltons refer to order 364182 for an amount of R2182.64	16/4/2021	16/4/2021	Approved
16/4/2021	MM82	Section 65(2)(c), MFMA	Memorandum – payment relating to rental of office space: Vlottenburg Primary School	16/4/2021	16/4/2021	Approved
16/4/2021	MM64	Section 62(1)(f)(iv), MFMA	Memorandum – B/SM 97/21 Supply and delivery of ICT hardware equipment for the Stellenbosch Municipality for period ending 30 June 2021	16/4/2021	16/4/2021	Approved
19/4/2021	MM82	Section 65(2)(c), MFMA	Invoice – Industries Education and training refer to order 363663 for an amount of R13 282.50	19/4/20321	19/4/2021	Approved
19/4/2021	HR2	Conditions of Service (SALBC)	Memorandum – Advertising of post Project Manager (PMU) 2-year contract	19/4/2021	19/4/2021	Approved
19/4/2021	HR2	Conditions of Service (SALBC)	Employment offer – Operator Parks (grass cutting)	19/4/2021	19/4/2021	Approved
20/4/2021	HR2	Conditions of Service (SALBC)	Fixed term contract for C M Gelderbloem	20/4/2021	20/4/2021	Approved
20/4/2021	HR2	Conditions of Service (SALBC)	Memorandum – financial Management: Capacity building (NT Bursaries 2021)	20/4/2021	20/4/2021	Approved
21/4/2021	HR2	Conditions of Service (SALBC)	Senior Clerk : Bank Reconciliations financial services	21/4/2021	21/4/2021	Approved
21/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: ACE Consulting refer to order 362456 for an amount of R34 176.00 Klein Libertas	21/4/2021	21/4/2021	Approved
21/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Windeed (water cost) for an amount of R51 750.00	21/4/2021	21/4/2021	Approved

21/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Eskom (Energy Consumed) La Motte offices for an amount of R10590.40	21/4/2021	21/4/2021	Approved
21/4/2021	MM64	Section 62(1)(f)(iv), MFMA	Formal Quotation – Appointment of draughtsman renovations at Hoffman Street	21/4/2021	21/4/2021	Approved
21/4/2021	MM64	Section 62(1)(f)(iv), MFMA	Formal Quotation – Appointment of quantity surveyor structural maintenance	21/4/2021	21/4/2021	Approved
21/4/2021			Memorandum Proposed renewal of lease agreement to Eikestad mall (PTY) Ltd : Beyersteeg	21/4/202	21/4/2021	Approved
22/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: PayDay refer to order 362027 for an amount of R7590 (SLA consultation)	22/4/2021	22/4/2021	Approved
22/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: PayDay refer to order 362027 for an amount of R7590 (SLA Consultation)	22/4/2021	22/4/2021	Approved
22/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Media 24 refer to order 364351 for an amount of R8838.90			Approved
22/4/2021	MM64	Section 62(1)(f)(iv), MFMA	Formal Quotation: Appointment of fire engineer Makapula Hall and van der Stel sport grounds			Approved
22/4/2021	HR2	Conditions of Service (SALBC)	Salga membership fee – R6 203 908.76 2021/2022			Approved
23/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Mediro Belay managed refer to order 363918 for an amount of R1 698 299.60	23/4/2021	23/4/2021	Approved
23/4/2021	VRP 2	Virementation of operational funds within a vote	Budget virementation for an amount of R51 049.22 (ICT)	23/4/2021	23/4/2021	Approved
23/4/2021	VRP 2	Virementation of operational funds within a vote	Budget virementation for an amount of R1 400.00.00 (ICT)	23/4/2021	23/4/2021	Approved
23/4/201	MM82	Section 65(2)(c), MFMA	ACS training refer to order 363761 for an amount of R67920.00	23/4/2021	23/4/2021	Approved
23/4/2021	HR2	Conditions of Service (SALBC)	Offer of employment for Senior Clerk (Bank and Reconciliation)	23/4/2021	23/4/2021	Approved

26/4/2021	HR2	Conditions of Service (SALBC)	LGSETA: Authorisation and stakeholder support declaration (1/5/2020 – 30/4/2021)	26/4/2021	26/4/2021	Approved
26/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Octofin refer to order 350408 for an amount of R679 213.60 (Hire of offices)	26/4/2021	26/4/2021	Approved
26/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: JC refrigeration refer to order 364222 for an amount of R10 397.73	26/4/2021	26/4/2021	Approved
26/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: JC refrigeration refer to order 364219 for an amount of R11209.86	26/4/2021	26/4/2021	Approved
26/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: JC refrigeration refer to order 364219 for an amount of R3236.22	26/4/2021	26/4/2021	Approved
26/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: JC refrigeration refer to order 364220 for an amount of R11014.51	26/4/2021	26/4/2021	Approved
26/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Officescene refer to order 364480 for an amount of R918.85	26/4/2021	26/4/2021	Approved
26/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Mudou Picture Frames refer to order 364181 for an amount of R12 258.00	26/4/2021	26/4/2021	Approved
28/4/2021	MM64	Section 62(1)(f)(iv), MFMA	Tender: B/SM 90/21 – Voorsien, aflewering en vervanging van Internet, hardewarde en toerusting soos en wanneer benodig vir die Stellenbosch WCO24 vir ‘n periode eindig 30 Junie 2024	28/4/2021	28/4/2021	Approved
29/4/2021			LLF Agenda	29/4/2021	29/4/2021	Approved
30/4/2021	MM82	Section 65(2)(c), MFMA	XON Systems refer to order 363938 for an amount of R256 809.63	30/4/2021	29/4/2021	Approved
30/4/2021	MM82	Section 65(2)(c), MFMA	Invoices: Corporates Services ETG printers	30/4/2021	30/4/2021	Approved
30/4/2021			Memorandum – Learner Licence and driver’s license training	30/4/202	30/4/2021	Approved
30/4/2021			Destruction of records (Human Resources Management) D13/2021	30/4/2021	30/4/2021	Approved
30/4/2021			Destruction of record (Human Resource Management) D15/2021	30/4/2021	30/4/2021	Approved
30/4/201			Terminated file classification (Human Resource Management) AE6/2021	30/4/2021	30/4/2021	Approved
30/4/2021	HR2	Conditions of Service (SALBC)	Addendum for fixed term contract for : E Linders, W Taphu, C Moffat and F Lakay	30/4/2021	30/4/2021	Approved
30/4/2021	HR2	Conditions of Service (SALBC)	Addendum to fixed term contracts: D Macotoza, M Makapi, S Hlwayi, J Julius, M Zaka	30/4/2021	30/4/2021	Approved

30/4/2021	HR2	Conditions of Service (SALBC)	Addendum to fixed term contract for M Jacobs	30/4/2021	30/4/2021	Approved
30/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Windeed for an amount of R72.75	30/4/2021	30/4/2021	Approved
30/4/2021	VRP 2	Virementation of operational funds within a vote	Budget virementation for an amount of R498 890.00 (Upgrading of Simonsberg Offices for Community Services)	30/4/2021	30/4/2021	Approved
30/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Sanitec refer to order 360798 for an amount of R87 796.75	30/4/2021	30/4/2021	Approved
30/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Dick Crane refer to order 363145 for an amount of R2850.00 (replacement of roofs at Groendal cemetery and park)	30/4/2021	30/4/2021	Approved
30/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Dick Crane refer to order 363145 for an amount of R2850.00 (replacement of roofs at Groendal cemetery and park)	30/4/2021	30/4/2021	Approved
30/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Dick Crane refer to order 360876 for an amount of R7740.00 (repairs and upgrade to the town hall kitchen and bar area plein street)	30/4/2021	30/4/2021	Approved
30/4/2021	MM82	Section 65(2)(c), MFMA	Invoice: Dick Crane refer to order 363145 for an amount of R4750.00 (Replacement of roofs at Groendal cemetery and Groendal park)	30/4/2021	30/4/2021	Approved

DELEGATIONS EXERCISED FOR PERIOD: MAY 2021

DIRECTORATE: CORPORATE SERVICES

DATE	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
3/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Cape seating manufacturers (363184) for an amount of R1344.45	3/5/2021	3/5/2021	Approved
3/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Attacq (direct payment) for an amount of R23 846.40	3/5/2021	3/5/2021	Approved
3/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Meyer & Ferreira refer to order 364240 for an amount of R11750.00	3/5/2021	3/5/2021	Approved
3/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Ismail Davids and associates refer to order 360724 and 360725 for an amount of R58 461.30	3/5/2021	3/5/2021	Approved
3/5/2021	MM64	Section 62(1)(f)(iv), MFMA	FQ: Replacement of roofs and repairs to Groendal Cemetery and Groendal Park ablution facilities.	3/5/2021	3/5/2021	Approved
3/5/2021	MM64	Section 62(1)(f)(iv), MFMA	FQ: Replacement of box gutters and down pipes at millennium hall in Pniel	3/5/2021	3/5/2021	Approved
3/5/2021	MM64	Section 62(1)(f)(iv), MFMA	FQ: Appointment of draughtsman renovations at Hoffman street	3/5/2021	3/5/2021	Approved
3/5/2021	MM64	Section 62(1)(f)(iv), MFMA	FQ: Appointment of service providers – Supply and installation of geysers	3/5/2021	3/5/2021	Approved
4/5/2021			Fixed term contract (Addendum) for P Novella	4/5/2021	4/5/2021	Approved
4/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: department of labour (direct payment) for an amount of R2635 93.034 – workmen's compensation	4/5/2021	4/5/2021	
5/5/2021	MM64	Section 62(1)(f)(iv), MFMA	Tender: BSM 99/21 – Aanbouings / veranderinge aan die gemeenskapsontwikkelings (Simonstraat)	5/5/2021	5/5/2021	Approved
5/5/2021	MM64	Section 62(1)(f)(iv), MFMA	Tender: BSM 100/21 – Sampling and testing of portable and waste samples	5/5/2021	5/5/2021	Approved
5/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Auditor General refer to order 348483 for an amount for an amount of R9933.70	5/5/2021	5/5/2021	Approved
5/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Gavlin seating refer to order 364257 for an amount of R5200.00	5/5/2021	5/5/2021	Approved

5/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Gavlin seating refer to order 364479 for an amount of R2600.00	5/5/2021	5/5/2021	Approved
5/5/2021	MM64	Section 62(1)(f)(iv), MFMA	Tender: BSM 99/21 – Additions and alterations for community development offices in 21 Simonsberg street, Stellenbosch	5/5/2021	5/5/2021	Approved
5/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Broll (direct payment) Hire off office space for an amount of R83 848.17 for Oude Bloemhof, Ryneveldt and Pleinstreet building.	5/5/2021	5/5/2021	Approved
6/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Contempt of Court (direct payment) for an amount of R21 600.00 for April 2021	6/5/2021	6/5/2021	Approved
6/5/2021	HR2	Conditions of Service (SALBC)	Timesheets for Municipal Court staff	6/5/2021	6/5/2021	Approved
6/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Innovo refer to order 364670 for an amount of R245 761.21	6/5/2021	6/5/2021	Approved
6/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: khusela refer to order 364254 for an amount of R11500.00	6/5/2021	6/5/2021	Approved
6/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Madge Computers for an amount of R22 678.00	6/5/2021	6/5/2021	Approved
6/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: First technology refer to order 360645 for an amount of R122 489.95	6/5/2021	6/5/2021	Approved
6/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: First technology refer to order 360645 for an amount of R122 489.95	6/5/2021	6/5/2021	Approved
6/5/2021	HR2	Conditions of Service (SALBC)	Confirmation of employment - N Hendricks (Financial Manager: Budget and costing)	6/5/2021	6/5/2021	Approved
6/5/2021	HR2	Conditions of Service (SALBC)	Confirmation of employment - L Cyster (Manager financial statements and reporting)	6/5/2021	6/5/2021	Approved
6/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Wynland for an amount of R 1897.50	6/5/2021	6/5/2021	Approved
7/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Bidvest Execuflora refer to order 360796 for an amount of R3790.40	7/5/2021	7/5/2021	Approved
7/5/2021	HR2	Conditions of Service (SALBC)	Fixed term contract for R Joubert	7/5/2021	7/5/2021	Approved
7/5/2021	HR2	Conditions of Service (SALBC)	Timesheets for council support staff	7/5/2021	7/5/2021	Approved

7/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Esri South Africa refer to order 360988 for an amount of R212 899.50 (Deployment and configuration of citizen problem report)	7/5/2021	7/5/2021	Approved
7/5/2021	MM64	Section 62(1)(f)(iv), MFMA	B/SM 98/21 – Voorsiening van professionele dienste vir die ontwerp saamstel & evaluasie van tender dokumentasie & kontraktoepassing	7/5/2021	7/5/2021	Approved
7/5/2021	HR2	Conditions of Service (SALBC)	Approval of shortlisting – ICT technician	7/5/2021	7/5/2021	Approved
7/5/2021	MM64	Section 62(1)(f)(iv), MFMA	B/SM 102/21 – Onderskrywing & bestuur van Munisipale korttermyn versekering & risiko	7/5/2021	7/5/2021	Approved
10/5/2021	HR2	Conditions of Service (SALBC)	Timesheet and attendance for Ward Administrators	10/5/2021	10/5/2021	Approved
10/5/2021	HR2	Conditions of Service (SALBC)	Fixed term contract for A Bowley	10/5/2021	10/5/2021	Approved
10/5/2021	HR2	Conditions of Service (SALBC)	Fixed term contract for R Joubert and D van Wyngaard	10/5/2021	10/5/2021	Approved
10/5/2021	HR2	Conditions of Service (SALBC)	Memorandum – Provincial Skills Development facilitator (SDF) forum 24 – 25 June 2021	10/5/2021	10/5/2021	Approved
10/5/2021	HR2	Conditions of Service (SALBC)	Time off request for Mr J Brown to attend SAMWU Shop steward meeting 12/5/2021	10/5/2021	10/5/2021	Approved
10/5/2021	HR2	Conditions of Service (SALBC)	Time off request for SAMWU Shop steward Mr L Bixa R.O.B meeting 14/5/2021	10/5/52021	10/5/2021	Approved
11/5/2021	HR2	Conditions of Service (SALBC)	Response letter: Death claim of late Mr C Nyangiwe (to Mrs N Nyangiwe)	11/5/2021	11/5/2021	Approved
12/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Auditor General for an amount of R59.06	12/5/2021	12/5/2021	Approved
12/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Bidvest Waltons order nr. 363913 for a amount of R310.37	12/5/2021	12/5/2021	Approved

12/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Vodacom order nr.36436 for an amount of R65 385.30	12/5/2021	12/5/2021	Approved
12/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Vodacom for an amount of R1558.25	12/5/2021	12/5/2021	Approved
12/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Premier attraction refer to order 356634 for an amount of R436 552.81	12/5/2021	12/5/2021	Approved
12/5/2021	MM64	Section 62(1)(f)(iv), MFMA	FQ: Appointment of appointment of fire engineer: Makapula hall and van der stel sportground	12/5/2021	12/5/2021	Approved
12/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Cape seating Manufacturers refer to order 364286 for an amount of R9683.00	12/5/2021	12/5/2021	Approved
14/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: The business zone refer to order 364069 for an amount of R9384.00	14/5/2021	14/5/2021	Approved
14/5/2021	MM64	Section 62(1)(f)(iv), MFMA	MBD 7 (B/SM 97/21) Supply and delivery of ICT hardware network equipment. MBD 7 (B/SM) Provision of professional services for the internal refurbishment of the office building	14/5/2021	14/5/2021	Approved
14/5/2021	MM82	Section 65(2)(c), MFMA	Request for payment (de waremart) R550.00	14/5/2021	14/5/2021	Approved
14/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Makhane Holding refer to order nr 363169 for an amount of R392 565.15	14/5/2021	14/5/2021	Approved
14/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Project literacy refer to order nr 364693 for an amount of R45 050.00	14/5/2021	14/5/2021	Approved
14/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Credo Business College refer to order 362142 for an amount of R210 600.00	14/5/2021	14/5/202	Approved
14/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Bidvest Execuflora refer to order 360796 for an amount of R3790.40	14/5/2021	14/5/2021	Approved
14/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Gxakwes projects refer to order 364207 for an amount of R3144.22	14/5/2021	14/5/2021	Approved
14/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Gavlin Seating refer to order 364256/364258 for an amount R5200 & R2600	14/5/2021	14/5/2021	Approved
14/5/2021	HR2	Conditions of Service (SALBC)	Memorandum – Acting appointment Mrs M Fortuin	14/5/2021	14/5/2021	Approved
17/5/2021	MM82	Section 65(2)(c), MFMA	Invoice – Gxakwes Project refer to order 364207 for an amount R3144.22	17/5/2021	17/5/2021	Approved
17/5/2021	MM82	Section 65(2)(c), MFMA	Invoice – Gavlin Seating refer to order 364256 and 364258 for an amount R5200.00 and R2600.00	17/5/2021	17/5/2021	Approved

18/5/2021			Addendum for P Novella	18/5/2021	18/5/2021	Approved
18/5/2021	HR2	Conditions of Service (SALBC)	LGSETA Grant 1claim form for project	18/5/2021	18/5/2021	Approved
18/5/2021	HR2	Conditions of Service (SALBC)	Financial Management capacity building grant: NT bursaries 2021	18/5/2021	18/5/2021	Approved
18/5/2021	MM82	Section 65(2)(c), MFMA	Media 24 refer to order 364631 for an amount of R6257.61 (ICT public notice)	18/5/2021	18/5/2021	Approved
18/5/2021	MM82	Section 65(2)(c), MFMA	Khusela solutions for an amount of R1997.55	18/5/2021	18/5/2021	Approved
18/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Innovo network for an amount of R7319.291	18/5/2021	18/5/2021	Approved
18/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Microsoft Corporation refer to order (364099) for an amount of R 19300.63	18/5/2021	18/5/2021	Approved
18/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Vodacom refer to order 364735 for an amount of R175 438.06	18/5/2021	18/5/2021	Approved
18/5/2021	HR2	Conditions of Service (SALBC)	Confirmation of employment – Manager Financial statements	18/5/2021	18/5/2021	Approved
18/5/2021	HR2	Conditions of Service (SALBC)	Confirmation of employment – Manager budget and costing	18/5/2021	18/5/2021	Approved
18/5/2021	MM64	Section 62(1)(f)(iv), MFMA	B/SM 106/21 – Supply and delivery of polar fleece blankets	18/5/2021	18/5/2021	Approved
18/5/2021	HR2	Conditions of Service (SALBC)	Standby for March -April 2021	18/5/2021	18/5/2021	Approved
19/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Business Engineering for an amount of R55731.99	19/5/2021	19/5/2021	Approved
20/5/2021			Poster application – New AD Media (WCBS) skenk bloed by 7 - 21 June 2021	20/5/2021	20/5/2021	Approved
20/5/2021	HR2	Conditions of Service (SALBC)	Application for bursary : 2021 studies B Mgcushe	20/5/2021	20/5/2021	Approved

21/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: ACS training refer to order 364604 for an amount of R55 230.00	21/5/2021	21/5/2021	Approved
21/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: ACS training refer to order 364605 for an amount of R20 365.43	21/5/2021	21/5/2021	Approved
21/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Payday refer to order 362027 for an amount of R7590.00	21/5/2021	21/5/2021	Approved
21/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Payday refer to order 362027 for an amount of R7590.00	21/5/2021	21/5/2021	Approved
21/5/2021	HR2	Conditions of Service (SALBC)	Memorandum – Request for time off for approval: for SAMWU members to attend constituency meetings	21/5/2021	21/5/2021	Approved
21/5/2021	MM64	Section 62(1)(f)(iv), MFMA	FQ: Supply and installations of geysers	21/5/2021	21/5/2021	Approved
21/5/2021	MM82	Section 65(2)(c), MFMA	Skye Elevators refer to order nr 361624 for an amount of R1450.002	21/5/2021	21/5/2021	Approved
25/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Hasler Business Systems	25/5/2021	25/5/2021	Approved
25/5/2021	MM82	Section 65(2)(c), MFMA	Mudau picture framers refer to order 364478 for an amount of R5798.00	25/5/2021	25/5/2021	Approved
26/5/2021	LEG	General	Service level agreement – solar rooftop project Stellenbosch university	26/5/2021	26/5/2021	Approved
26/5/2021	HR2	Conditions of Service (SALBC)	Time off request for SAMWU members to attend constituency meeting 31 May 2021 until 4 June 2021	26/5/2021	26/5/2021	Approved
26/5/2021	HR2	Conditions of Service (SALBC)	Addendum to fixed term contract for S October	26/5/2021	26/5/2021	Approved
27/5/2021	HR2	Conditions of Service (SALBC)	Fixed term contract for A Bowley	27/5/2021	27/5/2021	Approved
27/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Sanitec refer to order 360798 for an amount of R87 796.75	27/5/2021	27/5/2021	Approved
27/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Mudau picture frame refer to order 364178 for an amount of R9448.50	27/5/2021	27/5/2021	Approved
27/5/2021	MM64	Section 62(1)(f)(iv), MFMA	FQ: Replacement of box gutters and down pipes at the millennium hall in Pniel	27/5/2021	27/5/2021	Approved

27/5/2021	HR2	Conditions of Service (SALBC)	Time of request for all Shop stewards to attend a shop steward council meeting	27/5/20212	7/5/20212	Approved
28/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Khusela solutions refer to order 364199 for an amount of R2334.50	28/5/2021	28/5/2021	Approved
28/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Premier attraction refer to order 356634 for an amount of R436 552.81	28/5/2021	28/5/2021	Approved
28/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Makhane holding refer to order 363169 for an amount of R376 782.95 upgrade of town kitchen hall and bar area	28/5/2021	28/5/2021	Approved
28/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: Broll for an amount of R320 668.21 (rental of office space for Oude Bloemhof building)	28/5/2021	28/5/2021	Approved
31/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: JC refrigeration refer to order 364449 for an amount of R14 046.79	31/5/2021	31/5/2021	Approved
31/5/2021	MM82	Section 65(2)(c), MFMA	Invoice: JC refrigeration refer to order 362443 for an amount of R	31/5/2021	31/5/2021	Approved
31/5/2021	MM64	Section 62(1)(f)(iv), MFMA	Tender – Rental of indoor plants	31/5/2021	31/5/2021	Approved
31/5/2021	HR2	Conditions of Service (SALBC)	Revised offer of employment for Senior clerk bank and reconciliation	31/5/2021	31/5/2021	Approved
31/5/2021	HR2	Conditions of Service (SALBC)	Confirmation of employment for disaster field worker	31/5/2021	31/5/2021	Approved

DELEGATIONS EXERCISED FOR PERIOD: JUNE 2021

DIRECTORATE: CORPORATE SERVICES

DATE	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
1/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: medical claim for Mr Maarman in an amount of R2200.00	1/6/2021	1/6/2021	Approved
1/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Drakenstein (SAMWU Union contributions) in an amount of R30 488.10	1/6/2021	1/6/2021	Approved
1/6/2021	HR2	Conditions of Service (SALBC)	Termination of contract of employment for: Y Peceur, J Cyster, L de Wee, N Daniels, A Keet, S Xego, P Willemse, L Muller, R Swartz and Z Jikibhunga	1/6/2021	1/6/2021	Approved
3/6/2021	HR2	Conditions of Service (SALBC)	Attendance register for A Kannemeyer	3/6/2021	3/6/2021	Approved
3/6/2021	HR2	Conditions of Service (SALBC)	Approval of employment: Knowledge and information officer	3/6/2021	3/6/2021	Approved
3/6/2021	HR2	Conditions of Service (SALBC)	Memorandum – Financial Management: Capacity building grant/NT bursaries for payment	3/6/2021	3/6/2021	Approved
3/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Octofin (rental of office space for June 2021) in the amount of R686 686.28	3/6/2021	3/6/2021	Approved
3/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: P2M Engineering refer to order 360800 in the amount of R30 000.00	3/6/2021	3/6/2021	Approved
3/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Attacq (rent of office space) for an amount of R24 000.00	3/6/2021	3/6/2021	Approved
4/6/2021	HR2	Conditions of Service (SALBC)	Memorandum – communication of taking of annual leave	4/6/2021	4/6/2021	Approved

7/6/2021	HR2	Conditions of Service (SALBC)	Approval of advertisement – Clerk Economic and Tourism	7/6/2021	7/6/2021	Approved
7/6/2021	HR2	Conditions of Service (SALBC)	Approval of advertisement – Economic development officer	7/6/2021	7/6/2021	Approved
7/6/2021	HR2	Conditions of Service (SALBC)	Internal memorandum – Stellenbosch Municipality / Silverback technologies CC: farm 1537/1 Stellenbosch	7/6/2021	7/6/2021	Approved
7/6/2021	MM64	Section 62(1)(f)(iv), MFMA	Tender: Supply and delivery of a multi-purpose armoured personnel carrier vehicle	7/6/2021	7/6/2021	Approved
7/6/2021	MM64	Section 62(1)(f)(iv), MFMA	Tender: moveable asset stock take	7/6/2021	7/6/2021	approved
7/6/2021	MM64	Section 62(1)(f)(iv), MFMA	Special Power of Attorney – Erf 142 Kayamandi, Stellenbosch	7/6/2021	7/6/2021	Approved
7/6/2021			Dwarsrivier valley bulk water supply registration of servitude	7/6/2021	7/6/2021	Approved
7/6/2021	HR2	Conditions of Service (SALBC)	Offer of employment: knowledge and information officer	7/6/2021	7/6/2021	Approved
7/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Telkom direct payment (Mei 2021) for the amounts of R295 516.65, R325.75 (x2), R651.50 and R754.50	7/6/2021	7/6/2021	Approved
8/6/2021	HR2	Conditions of Service (SALBC)	Fixed term contract for P Christians	8/6/2021	8/6/2021	Approved

8/6/2021	HR2	Conditions of Service (SALBC)	Confirmation of employment – foreman pump station	8/6/2021	8/6/2021	Approved
8/6/2021	HR2	Conditions of Service (SALBC)	Confirmation of employment – Senior Clerk Bank Recon	8/6/2021	8/6/2021	Approved
8/6/2021	HR2	Conditions of Service (SALBC)	Timesheets for Council support staff	8/6/2021	8/6/2021	Approved
8/6/2021	HR2	Conditions of Service (SALBC)	Timesheets for Municipal Court staff	8/6/2021	8/6/2021	Approved
8/6/2021	HR2	Conditions of Service (SALBC)	Resignation of C Jacobs (Municipal Court)	8/6/2021	8/6/2021	Approved
8/6/2021	MM82	Section 65(2)(c), MFMA	Direct payment – Contempt of Court for May 2021 for an amount of R58 800.00	8/6/2021	8/6/2021	Approved
8/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Avalon refer to order 364860 & 364862 for an amount of R298 593.11	8/6/2021	8/6/2021	Approved
8/6/2021			FQ – Once off supply and delivery of 2 laptops with its accessories	8/6/2021	8/6/2021	Approved
8/6/2021	MM64	Section 62(1)(f)(iv), MFMA	Tender: Term of reference for the appointment of service providers to serve on the informal settlements departments panel for demographic	8/6/2021	8/6/2021	Approved
8/6/2021	MM64	Section 62(1)(f)(iv), MFMA	Tender: the supply and delivery of various types of firearms and ammunition for various firearms for community and protection services	8/6/2021	8/6/2021	Approved

9/6/2021	HR2	Conditions of Service (SALBC)	Timesheets for ward administrators and office cleaners for June 2021	9/6/2021	9/6/2021	Approved
9/6/2021	MM82	Section 65(2)(c), MFMA	RQ: Saldanha bay hotel refer to order 355775, accommodation for SDF forum 24 – 25 June 2021 for an amount of R1040.00	9/6/2021	9/6/2021	Approved
9/6/2021	HR2	Conditions of Service (SALBC)	Memorandum – Provincial skills development facilitator forum	9/6/2021	9/6/2021	Approved
9/6/2021	MM82	Section 65(2)(c), MFMA	Invoice – ACS training refer to order 363761 for an amount of R67 920.00	9/6/2021	9/6/2021	Approved
9/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Stellenbosch University refer to order 360926 for an amount of R4406.50	9/6/2021	9/6/2021	Approved
9/6/2021	VRP 2	Virementation of operational funds within a vote	Budget virementation for R20 000.00 (for payments of hiring of printers)	9/6/2021	9/6/2021	Approved
9/6/2021	VRP 2	Virementation of operational funds within a vote	Budget virementation for R309 505 (Upgrading/Simonsberg offices)	9/6/2021	9/6/2021	Approved
9/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Skye elevators refer to order 361624 for an amount of R1450.00	9/6/2021	9/6/2021	Approved
9/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Down property community project for an amount of R14 610.00 9 (Repairs of substation, fir street Cloetesville, Stellenbosch)	9/6/2021	9/6/2021	Approved
9/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: JC refrigeration refer to order 362443 for an amount of R2077.71	9/6/2021	9/6/2021	Approved

9/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: JC refrigeration (traffic services) for an amount of R625.95	9/6/2021	9/6/2021	Approved
9/6/2021	MM82	Section 65(2)(c), MFMA	Bidvest execuflora refer to order 360796 for an amount of R3790.00	9/6/2021	9/6/2021	Approved
9/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Cape seating manufacturing CC for an amount of R622.50	9/6/2021	9/6/2021	Approved
9/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: first technology refer to order 364161 for an amount of R92 6900.00	9/6/2021	9/6/2021	Approved
9/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Business Engineering (May 2021) for an amount of R55 731.99	10/6/2021	10/6/2021	Approved
10/6/021	MM82	Section 65(2)(c), MFMA	Invoice: Stellfire for an amount of R8700.00	10/6/2021	10/6/2021	Approved
11/6/2021	MM64	Section 62(1)(f)(iv), MFMA	Tender: Provision of professional services for the re-calculations of the development changes Unit cost for engineering services and the revision of the development charges (DC) policy	11/6/2021	11/6/2021	Approved
11/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Telkom (May 2021) for an amount of R325.75	11/6/2021	11/6/2021	Approved
11/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: ETG (May 2021) refer to order 361745	11/6/2021	11/6/2021	Approved
11/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: media 24 for an amount of R6779.25 (Advert)	11/6/2021	11/6/2021	Approved
15/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Bidvest office refer to order 364594 for an amount of R603.70 (BSM61/18)	15/6/2021	15/6/2021	Approved
15/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Makhane holdings refer to order 363169 for an amount of R458 165.06	15/6/2021	15/6/2021	Approved
15/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Skye elevators refer to order 361624 for an amount R1450	15/6/2021	15/6/2021	Approved

17/6/2021	MM82	Section 65(2)(c), MFMA	LTC language teaching centre refer to order 364669 for an amount of R111 699.50 for Xhosa part-time level A1	17/6/2021	17/6/2021	Approved
17/6/2021	MM82	Section 65(2)(c), MFMA	Magasyn refer 355776 safety shoes Chelsea	17/6/2021	17/6/2021	Approved
17/6/2021	MM64	Section 62(1)(f)(iv), MFMA	BSM 121/21 – unbundling of infrastructure assets: immovable assets	17/6/2021	17/6/2021	Approved
17/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Khusela solutions for an amount of R29 727.50	17/6/2021	17/6/2021	Approved
17/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Media 24 for an amount of R7683.15 (Advert) BSM 85/21	17/6/2021	17/6/2021	Approved
17/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Media 24 for an amount of R9039.00 (BSM 90/21)	17/6/2021	17/6/2021	Approved
17/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Manyela construction refer to order 361586 for an amount of R23 900.00	17/6/2021	17/6/2021	Approved
17/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Man 4 S trading (repairing at Klapmuts oorlaai stasie) for an amount of R26 880.00	17/6/2021	17/6/2021	Approved
17/6/2021	HR2	Conditions of Service (SALBC)	ICT standby (May – June 2021)	17/6/2021	17/6/2021	Approved
18/6/2021	VRP 2	Virementation of operational funds within a vote	Budget virementation for R33 000 00 payment towards the salary packages of the full-time shop stewards	17/6/2021	17/6/2021	Approved
18/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Bidvest Waltons refer to order 363720 for an amount of R5581.87	18/6/2021	18/6/2021	Approved

18/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Avalon technology refer to order 364860 for an amount of R298 593.11	18/6/2021	18/6/2021	Approved
18/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Microsoft corporation refer to order 364099 for an amount of R19 991.46	18/6/2021	18/6/2021	Approved
18/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Budget virementation for an amount of R1 400 000.00 (office 365 migration)	18/6/2021	18/6/2021	Approved
21/6/2021	HR2	Conditions of Service (SALBC)	Confirmation of employment ICT technician	21/6/2021	21/6/2021	Approved
21/6/2021	MM82	Section 65(2)(c), MFMA	PHK Construction refer to order 363948 for repairs and painting ward 5 office for the amount of R10 000.00	21/6/2021	21/6/2021	Approved
22/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Mudau Picture frames cc t/a Framelun refer to order 364455 for an amount of R3200.00	22/6/2021	22/6/2021	Approved
22/6/2021	HR2	Conditions of Service (SALBC)	Fixed term contract F Koegelenberg	23/6/2021	23/6/2021	Approved
23/6/2021	MM64	Section 62(1)(f)(iv), MFMA	Tender: BSM 113/21 Towing services	23/6/2021	23/6/2021	Approved
23/6/2021	MM64	Section 62(1)(f)(iv), MFMA	Tender: BSM 115/21 to appoint a professional service provider to assemble a multi-disciplinary team of professionals in the undertake a broad conceptual urban design Portion 7 of Farm 527	23/6/2021	23/6/2021	Approved
23/6/2021	MM64	Section 62(1)(f)(iv), MFMA	Tender: BSM 118/21 to appoint a professional service provider to assemble a multi-disciplinary team of professionals Erf 7001	23/6/2021	23/6/2021	Approved
23/6/2021	MM64	Section 62(1)(f)(iv), MFMA	Tender: BSM 120/21 indoor plants	23/6/2021	23/6/2021	Approved

23/6/2021	MM64	Section 62(1)(f)(iv), MFMA	Tender: BSM 114/21 to appoint a registered electrical consultant with experience	23/6/2021	23/6/2021	Approved
24/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Bfect refer to order 365160 for an amount of R10 678.00	24/6/2021	24/6/2021	Approved
24/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Esizwe group refer to order 364287 for R33 522.50	24/6/2021	24/6/2021	Approved
24/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Charles consulting refer to order 354223 for an amount of R46 972.32	24/6/2021	24/6/2021	Approved
24/6/2021	MM64	Section 62(1)(f)(iv), MFMA	BSM 79/21 construction of new distillery road bridge, rehabilitation road ways	24/6/2021	24/6/2021	Approved
25/6/2021	MM82	Section 65(2)(c), MFMA	ETG printer payments for Corporate services (April 2021)	25/6/2021	25/6/2021	Approved
25/6/2021			Poster application – Graduate school virtual open day 1 July 2021	25/6/2021	25/6/2021	Approved
25/6/202	MM82	Section 65(2)(c), MFMA	Payment relating to rental office space: Vlottenburg primary	25/6/2021	25/6/2021	Approved
28/6/2021	VRP 2	Virementation of operational funds within a vote	Budget virementation – internal bursaries for R497 588	28/6/2021	28/6/2021	Approved
28/6/2021	MM82	Section 65(2)(c), MFMA	Mad architects BSM45/21 for an amount of R15 474.40	28/6/2021	28/6/2021	Approved
28/6/2021	MM82	Section 65(2)(c), MFMA	Octofin (rental of office space for July 2021) R1 084 969.86	28/6/2021	28/6/2021	Approved
28/6/2021	MM82	Section 65(2)(c), MFMA	LJA construction refer to order 361758 for an amount of R156 933.81	28/6/2021	28/6/2021	Approved

28/6/2021	MM82	Section 65(2)(c), MFMA	Jonty engineering and trading refer to order 364908 for an amount of R169 185.24	28/6/2021	28/6/2021	Approved
29/6/2021	VRP 2	Virementation of operational funds within a vote	Budget virementation for legal advice and litigation in the amount of R2003 744.68	29/6/2021	29/6/2021	Approved
29/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Broll (oude Bloemhof building) R104 399.21	29/6/2021	29/6/2021	Approved
29/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: BEAP BSM28/20 construction of public toilets R86 026.49	29/6/2021	29/6/2021	Approved
29/6/2021	MM82	Section 65(2)(c), MFMA	Invoice; Sanitec hygienic refer to order 360798 for an amount of R87 796.75	29/6/2021	29/6/2021	Approved
29/6/2021	MM82	Section 65(2)(c), MFMA	Gateway metalwork's refer to order 364934 for an amount of R71 390.54	29/6/2021	29/6/2021	Approved
30/6/2021	VRP 2	Virementation of operational funds within a vote	Budget virementation – Renal of offices for the amount of R705 332	30/6/2021	30/6/2021	Approved
30/6/2021	MM82	Section 65(2)(c), MFMA	Invoice: Attacq (rental of office) R300 117.74	30/6/2021	30/6/2021	Approved
	MM82	Section 65(2)(c), MFMA	Invoice: Cape seating refer to order 364347 for an amount of R72 622.50	30/6/2021	30/6/2021	Approved
30/6/2021	HR2	Conditions of Service (SALBC)	Addendums: B Thesen, L Leith, C Moffat, A Blankenberg, F Noble, M Prins, C Pietesen, R Ruiters, D Williams, D Peterson, E Mezichel, G Buys, S Joseph, S Hlwayi, D Macotoza, M Mkapa, E Linders, N Khulela and D Appolis	30/6/2021	30/6/2021	Approved
30/6/2021	MM82	Section 65(2)(c), MFMA	Memorandum – payment of ward committee members – R118 650.00	30/6/2021	30/6/2021	Approved

DELEGATIONS EXERCISED FOR PERIOD APRIL 2021

DIRECTORATE: COMMUNITY & PROTECTION SERVICES – ACTING DIRECTOR A VAN DER MERWE

DATE	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
01/04/2021	RM2	Risk Management Policy, 2018	Risk Register: Law Enforcement	01/04/2021	01/04/2021	Approved
01/04/2021	RM2	Risk Management Policy, 2018	Risk Register: Fire and Disaster	01/04/2021	01/04/2021	Approved
09/04/2021	RM2	Risk Management Policy, 2018	Risk Register: Traffic Services	12/04/2021	12/04/2021	Approved
07/04/2021		SCM	Letter: Notice to rectify – supply and delivery of goods for ward programmes B/SM 24/21	12/04/2021	12/04/2021	Approved
08/04/2021			Signing off of the Stellenbosch Management Plan - RSEP	12/04/2021	12/04/2021	Approved
14/04/2021		SCM	MDB 7.2 Form – BSM37/21	13/04/2021	14/04/2021	Approved
14/04/2021		HR	Updating of Payday lines: Traffic Services	13/04/2021	14/04/2021	Approved
14/04/2021	VRP2	Paragraph 6f	Veriment: Uniform and Protective Clothing Covid 19 Exp. (R3000)	14/04/2021	14/04/2021	Approved
14/04/2021		Finance	WesBank authorization: CL71271	14/04/2021	14/04/2021	Approved
14/04/2021	VRP2	Paragraph 6f	Veriment: Consumables Standard Rated Covid Exp. (R21 000)	14/04/2021	14/04/2021	Approved
14/04/2021		SCM	MBD Form 7.2 – BSM75/20	14/04/2021	14/04/2021	Approved
14/04/2021	HR	General	Memo: Resignation of temporary law enforcement officer (Sinazo Mcetywa)	16/04/2021	16/04/2021	Approved

15/04/2021		ICT	Memo: Traffic App	16/04/2021	16/04/2021	Approved
15/04/2021		Finance	Wesbank Authorization – CL 55826	19/04/2021	19/04/2021	Approved
15/04/2021		Finance	Wesbank Authorization – CL 76713	19/04/2021	19/04/2021	Approved
19/04/2021	MM23	Section 66(1)(c), Systems Act	Memo: Acting Appointment – S Seigels (22/02 – 8/03/2021)	19/04/2021	19/04/2021	Approved
19/04/2021	MM82	Section 62(2) (c), MFMA	Tax Invoice: Marce Projects (R5 165 305.04)	19/04/2021	19/04/2021	Approved
19/04/2021	VRP2	Paragraph 6f	Creation of Ukey: Cleaning services: Car valet & washing	22/04/2021	23/04/2021	Approved
22/04/2021	VRP2	Paragraph 6f	Veriment: Replacement of patrol vehicles (R20 0000)	22/04/2021	23/04/2021	Supported
22/04/2021	TR1	Skills Development Act /MSA	Xhosa training: Raylene Jacobs	22/04/2021	23/04/2021	Approved
22/04/2021			Memo: Urgent housing accommodation: T Malgas	22/04/2021	23/04/2021	Approved
22/04/2021	VRP2	Paragraph 6f	Overtime Pre-approvals: Community Development (May 2021)	22/04/2021	23/04/2021	Approved
24/04/2021	RM2	Risk Management Policy, 2018	Departmental Risk Register: Law Enforcement	24/04/2021	29/04/2021	Approved
24/04/2021		Finance	Memo: Request for reimbursement – O Jumat	24/04/2021	29/04/2021	Approved
24/04/2021	MM22	Section 66(1)(b), Systems Act	Job Description: Office Assistant/Messenger	24/04/2021	29/04/2021	Approved
24/04/2021	MM22	Section 66(1)(b), Systems Act	Job Description: Office Assistant (vacant)	24/04/2021	29/04/2021	Approved
24/04/2021		Finance	Wesbank authorization: CL2WP	24/04/2021	29/04/2021	Approved

24/04/2021		Finance	Wesbank authorization: CL14627	24/04/2021	29/04/2021	Approved
24/04/2021	SC3	4(1)	Tender: Supply and delivery of various types of firearms and ammunition for various firearms	24/04/2021	29/04/2021	Approved
24/04/2021	HR	General	Retirement: R Matthyse	24/04/2021	29/04/2021	Approved
24/04/2021		HR	Updating of payday reporting lines: E Nontyi	24/04/2021	29/04/2021	Approved

DELEGATIONS EXERCISED FOR PERIOD MAY 2021

DIRECTORATE: COMMUNITY & PROTECTION – ACTING DIRECTOR C KITCHING

DATE	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
03/05/2021	AD3	General	Advertisement: Law Enforcement Inspector	30/04/2021	03/05/2021	Approved
03/05/2021	MFP10	MFMA	Hall deposit refund: Patricia Hendricks	03/05/2021	03/05/2021	Approved
04/05/2021	VRP2	Paragraph 6f	Veriment: Materials and Supplies (R90 000)	04/05/2021	04/05/2021	Supported
04/05/2021	VRP2	Paragraph 6f	Veriment: Maintenance of Equipment (R70 000)	04/05/2021	04/05/2021	Supported
04/05/2021			Certificate of approval issued in terms of Section 6 of the Stellenbosch Municipality Air Quality By-law	04/05/2021	04/05/2021	Approved
04/05/2021		HR	Claim for official kilometres travelled (Gavin Solomons)	04/05/2021	04/05/2021	Approved

04/05/2021	HR	General	Leave Application: Study Leave (Gavin Solomons)	04/05/2021	04/05/2021	Approved
12/03/2021	MM82	Section 62(2) (c), MFMA	Tax invoice: Cape Seating Manufacturers (R2498.95)	10/05/2021	11/05/2021	Approved
12/03/2021	MM82	Section 62(2) (c), MFMA	Tax invoices x3: ETG Printers (Fire Services)	10/05/2021	11/05/2021	Approved
12/03/2021	MM82	Section 62(2) (c), MFMA	Tax invoices: TMT (April 2021)	10/05/2021	11/05/2021	Approved
12/05/2021	AD3	General	Approval of advertisement: Senior Inspector	12/05/2021	13/05/2021	Approved
12/05/2021	SC3	4(1)	Tender Questionnaire: Appointment of suitably qualified service provider for design, delivery and installation of a water tank and pump at the training facility in Paradyskloof	12/05/2021	13/05/2021	Approved
01/05/2021			Memo: Impoundment: Storage Fees	12/05/2021	13/05/2021	Approved
07/05/2021	VRP2	Paragraph 6f	Veriment: Maintenance of building and facilities (R719 000)	12/05/2021	13/05/2021	Supported
07/05/2021	VRP2	Paragraph 6f	Veriment: Maintenance of building and facilities (R500 000)	12/05/2021	13/05/2021	Supported
13/05/2021	TR1	Skills Development Act /MSA	Memorandum of Agreement: P Valentine	13/05/2021	17/05/2021	Approved
13/05/2021	MFP10	MFMA	Hall Deposit Refund: S Fortuin	14/05/2021	17/05/2021	Approved
14/05/2021	SC3	4(1)	Tender Questionnaire: Learner and Driver License training for youth and other learners for the period 1 July 2021 until 30 June 2024	14/05/2021	17/05/2021	Approved
			3G/AP Access Request Form – I Cornelsen, A Hartogh,			

11/05/2021		ICT	L Jafta	14/05/2021	17/05/2021	Approved
13/05/2021	VRP2	Paragraph 6f	Veriment: Purchase of specialised vehicles (R130 000)	14/05/2021	17/05/2021	Supported
13/05/2021	VRP2	Paragraph 6f	Veriment: Maintenance of buildings & facilities (R200 000)	14/05/2021	17/05/2021	Supported
13/05/2021	VRP2	Paragraph 6f	Veriment: Upgrading of swimming pool (R171 972)	13/05/2021	19/05/2021	Supported
13/05/2021		HR	Memo: Refund payment: C Daniels (R348.32)	13/05/2021	19/05/2021	Approved
13/05/2021		HR	Updating of payday: J Cyster	13/05/2021	19/05/2021	Approved
18/05/2021		HR	Memo: Critical vacancies – Community & Protection Services	18/05/2021	19/05/2021	Approved
20/05/2021	HR2	Conditions of Service (SALGBC)	Memo: Overtime Traffic (22-23 May 2021)	20/05/2021	21/05/2021	Approved
21/05/2021	MM22	Section 66(1)(b), Systems Act	Job Descriptions: Driver/Supervisor, Ranger: Protected Areas, Driver/Supervisor, Driver/Supervisor (Urban Forestry-Trees), Senior Clerk	20/05/2021	21/05/2021	Approved
24/05/2021	VRP2	Paragraph 6f	Veriment: Motor Vehicle License & Registration (R1 200)	24/05/2021	25/05/2021	Supported
18/05/2021	MM9	Section 55(1)(e), Systems Act	Termination of contract letters: Integrated Fire Management (10), Mountain Bike Trails (9), Integrated River Management (11), Forest Guard (23), Cleaning and Greening (22), Biodiversity Veld Rehabilitation (12), Environmental Clerk (1)	25/05/2021	26/05/2021	Approved
18/05/2021	MM9	Section 55(1)(e), Systems Act	Termination of contract: E Williams	25/05/2021	26/05/2021	Approved

18/05/2021	SC3	4(1)	Questionnaire: Specifications For Supply, Delivery & Installation Of Steel Drum Bins And Supply And Delivery Only Of Perforated Galvanised Swivel Bins In Various Locations Throughout Stellenbosch Wco24	25/05/2021	26/05/2021	Approved
25/05/2021			Certificate of approval issued in terms of Section 6 of Stellenbosch Municipality Air Quality Bylaw (Prof TM Harms, A Lucas, Vital Generator Services	25/05/2021	26/05/2021	Approved
26/05/2021			Certificate of approval issued in terms of Section 6 of Stellenbosch Municipality Air Quality Bylaw (Vital Generator Services, Stellenbrau Brewery	26/05/2021	26/05/2021	Approved
25/05/2021	HR2	Conditions of Service (SALGBC)	Memo: Approval of overtime and standby – Sport and Facilities (June 20210	28/05/2021	31/05/2021	Approved
26/05/2021	HR2	Conditions of Service (SALGBC)	Memo: Approval of overtime and standby – Parks Stellenbosch (June 20210	28/05/2021	31/05/2021	Approved
27/05/2021	AD3	General	Memo: Approval of advertisement – Senior Inspector Law Enforcement	28/05/2021	31/05/2021	Approved
27/05/2021	TR1	Skills Development Act /MSA	Memorandum of Agreement: P Mosha	28/05/2021	31/05/2021	Approved
27/05/2021			Job Description: Leading Hand	28/05/2021	31/05/2021	Approved
12/05/2021	MM9	Section 55(1)(e), Systems Act	Termination of contract of employment letters: Parks Franschhoek	28/05/2021	31/05/2021	Approved

20/05/2021		Committee Services	Item: Investigation with regards to the various residential properties in Mont Rochelle Nature Reserve	31/05/2021	31/05/2021	Approved
31/05/2021		Committee Services	Item: Monthly Report on bylaw enforcement and event management (April 2021)	31/05/2021	31/05/2021	Approved
26/05/2021	MM9	Section 55(1)(e), Systems Act	Termination of contract of employment letters: Traffic EPWP workers	31/05/2021	31/05/2021	Approved
31/05/2021	MM9	Section 55(1)(e), Systems Act	Appointment Certificate: C Adams, R Engelbrecht. C Lingham, J Cremore	31/05/2021	31/05/2021	Approved

DELEGATIONS EXERCISED FOR PERIOD JUNE 2021

DIRECTORATE: COMMUNITY & PROTECTION SERVICES

DATE	Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
01/06/2021		SCM	MBD form: BSM14/21 – Appointment of private armed security	01/06/2021	01/06/2021	Approved
01/06/2021		Finance	Memo: Re-imbursement TE Ncoko	01/06/2021	01/06/2021	Approved
01/06/2021	HR2	Conditions of Service (SALGBC)	Memo: Standby approval – Sport, Recreational and Halls	01/06/2021	01/06/2021	Approved
01/06/2021	VRP2	Paragraph 6f	Veriment: Contracted services : Security (R639 427)	01/06/2021	01/06/2021	Supported
01/06/2021	VRP2	Paragraph 6f	Memo: Refund for the use of the Paradyskloof	02/06/2021	02/06/2021	Approved
01/06/2021	VRP2	Paragraph 6f	Veriment: Horticulture – Furniture, Tools & Equipment (R47 000)	02/06/2021	02/06/2021	Approved
02/06/2021		HR	Attendance Register: A van der Merwe (March, April, May)	02/06/2021	02/06/2021	Approved
03/06/2021	SC3	4(1)	Tender document: The supply and delivery of various types of firearms and ammunition for various firearms for Community & Protection Services until June 2024	03/06/2021	03/06/2021	Approved
03/06/2021	MM23	Section 66(1)(c),	Acting: A Royi (1-19 May 2021)	03/06/2021	03/06/2021	Approved

		Systems Act				
03/06/2021	MM23	Section 66(1)(c), Systems Act	Acting: A Royi (8-29 March 2021)	03/06/2021	03/06/2021	Approved
03/06/2021	HR2	Conditions of Service (SALGBC)	Hall Deposit refund: A Pietersen	03/06/2021	03/06/2021	Approved
03/06/2021	VRP2	Paragraph 6f	Veriment: Maintenance of Buildings (R280 776.00)	03/06/2021	03/06/2021	Approved
04/06/2021		Finance	Conditional Grant Draft Business Plan 2021/22	04/06/2021	07/06/2021	Approved
04/06/2021		Finance	Memorandum of Agreement on the Community Library Services Grant	04/06/2021	07/06/2021	Approved
01/06/2021	HR2	Conditions of Service (SALGBC)	Memo: Approval of overtime – Cemeteries (June 2021)	04/06/2021	07/06/2021	Approved
26/05/2021	VRP2	Paragraph 6f	Veriment: Professional bodies, membership and subscriptions (R1 000)	04/06/2021	07/06/2021	Supported
04/06/2021		Finance	Memo: Releasing of impounded vehicle CF254-204	04/06/2021	07/06/2021	Approved
04/06/2021		SDBIP	Route form: Smoke alarms (May 2021)	04/06/2021	07/06/2021	Approved
04/06/2021	HR2	Conditions of Service (SALGBC)	Memo: Approved overtime from 1-31 May 2021 (Fire Services)	04/06/2021	07/06/2021	Approved
04/06/2021	HR2	Conditions of Service (SALGBC)	Memo: Approved overtime from 1-31 May 2021 (Traffic Services)	07/06/2021	07/06/2021	Approved
04/06/2021	HR2	Conditions of Service (SALGBC)	Memo: Approved overtime from 1-30 April 2021 (Traffic (Gouws, Paulsen)	07/06/2021	07/06/2021	Approved
01/06/2021	SC3	4(1)	Memo: Technical Evaluation : BSM69/21	07/06/2021	07/06/2021	Approved

07/06/2021		Finance	Memo: Refund payment for the use of the Paradyskloof Clubhouse facility	07/06/2021	07/06/2021	Approved
07/06/2021		Committee Services	Monthly Report: Community Development (May 2021)	07/06/2021	07/06/2021	Approved
04/06/2021		Finance	Memo: Grant in Aid Payment: Stellenbosch Night Shelter (May 2021)	07/06/2021	07/06/2021	Approved
26/05/2021	VRP2	Paragraph 6f	Veriment: Inventory Consumed: Materials and Supplies (R2800)	07/06/2021	07/06/2021	Approved
26/05/2021	VRP2	Paragraph 6f	Veriment: Consumables: Standard Rated Covid 19 (2700)	07/06/2021	07/06/2021	Approved
07/06/2021		Finance	Wesbank: CL83010	07/06/2021	08/06/2021	Approved
07/06/2021	MM9	Section 55(1)(e), Systems Act	Termination of contract letter: N Queka, P Williams	07/06/2021	08/06/2021	Approved
07/06/2021	SC3	4(1)	Tender Specifications: Impoundment of vehicles for a contract period start 1 July 2021 until 30 June 2024	07/06/2021	08/06/2021	Approved
07/06/2021	HR2	Conditions of Service (SALGBC)	Memo: Overtime worked by members not on standby roster (Fire Services	08/06/2021	08/06/2021	Approved
07/06/2021	HR	Conditions of Service (SALGBC)	Memo: Exceeding of 40-hour overtime threshold (Fire Services)	08/06/2021	08/06/2021	Approved
08/06/2021	HR2	Conditions of Service (SALGBC)	Hall Deposit Refund: Gaynor Carelse, Diego Williams	09/06/2021	09/06/2021	Approved
08/06/2021		HR	Memo: Accumulated leave days payout for officials (E Vegotine, E Malgas)	09/06/2021	09/06/2021	Approved
	MM23	Section 66(1)(c),		09/06/2021	09/06/2021	Approved

09/06/2021		Systems Act	Memo: Acting allowance: M Fortuin (1-31 May 2021)			
09/06/2021		Finance	Wesbank Authorisation: CL2WP	09/06/2021	09/06/2021	Approved
09/06/2021		HR	Additional Responsibility Allowance: T Leibrandt	09/06/2021	09/06/2021	Approved
10/06/2021	MM9	Section 55(1)(e), Systems Act	Shortlist: General Worker (Parks & Cemeteries)	10/06/2021	10/06/2021	Approved
10/06/2021	MM9	Section 55(1)(e), Systems Act	Shortlist: General Worker (Environmental Implementation)	10/06/2021	10/06/2021	Approved
10/06/2021		Finance	Wesbank Authorization: CL21957	10/06/2021	10/06/2021	Approved
10/06/2021			Agreements – Receipt of mobile radio's (Traffic Dept)	10/06/2021	10/06/2021	Approved
01/06/2021	HR	Conditions of Service (SALGBC)	Memo: Motivation for pre-approvals of staff of Cemetery Dept (June 2021)	11/06/2021	11/06/2021	Approved
09/06/2021	VRP2	Paragraph 6f	Veriment: Urban Forestry – Vehicle Fleet (R1 424 926.00)	11/06/2021	11/06/2021	Supported
10/06/2021	VRP2	Paragraph 6f	Creation of Ukey: Consultants and Professional Services – Legal Advice and Litigation	11/06/2021	11/06/2021	Supported
11/06/2021	MM9	Section 55(1)(e), Systems Act	Memo: Contract appointment of dedicated Covid sanitizing team	11/06/2021	11/06/2021	Approved
11/06/2021	MM9	Section 55(1)(e), Systems Act	Memo: Non-appointment of senior librarian staff	14/06/2021	14/06/2021	Approved
11/06/2021	AD3	General	Memo: Advert approval: Senior Librarian Kayamandi	14/06/2021	14/06/2021	Approved
14/06/2021	MM82	Section 62(2) (c), MFMA	Invoice: Amaza Enterprise and Projects (R371 220.000)	14/06/2021	14/06/2021	Approved

14/06/2021	VRP2	Paragraph 6f	Veriment: Materials and Supplies (R1230.00)	17/06/2021	17/06/2021	Supported
15/06/2021		SCM	MDB Contract Form: BSM49/21	17/06/2021	17/06/2021	Approved
11/06/2021	MM9	Section 55(1)(e), Systems Act	Termination of contract of employment letter: M Sangqu	17/06/2021	17/06/2021	Approved
14/06/2021	HR	General	Retirement letter: N Bodi	17/06/2021	17/06/2021	Approved
15/06/2021	VRP2	Paragraph 6f	Veriment: Upgrading of swimming pool (R222 932)	17/06/2021	17/06/2021	Approved
17/06/2021	HR2	Conditions of Service (SALGBC)	Hall Deposit Refund: S Everts, F Ambrose	17/06/2021	17/06/2021	Approved
17/06/2021	MM82	Section 62(2) (c), MFMA	Tax Invoice: CJA Partners (R40 000)	18/06/2021	18/06/2021	Approved
17/06/2021		Finance	Wesbank Authorization: CL58266	18/06/2021	18/06/2021	Approved
17/06/2021	AD3	General	Approval of advertisement: Superintendent Traffic Law Enforcement	18/06/2021	18/06/2021	Approved
15/06/2021	MM9	Section 55(1)(e), Systems Act	Termination of EPWP contract of Employment letters: Community Development	18/06/2021	18/06/2021	Approved
17/06/2021	LPC3	Gatherings Act 205 of 1993 Events bylaw pn 7564 dated 12/02/2016	Application in terms of Regulation of Gatherings Act, Political Roadshow by Motor Vehicles 19 June 2021	18/06/2021	18/06/2021	Approved
21/06/2021		SCM	MDB Form: BSM14/21	21/06/2021	21/06/2021	Approved
21/06/2021		HR	Updating of Payday Reporting lines: Fire Services	21/06/2021	21/06/2021	Approved

21/06/2021	MM9	Section 55(1)(e), Systems Act	Confirmation of appointment certificate: N Jonkers, G Tarentaal	21/06/2021	21/06/2021	Approved
22/06/2021	MM82	Section 62(2) (c), MFMA	Tax invoice: Amaza (R371 220.00)	23/06/2021	23/06/2021	Approved
22/06/2021	MM82	Section 62(2) (c), MFMA	Tax invoice: Isuzu (R757 835.00)	23/06/2021	23/06/2021	Approved
10/06/2021	MM82	Section 62(2) (c), MFMA	Tax invoice: Junto (R7433 776.68	23/06/2021	23/06/2021	Approved
22/06/2021	MM9	Section 55(1)(e), Systems Act	Termination letters: F Pullen, A Tshela	23/06/2021	23/06/2021	Approved
22/06/2021	HR2	Conditions of Service (SALGBC)	Hall Deposit Refund: D Kleynhans	23/06/2021	23/06/2021	Approved
22/06/2021		HR	Updating of Payday/reporting lines: Traffic Services	23/06/2021	23/06/2021	Approved
21/06/2021	VRP2	Paragraph 6f	Veriment: Municipal Services (Skills Development) - R4000	25/06/2021	25/06/2021	Supported
21/06/2021			Assets less Capitalisation (R12 000)	25/06/2021	25/06/2021	Approved
23/06/2021		HR	Memo: Accumulated leave days pay out – Andre Gabriels	25/06/2021	25/06/2021	Approved
24/06/2021			Notice re provision of hot food due to loss of accommodation due to fire incident x2	25/06/2021	28/06/2021	Approved
28/06/2021			Grant-in-aid MOA's	25/06/2021	28/06/2021	Approved
24/06/2021	VRP2	Paragraph 6f	Veriment: Domestic Accommodation – R488.04	25/06/2021	28/06/2021	Approved

25/06/2021	HR	Conditions of Service (SALGBC)	Memo: Standby motivation – Community Development (July 2021)	25/06/2021	28/06/2021	Approved
28/06/2021	RM2	Risk Management Policy, 2018	Risk Register: Law Enforcement (April – June 2021)	25/06/2021	28/06/2021	Approved
25/06/2021	HR2	Conditions of Service (SALGBC)	Hall Deposit Refund: S Layman	25/06/2021	28/06/2021	Approved
25/06/2021	VRP2	Paragraph 6f	Veriment: Groendal Furniture, Tools & Equipment	25/06/2021	28/06/2021	Supported
29/06/2021		SCM	MDB form: BSM48/21	28/06/2021	28/06/2021	Approved
28/06/2021	MM9	Section 55(1)(e), Systems Act	Letters of appointment: Fire and Disaster	28/06/2021	28/06/2021	Approved
28/06/2021	MM9	Section 55(1)(e), Systems Act	Termination letters: N Qubeka, P Williams	28/06/2021	28/06/2021	Approved
28/06/2021		SDBIP	SOP: Complaints/reported matters for cutting alien vegetation and felling of trees	28/06/2021	28/06/2021	Approved
28/06/2021		SDBIP	SOP: Flow chart of payment and reconciliations	28/06/2021	28/06/2021	Approved
28/06/2021		SDBIP	SOP: Urban Forestry	28/06/2021	28/06/2021	Approved

11.	**ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE: [ALD. G VAN DEVENTER (MS)]**

11.1	**COMMUNITY DEVELOPMENT AND PROTECTION SERVICES: (PC: CLLR R BADENHORST)**

NONE

11.2	**CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)**

NONE

11.3	**FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]**

NONE

11.4	**HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)**

NONE

11.5	**INFRASTRUCTURE: (PC: CLLR Q SMIT)**

NONE

11.6	**PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))**

NONE

11.7	PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR E GROENEWALD (MS))

11.7.1	TERMS OF REFERENCE FOR THE ESTABLISHMENT OF A STELLENBOSCH MUNICIPALITY CONSERVATION ADVISORY COMMITTEE

Collaborator No:
IDP KPA Ref No:
Meeting Date: **15 June 2021 and 28 July 2021**

1. SUBJECT: TERMS OF REFERENCE FOR THE ESTABLISHMENT OF A STELLENBOSCH MUNICIPALITY CONSERVATION ADVISORY COMMITTEE

2. PURPOSE

To provide Council with the terms of reference for the Establishment of the Conservation Advisory Committee as required in terms of Section 249 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019, and to obtain the required approval to place advertisements for the invitation for members to serve on the said Committee.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Section 249 of the Stellenbosch Municipality Zoning Scheme By-law, 2019 stipulate the following:

"*(1) The Municipality shall establish a Conservation Advisory Committee, which may consist of various sub-committees for different overlay zone areas, to make recommendations on planning applications in Urban and Rural Conservation Overlay zones."*

5. RECOMMENDATIONS

(a) that Council approves and adopts the Terms of Reference for the Establishment of the Conservation Advisory Committee, as contained in **Appendix 1** of this report;

(b) that Council approves that the Directorate: Planning and Economic Development commences with a process to place an advertisement that will Invite suitably qualified and experienced persons to apply to serve as Members of the Conservation Advisory Committee;

(c) that Council notes that the Directorate: Planning & Economic Development will submit the preferred candidates to serve as members of the Conservation Advisory Committee to a next Council Meeting for approval; and

(d) that Council notes that the Directorate: Planning & Economic Development will submit the Code of Conduct of the Members of the Conservation Advisory Committee for approval to a next Council meeting.

6. DISCUSSION / CONTENTS

6.1 Background

The Stellenbosch Municipality Zoning Scheme Bylaw, 2019 requires the Establishment of a Conservation Advisory Committee in terms of Section 249 of the said bylaw.

The Committee must:

- *The committee shall consider the application and submit their recommendation within the period prescribed by Planning By-law.*

- *The committee may formulate recommendations which may include conditions to be imposed or recommendations on how the proposal should be amended to improve compliance with the Conservation Overlay Policy.*

- *The Municipality may, through its adopted rules and procedures, determine that certain types of applications need not be commented on by the committee, in which case the designated decision-maker within the Municipality may decide on the application as per the appropriate delegations.*

The Urban and Rural Overlay Zones Conservation Overlay Zones is contained within the applicable bylaw, and the Committee is also tasked with providing recommendations to the Delegated Authority, as determined by the Stellenbosch Municipality Register of Delegations, which may be amended from time-to-time on land use applications and all other matters requiring cultural and heritage comments (including signage and outdoor advertising applications).

6.2 Financial Implications

The Committee members will be remunerated at an hourly rate of R1250. Meeting procedures are limited to five (5) hours per meeting and should the duration of meetings require extension of such hours, prior approval must be obtained from the delegated authority.

Current budgetary provision was made for one (1) meeting per month within the 2021 / 2022 approved operational budget.

6.3 Legal Implications

The Establishment of the Conservation Advisory Committee is required in terms of Section 249 of the Stellenbosch Municipality Zoning Scheme By-law, 2019.

6.4 Previous / Relevant Council Resolutions

None

6.5 Risk Implications

There exists no risk in the Establishment of the Committee.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-06-15: ITEM 7.7.2

(a) that Council approves and adopts the Terms of Reference for the Establishment of the Conservation Advisory Committee, as contained in **APPENDIX 1** of this report;

(b) that Council approves that the Directorate: Planning and Economic Development commences with a process to place an advertisement that will invite suitably qualified and experienced persons to apply to serve as Members of the Conservation Advisory Committee;

(c) that Council notes that the Directorate: Planning & Economic Development will submit the list of preferred candidates to serve as members of the Conservation Advisory Committee to the next Council Meeting for approval; and

(d) that Council notes that the Directorate: Planning & Economic Development will submit the Code of Conduct of the Members of the Conservation Advisory Committee for approval to the next Council meeting.

APPENDICES

Appendix 1: Terms of Reference for the Establishment of a Stellenbosch Municipality Conservation Advisory Committee.

FOR FURTHER DETAILS CONTACT:

NAME	*Katherine Robinson*
POSITION	*Senior Heritage Planner*
DIRECTORATE	*Planning and Economic Development*
CONTACT NUMBERS	*021 808 8608*
E-MAIL ADDRESS	*Katherine.Robinson@stellenbosch.gov.za*
REPORT DATE	

APPENDIX 1

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

TERMS AND REFERENCE FOR THE ESTABLISHMENT OF A STELLENBOSCH MUNICIPALITY CONSERVATION ADVISORY COMMITTEE

Draft Version

APRIL 23, 2021

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Definitions and interpretation of rules

In this document, unless the context requires otherwise -

"**Delegated Authority''**	Means a municipal employee / Committee who is authorized in terms of delegated by Municipality to exercise a power or perform a duty in terms of National Heritage Resources Act 25 of 1999 and Chapter 25 and 26 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019.
"**Chairperson**"	Means the person who presides over the meeting. The Chairperson is responsible for making sure that each meeting if effectively conducted according to the constitution and that matters are dealt with in an orderly and efficient manner.
"Committee"	Means the Stellenbosch Municipality Conservation Advisory Committee appointed by Council.
"Committee Officer"	Means an authorized employee appointed/ designated by the Stellenbosch Municipality, whose function is to provide administrative and secretarial support to the Stellenbosch Municipality Conservation Advisory Committee.
"Conservation"	Means the process for managing heritage resources to retain their cultural significance. This includes protection, maintenance, preservation and adaptive re-use of resources. Conservation requires the retention of an appropriate visual context and other relationships that contribute to the significance of place.
"Consultant"	Means a person authorized in terms of the power of attorney to make an application on behalf of the owner of land.
"**Council**"	Means Municipal Council of Stellenbosch Municipality.
"Cultural landscape"	Means a physical area with natural features and elements that have been modified by human activity which results in layered evidence that has been built up overtime that gives a landscape its descriptive spatial historical aesthetic character that is symbolic and memorable.
"Cultural significance"	Means aesthetic, architectural, historical, social, linguistic, scientific and technological value or significance.
"Development"	Means any physical intervention, excavation or action that are not the result of natural forces, which may, in the opinion of a heritage authority, result in a change to the appearance or physical nature of the place or will influence its stability and future wellbeing.
"Heritage area"	Means a designated geographical area of special architectural historic, social, symbolic, aesthetic/scenic character which is protected by legislative mechanisms wither at provincial or municipal level.
"Heritage resources"	Means any place or object that has cultural significance.
"Heritage site"	Means a place that has been declared a national heritage site (Grade 1) by SAHRA or declared a provincial heritage site (Grade 2) by the provincial resource authority.
"HWC"	Means Heritage Western Cape - the provincial heritage resource authority.
"**Member**"	Means a person appointed a member of the Stellenbosch Municipality Conservation Advisory Committee by the Stellenbosch Council.
"**Minister**"	Means the Minister of Arts and Culture
"Municipality"	Means Stellenbosch Municipality located in the Cape Winelands District of the Western Province.
"**NHRA**"	Means the National Heritage Resources Act, (Act 25 of 1999)

"**SAHRA**"	Means the South African Heritage Resources Agency
"Zoning Scheme"	Means the Stellenbosch Zoning Schemes Bylaw adopted by Stellenbosch Council

1. The purpose of the Stellenbosch Municipality Conservation Advisory Committee

The Stellenbosch Municipality Conservation Advisory Committee is appointed by Council to assist them with the expertise required in heritage related matters to satisfy the required mandate of Section 249(1) of the Stellenbosch Zoning Scheme By-Law, 2019.

The Conservation Advisory Committee must evaluate and provide advise on all heritage matters in terms of the National Heritage Resources Act 25 of 1999 and any new developments in Overlay Zones in terms of Stellenbosch Zoning Scheme By-Law.

2. Functions of the Stellenbosch Municipality Conservation Advisory Committee

The function of the Conservation Advisory Committee is to advise Council on the various aspects in lieu of the preservation and furthering of the cultural landscape and natural environment of the Greater Stellenbosch Area.

The committee therefore has the following functions:

2.1 To advise Council on the aesthetical, functional, architectural, cultural and historical aspects of any new development or contemplated development and with respect to any proposed alterations or additions to existing buildings, structures and elements of the built environment within all declared heritage areas.

2.2 To advise Council on the aesthetical, functional, architectural, cultural and historical aspects with respect to any proposed alterations or additions to existing buildings or structures that are specified in terms of Sections 27 & 34 of the NHRA.

2.3 To advise Council on any application received for the demolition or partial demolition of any building or structure within any declared Heritage Area or to any structure that is specified in terms of Sections 27 & 34 of the NHRA.

2.4 To advise, to Council on any applications received in terms of Section 38 of the NHRA.

2.5 To advise, to Council on any applications received that is specified in Terms of the National Environmental Act (No. 107 of 1998).

2.6 To provide Council with comments and input on Outdoor Advertising and Signage applications.

2.7 To advise Council with the compilation of a heritage register and demarcation of heritage areas as specified in section 30 or 31 of the NHRA of all heritage resources within the greater Stellenbosch.

2.8 To evaluate and advise Council on any application for signage as per the approved Outdoor Advertising Signage Policy or Bylaw.

2.9 Provide input to the Directorate: Planning and Environment with the development of specific development strategies, guidelines, regulations and procedures pertaining to the preservation and appropriate development of individual declared Heritage Areas.

2.10 To provide advise on applications that requires approval by SAHRA and HWC in terms of Section 27 & 34 of the National Heritage Resources Act.

2.11 Should Council be assessed by Heritage Western Cape and be deemed a competent authority in terms of Section 26 read together with section 8 of the Heritage Resource Act, the Committee is to advise Council on the identification and management of Grade III heritage resources.

3. Mandate of the Stellenbosch Conservation Advisory Committee

The mandate of the Committee is to: only advise the delegated authority as per Council's Register of Delegations, on all heritage related applications in the declared Stellenbosch Municipality Urban and Rural conservation overlay zones and all heritage buildings and sites related to the NHRA.

No individual member and/or group of members of the Committee may represent the views and/or authority of the Stellenbosch Municipality.

4. Structure of the Stellenbosch Conservation Advisory Committee

It is recommended that a single Committee structure is adopted, to advise the delegated authority on all heritage related applications in the declared Stellenbosch Municipality Urban and Rural conservation overlay zones and all heritage buildings and sites in Stellenbosch (WC024) Municipality.

A Heritage Committee must consist of:

4.1 A minimum of seven (7) members appointed by Council who are not employees and / or Political Office Bearers of Stellenbosch Municipality.

4.2 All members must be residents of the Stellenbosch (WC024) Municipality.

4.2 In addition, there will be a minimum of two (2) employees of the Municipality.

4.3 The Committee must have reasonable knowledge, experience and expertise in the following interrelated fields and professions:

- Built Environment
- Cultural Heritage
- Heritage Management
- Natural Environment

4.4 The Committee members must have appropriate knowledge of the current heritage planning and environmental legislations and policies.

4.5 It would be considered advantageous if members have experience in documentation and archival research of South African Heritage or expertise in design and supervision of construction in the heritage environment.

4.6 The Committee must strive to compromise of a diverse and inclusive members, which reflect the demographics of the Municipal Area.

5. Terms of Office of the Stellenbosch Conservation Advisory Committee members.

5.1 The Municipality will select members by means of an advertised application process.

5.2 Members of the Conservation Advisory Committee shall be appointed in accordance with the principles of transparency and representativity.

5.3 Their appointment must consider that the members are to have, amongst them, qualifications and / or proven experience in the fields relevant to heritage resources for the efficient functioning of the Heritage Committee.

5.4 A member holds office for a term of three (3) years.

5.5 A member may be re-appointed by Council for a second term, for a period of two (2) years, provided that the member may not hold office for more than five (5) consecutive years.

5.6 On appointment the members must sign a letter of acceptance of the post and a copy of a Code of Conduct of Committee Members that has been approved by the Council.

5.7 A member of the Conservation Advisory Committee must vacate the office if a member:

5.7.1 Resigns in writing 1 month prior to date of resignation.

5.7.2 Has been absent from three consecutive meetings of the Heritage Committee without leave of absence.

5.7.3 The Municipal Manager, after consultation with the Director: Planning and Economic Development and the relevant delegated authority, may remove a member from office if in the opinion of the Council there is sound reasons for doing so after hearing the member on those reasons.

5.8 If a member vacates the office prior the expiration of the period for which they have been appointed as a member of the Conservation Advisory Committee, another person may be nominated by the Committee and appointed by the Council to fill the vacancy for the remaining portion of the period for which the member was appointed.

5.9 Should the need arise, the Committee can put forward a request to Council for the right to co-opt additional members to the committee on a temporary basis should a development issue be dealt with that will have a direct impact on a specific geographic area and a person or persons with sound knowledge of that area exist.

6. Reimbursement of expenses incurred by the Stellenbosch Conservation Advisory Committee

The delegated authority may determine the reimbursement of expenses incurred by members of the Heritage Committee in terms of Stellenbosch Municipality relevant reimbursement policy, only when such expenses have been pre-approved in writing by the delegated authority.

7. Rules of procedure for Meetings of the Stellenbosch Conservation Advisory Committee:

7.1. General:

7.1.1 The Conservation Advisory Committee must meet at least once a month or may submit a request to have additional meeting (s) to the delegated authority.

7.1.2 The Department responsible for the Heritage Resource Management functionality must determine the dates and times of the Stellenbosch Municipality Conservation Advisory Committee in consultation with the appointed Chairperson of the Committee.

7.1.3 Meetings must be held through Microsoft Teams or any other virtual platform available at the time of such meeting, and should the need arise meetings may be held in person, subject to prior approval granted by the delegated authority.

7.1.4 The first meeting is to be in person. At this meeting the Members will nominate and vote for a Chairperson, Deputy Chairperson and a Committee Officer, who will record the minutes for the meeting which will be sent to the Delegated Authority.

7.1.5 The Committee Officer will be responsible for creating the yearly meeting schedule based on the dated determined by the Conservation Advisory Committee in consultation with the Delegated Authority.

7.1.6 The Committee Officer will create the meeting agenda and compile information packs that will be sent to the members through electronic communication a minimum of five (5) working days prior to the meeting.

7.1.7 All Members of the Committee must, in writing, specify an electronic mail address, where they will receive a notice of meetings and other official correspondence and are required to acknowledge receipt, in writing, of the upcoming scheduled meeting and receipt of the information packs.

7.1.8 Electronic notices of a meeting or any other official correspondence to these addresses will constitutes a paper notice of a meeting.

7.1.9 If a member has not received notice of a meeting or all relevant documentation, this will invalidate any proceedings of the meeting.

7.1.10 Should the Chairperson be absent on the day of the meeting, the Deputy Chairperson will undertake the duties of the Chairperson.

7.2. Quorum

7.2.1 A quorum for a meeting of the Stellenbosch Municipality Conservation Advisory is half (50%) plus 1 of the appointed members.

7.2.2 The Chairperson shall, in the event of equality of votes, have a casting vote in addition to his / her deliberative vote.

~~7.2.3 If there is no quorum at the beginning of the meeting and the Chairperson is present, the meeting must be postponed 15 minutes. If at the end of that period, if there is still no quorum, the meeting may proceed, however all items discussed will be recorded as "Discussion".~~

7.2.4 The minutes can only be recorded as recommendations once a quorum is present.

7.3. Agenda and Site Inspections:

7.3.1 A copy of the minutes from the previous meeting, an agenda for the scheduled meeting and copies of all information packs for the meeting must be sent to the Committee Members by the Committee Officer.

7.3.2 Meetings should be conducted according to the order in which the matter appear on the agenda, and only matters which are on the agenda and are in writing may be debated. Notwithstanding this, the Chairperson may change the order of matters appearing on the agenda or withdraw an item or refer it back to the Administration, except for allocated appointment items on the agenda.

7.3.3 The Committee may conduct a site inspection, with prior approval from the delegated authority, relevant to an application being considered or make use of an official appointed by Council to conduct an inspection.

7.3.4 Should a site inspection be required, arrangements are to be made by the Committee Official. All members to confirm dates of availability at the end of the meeting for ease of arrangements.

7.3.5 All site inspections are to be recorded in a Site Inspection Report by the members and which should be attached to the minutes of the next meeting.

7.4. Conduct at Meetings and Site Inspections

The Chairperson must:

7.4.1 Ensure that the minutes of the previous meeting is adopted and seconded by the Committee Members.

7.4.2 Request members to declare any personal or other interest in respect of the agenda before them and indicate whether they have been approached by any party concerned prior to the meeting. Recusals by members, if any should be minute accordingly.

7.4.3 Maintain order during the meeting.

7.4.4 Refer any alleged contravention of the code of conduct by members at the meetings to the Delegated Authority.

7.4.5 Ensure that the meetings are conducted in accordance with these rules.

~~7.4.6 Ensure that any person refusing to comply with his / her ruling leaves the venue immediately and, in case of members, reports these instances to the Director Planning and Economic Development.~~

7.4.7 Ensure that when members go on site inspections they are representing the Municipality and should always act in accordance with the Code of Conduct.

7.5. Oral/ electronic presentation

7.5.1 Should an applicant wish to present an oral / verbal / visual presentation to the Committee, they are to put their request in writing to the Committee Officer at least seven (7) days prior to that meeting so that they can be allocated a time slot.

7.5.2 The purpose of an oral presentation is to allow the applicant / consultant an opportunity to present the application to the members of the committee and provide accuracy or merit on the documentation / plans before the committee and also to elaborate on relevant issues which committee members may have. The applicant(s) must not be present during the deliberations of the Committee.

7.5.3 The applicant must provide at least 1 set of hard copies documentation and also electronic document to the Committee Officer on the closing date for submission ten (10) days prior to next meeting.

7.5.4 The Committee Officer will electronically distribute the electronic document to the Committee members in order that the Committee members may have time to consider the matter in advance.

7.5.5 The Chairperson may limit the oral presentation to specified matters relating to an application.

7.5.6 As a general guide, the applicant / consultant, must be permitted reasonable time to make their presentation.

~~7.5.7 Notwithstanding Rule 10.6 above, the allocated time may be increased at the discretion of the Chairperson, if the circumstances of the application warrant this.~~

7.5.8 After the introduction of the application by the Committee Officer, the order of speakers will, subject to the Chairperson's discretion be as follow:

7.5.8.1 The applicant or consultant who requested the presentation will address the Committee; whereafter

7.5.8.2 The Chairperson will give members of the committee an opportunity to ask the applicant relevant question of clarification.

7.5.8.3 No cross examination of any party is permitted.

7.6. Recommendations and Voting:

7.6.1 All recommendation must be taken by the supporting vote agreed upon by the majority of members present at the meeting.

7.6.2 If the Chairperson ask members whether they agree with the recommendation/s on the matter before the Committee, and such recommendation/s are opposed by any members present, a decision must be taken by show of hands by approving an application in (1) whole or (2) in part, or (3) refuse it. Should there be no opposition, it must be recorded in the minutes that the decision was unanimous.

7.7. Minutes

The Committee Secretary must ensure that all proceedings of the Stellenbosch Municipality Conservation Advisory Committee are to be recorded during the meeting. All recommendations, including reasons, must be recorded in the minutes.

Every member of the Committee, as well as any other person attended a meeting, must sign the attendance register, and the Committee Officer must ensure that a record is made in the minutes of the names of those members who:

(a) Are absent with leave having been granted by the Chairperson;
(b) In the case of the Chairperson, absent with leave must be granted by the Senior Manager: Development Planning;
(c) Any leave that has not been authorised must be recorded;
(d) Arrived after the meeting has started (time of arrival must be recorded);
(e) Leave the meeting prior to the conclusion thereof (time and reason for departure must be recorded)
(f) The correctness of the minutes must, after the meeting, be signed off by the Chairperson after circulation to the members present, and thereafter be made available within one week (seven working days) following a meeting;
(g) A copy of the confirmed minutes must be included in the Agenda of the next meeting of the Stellenbosch Municipality Conservation Advisory Committee for information and record purposes.

11.7.2	REPORT ON THE PREPARATION OF A KLAPMUTS DEVELOPMENT CONCEPT PLAN

Collaborator No: 708320
IDP KPA Ref No: Valley of Opportunity
Meeting Date: 15 June 2021 and 28 July 2021

1. SUBJECT: REPORT ON THE PREPARATION OF A KLAPMUTS DEVELOPMENT CONCEPT PLAN

2. PURPOSE

To inform the Mayoral Committee and Council of the progress with the planning related to the development of Concept Plans for Klapmuts.

3. DELEGATED AUTHORITY

Executive Mayoral Committee

4. EXECUTIVE SUMMARY (D1710)

The departmental SDBIB reference number D1710 requires of the Director Planning and Economic Development to submit a "Klapmuts Development Concept Plan" to the MayCo by the end of June 2021.

This target is in effect obsolete as a Klapmuts Concept Plan was approved as part of the Municipal Spatial Development Framework (MSDF) which was approved by Council in 2019 and promulgated in January 2020. However, there is currently an inter-governmental initiative around the development of Klapmuts (Stellenbosch - Drakenstein - WCG via DEA&DP - and other affected government departments). As such, this target for a revised plan has been proposed to be shifted to 30 June 2021 when the department can report back on the above initiative as well as progress with the implementation of the strategies contained in the MSDF.

Klapmuts was identified in the approved MSDF as a potentially significant centre for economic activity and residence within the metropolitan region and Stellenbosch Municipality (as identified in the Greater Cape Metro Regional Spatial Implementation Framework, May 2017 (GCM RSIF).

The (GCM RSIF) contains very specific policy directives related to Klapmuts, aimed at addressing pressing sub-regional and local space economy issues.

Key policy objectives include:

- Using infrastructure assets (e.g., key movement routes) as "drivers" of economic development and job creation.

- Recognition that existing infrastructure in the area (i.e., N1, R101, R44 and the Paarl-Bellville railway line and station) dictate the location of certain transport, modal change or break-of bulk land uses.

- Recognition of the Klapmuts area as a significant new regional economic node within metropolitan area and spatial target for developing a "consolidated platform for export of processed agri-food products (e.g., inland packaging and containerisation port)" and "an inter-municipal growth management priority".

- The consolidation of and support for existing and emerging regional economic nodes as they offer the best prospects to generate jobs and stimulate innovation.

- The clustering of economic infrastructure and facilities along public transport routes.

- Maintaining valuable agricultural and nature assets.

- Providing work opportunity in proximity to living areas.

Significant progress has been made in planning for an “Innovation Precinct” or “Smart City” district west of, and adjacent to Klapmuts south. This includes a land agreement with the University of Stellenbosch to possibly establish university related activities in this area. The urban edge has been adjusted in recognition of the opportunity associated with this initiative. Various application for the development of the “Smart City” were submitted which applications are presently being dealt with.

The MSDF remarked that, given that management of Klapmuts is split between Drakenstein Municipality and Stellenbosch Municipality (respectively responsible for the area north and south of the N1), special arrangements will be required to ensure that the settlement develops responsibly, in a manner which ensures thoughtful prioritization, infrastructure investment, and opportunity for a range of income groups.

The Western Cape Government: Department of Environmental Affairs and Development Planning (“DEA&DP”) agreed to play a facilitatory/coordinating role in considering joint planning between Stellenbosch-, Drakenstein Municipality and the City of Cape Town. Subsequent to a meeting held in February 2021 it was proposed to establish an Inter-Governmental Working Group tasked with ensuring the joint planning and development of the Klapmuts Node. The formation of this Working Group is in part a response to the Klapmuts node being identified as a “hotspot” in the Greater Cape Metro Regional Spatial Implementation Framework (GCM RSIF), requiring inter-governmental planning and management.

DEA&DP has provided a draft document, attached as **APPENDIX 2** to this report, to both Municipalities for consideration. Each municipality can use this document as the starting point to approach the individual Municipal leadership to obtain buy-in to this structure and process with a specific view to receiving the necessary mandates to pursue a formal working group.

To move forward with this proposal, it is recommended that the leadership of the Stellenbosch-, Drakenstein Municipality, the Head of Department and Minister of Environmental Affairs and Development Planning:

1. Support the establishment of an Inter-Governmental Working Group tasked with ensuring the joint planning and development of the Klapmuts Node.
2. Nominate senior, relevant employees to serve on such a structure; and
3. Mandate these representatives to engage with other stakeholders, including the private sector, when needed.

Once established, it is recommended that the Working Group invite relevant stakeholders as and when needed; including *inter alia* the City of Cape Town, the South African National Roads Agency, the Western Cape Government: Department of Transport & Public Works (“DT&PW”); etc.

5. RECOMMENDATIONS

(a) that MAYCO takes note that the Figure 30: Klapmuts Plan as contained within the Stellenbosch Municipality Spatial Development Framework, 2019, copy attached as **Appendix 1** of the report, is the adopted Concept Plan for Klapmuts;

(b) that MAYCO further supports the proposal to establish an Inter-governmental Working Group tasked with ensuring the joint planning and development of the Klapmuts node, copy of draft proposal attached as **Appendix 2**; and

(c) that MAYCO supports that the Department: Development Planning (Directorate: Planning & Economic Development) be the lead and coordinating department for Council as part of the Inter-Governmental Working Group.

6. DISCUSSION / CONTENTS

6.1 General

Located as it is on the N1 transport corridor – which carries 93% of metropolitan bound freight traffic – Klapmuts is a potentially significant centre for economic activity and residence within the metropolitan region and SM (as identified in the GCM RSIF). To date, the settlement is characterized by residential use and limited commercial and work-related activity. Public sector resource constraints have prevented the infrastructure investment required to enable and unlock the full potential of the area for private sector economic development as envisaged in the GCM RSIF. The decision by Distell to relocate to and consolidate many of its operations in Klapmuts is critical to commence more balanced development of the settlement. Distell proposes to develop a beverage production, bottling, warehousing, and distribution facility on Paarl Farm 736/RE, located north of the N1, consolidating certain existing cellars, processing plants, and distribution centres in the Greater Cape Town area.

Significant progress has been made in planning for an “Innovation Precinct” or “Smart City” district west of but contiguous to Klapmuts south. This includes a land agreement with the University of Stellenbosch to possibly establish university related activities in this area. The urban edge has been adjusted in recognition of the opportunity associated with this initiative.

Several issues require specific care in managing the development of Klapmuts over the short to medium term. The first is speculative applications for land use change on the back of the proposed Distell development. Already, a draft local plan prepared by DM has indicated very extensive development east of Farm 736/RE. Distell will not fund the extensive infrastructure required to unlock development here, and arguably, land use change to the east of Farm 736/RE could detract from the opportunity inherent in Farm 736/RE.

The second is the linkages between Klapmuts north and south, specifically along Groenfontein Road and a possible NMT crossing over the N1 linking residential areas south of the N1 directly with Farm 736/RE. Without these linkages, residents to the south of the N1 will not be able to benefit from the opportunity enabled north of the N1.

The third is speculative higher income residential development in the Klapmuts area, based on the area’s regional vehicular accessibility. Higher income development is not a problem in and of itself, but ideally it should not be in the form of low-density gated communities.

Most importantly, the N1 corridor – including adjacent land also serviced by the old Main Road and railway – stretching from the CCT through Klapmuts towards Paarl, requires urgent joint planning. Much potential to generate economic opportunity exists here, but careful planning and decisions are required in relation to where to start, what areas to prioritise for development, and what to protect as nature and agriculture.

These issues have been addressed in the Concept Plan for Klapmuts which is included in the approved MSDF. Figure 1 below illustrates the concept plan as included in the MSDF.

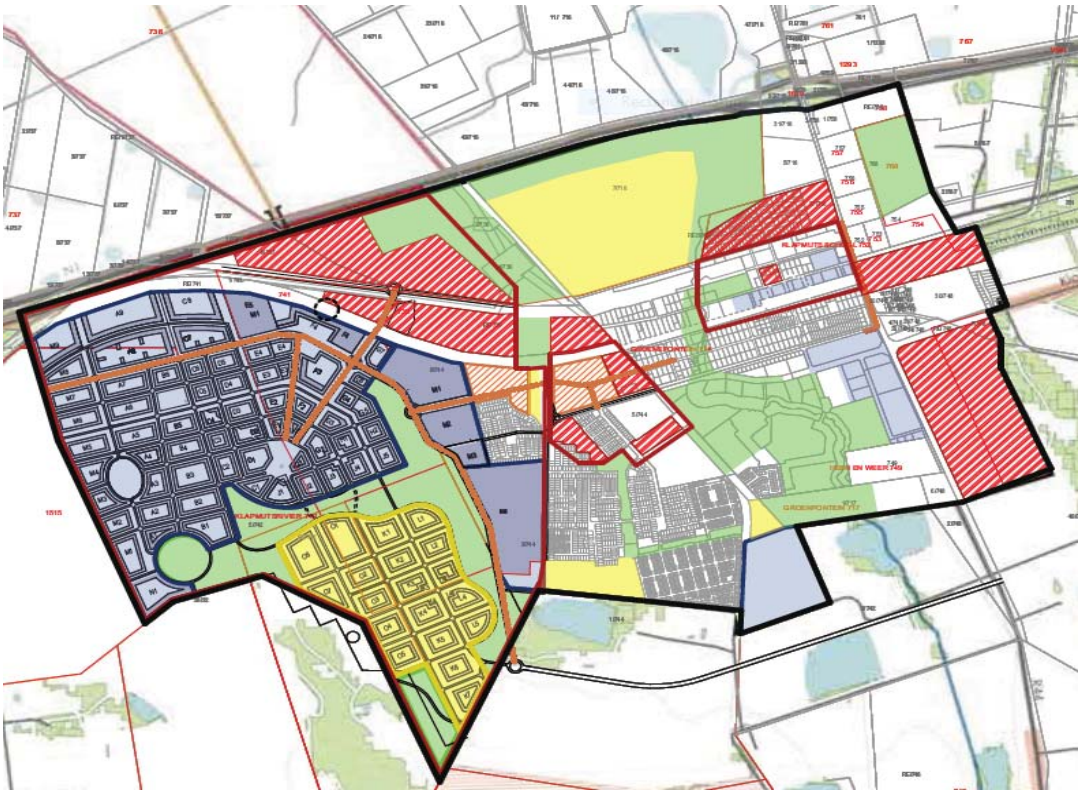

Figure 1. Klapmuts Concept Plan

The Concept plan illustrates the location and extent of the “Smart City” to the west of the settlement and illustrates the necessity of a potential link with Klapmuts North of the N1. This link will partially be constructed through the development of “Stellenbosch Bridge.”

6.2 Stellenbosch Bridge Concept Plan

The concept plan for the Stellenbosch Bridge development has been refined since the approveal of the MSDF. Stellenbosch Bridge is a visionary private sector-led project that combines the leading-edge concepts of innovation district and smart city to create a knowledge economy-based focus area within a mixed-use, environmentally conscious, people-centred development. The intent is to create a vibrant live-work-play-innovate development. To achieve this requires a strong urban design concept, a clear development framework and active management within which investment, economic development and community can flourish.

DEVELOPMENT COMPONENTS AND ELEMENTS OF STELLENBOSCH BRIDGE

Stellenbosch Bridge is made up of development and open space precincts. The four development precincts are integrated through a central open space system. The main components together with planning and design elements of this development are:

- Innovation Precinct
- Research and development (R&D)
- Incubator
- Smart City
- High-Density Residential
- Lights Industrial
- Data Centre
- Integrated Open Space System
- Road System
- Agricultural Remainder
- Conservation
- Mixed-use Environment
- Environmentally Conscious Development
- People-Centred & Quality of Place

DEVELOPMENT FRAMEWORK PLAN

The Development Framework Plan sets out the basic physical structure for the development of the site in accordance with the urban design concept. The draft Framework plan is illustrated in Figure 2 below.

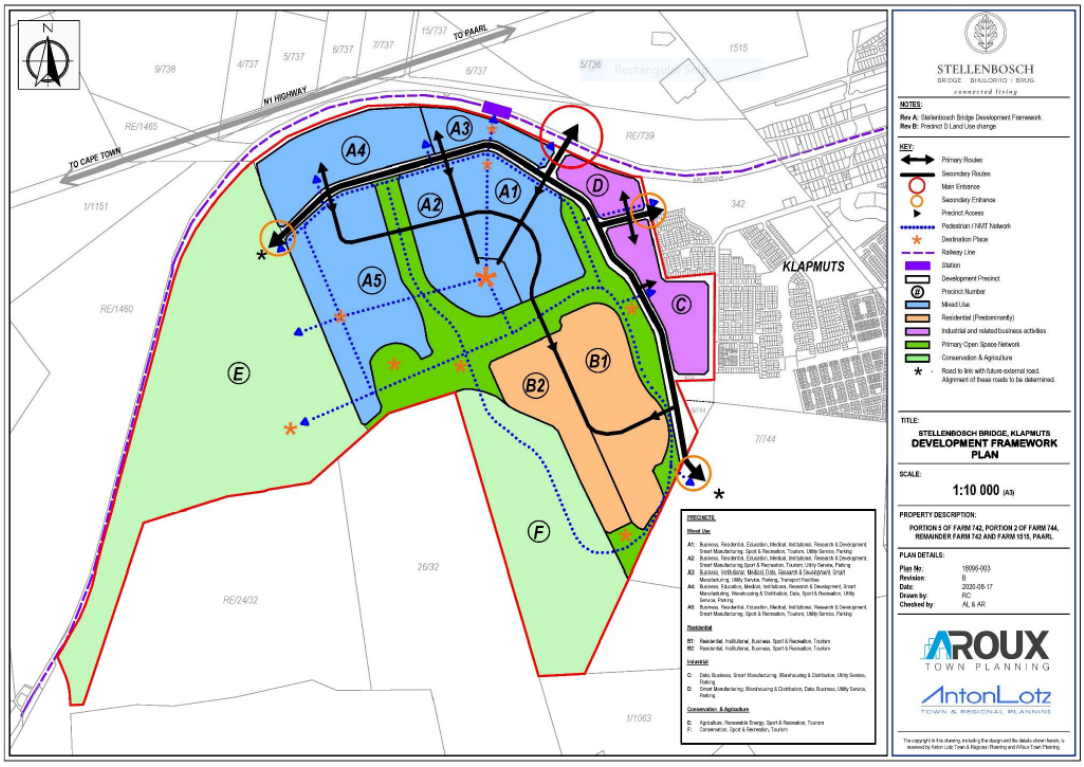

Figure 2. Draft Development Framework for Klapmuts Bridge

The following structuring elements will guide its implementation:

Access Points

The development will be accessed by means of four new vehicular/pedestrian accesses from the R101 (Old Paarl Road), R44 (Stellenbosch Road), DR 1090 (Elsenburg Road) and Merchant Street as well as a new railway station:

- The primary access is a northerly link to the R101 via an underpass under the railway line. This access will link the development to the N1 via the existing R44 Interchange as well as a new interchange at the Groenfontein Road location.
- Three secondary accesses will be phased (the regional road network plan will determine the priority and timing):
  - Merchant Street link: This access will have an integration function between the development and Klapmuts, providing for lower-order distribution only.
  - R44 Access: A road link to the R44 will provide access from the south-east.
  - DR 1090 Access: A road link to the Elsenburg Road will provide access from the west.
- Stellenbosch Bridge Station – A new station serving the development is proposed between the Klapmuts and Muldersvlei Stations.

Movement Routes

Three levels of movement form part of the framework:

- The primary movement system consists of the main north-south route (R101 to R44) as well as the western (Elsenburg Road) and eastern (Merchant Street) link roads that integrate the four road access points and links the development to the broader area.
- The secondary movement system is made up of a network of private roads and accesses that provides internal access and circulation to the precincts.
- The third level of movement involves the Pedestrian/NMT system which will be catered for along the primary and secondary routes as well as the open space system which will ensure a walkable environment and links the development to the broader area.

Open Space System

The open space system consists of the following:

- Primary Open Space System - the linear network of green spaces incorporating the existing tree lines, tree clumps and enhanced water features within the urban edge. The experience of this space will be enhanced through landscaping and the system will be linked into a wider green network including a link to Klapmutskop.
- Urban Space System - the road spaces and public squares internal to the development precincts will be designed to give pedestrians equal importance of movement and to facilitate social interaction and economic opportunity.
- Destination Places - the central square, public squares, and open space destination places such as water features, eventing facilities and the labyrinth. These places form focal points in the open space system and facilitate use, pedestrian movement, economic opportunity, and social interaction.

Precincts and Land Use

The site is divided into four development precincts and two open space precincts. Each precinct has been allocated a primary use category being 1) Innovation, 2) Residential, 3) Industrial, 4) Data Centre, 5) Agricultural Research or 6) Conservation and a suite of land use allocations as based on the design concept:

Precinct A (Innovation): The innovation precinct integrates all aspects of a live-work-play-innovate environment around a network of public spaces.

Precinct B (Residential): The high-density residential precinct incorporates complimentary social, and business uses and multi-functional open spaces areas to create a high-quality living environment.

Precinct C (Industrial): The green and smart industrial precinct. The proposed zoning is Industrial Zone: Data Centre; Business; Smart Manufacturing; Warehousing, Logistics and Distribution; Utility Service; Parking; Private Open Space; Private Road.

Precinct D (Data Centre): The precinct accommodating the main data centre. The proposed zoning is Industrial Zone: Data Centre; Smart Manufacturing; Business; Utility Service; Parking; Private Open Space; Private Road.

Precinct E (Agricultural Research): The land area west of the urban edge. The zoning is Agriculture and Rural Zone: Agricultural Research; Renewable Energy; Sports and Recreation; Tourism.

Precinct F (Conservation): The natural vegetation area south of the development area. The zoning is Agriculture and Rural Zone: Conservation; sports and Recreation; Tourism; Environmental Education.

Initiatives such as the Stellenbosch Bridge development will have a significant socio-economic impact on Klapmuts, the region and the Western Cape. It will be a major catalyst in achieving the Stellenbosch Municipality's vision to "be a valley of opportunity and innovation" and to attract investment, stimulate economic growth and create employment. By becoming a world-renowned innovation and smart city development it will stimulate growth and job-creation in an array of sectors. The innovation precinct will initially lead with the creation of highly skilled jobs, but as the mixed-use development grows, the jobs in other fields will stimulate economic prosperity and social well-being of the Klapmuts community. The physical and socio-economic integration of the development with the existing town will be central to its success.

The impact of initial construction costs for the full project on the Western Cape and Stellenbosch Municipal economy is estimated at R59 billion and R8,8 billion, respectively. Over the 15 – 20-year implementation period the employment opportunities during construction ranges between 1 600 and 11 100 per annum, whilst the operational job opportunities will start at 1 850 jobs and increase to 23 700 jobs on implementation of the full project.

As the development will take 15 – 20 years to implement it is important to recognise that any such planning must be flexible to respond to ever changing circumstance that influence a development of this nature. The envisaged development of Klapmuts North and particularly the Distell properties will also have implications for the development hence the importance of joint planning between Stellenbosch municipality, Drakenstein municipality and the City of Cape Town.

6.3 Financial Implications

There are no financial implications to form part of the Inter-Governmental Working Group, and any subsequent contributions for the enablement of possible catalytic projects will be referred to Council or its delegated authority prior to undertaking such initiatives.

6.4 Legal Implications

There are no legal implications.

6.5 Risk Implications

There are no risk implications in respect of this report.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-06-15: ITEM 7.7.3

(a) that Council takes note that the Figure 30: Klapmuts Plan as contained within the Stellenbosch Municipality Spatial Development Framework, 2019, copy attached as **APPENDIX 1** of the report, is the adopted Concept Plan for Klapmuts;

(b) that Council further supports the proposal to establish an Inter-governmental Working Group tasked with ensuring the joint planning and development of the Klapmuts node, copy of draft proposal attached as **APPENDIX 2**; and

(c) that Council supports that the Department: Development Planning (Directorate: Planning & Economic Development) be the lead and coordinating department for Council as part of the Inter-Governmental Working Group.

FOR FURTHER DETAILS CONTACT:

NAME	*Bernabe De La Bat*
POSITION	*Manager: Spatial Planning*
DIRECTORATE	*Planning and Economic Development*
CONTACT NUMBERS	*021 808 8653*
E-MAIL ADDRESS	*Bernabe.Delabat@stellenbosch.gov.za*
REPORT DATE	*28 May 2021*

APPENDIX 1

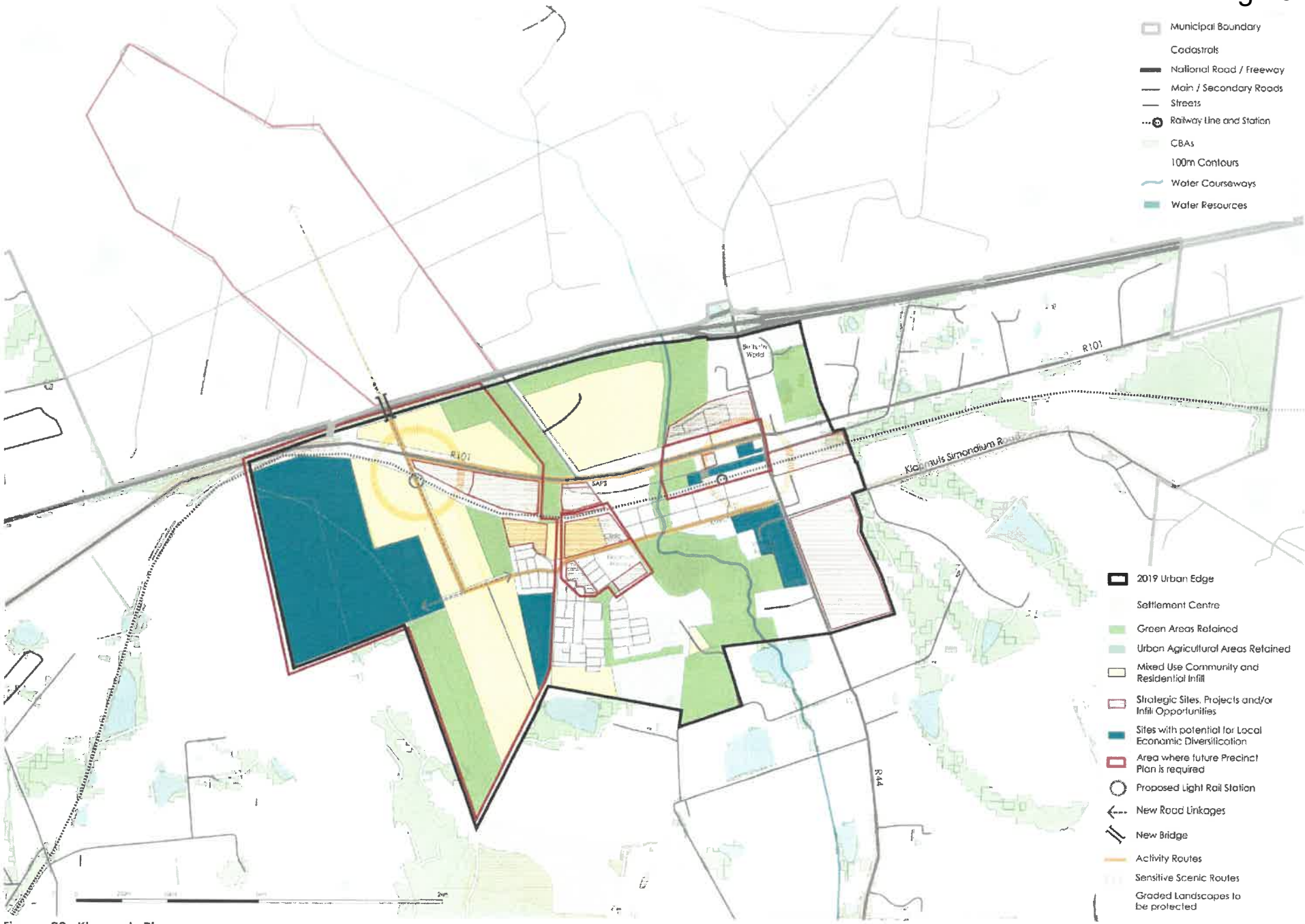

Figure 30. Klapmuts Plan

APPENDIX 2

DRAFT Distributed to Municipal Officials for comment

Proposal to establish an Inter-Governmental Working Group tasked with ensuring the joint planning and development of the Klapmuts Node

1. Purpose

The purpose of this report is to propose the establishment of an inter-governmental Working Group between Drakenstein Municipality, Stellenbosch Municipality, the City of Cape Town and the Department of Environmental Affairs and Development Planning, Western Cape Government, to undertake the joint planning and development of the Klapmuts Node (both North and South of the N1). The formation of this Working Group is in part a response to the Klapmuts node being identified as a "hotspot" in the Greater Cape Metro Regional Spatial Implementation Framework (GCM RSIF), requiring inter-governmental planning and management.

2. Motivation

Klapmuts is a significant growth node within the Greater Cape Town functional region. Its regional significance is evidenced in the growing private sector development interest in Klapmuts, both north and south of the N1. Klapmuts presents an opportunity for the Stellenbosch and Drakenstein municipalities, supported by the Western Cape Government, to work together to realize regionally well-located, much needed industrial and residential development in a manner that achieves multiple sustainable development objectives shared by the municipalities and the Western Cape Government; namely:

i. Economic recovery through job creation and increased private sector investment, supported by streamlined and coordinated permissions processes.
ii. Integrated settlements where people across income groups can live and work within the same settlement in a manner that does not perpetuate the separation of people and activities, avoids creating long and expensive travel times and associated social and environmental costs, burdening one municipality more than the other.
iii. Timeous planning, financing and implementation of infrastructure to ensure development is able to happen without delay and the costs of infrastructure are equitably shared between the respective municipalities and the developers, recognizing that infrastructure requirements are met across municipal boundaries.

Achieving these objectives relies on sustained joint planning and implementation effort between the municipalities and the provincial government. The Western Cape Government is well placed to play a convening and facilitation role, given its leadership role of the Greater Cape Metro Regional Spatial Implementation Framework Inter-Governmental Committee. In addition, the Constitution requires of the Provincial Sphere of government to support municipalities where required. The facilitation of this intergovernmental Working Group is seen as part of this support function.

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3. Proposed aims of the Inter-Governmental Working Group

It is proposed that the inter-governmental working group is tasked with the following:

i. **Develop a joint vision for the Klapmuts node**. Drakenstein and Stellenbosch each have a vision for Klapmuts and the City of Cape Town has a position on what should happen along the N1, at this significant entry point into the city. There is however no joint vision. This joint vision is critical to ensure that all roleplayers are working towards the same outcome rather than potentially working in competition with one another. A joint vision will benefit not only the three municipalities involved, but give clear signals to landowners and existing and prospective investors in the Klapmuts area.

ii. **Develop a shared understanding, agreement and quantification of the long-term development potential of the Klapmuts node, north and south of the N1**, the distribution of land uses including a fair distribution of affordable housing opportunities alongside market-driven housing and employment generating uses.

iii. **Determine infrastructure requirements for the sub-regional urban node of Klapmuts**. This includes identifying inter-municipal dependencies and how to share infrastructure in a way that is equitable and efficient. Funding opportunities could also be identified. Service level agreements may be proposed in those instances where it would be most appropriate to share infrastructure at an inter-municipal level.

iv. **The preparation of a programme for the phasing of the development of Klapmuts to coordinate development and infrastructure sequencing**.

v. **Provide a united, inter-municipal voice to direct growth pressures to locations which will not undermine high value agricultural land.** In part the Klapmuts node is abutted by high value agricultural land, which needs to be protected from development pressures. If the north and south of Klapmuts are managed as one rather than two competing settlements, any development pressures can be channeled to those areas most suitable for the Klapmuts node and region as a whole.

vi. **Through joint planning, ensure that the Klapmuts node becomes a high performing, integrated and inclusive node.** Together the organisations represented on the Working Group will be in a better position to secure potential funding and leverage resources on a coordinated basis.

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4. Background

4.1 Inter-Governmental Engagements to Date

- During the development of the Greater Cape Metro Regional Spatial Implementation Framework (GCM RSIF), municipalities identified various urban growth 'hotspots' on their boundaries, which they prioritized for inter-municipal planning and management interventions. In the case of Klapmuts, both Stellenbosch and Drakenstein Municipalities identified it as a prospective sub-regional urban node along the N1 with residential and industrial development opportunities identified north and south of the N1, and with additional potential to serve as a regional freight logistics hub. While the importance of developing Klapmuts into a sub-regional node was agreed, there are a number of planning and infrastructure requirements that have been flagged for consideration , with the recognition that development on either side of the N1 is likely to affect and impact on a multitude of stakeholders and certainly both the Drakenstein and Stellenbosch municipalities
- The WCG has received numerous requests over recent years for multi-sectoral and inter-municipal engagements regarding Klapmuts and surrounds. In recent history, three such engagements have taken place, with the primary focus of these meetings being that of joint planning and information sharing on the Klapmuts node. Little came of these meetings.
- There is a need to in place a formalized, goal-driven institutional coordinating structure to address the planning and development of Klapmuts on a sustained basis with clear, time-bound deliverables.

4.2 Strategic planning in relation to Klapmuts

The **Drakenstein Municipality** plans for the Klapmuts area both in its Municipal Spatial Development Framework (MSDF) as well as through a dedicated Klapmuts Local Spatial Development Framework (LSDF). The Drakenstein MSDF identifies Klapmuts North as a secondary urban node as well as a specific Focus Area within the MSDF. The MSDF supports its growth and evolution into a sub-regional urban node and identifies it as a secondary regional service center and a future (2040) regional service node. Klapmuts North is predominantly characterized by agricultural land, small-holdings and large tracts of undeveloped land. Distell has made the decision to consolidate its operations, and relocate to Farm 736/RE, which is located north of the N1. The total area of the farm is approximately 200ha, but the Distell operations would only comprise approximately 53ha of the site. Klapmuts North does not have bulk infrastructure services and is partly reliant on spare capacity in the southern portion of Klapmuts proposed development will require substantial infrastructure investment from the Municipality, in partnership with the private sector.

The Drakenstein MSDF recognises that future growth and development of Klapmuts North is intrinsically linked to Klapmuts South. It specifically states that the area should be viewed as one functional area that will develop into an important regional node in the medium to long-term. It states that the functional area should be carefully managed over the short to medium-term, especially with regards to land use

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applications. This entails the proper management of speculative higher-income, residential land use development applications in the form of low-density residential developments, due to the area's regional vehicular accessibility. It is important to explore the proposed linkages between Klapmuts North and Klapmuts South, including non-motorised transport linkages, in order to ensure that the two areas are not divided from one another and to ensure physical and socio-economic integration between north and south. Highlighting the need for cooperative planning, the MSDF recommends that joint planning initiatives between the City of Cape Town, and the Stellenbosch and Drakenstein Municipalities, as well as other stakeholders, are required for the N1 Corridor. The potential for future economic development is regarded as high for this corridor but will require careful joint planning between the different stakeholders.

The 2019 Klapmuts North LSDF provides a detailed overview of the growth pressures currently experienced in the northern section of Klapmuts. It also identifies the severe infrastructure deficits that will constrain development in the short to medium term in the Klapmuts North region. It reiterates the need for Klapmuts to be viewed and planned for as one consolidated area.

The **Stellenbosch Municipality** also addresses the Klapmuts region through its MSDF and through a LSDF for the southern portion of Klapmuts. The MSDF identifies the potential of Klapmuts to accommodate large scale enterprises dependent on regional networks. The MSDF notes that the relocation of large industrial land users from Stellenbosch town (to Klapmuts) like the planned move of Distell to Klapmuts North, presents very significant opportunities for the future development of Stellenbosch and the town center, Klapmuts itself, and the broader regional space economy. Noting this, current and proposed development planning proposals have not fully addressed the economic generative opportunity associated with the Klapmuts area, its relationship with settlement opportunity for people close to work, and the associated opportunity to restructure Stellenbosch town.

Unlike the north of Klapmuts, infrastructure capacity in Klapmuts is sufficient to allow for the coordinated development as appropriate bulk service networks exist which could be expanded upon. There also appears to be large infrastructure projects earmarked for the Klapmuts South area. The Stellenbosch MSDF also actively supports the development of Klapmuts North for industries and employment generating enterprises related to manufacturing, logistics and warehousing while further supporting the planning of an "Innovation Precinct" or "Smart City" district west of, but contiguous to, Klapmuts south. Despite the potential of the area, the MSDF does take note of the fact that there are clear issues arising in the Klapmuts area and identifies the need for urgent joint planning to properly unlock the economic potential of the region and maintain the integrity of the surrounding natural and agricultural environment.

Another key stakeholder in this area is the City of Cape Town. While the City does not directly link to the Klapmuts area in terms of land, there are direct economic and development linkages between the City of Cape Town and its development along the N1 corridor and what takes place within the Klapmuts region. Specifically, the MSDF recognises the significance of the Klapmuts region and the need for joint

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planning due to its proximity to the N1 Corridor, which the City identifies as a structuring corridor. In its spatial planning for these corridors, the City notes that these corridors are typified by intensified and diversified land use. They reflect targeted, prioritised areas earmarked for the largest spectrum of land use mix associated with the highest density of population and employment. They are inclusive of Integration Zones and link diverse economic nodes - ranging from a mature, developing and emerging nature and at a hierarchy of function and services levels (metropolitan, sub-metropolitan).

In summary, there is a shared recognition both of the importance of this Klapmuts node but also for the need to jointly plan towards a shared vision for the area that will benefit all the stakeholders in this region.

Recommendation

In order to move forward with this proposal, it is recommended that the leadership of the Drakenstein, Municipality/ Stellenbosch Municipality/ the Head of Department and Minister of Environmental Affairs and Development Planning:

i. support the establishment of an Inter-Governmental Working Group tasked with ensuring the joint planning and development of the Klapmuts Node as set out in this report;
ii. nominate senior, relevant employees to serve on such a structure; and
iii. mandate these representatives to engage with other stakeholders, including the private sector, when needed.

Once established, it is recommended that the Working Group invite relevant stakeholders as and when needed; including *inter alia* the City of Cape Town, the South African National Roads Agency, the Western Cape Department of Transport & Public Works; etc.

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11.7.3	REPORT ON PROGRESS WITH THE PREPARATION OF A LOCAL SPATIAL DEVELOPMENT PLAN FOR THE ADAM TAS CORRIDOR

Collaborator No: 708438
IDP KPA Ref No: Valley of Opportunity
Meeting Date: 21 July 2021 and 28 July 2021

1. SUBJECT: REPORT ON PROGRESS WITH THE PREPARATION OF A LOCAL SPATIAL DEVELOPMENT PLAN FOR THE ADAM TAS CORRIDOR

2. PURPOSE

To update Council of the progress with the preparation of a local spatial development framework (LSDF) for the Adam Tas Corridor.

3. DELEGATED AUTHORITY

Mayoral Commitee

4. EXECUTIVE SUMMARY

The possible development of the Adam Tas Corridor was first identified as a catalytic project in the Municipal Spatial Development Framework which was approved by Council in November 2019. The municipal manager approved the commencement of the drafting of the LSDF on 20 March 2020.

The LSDF is required to develop a coherent spatial vision for the defined ATC area, which supports key municipal strategic directives and objectives of the wider ATC initiative. This spatial framework will assist in guiding decision-making on development applications to enable the progressive realization of the vision and will contribute to identifying key implementation actions to achieve the objectives of the ATC.

Following a public tender process (Tender No: BSM 01/21**)**, the Built Environment Partnership was appointed by Stellenbosch Municipality in January 2021 to assist with the preparation of a Local Spatial Development Framework (LSDF) for the Adam Tas Corridor (ATC). Albeit the Stellenbosch Municipality will lead the project – and remains accountable for it – the Municipality is undertaking the project with the support of and in partnership of the Western Cape Government (WCG).

An overall project ATC LSDF Project Plan, indicating *inter alia* work focus per phase, deliverables and time frames was submitted by the consultants. In summary:

- A six-month process is envisaged.
- Work is largely based on and commences with a review of work completed before.
- The updated urban development framework/ design concept and yields will lead the work.
- The primary target – to ensure actual development as planned – is the development of an Implementation Framework which includes recommendations on how development rights are to be established and allocated, and the associated landowner/ public sector commitments and processes.

Parallel processes are also underway under the auspices of the Stellenbosch Institute of Advanced Study (STIAS) – a founding partner of the initiative – which may add significant value to preparation of the LSDF.

These include:

- Work by a “mobility” team exploring movement improvements in Stellenbosch, and specifically servicing the ATC.

- Work by a “beneficiation” team exploring how to prepare the private sector and landowners to partner and contribute to the ATC in a manner which serves projects objectives.

The service provider team shall interact with these teams with a view to add value to the LSDF.

The emerging working vision for the ATC became clearer and is as follows:

An ATC developed as:

- A proactive intervention to address needs in Stellenbosch, including fixing the mistakes of the past and enabling equitable access to urban opportunity for all citizens.

- An integrated, inclusive environment for living, work, and enjoyment.

- A pro-active partnership between the public, private, and community sectors in response to citizen needs and national, provincial, and municipal policy.

- A place which embodies and expands our best knowledge of what constitutes good, equitable, and efficient settlement.

- A “new town in town” in Stellenbosch; integrating currently fragmented parts of the town, exploiting underutilized resources, and based on non-motorized and public transport.

The development of the ATC area seeks the following strategic outcomes:

- A vibrant, compact, and efficient urban district, respectful of the environment and history.

- Increased access to livelihood opportunity for ordinary citizens.

- Seamless integration with surrounding areas.

- Financial sustainability.

- Active partnership between stakeholders.

- A clear development process with speedy decision-making.

A summary of the project plan is attached as Table 1 below.

Month 1: **PROJECT START-UP**	Month 2: **COMPARATIVE ANALYSIS**	Month 3: **DRAFT LSDF DEVELOPMENT**	Month 4: **DRAFT LSDF DEVELOPMENT (CONTINUED)**	Month 5: **PUBLIC PARTICIPATION**	Month 6: **PROJECT CLOSE-OUT**
• Contracting/ Inception Report • Public participation approach • Opportunities/ constraints • Working vision/ principles	• Updated urban design concept (including precincts) • Approach to accommodating inclusionary housing • Environmental fixes • Conservation fixes • Infrastructure constraints and opportunities • Market potential analysis • Landowner engagements	• Bulk calculations and distribution • Understanding of infrastructure enhancements required to serve land use/ bulk • High-level transport enhancements to serve bulk	• Draft LSDF, including: - Land use/ bulk - Built form and public space framework - Movement framework - Green network - Conservation framework - Infrastructure framework (including electrical, water, sewage, and stormwater) • Provisional phasing plan • Provisional lead projects • Provisional economic impact assessment	• Presentation materials for public participation	• Implementation framework • Final LSDF and Implementation Framework (including summaries)

Table 1. Summary and progress of project plan.

Attached to the report as **ANNEXURE 1** a presentation on the ATC prepared for discussion with the project team for information.

5 RECOMMENDATION

that the Mayoral Committee takes note of the progress with the drafting of the LSDF for the Adam Tas Corridor.

6. DISCUSSION

6.1 Background

The possible development of the Adam Tas Corridor was first identified as a catalytic project in the Municipal Spatial Development Framework which was approved by Council in November 2019. The municipal manager approved the commencement of the drafting of the LSDF on 20 March 2020.

The LSDF is required to develop a coherent spatial vision for the defined ATC area, which supports key municipal strategic directives and objectives of the wider ATC initiative. This spatial framework will assist in guiding decision-making on development applications to enable the progressive realization of the vision and will contribute to identifying key implementation actions to achieve the objectives of the ATC.

Following a public tender process (Tender No: BSM 01/21**)**, the Built Environment Partnership was appointed by Stellenbosch Municipality in January 2021 to assist with the preparation of a Local Spatial Development Framework (LSDF) for the Adam Tas Corridor (ATC). Albeit the Stellenbosch Municipality will lead the project – and remains accountable for it – the Municipality is undertaking the project with the support of and in partnership of the Western Cape Government (WCG).

Work on the LSDF should be informed and guided by:

- Agreed overarching and sector-specific policy objectives of the Stellenbosch Municipality, and a clear understanding of the opportunities and constraints related to the built and natural environment, existing infrastructure and movement systems, and market potential.

- Regular engagement with key project stakeholders.

  The LSDF should be supported by a beneficiation framework, providing a clear understanding of how public good interventions and social inclusion is to be ensured and achieved (including inclusionary housing, public space, and public facilities) through partnership, development contributions, and other development obligations.

  To enable development, the LSDF should include an implementation framework, comprising of *inter alia*:

  - A land use and infrastructure framework and associated development obligations (supported by environmental, heritage, and economic impact assessments) which forms the basis of allocating development rights proactively through the Stellenbosch Municipality Zoning Scheme By-law.

  - An indication of incentives available to enable development (including the motivation/application for the declaration of the ATC as an Urban Development Zone).

The draft LSDF for the Adam Tas Corridor will be submitted for discussion by the municipal project team on 3 June 2021 after which it will be interrogated and possibly amended.

6.2 Core Approach to Joint Planning

A key determinant of approach is the need to reconcile the needs of individual landowners and precincts – each with its own dynamics and opportunities – and a focus on the whole area, maximizing resources to also meet a public or common agenda through coordinated, joint work.

Also being the other ...
"There are contexts where the model of a single identity works well and fulfils a necessary function. However, in situations of cultural diversity and social transformation where social inclusion is a high priority, it is singularly unsuitable and can have even destructive consequences. In such contexts, pursuing a multiple identity both on the individual and the group level is a more effective strategy, not only because it is more suited to reach out and bridge divides, but also because it does not deny the existence of single identities and their relative importance."

- Bernard Lategan (from "'Incompleteness' and the Quest for Multiple Identities in South Africa")

The common or shared agenda includes:

- **Shared infrastructure** (enhanced and new). A good example is grade separated bridging between the ATC and the east. All precincts will benefit, but it is unlikely that an individual precinct can afford the associated cost.

- **Inclusionary housing** (including the ATC becoming a "recipient" of inclusionary housing contributions).

- **Environmental remediation** (e.g., addressing pollution of the Plankenburg River and developing/ managing Papegaaiberg as a central "limited use conservation park" accessible to all).

- The **provision of public facilities** (e.g., some precincts may have to accommodate schools, also benefitting others, provided in partnership between government and the private sector).

- An **emergent public transport** service linked to the main town.

6.3 Determining the bulk.

The bulk applicable to the ATC as a whole and individual precincts have been determined following several steps:

- Identification of the m² area of development parcels – within the overall Development Framework – within each precinct based on developable areas (which excludes riverine corridors, flood plains, vineyards, major routes, the railway corridor, sports fields, and major public open spaces).

- Distinguishing between two types of development parcels/ areas identified: green fields and brownfields (where future adaptive reuse will be applicable, also informed by heritage inputs).

- Application of an efficiency ratio of 85% to brownfields parcels to accommodate adaptive reuse.

- A reduction of 15% from the area of development parcels to accommodate internal streets and circulation.

- An application of a building height range to development parcels.

- Application of land use categories proportionally to the total bulk for each precinct (informed by the envisaged character of each precinct).

- Calculation of the bulk for each land use and each precinct, reflected as a minimum and maximum.

- Application of a range of net densities to the area/bulk assigned for residential use, providing an estimate number of units.

6.4 Proposed Precincts

Eleven (11) different and distinct precincts were identified each with its own character. The developments envisaged in the respective precincts also differ and is set in in table 2 below.

DROË DYKE	Gateway precinct at the south-western entrance to Stellenbosch/ ATC. In general, together with the Northern Precinct, to contain a higher proportion of housing than other precincts, as well as mixed use retail and commercial activities. A major focus of formal and informal recreational and sport activities (some of which may serve the ATC and areas beyond) along the river corridor.
SAWMILL	Mixed use commercial and retail precinct, including housing, light industry, workshops, and entrepreneurial spaces. Some adaptive reuse of old industrial structures.
OUDE LIBERTAS	Largely institutional use precinct comprising the University of Stellenbosch Business School and Oude Libertas theatre complex, together with the cemetery and historic vineyard abutting Adam Tas Road.
ADAM TAS	Mixed use medium to high density precinct including residential and commercial/retail activity.
REMGRO	Mixed use medium to high density precinct including residential and commercial/retail activity with sensitive incorporation of the Rupert museum and vineyards.
BOSMAN'S CROSSING	Mixed use medium to high density precinct including residential and commercial/retail activity with sensitive incorporation and adaptive re-use of historic structures.
BERGKELDER	Mixed use medium to high density precinct including residential and commercial/retail activity with sensitive incorporation and adaptive re-use of historic structures. Envisaged as a centre of the ATC and location for significant bridging between the ATC and the east.
VAN DER STEL	Mixed use medium to high density precinct including rationalised sports uses and residential/ commercial/ retail activity. Incorporation of a new public transport interchange (possibly along Merriman Road).
PLANKENBRUG	Mixed use area incorporating new development and adaptive reuse through redevelopment of individual and consolidated properties currently in multiple ownership. Strong presence of small workshops and industrial spaces.
NORTHERN EXTENSION	Gateway precinct at the northern entrance to Stellenbosch and the ATC. In general, together with the Droë Dyke Precinct, to contain a higher proportion of housing than other precincts, as well as mixed use retail and commercial activities. Some blocks to contain mostly housing. A focus of formal and informal recreational and sport activities.
PAPEGAAIBERG	Protected nature area sensitively developed as a central recreational park to contain active conservation, walking, and cycling routes, linked to surrounding areas and the broader Stellenbosch NMT network.

Table 2. Development Precincts

The summary of bulk/yields is illustrated in Table 3 below.

LAND USE	% ALLOCATION	MINIMUM BULK	MAXIMUM BULK
Residential Only	13	534 295	747 304
Mixed use Residential	29	1 194 390	1 678 611
Residential	*80*	*955 512*	*1 342 889*
Commercial/Retail	*20*	*238 878*	*335 722*
Mixed use Commercial	28	1 166 671	1 574 517
Residential	*20*	*233 334*	*314 903*
Commercial/Retail	*80*	*933 337*	*1 259 614*
Light Industry	15	645 243	862 473
Sports	3	141 951	194 161
Public facilities	12	502 352	703 795
	TOTAL	**4 184 902**	**5 760 861**

LAND USE	% ALLOCATION	MINIMUM BULK	MAXIMUM BULK
Residential	41	1 723 141	2 405 096
Commercial/Retail	28	1 172 215	1 595 336
Light Industry	15	645 243	862 473
Sports	3	141 951	194 161
Public facilities	12	502 352	703 795
	TOTAL	**4 184 902**	**5 760 861**

Table 3. Summary of potential bulk

When calculating the potential development rights in terms of percentage allocation of land and bulk (total square meterage that can be developed) it becomes clear that a substantial development can potentially takes place along the ATC. To put the potential scale of development in perspective, Figure 1 below roughly illustrates the extent of development in comparison with better known developments.

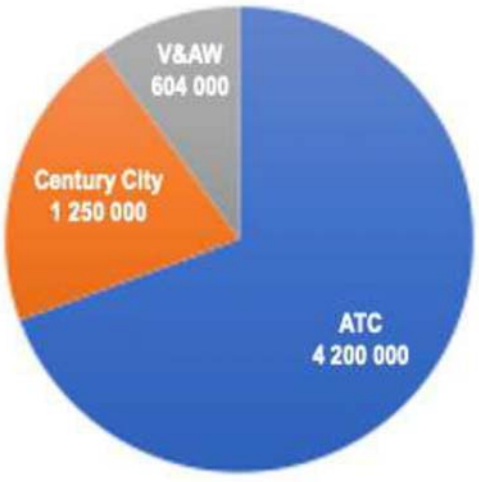


Figure 1. Comparison in bulk

Key aspects of the movement network have been aligned with the Development Framework, including station locations, the route of an NMT/ public transport network, and points of key intersections and bridging.

Such a substantial development will have a major impact on services infrastructure. In terms of the terms of reference the consultant team is currently following finalization of provisional development yields, investigations to test impact on bulk sewer reticulation and treatment, water reticulation and treatment, and electricity services have commenced.

The high-level capacity, categorization, and phasing of network elements will be finalized as part of the service infrastructure investigations.

The current work focus of the consultants for the ATC project are the following:

- Completion of the LSDF.
- Testing infrastructure implications of the development framework.
- Test the economic impact of the proposed development.

6.5 Implementation Framework

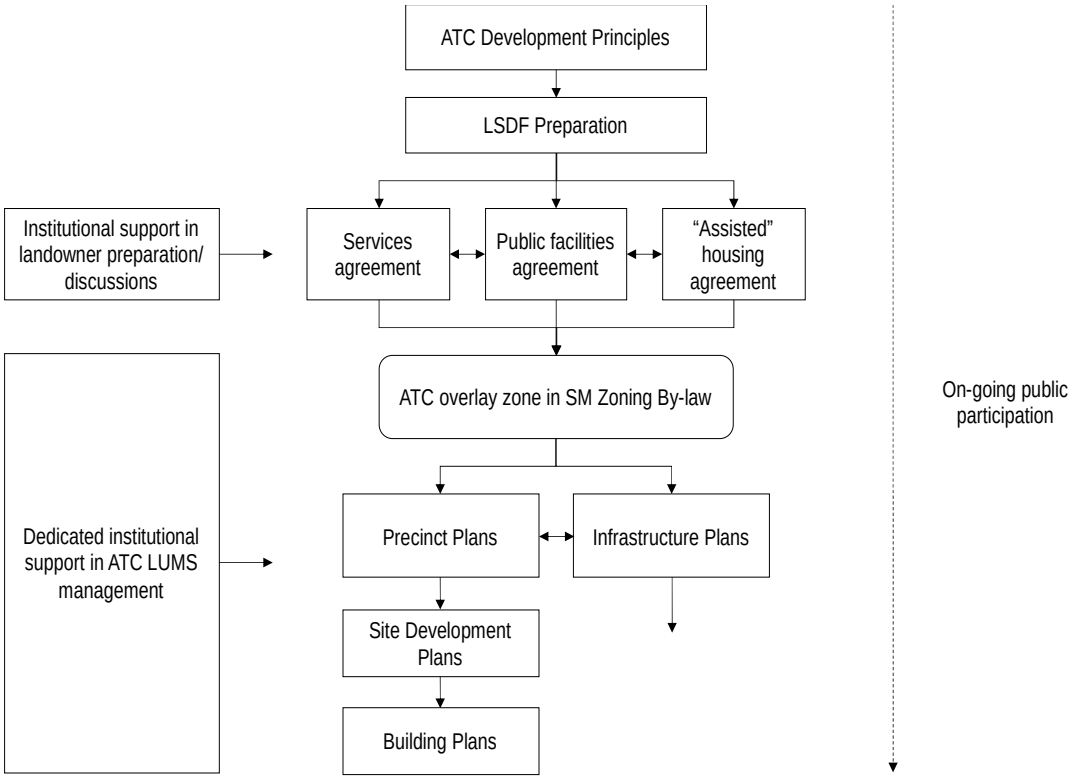
From the outset it was clear that the project should commit to develop a regulatory environment which meets core criteria of responsibility, inclusive management, and consideration of all relevant factors, while serving fast, efficient delivery. Specifically, the land use management system should provide for both upfront certainty on the extent of development opportunity available and progressive discussion and approval of detailed implementation parameters.

The LSDF should thus indicate how the plan (currently being developed) for the ATC should be translated and incorporated in the Land Use Management System (LUMS) of the Stellenbosch Municipality (SM), including the legal incorporation of landowner development rights, associated qualifications and obligations, and the processes to be followed to exercise these rights.

The LUMS, rather than the plan on its own, is really at the core of establishing the ATC. Without the LSDF being “cemented” into a legal system of rights, obligations, and processes – including institutional arrangements for its management – it simply remains a “vision” of what is possible.

The LSDF process will not encompass all the work required to establish the overlay zone, for example, the actual drafting of the overlay zone for gazetting and process for its approval. Rather, the LSDF will set the ground and prepare for it. For this reason, the discussion and work around the LUMS has started in parallel to the drafting of the LSDF. A position paper was prepared to prompt and enable a discussion around the nature of the LUMS envisaged for the ATC, to both inform work on the LSDF and ensure a seamless transition between the LSDF process and actual development of the ATC.

The diagram below illustrates the relationship between various LUMS elements.



A key instrument is the establishment of an ATC Local Area Overlay zone as provided for in Section 17 of the SM Land Use Planning By-law.

The Overlay Zone must specify development rights and associated obligations and processes to utilize rights. It is envisaged that Individual landowners will follow a prescribed "package of plans" process to utilize rights. Provisionally, EIAs/ HIAs to occur during Precinct/ Site Development Plan stages

However, not all that is required to meet the strategic outcomes of the project could be met through zoning and establishing an Overlay Zone. Development agreements adds to the overlay zone provision through:

- Allowing greater latitude to advance local LSDF policies in sometimes new and creative ways.
- Allowing public agencies greater flexibility in imposing conditions and requirements on proposed project.
- Affording landowners greater assurance that once approved, their projects can be built.

In support of ATC implementation, agreements are envisaged dealing with *inter alia*:

- Shared responsibility related to the provision/ phasing of infrastructure services, including the extent and use of development contributions.

- Incentives offered to landowners (including the cost of public land to be made available for development and conditions associated with its development).
- Shared responsibility related to the formation and operation of institutional arrangements established in support of the ATC Overlay Area.
- Landowner and shared responsibility related to the provision of inclusionary housing.
- Shared responsibility related to undertaking environmental remediation work.
- Shared responsibility related to the provision and operation of public facilities.

The project will require dedicated institutional arrangements and processes.

- A "start-up" entity is possible … enabling others to join over time.
- The entity must support Municipal decision-making structures.
- The entity will not necessarily control or own land but coordinate the application of "new" development rights.
- The entity will work in terms of a "head of agreement".
- In time, provision need to be made for landowners, financial investors, community beneficiation and "other" development partners/ interests.

6.6 Risks

These risks do not relate solely to LSDF completion, but rather to the transition between the LSDF and actions towards implementation.

Risk	Possible consequences	Required action
Indecision on nature of ATC LUMS regime	Long delay between LSDF approval and accommodation in Zoning By-law. •Uncertainty related to interim use and lead projects. •Stinted development	Municipal decision
Decision related to advertising of LSDF	Long delay between LSDF approval and accommodation in Zoning By-law.	Municipal decision
Lack of collective discussion between landowners/ project partners	Lack of agreement on individual/ collective obligations. • Pressure to proceed individually and a competition" to use existing bulk capacity. •Inadequate institutional capacity to support project roll-out.	Structured, collective engagement between landowners/ project partners with a view to finalise a MOU/ agreement on approach/ implications.
Financial modelling of LSDF "land value add"	Uncertainty related to inclusionary housing obligations.	Finalise service provider appointment.

6.7 Extension of Built Environment Partnership Contract to Include Land Value Increase Calculations

An underlying principle since the inception of the ATC project has been that public sector enablement of redevelopment of the area must contribute to meeting a range of societal needs in Stellenbosch.

These needs vary from directing demand for development in a manner which protects the natural/agricultural resource surround and the historic fabric of the old town, to increased residential and livelihood opportunity for groups currently excluded by the market from such opportunity in Stellenbosch town (at the same time, increased residential opportunity in town – if appropriately managed – will reduce commuting to and from Stellenbosch).

Public sector development enablement may comprise various initiatives, from planning to fiscal incentives. Critical among these is considerably increased development rights through the zoning of the land.

Arguably, the rise in developability and land values resulting from change in use of land – through public resource use and decision – constitutes an "unearned increment" not created by the investment or labour of the landowner which must be subject to appropriate recapture by public bodies for community benefit.

As indicated by Urban LandMark, "Value creation is important because it can potentially create a 'surplus' above normal profits that with the creative use of value capture mechanisms can cross subsidize the accommodation of the poor on these sites – for example, it can 'make the numbers work' for inclusionary housing from a developer point of view."[1]

In South Africa today, development charges are the main value capture instrument used. Development charges are levies imposed on developers of new or existing properties during an effective change in land use rights, usually at the point that a property is subdivided or when a development or building permit is issued. The primary purpose of a development charge is to contribute to the cost of additional municipal infrastructure arising from the more intensive development associated with these land use rights.

In the case of the ATC project, value capture could be extended to enable:

- Inclusionary housing.
- The provision and management of public facilities.
- Remedial work to the environment.

Four components appear important related to value capture. The first is the value *creation* of land through the public action, and increased zoning specifically. The second is the *calculation* of the additional value created over and above the value that the property would have if the public action, specifically zoning – had not taken place. The third is the *capturing* of this value. The fourth is the *use* of the funds resulting from the captured value.

The Terms of reference for the appointment of the consultants did not included the determining of the additional land value accrued due to land use rights awarded through the overlay zone. It is thus proposed that it be investigated if it is feasible and affordable to extend the terms of reference to include this calculation. The proposed extension of the BEP brief is to focus on:

- The calculation of additional value component of value capture.
- Recommendations on the capture of value – specifically in relation to development phasing – and the use of funds.

It is anticipated that landowners will also undertake their own calculations of additional value, and that the capture and use components will be deliberated with the ATC Team across disciplines prior to framing recommendations.

[1] Improving access to the city through value capture: An overview of capturing and allocating value created through the development of transport infrastructure in South Africa, 2012

It is expected that the calculation of increased value will be undertaken using a variety of approaches, including valuation by "comparison" – using market information – and the residual land value method, derived from the value of the completed development (net) minus the development costs, and including a developer's profit.

In undertaking the calculation of additional value, consideration should be given to inter alia:

- The existence of any particular development plan or elements of zoning of land for different uses.
- The existence of any current permissions to undertake development. Where the permission is time-limited, it should be established whether it is still valid. and, if close to expiry, whether a similar permission would be granted again
- The existence of regulations that specify the extent to which development of the site might be permissible without the need for a planning application or consent.
- The Draft Development Framework and associated uses/yields currently under for the Adam Tas Corridor.

In executing the task, BEP will be required to:

- Engage with the Development Action Group with a view to benefit from the body of information and knowledge accumulated as part of its Value Capture programme.
- Engage with the work related to value capture currently under preparation by the City of Cape Town.

Certain value thresholds apply to the modification of contracts post-award. The National Treasury has issued SCM Instruction Note 3 of 2016/2017 on Preventing and Combating Abuse in the Supply Chain Management System (SCM Instruction Note 3 of 2016/17), which prescribes thresholds for the expansion or variation of the value of contracts post-award. Contracts may be expanded or varied by not more than 20% or ZAR20 million (including all applicable taxes) for construction-related goods, works and/or services, and by 15% or ZAR15 million (including all applicable taxes) for all other goods and/or services of the original value of the contract, whichever is the lower amount. The relevant treasuries may, however, decrease these thresholds for institutions reporting to them.

In terms of the stipulation that services contracts not be expanded by more than the total cost of the work shall thus not exceed and amount of R221 535 including VAT.

7. FINANCIAL IMPLICATIONS

Should the contract for BEP be extended an additional amount of not more than 15% of the total contract value will be payable which will amount to no more than R221 535. Funds are available under U-key no 20200706013345.

8. LEGAL IMPLICATIONS

There are no legal implications.

9. RISK IMPLICATIONS

At this stage, no risks have been identified by the Project Leader to complete the project within the required timeframes and proposed budget.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-07-21: ITEM 7.5.1

that Council takes note of the progress with the drafting of the Local Spatial Development Plan (LSDF) for the Adam Tas Corridor.

FOR FURTHER DETAILS CONTACT:

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DIRECTORATE	Planning and Economic Development
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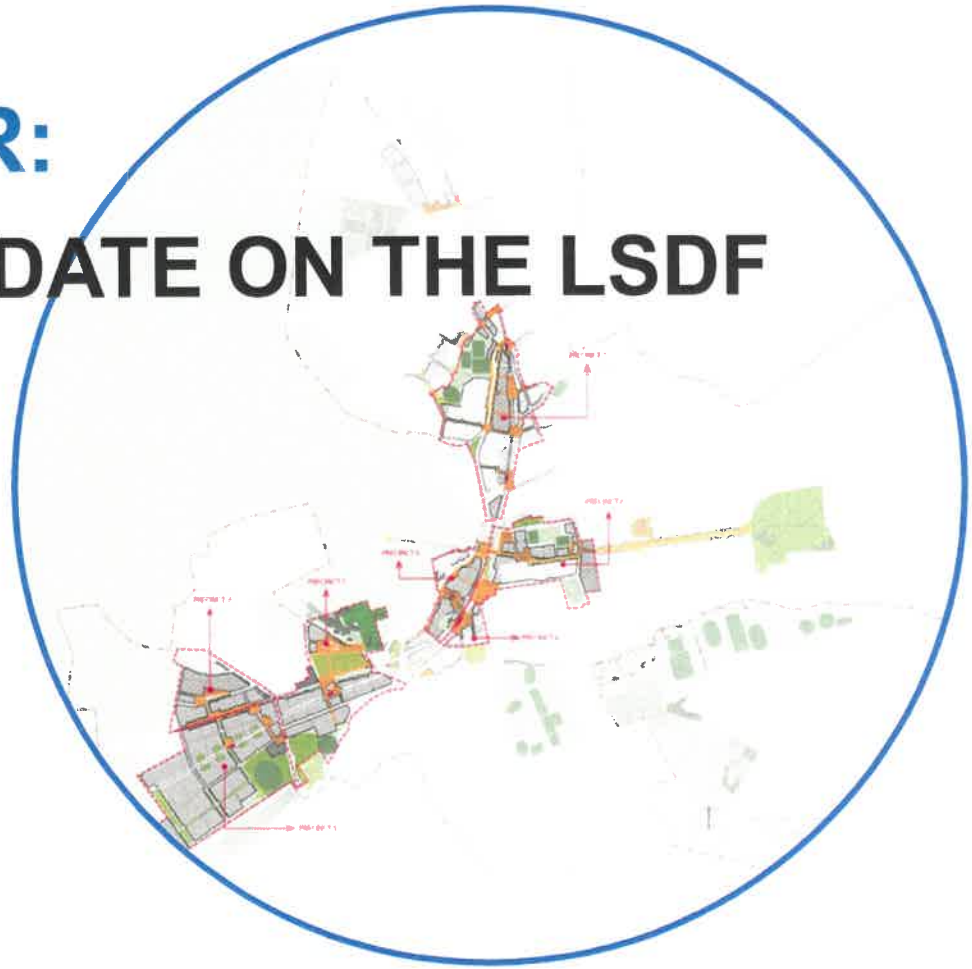
REPORT DATE	28 May 2021

ANNEXURE 1

ADAM TAS CORRIDOR:

WORK COMPLETED TO DATE ON THE LSDF



Project Team Meeting
June 2021

BUILT ENVIRONMENT PARTNERSHIP
GAPP architects / urban designers
ZUTARI IMPACT. ENGINEERED.
Infinity Environmental
FTI CONSULTING
NB NICOLAS BAUMANN
acg

ATC LSDF

Presentation structure

- Introduction
- Development Framework
- Implementation Framework
- Current work focus
- Project risks

ATC LSDF: INTRODUCTION

The task

- To prepare a LSDF for the ATC aligned with existing legislation, policy and plans (across spheres of government).
- The LSDF to include an Implementation Framework.

ATC LSDF: INTRODUCTION

Summary project plan

Month 1: PROJECT START-UP	Month 2: COMPARATIVE ANALYSIS	Month 3: DRAFT LSDF DEVELOPMENT	Month 4: DRAFT LSDF DEVELOPMENT (CONTINUED)	Month 5: PUBLIC PARTICIPATION	Month 6: PROJECT CLOSE-OUT
• Contracting/ Inception Report • Public participation approach • Opportunities/ constraints • Working vision/ principles	• Updated urban design concept (including precincts) • Approach to accommodating inclusionary housing • Environmental fixes • Conservation fixes • Infrastructure constraints and opportunities • Market potential analysis • Landowner engagements	• Bulk calculations and distribution • Understanding of infrastructure enhancements required to serve land use/ bulk • High-level transport enhancements to serve bulk	• Draft LSDF, including: - Land use/ bulk - Built form and public space framework - Movement framework - Green network - Conservation framework - Infrastructure framework (including electrical, water, sewage, and stormwater) • Provisional phasing plan • Provisional lead projects • Provisional economic impact assessment	• Presentation materials for public participation	• Implementation framework • Final LSDF and Implementation Framework (including summaries)

ATC LSDF: INTRODUCTION

What informs

- Previous work (spanning 4+ years).
- Case studies (precedent, local and abroad).
- New studies (including heritage, environment, and so on).
- Policy (existing and emergent across sector and spheres of government).
- Principles.
  - Normative principles of SPLUMA related to spatial justice, efficiency, and so on.
  - Responsible resource use.
  - Pedestrianism, NMT, and public transport.
  - Administrative clarity and efficiency.
  - Shared responsibility and use of resources between different sectors.

Vision

The working vision for the ATC area is:

An ATC developed as:

- *A proactive intervention to address needs in Stellenbosch, including fixing the mistakes of the past and enabling equitable access to urban opportunity for all citizens.*
- *An integrated, inclusive environment for living, work, and enjoyment.*
- *A pro-active partnership between the public, private, and community sectors in response to citizen needs and national, provincial, and municipal policy.*
- *A place which embodies and expands our best knowledge of what constitutes good, equitable, and efficient settlement.*
- *A "new town in town" in Stellenbosch; integrating currently fragmented parts of the town, exploiting underutilized resources, and based on non-motorized and public transport.*

In the process, what is held dear about Stellenbosch is respected and expanded.

Strategic outcomes

Development of the ATC area seeks the following strategic outcomes:

- A vibrant, compact, and efficient urban district, respectful of the environment and history.
- Increased access to livelihood opportunity for ordinary citizens.
- Seamless integration with surrounding areas.
- Financial sustainability.
- Active partnership between stakeholders.
- A clear development process with speedy decision-making.

ATC LSDF: INTRODUCTION

Core approach

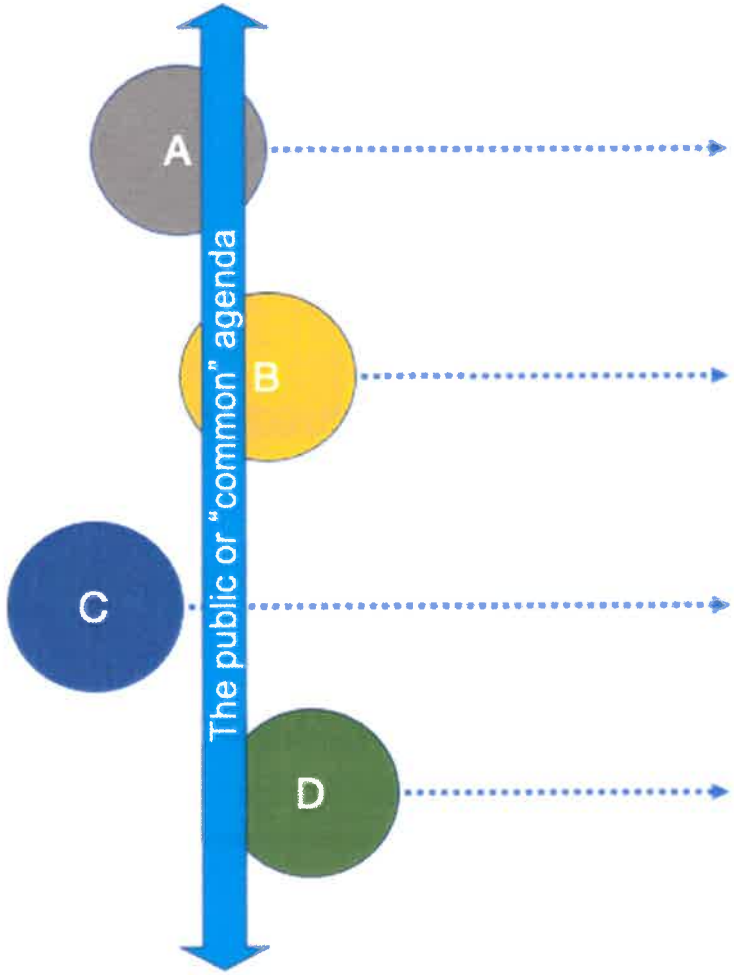
A key determinant of approach is the need to reconcile the needs of individual landowners and precincts – each with its own dynamics and opportunities – and a focus on the whole area, maximizing resources to also meet a public or common agenda through coordinated, joint work …

Also being the other …

"There are contexts where the model of a single identity works well and fulfils a necessary function. However, in situations of cultural diversity and social transformation where social inclusion is a high priority, it is singularly unsuitable and can have even destructive consequences.

In such contexts, ***pursuing a multiple identity*** *both on the individual and the group level is a more effective strategy, not only because it is more suited to reach out and bridge divides, but also because it does not deny the existence of single identities and their relative importance."*

- *Bernard Lategan (from "'Incompleteness' and the Quest for Multiple Identities in South Africa")*



ATC LSDF: INTRODUCTION

Aspects of a shared or common agenda

The common or shared agenda includes:

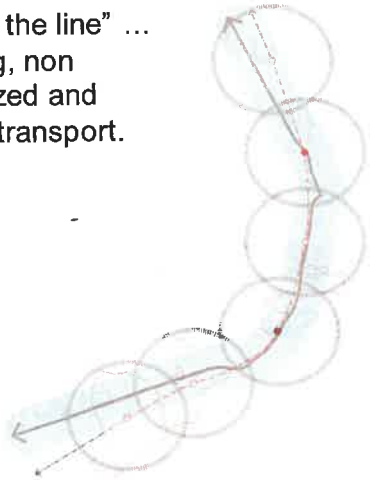
- **Shared infrastructure** (enhanced and new). A good example is grade separated bridging between the ATC and the east. All precincts will benefit, but it is unlikely that an individual precinct can afford the associated cost.
- **Inclusionary housing** (including the ATC becoming a "recipient" of inclusionary housing contributions).
- **Environmental remediation** (e.g., addressing pollution of the Plankenbrug River and developing/ managing Papegaaiberg as a central "limited use conservation park" accessible to all).
- The **provision of public facilities** (e.g., some precincts may have to accommodate schools, also benefitting others, provided in partnership between government and the private sector).
- An **emergent public transport** service linked to the main town…

ATC LSDF: INTRODUCTION

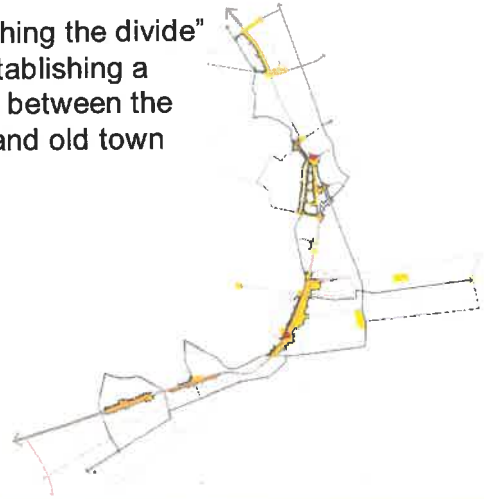
Concept

ATC: Five key design ideas …

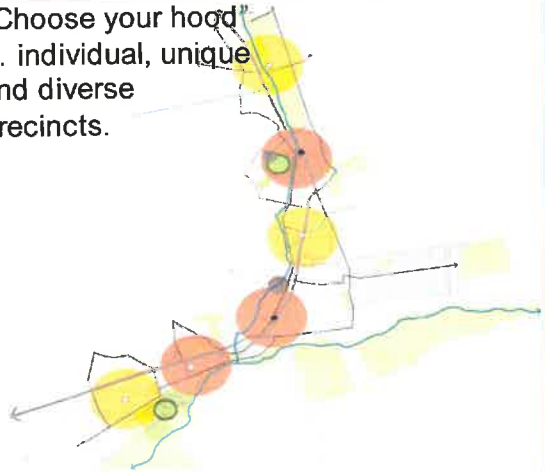
1. "Living the line" … walking, non motorized and public transport.



2. "Stitching the divide" … establishing a seam between the new and old town

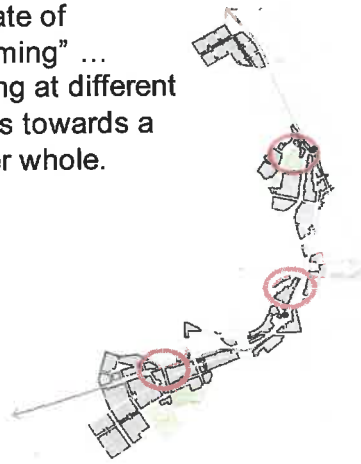


3. "Choose your hood" … individual, unique and diverse precincts.



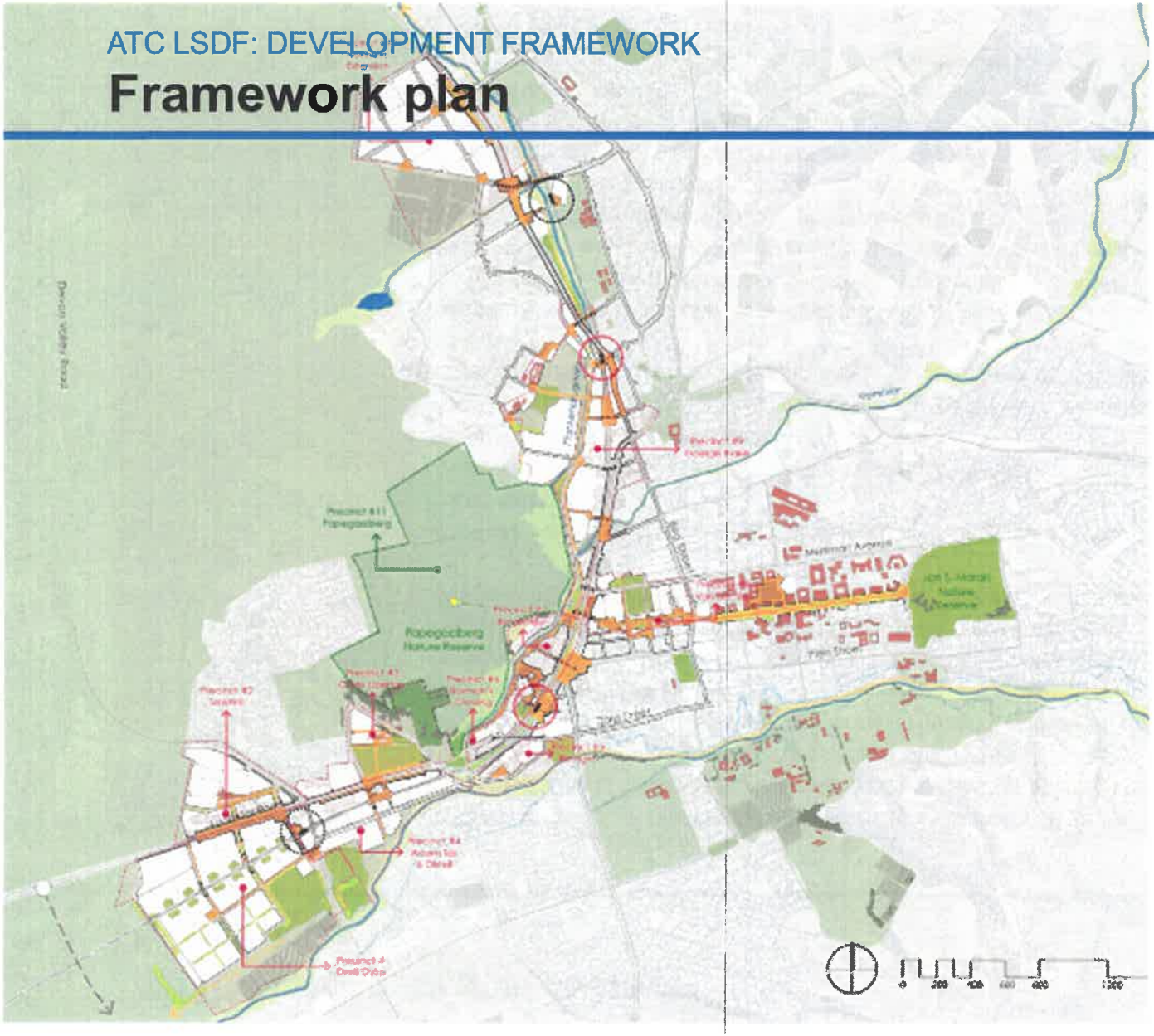
4. "Celebrating the context" … connecting diverse communities, University Avenue, Papegaaiberg.

5. "A state of becoming" … starting at different places towards a bigger whole.



ATC LSDF: DEVELOPMENT FRAMEWORK

Framework plan



- Parallel integrated movement systems of different character/function (internal to the ATC and the adjacent Adam Tas).
- Seamless NMT connections between the new and old towns.
- Major “anchoring” of the new and old towns through “University Avenue” (an NMT route linking Papegaaiberg with Jan S. Marais Park).
- Distinct precincts, focus on stations/ minor interchange points.

ATC LSDF: DEVELOPMENT FRAMEWORK

Precincts

Precinct 1: **DROË DYKE**	Gateway precinct at the south-western entrance to Stellenbosch/ ATC. In general, together with the Northern Precinct, to contain a higher proportion of housing than other precincts, as well as mixed use retail and commercial activities. A major focus of formal and informal recreational and sport activities (some of which may serve the ATC and areas beyond) along the river corridor.
Precinct 2: **SAWMILL**	Mixed use commercial and retail precinct, including housing, light industry, workshops and entrepreneurial spaces. Some adaptive reuse of old industrial structures.
Precinct 3: **OUDE LIBERTAS**	Largely institutional use precinct comprising the University of Stellenbosch Business School and Oude Libertas theatre complex, together with the cemetery and historic vineyard abutting Adam Tas Road.
Precinct 4: **ADAM TAS**	Mixed use medium to high density precinct including residential and commercial/retail activity.
Precinct 5: **REMGRO**	Mixed use medium to high density precinct including residential and commercial/retail activity with sensitive incorporation of the Rupert museum and vineyards.
Precinct 6: **BOSMAN'S CROSSING**	Mixed use medium to high density precinct including residential and commercial/retail activity with sensitive incorporation and adaptive re-use of historic structures.
Precinct 7: **BERGKELDER**	Mixed use medium to high density precinct including residential and commercial/retail activity with sensitive incorporation and adaptive re-use of historic structures. Envisaged as a centre of the ATC and location for significant bridging between the ATC and the east.
Precinct 8: **VAN DER STEL**	Mixed use medium to high density precinct including rationalised sports uses and residential/ commercial/ retail activity. Incorporation of a new public transport interchange (possibly along Merriman Road).
Precinct 9: **PLANKENBRUG**	Mixed use area incorporating new development and adaptive reuse through redevelopment of individual and consolidated properties currently in multiple ownership. Strong presence of small workshops and industrial spaces.
Precinct 10: **NORTHERN EXTENSION**	Gateway precinct at the northern entrance to Stellenbosch and the ATC. In general, together with the Droë Dyke Precinct, to contain a higher proportion of housing than other precincts, as well as mixed use retail and commercial activities. Some blocks to contain mostly housing. A focus of formal and informal recreational and sport activities.
Precinct 11: **PAPEGAAIBERG**	Protected nature area sensitively developed as a central recreational park to contain active conservation, walking and cycling routes, linked to surrounding areas and the broader Stellenbosch NMT network.

ATC LSDF: DEVELOPMENT FRAMEWORK

Determining bulk/ yields

The bulk applicable to the ATC as a whole and individual precincts have been determined following several steps:

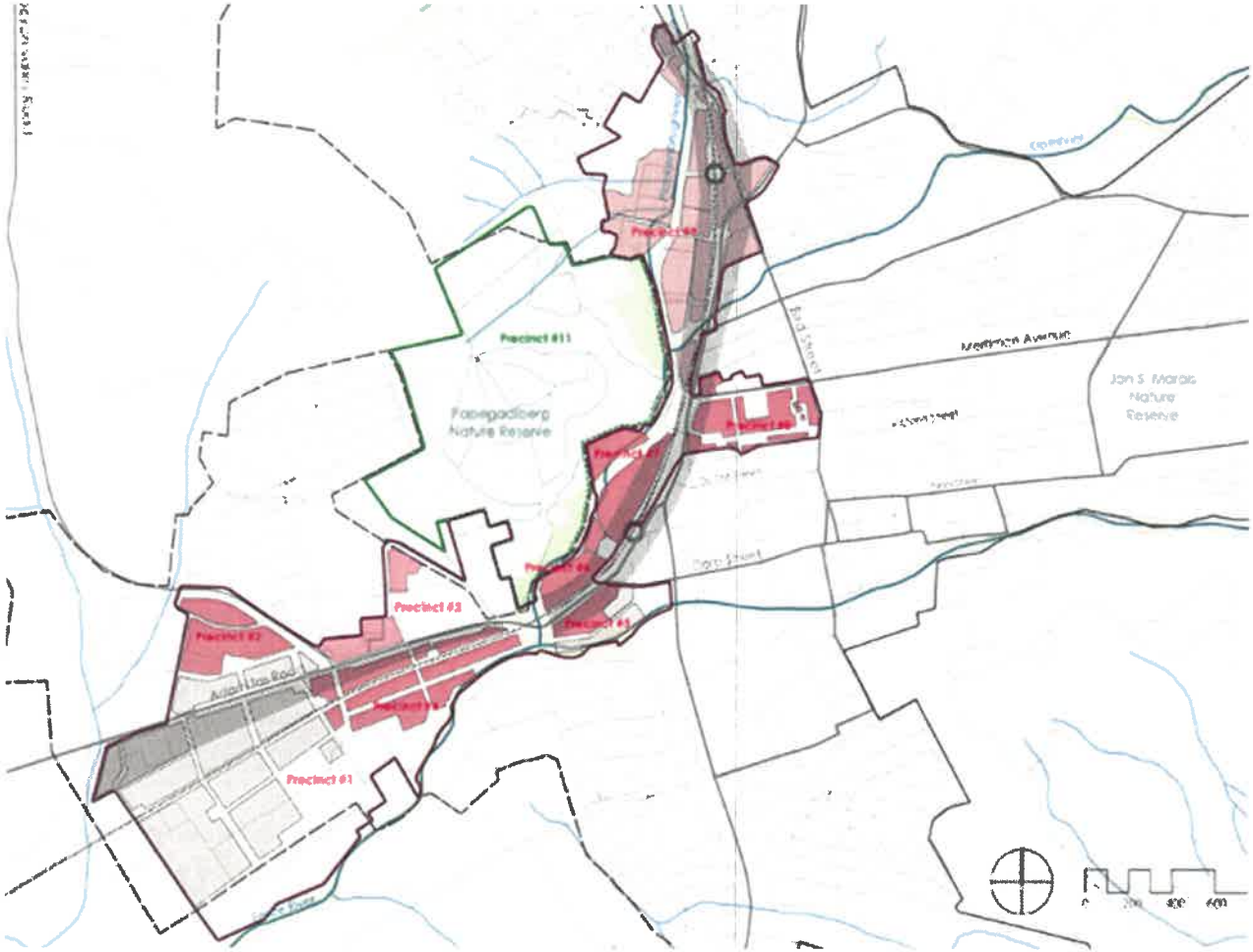
- Identification of the m² area of development parcels – within the overall Development Framework – within each precinct based on developable areas (which excludes riverine corridors, flood plains, vineyards, major routes, the railway corridor, sports fields, and major public open spaces).
- Distinguishing between two types of development parcels/ areas identified: green fields and brownfields (where future adaptive reuse will be applicable, also informed by heritage inputs).
- Application of an efficiency ratio of 85% to brownfields parcels to accommodate adaptive reuse.
- A reduction of 15% from the area of development parcels to accommodate internal streets and circulation.
- Application of average coverage (65-75%)
- An application of a building height range to development parcels.
- Application of land use categories proportionally to the total bulk for each precinct (informed by the envisaged character of each precinct).
- Calculation of the bulk for each land use and each precinct, reflected as a minimum and maximum.
- Application of a range of nett densities to the area/bulk assigned for residential use, providing an estimate number of units.

Land use

LAND USE GROUPING	EXPLANATION
Residential	Medium density social housing and inclusionary housing comprising 2-4 storey duplexes or walk-ups with shared courtyards/internal green spaces.
Mixed use residential	Medium to high density residential apartments with active ground floor use comprising retail and/or other complimentary activities. *Ratio: 80% Residential, 20% Commercial/ retail*
Mixed use commercial	Medium to high density commercial activities including retail, hospitality and residential components. *Ratio: 20% Residential, 80% Commercial/ retail*
Light industry	Workshops, studios, warehouses and other, light industrial activities integrated into surrounding land uses with minimal segregation and blank facades.
Sports	Sport fields, club houses and other sporting related activities.
Public facilities	Public institutions such as schools, libraries, government services, clinics, community centres as well as cultural institutions (e.g., museums or theatres).

ATC LSDF: DEVELOPMENT FRAMEWORK

Building heights



Three indicative height ranges applied to developable areas.

Higher density priority areas along portions of Adam Tas Road/ R44

ATC LSDF: DEVELOPMENT FRAMEWORK

Developable areas

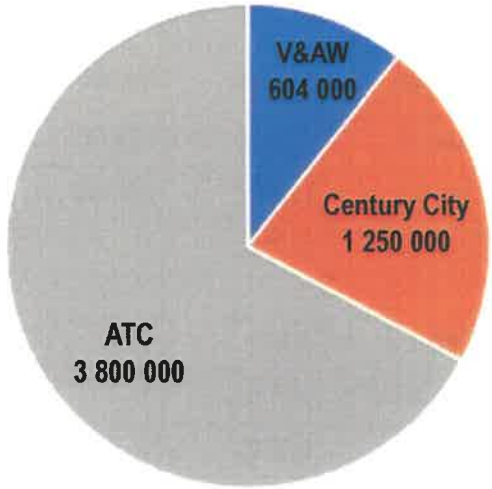
PRECINCT	Developable area (m²)	Undevelopable (m²)	Remainder (m²)
Precinct 1: Droë Dyke	**432 812**	205 518	227 553
Precinct 2: Sawmill	**140 179**	-	80 458
Precinct 3: Oude Libertas	**59 345**	172 900	37 382
Precinct 4: Adam Tas	**142 466**	-	161 350
Precinct 5: Remgro	**61 798**	21 210	23 963
Precinct 6: Bosman's Crossing	**41 465**	-	17 367
Precinct 7: Bergkelder	**84 952**	-	51 669
Precinct 8: Van der Stel	**68 779**	-	100 223
Precinct 9: Plankenbrug	**281 470**	119 491	252 592
Precinct 10: Northern Extension	**288 683**	164 116	236 775
Precinct 11: Papegaaiberg	**-**	-	
TOTAL	**1 601 949**		

- Developable area (15% internal streets deducted)
- Undevelopable: riverine corridor, flood plain, vineyards, existing sports fields etc.
- Remainder : major streets, open space

ATC LSDF: DEVELOPMENT FRAMEWORK

Summary bulk/ yields

LAND USE	% ALLOCATION	MINIMUM BULK (m^2)	MAXIMUM BULK (m^2)
Residential Only	12	372 971	528 793
Mixed use Residential	28	884 948	1 250 285
Residential	*80*	*707 959*	*1 000 228*
Commercial/Retail	*20*	*176 990*	*250 057*
Mixed use Commercial	20	908 685	1 227 516
Residential	*20*	*181 737*	*245 503*
Commercial/Retail	*80*	*726 948*	*982 013*
Light Industry	16	500 076	669 315
Sports	3	104 551	143 809
Public facilities	12	375 427	526 881
	TOTAL	**3 146 659**	**4 346 599**



ATC LSDF: DEVELOPMENT FRAMEWORK

Bulk/ yields per precinct

PRECINCT	RESIDENTIAL		COMMERCIAL/ RETAIL		LIGHT INDUSTRY		SPORTS		PUBLIC FACILITIES	
	Minimum bulk (m^2)	Maximum bulk (m^2)	Minimum bulk (m^2)	Maximum bulk (m^2)	Minimum bulk (m^2)	Maximum bulk (m^2)	Minimum bulk (m^2)	Maximum bulk (m^2)	Minimum bulk (m^2)	Maximum bulk (m^2)
Precinct 1: Droë Dyke	446 040	624 913	52 821	74 003	-	-	29 345	41 113	58 690	82 225
Precinct 2: Sawmill	110 699	177 768	119 923	185 669	61 499	98 760	-	-	15 375	24 690
Precinct 3: Oude Libertas	28 432	42 371	38 887	42 371	-	-	-	-	33 263	56 495
Precinct 4: Adam Tas	158 305	204 295	158 305	204 295	39 576	51 074	-	-	39 576	51 074
Precinct 5: Remgro	29 828	39 822	44 743	59 733	24 857	33 185	-	-	24 857	33 185
Precinct 6: Bosman's Crossing	43 986	54 982	40 602	50 753	22 557	28 196	-	-	5 639	7 049
Precinct 7: Bergkelder	27 728	38 017	110 913	152 068	46 214	63 362	-	-	46 214	63 362
Precinct 8: Van der Stel	80 043	110 658	93 022	128 603	-	-	21 633	29 908	21 633	29 908
Precinct 9: Plankenbrug	42 752	55 263	171 009	221 054	305 373	394 739	30 537	39 474	61 075	78 948
Precinct 10: Northern Extension	294 854	426 435	73 713	106 609	-	-	23 035	33 315	69 106	99 946
Precinct 11: Papegaaiberg	-	-	-	-	-	-	-	-	-	-
TOTAL										

ATC LSDF: DEVELOPMENT FRAMEWORK

Residential units

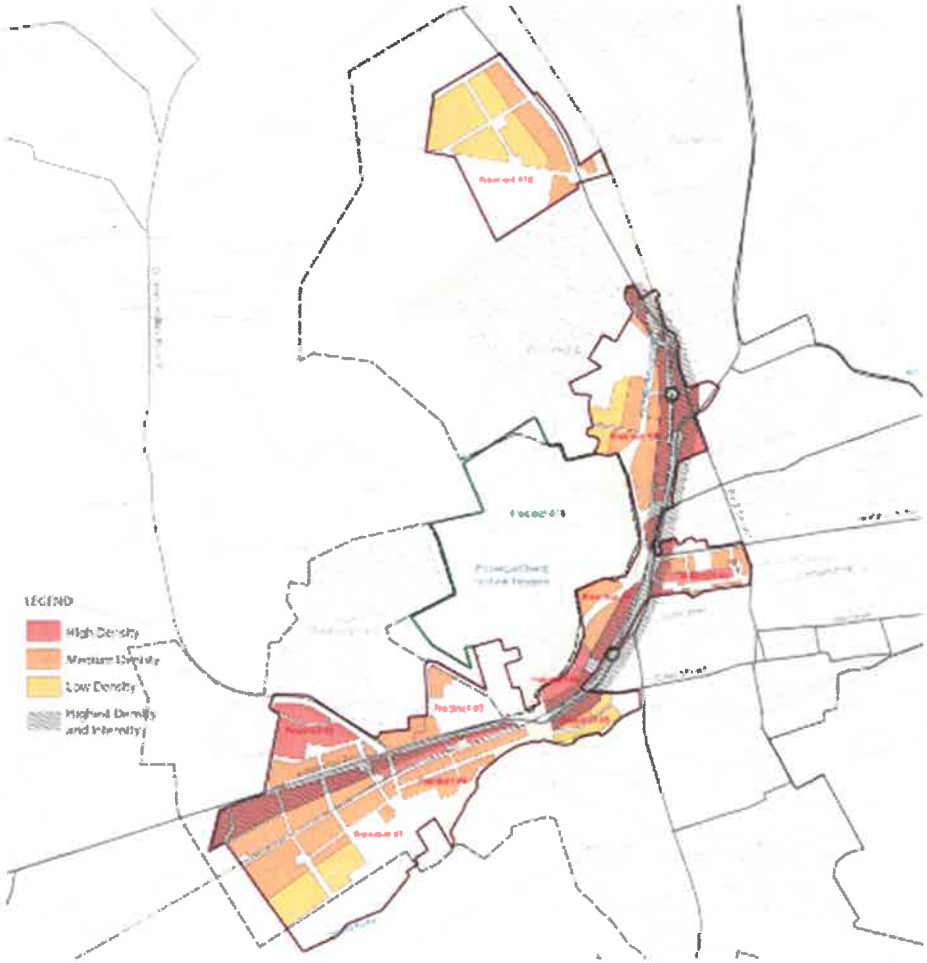
Density ranges considered	
180 units/ hectare	Very high density
150 units/ hectare	High density
120 units/ hectare	Medium density
100 units/ hectare	Lower density

Determining a minimum and maximum number of units	
125 units/ hectare	Minimum
145 units/ hectare	Maximum

ATC LSDF: DEVELOPMENT FRAMEWORK

Residential units

PRECINCT	Minimum Density (units)	Maximum Density (units)
Precinct 1: Droë Dyke	3 997	5 181
Precinct 2: Sawmill	659	818
Precinct 3: Oude Libertas	233	288
Precinct 4: Adam Tas	1 952	2 329
Precinct 5: Remgro	203	240
Precinct 6: Bosman's Crossing	219	264
Precinct 7: Bergkelder	137	173
Precinct 8: Van der Stel	345	428
Precinct 9: Plankenbrug	267	322
Precinct 10: Northern Extension	2 273	2 744
Precinct 11: Papegaaiberg	-	-
TOTAL	**10 282**	**12 787**
POPULATION (3,6 household size)	37 000	46 800



Public facility implications

ADDITIONAL PUBLIC FACILITY REQUIREMENTS	Minimum population 37 000	Maximum population 47 000
Secondary School	3	5
Primary school	4	6
Small creche	37	46
ECD Creche	18	23
ECD resource hub and care centre	2	2
Sports Fields / Neighbourhood park	6	7
Local sports facility (complex)	2	2
Local / neighbourhood park (play)	18	23
Post Office	1	2
Religious Centre	6	7
Small Clinic	7	9
Small health centre	1	1
Local Market	2	2
ICT access point	1	2

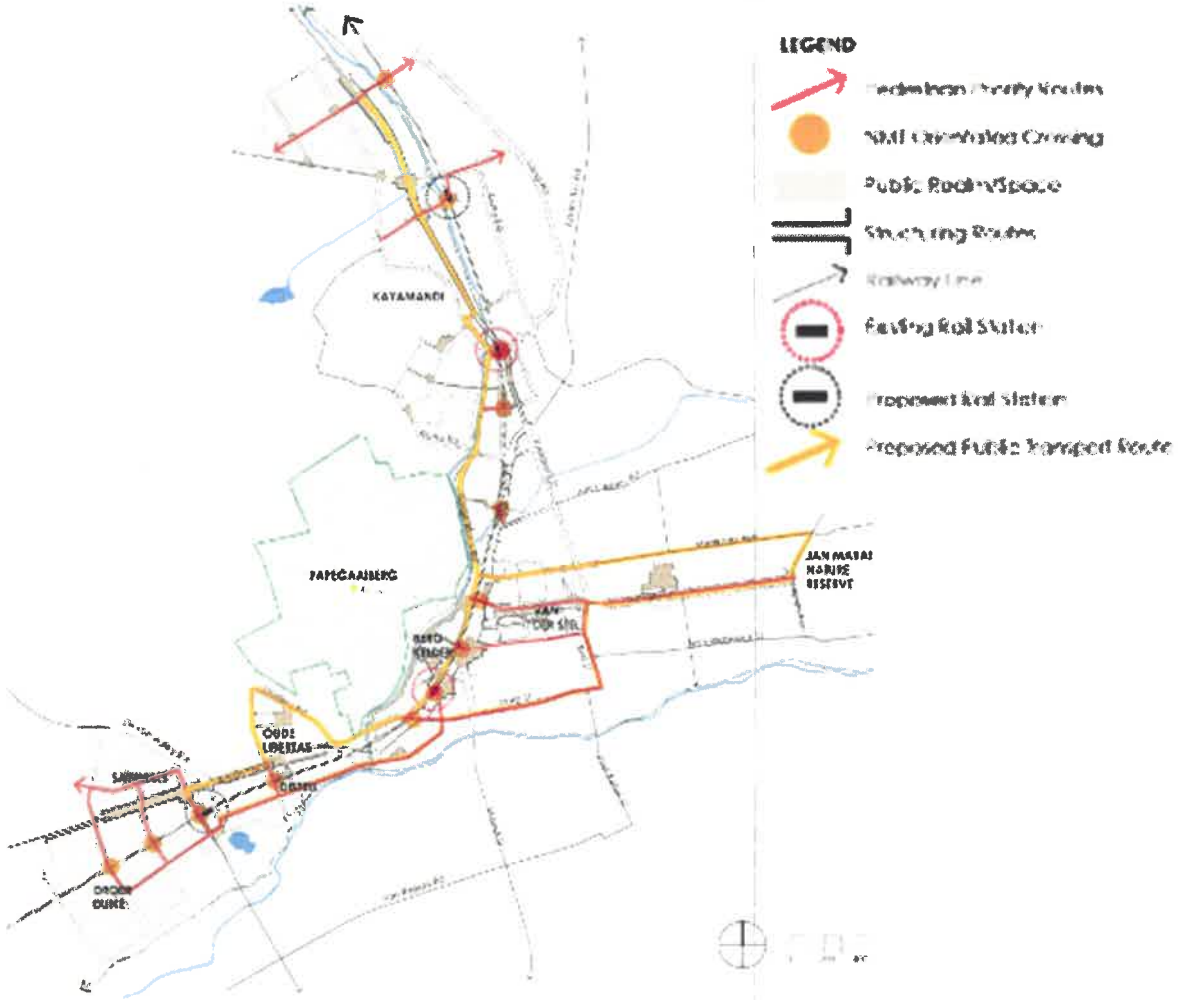
ATC LSDF: DEVELOPMENT FRAMEWORK

Movement network

- Key aspects of the movement network have been aligned with the Development Framework, including station locations, the provisional route of an NMT/ public transport network, and points of key intersections and bridging.
- Three workshops with transport stakeholders (including PRASA).
- The high-level capacity, categorization, and phasing of network elements will be finalized as part of the service infrastructure investigations.

ATC LSDF: DEVELOPMENT FRAMEWORK

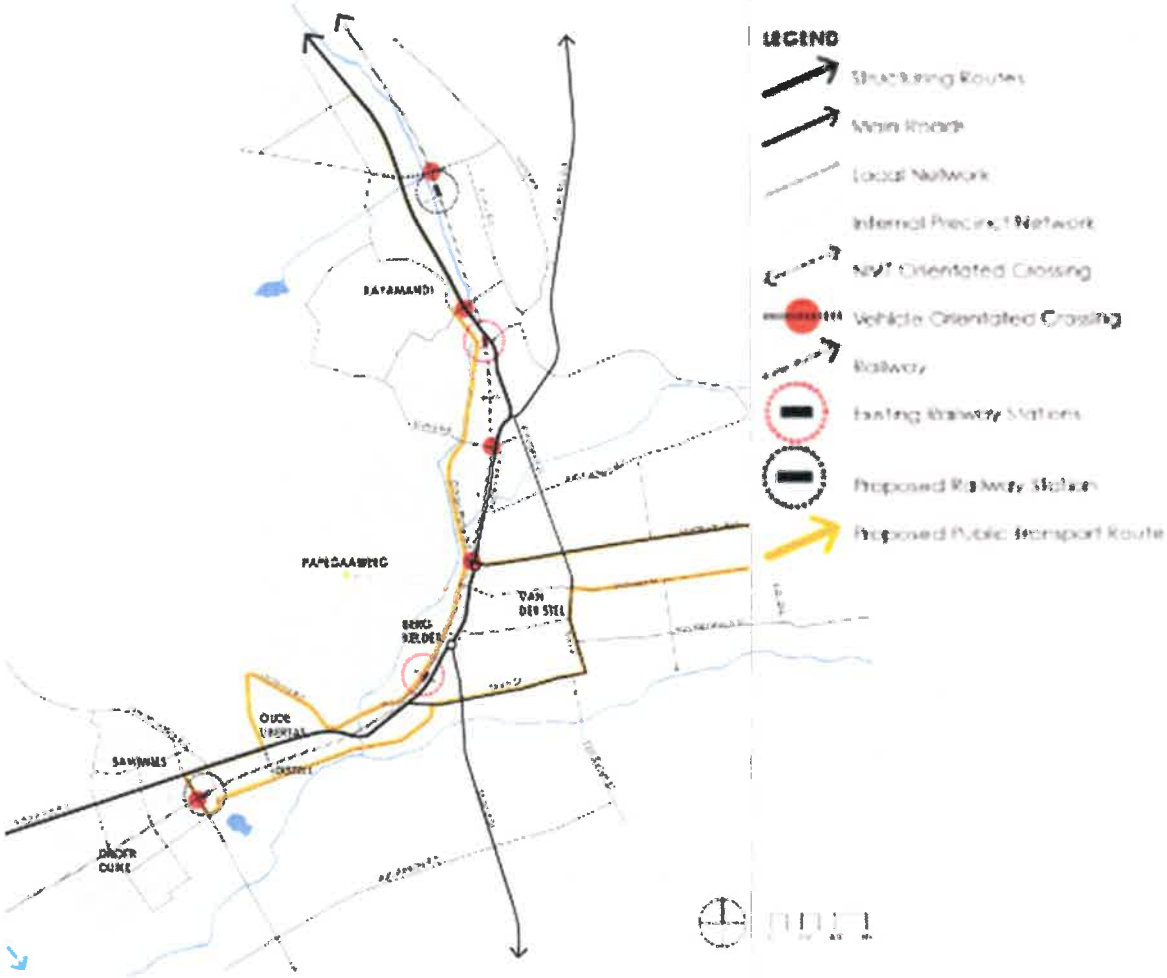
Movement network: Public transport/ NMT



- New stations/ upgraded existing stations.
- NMT crossings.
- Incremental development of a subsidised public transport service linking precincts/ rail stations with the university and CBD … in time incorporated into the Municipal IPTN (including the university system).
- Connectivity to other communities remains the responsibility of the Municipality (IPTN)
- Transformation of the minibus taxi industry (Association Based Companies/ Vehicle Operating Companies) – Contracted services (?)

ATC LSDF: DEVELOPMENT FRAMEWORK

Movement network: Vehicular movement



- Distinction between role/ hierarchy of internal and external routes.
- Grade separated intersections at specific points.

ATC LSDF: DEVELOPMENT FRAMEWORK

Movement network: Trip generation

Minimum Bulk – High Level Trip Generation (COTO)					
AM			**PM**		
IN	OUT	TOTAL	IN	OUT	TOTAL
36 237	17 166	53 402	44 963	44 968	89 931
Reduction for intrazonal trips (20%)		42 722	Reduction for intrazonal trips (20%)		71 945

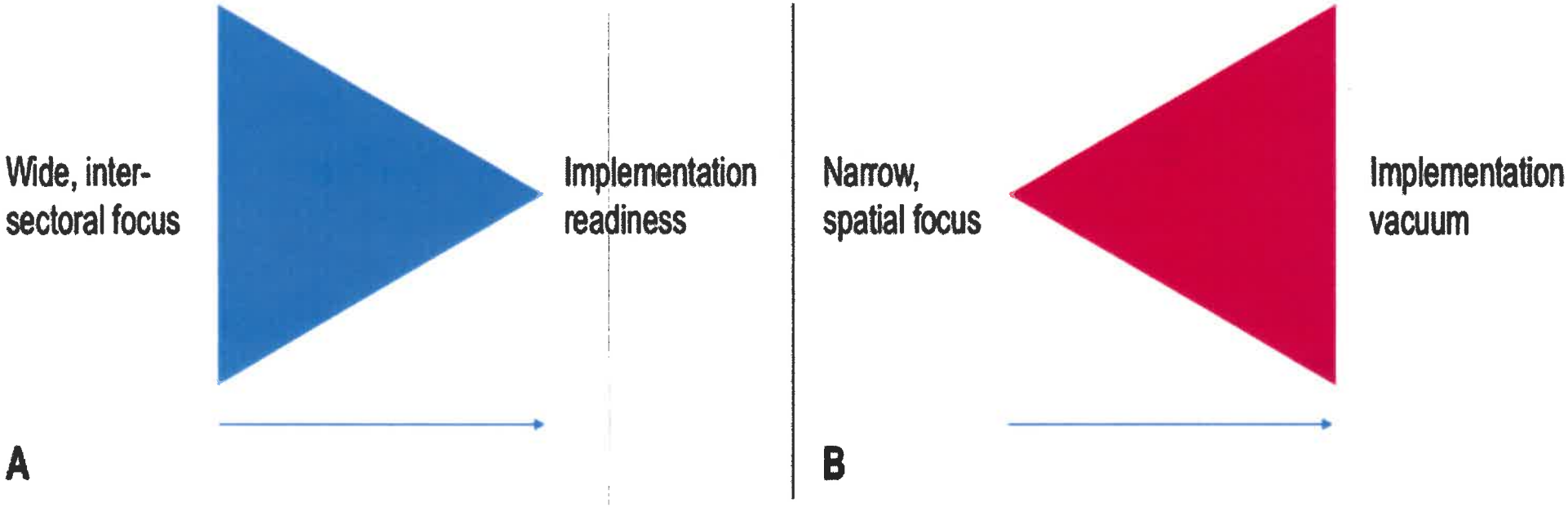
Maximum Bulk – High Level Trip Generation (COTO)					
AM			**PM**		
IN	OUT	TOTAL	IN	OUT	TOTAL
49 129	22 332	71 460	61 182	61 243	122 425
Reduction for intrazonal trips (20%)		57 168	Reduction for intrazonal trips (20%)		97 940

Service infrastructure

Following finalization of provisional development yields, investigations to test impact on bulk sewer reticulation and treatment, water reticulation and treatment, and electricity services have commenced.

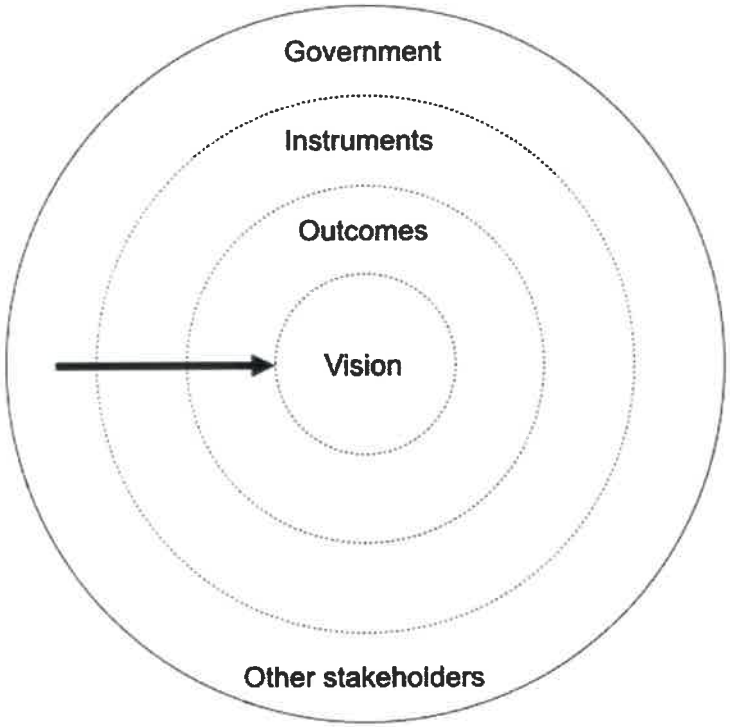
ATC LSDF: IMPLEMENTATION FRAMEWORK

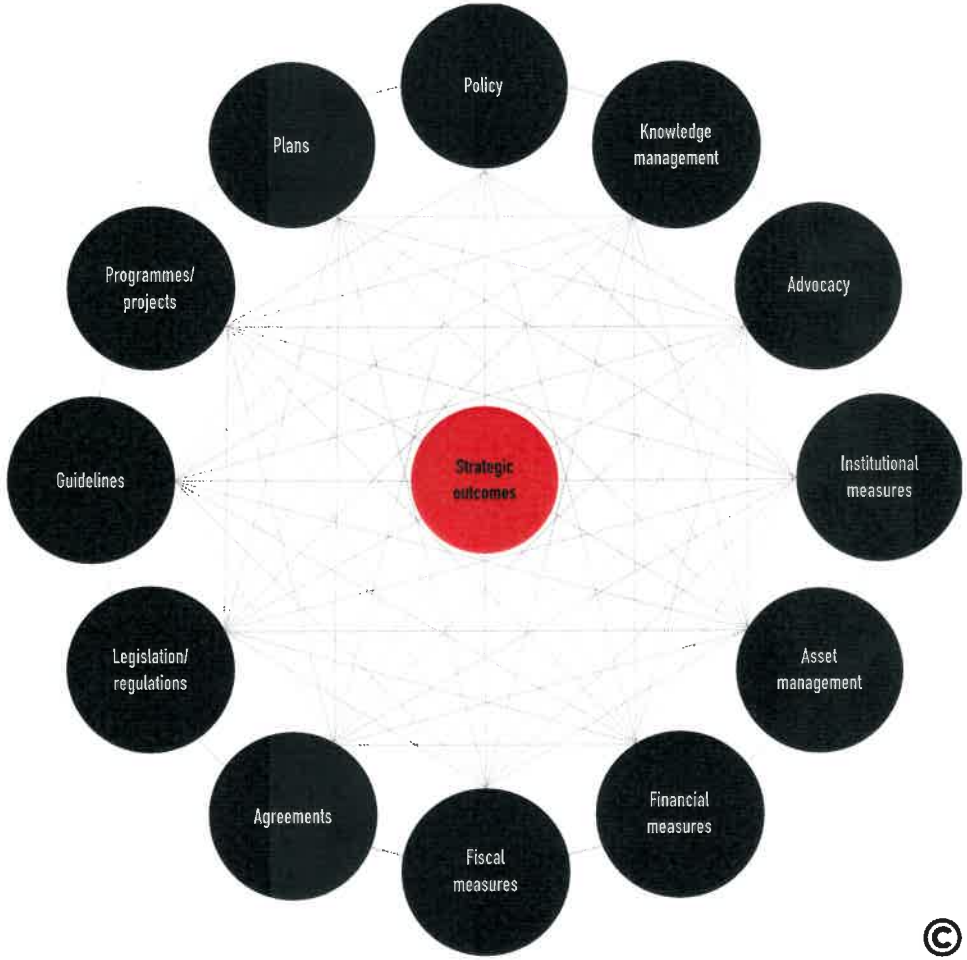
Approach



ATC LSDF: IMPLEMENTATION FRAMEWORK

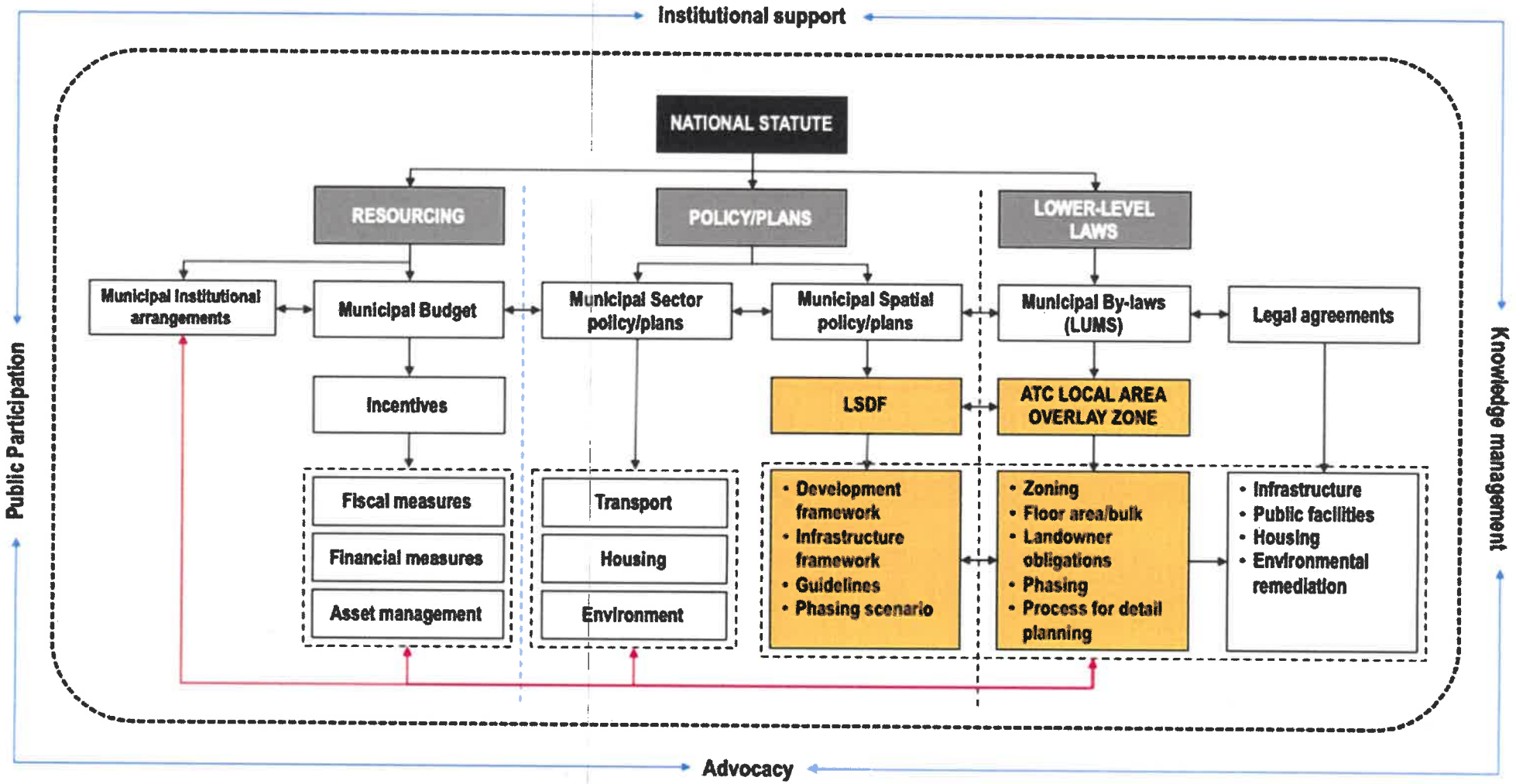
Approach and instruments of governance





ATC LSDF: IMPLEMENTATION FRAMEWORK

Instruments at work



ATC LSDF: IMPLEMENTATION FRAMEWORK

Key instruments: LUMS

- Establishing an ATC Local Area Overlay zone as provided for in Section 17 of the SM Land Use Planning By-law.
- The Overlay Zone to specify development rights – for the whole area and individual precincts – associated obligations and processes to utilize rights.
- Individual landowners to follow a prescribed "package of plans" process to utilize rights.
- Provisionally, EIAs/ HIAs to occur during Precinct/ Site Development Plan stages.

ATC LSDF: IMPLEMENTATION FRAMEWORK

Key instruments: Development agreements

- Not all that is required to meet the strategic outcomes of the project could be met through zoning and establishing an Overlay Zone.
- Development agreements adds to the overlay zone provision through:
  - Allowing greater latitude to advance local LSDF policies in sometimes new and creative ways.
  - Allowing public agencies greater flexibility in imposing conditions and requirements on proposed project.
  - Affording landowners greater assurance that once approved, their projects can be built.

Key instruments: Development agreements (2)

In support of ATC implementation, agreements are envisaged dealing with *inter alia*:

- Shared responsibility related to the **provision/ phasing of infrastructure** services, including the extent and use of development contributions.
- **Incentives** offered to landowners (including the cost of public land to be made available for development and conditions associated with its development).
- Shared responsibility related to the **formation and operation of institutional arrangements** established in support of the ATC Overlay Area.
- Landowner and shared responsibility related to the **provision of inclusionary housing**.
- Shared responsibility related to undertaking **environmental remediation** work.
- Shared responsibility related to the **provision and operation of public facilities**.

ATC LSDF: IMPLEMENTATION FRAMEWORK

Key instruments: Development contributions

- Development contributions are significant.
- We need to determine to what extent existing rights impact on contributions.

DC SUMMARY	PRECINCT 1		PRECINCT 2		PRECINCT 3		PRECINCT 4		PRECINCT 5		PRECINCT 6		PRECINCT 7		PRECINCT 8		PRECINCT 9		PRECINCT 10		TOTAL DC'S PAYABLE	
	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX
	x (10^6)	*x (10^6)*	*x (10^6)*	*x (10^6)*	*x (10^5)*	*x (10^6)*	*x (10^6)*	*x (10^6)*	*x (10^6)*	*x (10^6)*	*x (10^6)*	*x (10^6)*	*x (10^6)*	*x (10^6)*	*x (10^6)*	*x (10^6)*	*x (10^6)*	*x (10^6)*	*x (10^6)*	*x (10^6)*	*x (10^6)*	*x (10^6)*
DC Amount new land use	R 331	R 423	R 209	R 315	R 76	R 102	R 316	R 396	R 94	R 123	R 72	R 90	R 185	R 253	R 119	R 162	R 484	R 624	R 258	R 332	R 2 345	R 2 821
Existing rights offset	R -	R -	R 169	R 169	R 134	R 134	R 226	R 226	R 94	R 94	R 51	R 51	R 81	R 81	R 138	R 138	R 276	R 276	R -	R -	R 1 169	R 1 169
DC's Payable to SM	R 331	R 423	R 41	R 146	R -	R -	R 90	R 170	R -	R 29	R 21	R 39	R 104	R 172	R -	R 24	R 208	R 348	R 258	R 332	R 1 053	R 1 684

Existing rights values are more than proposed new landuse DC's

ATC LSDF: IMPLEMENTATION FRAMEWORK

Key instruments: Institutional arrangements

- The project will require dedicated institutional arrangements and processes.
- A “start-up” entity is possible … enabling others to join over time.
- The entity must support – rather than replace – Municipal decision-making structures.
- The entity will not necessarily control or own land, but coordinate the application of “new” development rights and obligations.
- The entity will work in terms of a “heads of agreement”.
- In time, provision need to be made for land owners, financial investors, community beneficiation and “other” development partners/ interests to join institutional arrangements.

ATC LSDF: IMPLEMENTATION FRAMEWORK

Key instruments: Lead projects and interim use

- Lead projects/ interim use are important to build confidence, address needs, learn, and extract value from the site.
- Lead projects should address a range of "types" – reflecting the character of the overall development – and address the needs of different stakeholder communities.
- A key question is the extent to which lead projects/ interim use can be accommodated in the absence of overarching agreements on the transfer of development rights and associated obligations.

Key instruments: Development guidelines

Guidelines to address:

- Urban form and landscape (including standards).
- Engineering services.
- Environment and resource management.
- Heritage.

ATC LSDF: IMPLEMENTATION FRAMEWORK

Key instruments: Fiscal and financial measures

- The UDZ tax incentive – administered by SARS – which aims to encourage private sector-led residential and commercial development in inner-city areas with developed public transport facilities (Has Treasury extended these measures beyond March 2021?).
- A reduction in municipal rates subject to meeting development objectives or standards (In the case of Jo'burg's "Corridors of Freedom" project, a rates rebate of 75% in the first two years is applicable).
- A reduction in service connection or plan scrutiny fees.
- A specific relationship between ATC landowners/ developers and financial institutions to ensure favourable lending rates for meeting specific objectives.
- Some proactive Government planning/ budgeting for supportive infrastructure, public facilities, and environmental remediation/management (within an understanding that the project should largely "fund itself").
- Cost of public land.

ATC LSDF: IMPLEMENTATION FRAMEWORK

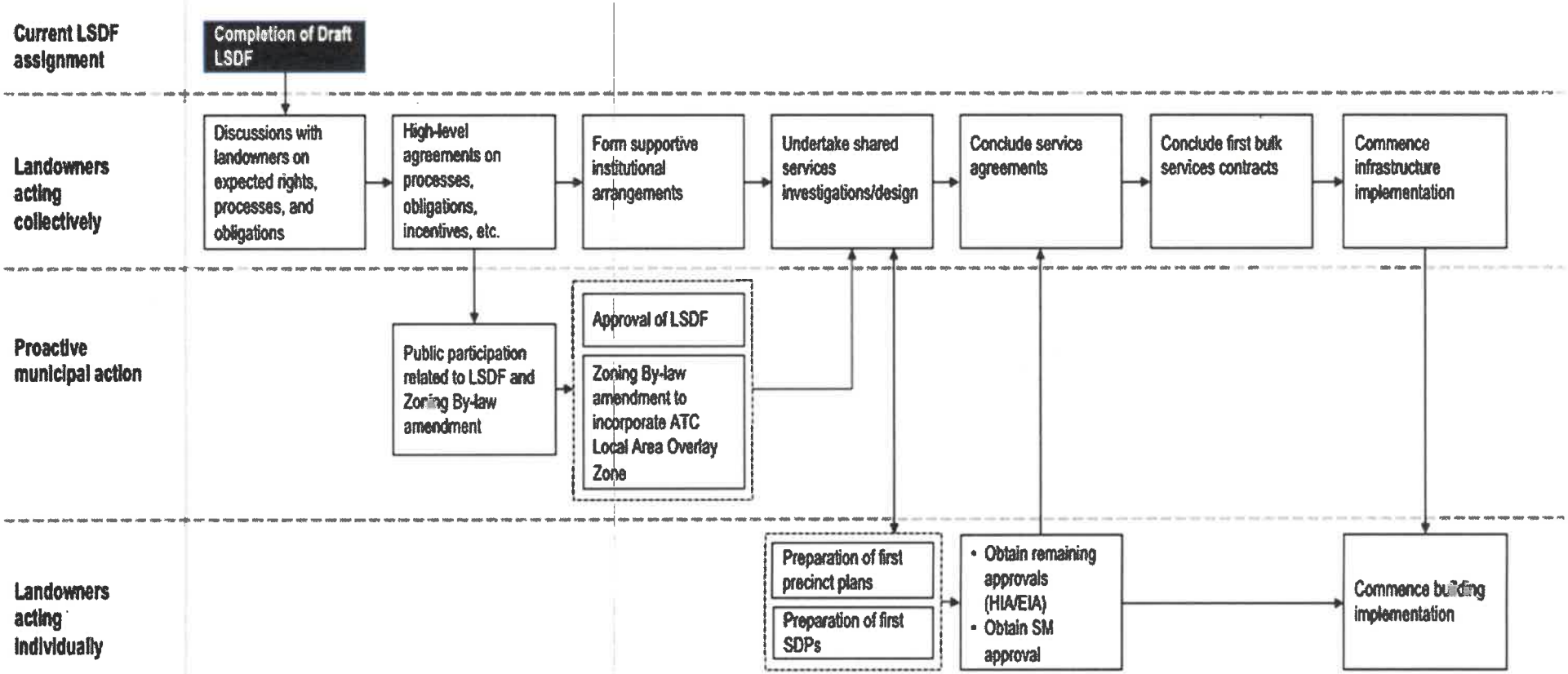
Key instruments: Advocacy and knowledge management

Successful large transformative urban projects indicate that:

- The vision and plan is a key reference for all coalition partners; their leadership will refer to it in all they do (externally and in relation to staff), and actively align individual organisational plans and resources.
- Dedicated communication competency and resources are secured to "package" vivid messages (also speaking to the "hearts" of stakeholders), undertake continuous and repeat communication through several media, arrange face-to-face events, and so on.

ATC LSDF: IMPLEMENTATION FRAMEWORK

A possible roll-out plan



ATC LSDF: CONCLUSION

Current work focus

- Completion of the 1st Draft LSDF document.
- Testing the infrastructure implications of the Development Framework.
- Testing economic impact.

ATC LSDF: CONCLUSION

Project risks and matters requiring focused attention

These risks do not relate solely to LSDF completion, but rather to a "seamless" transition between the LSDF and actions towards implementation.

Risk	Possible consequences	Required action
Indecision on nature of ATC LUMS regime.	• Long delay between LSDF approval and accommodation in Zoning By-law (2 prolonged decision-making "points"). • Uncertainty related to interim use and lead projects.	Municipal decision.
Decision related to advertising of LSDF.	Long delay between LSDF approval and accommodation in Zoning By-law.	Municipal decision.
Lack of collective discussion between landowners/ project partners.	• Lack of agreement on individual/ collective obligations. • Pressure to proceed individually and a "competition" to use existing bulk capacity. • Inadequate institutional capacity to support project roll-out.	Structured, collective engagement between landowners/ project. partners with a view to finalise a MOU/ agreement on approach/ implications.
Financial modelling of LSDF "land value add".	Uncertainty related to collective obligations (including inclusionary housing).	Finalise service provider appointment.
Project leadership.	As no individual is responsible for *full-time project leadership/ coordination*, considerable delays can be expected.	Agreement/ commitment between landowners/ project partners.

11.8	RURAL MANAGEMENT: (PC: CLLR S PETERS)

11.8.1	COMPILATION OF AN OPERATIONAL COMMITTEE IN ACCORDANCE WITH THE STELLENBOSCH MUNICIPALITY POLICY FOR THE MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND

Collaborator No: 707723
IDP KPA Ref No: Valley of opportunity
Meeting Date: 15 June 2021 and 28 July 2021

1. SUBJECT: COMPILATION OF AN OPERATIONAL COMMITTEE IN ACCORDANCE WITH THE STELLENBOSCH MUNICIPALITY POLICY FOR THE MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND

2. PURPOSE

To obtain Council's approval to establish an Operational Committee Clause 4.6.2 of the Stellenbosch Municipality: Policy for Management of Municipal Agricultural Land.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Stellenbosch Municipality: Policy for the Management of Municipal Agricultural Land, as gazetted within the Provincial Gazette dated 27 March 2017, requires the establishment of an Operational Committee which have varied responsibilities, that include, but are not limited to land administration and information, etc.

The policy further recommends that the said Committee comprise of the following functions within Council:

- Property Management
- Local Economic Development
- Legal Services
- Environmental Management

5. RECOMMENDATIONS

(a) that Council dissolves any previous established Operational Committee in terms of the said Policy;

(b) that Council delegates the Municipal Manager, in consultation with the Directors, to identify and mandate representatives and alternates to serve on the Operational Committee;

(c) that Council delegates the Municipal Manager to reconstitute the Operational Committee, at any time, should the need arise, in consultation with the relevant Directors; and

(d) that Council approves that the Operational Committee comprises of the representatives from at least the following Directorates:

- Corporate Services (Property Management & Legal Services)
- Planning & Economic Development (Development Planning)
- Community and Safety Services (Environmental Management & Safety and Security)

6. DISCUSSION / CONTENTS

6.1 Background

The Stellenbosch Municipality: Policy for Management of Municipal Agricultural Land was gazetted in the Province of the Western Cape Provincial Gazette Extraordinary 7749 dated 27 March 2017, and in accordance with Clause 4.6.2 of the said policy the Compilation of an Operational Committee was enquired. The clause reads as follows:

"*Guided by the Policy principles as stated earlier, the responsibilities of the Operational Committee are varied and include providing land administration and information… It is recommended that the following departments form part of the Operational Committee:*

- *Property Management*
- *Local Economic Development*
- *Legal Services*
- *Environmental Management*

The functions of this Committee will be to:

- *Facilitate partnerships between established and emerging farmers, industry and government to facilitate investment, sustainability and efficiency of farming enterprises.*
- *Coordinate local support services.*
- *Receive and review land applications and / or proposals in terms of principles and specified criteria as set out in this policy and the applicable legislation.*
- *Maintain a database or register of land inventory and conduct a land audit periodically."*

Two (2) portions of municipal agricultural land were advertised on 26 November 2020 in the Eikestadnuus in line with Council's Policy for the Management of Municipal Agricultural Land, and applications closed 21 December 2020. Twenty (20) applications were received for the portions, and these applications must be considered by the Operational Committee in order to make recommendations to relevant delegated authority.

These two (2) portions area as follows:

	Property Description	**Size**	**Water**
1	502 BH 9 & 10	5	5
2	502 BH 23 & 24	5	5

The Section: Economic Development & Tourism is currently in the process of screening a further thirteen (13) municipal agricultural land portions, which are currently vacant and not leased.

The Section is however in the processes to undertaking feasibility studies on these portions in order to ensure that the cultivation of these land parcels is complaint with the relevant legislation (NEMA, NHRA, Land Use Management, WULA, etc.), as it is currently 'virgin land', i.e. no farming of cultivation has occurred on the land within the last 10 years.

These thirteen (13) municipal agricultural land portions are listed below:

	Property Description	Size	Water
1	502 BH 17 & 18	5	TBC
2	502 M	5.1	3
3	502 W	9	3
4	279 BN	25.3	0
5	165/1A	10.5	0
6	502 BL	12	0
7	502 BM	5.35	1
8	768	7.21	0
9	502 AU	8.9	0
10	368/2	20	
11	377 A	TBC	TBC
12	369/C	3,5	No Water
13	527A	2	1
	Total	**113.86**	**8**

6.2 Financial Implications

No financial implications as the Committee will comprise of internal staff members of Council.

6.3 Legal Implications

The Compilation of the Operational Committee is in accordance to the Stellenbosch Municipality: Policy for Management of Agricultural Land, 2017, which was gazetted on 27 March 2017.

6.4 Previous / Relevant Council Resolutions:

38th Council Meeting dated 28 October 2020 under Item 11.8.1 resolved as follows:

(a) That cognizance be taken of the farming activities as outlined in paragraph 6.3 of this report;

(b) That an investigation be launched in respect of the land not previously allocated, as outlined in paragraph 6.4 of this report, for the use of livestock farming, specifically for the purposes of accommodating piggeries and bee farming, and that a report with recommendations in respect of such an investigation be tabled to Council;

(c) That note be taken of the additional agricultural land parcels referred to in paragraph 6.5 of this report, and that the further investigation by the Directorate: Planning & Economic Development be supported to inform Council of the possible and best use of such agricultural land for the purpose of allocating such land to emerging farmers;

(d) That financial support mechanisms be investigated by the Directorate: Planning & Economic Development, in consultation with the Western Cape Government: Department of Agriculture (Farmers Support Programme) and the National

Department of Rural Development and Land Reform, to support emerging farmers with potential infrastructure- and operational shortcomings;

(e) That the Directorate: Planning & Economic Development submits the investigation report referred to in recommendation (d) above to Council for noting purposes, and to distribute the list of funding organisations and / or mechanisms to emerging farmers to assist with the compilation of their business plans; and

(f) That the Department: Development Planning & Economic Development commences with research to provide proposals to enable emerging farmers with the option for the placement of accommodation units for security and storage purposes, which include ablution facilities on the individual land parcels which were allocated.

6.5 Risk Implications

There exists no risk in respect of Council delegated the Compilation of the said Committee to the Municipal Manager.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-06-15: ITEM 7.8.1

(a) that Council dissolves any previous established Operational Committee in terms of the said Policy;

(b) that Council delegates the Municipal Manager, in consultation with the Directors, to identify and mandate representatives and alternates to serve on the Operational Committee;

(c) that Council delegates the Municipal Manager to reconstitute the Operational Committee, at any time should the need arise, in consultation with the relevant Directors; and

(d) that Council approves that the Operational Committee comprises of the representatives from at least the following Directorates:

- Corporate Services (Property Management & Legal Services)
- Planning & Economic Development (Development Planning)
- Community and Safety Services (Environmental Management & Safety & Security).

APPENDIX 1

Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

Provincial Gazette Extraordinary

7750

Monday, 27 March 2017

PROVINSIE WES-KAAP

Buitengewone Provinsiale Koerant

7750

Maandag, 27 Maart 2017

Registered at the Post Office as a Newspaper

CONTENTS

(*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

LOCAL AUTHORITY

Stellenbosch Municipality: Policy for Management of Municipal Agricultural Land 2

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
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INNOVATION CAPITAL

THE STELLENBOSCH MUNICIPALITY: POLICY FOR MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND, PUBLISHED UNDER NOTICE 54490 IN PROVINCIAL GAZETTE 7744 ON 13 MARCH 2017 IS HEREBY WITHDRAWN, AS IT WAS PUBLISHED ERRONEOUSLY

POLICY FOR THE MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND

STELLENBOSCH MUNICIPALITY

2016

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DEFINITIONS

"acquire" in relation to land includes, but is not limited to acquisition by purchasing, expropriation, exchange, donation or leasing, or as a result of the conclusion of any form of land availability agreement, and 'acquisition' has a corresponding meaning;

"Agricultural Land" means all land not used zoned or developed for urban purposes.

"Asset" means a tangible resource capable of ownership;

"Basic municipal service" means a municipal service that is necessary to ensure an acceptable and reasonable quality of life and, if not provided, would endanger public health, safety or the environment;

"Capital assets" in terms of this policy, means land and other immovable capital assets which vests in the Municipality;

"Constitution" means the Constitution of the Republic of South Africa, Act 108 of 1996;

"Contract" means a deed of alienation under which land is sold against payment by the purchaser to, or to any person on behalf of the seller.

"Lease Agreement" meaning a written agreement specifying the rights and duties pertaining to the exclusive use of property for a continuous period of time (30} thirty calendar days or longer, and which sets forth the terms and conditions the use of the property an outright Sales Agreement.

"Council' means the Council of the Stellenbosch Municipality as envisaged in chapter 3 of the Municipal Structures Act (Act No. 117 of 1998);

"Disposal" in relation to a capital asset, includes-

(a) The demolition, dismantling or destruction of the capital asset; or

(b) Any other process applied to a capital asset which results in loss of ownership of the capital asset otherwise than by way of transfer of ownership;

"Exempted capital asset" means a capital asset which is exempted by sect ion (14)(6) or section 90(6) of the MFMA, as more fully dealt with in Chapter 5 of the MATR t hat is, an asset that is needed for the provisions of basic municipal services.

"Fair market value" in relation to a capital asset, means the value at which a knowledgeable willing buyer and a knowledgeable willing seller would sell the capital asset in an arm's length transaction;

"Granting of rights to use, control or manage" means where the granting of such right s do not amount to the transfer or permanent disposal of an asset, for example when a right is acquired through a leasing, letting or hiring out arrangement;

"HDI - Historically Disadvantaged Individual" is defined as meaning: "a South African citizen who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act 110 of 1983) or the Constitution of the Republic of South Africa, 1993 (Act 200of 1993); and/or who is a female; and/or who has a disability, provided that a person who obtained South African citizenship on or after the coming into effect of the interim Constitution, is deemed not to be an HDI"

"Integrated Development Plan (IDP)" means the Integrated Development Plan of the Municipality as envisaged in section 25 of the Municipal Systems Act (Act No. 32 of 2000);

"LED Strategy" means the Local Economic Development Strategy of the Municipality;

"long term" means a period of longer than ten (10) years;

"local agenda 21" principles of sustainable development and environmental preservation;

"MATA" means the Municipal Asset Transfer Regulations promulgated in terms of the MFMA and published in the Government Gazette No 31346 of 22 August 2008.

"MFMA" means the Local Government Municipal Finance Management Act (Act No. 56 of 2003);

"Municipality" means the Stellenbosch Municipality as envisaged in chapter 1 of the Municipal Structures Act;

"Municipal Manager" means the Municipal Manager of the Municipality as envisaged in section 82 of the Municipal Structures Act;

"Supply Chain Management Policy" means the Supply Chain Management Policy of the Municipality as contemplated in chapter 11 of the MFMA and the Supply Chain Management Regulations (No. 27636 of 30 May 2005);

"Transfer" in relation to a capital or subsidiary asset, means transfer of ownership in the asset as a result of a sale or other transaction. This Policy must be read with the Supply Chain Management Policy of the Stellenbosch Municipality and the Municipal Asset Transfer Regulations (R878 in GG No. 31346 of 22 August 2008) issued in terms of the MFMA.

ACRONYMS

CASP	Comprehensive Agricultural Support Programme
HDI	Historically Disadvantaged Individuals
IDP	Integrated Development Plan
LED	Local Economic Development
MATR	Municipal Asset Transfer Regulations
MFMA	Municipal Financial Management Act
NDP	National Development Plan
PACA	Participatory Appraisal of Competitive Advantage
SCM	Supply Chain Management
SDF	Spatial Development Framework

1 THE CURRENT SITUATION

1.1 Introduction

For all South Africans, irrespective of colour or creed, land is an emotive issue. Throughout our history one of the biggest bones of contention has been the right to ownership and use of land. Discriminatory practices in the past, a land reform programme that has not succeeded in transferring significant quantities of urban or rural land since 1994, a wide range of demographic pressures and the fact that most agricultural land is still in the hand s of commercial, mostly white, farmers puts pressure on the country's socio-economic systems, and Stellenbosch municipal area is not immune to these pressures. History is replete with examples of what can happen when these pressures are not addressed.

Stellenbosch municipal area and its towns have a very colourful past whose history plays a particularly important role in giving the area the ambiance and character which makes it one of the outstanding tourist attractions in South Africa .

For this reason, it is imperative that the Stellenbosch Municipality have a comprehensive, fair and sustainable policy and implementation strategy for agricultural land reform.

Although land reform is a national competence, the Municipality has a duty to assist with land reform initiatives, but even more importantly, because the Municipality is the largest owner of agricultural land it has a duty to formulate and implement land reform within the bounds of its own competencies and capacity. This is a challenging and formidable task given that the greater portion of this land is held under long term leases that do not do justice to the guiding principles of economic optimization of agricultural land and fair and equitable distribution of what should be available.

Farming in the Stellenbosch Municipal area is heavily skewed towards viticulture. There is of course a close link between wine farming, the beautiful landscape, consisting of both the cultivated grapevines and the natural fynbos, and the tourist experience that the town and its surround s offer.

As important as wine farming is, however, it is equally important to maximise the potential of the scarce but high quality agricultural land to ensure that appropriate land is set aside for tourism, the retention and conservation of the historical treasures that lie within the borders of the Municipality, and conservation, as these are also integral components of the Stellenbosch experience. The economic development of the area depends on the sensible use of its land resources.

In managing its agricultural land portfolio, a policy for the management of municipal agricultural land based on the principles of sustainability, equality, efficiency, fairness and good governance is required. It is widely acknowledged that policies that facilitate access to land play a significant role in reducing poverty and income inequality. As Stellenbosch Municipality owns large tracts of high value agricultural land, it is evident that it should become involved in the process of land reform.

However, there is very little of this land available since approximately 80% is currently under long term lease agreements. Furthermore, in the absence of a clear policy framework, the process for accessing municipal agricultural land has been very cumbersome in the past.

For this reason, Stellenbosch Municipality, through its Local Economic Development and Property Management Departments has embarked on a process of developing a policy and implementation strategy for the management of municipal agricultural land based on sustainability principles as part of its contribution to sustainable development.

1.2 The historical context

Stellenbosch is arguably one of the most beautiful parts of the country and its climate is conducive to excellent agriculture production. The municipal area comprises of the towns of Stellenbosch, Franschhoek. Pniel, Klapmuts and some other smaller hamlets, and the rural hinterland between these settlements. Whilst its economy is primarily built on the financial and business services sectors, the area boasts a vibrant tourism industry. The Winelands are a major tourist draw card and are also well-known for the close linkages to the manufacturing and services sectors.

The area is also home to a vibrant education sector, including a leading world renowned university, and hosts a range of innovation industries, as well as the headquarters of major multinational and national companies.

The municipal area comprises 900 square kilometres with a population of 165,000 people. Some two thirds of agricultural production consists of wine grapes, followed by vegetables and eggs. Most of the arable land is used for the production of wine, and only a small proportion of the region's food is produced locally.

Whilst significant investments have been made in the farming sector, not all are related to productive uses of the land. This has led to fertile land being rendered unproductive, and this in turn has diminished employment opportunities for low skilled workers. The unemployment rate of 26% together with the steady rate of urbanisation adds to the pressure of the availability of jobs in the area.

Stellenbosch municipality is one of the municipalities in the country with the most municipal land under its control; however, due to the agriculture potential of farm land, most of the arable land has been leased to established farmers on long term lease contracts.

The capital investment required for developing and using the land required these long term leases to allow lessees the opportunity to redeem the large investments in water and other infrastructure.

To this end, 80% of the 1,300 ha of municipal land has been taken up by established farmers whilst another 10% is being farmed by new entrants (small farmers} in various widely spread out locations. All other available land is to be made available to be leased to HDI's.
Properties, especially agricultural land (commonage} provide an enormous opportunity for Council to achieve its strategic objectives. Therefore this policy provides for the implementation of a process of identifying agricultural land which is currently available as well as land under long term lease which is not being optimally used and which is aligned to the Spatial Development Framework, LED strategy, the IDP and the objects of local government as set out in the Constitution.

2 SCOPE AND PURPOSE OF THE POLICY

2.1 Scope of the policy

The sound management of the Municipality's agricultural land resources is crucial if it is to be conserved for future generations. The scope of this policy is to set out decision-making guidelines for the management of municipal agricultural land with due regard to the relevant national, provincial and local policy and legislative provisions that govern land ownership, access to land and land use. Furthermore, the aim of the policy is to provide for the core principles, mechanisms, processes and procedures that are necessary to enable the Municipality to manage and administer municipal agricultural land, of which Council is the custodian.

In this regard, the policy allows for social and sustainable economic development and encourages the involvement of individuals, communities and community organizations and regulates the management and use of municipal agricultural land. It is, however, important that land disposal is treated on its own merits although alternative methods of disposal, not specifically mentioned in this policy, may be used where appropriate, subject to obtaining proper authority.

2.2 Purpose of the Policy

The purpose of the policy is to:

2.2.1 Provide a policy framework for the management of the Council's capital assets with specific reference to municipal agricultural land .

2.2.2 Promote the acquisition and use of municipal agricultural land mainly through leasehold preferably by historically disadvantaged individuals as envisaged in section 25(5) of the Constitution.

2.2.3 Regulate the use, acquisition and disposal of municipal agricultural land in accordance with the applicable regulations.

2.2.4 Ensure that municipal agricultural land held by it, which is not envisaged for or already used for public purposes and/or in the public's interest, be dealt with in a manner that will ensure the greatest benefit to the Council and the community.

2.2.5 Ensure current long term lease agreements pertaining to agricultural land are periodically revisited, especially where land is not currently being optimally used and provide for the necessary procedure for the disposal or awarding of rights of such land in terms of the applicable regulations.

2.2.6 Ensure fairness, equity, transparency, cost effectiveness and competitiveness.

2.2.7 Ensure speedy availability of land to qualifying residents.

2.2.8 Provide for a standard process to be followed for the application and allocation of municipal agricultural land in line with the Municipal Financial Management Act (MFMA) and the MATR.

2.2.9 Provide for the institutional arrangements for the management and administration of municipal agricultural land and guide the establishment of an intergovernmental and public/private sector body to monitor implementation and provide support.

2.2.10 Discourage the direct sale of municipal agricultural land. In this regard, the Council may dispose of land or other immovable capital assets only once it is satisfied that such an asset is not needed to provide the minimum level of basic municipal service and that it has considered fair market value for the asset and the economic and community value to be received in exchange for the asset, in accordance with section 14(2) of the MFMA and Council has complied with subsections (1) to (6) thereof. However, the above must be done with the greatest circumspection as it is imperative to keep a balance between righting the wrongs of the past with the conservation of the Municipality's greatest cultural and economic asset - its historical treasures that gives the town its special ambiance.

3 ALIGNMENT OF THE POLICY: THE NDP AND LEGISLATION

It is important that initiatives such as this are aligned with current government development policies and the realities of the market place. To this end the National Development Plan (NDP) proposals on employment in agriculture and on land reform are presented first. This is followed by a review of the relevant legislation that impacts on the management of agricultural land in Stellenbosch.

3.1 Alignment with the National Development Plan

Chapter 6 of the National Development Plan (NDP) recognizes that the end result of more than a century of racially discriminatory practices, policies and laws regarding access to, and ownership of land in South Africa is a profound inequality, basically between commercial farmers, who are still mostly white, and small scale, often subsistence and sometimes emerging, mostly black farmers. While the exact patterns of land access differ between the provinces, this strong dualism is still the most important characteristic of South Africa's rural areas.

As a result, the NDP identifies strategies to end the dualism in South African agriculture, which distorts the spatial organisation of the country's rural areas and makes access to markets for smaller scale producers all but impossible. The Chapter addresses three sets of strategies:

a) Rural development and food security,

b) Employment creation in agriculture and related upstream and downstream industries, and

c) Land reform. The last of these three is of direct interest to this policy document.

Land reform, as proposed in the NDP, is a three step process that addresses some of the realities of land reform in South Africa as defined in the National Development Plan (NDP).

Step 1:

is to convene an area-based Land Committee with representation by all interest groups such as Department s and agents of the State, farmer organizations, financial institutions including the Land Bank. The first task of this area-based initiative is to decide on a short and long term vision for land reform in their area of jurisdiction: for example, do they want only small-scale farmers, do they want to encourage the production of any particular crop or livestock enterprise, can they identify agro-processing opportunities that are suited to their area, etc.? This vision will guide their selection of prospective farmers, as is shown below. Importantly, the District Committee also considers what farmer support services, from hard infrastructure to farmer support, is required in their area of jurisdiction in order to secure the success of their vision of land reform, and starts to negotiate its provision with the relevant stakeholders. Importantly, the NDP argues that successful land reform requires that the appropriate farmer support services (access to rights in land and to supply chains such as export licences; access to input and produce markets, the appropriate physical andinstitutional infrastructure, access to inclusive financial services and to research and extension services, et c.) should be in place *ex ante*. Without farmer support services, land

reform will fail. *Ex post* provision of services such as those produced via CASP and RECAP are invariably too little and too late, and are not a substitute for the real thing.

Step 2

is where the Committee identifies 20 per cent of the privately owned commercial farm land in their area of jurisdiction that is available for land reform. In the short term (the first year or so) this will most likely be state land, municipal commons, land already purchased for land reform but not settled, farms that are under severe financial stress and commercial farmers willing to offer land for sale, while in the longer term (around five years), other farms will be identified. The Committee then sets criteria for tenders for the beneficial use of the targeted farm land, and invites tenders that meet these criteria. It is important that this should be a transparent process, with well-reasoned criteria. The criteria could include factors such as the age and formal educational status of the prospective beneficiary, their farming experience, the presence of a mentor, the 'fit' between their business plan and the vision of the District Committee, etc. The successful tenders will immediately be put on a professionally managed performance monitoring system that will be in place for at least the first three years of their new venture.

Step 3:

would usually commence with a scheme to purchase land for land reform. However, in the Stellenbosch case, the land will stay in the possession of the Municipality, at least in the medium run. For this reason, the scheme will commence with the free provision, for the first three years, of farming requisites (seed, fertilizer, agro-chemicals, fuel, maintenance and repairs, packaging, etc.), working capital (machines, equipment, animals, buildings, etc.) and land rental once the successful beneficiaries are identified. To this end current commercial farmers can be partnered with the new farmers, and the Municipality can coordinate with the Provincial Department of Agriculture for access to CASP funding as well as other government agencies where support is already given. It is import ant, however, to note that the Municipality has no jurisdiction over land reform, and cannot be expected to finance this aspect of the scheme - it can at best voluntarily coordinate the provision of support. Next, if the farmer fails the performance appraisal in the third year, they lose their preferential access to the land. In the case that she or he passes this test, the Municipality is free to increase the length of the lease immediately, or in increments, and phases a market rate of rental in over four years at 25 per cent increments per year. In year 4 (i.e. after 7 years in total) the Municipality may, if it deems this to be in the best interests of the Stellenbosch community, sell the land to the beneficiary, who, under the NDP proposals, will have recourse to the Land Bank for financing of the mortgage. This means that the new farmer will now either pay a normal market rental in the event that the land remains under leasehold or a normal market premium in the event that title is conferred. From this point onwards (i.e. after seven years), the new farmer may exercise all the rights of ownership of the lease or the tit le deed that accrue to any farmer within the framework of Stellenbosch Municipality policies - they may sell, buy or hire additional land, etc. Finally, the NDP also provides detailed guidelines on how the new farmers can leverage their participation in the programme to access financing in a manner that allows them a fair chance of becoming successful.

Note that the NOP is in many respects not prescriptive and is encouraging of local initiatives to address local problems. In particular, the NOP proposals encourage experimentation with:

3.1.1 The criteria by which success in land reform should be measured, whether this be the number of hectares transferred, the number of beneficiaries assisted, the reduction in income inequality in the area, etc. This is something that should form part of the vision for land reform, as discussed under Step 1.

3.1.2 The sequence of land reform implementation: In particular, it does not prescribe that a representative, area-based land committee be set up prior to the implementation process. This would especially be the case where the democratically elected local government authority takes the lead. It also does not prescribe that step 1 should precede step 2, etc.

3.1.3 Who should participate in the land committee?

3.1.4 How the Committee is to arrive at a longer term vision for land reform in its area of jurisdiction, and what that vision should look like.

3.1.5 What farmer support services are required, who should provide them, and how should they be provided: as long as they are planned for ex ante, and actually implemented.

3.1.6 The nature and origin of land targeted for early implementation of the vision for land reform. In this case, it is municipal land that is not currently encumbered or that will become so in the near future. This could, in other words, form the vanguard of a wider land reform program in the Stellenbosch Municipal area.

3.1.7 The criteria by which beneficiaries will be selected: The NOP is, however, prescriptive about performance monitoring of the beneficiaries and about how access for t hem should be financed (see Steps 2 and 3) in order to improve the prospects of success.

3.2 Relevant legislation

The legislative framework for the management of the Stellenbosch municipal property is contained and governed in a number of laws, including but not limited to:

- The Local Government: Municipal Finance Management Act 2003, Act 56 of 2003 (MFMA), in particular section 14, which deals with disposal of capital assets;
- The Local Government : Municipal Asset Transfer Regulations, 2008 (M ATR), which governs
    - The transfer and disposal of capital assets by municipalities and municipal entities; and
    - The granting by municipalities and municipal entities of rights to lease, use, control or manage capital assets;
- Any other applicable legislation, regulations and policies that may govern the disposal, letting or transfer of ownership of municipal land and related activities that are not in contradiction with the primary legislation referred to above.

Further relevant pieces of legislation governing property management include the following:

- Broad Based Black Economic Empowerment Act (Act No. 53 of 2003);
- Constitution of the Republic of South Africa, 1996;
- Extension of Security of Tenure Act (Act No. 62 of 1997);
- Local Government: Municipal Structures Act (Act No. 117 of 1998);
- Local Government: Municipal Systems Act (Act No. 32 of 2000);
- Preferential Procurement Policy Framework Act (Act No. 5 of 2000);
- Property Rates Act (Act No. 6 of 2004);
- Land Reform: Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993).

4 THE IMPLEMENTATIONPLAN

4.1 Guiding principles

The following principles will guide the implementation of this Policy:

4.1.1 Promote social integration, provide redress to the Council's existing spatial inequalities, build strong and dignified communities and provide adequate infrastructure for easier access to places ofwork.

4.1.2 Optimizing property, in particular municipal agricultural land as a sustainable resource to provide better economic growth and improve agricultural diversity with regard to value adding to fresh produce.

4.1.3 Promote land reform by fundamentally changing unequal land ownership patterns through optimization and redistribution of long term leased land, especially that which is lying fallow.

4.1.4 Use property as a catalyst for economic development by establishment of agriculture beneficiation nodes.

4.1.5 Acquisition of additional municipal agricultural land to further the Municipality's strategic objectives.

4.1.6 No rights or usage of municipal owned land shall be sublet or ceded to a third party without the prior written approval of the municipality.

4.1.7 Under no circumstances should any mining of land, excavation of soil for selling purposes or any permanent damage to land beallowed.

4.1.8 No new buildings shall be permitted on leased municipal land whether long term or not unless with specific agreement of the Council and then for a use and in a style that complements the environment.

4.1.9 Utilization of land and other immovable assets is guided by the Municipality's Integrated Development Plan (IDP), the Spatial Development Framework and the Local Economic Development Strategy

4.1.10 Create an enabling environment to users of the land to participate meaningfully in agricultural activities to:

4.1.10.1 Promoteentrepreneurship

4.1.10.2 Contribute to food production and economic opportunities

4.1.10.3 Leverage the expertise and markets of existing commercial farmers to assist emerging farmers through partnerships and/or shareholding especially new entrants.

4.2 Bill of Rights - Equality

Fundamental human rights are entrenched in Chapter 2, sections 7 to 39, of the 1996 Constitution. *'The Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom. The state must respect, protect, promote and fulfil the rights in the Bill of Rights.'*

Rural development is a central pillar of the struggle against unemployment, poverty and inequality. High levels of rural poverty and inequality inhibit the growth of the economy and undermine any efforts to ensure that growth is more equitably shared amongst citizens.

Although agriculture is not a local government mandate, Council has a developmental role to play in facilitating and advancing rural development to bring about sustainable change in the socio-economic situation of the area and to support economic growth. This developmental role is further emphasized in sections 152 and 153 of the South African Constitution.

The objects of Local Government in particular are set out in section 152 of the Constitution , which reads thus:

"{1} the objects of local government are-

(a) to provide democratic and accountable government for local communities:
(b) to ensure the provision of services to communities in a sustainable manner:
(c) to promote social and economic development
(d) to promote safe and healthy environment and:
(e) to encourage the involvement of communities and community:
(f) Organization in the matters of local government.

(2) A municipality must strive with its financial and administrative capacity to achieve the objectives as set out in this sub-section.

{3} The Constitution further determines that local government shall have the developmental duties as set out in section 153 that reads as follows:

'A municipality must-

(4) Structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; and

(5) Participate in national and provincial development programs ."'

A reformist policy, particularly incorporating previous disadvantaged groups, is to be implemented in line with the above objectives prescribed for local governments. This policy must at all times include the fair distribution of the land with particular reference to optimal production and allocation to suitable qualifying beneficiaries.

Considering the fact that the bulk of Stellenbosch municipal agricultural land has already been allocated in long term leases, there is limited agricultural land available which can be gainfully applied. A further hindrance is the availability of water without which agricultural land is virtually worthless as far as viticulture and fresh produce is concerned.

It is therefore incumbent on the administration of the Municipality to ensure that the limited land currently available is optimized for the benefit of the community as a whole without taking away from the historical heritage which ensures economic progress.

4.3 Sustainable development

Implicit in the concept of sustainable development is the requirement that a broader view of the Stellenbosch economy is always at the forefront of the process; the town and surrounds are highly dependent on the historical heritage and tourism and agriculture which are the main sources of job creation.

Sustainability in this instance implies the use of land to feed urban residents and to provide for additional economic value, but not to harm the aesthetic appearance and ambiance of the countryside which is the attraction for tourism income.

Due regard for the scarcity of water and prudent use of other resources together with the application of innovative new methods of farming lies at the bottom of these efforts.

Recognition should be given to the wealth of farming experience on the one hand but a lack of business acumen on the other which should direct any training efforts towards access to markets and proper planning for the longer term. It is also essential that new farmers pool their resources to obtain maximum value for their produce.

As the right Partner can add immeasurable value to particularly HDI beneficiaries it is incumbent on the Operational Committee to facilitate, where possible, that such a Partner is introduced and that the required steps is followed to ensure that an equitable arrangement is reached with the HDI not forfeiting more than 49% of the shares.

4.4 Council powers

The Council is permitted to:

4.4.1 Reserve and manage immovable property in its ownership for municipal purposes in a manner that supports its strategic objectives and permit such property to be enclosed and cultivated.

4.4.2 Reserve and manage immovable property in its ownership for municipal purposes aligned with operational needs.

4.4.3 Acquire immovable property and rights in property by way of private treaty, cession, donation and expropriation to support its strategic objectives.

4.4.4 Alienate immovable property and rights in property by way of direct sale, public tender, auction and donation.

4.4.5 Let immovable property in its ownership on a long term or short term basis by way of direct negotiation or public tender.

4.4.6 Acquire, use or dispose of any capital assets owned by the Municipality, unless it is precluded from so doing by law or the conditions under which such immovable assets were acquired by the Municipality.

4.5 Guidelines for land allocation

The Policy prescribes the following guidelines to be followed by Council for the allocation and management of municipal agricultural land within the framework of compliance with the applicable legislation and regulations:

4.5.1 In a bid for municipal agricultural land, where bidders are equally competitive; preference will be given to HDI's.

4.5.2 In this event cognisance should be taken of Chapter 7 of the Draft policy on the Management of Municipal Immoveable property that deals with "preference points".

4.5.3 Special affirmative measures towards HDI's may be applied by the Municipality to ensure fairness in the disposal process of agricultural land in accordance with the Preferential Procurement Regulations.

4.5.4 Ensure the protection or advancement of persons, or categories of persons, disadvantaged by previous unfair discrimination.

4.5.5 Market forces will always be the point of departure in any land or property transaction and this must be recognised and acknowledged.

4.5.6 Preference will be given to bids that support economic development initiatives on a macro scale, including tourism initiatives;

4.5.7 May enter into Public Private Partnership agreements but only in accordance with the provisions of Section 120 of the MFMA.

4.5.8 Aim to redress past land ownership patterns to reflect the population demographics of the Municipality.

4.5.9 Council reserves the right not to dispose of any portion of land.

4.5.10 Compliance with the Local Agenda 21 principles of sustainable development and environmental preservation.

4.5.11 Council will respect all current ownership and other vested rights to property.

Current long term lease agreements pertaining to agricultural land should be revisited, especially where land is not currently being optimally used, with the aim of achieving socio-economic development, providing access to land for eligible emerging farmers and in fulfilling council's strategic objectives. Local Economic Development should therefore on a continuous basis verify that land allocated on long term leaseholds to established farmers; industry and other bodies is used for the purpose for which it was allocated on a regular basis.

4.6 Institutional & Governance Structure

While the details can be worked out when appropriate, the institutional structuring for the implementation of this draft policy will consist of the following :

Figure 1: Institutional & Governance Structure

4.6.1 Compilation of a Strategic Advisory Committee:

It is suggested that a Committee be established to play a key role in municipal agricultural land administration and management in line with the applicable legislation as explained in section 3. The committee should ideally comprise of:

- The Municipal Manager (or assigned)
- Director: Planning and Economic Development (including officials from LED),
- Director: Integrated Human Settlements and Property Management (including officials from Property Management)
- Senior Legal Advisors of Legal Department;
- Western Cape Department of Agriculture;
- Department of Water Affairs
- Winelands Water Board
- Stellenbosch University
- Department of Rural Development and Land Reform
- Special Purpose Vehicle
- Organised stakeholders with formalised relationships, e.g. Agricultural Society
- Any other relevant stakeholder as approved by the Municipal Manager

Guided by the Policy principles as stated earlier, the responsibilities of the Strategic Advisory Committee are varied and include the following:

- Providing strategic land access management and information to Council (among others)
- Changing the existing land ownership patterns whilst respecting and upholding current property rights. This should be undertaken by terminating current leases where municipal agricultural land is not currently being used optimally;
- Ensure the productive and sustainable use of land to attain both household and food security as well as increase agricultural output;
- Provide sound and competent advisory service regarding municipal agricultural land allocations and matters of access;
- Identify where to acquire land from and identify eligible occupants based on specified criteria
- Ensure compliance with the relevant strategic plans, policies and legislation;
- Ensure equitable balance between interests of the public,
- Ensure that inter-departmental and inter-sectorial cooperation and alignment takes place;
- Ensure alignment with National Development Plan, Municipal Integrated Development Plan, Municipal Spatial Development Framework and other relevant development plans;
- Supporting the formulation and implementation of limitations on land holdings and monitor ownership patterns in the Stellenbosch Municipal area ;

Coordinate the municipal agricultural land allocation system to ensure the success of implementing this policy;

4.6.2 Compilation of an Operational Committee

Guided by the Policy principles as stated earlier, the responsibilities of the Operational Committee are varied and include providing land administration and information to the Strategic Advisory Committee. It is recommended that the following departments form part of the Operational Committee:

- Property Management
- Local Economic Development
- Legal Services
- Environmental Management

The functions of this Committee will be to:

- Facilitate partnerships between established and emerging farmers, industry and government to facilitate investment, sustainability and efficiency of farming enterprises.
- Coordinate local support services.
- Receive and review land applications and/or proposals in terms of principles and specified criteria as set out in this policy and the applicable legislation.
- Maintain a database or register of land inventory and conduct a land audit periodically.

4.7 **Criteria to obtain access to land**

Rural development and land reform are not municipal functions per se; however, rural development has a spatial dimension and is implemented in municipal spaces. Therefore, the role of local government cannot be overemphasized.

As the custodian to relatively large tracts of land, Stellenbosch can make a meaningful contribution to Government's efforts to correct disparities in land use as a result of policies of a previous dispensation. The Municipality has a core responsibility to acquire and avail land, in the first instance, for its own use for purposes of developing and maintaining municipal infrastructure, promoting service delivery and for facilitating social and economic development and spatial integration.

The Municipality has a further responsibility in terms of acquiring, managing, developing and releasing its land and other immovable assets and rights on behalf of its residents and ratepayers. In this regard, the key consideration is that the best interests of the Municipality (and thus its residents) should be paramount in all land transactions that the Municipality enters into.

Beneficiaries will be selected from lists compiled from advertising in all the printed media in Stellenbosch. The advertisements will specify the size and type of land available and for which type of farming or land use the land is earmarked. Applicants for land lease must complete a set of documents obtainable from LED which will specify inter alia:

- What documents should be attached to the application (ID's etc.)
- Type of application (Cooperative, Trust or individual Farmer)

- Farming category: Community gardens; emerging farmers; commercial farmers

- Agricultural beneficiation: Development or use of existing or agreed infrastructure for value adding by refinement, bottling, packaging, processing, etc.

- A business plan covering:
    - Proposed business model
    - Production viability
    - Market access
    - Financial Viability
    - Support Services
    - Financial model.

- Further criteria as occasioned by the needs of the specific project, which may include, where appropriate:
    - A residential requirement (e.g. must have been a resident of Stellenbosch for a period of 10 years or more);
    - Experience in farming and/or business management at an appropriate level;
    - A means test income requirement;
        - Monthly cash flow or banking statements
        - Assets owned without encumbrance
        - Assets available but encumbered
    - Partnership and cooperation with a mentor if required;
    - Attendance of human development opportunities as prescribed;
    - Compliance with the policies of the Municipality and other applicable legislation and with the rules and regulations as set out by the Municipality from time to time.

- The criteria and process to be determined by the Municipal Manager and may vary on project to project basis based on the following principles:
    - Must be a South African citizen
    - Must be an adult.
    - Must be of a previous disadvantaged group
    - Must at least have been a permanent resident of Stellenbosch Municipal Area (minimum 5 years) on a sliding scale.
    - Must have a proven agriculture track record weighted by the fact that such a person have been employed in an overseeing capacity.

- Supply chain guidelines to be followed.

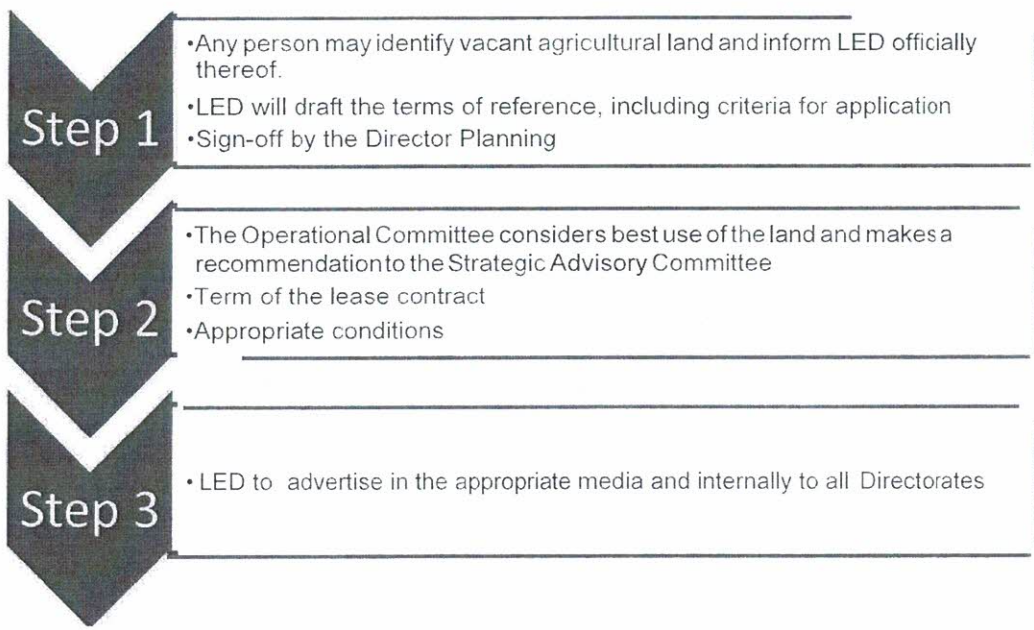
4.8 Exclusions

Land allocation will exclusively be made available for agricultural purposes and beneficiation of locally produced products. Due to the fact that the historical character and rural ambiance is important to maintain the status quo of Stellenbosch as destination of choice which is responsible for an important part of the local economy, all efforts must be made to conserve the natural environment. Unless by special decision of the Municipal Council, no agricultural land will be made available for industrial, residential, special nodal developments or any such developments that may take away from the charisma of the District or reduce farmland as a resource

- No permanent land rights for inefficient land users. Therefore continuous review, evaluation and increased productivity checks will be put in place;
- Immediate exclusion for any fraudulent activities by beneficiaries in application, during process or after allocation resulting in disqualification and prohibition of future participation (of the beneficiary or beneficiary group);
- Ensure land access only to capable, skilled, hardworking groups without farming activities in other regions of South Africa or internationally;
- Discourage speculative and unproductive land use.
- Save with prior approval, the municipal agricultural land may only be used for the purpose for which occupation was granted and purposes regularised by the relevant zoning schemes.

4.9 Process to acquire land or rights on agricultural land

The disposal of agricultural land and the awarding of rights in agricultural land will be dealt with in terms of this policy and the applicable legislation.



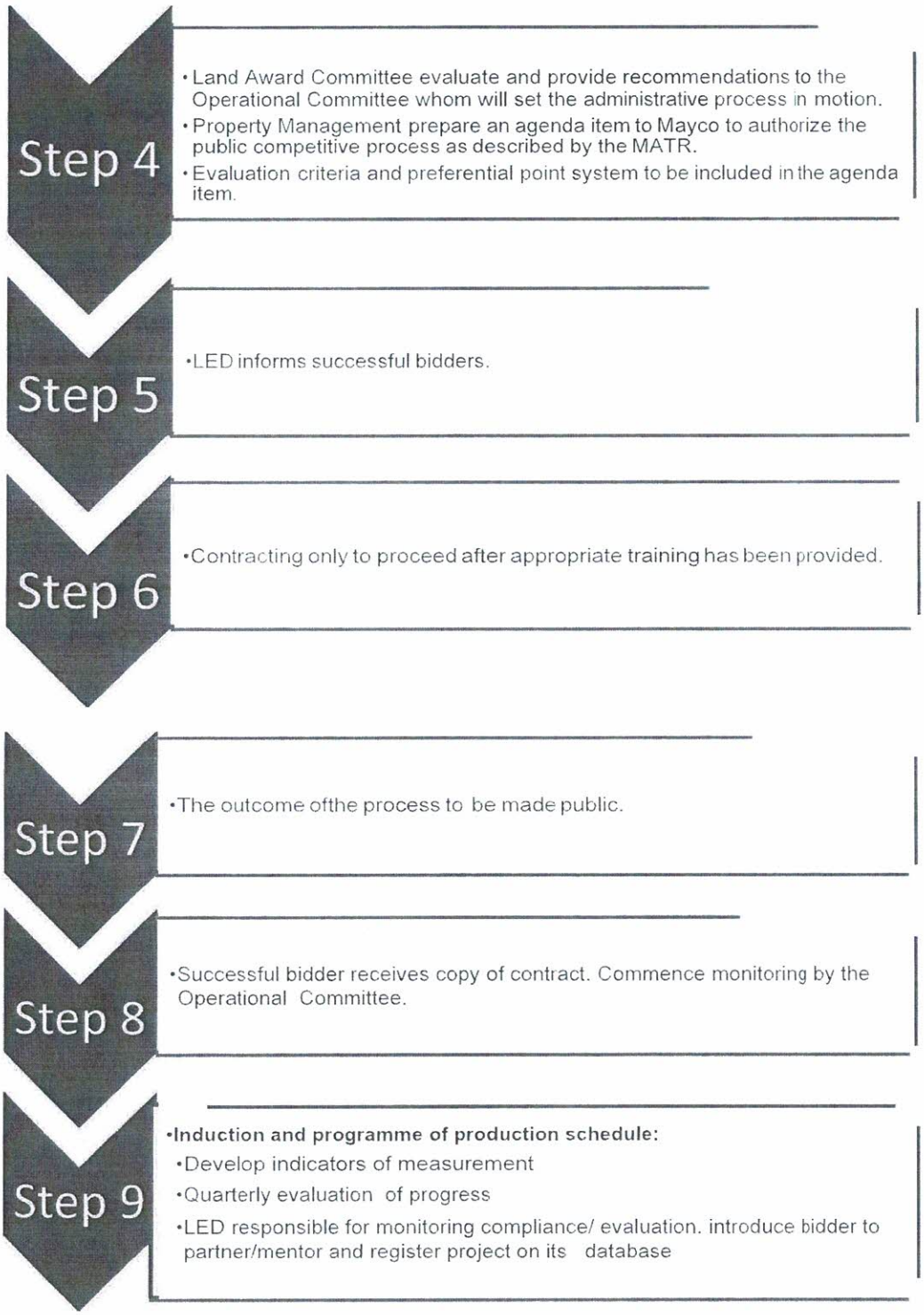


Figure 2: Process to acquire land or rights on agricultural land

4.10 Monitoring and evaluation

The municipality does not have the capacity to monitor and evaluate the progress of agricultural land and the farming practices in general. It is therefore imperative that Partners / Mentors must be found to assist in the process to not only mentor a new generation farmers but also take up the responsibility to oversee proper farming processes that is in the best interest of Stellenbosch.

It will however be in the best interest of Stellenbosch municipality to have its own database of Partners/ Mentors and therefore LED will set a process in motion to identify willing and able persons, with expertise not only in agriculture, but also in other aspects (e.g. beneficiation) relating to farming enterprises.

4.11 Policy Review process

- This Policy shall come into effect on the date of the Council resolution;
- This Policy may be reviewed annually and when required by way of Council resolution.

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6 ANNEXURE A: Municipal land under leasehold

6.1 Land currently under long term leasehold

Property description	Size	Lessee	Contract Period
29	40 ha, no water	**Vacant**	
165/1	0,14 ha, no water	**Vacant**	
165/1A	10,5 ha, no water	**Vacant**	
183	1,55ha, no water	**Vacant**	
183A	35.54 ha, 12,0 ha water	W.S Smit Boerdery (Edms) Bpk	01/04/1994- 31/03/2044
183B	11 ha, 3 ha water	W.S Smit Boerdery (Edms) Bpk	01/04/1994- 31/03/2044
183C	8,5 ha, 2 ha water	W.S Smit Boerdery (Edms) Bpk	01/04/1994- 31/03/2044
183D	24 ha, 8 ha water	Joretha Boerdery	01/04/1994- 31/03/2044
183E	21,84 ha, 7 ha water	Devon Valley Boerdery (Edms) Bpk	01/04/1994- 31/03/2044
183F	8,13ha, 3 ha water	Devon Valley Boerdery (Edms) Bpk	01/04/1994- 31/03/2044
183G	0,43 ha, No water	Devon Valley Boerdery (Edms) Bpk	01/04/1994- 31/03/2044
183/23	20,5 ha, 8 ha water	W.S Smit Boerdery (Edms) Bpk	01/04/1994- 31/03/2044
203/2A	4,36 ha, 2 ha water	Devon Valley Boerdery (Edms) Bpk	01/04/1994- 31/03/2044
279A	6,8 ha, 5 ha water	Asara Properties (Pty) Ltd	01/04/1994- 31/03/2044
279BN	25,3 ha, no water	**Vacant**	
279D	5 ha, no water	**Vacant**	
295/3 Remainder Erf 376 Remainder Erf 9190	70,4 ha, 10 ha water	Stellenbosch Golf Club	20/12/1994- 31/03/2041
352/2	.0297 ha, no water	Okkie Jooste Kampterrein	24/03/1934-23/03/2033
352/2 other	174,8 ha, no water	MTO	24/03/1934-23/03/2033
368/2	3,5 ha, no water	**Vacant**	
369/C	3,5 ha, no water	**Vacant**	
369F	8,5 ha, 2,5 ha water	Paradyskloof Boerdery (Edms) Bpk	01/04/1991-31/03/2041
369P	60,5 ha, 25 ha water	KWV (Pty) Ltd	01/04/1991-31/03/2041
369T	1,2 ha, no water	Paradyskloof Tennis Club	21/06/1999-20/06/2041
369U	0,31 ha, 0,1 ha water	Paradyskloof Boerdery (Edms) Bpk	01/04/1991-31/03/2041
369V	2,84 ha , 0,9 ha water	Paradyskloof Boerdery (Edms) Bpk	01/04/1991-31/03/2041
369W	38,1 ha, 11,4 ha water	Paradyskloof Boerdery (Edms) Bpk	01/04/1991-31/03/2041
377A	9,42 ha, no water	**Vacant**	
377B	16,27 ha, no water	Goedvertrouw (Kirsten)	01/04/2007-31/03/2032
377C	36 ha, 10 ha water (Originally 39,4ha see erf 9190)	J.P Roux & Son	01/09/1999-31/03/2041
Lease Area 2 of over Rem Erf 9190 (Originally part of 377 C)	3,4 ha, no water	J.P Roux & Son	01/09/1999-31/03/2041
Lease area 1	16,2241 ha, 12 ha water	Blaauwklippen Agricultural	01/09/1999-31/03/2041

over Rem Farm 377 (Originally part of 377F)		Estate	
Portion 13 of 491/1	11,36 ha, 5 ha water	Spier Holdings (Pty) Ltd (Newshelf 31 (Pty) Ltd	01/04/1999-31/03/2041
502AA	11,1 ha, 6 ha water	Spier Holdings (Pty) Ltd (Newshelf 31 (Pty) Ltd	01/04/1999-31/03/2041
502AB	17,5 ha, 9 ha water	Spier Holdings (Pty) Ltd (Newshelf 31 (Pty) Ltd	01/04/1999-31/03/2041
502AC	3,5 ha, 1 ha water	Roulou Boerdery Trust	01/04/1999-31/03/2041
502AD	8 ha, 3 ha water	Roulou Boerdery Trust	01/04/1999-31/03/2041
502AE	27,4 ha, 8 ha water	Roulou Boerdery Trust	01/04/1999-31/03/2041
502AF	14,1 ha, 4 ha water	Roulou Boerdery Trust	01/04/1999-31/03/2041
502AG	13,3 ha, 4 ha water	Roulou Boerdery Trust	01/04/1999-31/03/2041
502AH	7,2 ha, 2 ha water	Roulou Boerdery Trust	01/04/1999-31/03/2041
502AJ	10,7 ha, 3 ha water	Roulou Boerdery Trust	01/04/1999-31/03/2041
502AK	22,5 ha, 8 ha water	Poker Hill Vineyards (Pty) Ltd	01/04/1999-31/03/2041
502AL	13,5 ha, 4 ha water	Poker Hill Vineyards (Pty) Ltd	01/04/1999-31/03/2041
502AM	8,56 ha, 3 ha water	**Vacant**	
502AN	28,5 ha, 9 ha water	Paul Roos Boerdery (Edms) Bpk	
502AP	7 ha, 2 ha water	**Vacant**	
502AQ	8 ha, 3 ha water	Paul Roos Boerdery (Edms) Bpk	
502AR	4 ha, 1 ha water	Paul Roos Boerdery (Edms) Bpk	
502AS	26,5 ha, no water	H. W Gebers	
502AU	8,9ha, no water	**Vacant**	
205AW	6 ha, no water	**Vacant**	
502AX	6,96 ha, 2,3 ha water	R Myburgh Boerdery	01/04/1991- 31/03/2041
502AY	4,28 ha, 1,3 ha water	H.C Myburgh Boerdery	01/04/1991- 31/03/2041
502BB	18,84 ha, 6 ha water	Roulou Boerdery Trust	01/04/1991- 31/03/2041
502BC	8,5 ha, 2,5 ha water	H.C Myburgh Boerdery	01/04/1991- 31/03/2041
502BD	8,5 ha, 3 ha water	Roulou Boerdery Trust	01/04/1991- 31/03/2041
502BE	11 ha, 4 ha water	Roulou Boerdery Trust	01/04/1991- 31/03/2041
502BFN	15,5 ha, 6 ha water	**Vacant**	
502BH	65,5 ha, 26 ha water	Organic Small Farm Holding Trust	01/04/1991- 31/03/2041
505BJ	5,9 ha, 3 ha water	Limberlost Berry Farm	01/04/1991- 31/03/2041
502BK	72 ha, 22 ha water	Roulou Boerdery Trust	01/04/1991- 31/03/2041
502BL	12 ha, 4 ha water	Medi-Prop cc	01/04/1991- 31/03/2041
502BM	5,35 ha, 1 ha water	**Vacant**	
502E	15,5 ha, 5,2 ha water	Gielie Hanekom Trust	01/04/1991- 31/03/2041
502L	28,2 ha, 2 ha water	Stellenbosch Vliegveld Maatskappy	01/04/1991- 31/03/2021
502M	5,1 ha, 3 ha water	Higgs Trust (Pty) Ltd	01/04/2002- 31/03/2041
502N	4,2 ha, 1,5 ha water	Stellenbosch District Riding Club	01/04/1991- 31/03/2021
502R	28, 8 Ha, 8 ha water	Roulou Boerdery Trust	01/04/1991- 31/03/2041
502S	23,6 ha, 7,9 ha water	Gielie Hanekom Trust	01/04/1991- 31/03/2041
502T	11,3 ha, 3,8 ha water	Gielie Hanekom Trust	01/04/1991- 31/03/2041
502V	21,6 ha, 8 ha water	**Vacant**	
502W	9 ha, 3 ha water	Gielie Hanekom Trust	01/04/1991- 31/03/2041
502X	7,8 ha, 2 ha water .6855ha – sub-leased	Die Groothoek Trust Sub-lease of 6855 ha to Stellenbosch Restaurant CC	01/04/1991- 31/03/2041
527A	2 ha, 1ha water	G.JC Norval	
527E	14,78 ha, 7 ha water	Blaauwklippen Agricultural	01/09/1999-31/03/2041

		Estate	
527F	53,5 ha, 8 ha water	Redlex 421 (Edms) Bpk	01/04/1991- 31/03/2041
527J	28,3 ha, 9 ha water	Nietbegin Boerdery	01/04/1991- 31/03/2041
528A 529C	20,3 ha, 2 ha water	Mountain Breeze Caravan Park cc	01/04/1991- 31/03/2021
529A	51,7 ha, 25 ha water	P.G Du Toit Boerdery	01/04/1991- 31/03/2041
529B	17,4 ha, 9 ha water	Redlex 421 (Edms) Bpk	01/04/1991- 31/03/2041
619/1	26 ha c/water	**Vacant**	
1024/1 Franschoek	43,7 ha, no water	Franschoek Trust	11/08/2012
1135/1	127,2 ha, no water	Theewater Bevaria	20/06/2032
Lease area 1 over Rem Erf 9190 (Originally 377F)	6,418 ha, no water	Blaauwklippen Agricultural Estate	01/09/1999-31/03/2041
Total leased	1 416.79ha		
Total vacant	286.34 ha		
Total	**1703.13 ha**		

6.2 Current vacant land

Property Description	Size	Total	Water
29(26)	40 ha No water	40	
165/1A	10.5 ha No water	10.5	
165/1B	0.14 ha No water	0.14	
279BN	25.3 ha No water	25.3	
368/2	20ha	20	
369/C	3.5 ha No water	3.5	
377A	9.42 ha No water	9.42	
502AM	8.56 ha 3 ha water	8.56	3
502AP	7 ha 2 ha water	7	2
502AU	8.9 ha No water	8.9	
502AW	6 ha No water	6	
502BFN	15.5 ha 6 ha c/water	15.5	6
502BM	5.35 ha 1 ha water	5.35	1
502V	21.6 8 ha water	21.6	8
619/1	26 ha c/water	26	
Total		**207.77 Ha**	**20 Ha**

6.3 Stellenbosch municipal land under Empowerment projects

Farm Number	Size (approximate)	Owner	Water available
377c	36 Ha	Eerste Oorkant Boerdery	10 ha water
2/9190	3.4 Ha	Eerste Oorkant Boerdery	No water
502 AX	TBC	TBC	TBC
502AY	TBC	TBC	TBC
502BC	TBC	TBC	TBC
502BH	65 Ha	Organic Small Farm Holding Trust	26ha water
502BL	12 Ha	Medi Prop	4ha water
502M	5.1 Ha (60%)	Higgs Trust (Pty) Ltd J de Munk	3 ha water
527F	53.5 Ha (51%)	Redlex 421 (Edms) Bpk	8ha water
529B	17.4 Ha (51%)	Redlex 421 (Edms) Bpk	9ha water
Total	**212.16 Ha**		

11.9	YOUTH, SPORTS AND CULTURE: (PC: CLLR J FASSER)

NONE

11.10	MUNICIPAL MANAGER

11.10.1	JOINT STATEMENT BY ALL POLICITAL PARTIES REPRESENTED IN THE COUNCIL OF THE STELLENBOSCH MUNICIPALITY

Collaborator No:
IDP KPA Ref No: **Valley of Opportunity**
Meeting Date: **21 July 2021 and 28 July 2021**

1. SUBJECT: JOINT STATEMENT BY ALL POLICITAL PARTIES REPRESENTED IN THE COUNCIL OF THE STELLENBOSCH MUNICIPALITY

2. PURPOSE

To present to all political parties represented in Council to endorse a joint statement on possible unrest and to request calmness and stability.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Mr Ivan Meyer, Minister of the Western Cape Provincial Agriculture, at an Extended Cabinet Meeting requested that the speaker with the relevant party leader represented in Council issue a joint statement on possible unrest and to request calmness and stability. Attached statement for endorsement.

5. RECOMMENDATION

that Council endorses the attached joint statement.

6. DISCUSSION / CONTENT

6.1 Background

Given the unrest in South Africa, in particular Kwa-Zulu Natal and Gauteng, that was triggered by the incarceration of the former President, Jacob Zuma, the Minister of the Western Cape Agriculture has call upon all the Speakers in collaboration with the relevant party leaders to represent to Council a joint statement on possible unrest to bring about calmness and stability.

Council to take note of the following statement:

- The incidents of looting, violence and attack on properties in especially KZN and Gauteng;
- The theft, the violence and scenes of criminality have on the constitutional democracy and the rule of law in South Africa.
- That South Africa is currently at lockdown Level 4, during Wave 3 of the Covid-19.
- The safety of people and property is a constitutional responsibility of the State.

Therefore, the following political parties represented in the Council of Stellenbosch Municipality:

- Call for peace and stability within the WC024 jurisdiction.
- Appreciate the work of the Stellenbosch Safety Initiative partners, comprising of the law enforcement agencies, neighbourhood watches, private security industry, community safety officers, farm watches in maintaining law and order.
- Will work with all communities as elected councillors and public representatives to maintain law and order and provide the necessary leadership to create calmness in our communities.
- Appeal to our residents across our Municipality to refrain from circulating fake news and unverified news. Spreading of fake news is a punishable offence and should be stopped at all costs.
- Work towards protecting our people as well as private, public and municipal property and
- Call on all our interfaith leaders within Stellenbosch Municipality to lead us in prayer for peace and stability in our nation, Province and Municipality.

Signed and supported by:-

All leaders represented in the Council

Democratic Alliance

African National Congress

Economic Freedom Fighters

Democratic New Civic Association

People Democratic Movement

African Christian Democratic Party

Speaker

Executive Mayor

6.2 Financial Implications

None

6.3 Staff Implications

There are no staff implications, should the recommendations be considered.

6.4 Previous / Relevant Council Resolutions

None

6.5 Risk Implications

None

6.6 Comments from Senior Management

The item was not distributed for Senior Managers to comment.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2021-07-21: ITEM 7.10.1

that Council endorses the attached Joint Statement.

ANNEXURES

APPENDIX 1: JOINT STATEMENT BY ALL POLITICAL PARTIES IN THE COUNCIL OF STELLENBOSCH MUNICIPALITY

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	**Municipal Manger**
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021-8088025
E-MAIL ADDRESS	municipal.manager@stellenbosch.gov.za
REPORT DATE	2021-07-19

APPENDIX 1

JOINT STATEMENT BY ALL POLITICAL PARTIES REPRESENTED IN THE COUNCIL OF THE STELLENBOSCH MUNICIPALITY

Noting

- The current incidents of looting, violence and attack on properties in especially KZN and Gauteng;
- The theft, the violence and scenes of criminality have on the constitutional democracy and the rule of law in South Africa.
- That South Africa is currently at lockdown Level 4, during Wave 3 of the Covid-19.
- The safety of people and property is a constitutional responsibility of the State.

Therefore, the following political parties represented in the Council of Stellenbosch Municipality:

- Call for peace and stability within the WC024 jurisdiction.
- Appreciate the work of the Stellenbosch Safety Initiative, law enforcement agencies, neighbourhood watches, private security industry, community safety officers, farm watches in maintaining law and order.
- Will work with all communities as elected councillors and public representatives to maintain law and order and provide the necessary leadership to create calmness in our communities.
- Appeal to our residents across our Municipality to refrain from circulating fake news and unverified news. Spreading of fake news is a punishable offence and should be stopped at all costs.
- Work towards protecting our people as well as private, public and municipal property and
- Call on all our interfaith leaders within Stellenbosch Municipality to lead us in prayer for peace and stability in our nation, Province and Municipality.

Signed and supported by:-

All leaders represented in the Council

Democratic Alliance _____

African National Congress _____

Economic Freedom Fighters _____

Democratic New Civic Association _____

People Democratic Movement _____

Afrcian Christian Democratic Party _____

Speaker _____

Executive Mayor _____

12.	**CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER**

12.1	**MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]**

12.1.1	**CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 2019/2020 FINANCIAL YEAR**

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **29 June 2021 and 28 July 2021**

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 2019/2020 FINANCIAL YEAR

2. PURPOSE OF REPORT

To provide information regarding the irregular expenditure incurred in the 2019/2020 financial year and, to be recommended to and considered by Council to certify the expenditure as irrecoverable and to be written off by Council in terms of Section 32 of the MFMA.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Section 32(2)(b) of the Municipal Finance Management, 2003 (Act 56 of 2003) (MFMA) require a municipality to recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure, in the case of irregular or fruitless and wasteful expenditure, is, after investigation by a council committee, certified by the council as irrecoverable and written off by the council.

Expenditure was identified in the 2019/2020 financial year by the Auditor-General which was non–compliant with Council approved policies and the Municipal Financial Management Act. All known instances of non-compliance with legislation, which the Municipality is aware of and whose effects should be considered have been recorded.

5. RECOMMENDATION

FOR CONSIDERATION

6. DISCUSSION

Background

Expenditure was identified in the 2019/2020 financial year by the Auditor-General which was non–compliant with Council approved policies and the Municipal Financial Management Act. All known instances of non-compliance with legislation, which the Municipality is aware of and whose effects should be considered have been recorded.

The table below depicts the matters that were raised by the Auditor-General during their audit of the Municipality, and as a corrective measure, the administration is requesting Council to write off these irregular expenditure with the explanations and recommendation given.

No	Irregular Expenditure	Amounts	Comments:
1	BSM 09/18 RE A LETAMISA TRADING AND PROJECTS (PTY) LTD	R1 090 074	Negative commitments have identified where the total contract amount has been overspent for the items listed in the commitments register. The overspending is due to various reasons including, change in the VAT percentage from 14% to 15%, as well as retention payments.
2	BSM 05/15 CSV CONSTRUCTION (PTY) LTD	R206 348	
3	BSM 79/18 MASIQHAME TRADING 1555CC	R71 294	
4	BSM 67/17 TUBOSEAL	R39 381	
5	BSM 83/17 UMZALI CIVILS (PTY) LTD	R23 636	
6	BSM 100/18	R 2 124 854	These items did serve before MPAC and was certified as irrecoverable and written-off by the municipal council, but council only considered the expenditure that was incurred up to that specific point. This return item is to consider the expenditure that was incurred subsequent to council's resolution. **Background** AGSA assessed that for the approval of these tenders the BAC was not constituted in terms Municipal Supply Chain Management Regulations as it was not constituted by four senior managers. AGSA also inspected the council approval of the acting arrangements and noted that the arrangements approved by the council meeting on the 30 January 2019 stipulates specific individuals to act for specific positions. The staff members that was at part of the BAC are not amongst these names to act as senior managers. If the BAC was correctly constituted as required by the MSCMR, the award would've still be made to the same service providers.
7	BSM 13/19	R 370 875	

8	BSM 53/19 Innovo Networks	R444 914	This item did serve before MPAC and was certified as irrecoverable and written-off by the municipal council, but council only considered the expenditure that was incurred up to that specific point. This return item is to consider the expenditure that was incurred subsequent to council's resolution. **Background** The AGSA have identified that the bid specifications were drafted in a manner that is not fair, equitable, transparent and competitive as it was found that the specifications made reference to a specific brand/model. In line with our approved 'Technology Roadmap and Standardization for Microwave and Radio Networks', the 'SAIE' brand has been used for the network back-haul infrastructure for the past 5 (five) years. Deviating from this standard will definitely pose a compatibility risk to the Municipality's key services currently running on this infrastructure. This includes services such as our internet, email, voicemail, etc.

7. FINANCIAL IMPLICATIONS

Financial implications relating to irregular expenditure that incurred during 2019/2020.

8. LEGAL IMPLICATIONS

Supply Chain Management Regulations

Municipal Management Finance Act

9. RISK IMPLICATIONS

Reporting irregular expenditure timeously.

10. MUNICIPAL MANAGER'S COMMENT

The Municipality received the services and got value for money. Supply Chain breaches were not intentional, and measures were put in place to avoid re-occurrence. Overspend was largely because of changes in VAT from 14% to 15%, which in some cases resulted in an overspend.

MPAC MEETING: 2021-06-29: ITEM 5.1

MPAC took note of the circumstances and facts as provided in the report, and MPAC is satisfied to recommend that the expenditure be written off as irrecoverable.

RECOMMENDATIONS FROM MPAC TO COUNCIL: 2021-06-29: ITEM 5.1

(a) that Council takes note of the circumstances as provided in the report;

(b) that Council certifies the irregular expenditure to the amount of R 4 371 376.00 (including VAT) as irrecoverable; and

(c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32.

FOR FURTHER DETAILS CONTACT:

NAME	Monique Steyl
POSITION	**Acting Chief Financial Officer**
DIRECTORATE	**Financial Services**
CONTACT NUMBERS	**021 808 8528**
E-MAIL ADDRESS	Monique.Steyl@stellenbosch.gov.za
REPORT DATE	**21 June 2021**

12.1.2	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO LOCAL PRODUCTION AND CONTENT

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **29 June 2021 and July 2021**

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO LOCAL PRODUCTION AND CONTENT

2. PURPOSE OF REPORT

To provide information regarding the irregular expenditure incurred relating to local production and content and, to be recommended and considered by Council to certify the expenditure as irrecoverable and to be written off by Council as per the Stellenbosch Municipal Supply Chain Management Policy (2020/2021) embodied from the principles as specified in the Preferential Procurement Regulations of 2017.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Preferential Procurement Regulations (PPR) 2017, PPR 8(2), requires that, an organ of the state must, in case of a designated sector, advertise the invitation to tender with a specific condition that only locally produced or locally manufactured goods, meeting the stipulated minimum threshold for local production and content, will be considered.

The Auditor-General, in its findings during the 2017/2018 financial year, identified that the Municipality did not include a specific condition that local production and content is applicable when inviting bidders to tender (advertisement). Furthermore the Municipality also did not include the local production and content in the bid documents (MBD 6.2) and the suppliers declared accordingly. The Auditor-General concluded that the tender award does not comply with Preferential Procurement Regulations 2017.

However, the Municipality disagrees with the findings of the Auditor-General, as the PPFA Regulations of 2017 does not stipulate in brackets (advertisement) as alluded in the findings. In order to advertise, the invitation to tender places emphasis on the tender document that need to include the minimum thresholds (MBD6.2) that are advertised as a complete document and from which potential bidders submit bid offers.

Irregular expenditure is defined in the Municipal Finance Management Act (Act 56 of 2003) as expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the supply chain management policy of the municipality or entity or any of the municipality's by-laws giving effect to such policy, and which has not been condoned in terms of such policy or by-law. Furthermore expenditure incurred means the amounts that were expensed or work done; therefore the MPAC and municipal council can only considered amounts already expensed.

This item did serve before MPAC and was certified as irrecoverable and written-off by the municipal council, but council only considered the expenditure that was incurred up to that specific point. This return item is to consider the expenditure that was incurred subsequent to council's resolution.

5. RECOMMENDATION

For consideration

6. DISCUSSION

Background

The Auditor-General, in its findings during the 2017/2018 financial year, identified that the Municipality did not include a specific condition that local production and content is applicable when inviting bidders to tender (advertisement). Furthermore the Municipality also did not include the local production and content in the bid documents (MBD 6.2) and the suppliers declared accordingly. The Auditor-General concluded that the tender award does not comply with Preferential Procurement Regulations 2017.

However, the Municipality disagrees with the findings of the Auditor-General, as the PPFA Regulations of 2017 does not stipulate in brackets (advertisement) as alluded in the findings. In order to advertise, the invitation to tender places emphasis on the tender document that need to include the minimum thresholds (MBD6.2) that are advertised as a complete document and from which potential bidders submit bid offers.

The Municipality seeks to encourage socio-economic transformation within the area of Stellenbosch. To achieve this, empowerment goals have been set, which aim to redress the skewed distribution of wealth and therefore contribute to the alleviation of poverty. The Municipality encourages increased usage of local resources, stimulation of skills development and transfer, fast tracking the growth and ensures sustainability of SMME's.

It is further imperative to note that the SCM regulations under public invitation of competitive bids specifically refer to the fact that:

A supply chain management policy must determine tile procedure for the invitation of competitive bids, and must stipulate –

"that any invitation to prospective providers to submit bids must be by means of a public advertisement in newspapers commonly circulating locally, the website of the municipality or municipal entity or any other appropriate ways (which may include an advertisement in the Government Tender Bulleting)".

Confirmation was presented by National Treasury in this regard. No financial loss incurred or any misuse or loss of a public resource or no substantial harms to the public sector or general public resulted due to this omission. Management has followed due processes to ensure that tenders complied with the requirements of the regulations relating to local production and content.

The Municipality has strengthened its internal controls tremendously. The advertisement has been amended to include the full conditions of local content. We have also implemented a control to send the specification/BOQ to the DTI to confirm if local content is applicable to a certain tender if we as a Municipality are unsure / divided. The DTI then confirms if local content should be applied or not. The BSC (who consists of the Directors) reviews the document and verify the local content in the document as well as DTI confirmation where applicable. We are confident that sufficient controls are in place but constantly strive to improve and streamline the process.

The table below depicts the matter raised by the Auditor-General during audit and as a corrective measure; the administration is requesting Council to write off these irregular expenditure with the explanations and recommendation given.

Tender No.	Description	Supplier Name	Total Award	Expenditure
B/SM 095 17	Construction of the Plankenburg main outfall sewer and associated works phase 2 & 3.	CSV Construction-Wezan JV.	R 81 107 827.27 (excl VAT)	R 2 375 217.29 (excl VAT)
B/SM 95 17	Expansion of contract exceeds 20%			R 993 967.14 (excl VAT)

BSM 95/17 (Plankenburg main outfall sewer) – This tender entails the excavation of trenches up to 5 meters deep and the installation of larger diameter sewer pipes. From inspecting the Bill of Quantities it follows that items that was perceived to relate to local content items like cables actually refer to ancillary payment items for construction work close to existing services (like cables). Reference to project specifications was done to confirm this. If there are items of local content nature it would be negligible in comparison to the R77 million award. It would for instance not be a factor for any contractor not to submit a tender. Several bids were indeed received.

Irregular expenditure is defined in the Municipal Finance Management Act (Act 56 of 2003) as expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the supply chain management policy of the municipality or entity or any of the municipality's by-laws giving effect to such policy, and which has not been condoned in terms of such policy or by-law. Furthermore expenditure incurred means the amounts that were expensed or work done, therefore the MPAC and municipal council can only considered amounts already expensed.

This item did serve before MPAC and was certified as irrecoverable and written-off by the municipal council, but council only considered the expenditure that was incurred up to that specific point. The total amount previously reported was R74 256 972.29 (excl VAT). This return item is to consider the expenditure that was incurred subsequent to council's resolution.

7. CONSIDERATION OF ADDITIONAL EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY CSV CONSTRUCTION DURING COVID-19 PANDEMIC ON TENDER NO B/SM 95/17: CONSTRUCTION OF THE PLANKENBRUG MAIN OUTFALL SEWER AND ASSOCIATED WORKS – PHASE 2 & 3

On 7 September 2017 CSV Construction (Pty) Ltd and Wezan Building & Civil Construction CC Joint Venture (CSV-W) was appointed by Stellenbosch Municipality (SM) as the Principal Contractor through the signing of the Form of Offer and Acceptance for Contract No B/SM 95/17: *Construction of the Plankenburg Main Outfall Sewer and Associated Works – Phase 2&3* (the Contract).

The conditions of contract are the General Conditions of Contract for Construction Works (3rd Edition, 2015) (GCC) as issued by the South African Institution of Civil Engineers (SAICE).

The Contract Sum was R 81,107,827.27 (including Contingencies and allowance for Contract Price Adjustment, but excluding VAT) based on the following:

The Contract Commencement date was 13 September 2017 and the Contract due Completion Date was 29 May 2020. COVID-19 Legislative History and Government Regulations influenced the duration and subsequent value of the contract.

The significant lockdown dates influencing the contract duration and subsequent contract value, were:

Lockdown Level 5: 27 March 2020 to 30 April 2020
Lockdown Level 4: 1 May 2020 to 31 May 2020

Contractor Movements

In line with the above Government Regulations the Contractor demobilised from site on 26 March 2020. On 30 April 2020 Site Instruction SI-E056 was given to the Contractor by Employer's Agent to recommence work on 4 May 2020 in terms of 1.1.f above. The Contractor was also instructed to adopt and adhere to the regulations as given in 1.1.e above (i.e. revised Health and Safety Plan). With 1 May 2020 being a public holiday and 2 and 3 May 2020 weekend days, construction activities resumed on Monday 4 May 2020.

Before the Contractor was allowed to recommence construction, the Health and Safety Plan had to be updated and the additional measures implemented on site. By 7 May 2020 the revised Health and Safety Plan was approved.

The Contractor remobilised to site from 5 May 2020, which included his site office, stores and equipment. During this week the Contractor also procured materials necessary to adhere to the revised Health & Safety Plan, as well as setting up of additional Covid-19 facilities as required by the Health and Safety Plan.

During a formal meeting held between the Employer, Employer's Agent and Contractor, the Employer agreed that the claim must be assessed strictly in accordance with GCC. In evaluating this claim 18 & 19 the Employer's Agent consulted the SAICE document "*Dealing with the effects of COVID-19 in the ambit of the SAICE Suite of GCC Contracts*", which was specifically compiled and distributed by the publishers of GCC to provide clarity on the intention of GCC in dealing with the COVID-19 situation. This document clearly demonstrated that, subject to the Contractor's compliance with GCC in terms of submitting a claim, a Contractor will be entitled to claim for the COVID-19 delay event in terms of GCC.

The Contractor was not able to perform construction activities from 27 March 2020 to 30 April 2020 (both dates inclusive) due to the Lockdown Level 5 event. This resulted in the loss of **28 working days**. The Contractor spent the week from 4 May 2020 to 9 May 2020 preparing site for reopening, amidst the new Health and Safety Plan and COVID-19 regulations to be adhered to.

Considering that Lockdown Level 4 commenced on 1 May 2020, Claim No 19 needed to account for all working days lost from 1 May 2020. In this instance the number of working days lost between 1 May 2020 and 9 May 2020 amounts to **7 working days**.

7.1 Discussion

Based on the above the Employer's Agent ruled in terms of Clause 10.1.5 of the GCC that the Contractor was entitled to compensation

On 7 September 2017 CSV Construction (Pty) Ltd and Wezan Building & Civil Construction CC Joint Venture (CSV-W) was appointed by Stellenbosch Municipality (SM) as the Principal Contractor through the signing of the Form of Offer and Acceptance for Contract No B/SM 95/17: *Construction of the Plankenburg Main Outfall Sewer and Associated Works – Phase 2&3* (the Contract).

The conditions of contract are the General Conditions of Contract for Construction Works (3rd Edition, 2015) (GCC) as issued by the South African Institution of Civil Engineers (SAICE).

The Contract Sum was R 81,107,827.27 (including Contingencies and allowance for Contract Price Adjustment, but excluding VAT) based on the following:

- R 67,589,856.06 original Contract Sum as tendered by the Contractor;
- R 3,379,492.80 increase (5%) in the Contract Sum in April 2018 by the Employer for the execution of additional work: The micro-tunnelling underneath Adam Tas Road, with associated works.
- R 10,138,478.41 increase (15%) in the Contract Sum in October 2019 by the Employer for the execution of additional work: R304 sewer pipeline and manholes, stormwater structure repairs, and associated works.

The Contract Commencement date was 13 September 2017 and the Contract due Completion Date was 29 May 2020.

The following COVID-19 Legislative History and Government Regulations influenced the duration and subsequent value of the contract as depicted below:

a) Government Gazette 43096 of 15 March 2020:
Classification of the Covid-19 pandemic as a National Disaster

b) Government Gazette 43107 of 18 March 2020:
Regulations applicable to the National State of Disaster

c) Government Gazette 43148 of 25 March 2020:
Amendments to the Regulations made through Government Gazette 43107. Declaration of Lockdown Level 5 from 23h59 on 26 March 2020 to 23h59 on 16 April 2020 during which movement was restricted to those providing essential services only. Construction work was excluded from the list of essential services listed in the gazette.

d) Government Gazette 43232 of 16 April 2020:
Amendments to the Regulations made through Government Gazette 43107. The Lockdown Level 5 period was extended until 23h59 on 30 April 2020.

e) Government Gazette 43257 of 29 April 2020:
Covid-19 Occupational Health and Safety Measures in workplaces. This regulation stipulated the required measures that had to be taken by employers in order to project the health and safety of workers, applicable to all employees returning to work under the National State of Disaster. In terms of the construction works, it meant that the Health & Safety Plan would need to be revised to take into consideration the additional health and safety measures, before construction activities would be allowed to recommence.

f) Government Gazette 43258 of 29 April 2020:
The regulations stipulated measures applicable to Lockdown Level 4 which started on 00h00 on 1 May 2020. Construction work was included in the list of services that were allowed to operate under Lockdown Level 4.
The significant lockdown dates influencing the contract duration and subsequent contract value were:

Lockdown Level 5: 27 March 2020 to 30 April 2020
Lockdown Level 4: 1 May 2020 to 31 May 2020

7.2 Contractor Movements

In line with the above Government Regulations the Contractor demobilised from site on 26 March 2020. On 30 April 2020 Site Instruction SI-E056 was given to the Contractor by Employer's Agent to recommence work on 4 May 2020 in terms of 1.1.f above. The Contractor was also instructed to adopt and adhere to the regulations as given in 1.1.e above (i.e. revised Health and Safety Plan). With 1 May 2020 being a public holiday and 2 and 3 May 2020 weekend days, construction activities resumed on Monday 4 May 2020.

Before the Contractor was allowed to recommence construction, the Health and Safety Plan had to be updated and the additional measures implemented on site. By 7 May 2020 the revised Health and Safety Plan was approved.

The Contractor remobilised to site from 5 May 2020, which included his site office, stores and equipment. During this week the Contractor also procured materials necessary to adhere to the revised Health & Safety Plan, as well as setting up of additional Covid-19 facilities as required by the Health and Safety Plan.

7.3 Claim numbers 18 & 19 due to COVID-19

During a formal meeting held between the Employer, Employer's Agent and Contractor, the Employer agreed that the claim must be assessed strictly in accordance with GCC. In evaluating this claim, the Employer's Agent consulted the SAICE document "*Dealing with the effects of COVID-19 in the ambit of the SAICE Suite of GCC Contracts*", which was specifically compiled and distributed by the publishers of GCC to provide clarity on the intention of GCC in dealing with the COVID-19 situation. This document clearly demonstrates that, subject to the Contractor's compliance with GCC in terms of submitting a claim, a Contractor will be entitled to claim for the COVID-19 delay event in terms of GCC.

In terms of Clause 10.1.1.1 a claim must be delivered to the Employer's Agent within 28 days after the circumstance, event, act or omission giving rise to the claim has arisen or occurred. Reference must be made to Clause 10.1 and the provisions of the Contract on which the Contractor relies in making the claim. The particulars of all circumstances giving rise to the claim must be set out such as the length of extension of time, the basis of calculation thereof and the amount claimed.

The Contractor argued that in terms of GCC Clause 4.3.1, he had to comply with the Government regulations as listed. For the duration of Lockdown Level 5, the Contractor stopped work activities on site. The Contractor has the right to claim for time delays, damages and additional costs through GCC Clauses 10.1.1 and 5.12 (5.12.2.1, 5.12.2.4, 5.12.3). The changes in legislation proclaimed by the Government caused delays to the Contract and had additional costs that could not be anticipated by the Contractor at tender stage.

The Contractor calculated the direct costs associated with the delay event for labour and for equipment including the Extension of Time for Practical Completion.

The Contractor was not able to perform construction activities from 27 March 2020 to 30 April 2020 (both dates inclusive) due to the Lockdown Level 5 event. This resulted in the loss of **28 working days**. The Contractor spent the week from 4 May 2020 to 9 May 2020 preparing site for reopening, amidst the new Health and Safety Plan and COVID-19 regulations to be adhered to.

Considering that Lockdown Level 4 commenced on 1 May 2020, Claim No 19 needed to account for all working days lost from 1 May 2020. In this instance the number of working days lost between 1 May 2020 and 9 May 2020 amounts to **7 working days**.

Based on the above the Employer's Agent ruled in terms of Clause 10.1.5 of the GCC that the Contractor was entitled to:

1. Claim 18:
   a) Total amount (excluding VAT): R 777 051.96
2. Claim 19:
   a) Total amount (excluding VAT): R 181 509.02
3. Variation Order 41:
   a) Total amount (excluding VAT): R 35 406.16

Total amount due to COVID 19 (excluding VAT): R 993 967.14

8. FINANCIAL IMPLICATIONS

Financial implications relating to irregular expenditure that incurred on the local production and content.

9. LEGAL IMPLICATIONS

Supply Chain Management Regulations
Preferential Procurement Regulations (PPR) 2017
Municipal Management Finance Act

10. RISK IMPLICATIONS

Reporting irregular expenditure timeously

11. MUNICIPAL MANAGER'S COMMENT

SCM processes around local production and content have been changed to provide for more stringent processes to prevent the re-occurrence. It should be noted that this tender was awarded at the beginning of 2017/18 and all revised processes have been implemented.

MPAC MEETING: 2021-06-29: ITEM 5.2

MPAC took note of the circumstances and facts as provided in the report, with particular reference to the fact that a multi-year tender with additional expenditure is involved. MPAC is satisfied to recommend that the additional expenditure be written off as irrecoverable.

RECOMMENDATIONS FROM MPAC TO COUNCIL: 2021-06-29: ITEM 5.2

(a) that Council takes note of the circumstances as provided in the report;

(b) that Council certifies the irregular expenditure to the amount of R3 369 184.43 (excluding VAT) as irrecoverable; and

(c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

FOR FURTHER DETAILS CONTACT:

NAME	Monique Steyl
POSITION	***Acting Chief Financial Officer***
DIRECTORATE	***Financial Services***
CONTACT NUMBERS	***021 808 8528***
E-MAIL ADDRESS	Monique.Steyl@stellenbosch.gov.za
REPORT DATE	***21 June 2021***

12.1.3	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE ADVERTISEMENT AND SUB-CONTRACTING REQUIREMENTS: BSM/30/19: THE UPGRADE AND EXTENTION OF THE PNIEL WASTEWATER TREATMENT WORKS

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **23 June 2021 and 28 July 2021**

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE ADVERTISEMENT AND SUB-CONTRACTING REQUIREMENTS: BSM/30/19: THE UPGRADE AND EXTENTION OF THE PNIEL WASTEWATER TREATMENT WORKS

2. PURPOSE OF REPORT

To provide information regarding the expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to ratify the expenditure in terms of the MFMA Section 32 (2). The expenditure with regard to the adjudication of BSM 30/19 for the Upgrade ad Extension of the Pniel Waste water Treatment works amounts to R 35 296 996,23 80 for the period since inception until 31 May 2021.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

BSM 30/19 was awarded to INENZO WATER (PTY) LTD on the 27th of September 2019 for the amount of R 63 909 796.00 and the actual expenditure as on 30 June 2020 amounted to R 9 135 130. Expenditure 2020/2021 Financial year up until 31 May 2021 was R 26 161 866, 15.

Important to note is that the Auditor – General in its final audit conclusion agreed that the municipality were not Materially Non Complaint and that the municipality must in future clearly state whether it is applying SCM Regulation 4 (Pre-qualification) or SCM Regulation 9 (Sub contracting) and that the irregular expenditure relating to the 19/20 financial year, is not considered to be material in aggregate, but that the municipality must disclose the irregular expenditure for 20/21 and going forward .

5. RECOMMENDATION

For MPAC consideration

6. DISCUSSION

The Municipality advertised tender BSM 30/19 with a requirement that a 30% minimum of the contract value will have to be sub-contracted as prescribed by the Preferential Procurement Policy Framework Act, 2000 and the Preferential Procurement Regulations of 2017.

The Auditor – General identified an inconsistency between the advert placed in the newspapers and the advert placed on the CIDB I-tender system in relation to the 30% sub-contracting condition. Important to note is the fact that all construction related projects are regulated in terms of the CIDB Act and its regulations. The Auditor-General then erred in its audit conclusion that the Municipality were non-compliant with SCM Regulation 4 (Pre-Qualification) of which the municipality have substantiated that we never have used Regulation 4.

All service providers who are registered on the CIDB will be allocated a CIDB grading after successful technical screening, vetting etc. by the CIDB. Only those service providers who are registered within a specific category is notified with and SMS by the CIDB whenever construction related opportunities is available. From the total of plus minus 111 service providers who are registered with the CIDB within the category 8ME, who responded to the SMS received by the CIDB, a significant number of 37 potential bidders were present at the Compulsory Site meeting.

The Auditor-General is of the opinion that whenever changes are considered at the compulsory site meetings then an advertisement should be placed again to allow all potential bidders again and opportunity to submit a Bid or tenders should be cancelled .Important to note is the fact that the CIDB in terms of clause C.3.2 Standard For Uniformity (STFU) in Engineering and Construction Works, August 2019 allows for the issuing of addenda as an acceptable practise.

The Municipal Manager are also allowed in terms of SCM Regulation 13 to apply its mind whether to cancel a tender or not, of which we were of the opinion that a significant total of 37 Bidders were at the Compulsory Site meeting and that it would be unfair towards them if the tender should be cancelled as suggested by the Auditor-General.

The issuing of addendums is a standard practise in all municipalities because it is extremely costly to every time cancel a tender as concluded by the Auditor- General. The issuing of addendums will be further discussed at the Western Cape SCM Governance Workgroup because municipalities will come to a standstill if a provision within the CIDB Act or any act, is interpreted without understanding the impact of such miss interpretation.

7. FINANCIAL IMPLICATIONS

U-KEY number 20180711006344 have been utilised and sufficient funds were available to accommodate the amount of R 9 135 130 (VAT inclusive) after the service was delivered.

8. LEGAL IMPLICATIONS

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

Preferential Procurement Regulations, 2017

Preferential Procurement Act, Act 2000

Implementation Guide issued by National Treasury for the PPPF Act and its regulations

Supply Chain Management Policy.

MFMA Section 32(2)

9. RISK IMPLICATIONS

All intent was in good faith, the breach could be attributed to the different interpretations pertaining to the provisions within the SCM Environment.

10. CONCLUSION

The Auditor- General concluding that it was not materially non-compliant and that in future the municipality need to amend its tender advertisements.

11. COMMENTS FROM THE MUNICIPAL MANAGER

Value for the additional expenditure incurred was received by the municipality. It should be noted that this was a multi-year tender. Administration successfully interacted with the A-G concerning the interpretation by National Treasury of the applicable regulation (SCM Reg. 9).

12. COMMENTS FROM SUPPLY CHAIN MANAGER

SCM will in future draft the tender advertisements to comply with the constitutional provisions of openness, fairness, cost effectiveness, competitiveness and equity.

MPAC MEETING: 2021-06-29: ITEM 5.3

MPAC took note of the circumstances and facts as provided in the report, particularly that value was received for the additional expenditure incurred. The clarity provided by the Municipal Manager in relation to the multi-year nature of the tender, as well as the Administration's successful interaction with the A-G concerning the interpretation by National Treasury of the applicable regulation (SCM Reg. 9), was noted. MPAC is satisfied to recommend that the expenditure be written off as irrecoverable.

RECOMMENDATIONS FROM MPAC TO COUNCIL: 2021-06-29: ITEM 5.3

(a) that Council takes note of the circumstances as provided in the report;

(b) that Council certifies the irregular expenditure to the amount of R9 135 130.00 (including VAT) to Inenzo Water (Pty) Ltd as irrecoverable; and

(c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2)

FOR FURTHER DETAILS CONTACT:

NAME	Monique Steyl
POSITION	***Acting Chief Financial Officer***
DIRECTORATE	***Financial Services***
CONTACT NUMBERS	***021 808 8528***
E-MAIL ADDRESS	Monique.steyl@stellenbosch.gov.za
REPORT DATE	***23 June 2021***

12.1.4	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 30% SUB-CONTRACTING REQUIREMENT NOT MET BY THE WINNING BIDDER BSM/29/19: THE UPGRADE AND EXTENSION OF THE PNIEL WASTEWATER TREATMENT WORKS: CIVIL WORKS

Collaborator No:
IDP KPA Ref No: Good Governance
Meeting Date: 23 June 2021 and 28 July 2021

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 30% SUB-CONTRACTING REQUIREMENT NOT MET BY THE WINNING BIDDER, BSM/29/19: THE UPGRADE AND EXTENSION OF THE PNIEL WASTEWATER TREATMENT WORKS: CIVIL WORKS

2. PURPOSE OF REPORT

To provide information regarding the expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to ratify the expenditure in terms of the MFMA Section 32 (2). The expenditure with regard to the adjudication of BSM 29/19 for the Upgrade ad Extension of the Pniel Waste Water Treatment Works amounts to 26 856 264,80 for the period since inception until 31 May 2021.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

BSM 29/19 was awarded to CSV MAZARIN JV on 16 August 2019 for R61 871 693.00 and the actual expenditure as on 30 June 2020 amounted to R5 983 335. Expenditure 2020/2021 Financial year up until 31 May 2021 was R20 872 929, 80.

The Auditor – General in its final audit conclusion agreed that the municipality were not Materially Non Complaint and that the municipality should in future clearly state whether it is applying SCM Regulation 4 (Pre-qualification) or SCM Regulation 9 (Sub-contracting) and that the irregular expenditure relating to the 19/20 financial year, is not considered to be material in aggregate, but that the municipality must disclose the irregular expenditure for 20/21 and going forward.

5. RECOMMENDATION

For MPAC consideration.

6. DISCUSSION

The Municipality advertised tender BSM 29/19 with a requirement that a 30% minimum of the contract value will have to be sub-contracted as prescribed by the Preferential Procurement Policy Framework Act, 2000 and the Preferential Procurement Regulations of 2017.

The Auditor – General identified that the municipality has determined that a pre-qualification criteria relating to sub-contracting of 30% to designated groups is applicable of which the municipality have disputed from the onset. The total amount of sub-contracting in the initial tender documents submitted by the service provider amounts to R 5350 000 which is approximately 8, 65 % of the tender value. It must be noted that the consulting engineer sought clarity from the service provider who indicated that 30% will be sub-contracted to designated groups and that the contract will be monitored by the consulting engineer. The Auditor- General opinion on this is that the bidder should have been disqualified and not evaluated further. The next responsive bidder should the municipality have disregarded the bid, tendered amount was R71 608 695.95 which would have been nearly 9 million more for the municipality.

The Auditor's conclusion after inspection of the sub-contracting documents as provided by the consulting engineer confirmed that indeed the 30% of the contract is met hence it is not regarded as a material noncompliance. The Auditor- General also recommended that the municipality should in future remove the words "MAY "in its tender advertisements and that the municipality must state in its advert whether SCM regulation 4 as a pre-qualification or SCM regulation 9 as a sub-contracting condition is applicable to the successful bidder.

7. FINANCIAL IMPLICATIONS

U-KEY number 20190703005311 have been utilised and sufficient funds were available to accommodate the amount of R 5 983 335.00 (VAT inclusive) after the service was delivered.

8. LEGAL IMPLICATIONS

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

Preferential Procurement Regulations, 2017
Preferential Procurement Act, Act 2000
Implementation Guide issued by National Treasury for the PPPF Act and its regulations
Supply Chain Management Policy.
MFMA Section 32(2)

9. RISK IMPLICATIONS

All intent was in good faith, the breach could be attributed to the different interpretations pertaining to the provisions within the SCM Environment.

10. CONCLUSION

The Auditor- General concluding that it was not materially non-compliant and that in future the municipality need to amend its tender advertisements.

11. COMMENTS FROM THE MUNICIPAL MANAGER

The Municipality at all times acted in terms of the purpose and intent of the Act in relation to 30% sub-contracting. It should be noted that on this contract the Municipality already achieved above 30% sub-contracting, but due to the technical interpretation of Section 9 relating to the advertisement, the expenditure was regarded as irregular.

12. COMMENTS FROM SUPPLY CHAIN MANAGER

SCM will in future draft the tender advertisements to comply with the constitutional provisions of openness, fairness, cost effectiveness, competitiveness and equity.

MPAC MEETING: 2021-06-29: ITEM 5.4

MPAC took note of the circumstances and facts as provided in the report, and MPAC is satisfied to recommend that the expenditure be written off in view of the fact that the Municipality received value for the additional expenditure incurred.

RECOMMENDATIONS FROM MPAC TO COUNCIL: 2021-06-29: ITEM 5.4

(a) that Council takes note of the circumstances as provided in the report;

(b) that Council certifies the irregular expenditure to the amount of R26 856 264.80 (including VAT) to CSV MAZARIN JV as irrecoverable; and

(c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

NAME	Monique Steyl
POSITION	***Acting Chief Financial Officer***
DIRECTORATE	***Financial Services***
CONTACT NUMBERS	***021 808 8528***
E-MAIL ADDRESS	Monique.steyl@stellenbosch.gov.za
REPORT DATE	***23 June 2021***

12.1.5	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY Water Solutions South Africa Pty Ltd (Proxa Water) IN ORDER TO PROVIDE EMERGENCY WATER

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **29 June 2021 and 28 July 2021**

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY WATER SOLUTIONS SOUTH AFRICA PTY LTD (PROXA WATER) IN ORDER TO PROVIDE EMERGENCY WATER

2. PURPOSE OF REPORT

To provide information regarding the expenditure incurred for investigation by MPAC and to make a decision.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Stellenbosch Municipality was given notice on the 30th November 2020 by the City of Cape Town, Bulk Water Division that due to critical maintenance work at its Wemmershoek Water Treatment plant supply to the Dwarsrivier area will be switch-off from 00:30 on 3rd December 2020 until 24:00 pm on Friday 4th. On the 1st December 2020 the switch gear in the Motor Control Centre of the Kylemore pump station failed. The result was that the water network could not pump water from the said pump station to fill the reservoirs within the Dwarsrivier area.

The different options available to the Water Services Department was to ensure available potable water supply to the Dwarsrivier area through carting of water by means of water tankers and commissioning of the Kylemore borehole and containerized water treatment plant that was installed via the Stellenbosch Municipality Drought Implementation Plan DSM 15/18.

In terms of the Water Services Act, the responsibility for ensuring access to water services lies with water services authorities (municipalities). It is the responsibility of water services authorities (through water services providers) to ensure access to both water supply services and sanitation services.

As result of this irregular expenditure the Department have introduce by means of formal discussions the Standard Operating Procedures (SOPs) to follow before any work will commence.

5. RECOMMENDATION

For MPAC consideration

6. DISCUSSION

The Dwarsrivier areas, Kylemore, Johannesdal, Pniel and Lynedoch receive their water supply from the City of Cape Town Water Supply Scheme. Notice was given on the 30th November 2020, by the City of Cape Town, Bulk Water Division, that due to critical maintenance work at its Wemmershoek Water Treatment plant, supply to the Dwarsrivier area will be interrupted from 00:30 on 3rd December 2020 until 24:00 pm on Friday 4th.

On the 1st December 2020 the switch gear in the Motor Control Centre of the Kylemore pump station failed. The result was that the water network could not pump water from the said pump station to fill the reservoirs within the Dwarsrivier area. Monitoring of reservoir levels was further hampered due to subsequent failure of the telemetry system.

When the City of Cape Town shutdown the Wemmershoek supply on Thursday 3rd December the reservoir levels was very low (see attached notification). In order to minimise the impact of water shortages within the area, Water Operations issued a notice to the broader community of the Dwarsrivier area to use water sparingly while the municipality was making use of water tankers to service those areas that have been affected. It was then realised that due to the limited number of available tankers and the already low levels of reservoir, it was foreseen that the area will run out of water before the City of Cape Town would be able to recommission the Wemmershoek plant.

After discussions a decision was made to commission the Kylemore borehole with the adjacent containerised water treatment plant, that was implemented as part the Stellenbosch Municipality drought relieve project. As all of different containerised water treatment plants were designed and installed by different service providers as per DSM 15/18, it was therefore necessary to call on Water Solutions South Africa Pty Ltd (Proxa Water) who installed the Kylemore containerised water treatment unit to commission the Kylemore borehole and water treatment plant.

Correspondence to this effect was communicated via the municipality's internal Emergency Procurement whatsapp group on the 3rd December 2020 (see correspondence attached).

A brief scope was provided to Water Solutions South Africa Pty Ltd (Proxa Water) as per email dated 3rd December 2020 (see attached). Due to the plant been inactive for period of time some mechanical parts collapse that need replacement before start-up. After repairs the plant was commissioned to augment the reservoir levels within the Dwarsrivier area until the City of Cape Town re-commissioned the Wemmershoek Water Treatment plant on Saturday 5th December at 10:00am. The said containerised water treatment plant was operated until 11th December 2020.

Unfortunately, the technician responsible for the commissioning of the Borehole plant was not aware that the Emergency Procurement WhatsApp does not provide the final permission to continue with the emergency procurement. This group was established such that the Municipal Manager can inform SCM to continue with an emergency process and the authorization of this procurement can only be done once SCM has approved the necessary requisition. The Director: Infrastructure Services also uses this whatsapp to indicate that he is satisfied that this is an emergency. The Technician saw this comment from the Director as an authorization of the employment of the contractor. This Technician then employed the mentioned contractor directly. Subsequently the Technician fell ill with COVID-19 on Monday 7th December 2020 and passed away on 22 December 2020 hence no further information could be obtained.

7. FINANCIAL IMPLICATIONS

U-KEY number 20200706013585 will be utilised and sufficient funds are available. The quotation amounts to R 230 579.16 for emergency start-up of the Kylemore borehole and R 52 570.70 for standby support of plant operation after clarification from the department. This amount to an amount of R 283 149.86 inclusive of 15% VAT. The quotations of Water Solutions South Africa Pty Ltd (Proxa Water) are attached.

8. LEGAL IMPLICATIONS

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

Supply Chain Management Policy, 4.36.1a (i)
Supply Chain Management Policy, 4.36.b
Supply Chain Regulation 36(1)
MFMA Section 32(2)

9. RISK IMPLICATIONS

All intent was in good faith, the breach can be attributed to the initial implementation processes and it is acknowledged that there were administrative errors relating to the timeous communication with Supply Chain Management to procure the services

10. CONCLUSION

It is acknowledged that there was a breach of the procurement processes. If the process was followed correctly however, the outcome and cost would have been identical. Council incurred no loss during this process and there was no intentional disregard of Council's procurement processes. MPAC to assess and make recommendation after the investigation.

11. COMMENTS FROM CHIEF FINANCIAL OFFICER

Incorporated in the item from the CFO.

12. COMMENTS FROM THE MUNICIPAL MANAGER

This is a critical service and communities cannot be without water, and is classified as an emergency which deviation procurement makes provision for. This matter should have been treated as an emergency deviation. The Municipality received value for money for an essential service.

MPAC MEETING: 2021-06-29: ITEM 5.5

MPAC took note of the circumstances and facts as provided in the report, and MPAC is satisfied to recommend that the expenditure be written off as irrecoverable in view of the fact that the Municipality received value for money for an emergency essential service.

RECOMMENDATIONS FROM MPAC TO COUNCIL: 2021-06-29: ITEM 5.5

(a) that Council certifies the irregular expenditure to the amount of R283 149.85 (including VAT) to Water Solutions SA (Pty) Ltd (Proxa Water) as irrecoverable; and

(b) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

NAME	Deon Louw
POSITION	***Director: Infrastructure Services***
DIRECTORATE	***Infrastructure Services***
CONTACT NUMBERS	***021 808 8213***
E-MAIL ADDRESS	***Deon.louw@stellenbosch.gov.za***
REPORT DATE	***2021/04/14***

ANNEXURE A

MEMORANDUM

DIRECTORATE: INFRASTRUCTURE SERVICES

To Aan:	**CHIEF FINANCIAL OFFICER**
From Van:	**Deon Louw**
Job Title:	**Director: Infrastructure Services**
Date Datum:	**26 March 2021**
Re Insake:	**REQUEST FOR PAYMENT TO WATER SOLUTIONS SA FOR SERVICES RENDERED**

PURPOSE OF REPORT

To request the Chief Financial Officer to effect a direct payment i.f.o. Water Solutions SA with regards to the procurement of services to commission and operate a containerized water treatment plant during a water supply outage in Kylemore.

BACKGROUND

Stellenbosch Municipality was given notice on the 30th November 2020 by the City of Cape Town, Bulk Water Division that due to critical maintenance work at its Wemmershoek Water Treatment plant supply to the Dwarsrivier area will be switch-off from 00:30 on 3rd December 2020 until 24:00 pm on Friday 4th. On the 1st December 2020 the switch gear in the Motor Control Centre of the Kylemore pump station burnt-out. The result was that the water network could not pump water from the said pump station to fill the reservoirs within the Dwarsrivier area.

The different options available to the Water & Wasterwater Services department to ensure available potable water supply to the Dwarsrivier area were carting of water by means of water tankers and commissioning of the Kylemore borehole and containerized water treatment plant that was installed via the Stellenbosch Municipality Drought Implementation Plan DSM 15/18.

In terms of the Water Services Act, the responsibility for ensuring access to water services lies with the Water Services authorities (municipalities). It is the responsibility of water services authorities (through water services providers) to ensure access to both water supply services and sanitation services.

DISCUSSION

The Dwarsrivier areas, Kylemore, Johannesdal, Pniel and Lynedoch receive their water supply from the City of Cape Town Water Supply Scheme. Notice was given on the 30th November 2020 by the City of Cape Town, Bulk Water Division that due to critical maintenance work at its Wemmershoek Water Treatment plant supply to the Dwarsrivier area will be from 00:30 on 3rd December 2020 until 24:00 pm on Friday 4th.

On the 1st December 2020 the switchgear in the Motor Control Centre of the Kylemore pump station burnt-out. The result was that the water network could not pump water from the said pump station to fill the reservoirs within the Dwarsrivier area. Monitoring of reservoir levels was further hampered due to subsequent failure of the telemetry system. When the City of Cape Town shutdown the Wemmershoek supply on Thursday 3rd December the reservoir levels was very low (see attached notification). In order to minimise the impact of water shortages within the area Water Operations issued a notice to the broader community of the Dwarsrivier area to use water sparingly while the municipality were making use of water tankers to service those areas that have been affected. It was realised that due to number of available tankers and the already low levels of reservoir it was foreseen that the area will run out of water before the City of Cape Town may be able to commission the Wemmershoek plant. After discussions a decision was made to commission the Kylemore borehole by connecting the containerised water treatment plant, that was implemented as part the Stellenbosch Municipality drought relief project. As all of different containerised water treatment plants were designed and installed by different service providers as per DSM 15/18, it was therefore necessary to call on Water Solutions South Africa Pty Ltd (Proxa Water) who installed the Kylemore containerised water treatment unit to commission the Kylemore borehole and water treatment plant. Correspondence to this effect was communicated via the municipality's internal Emergency Procurement whatsapp group on the 3rd December 2020 (see correspondence attached).

A brief scope was provided to Water Solutions South Africa Pty Ltd (Proxa Water) as per email dated 3rd December 2020 (see attached). Due to the plant been inactive for period of time some mechanical parts collapse that need replacement before start-up. After repairs the plant was commissioned to augment the reservoir levels within the Dwarsrivier area until the City of Cape Town re-commissioned the Wemmershoek Water Treatment plant on Saturday 5th December at 10:00am. The said containerised water treatment plant was operated until 11th December 2020.

FINANCIAL IMPLICATIONS

U-KEY number 20200706013585 will be utilised and sufficient funds are available. The quotation amounts to R 230 579.16 for emergency start-up of the Kylemore borehole and R 52 570.70 for standby support of plant operation after clarification from the department. The total amount is R 283 149.86 inclusive of 15% VAT. The quotations and invoices from Water Solutions South Africa Pty Ltd (Proxa Water) are attached.

CONCLUSION

It is acknowledged that there was a breach of the procurement processes. If the process was followed correctly however, the outcome and cost would have been identical. There was no loss during this process and there was no intentional disregard of Council's procurement processes. It is therefore requested that the invoices to the value of R283149.85 be honored and a direct payment be made to Water Solutions SA.

RECOMMENDATION

That a direct payment of R283 149.85 (VAT incl) to Water Solutions SA be made for the services rendered.

29/3/21

James Beukes **Date:**
Manager: Wastewater Treatment

Esias de Jager
Manager: Water Services Operations **Date:**

29/3/21

Deon Louw **Date:**
Director: Infrastructure Services

Kevin Carolus
Chief Financial Officer **Date:**

REQ333457

Water Solutions Southern Africa

Tax Invoice

Invoice No: STE 210306
Our Vat No: 4640276731
Date: 2021/03/25

Reg No. : 2006/035696/07
Block E, Lincolnwood Office Park
Woodlands Drive, Woodmead 2128
PO Box 320, Rivonia 2128
South Africa
Tel: +27 11 209 9200
Fax: +27 11 804 5844
Reg No.2006/035696/07

To: Stellenbosch municipality

PO Box 17
Stellenbosch
7599

Please SIGN

Tender Ref No:
Vendor No:
Client Vat No: 4700102181
Tel:
Email: James.Beukes@stellenbosch.gov.za
Attention: James Beukes
Purchase Order No: PQ445-016
Quote No:

Description of Work	Amount
Kylemore - Emergency Start-up	200 503.61

Hereby certify that / Hiermee sertifiseer ek dat
VOTE / SPOR NOMMER:
a) Goods / Services identified on this invoice was received
Goedere/Dienste geïdentifiseer op hierdie faktuur is ontvang
b) As per attached order, all goods and services delivered are allocated to the specified budget vote / Sodanige en dienste gelewer is toegewys op die gespesifiseerde Begrotingspos se kode op meegaande bestelling
c) Adequate funds are available for the above mentioned vote /
Voldoende fondse is beskikbaar vir bogenoemde pos
d) Expenditure is in accordance with the Council's SCM policy /
Uitgawe is in ooreenstemming met die Raad se SCM beleid
HEAD OF DEPARTMENT / DELIGATED OFFICIAL
HOOF VAN DEPARTEMENT / GEMAGTIGDE BEAMPTE
DATE/DATUM
ACCOUNT EXPENDITURE / DELIGATED OFFICIAL
REKENMEESTER / GEMAGTIGDE BEAMPTE
DATE/DATUM
30/3/21

Banking Details:
Account Name: Water Solutions Southern Africa (Pty) Ltd
Bank: Standard Corporate Bank
Branch: Sandton
Branch Code: 019205
Account No: 332 650 766

Sub-Total	200 503.61
VAT - 15%	30 075.54
GRAND-TOTAL	230 579.15

Should you have any queries regarding this invoice please contact Derek Grahn (083 939 0641)

THANK YOU FOR YOUR BUSINESS

RFQ 333451

Water Solutions Southern Africa

Tax Invoice

Invoice No: STE 210307
Our Vat No: 4640276731
Date: 2021/03/25

Reg No. : 2006/035696/07
Block E, Lincolnwood Office Park
Woodlands Drive, Woodmead 2128
PO Box 320, Rivonia 2128
South Africa
Tel: +27 11 209 9200
Fax: +27 11 804 5844
Reg No.2006/035696/07

To: Stellenbosch municipality

PO Box 17
Stellenbosch
7599

Tender Ref No:
Vendor No:
Client Vat No: 4700102181
Tel:
Email: James.Beukes@stellenbosch.gov.za
Attention: James Beukes
Purchase Order No: PQ445-017B
Quote No:

Description of Work	Amount
Kylemore - Operations	45 713.65

Hiermee sertifiseer ek dat / Hiermee sertifiseer ek dat
VOTE / FONS NOMMER:
a) Goods / Services / Items ... on this invoice was received
Goederelys / Items gedebiteer op hierdie faktuur is ontvang
b) As per attached / Soos aangeheg
c) ...
d) ...
e) ...
f) ...
g) ...
h) ...
ROADS MANAGEMENT / BELIGTE OFFICIAL
HOOF WEGBESTUUR / GEMAGTIGDE BEAMPTE
DATE/DATUM: 30/3/21
ACCOUNTANT/CHIEF ACCOUNTANT/DELEGATED OFFICIAL
REKENMEESTER / GEMAGTIGDE BEAMPTE
DATE/DATUM:

30/3/21

Banking Details:
Account Name: Water Solutions Southern Africa (Pty) Ltd
Bank: Standard Corporate Bank
Branch: Sandton
Branch Code: 019205
Account No: 332 650 766

Sub-Total	45 713.65
VAT - 15%	6 857.05
GRAND-TOTAL	52 570.70

Should you have any queries regarding this invoice please contact Derek Grahn (083 939 0641)

THANK YOU FOR YOUR BUSINESS

Water Solutions
Southern Africa

Reg No. : 2006/035696/07

Block E, Lincolnwood Office Park
Woodlands Drive, Woodmead 2128
PO Box 320, Rivonia 2128
South Africa
Tel: +27 11 209 9200
Fax: +27 11 804 5844

QUOTATION

QUOTE REF No.: PQ445-016

VAT NO : 4640276731

JI No.:

Job No.:

DATE: 07-December-2020

PO :

To: **Stellenbosch Municipality**
PO Box 17
Stellenbosch
7599

Client VAT Number:
Attention: Bradley Dyers
Tel No:
Cell No:
E-mail: Bradley.Dyers@stellenbosch.gov.za
Tender Ref No.:

ITEMS	DESCRIPTION OF WORK	UOM	QUANTITY	RATES	AMOUNT
1	**Kylemore - Emergency Start-up**				
1.1	Process Engineer	hr	42	R 1,200.00	R 50,400.00
1.2	Control Engineer	hr	42	R 950.00	R 39,900.00
1.3	Senior Operator	hr	28	R 299.00	R 8,372.00
1.4	Travel	km	938	7.70	R 7,222.60
1.5	Chemicals - Sodium Hypo	kg	155.0	13.85	R 2,146.88
1.6	Chemicals - Cuastic	kg	182.5	14.36	R 2,621.56
1.7	SubContractor - Mechanical assistance	sum	1	R 12,770.40	R 12,770.40
1.8	SubContractor - Emergency call-out and borehole booster pump replacement	sum	1	R 50,112.00	R 50,112.00
1.9	SubContractor - Instrumentation inspection & calibration	sum	1	R 7,104.86	R 7,104.86
1.10	SubContractor - Electrical inspection and testing	sum	1	R 5,498.40	R 5,498.40
1.11	Replacement of pressure transmitter	each	1	14,354.91	R 14,354.91
				SUBTOTAL (EXCL VAT)	**R 200,503.61**
				VAT	**R 30,075.54**
				GRAND-TOTAL	**R 230,579.16**

If you have any questions concerning this Quotation please call Wynand Wessels (082 558 6046)

THANK YOU FOR YOUR BUSINESS!

Water Solutions
Southern Africa

Reg No. : 2006/035696/07

Block F Lincolnwood Office Park
Woodlands Drive, Woodmead 2128
PO Box 320, Rivonia 2128
South Africa
Tel: +27 11 209 9200
Fax: +27 11 804 5844

QUOTATION

To: **Stellenbosch Municipality**
PO Box 17
Stellenbosch
7599

QUOTE REF No.: PQ445-017b
VAT NO : 4640276731
JI No.:
Job No.:
DATE: 26-January-2021
PO :

Client VAT Number:
Attention: Bradley Dyers
Tel No:
Cell No:
E-mail: Bradley.Dyers@stellenbosch.gov.za
Tender Ref No.:

ITEMS	DESCRIPTION OF WORK	UOM	QUANTITY	RATES	AMOUNT
1	**Kylemore - Operations**				
1,1	Operational establishment	sum	1	R 21 875,00	R 21 875,00
1,2	Operations & Maintenance (standby day rate)	day	30	R 794,62	R 23 838,65

SUBTOTAL (EXCL VAT)	**R 45 713,65**
VAT	**R 6 857,05**
GRAND-TOTAL	**R 52 570,70**

If you have any questions concerning this Quotation please call Wynand Wessels (082 558 6046)

THANK YOU FOR YOUR BUSINESS!

ANNEXURE B

Silvia Pretorius

From: Nomzi Mlenze
Sent: Monday, 12 April 2021 10:58
To: Silvia Pretorius
Subject: REMITTANCE

Morning Silvia

Remittance

CS-Q504E 1:01:01 2021/04/12 Detailed Remittance Advice History Page: 1

Local Authority : STB Stellenbosch Municipality
Remit.Advice No. : 0000266293
Date : 08/04/2021
Creditor : 013538

WATER SOLUTIONS SOUTHERN AFRICA (PTY) LTD

Payment Amount : 283149.85

Line	Order No.	Inv. Date	Inv. No.	Amount
1	674651	25/03/2021	210306	230579.15
	Description : KYLEMORE EMERGENCY START-UP & OPERATIONS			
2	674651	25/03/2021	210307	52570.70
	Description : KYLEMORE EMERGENCY START-UP & OPERATIONS			
			Total :	283149.85

* End of Report: Stellenbosch Municipality *

Stellenbosch Municipality

File Page Uppage Left Right Next Previous Search Text Size Help

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CS-Q504W              2021/04/12 Summarised Remittance Advice History Pa


Local Authority   : STB
Remittance Advice : 0000266293
Date              : 08/04/2021
Creditor          : 013538
                    WATER SOLUTIONS SOUTHERN AFRICA (PTY) LTD
Type of Payment   : A
Payment Amount    :   283149.85
Cheque Number/Ref.:     139219

           Type       Reference          Date             Amount
           Trn.        Number

            O         210306           25/03/2021          230579.15
            O         210307           25/03/2021           52570.70
                                                          --------------
                      Total :                                283149.85
                                                          ==============

* End of Report: Stellenbosch Municipality *
```

Kind regards,

Nomzi Mlenze

Senior Clerk : Accounts Payable

Financial Services

T: +27 21 808 8591

Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za

Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link: http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

12.1.6	CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO THE STORAGE OF DOCUMENTS FOR TRAFFIC SERVICES- METROFILE RECORDS- FQ/SM 24/20

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **29 June 2021 and 28 July 2021**

1. SUBJECT: CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO THE STORAGE OF DOCUMENTS AT METROFILE AS PER CONTRACT FQ/SM/24/20

2. PURPOSE OF REPORT

To provide information regarding the irregular expenditure incurred. For investigation by MPAC and recommended for consideration by Council to write-off the expenditure in terms of the MFMA Section 32(2).

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The service provider namely Metro file was appointed under FQ/SM24/20 for storage of documents. The appointment was done during the financial year 2019/2020. The successful bidder was Metro file Pty (Ltd).

At the beginning of the new financial year 2020/2021, Traffic services compiled specifications for a new tender and submitted it to SCM for advertisement but were not advertised. SCM informed the Department later, that they cannot advertise the FQ based on a previous approved decision where it was decided that a tender must be prepared for the next period in respect of storage of documents. This response was given in the middle of the financial year and no tender of this nature exists within the entire Municipality. No FQ were generated by SCM at the time.

5. RECOMMENDATION

For MPAC consideration.

6. DISCUSSION

At this moment there is no Tender / FQ approved, and the department does not have any storage space or alternative storage space available within the municipal premises, as storage facility is a challenge. There is no budgeted funding that can be used to procure any mobile storage facilities as there is no proper space that can be used for such a facility.

The Department is faced with this challenge, and the documents that is with the service provider, cannot be destroyed as dictated by legislation. There is no electronic back up file for the documents as the approved FQ was for storage purposes only.

The payment must be approved to avoid any litigation against the Municipality as an entity. Under the circumstances the department is faced to follow the route of an FQ which needs to be considered and approved to prevent this situation in future.

While the FQ is in force, the department will do a thorough investigation to secure a tender of this nature. The tender will be used for procurement of services, but sufficient time is requested to be afforded to the department to comply which such needs.

7. FINANCIAL IMPLICATIONS

The cost for the above is **R71 752.81**. Provision is made in the 2020/2021 budget for this amount. Refer to ***Annexure A*** (Invoice and Statement of Metro file).

8. LEGAL IMPLICATIONS

The recommendation in this report complies with Council's policies and all applicable legislation MFMA Section 32(2).

6.1 Goods/services identified on this invoice were rendered;
6.2 As per the attached request, all goods and services are allocated to the specified budget Vote;
6.3 Adequate funds are available on the relevant unique key;
6.4 Expenditure is in accordance with Council's SCM Policy;
6.5 The payment be authorized from unique key: 20180711010986- operational Costs: Storage of Files (Archiving).

9. COMMENTS FROM THE MUNICIPAL MANAGER

The Municipality is obliged to keep certain documents for a period of 10 years in terms of National Archives Act. Service was rendered and the service provider should be paid within 30 days. The department must take all reasonable steps to ensure that a tender is in place and must commit to the timeframes in which to achieve this. The Director is responsible to monitor the implementation of the above.

MPAC MEETING: 2021-06-29: ITEM 5.6

MPAC took note of the circumstances and facts as provided in the report. MPAC noted that Administration will ensure that a proper tender process will be put in place; MPAC is satisfied to recommend that this expenditure be written off as irrecoverable.

RECOMMENDATIONS FROM MPAC TO COUNCIL: 2021-06-29: ITEM 5.6

(a) that Council certifies the irregular expenditure to the amount of R71 693.77 (including VAT) to Metrofile (Pty) Ltd as irrecoverable; and

(b) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

FOR FURTHER DETAILS CONTACT:

NAME	Gavin Solomons
POSITION	***Chief: Traffic services***
DIRECTORATE	***Community & Protection Services***
CONTACT NUMBERS	***021 808 8001***
E-MAIL ADDRESS	***Gavin Solomons@stellenbosch.gov.za***
REPORT DATE	***22/06/2021***

ANNEXURE A

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

MEMORANDUM

TO: **CHIEF FINANCIAL OFFICER: MR K. CAROLUS**

FROM: **CHIEF TRAFFIC SERVICES: MR G. J. SOLOMONS**

DATE: **12 APRIL 2021**

RE: **REQUEST TO AUTHORISE PAYMENT TO SERVICE PROVIDER- FOR SERVICES RENDERED UP TO THE END OF THIS FINANCIAL YEAR: FQ/SM24/20**

---

1. PURPOSE

To request payment of an outstanding invoice as well for the remaining period up to the end of this financial year, for Metrofile Pty (Ltd). The service provider was appointed as per FQ SM24/20, for purpose of documents storage, which expired on 30th June 2020.

2. BACKGROUND

The cost is incurred due to documents that are stored at Metrofile storage space. During the period as from July 2020 up to date no approved FQ is in place.
Traffic services submitted specifications during September 2020 for the new financial year but SCM could not advertise it based on the decision that the department was advised to do a tender in respect of this function previously.
Traffic Services does not have any storage space and most of the documents need to be stored for a period longer than 10 years in order to comply with the National Archives Act Requirements which prescribed a period of 55 years.

The Department hereby request that the Municipality approves the payment as per invoice submitted for storage of Documents for the period as from July 2020 up to June 2021, which is an amount of R71 752.81 to Metrofile Pty (Ltd) to avoid any litigation against Municipality.

The Service provider Metrofile Pty (Ltd) was appointed as the service provider for the period 2019/2020 financial year as per FQ/SM24/20. During the period of the current financial year no FQ was approved. As a result of that the Department is cannot authorise any order or invoice although the documents are still at the service provider premises for storage.

3. DISCUSSION

The service provider has issued a letter of demand in terms of the outstanding fees for storage purposes. The Department in absence of any approved FQ or Tender cannot be able to do the payment as that will be against Supply Chain Regulations. The authority to address this challenge as it is currently does not lie with our delegation. Traffic Services could not store documents on site as there is no space or alternative space to do that.

A request is submitted for purposes of seeking an amicable solution to the matter and avoids exposing this institution to litigation. The Municipality can assist the Department by permitting it to procure a new FQ to avoid re-occurrence of this incident of this nature.

4. FINANCIAL AVAILABILY

Funds to the amount of **R71 752.81** are available under Ukey: 20180711010986-operational Cost: Storage of Files (Archiving)

5. RECOMMENDATION

That the funds to the amount of **R71 752.81** be approved to be paid for the outstanding invoice and be declared to Council for purposes of securing a Council decision on the matter on behalf of Metrofile, as well as the remainder of this financial year cost.

A financial statement from Metrofile and proof attached as **APPENDIX 1.**

18/4/2021
DATE

CHIEF TRAFFIC: C. J. SOLOMONS

Supported by:

14/04/2021
DATE

Senior Manager: C. KITCHING

15/04/2021
DATE

Acting Director: A. Van der Merwe

08/04/2021
DATE

Approved by: C.F.O: KEVIN CAROLUS

Irregular expenditure to be reported to MPAC for investigation.

ANNEXURE B

Kayl

CS-Q504W 2021/05/06 Summarised Remittance Advice History Page: 1

Local Authority : STB
Remittance Advice : 0000266679
Date : 22/04/2021
Creditor : 009507
METROFILE (PTY) LTD
Type of Payment : A
Payment Amount : 71693.77
Cheque Number/Ref. : 139606

Type Trn.	Reference Number	Date	Amount
O	STEL04-062021	12/04/2021	71693.77
	Total :		71693.77

* End of Report: Stellenbosch Municipality *

METROFILE (PTY) LTD

metrofile

Reg. No. 2003/016054/07
P.O. BOX 57, Cape Town Int Airport, 7525
Tel: 021 3808900 Fax: 021 3808929

INVOICE No.
STEL04-06/2021

Company VAT No.: 4290213067

TAX INVOICE

STELLENBOSCH MUNICIPALITY
BOXES EX DOC WAREHOUSE
Customer Vat Reg. No.: N/A
STELLENBOSCH MUNICIPALITY
PLEIN STREET
8650

STEL... MUNICIPALITY
... 05 MAY 2021
EXPENDITURE
ACCOUNTS PAYABLE

Attention : AYANDA ROYI

Your Service Executive: MARISKA VERMEULEN

Customers : Consolidate Invoice - 1045200 **Invoice Date 12.04.2021** **CoBranchCode**

Order No	Charge Code	Description	Unit Cost	Qty	Excl. Cost
Jul-20	SM2	Monthly Storage Fee M2 Boxes	1.60	3.247.00	5.195.20
Aug-20	SM2	Monthly Storage Fee M2 Boxes	1.60	3.247.00	5.195.20
Sep-20	SM2	Monthly Storage Fee M2 Boxes	1.60	3.247.00	5.195.20
Oct-20	SM2	Monthly Storage Fee M2 Boxes	1.60	3.247.00	5.195.20
Nov-20	SM2	Monthly Storage Fee M2 Boxes	1.60	3.247.00	5.195.20
Dec-20	SM2	Monthly Storage Fee M2 Boxes	1.60	3.247.00	5.195.20
Jan-21	SM2	Monthly Storage Fee M2 Boxes	1.60	3.247.00	5.195.20
Feb-21	SM2	Monthly Storage Fee M2 Boxes	1.60	3.247.00	5.195.20
Mar-21	SM2	Monthly Storage Fee M2 Boxes	1.60	3.247.00	5.195.20
Apr-21	SM2	Monthly Storage Fee M2 Boxes	1.60	3.247.00	5.195.20
May-21	SM2	Monthly Storage Fee M2 Boxes	1.60	3.247.00	5.195.20
Jun-21	SM2	Monthly Storage Fee M2 Boxes	1.60	3.247.00	5.195.20

... bevestig ek dat
VOTE / HOOFBOEKREK...
05/05/21

Your Credit Controller: MARION HOPPIE

Standard Bank
Branch Code : 025 109
Account number : 071 886 117
Branch Name : Claremont

Invoice Amount Excl.=>	**62.342.40**
Invoice VAT =>	**R 9.351.37**
Invoice Amount Incl.=>	**R 71.693.77**

METROFILE (PTY) LTD

metrofile

P O Box 57
Cape Town International Airport,
7525

Tel: 021 380 8900

Fax: 021 380 8929

Reg. No. 2003/016054/07 Vat Reg. No. 4290213067

STELLENBOSCH MUNICIPALITY
BOXES EX DOC WAREHOUSE
STELLENBOSCH
PLEIN STREET
8650

STATEMENT

Attention : AYANDA ROYI

Banking Details STANDARD BANK - CLAREMONT Branch Code: 025109 Account No: 071886117	Acc No	Date
	1045200	12.04.2021

Date	Doc Type	Doc No	Reference	Debit	Credit	Balance
28/07/20	Invoice	STEL04-06/21		71 693.77		71 693.77

120 Days & Over	90 Days	60 Days	30 Days	Current	Total Due
0.00	0.00	0.00	0.00		71 693.77

12.1.7	**CONSIDERATION OF EXPENDITURE INCURRED RELATING TO: APPEAL LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE ADMINISTRATIVE FINE DECISION ISSUED FOR THE UNLAWFUL DEVELOPMENT OF ENKANINI IN FORMAL SETTLEMENTS ON THE REMAINDER OF FARM 183, FARM 181, PORTION 5 OF FARM 175, THE REMAINDER OF PORTION 33 OF FARM 175 AND ERF 2175, STELLENBOSCH**

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **29 June 2021 and 28 July 2021**

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO: APPEAL LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE ADMINISTRATIVE FINE DECISION ISSUED FOR THE UNLAWFUL DEVELOPMENT OF ENKANINI IN FORMAL SETTLEMENTS ON THE REMAINDER OF FARM 183, FARM 181, PORTION 5 OF FARM 175, THE REMAINDER OF PORTION 33 OF FARM 175 AND ERF 2175, STELLENBOSCH

2. PURPOSE OF REPORT

To provide information regarding the expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to write off the expenditure in terms of the MFMA Section 32 (2). The expenditure with regard to appeal lodged in terms of section 43(2) of the national environmental act, 1998 (act no. 107 of 1998) against the administrative fine decision issued for the unlawful development of Enkanini informal settlement on the remainder of farm 183, farm 181, portion 5 of farm 175, the remainder of portion 33 of farm 175 and erf 2175, Stellenbosch **ANNEXURE A**.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Stellenbosch Municipality was issued a fine, amounting to R50 000 in terms of Section 24G of the NEMA legislation. The cause of this fine was the invasion of the Enkanini property and resultant squatter settling of the area. The Municipality in terms of Schedule 4B of the Constitution (Act 108 of 1996) attempted to provide basic services in terms of its Constitutional mandate and this action was regarded as the unlawful development of informal settlement. The Municipality therefore Appealed the finding and the MEC for Local Government, Environmental Affairs and Development Planning ruled in favour of the Municipality and reduced the fine to R25 000. **ANNEXURE B**.

5. RECOMMENDATION

For MPAC consideration.

6. DISCUSSION

Stellenbosch Municipality was issued a fine, amounting to R50 000 in terms of Section 24G of the NEMA legislation. The cause of this fine was the invasion of the Enkanini property and resultant squatter settling of the area. The Municipality in terms of Schedule 4B of the Constitution (Act 108 of 1996) attempted to provide basic services in terms of its Constitutional mandate and this action was regarded as the

unlawful development of informal settlement. The Municipality therefore Appealed the finding and the MEC for Local Government, Environmental Affairs and Development Planning ruled in favour of the Municipality and reduced the fine to R25 000.

The Department of Environmental Affairs and Development Planning (DEADP) has subsequent to the reduction in the fine amount issued an Environmental Authorisation (EA) which allowed for the provision of basic services in the Enkanini settlement, such as the current installation of 1000 new electricity connections to households which had to rely on burning of fossils fuels until recently. **ANNEXURE C**.

7. FINANCIAL IMPLICATIONS

Provision has been made from 20210317022651 in the 2020/21 budget for the amount of R25 000 – **ANNEXURE D.**

8. LEGAL IMPLICATIONS

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

Supply Chain Management Policy, 4.36.1a (i)
Supply Chain Management Policy, 4.36.b
Supply Chain Regulation 36(1)
MFMA Section 32(2)

9. RISK IMPLICATIONS

All intent was in good faith, the breach can be attributed to the initial planning processes and the lack of capacity with regard to ensuring required financial compliances are adhered to.

10. CONCLUSION

If Council knew the fine amount beforehand, then it could have been budgeted for same accordingly. There was no intentional disregard of Council's procurement processes. It is therefore requested that the expenditure be written off because the Environmental Authorisation has been issued and Council can now deliver on its Constitutional mandate of delivering basic services.

11. COMMENTS FROM THE MUNICIPAL MANAGER

Stellenbosch Municipality is a strong believer and supporter of responsible local government. Its governance structure is therefore strongly premised on actively protecting the environment -- urban and natural -- for future generations. This governance structure is premised on applying strong economic principles and practices austerity measures in line with the relevant legislation and government regulations.

Stellenbosch Municipality received an Environmental Authorisation, which unlocked, amongst others the Municipality's ability to provide basic services in the Enkanini informal Settlement. Notwithstanding, better checks and balances are to be put in place by the department. The officials concerned should be counselled re non-compliance and a Standard Operating Procedure with clear checks and balances must be put in place to prevent recurrence.

I hold the opinion that this expenditure does not fall within the category of *irregular* nor *unauthorised* or w*asteful expenditure.*

12. COMMENTS FROM SUPPLY CHAIN MANAGER

Supply Chain Management takes note and will again communicate the SCM governance and compliance framework to all user departments.

MPAC MEETING: 2021-06-29: ITEM 5.7

MPAC took note of the circumstances and facts as provided in the report, particularly that the expenditure relates to a fine that was imposed. MPAC is satisfied to recommend that the expenditure be written off as irrecoverable.

RECOMMENDATIONS FROM MPAC TO COUNCIL: 2021-06-29: ITEM 5.7

(a) that Council certifies the expenditure to the amount of R25 000.00 (including VAT) to the Western Cape Ministry of Local Government: Environmental Affairs and Development Planning (DEA&DP) as irrecoverable; and

(b) that Council writes off the expenditure as irrecoverable in terms of the MFMA Section 32(2).

FOR FURTHER DETAILS CONTACT:

NAME	Anthony Barnes
POSITION	***Director: Planning and Economic Development***
DIRECTORATE	***Planning and Economic Development***
CONTACT NUMBERS	***021 808 8213***
E-MAIL ADDRESS	*anthony.barnes@stellenbosch.gov.za*
REPORT DATE	***21 June 2020***

ANNEXURE A

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

4 November 2020

Our Ref: 17/4/5/3/1
Your reference: 14/2/4/2/2/B4/45/0016/18

Honorable Minister Bredell
Western Cape Ministry of Local Government
Environmental Affairs and Development Planning (DEA&DP)
Private Bag X9186
CAPE TOWN
8000

Attention: Marius Venter

Dear Sir

APPEAL AGAINST THE ADMINISTRATIVE FINE IN TERMS OF SECTION 24G OF THE *NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998* (ACT 107 OF 1988) ("NEMA"):

UNLAWFUL DEVELOPMENT OF THE INFORMAL SETTLEMENT (ENKANINI), ON THE REMAINDER OF FARM 183, FARM 181, PORTION 5 O FARM 175, THE REMAINDER OF PORTION 33 OF FARM 75 AND ERF 2175, STELLENBOSCH

The purpose of this letter is to contextualize mitigating arguments and accordingly motivate for a rescission of the administrative fine imposed on Stellenbosch Municipality by DEA&DP.

Stellenbosch Municipality respects the rule of law and therefore does not have a problem with the findings of the 24G process, however in the paragraphs below we will motivate why in our view the fined amount should be rescinded.

1. BACKGROUND

The Enkanini Informal Settlement was established on or about 2004. At that stage Stellenbosch Municipality sought an Eviction Order in order to evict the land invaders, to demolish the informal structures that they built and to re-establish the land invaders in Khayamandi. The information that

the Municipality had at their disposal at that stage, was that the majority of the land invaders came from backyard dwellers in Khayamandi in general, and from Zone O in particular. An Eviction Order was eventually granted for 100 inhabitants, but by the time that the Eviction Order was granted the settlement had grown to more than 200 inhabitants. In essence, the Municipality could not execute the Eviction Order, as the rate of erection of new illegal structures far outstripped the Municipality's efforts to relocate the informal settlement.

Stellenbosch Municipality therefore desisted with further attempts to breakdown structures in an uncoordinated manner and decided to change its strategy to investing in social and green capital in this area by:

i establishing an Anti-land Invasion Unit at significant cost to the Municipality;
ii establishing an environmental unit to look at environmental issues in general and to act, albeit at a smaller scale, as a similar function as the green scorpions – again at significant cost to the Municipality;
iii intensifying its efforts to provide and increase access to basic services as per its Constitutional mandate, by providing internal services to residents of Enkanini, as is required by the Municipality in terms of Schedule 4B of the Constitution, 1996 (Act 108 of 1996).

Therefore, the efforts that the Municipality made to arrest this situation, as well as the cost that the Municipality incurred are significant and will be further motivated as mitigating factors to our request to rescind the administrative fine.

2. BUDGETARY IMPLICATIONS

2.1 Impact of COVID-19 and budgetary constraints

The Municipality like most of the government departments is experiencing budget cuts. The direct implication of this is that most of the budgeted funding available to the Municipality will be redirected to ongoing projects. It is therefore imperative that the fine amount be revisited. As an example, the Provincial Department of Human Settlements (PDoHS) originally budgeted R4.2m for Enkanini for this financial year. The latter Department has already indicated that this budget will be reduced to R3m in their November 2020 adjustments

budget. All indications are that the budget for Enkanini will be further reduced over the next MTREF period.

This is a significant loss to the project and a further reduction of R50 000 would imply that certain elements of the project will not be completed.

2.2 Enkanini Budget (over time)

The Municipality has on average spent between R1m to R2m per annum over the life-time of the Enkanini settlement through direct budget (upgrading) or indirectly through maintenance of amongst others, the ablution facilities. The contractor for cleaning the Khayamandi ablution facilities is costing the Municipality between R45 000 and R50 000 a month. Any maintenance required is over and above this amount.

3. SERVICE DELIVERY

To provide the basic services to Enkanini is very costly to the Municipality. Notwithstanding the Municipality has persisted with providing amongst others job opportunities to local residents through river cleaning process, making sure that the Municipality's blue drop status is maintained notwithstanding the pollution that stems from this area.

4. INVESTMENT IN SOCIAL AND GREEN CAPITAL

4.1 Job creation

The Municipality has a river cleaning programme that tries to ensure that the pollution of the Plankenburg River is minimized by having teams of workers from the local area clean the riverine that run through the area on a continuous basis. These teams are local EPWP workers that are managed by our Infrastructure Services.

4.2 Environmental Education and Awareness

The Municipality in collaboration with the University are running several environmental awareness programs in this. One of these projects is aptly called the "Water Warriors" program which actively seeks to protect the environment and to educate the community on water use and the protection of this scarce resource.

5. ENVIRONMENTAL TRADE OFFS – OFFSET AREA, COST, FUTURE GENERATIONS

The Municipality went to great lengths and additional cost to secure and protect the nature reserve abutting the Enkanini informal settlement. Through the years the Municipality has constructed fences of various materials at significant cost to the Municipality. Most, of these fences were broken down or broken through and the maintenance cost of these fences as well as the periodic deployment of our law enforcement and private security significantly escalated costs over the years.

The most recent construction of the berm and gravel road was an unplanned expenditure for the Municipality and had to be funded from projects that were budgeted for in other areas. The berm was installed to create a physical barrier between the informal settlement and the protected nature reserve.

6. CONCLUSION

Stellenbosch Municipality is a strong believer and supporter of responsible local government. It's governance structure is therefore strongly premised on actively protect the environment, urban and natural for future generations. This governance structure is premised on applying strong economic principles and practices austerity measures in line with the relevant legislation and government regulations.

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It is against this motivation that we kindly request that the administration fine be rescinded in order for Stellenbosch Municipality to be compliant with of the lockdown regulations and prescribes.

We trust that our appeal will be considered favourably.

Yours sincerely

GERALDINE METTLER
MUNICIPAL MANAGER

T: +27 21 808 8460 • F: +27 21 887 6167
Oude Bloemhof building, Plein Street, Stellenbosch, 7600 • PO Box 17, Stellenbosch, 7599
www.stellenbosch.gov.za

ANNEXURE B

Western Cape Government

MINISTRY OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

REFERENCE NO: 14/3/6/B4/45/0494/20

The Municipal Manager
Stellenbosch Municipality
P.O. Box 17
STELLENBOSCH
7600

Attention: Mr Pieter Du Plessis Smit

Tel: (021) 808 8189
Email: Piet.Smit@stellenbosch.gov.za

Dear Sir

APPEAL LODGED IN TERMS OF SECTION 43(2) OF THE *NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)* AGAINST THE ADMINISTRATIVE FINE DECISION ISSUED FOR THE UNLAWFUL DEVELOPMENT OF ENKANINI INFORMAL SETTLEMENTS ON THE REMAINDER OF FARM 183, FARM 181, PORTION 5 OF FARM 175, THE REMAINDER OF PORTION 33 OF FARM 175 AND ERF 2175, STELLENBOSCH

Your Appeal lodged against the Administrative fine issued on 2 November 2020 and the Responding Statements received on 4 December 2020, refer.

With reference to your Appeal, I hereby notify you of my decision to **uphold** your Appeal and **vary** the abovementioned Administrative Fine issued on 2 November 2020 (Reference No.: 14/2/4/2/2/B4/45/0016/18), attached herewith, together with the reasons for the decision.

Your interest in the future of our environment is appreciated.

Yours faithfully,

ANTON BREDELL
PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE: 15/3/2021

Copied to:
(1) Mr Pieter Badenhorst/ Ms Mische Molife (Pieter Badenhorst Professional Services) Email: pbps@iafrica.com / mische@pbps.co.za
(2) Mrs Zaidah Toefy (Sub-directorate: Rectification) Email: Zaidah.Toefy@westerncape.gov.za

Western Cape Government

MINISTRY OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

APPEAL DECISION

REFERENCE NO: 14/3/6/B4/45/0494/20

In the matter between:

Stellenbosch Municipality: **The Appellant**

Director: Environmental Governance (Western Cape Department of Environmental Affairs and Development Planning): **Respondent**

APPEAL LODGED IN TERMS OF SECTION 43(2) OF THE *NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)* AGAINST THE ADMINISTRATIVE FINE DECISION ISSUED FOR THE UNLAWFUL DEVELOPMENT OF ENKANINI INFORMAL SETTLEMENTS ON THE REMAINDER OF FARM 183, FARM 181, PORTION 5 OF FARM 175, THE REMAINDER OF PORTION 33 OF FARM 175 AND ERF 2175, STELLENBOSCH

1. Introduction

The matter for consideration is an Appeal lodged in terms of section 43(2) of the *National Environmental Management Act, 1998 (Act No. 107 of 1998)* ("NEMA") and the *National Appeal Regulations, 2014* (Government Notice No. R. 993 of 8 December 2014) against the Administrative Fine decision issued by the Department of Environmental Affairs and Development Planning's ("DEA&DP") Director: Environmental Governance in terms of section 24G(4) of the NEMA for the unlawful development of Enkanini informal settlements on the remainder of Farm 183, Farm 181, Portion 5 of Farm 175, the remainder of Portion 33 of Farm 175 and Erf 2175, Stellenbosch.

2. Background

2.1. An Application form, dated 20 January 2020, was submitted by the Applicant i.e. Stellenbosch Municipality in terms of section 24G of the NEMA to obtain a retrospective Environmental Authorisation ("EA") for the unlawful development of Enkanini informal settlements on the remainder of Farm 183, Farm 181, Portion 5 of Farm 175, the remainder of Portion 33 of Farm 175 and Erf 2175, Stellenbosch.

2.2. The listed activities which were commenced with without an EA are contained in the Application form.

2.3. On 25 October 2018, the Applicant was pre-directed to proceed with the compilation of the EIA Report in terms of section 24G(1)(i) to (viii) of the NEMA.

2.4. The abovementioned Final EIA Report which complies with the requirements of section 24G(1)(i) to (viii) of the NEMA was received from the Environmental Assessment Practitioner ("EAP").

2.5. On 2 November 2020, an Administrative Fine of R50,000 (Fifty thousand rand) was issued to the Applicant as required in terms of section 24G(4) of the NEMA.

2.6. The Administrative Fine decision further stated that any person may appeal against the Administrative Fine decision to the Appeal Authority.

2.7. On 2 November 2020, an Appeal which complied with regulation 4(1) of the *2014 National Appeal Regulations* was lodged by the Stellenbosch Municipality against the Administrative Fine decision. This Appeal included proof of sending a copy of the appeal to the registered interested and affected parties including the Department to give effect to the provision of the Appeal Regulations providing an opportunity to lodge Responding Statements if the parties elect to do so.

2.8. On 4 December 2020, a Responding Statement which complied with the *National Appeal Regulations, 2014* was lodged by the DEA&DP against the Appeal from the Applicant.

3. Decision

3.1. After considering all relevant facts and supporting documents, I wish to advise that, in terms of section 43(6) of the *National Environmental Management Act, 1998 (Act No. 107 of 1998)* (as amended) ("NEMA"), I have decided to **uphold** the Appeal and **vary** the abovementioned decision of the delegated Competent Authority.

3.2. In terms of section 24G (4) of the NEMA you are hereby informed that for the Competent Authority to process your Application further, an Administrative Fine of **R25,000** (Twenty-five thousand rand) must be paid.

3.3. **Payment may be made by cash, cheque or electronic transfer as follows:**

Cash Payment:
The amount may be paid at the cashier's office of the DEA&DP, 1st floor Utilitas Building, 1 Dorp Street, Cape Town from Mondays to Fridays between 8h00 and 12h30. The following allocations must be given to the cashier when making the payment:
Reference No: S24G00267
Item: section 24G Administrative Fine
Company/ Individual Name:
ID No:

Cheque Payment:
The cheque must be crossed and made payable to the DEA&DP and may either be deposited at the cash office under the allocations mentioned above or deposited directly in the bank account. (See bank details below)

Electronic Transfer
An electronic transfer may be made to the following account:

Name of Bank:	NEDBANK
Name of Account:	Provincial Government of the Western Cape Department of Environmental Affairs and Development Planning
Account Type:	Current Account
Account Number	1452 045 003
Branch Name:	NEDBANK CORPORATE
Branch Code:	145 209
Reference No.:	**S24G00267**

3.4. You are hereby requested to forward a copy of the proof of payment (e.g. receipt, deposit slip, electronic transfer confirmation) to the Sub-directorate: Rectification for the attention of Mr Shafeeq Mallick (Tel: (021) 483 8339 and Email: Shafeeq.Mallick@westerncape.gov.za) and quote the abovementioned reference number to ensure that the case officer can acknowledge the payment of the Administrative Fine.

3.5. The Administrative Fine must be paid within **30 days** from the date of this letter. However, the payment of the Administrative Fine in instalments may be arranged with the competent authority. If no payment of the Administrative Fine is received and/or no extended period arrangement of the fine payment is made with the Competent uthority within the abovementioned timeframe, the Competent Authority will proceed with the law enforcement action.

3.6. Please take note that the Administrative Fine is not an authorisation of the unlawful commencement of the listed activities according to the NEMA. However, your voluntary submission of the section 24G of the NEMA application is acknowledged. Consideration of your application will only commence upon the payment of the Administrative Fine.

4. Reasons for the decision:

The following are reasons for upholding your Appeal and varying the original Administrative Fine issued by the delegated authority:

Appeal ground 1: Background

4.1. The Environmental Impact Assessment ("EIA") Report, as compiled by an independent EAP in terms of section 24G of the NEMA, states, *inter alia*, that:

4.1.1. The development of the informal settlement commenced during 2006 and 2008. This entailed the clearance of vegetation and the disturbance of watercourses on site.

4.1.2. The Applicant proposes, in terms of section 24G of the NEMA, to develop a formal residential development on site as a rectification measure. The development will entail the construction of dwellings, internal roads and the installation of services infrastructure, such as electricity, sewage, water, stormwater, etc.

4.2. The Competent Authority was correct in imposing an Administrative fine as section 24G(4) of the NEMA requires an Applicant that has commenced with an activity without an authorisation to pay an Administrative Fine which may not exceed R5 million in the rectification process of the unlawful activity. Section 24G(4) of the NEMA does not make provision for exemption from the payment of the administrative fine.

Appeal ground 2: Budgetary implications

4.3. On 20 July 2017, the Regulations relating to the procedure to be followed and criteria to be considered when determining an appropriate fine in terms of section 24G ("Fine Regulations") were promulgated in terms of section 44(1)(aC) and (b) of the NEMA. Regulation 4(1) of the Fine Regulations states the following:

"The fine committee, when determining the proposed quantum of the fine, as well as the competent authority when determining the fine in terms of section 24G(4), must take the following considerations into account-

(a) the information submitted by an applicant in terms of section 24G(1)(b)(vii)-(viii);

(b) the completed application form, including Section C of Annexure A, Part 1 of which is to be completed by the applicant's environmental assessment practitioner;

(c) the impacts or potential impacts, including the cumulative impacts, of the activity or activities namely-

i. the socio-economic impact;

ii. the biodiversity impact;

iii. the impact on sense of place and/or heritage; and

iv. any pollution and/or environmental degradation which has been, is being or may be caused by the activity or activities.

(d) any technical or specialist advice or information on local knowledge received pursuant to Regulation 3(3) above.

(e) the compliance history of the applicant, namely-

i. whether or not administrative enforcement notices, including pre-notices where appropriate, have previously been issued to the applicant in respect of a contravention of section 24F(1) of the Act and/or section 20(b) of the National Environmental Management Waste Act;

ii. whether or not the applicant has previously been convicted in respect of a contravention of section 24F(1) of the Act and/or section 20(b) of the National Environmental Management Waste Act; and

iii. whether or not the applicant has previously submitted a section 24G application in respect of an activity or activities which commenced prior to the activity or activities that are the subject of the current application.

(f) whether the applicant is a firm or a natural person; and

(g) any other representations made by the applicant in terms of Annexure A Section C in respect of the quantum of the fine."

4.4. As such, the following information provided in the EIA Report was considered to determine or justify a reduction/deviation from the administrative fine recommended by the fine calculator:

4.4.1. In terms of the Socio-Economic Impact Index, the calculator should be rated that *"The activity is not giving, has not given and will not give rise to any negative socioeconomic impacts."* The motivation provided for this rating states that the activity on site is an informal settlement. The informal settlement is a result of poverty; lack of skills and education; unemployment; overpopulation and low income. The formalisation of the informal settlement will give rise to a high positive socio-economic impact.

4.4.2. In terms of the Biodiversity Impact Index, the calculator should be rated that *"The activity is giving, has given or could give rise to localised biodiversity impacts."* The motivation provided for this rating states that the watercourses on site, are characterized as an Ecological Support Area that has been impacted on, due to the development of the informal settlement, as well as dumping in watercourses, walking/driving through the watercourses. This has impacted negatively on surface and groundwater resources. However, the rectification measure of formalizing the settlement will ensure that this impact is lowered to a localized impact.

4.4.3. In terms of the Sense of Place Impact and / or Heritage Impact Index, the calculator should be rated that *"The activity is in keeping with the surrounding environment and / or does not negatively impact on the affected area's sense of place and /or heritage."* The motivation provided for this rating states that the activity currently on site (the informal settlement) is in keeping with the surrounding environment as it is located south of the Khayamandi residential area.

4.4.4. In terms of the Pollution Impact Index, the calculator should be rated that *"The activity is giving, has given or could give rise to pollution with moderate impacts."* The informal settlements do not have the necessary services, as such dumping of household waste on site and in watercourses, littering and dumping of waste water into watercourses, etc. is currently occurring. This in turn results in the pollution of the environment, which could lead to the pollution of surface and groundwater

resources. After the formalisation of the settlement, it is foreseen that adequate services will be supplied to the area, which will limit the pollution.

4.4.5. Administrative action was not previously taken against the Applicant in respect of a contravention of section 24F(1) of the NEMA and/or section 20(b) of the *National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) ("NEM:WA")*.

4.4.6. The Applicant has not previously been convicted in terms of section 24F(1) of the NEMA and/or section 20(b) of the NEM:WA.

4.4.7. The Applicant previously submitted applications in terms of section 24G of NEMA.

4.4.8. In terms of the Applicant's legal persona, the Applicant is a firm.

4.4.9. The Applicant did not obtain an EA for the development of the informal settlement, as it was developed illegally by informal dwellers, without permission from the applicant. As such, an EA was not obtained prior to the development of the informal settlement.

4.5. As such, a reduced Administrative fine of R50,000 was issued (from R1 350,000) based on the abovementioned mitigating factors. Specifically, the reduced Administrative fine of R50,000 imposed to the Applicant was not based on the following mitigating factors which have only been provided in the Appeal, that:

4.5.1. An Anti-land Invasion Unit was established at significant cost to the Municipality.

4.5.2. An environmental unit was established to look at environmental issues in general and to act, albeit at a smaller scale, as a similar function as the green scorpions- again at significant cost to the Municipality.

4.5.3. Efforts were intensified to provide and increase access to basic services as per the municipal mandate, by providing internal services to Enkanini residents, as is required by the municipality in terms of schedule 4B of the *Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)*.

4.6. The government cuts budget due to the impact of the current Corona Virus pandemic which has currently resulted in more than 1 300,000 infections and more than 40,000 deaths in South Africa alone.

4.7. Considering the above, the administrative fine should be reduced.

Appeal ground 3: Service delivery

4.8. The EIA Report, as compiled by an independent EAP in terms of section 24G of the NEMA also states that:

4.8.1. The development will meet the local and regional needs through providing housing for residents, creating and securing job opportunities.

4.8.2. The development will have a positive impact by improving the economy through providing job opportunities during the construction phase. The proposed development will provide safe housing to residents.

4.8.3. Watercourses will be rehabilitated and open spaces will be provided for the residents.

Appeal ground 4: Investment in social and green capital

4.9. I acknowledge that the Stellenbosch Municipality is undertaking the following initiatives in the midst of the current Corona Virus pandemic which is tremendously limiting the economy and where it is unknown how long and to what extent Covid-19 would impact on the economy:

Job creation

4.9.1. The municipality has a River Cleaning Programme that tries to ensure that the pollution of the Plankenburg River is minimized by having teams of workers from the local area clean the riverine that run through the area on a continuous basis. These

teams are local Expanded Public Works Programme workers that are managed by the municipal infrastructure services department.

Environmental Education and Awareness

4.9.2. The municipality in collaboration with Stellenbosch University are running several environmental awareness programs. One of these projects is aptly called the *"Water Warriors"* program which actively seeks to protect the environment and to educate the community on the water use and the protection of the scarce resource.

4.10. Considering the above, the administrative fine should be reduced.

Appeal ground 5: Environmental trade-offs - offset area, cost and future generations

4.11. I also acknowledge that the Stellenbosch Municipality:

4.11.1. Secures and protects the nature reserve abutting the Enkanini informal settlement by constructing fences of various materials at significant cost to the Municipality even when these fences are broken down or broken through.

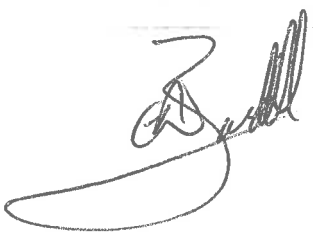
4.11.2. The most recent construction of the berm and gravel road was an unplanned expenditure for the Municipality and had to be funded from projects that were budgeted for in other areas. The berm was installed to create a physical barrier between the informal settlement and the protected nature reserve.

Appeal ground 6: Conclusion

4.12. Considering the above, an Administrative Fine of **R25,000** (Twenty-five thousand rand) must be paid in terms of section 24G(4) of the NEMA.

The National Environmental Management Principles (set out in section 2 of the NEMA) which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment. In terms of the NEMA Principles, the effects of decisions on all aspects of the environment are to be considered. As such, the consideration, assessment and evaluation of the social, economic and ecological impacts of activities (disadvantages and benefits) must be undertaken, and decisions are to be appropriate in the light of such consideration and assessment.

Yours faithfully,



ANTON BREDELL
PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE: 15/3/2024

Copied to:
(1) Mr Pieter Badenhorst/ Ms Mische Molife (Pieter Badenhorst Professional Services) Email: pbps@iafrica.com / mische@pbps.co.za
(2) Mrs Zaidah Toefy (Sub-directorate: Rectification) Email: Zaidah.Toefy@westerncape.gov.za
(3) Directorate: Financial Management (DEA&DP) Email: DEADP.Banking@westerncape.gov.za

ANNEXURE C

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT
DEPARTMENT: INFORMAL SETTLEMENTS

MEMORANDUM

DATE : **7 APRIL 2021**

TO : **FINANCE: ELTON KLAASEN**

FROM : **INFORMAL SETTLEMENTS DEPARTMENT**

RE : **APPEAL AGAINST ADMINISTRATIVE FINE - ENKANINI INFORMAL SETTLEMENT (REF 14/3/6/B4/45/0494/20)**

---

1. PURPOSE

To request for a direct payment of the administrative fine imposed on Stellenbosch Municipality by the Minister of Local Government, Environmental Affairs and Development Planning *(Appendix 1).*

2. BACKGROUD

In order to attain the direct payment the following processes had to be completed.

2.1 Obtain confirmation from the Municipal Manager of receipt of the fine. *(Appendix 2).*

2.2 To inform the interested and affected parties of the MEC's decision as well as the Municipality's decision to concur the finding *(Appendix 1).*

MEC's finding*: to update the Appeal by Stellenbosch Municipality and to reduce the fine amount from R50 000 to R25 000.*

2.3 Create a commodity code / u-key for fines. (*Appendix 3).*

UKEY number	Cost Code	Description	Project	Sub Description	Original Cashflows	Virement amount	Amended Cashflows
20200706013610	13784201480000	Contractors:Management of Informal Settlements	Operational:Typical Work Streams:Strategic Managem	Contracted Services	1 908 000	-40 000	1 868 000
20210330054014	13784201730000	Contractors:Forestry	6 Operational: Typical Work Streams - Environmenta	Contracted Services	0	40 000	40 000

2.4 Arrange for direct payment.

Kindly make a direct payment as per the approval by the Acting Municipal Manager *(Appendix 4)*.

Name of Bank	:	Nedbank
		Name of Account
		Provincial Government of the Western Cape: Department of Environmental Affairs and Development Planning
Account Type	:	Current Account
Account Number	:	1452 045 003
Branch Name	:	NEDBANK CORPORATE
Branch Code	:	145 209
Reference No	:	**S24G00267**

SUPPORTED

Robyn.

JOHRU ROBYN
MANAGER: INFORMAL SETTLEMENTS

APPROVED

8/04/2021

ACTING MUNICIPAL MANAGER DATE
KEVIN CAROLUS

Western Cape Government

MINISTRY OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

REFERENCE NO: 14/3/6/B4/45/0494/20

The Municipal Manager
Stellenbosch Municipality
P.O. Box 17
STELLENBOSCH
7600

Attention: Mr Pieter Du Plessis Smit

Tel: (021) 808 8189
Email: Piet.Smit@stellenbosch.gov.za

Dear Sir

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Your Appeal lodged against the Administrative fine issued on 2 November 2020 and the Responding Statements received on 4 December 2020, refer.

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Your interest in the future of our environment is appreciated.

Yours faithfully,

ANTON BREDELL
PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE: 15/3/2021

Copied to:
(1) Mr Pieter Badenhorst/ Ms Mische Molife (Pieter Badenhorst Professional Services) Email: pbps@iafrica.com / mische@pbps.co.za
(2) Mrs Zaidah Toefy (Sub-directorate: Rectification) Email: Zaidah.Toefy@westerncape.gov.za

Western Cape Government

MINISTRY OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

APPEAL DECISION

REFERENCE NO: 14/3/6/B4/45/0494/20

In the matter between:

Stellenbosch Municipality: **The Appellant**

Director: Environmental Governance (Western Cape Department of Environmental Affairs and Development Planning): **Respondent**

APPEAL LODGED IN TERMS OF SECTION 43(2) OF THE *NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)* AGAINST THE ADMINISTRATIVE FINE DECISION ISSUED FOR THE UNLAWFUL DEVELOPMENT OF ENKANINI INFORMAL SETTLEMENTS ON THE REMAINDER OF FARM 183, FARM 181, PORTION 5 OF FARM 175, THE REMAINDER OF PORTION 33 OF FARM 175 AND ERF 2175, STELLENBOSCH

1. Introduction

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2. Background

2.1. An Application form, dated 20 January 2020, was submitted by the Applicant i.e. Stellenbosch Municipality in terms of section 24G of the NEMA to obtain a retrospective Environmental Authorisation ("EA") for the unlawful development of Enkanini informal settlements on the remainder of Farm 183, Farm 181, Portion 5 of Farm 175, the remainder of Portion 33 of Farm 175 and Erf 2175, Stellenbosch.

2.2. The listed activities which were commenced with without an EA are contained in the Application form.

2.3. On 25 October 2018, the Applicant was pre-directed to proceed with the compilation of the EIA Report in terms of section 24G(1)(i) to (viii) of the NEMA.

Room 809 Utilitas Building, Cape Town, 8001 Private Bag X9186, Cape Town, 8000
tel: +27 21 483 3721 fax: +27 21 483 4174 e-mail: DEADP.Appeals@westerncape.gov.za

2.4. The abovementioned Final EIA Report which complies with the requirements of section 24G(1)(i) to (viii) of the NEMA was received from the Environmental Assessment Practitioner ("EAP").

2.5. On 2 November 2020, an Administrative Fine of R50,000 (Fifty thousand rand) was issued to the Applicant as required in terms of section 24G(4) of the NEMA.

2.6. The Administrative Fine decision further stated that any person may appeal against the Administrative Fine decision to the Appeal Authority.

2.7. On 2 November 2020, an Appeal which complied with regulation 4(1) of the *2014 National Appeal Regulations* was lodged by the Stellenbosch Municipality against the Administrative Fine decision. This Appeal included proof of sending a copy of the appeal to the registered interested and affected parties including the Department to give effect to the provision of the Appeal Regulations providing an opportunity to lodge Responding Statements if the parties elect to do so.

2.8. On 4 December 2020, a Responding Statement which complied with the *National Appeal Regulations, 2014* was lodged by the DEA&DP against the Appeal from the Applicant.

3. Decision

3.1 After considering all relevant facts and supporting documents, I wish to advise that, in terms of section 43(6) of the *National Environmental Management Act, 1998 (Act No. 107 of 1998)* (as amended) ("NEMA"), I have decided to **uphold** the Appeal and **vary** the abovementioned decision of the delegated Competent Authority.

3.2. In terms of section 24G (4) of the NEMA you are hereby informed that for the Competent Authority to process your Application further, an Administrative Fine of **R25,000** (Twenty-five thousand rand) must be paid.

3.3. **Payment may be made by cash, cheque or electronic transfer as follows:**

Cash Payment:
The amount may be paid at the cashier's office of the DEA&DP, 1st floor Utilitas Building, 1 Dorp Street, Cape Town from Mondays to Fridays between 8h00 and 12h30. The following allocations must be given to the cashier when making the payment:
Reference No: S24G00267
Item: section 24G Administrative Fine
Company/ Individual Name:
ID No:

Cheque Payment:
The cheque must be crossed and made payable to the DEA&DP and may either be deposited at the cash office under the allocations mentioned above or deposited directly in the bank account. (See bank details below)

Electronic Transfer
An electronic transfer may be made to the following account:

Name of Bank:	NEDBANK
Name of Account:	Provincial Government of the Western Cape Department of Environmental Affairs and Development Planning
Account Type:	Current Account
Account Number	1452 045 003
Branch Name:	NEDBANK CORPORATE
Branch Code:	145 209
Reference No.:	**S24G00267**

3.4. You are hereby requested to forward a copy of the proof of payment (e.g. receipt, deposit slip, electronic transfer confirmation) to the Sub-directorate: Rectification for the attention of Mr Shafeeq Mallick (Tel: (021) 483 8339 and Email: Shafeeq.Mallick@westerncape.gov.za) and quote the abovementioned reference number to ensure that the case officer can acknowledge the payment of the Administrative Fine.

3.5. The Administrative Fine must be paid within **30 days** from the date of this letter. However, the payment of the Administrative Fine in instalments may be arranged with the competent authority. If no payment of the Administrative Fine is received and/or no extended period arrangement of the fine payment is made with the Competent uthority within the abovementioned timeframe, the Competent Authority will proceed with the law enforcement action.

3.6. Please take note that the Administrative Fine is not an authorisation of the unlawful commencement of the listed activities according to the NEMA. However, your voluntary submission of the section 24G of the NEMA application is acknowledged. Consideration of your application will only commence upon the payment of the Administrative Fine.

4. Reasons for the decision:

The following are reasons for upholding your Appeal and varying the original Administrative Fine issued by the delegated authority:

Appeal ground 1: Background

4.1. The Environmental Impact Assessment ("EIA") Report, as compiled by an independent EAP in terms of section 24G of the NEMA, states, *inter alia*, that:

4.1.1. The development of the informal settlement commenced during 2006 and 2008. This entailed the clearance of vegetation and the disturbance of watercourses on site.

4.1.2. The Applicant proposes, in terms of section 24G of the NEMA, to develop a formal residential development on site as a rectification measure. The development will entail the construction of dwellings, internal roads and the installation of services infrastructure, such as electricity, sewage, water, stormwater, etc.

4.2. The Competent Authority was correct in imposing an Administrative fine as section 24G(4) of the NEMA requires an Applicant that has commenced with an activity without an authorisation to pay an Administrative Fine which may not exceed R5 million in the rectification process of the unlawful activity. Section 24G(4) of the NEMA does not make provision for exemption from the payment of the administrative fine.

Appeal ground 2: Budgetary implications

4.3. On 20 July 2017, the Regulations relating to the procedure to be followed and criteria to be considered when determining an appropriate fine in terms of section 24G ("Fine Regulations") were promulgated in terms of section 44(1)(aC) and (b) of the NEMA. Regulation 4(1) of the Fine Regulations states the following:

"The fine committee, when determining the proposed quantum of the fine, as well as the competent authority when determining the fine in terms of section 24G(4), must take the following considerations into account-

(a) the information submitted by an applicant in terms of section 24G(1)(b)(vii)-(viii);

(b) the completed application form, including Section C of Annexure A, Part 1 of which is to be completed by the applicant's environmental assessment practitioner;

(c) the impacts or potential impacts, including the cumulative impacts, of the activity or activities namely-

i. the socio-economic impact;

ii. the biodiversity impact;

iii. the impact on sense of place and/or heritage; and

iv. any pollution and/or environmental degradation which has been, is being or may be caused by the activity or activities.

(d) any technical or specialist advice or information on local knowledge received pursuant to Regulation 3(3) above.

(e) the compliance history of the applicant, namely-

i. whether or not administrative enforcement notices, including pre-notices where appropriate, have previously been issued to the applicant in respect of a contravention of section 24F(1) of the Act and/or section 20(b) of the National Environmental Management Waste Act;

ii. whether or not the applicant has previously been convicted in respect of a contravention of section 24F(1) of the Act and/or section 20(b) of the National Environmental Management Waste Act; and

iii. whether or not the applicant has previously submitted a section 24G application in respect of an activity or activities which commenced prior to the activity or activities that are the subject of the current application.

(f) whether the applicant is a firm or a natural person; and

(g) any other representations made by the applicant in terms of Annexure A Section C in respect of the quantum of the fine."

4.4. As such, the following information provided in the EIA Report was considered to determine or justify a reduction/deviation from the administrative fine recommended by the fine calculator:

4.4.1. In terms of the Socio-Economic Impact Index, the calculator should be rated that *"The activity is not giving, has not given and will not give rise to any negative socioeconomic impacts."* The motivation provided for this rating states that the activity on site is an informal settlement. The informal settlement is a result of poverty; lack of skills and education; unemployment; overpopulation and low income. The formalisation of the informal settlement will give rise to a high positive socio-economic impact.

4.4.2. In terms of the Biodiversity Impact Index, the calculator should be rated that *"The activity is giving, has given or could give rise to localised biodiversity impacts."* The motivation provided for this rating states that the watercourses on site, are characterized as an Ecological Support Area that has been impacted on, due to the development of the informal settlement, as well as dumping in watercourses, walking/driving through the watercourses. This has impacted negatively on surface and groundwater resources. However, the rectification measure of formalizing the settlement will ensure that this impact is lowered to a localized impact.

4.4.3. In terms of the Sense of Place Impact and / or Heritage Impact Index, the calculator should be rated that *"The activity is in keeping with the surrounding environment and / or does not negatively impact on the affected area's sense of place and /or heritage."* The motivation provided for this rating states that the activity currently on site (the informal settlement) is in keeping with the surrounding environment as it is located south of the Khayamandi residential area.

4.4.4. In terms of the Pollution Impact Index, the calculator should be rated that *"The activity is giving, has given or could give rise to pollution with moderate impacts."* The informal settlements do not have the necessary services, as such dumping of household waste on site and in watercourses, littering and dumping of waste water into watercourses, etc. is currently occurring. This in turn results in the pollution of the environment, which could lead to the pollution of surface and groundwater

resources. After the formalisation of the settlement, it is foreseen that adequate services will be supplied to the area, which will limit the pollution.

4.4.5. Administrative action was not previously taken against the Applicant in respect of a contravention of section 24F(1) of the NEMA and/or section 20(b) of the *National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) ("NEM:WA")*.

4.4.6. The Applicant has not previously been convicted in terms of section 24F(1) of the NEMA and/or section 20(b) of the NEM:WA.

4.4.7. The Applicant previously submitted applications in terms of section 24G of NEMA.

4.4.8. In terms of the Applicant's legal persona, the Applicant is a firm.

4.4.9. The Applicant did not obtain an EA for the development of the informal settlement, as it was developed illegally by informal dwellers, without permission from the applicant. As such, an EA was not obtained prior to the development of the informal settlement.

4.5. As such, a reduced Administrative fine of R50,000 was issued (from R1 350,000) based on the abovementioned mitigating factors. Specifically, the reduced Administrative fine of R50,000 imposed to the Applicant was not based on the following mitigating factors which have only been provided in the Appeal, that:

4.5.1. An Anti-land Invasion Unit was established at significant cost to the Municipality.

4.5.2. An environmental unit was established to look at environmental issues in general and to act, albeit at a smaller scale, as a similar function as the green scorpions- again at significant cost to the Municipality.

4.5.3. Efforts were intensified to provide and increase access to basic services as per the municipal mandate, by providing internal services to Enkanini residents, as is required by the municipality in terms of schedule 4B of the *Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)*.

4.6. The government cuts budget due to the impact of the current Corona Virus pandemic which has currently resulted in more than 1 300,000 infections and more than 40,000 deaths in South Africa alone.

4.7. Considering the above, the administrative fine should be reduced.

Appeal ground 3: Service delivery

4.8. The EIA Report, as compiled by an independent EAP in terms of section 24G of the NEMA also states that:

4.8.1. The development will meet the local and regional needs through providing housing for residents, creating and securing job opportunities.

4.8.2. The development will have a positive impact by improving the economy through providing job opportunities during the construction phase. The proposed development will provide safe housing to residents.

4.8.3. Watercourses will be rehabilitated and open spaces will be provided for the residents.

Appeal ground 4: Investment in social and green capital

4.9. I acknowledge that the Stellenbosch Municipality is undertaking the following initiatives in the midst of the current Corona Virus pandemic which is tremendously limiting the economy and where it is unknown how long and to what extent Covid-19 would impact on the economy:

Job creation

4.9.1 The municipality has a River Cleaning Programme that tries to ensure that the pollution of the Plankenburg River is minimized by having teams of workers from the local area clean the riverine that run through the area on a continuous basis. These

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teams are local Expanded Public Works Programme workers that are managed by the municipal infrastructure services department.

Environmental Education and Awareness

4.9.2. The municipality in collaboration with Stellenbosch University are running several environmental awareness programs. One of these projects is aptly called the *"Water Warriors"* program which actively seeks to protect the environment and to educate the community on the water use and the protection of the scarce resource.

4.10. Considering the above, the administrative fine should be reduced.

Appeal ground 5: Environmental trade-offs - offset area, cost and future generations

4.11. I also acknowledge that the Stellenbosch Municipality:

4.11.1. Secures and protects the nature reserve abutting the Enkanini informal settlement by constructing fences of various materials at significant cost to the Municipality even when these fences are broken down or broken through.

4.11.2. The most recent construction of the berm and gravel road was an unplanned expenditure for the Municipality and had to be funded from projects that were budgeted for in other areas. The berm was installed to create a physical barrier between the informal settlement and the protected nature reserve.

Appeal ground 6: Conclusion

4.12. Considering the above, an Administrative Fine of **R25,000** (Twenty-five thousand rand) must be paid in terms of section 24G(4) of the NEMA.

The National Environmental Management Principles (set out in section 2 of the NEMA) which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment. In terms of the NEMA Principles, the effects of decisions on all aspects of the environment are to be considered. As such, the consideration, assessment and evaluation of the social, economic and ecological impacts of activities (disadvantages and benefits) must be undertaken, and decisions are to be appropriate in the light of such consideration and assessment.

Yours faithfully,

ANTON BREDELL
PROVINCIAL MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE: 15/3/2024

Copied to:
(1) Mr Pieter Badenhorst/ Ms Mische Molife (Pieter Badenhorst Professional Services) Email: pbps@iafrica.com / mische@pbps.co.za
(2) Mrs Zaidah Toefy (Sub-directorate: Rectification) Email: Zaidah.Toefy@westerncape.gov.za
(3) Directorate: Financial Management (DEA&DP) Email: DEADP.Banking@westerncape.gov.za

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Our reference: 17/4/5/3/1
DEADP Ref: 14/3/6/B4/45/0494/20

16 March 2021

Dear Interested and Affected Party

APPEAL LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE ADMINISTRATIVE FINE DECISION ISSUED FOR THE UNLAWFUL DEVELOPMENT OF ENKANINI IN FORMAL SETTLEMENTS ON THE REMAINDER OF FARM 183, FARM 181, PORTION 5 OF FARM 175, THE REMAINDER OF PORTION 33 OF FARM 175 AND ERF 2175, STELLENBOSCH.

APPEAL DECISION

This correspondence serves to inform you that the Minister of Local Government, Environmental Affairs and Development Planning, MEC Anton Bredell has arrived at a decision in the appeal by Stellenbosch Municipality against the Administrative Fine imposed on the Municipality on 2 November 2020 in terms of Section 43(2) of the national environmental act, 1998 (act no. 107 of 1998). His decision is as follows:

To **uphold** the Appeal by Stellenbosch Municipality and to reduce the fine amount from R50 000 to R25 000 (**APPENDIX A**).

Yours sincerely

GERALDINE METTLER
MUNICIPAL MANAGER

T: +27 21 808 8025
Main Building, Plein Street, Stellenbosch, 7600 • PO Box 17, Stellenbosch, 7599
www.stellenbosch.gov.za

13.	REPORTS BY THE MUNICIPAL MANAGER

13.1	REVISED ELECTRICITY TARIFFS FOR 2021/22 FINANCIAL YEAR

Collaborator No: 710065
IDP KPA Ref No: Good Governance
Meeting Date: 28 July 2021

1. SUBJECT: REVISED ELECTRICITY TARIFFS FOR 2021/22 FINANCIAL YEAR

2. PURPOSE OF REPORT

This report seeks Council's approval to adopt a revised set of electricity tariffs for 2021/22 after the NERSA confirmation dated 06 July 2021.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Council, at its budget meeting, adopted the electricity tariffs based on a guideline increase of 14.59% given by NERSA. Application was made to NERSA to increase the tariffs (**ANNEXURE A**) accordingly and a response from NERSA was sent to the Municipality on 06 July 2021 whereby some of the tariffs were not approved (**ANNEXURE B**).

NERSA had public hearings on the Eskom tariff application and only approved the 2021/22 tariff increases on 06 July 2021.

Tariffs that were not approved by NERSA were Block 4 – Domestic Lifeline and Reactive Energy for Small Scale Embedded Generation (SSEG) (**ANNEXURE B**)

Stellenbosch Municipal intends to appeal NERSA's decision on the Reactive Energy for Small Scale Embedded Generation (SSEG) tariff.

Furthermore the Department omitted the Availability Fee for Vacant serviced erven during submission to Council however the tariff was included with the application to NERSA.

Given the above, a revised set of electricity tariffs (**ANNEXURE C**) were re-developed for application in the 2021/22 financial year for Council's consideration and approval.

5. RECOMMENDATIONS

(a) that Council withdraws the electricity consumption tariffs approved at its budget meeting held on 26 May 2021, and adopts the revised electricity tariffs (**ANNEXURE B**) for application in the 2021-22 financial year as a result of the rejection of specific tariffs by NERSA, and also accepts the tariff in respect of the Availability Fee for vacant serviced erven for 2021/2022 (**ANNEXURE C**); and

(b) that the revised 2021/22 tariffs be published for notification purposes.

6. DISCUSSION / CONTENTS

Council, at its budget meeting, adopted the electricity tariffs based on a guideline increase of 14.59% given by NERSA. Application was made to NERSA to increase the tariffs (**ANNEXURE A**) accordingly and a response from Nersa was sent to the Municipality on 06 July 2021 whereby some of the tariffs were not approved (**ANNEXURE B**).

NERSA had public hearings on the Eskom tariff application and only approved the 2021/22 tariff increases on 06 July 2021.

Tariffs that were not approved by NERSA were Block 4 – Domestic Lifeline and Reactive Energy for Small Scale Embedded Generation (SSEG) (**ANNEXURE B**).

Furthermore the Department omitted the Availability Fee for vacant serviced erven during submission to Council however the tariff was included with the application to Nersa.

Given the above, a revised set of electricity tariffs (**ANNEXURE C**) were re-developed for application in the 2021/22 financial year for Council's consideration and approval.

7. FINANCIAL IMPLICATIONS

As a result Nersa's non-approval of the SSEG tariffs, the financial impact will be an under recovery of R331 000 i.e. 0.04% of the total electricity revenue (R793 773 129).

The omission of the Availability Fee for vacant erven has a financial implication of approximately R733 000 for the 2021/22 financial year.

The Municipality intends to appeal the NERSA decision in order to recover the lost revenue.

8. LEGAL IMPLICATION

NERSA can impose fines should the tariffs approved by them not be implemented

9. STAFF IMPLICATION

No additional staff implications.

10. RISK IMPLICATION

Reduction of Income addressed in the item

11. PREVIOUS / RELEVANT COUNCIL RESOLUTIONS

Council decision of 26 May 2021.

12. COMMENTS BY SENIOR MANAGEMENT

12.1 Chief Financial Officer

The recommendations contained in the report are supported subject to Council noting that any reduction in budgeted electricity revenue will attract an equal reduction in expenditure during the adjustment budget process of which any potential adjustment will be determined during the mid-year performance assessment.

12.2 Municipal Manager

Supports the report.

ANNEXURES

Annexure A1: Stellenbosch Municipality's 2021/22 Tariff application to NERSA
Annexure A2: Application to NERSA for SSEG
Annexure B: NERSA's response to the 2021/22 Tariff Application
Annexure C: Revised tariffs for 2021/22

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	***Director***
DIRECTORATE	***Infrastructure Services***
CONTACT NUMBERS	***021 808 8213***
E-MAIL ADDRESS	***Deon.louw@stellenbosch.gov.za***
REPORT DATE	***16 July 2021***

ANNEXURE A

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Enquiries : Mr Victor Dyusha (victor.dyusha@stellenbosch.gov.za)
Contact number : 021 808 8333/8334
Our reference : 10/2/3
Your reference : 10/2/3
Date : 2 June 2021

National Energy Regulator of South Africa
Electricity Tariffs and Pricing Department
Kulawula House
526 Madiba Street
Arcadia
0007

Dear Buyiswa Mabinya

STELLENBOSCH MUNICIPALITY (WC024): APPLICATION 1/2 FOR ELECTRICITY CONSUMPTION TARIFFS INCREASE FOR FINANCIAL YEAR 2021/22

1. PURPOSE

This document serves to motivate the tariff increase the Municipality seeks to have approved for the 2021/2022 municipal financial year. All but one of the tariffs increase with NERSA's guideline increase of 14.59% as communicated in your document entitled "Guideline on Municipal Electricity Price Increase for 2021/22" dated 15 May 2021. This tariff being TOU2 for which an additional 1.5% increase is applied (as was the case in the past two years) to more closely align the tariff with the applicable NERSA guideline. This will be the final year of the three-year higher increase cycle. **The average tariff increase is calculated at 14.94% over all the tariffs.**

2. BACKGROUND

Based on June 2020 data, there are 28 366 active prepaid meters in the Stellenbosch Municipality's area of supply. This is complimented by 4 461 credit meter customers and a further 419 Large power users. Out of the prepayment customers, there are 11 241 indigent customers that receive 100 kWh free basic electricity every month which is subsidized by national government's equitable share grant. The remainder of the prepaid customers are divided into domestic, commercial and agricultural

categories. Customers with credit meters are also divided into domestic, commercial and agricultural categories (for supplies up to a maximum of 80A). Large power users (those with supplies greater than 80A) fall under the industrial low and medium voltage tariffs or the time of use tariffs (low voltage and medium voltage).

From 2016/2017 onwards, Stellenbosch has also applied for a co-generation/small scale embedded generation tariff which has been approved by NERSA every year. As per your written request dated 8 March 2021, these are addressed in a separate tariff application.

3. DISCUSSION

3.1 Tariff adjustments

The table with the proposed tariffs summary is given in section 4.

3.1.1 Domestic 1 (DOM1)

This tariff is a four block incline block tariff (IBT) specifically for qualifying indigent customers. The first 100 kWh per household is provided free of charge as was the case for the 2020/2021 municipal financial year. The third and fourth blocks exceed NERSA's guideline values for the respective blocks. The reason for this is to dissuade users on this tariff from using more than 300 kWh; if they do, they should rather switch to the DOM2 tariff which has lower costs for blocks 3 and 4. This approach has satisfactory results as the average monthly consumption per customer is 279 kWh (based on 2019/2020 consumption data). **The proposed tariff increase for DOM1 is 14.59% across all four IBT blocks.**

3.1.2 Domestic 2 (DOM2)

This tariff is a four block inclining block tariff for domestic users with an average monthly consumption below 600 kWh/month for the previous financial year. In the previous year, a smaller increase was applied for on Block 2 as the 6.22% increase would have pushed the rate for this block above the NERSA guideline range. **This year, the guideline increase of 14.59% is applied for on all four blocks' approved 2020/2021 rates.** Applying this increase will cause the rates of Blocks 1, 2 and 3 to be above the NERSA guidelines but never more than 0.2%.

3.1.3 Domestic 3 (DOM3)

This is a prepaid four block IBT tariff for consumers that on average consumed more than 600 kWh per month in the previous municipal financial year. **An increase of 14.59% is proposed on all the approved values from 2020/2021.** The rates of Blocks 1, 3 and 4 will be 0.01% above the NERSA guidelines but the Block 2 rate will be 0.22% below the NERSA guideline maximum.

3.1.4 Domestic 4 (DOM4)

This is a post-paid four block IBT tariff for domestic consumers. **An increase of 14.59% is proposed on all the approved values from 2020/2021.** The rates of Blocks 1, 3 and 4 will be 0.01% above the NERSA guidelines but the Block 2 rate will be 0.22% below the NERSA guideline maximum.

3.1.5 Commercial 1 (COM1)

This is a prepaid commercial life line tariff. It features only an energy rate. **An increase of 14.59% is proposed on all the approved value from 2020/2021.**

3.1.6 Commercial 2 (COM2)

This is a prepaid commercial tariff for connections up to a maximum of 40 Ampere (either single or three phase). **An increase of 14.59% is proposed on all the approved values from 2020/2021.**

3.1.7 Commercial 3 (COM3)

This is a prepaid tariff for commercial customers with an 80 Ampere supply (single or three phase). There is a fixed charge and an energy charge on this tariff. If a 14.59% increase is applied to the approved rates of 2020/2021, the effective unit price is 286.28 c/kWh which is higher than NERSA's commercial prepaid guideline for three phase consumers (269.64 to 280.13 c/kWh based on a monthly consumption of 5 500 kWh). The average monthly consumption of the customers on this tariff however is only 1 371 kWh which means that that the fixed charge is divided across fewer kWh than what is used for NERSA's guideline. This results in the higher effective unit cost. If the proposed charges of R 365.28/month and 259.63 c/kWh are used with NERSA's benchmark consumption of 5 500 kWh/month, the effective unit cost is 266.27 c/kWh which is lower than NERSA's minimum benchmark for the unit cost. This shows that the NERSA guideline is not 100% suitable to this specific tariff group in Stellenbosch's conditions. **An increase of 14.59% is proposed on all the approved values from 2020/2021.**

3.1.8 Commercial 4 (COM4)

This is a post-paid commercial tariff with both a fixed charge and an energy charge. **An increase of 14.59% is proposed on all the approved values from 2020/2021.**

3.1.9 Agricultural 1 (AGRI 1)

This tariff is applicable to agricultural customers, pre- or post-paid, with a maximum supply size of 80 Ampere. On average, a customer on this tariff consumes 3 291 kWh/month so the closest NERSA guideline is "Agriculture Medium" which has a monthly consumption of 3 000 kWh. **An increase of 14.59% is proposed on all the approved values from 2020/2021.** This will increase the average unit cost to 273.67 c/kWh which is just below NERSA's minimum guideline value of 275.63 c/kWh.

3.1.10 Industrial Low Voltage (IND1)

This tariff is applicable to all non TOU, low voltage connections greater than 80 A, not only industrial customers as the name implies. For example, a block of flats with a single bulk connection or a laundry would also be on this tariff. If an increase of 14.59% is applied on each tariff component, the effective unit cost is calculated as 324.12 c/kWh with an average consumption of 11 511 kWh/month and maximum demand of 43 kVA per customer respectively. The average load factor is 36%. Both the energy consumption and maximum demand on this tariff are far less than NERSA's guideline entitled "Industrial Low" (43 800 kWh/month and 200 kVA/customer). As a result, the effective unit cost on this tariff is higher than NERSA's recommended range for this particular guideline (244.18 to 256.16 c/kWh). However, if the proposed charges are multiplied with NERSA's guideline consumption of 43 800 kWh/month, maximum demand of 200 kVA and notified maximum demand of 697 kVA (the latter scaled according to Stellenbosch's ratio between the two demand values), the effective unit cost works out to 348.83 c/kWh. The latter figure is higher than the actual effective unit cost which indicates that the NERSA guideline is not 100% suitable to this specific tariff group in Stellenbosch's conditions.

Another phenomenon observed is that the customers that had high load factors moved from the IND1 to TOU1 leaving the remaining customers on the IND1 tariff with relatively low load factors. The customers that remained on IND1 also have high Notified Maximum Demand values compared to their Maximum Demand (3.48:1) which further contributes to their high effective unit cost. **An increase of 14.59% is proposed on all the approved values from 2020/2021.**

3.1.11 Industrial Medium Voltage (IND2)

This tariff is applicable to all non TOU, medium voltage connections. If an increase of 14.59% is applied on each tariff component, the effective unit cost is calculated as 251.02 c/kWh with an average consumption of 78 332 kWh/month and maximum demand of 214 kVA per customer respectively. The load factor for customers on this tariff is 50%. Both the energy consumption and maximum demand on this tariff are less than NERSA's guideline entitled "Industrial Medium" (98 550 kWh/month and 450 kVA/customer). As a result, the effective unit cost on this tariff is higher than NERSA's recommended range for this particular guideline (239.68 to 248.66 c/kWh). However, if the proposed charges are multiplied with NERSA's guideline consumption of 98 550 kWh/month, maximum demand of 450 kVA and notified demand of 1 429 kVA (the latter scaled according to Stellenbosch's ratio between the two demand values), the effective unit cost works out to 336.45 c/kWh. The latter figure is higher than the actual effective unit cost which indicates that the NERSA guideline is not 100% suitable to this specific tariff group in Stellenbosch's conditions. **An overall increase of 14.59% is proposed on all the approved values from 2020/2021.**

3.1.12 Municipal tariff 1 (MUN1)

The MUN1 tariff is used for street and traffic lights only. **The tariff consists only of an energy charge. It is proposed that this tariff increase by 14.59% on the approved rate of 2020/2021.**

3.1.13 Municipal tariff 2 (MUN2)

The MUN2 tariff is for internal municipal consumption only. The circuit breaker size must be smaller than 80 Ampere. In the past, the tariff consisted of only an energy charge. In this year, the municipality would like to introduce a fixed charge component as well to align the tariff more with its commercial counterparts and, in the process, give a more realistic pricing signal. It is therefore proposed that the tariff take on the same rate as the COM4 tariff for this fixed charge as it is the closest commercial counterpart to the MUN2 tariff. In order to remain revenue neutral, the active energy rate should reduce commensurately. Our calculations show that an active energy rate of 215.33 c/kWh will result in the same net income than a 14.59% increase on the 2020/2021 rate would give (R 19 difference to the municipality's detriment due to rounding to two decimal places).

The above request, may seem like a structural change for which a Cost of Supply study is required, but it will only be municipal users that are affected by the change and hence we are of the view that it can be approved as presented. **An increase of 14.59% is proposed on all the approved values from 2020/2021.**

3.1.14 Municipal tariff 3 (MUN3)

The MUN3 tariff is for internal municipal consumption only. The circuit breaker size must be larger than 80 Ampere. This tariff is used for the municipality's water and sanitation works and any other municipal buildings with a bulk supply more than 80A. In the past, the tariff consisted of an energy and demand charge. In this year, the municipality would like to introduce a fixed charge component as well to align the tariff more with its industrial counterparts and, in the process, give a more realistic pricing signal to other municipal departments such as Water and Sanitation and any other municipal buildings with a bulk supply more than 80A. It is therefore proposed that the tariff take on the same rate as the IND1 tariff for this fixed charge as it is the closest counterpart to the MUN3 tariff. In order to remain revenue neutral, the active energy rate should reduce commensurately. Our calculations show that an active energy rate of 107.84 c/kWh will result in the same net income than a 14.59% increase on the 2020/2021 rate would give (R 184 difference to the municipality's detriment due to rounding to two decimal places).

The above request, may seem like a structural change for which a Cost of Supply study is required, but it will only be municipal users that are affected by the change and hence we are of the view that it can be approved as presented. **An increase of 14.59% is proposed on all the approved values from 2020/2021.**

3.1.15 Non-Profit Organisation 1 (NPO1)

This is a prepaid tariff for non-profit organisations. The supply is limited to 20 Ampere**. It is proposed that the tariff be increased by 14.59% on the approved 2020/2021 value.** As this tariff is considered a commercial tariff, the closest NERSA guideline is "Commercial Prepaid Single Phase" for which the acceptable unit cost should be in the range of 269.64 to 280.13 c/kWh. With no fixed charge applied to this tariff, its effective unit cost is 272.51 c/kWh which is within the range of the NERSA guideline.

3.1.16 Non-Profit Organisation 2 (NPO2)

This is a prepaid tariff for non-profit organisations that can provide proof to the municipality that they have been registered with SARS as a Public Benefit Organisation. The supply is limited to 60 Ampere. **It is proposed that the tariff be increased by 14.59% on the approved 2020/2021 value.** As this tariff is considered a commercial tariff, the closest NERSA guideline is "Commercial Prepaid Single Phase" for which the acceptable effective unit cost should be in the range of 269.64 to 280.13 c/kWh. With no fixed charge applied to this tariff, its effective unit cost is 261.44 c/kWh which is lower than the NERSA guideline.

3.1.17 Sport 1 (SPO1)

The Sport 1 tariff is a prepaid tariff with only an energy charge. **It is proposed that the approved rate from 2020/2021 be increased by 14.59%.**

3.1.18 Sport 2 (SPO2)

The Sport 2 tariff is a post-paid tariff with both an energy charge and a maximum demand charge. **It is proposed that both be increased by 14.59% on the approved values of 2020/2021.**

3.1.19 Time of Use Low Voltage (TOU1)

On average, a customer on this tariff consumes 28 446 kWh per month with a maximum demand of 103 kVA and a load factor of 38%. **It is proposed that this tariff is increased by 14.59% across all the tariff components.** This will mean that the effective unit cost for the tariff increases to 236.53 c/kWh which is above the range given in NERSA's "Time of Use based on Eskom's Megaflex" guideline (187.06 to 196.57 c/kWh). The latter however is based on an annual consumption of 1 323 MWh (110 250 kWh/month). Stellenbosch's monthly consumption is therefore only 26% of NERSA's consumption which means that the fixed cost is spread over a smaller number of kWh causing the higher effective unit cost.

If the proposed tariff component values are applied on NERSA's guideline consumption, the effective unit cost is 171.28 c/kWh which is below the minimum of the applicable NERSA guideline. This indicates that the NERSA guideline is not 100% suitable to this specific tariff group in Stellenbosch's conditions.

A Notified Maximum Demand of 2.46 times the maximum demand was used for the calculation above. This factor is the actual ratio between Stellenbosch's notified and maximum demands. Similarly, the weighted average contribution of the six time of use periods were also based on actual Stellenbosch contributions to the annual total kWh consumed on this tariff.

3.1.20 Time of Use Medium Voltage (TOU2)

On average a customer on this tariff consumes 215 392 kWh/month, has a maximum demand of 1 007 kVA and a load factor of 29%. It was decided two years ago to give an additional 1.5% per year increase to the tariff for 3 years to align the tariff with the NERSA benchmark as it was significantly lower at the time. This year would be the third and last year of this additional increase. The proposed increase is therefore 16.09%. If the 16.09% increase is applied across all the tariff components, the effective unit cost is 203.81 c/kWh. This is above the maximum value of NERSA's guideline "Time of Use based on Eskom's Megaflex" guideline (187.06 to 196.57 c/kWh).

One noteworthy observation can be made to explain how this tariff is suddenly above the NERSA guideline where, for the past two years, it was below the NERSA guideline. The consumption of energy is 17% less in the 2019/2020 financial year than the previous year. This means that the fixed charge and the access charge are being spread over fewer kWh than in the past which causes the higher average unit cost. The lower consumption is possibly linked to the COVID pandemic because the consumption for the April to June 2020 is 56% lower than the same period in 2019. If the proposed

rates are applied on the 2018/2019 consumption figures, the average rate equates to 185.21 c/kWh which is aligned with the trend observed for the previous two years where the average rate was below the applicable NERSA guideline. **An increase of 16.09% is proposed on all the approved values from 2020/2021.**

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4. LIST OF PROPOSED TARIFFS

The current tariff, proposed tariff for 2021/22 as well as the percentage increase is shown in the tables below.

	Approved 2020/2021	Application 2021/2022	Percentage increase
1. Domestic			
Domestic: Life Line Prepaid – 0 to 60 Ampere single phase only (For qualifying indigent customers and receiving the first 100 units free per month) (DOM1)			
Fixed Charge (R/month)	0.00	0.00	
Energy Rate (c/kWh) (≤ 50 kWh)	109.82	125.84	14.59%
Energy Rate (c/kWh) (51 - 300 kWh)	137.42	157.47	14.59%
Energy Rate (c/kWh) (301 - 600 kWh)	204.82	234.70	14.59%
Energy Rate (c/kWh) (>600 kWh)	235.86	270.27	14.59%
Domestic PP Lifeline DOM1 BSST	0.00	0.00	
Domestic: Regular Prepaid meters - (0 to 60 Ampere single and three phase AND less than 600 kWh per month average consumption during the previous financial year and for generation for own use) (DOM2)			
Fixed Charge (R/month)	0.00	0.00	
Energy Rate (c/kWh) (≤ 50kWh)	110.00	126.05	14.59%
Energy Rate (c/kWh) (51 - 300kWh)	141.50	162.14	14.59%
Energy Rate (c/kWh) (301 - 600kWh)	199.00	228.03	14.59%
Energy Rate (c/kWh) (> 600kWh)	234.00	268.14	14.59%
Domestic: Regular Prepaid meters - (0 to 60 Ampere single and three phase using more than 600 kWh per month average consumption during the previous financial year and for generation for own use) (DOM3)			
Fixed Charge (R/month)	150.60	172.57	14.59%
Energy Rate (c/kWh) (≤ 50kWh)	109.82	125.84	14.59%
Energy Rate (c/kWh) (51 - 300kWh)	140.87	161.42	14.59%
Energy Rate (c/kWh) (301 - 600kWh)	198.73	227.72	14.59%
Energy Rate (c/kWh) (> 600kWh)	234.02	268.16	14.59%
Domestic: Regular (Using Credit meters 60 Ampere single and three phase maximum and for generation for own use) (DOM4)			
Fixed Charge (R/month)	185.77	212.87	14.59%
Energy Rate (c/kWh) (≤ 50kWh)	109.82	125.84	14.59%
Energy Rate (c/kWh) (51 - 300kWh)	140.87	161.42	14.59%
Energy Rate (c/kWh) (301 - 600kWh)	198.73	227.72	14.59%

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Energy Rate (c/kWh) (> 600kWh)	234.02	268.16	14.59%

2. Commercial

Commercial: Life Line (<20 Ampere maximum, Single and three phase Pre Paid Only for micro entrepreneurial businesses) (COM1)			
Fixed Charge (R/month)	-	-	
Energy Rate (c/kWh)	237.81	272.51	14.59%
Commercial: Low (40 Ampere maximum, Pre Paid single and three phase only and for generation for own use) (COM2)			
Fixed Charge (R/month)	186.16	213.32	14.59%
Energy Rate (c/kWh)	190.96	218.82	14.59%
Commercial: Regular Prepaid only (80 Ampere, single and three phase and for generation for own use) (COM3)			
Fixed Charge (R/month)	318.77	365.28	14.59%
Energy Rate (c/kWh)	226.57	259.63	14.59%
Commercial: Credit meters (80 Ampere, single and three phase and for generation for own use) (COM4)			
Fixed Charge (R/month)	345.81	396.26	14.59%
Energy Rate (c/kWh)	211.14	241.95	14.59%

3. Agricultural

Agricultural: Regular (Prepaid and Credit meters maximum 80 Amp 3 phase and for generation for own use) (AGR1)			
Fixed Charge (R/month)	377.73	432.84	14.59%
Energy Rate (c/kWh)	229.87	263.41	14.59%

4. Industrial

Industrial: Low Voltage > 80 Amp and for generation for own use (IND1)

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Fixed Charge (R/month)	1 947.12	2 231.20	14.59%
Energy Rate (c/kWh)	103.84	118.99	14.59%
Notified Maximum Demand (R/kVA)	47.52	54.45	14.58%
Maximum Demand Charge (R/kVA)	263.88	302.38	14.59%

Industrial: Medium Voltage and for generation for own use (IND2)			
Fixed Charge (R/month)	3 691.84	4 230.48	14.59%
Energy Rate (c/kWh)	102.44	117.39	14.59%
Notified Maximum Demand (R/kVA)	46.77	53.59	14.58%
Maximum Demand Charge (R/kVA)	261.93	300.15	14.59%

PLEASE NOTE, FOR ALL TARIFFS WHERE THERE IS A MAXIMUM DEMAND CHARGE AS PART OF THE TARIFF: In the event that the access demand or Notified Maximum Demand is exceeded more than once in a municipal financial year, the following additional charges will apply

1. A 10% of the total Access Demand Charge/Notified Maximum Demand will be added to your municipal account on the 2nd occasion.
2. A 20% of the total Access Demand Charge/ Notified Maximum Demand will be added to your municipal account on the 3rd occasion.
3. A 30% of the total Access Demand Charge/ Notified Maximum Demand will be added to your municipal account on the 4th occasion.
4. On the 5th occasion the municipality reserves the rights to disconnect your electricity supply and only when the electricity supply has been upgraded and bulk levy contribution paid will the supply be restored.

* Occasion refers to the number of times/events the Access Demand/ Notified Maximum Demand has been exceeded

5. Municipal

Municipal: Street and Traffic lights (MUN1)			
Fixed Charge (R/month)	-	-	
Energy Rate (c/kWh)	237.17	271.77	14.59%

Municipal: Low Voltage <80 Amp (MUN2)			
Fixed Charge (R/month)	-	396.26	
Energy Rate (c/kWh)	215.58	215.33	-0.12%

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Municipal: Low Voltage >80 Amp (MUN3)			
Fixed Charge (R/month)	-	2 231.20	
Energy Rate (c/kWh)	98.81	107.84	9.14%
Maximum Demand Charge (R/kVA)	292.52	335.20	14.59%

6. Non Profit Organisations

Non Profit Organisations: Single Phase 20 Amp Prepaid (NPO1)			
Fixed Charge (R/month)	-	-	
Energy Rate (c/kWh)	237.81	272.51	14.59%

Non Profit Organisations: Low Voltage Max 60 Amp Prepaid SARS Approved (NPO2)			
Fixed Charge (R/month)	-	-	
Energy Rate (c/kWh)	228.15	261.44	14.59%

7. Sport

Sport: Low All Consumers (<80A) and Prepaid (SPO1)			
Fixed Charge (R/month)	-	-	
Energy Rate (c/kWh)	202.13	231.62	14.59%

Sport: High Consumers (>80A) Maximum Demand (SPO2)			
Fixed Charge (R/month)	-	-	
Energy Rate (c/kWh)	92.50	106.00	14.59%
Notified Maximum Demand Charge	-	-	
Maximum Demand Charge (R/kVA)	291.54	334.08	14.59%

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8. Time-of-Use

Time of Use (Low Voltage>80Amp and for generation for own use) TOU1			
Fixed Charge (R/month)	3 720.79	4 263.65	14.59%
SUMMER: Maximum Demand Charge (R/kVA)	50.44	57.80	14.59%
Access Demand Charge (R/kVA)	50.44	57.80	14.59%
Peak Energy (c/kWh)	165.02	189.10	14.59%
Standard Energy (c/kWh)	108.74	124.61	14.59%
Off-peak Energy (c/kWh)	81.55	93.45	14.59%
Reactive Energy (c/kVArh)	-	-	
WINTER: Maximum Demand Charge (R/kVA)	50.44	57.80	14.59%
Access Demand Charge (R/kVA)	50.44	57.80	14.59%
Peak Energy (c/kWh)	517.48	592.98	14.59%
Standard Energy (c/kWh)	155.31	177.97	14.59%
Off-peak Energy (c/kWh)	91.25	104.56	14.59%
Reactive Energy (c/kVArh)	21.58	24.73	14.60%

Time of Use (Medium Voltage and for generation for own use) TOU2			
Fixed Charge (R/month)	6 951.96	8 070.53	16.09%
SUMMER: Maximum Demand Charge (R/kVA)	50.61	58.75	16.09%
Access Demand Charge (R/kVA)	48.13	55.87	16.08%
Peak Energy (c/kWh)	157.94	183.35	16.09%
Standard Energy (c/kWh)	103.31	119.93	16.09%
Off-peak Energy (c/kWh)	77.43	89.89	16.09%
Reactive Energy (c/kVArh)	-	-	
WINTER: Maximum Demand Charge (R/kVA)	50.61	58.75	16.09%
Access Demand Charge (R/kVA)	48.13	55.87	16.08%
Peak Energy (c/kWh)	521.72	605.66	16.09%
Standard Energy (c/kWh)	148.20	172.05	16.09%
Off-peak Energy (c/kWh)	87.11	101.13	16.09%
Reactive Energy (c/kVArh)	22.38	25.98	16.09%

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PLEASE NOTE, FOR ALL TARIFFS WHERE THERE IS A MAXIMUM DEMAND CHARGE AS PART OF THE TARIFF: In the event that the access demand or Notified Maximum Demand is exceeded more than once in a municipal financial year, the following additional charges will apply

1. A 10% of the total Access Demand Charge/ Notified Maximum Demand will be added to your municipal account on the 2nd occasion.
2. A 20% of the total Access Demand Charge/ Notified Maximum Demand will be added to your municipal account on the 3rd occasion.
3. A 30% of the total Access Demand Charge/ Notified Maximum Demand will be added to your municipal account on the 4th occasion.
4. On the 5th occasion the municipality reserves the rights to disconnect your electricity supply and only when the electricity supply has been upgraded and bulk levy contribution paid will the supply be restored.

* Occasion refers to the number of times/events the Access Demand/ Notified Maximum Demand has been exceeded.

14. Availability Fees

Availability (R/year)	**3 580.74**

15. Time of use periods

1. Low Demand - Summer	**2. High Demand - Winter**
September to May	**June to August**
Monday to Friday	**Monday to Friday**
00:00 - 06:00 Off Peak	00:00 - 06:00 Off Peak
06:00 - 07:00 Standard	06:00 - 09:00 Peak
07:00 - 10:00 Peak	09:00 - 17:00 Standard
10:00 - 18:00 Standard	17:00 - 19:00 Peak
18:00 - 20:00 Peak	19:00 - 22:00 Standard
20:00 - 22:00 Standard	22:00 - 24:00 Off Peak
22:00 - 24:00 Off Peak	
Saturday	**Saturday**
00:00 - 07:00 Off Peak	00:00 - 07:00 Off Peak
07:00 - 12:00 Standard	07:00 - 12:00 Standard
12:00 - 18:00 Off Peak	12:00 - 18:00 Off Peak
18:00 - 20:00 Standard	18:00 - 20:00 Standard
20:00 - 24:00 Off Peak	20:00 - 24:00 Off Peak
Sunday	**Sunday**
00:00 - 24:00 Off Peak	00:00 - 24:00 Off Peak

All tariffs exclusive of VAT

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5. CONCLUSION

We hereby request that the proposed tariffs be approved for the municipal financial year of 2021/2022.

Sincerely

8/6/2021.

MS GERALDINE METTLER **Date**

Municipal Manager

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Enquiries : Mr Victor Dyusha (victor.dyusha@stellenbosch.gov.za)
Contact number : 021 808 8333/8334
Our reference : 10/2/3/SSEG
Your reference : 10/2/3/SSEG
Date : 2 June 2021

National Energy Regulator of South Africa
Electricity Tariffs and Pricing Department
Kulawula House
526 Madiba Street
Arcadia
0007

Dear Buyiswa Mabinya

STELLENBOSCH MUNICIPALITY (WC024): APPLICATION 2/2 FOR SMALL SCALE EMBEDDED GENERATION (SSEG) AND WHEELING CONSUMPTION AND FEED-IN TARIFFS INCREASES FOR THE 2021/22 FINANCIAL YEAR

1. PURPOSE

This document serves to motivate the tariff increase the Municipality seeks to have approved for the 2021/2022 municipal financial year for its Small-Scale Embedded Generation (SSEG) and External Wheeling Tariffs. The application for the mentioned tariffs is done separately from the other electrical tariffs as per your written request of 8 March 2021.

2. SSEG TARIFF

Stellenbosch Municipality introduced an SSEG tariff in the 2016/2017 financial year after the tariff was approved by NERSA. The SSEG tariff is open to any customer on a tariff shown in the Host tariff column of **Table *1*** that has surplus electricity generation at times (for example a factory that generates excess electricity over weekends when there is no production activity). An SSEG customer must however remain a net consumer of electricity from the municipality over the course of the financial year. Since

its inception, there has been a steady adoption of the SSEG tariff as is shown in the statistics for the most recent completed financial year (**Table *1***).

Table 1: SSEG customers statistics for the 2019/20 financial year

Sector	Host Tariff[1]	Number of customers on 30 June 2020	2019/20 Total exported kWh
Domestic	DOM4	8	21 168
Commercial	COM4	6	75 120
Agricultural	AGR1	3	47 873
>80 A connection, non-Time of Use LV	IND1	2	26 765
>80 A connection, Time of Use LV	TOU1	1	9 281
>80 A connection, Time of Use MV	TOU2	2	619 508
TOTAL		**22**	**799 715**

[1] Host tariff in this case means the applicable tariff which is applied to the customer for electricity bought from Stellenbosch Municipality

For the 2020/21 financial year, the SSEG rates proposed by Stellenbosch Municipality was not approved by NERSA. The proposed rates were linked to the Eskom Megaflex rates at which Stellenbosch Municipality procures electricity from Eskom (transmission zone of greater than 900 km and a supply voltage of 66 kV to 132 kV) less 10%. On appeal, NERSA only approved the SSEG rates with an inflation based (4.6%) increase. This meant that the credit that customers received on the approved rate was lower than the proposed rate (i.e. the benefit to the customer was smaller than what Stellenbosch Municipality were prepared to offer). For the 2021/22 year, Stellenbosch Municipality are again prepared to offer 10% below the Megaflex rates for SSEG electricity. The proposed rates are shown in Table 2.

Table 2: SSEG rates (current and proposed) along with Eskom Megaflex rates applicable to Stellenbosch Municipality

	NERSA approved SSEG rate for 2020/21	Eskom Megaflex 2021/22 rate (c/kWh)	Offered to Stellenbosch customers 2021/22 (c/kWh)	% Increase (Offered for 2021/22 vs. approved 2020/21)
Low Season (September to May)				
Peak	104.67	140.02	126.02	20.40%
Standard	72.03	96.35	86.72	20.39%
Off Peak	45.70	61.13	55.02	20.39%
High Season (June to August)				
Peak	320.91	429.27	386.34	20.39%
Standard	97.22	130.05	117.05	20.40%
Off Peak	52.79	70.62	63.56	20.40%

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As last year's approved tariff was lower than the increase afforded to Eskom, it appears as though this year's increase is significantly higher than the NERSA guideline increase (20.4% compared to 14.59%). **One must however consider that the flow of money in this case is from the municipality to the customer so a larger increase favours the customer, not the municipality.** This is illustrated in Figure 1. The first bar shows the proposed rates for 2020/21. Under this scenario, the SSEG customer would receive 106.97 c/kWh for a kWh delivered to Stellenbosch Municipality in the low season peak period. Stellenbosch Municipality would in turn buy the kWh for 11.89 c/kWh cheaper than what that same unit would have cost if bought from Eskom. The approved rate for 2020/21 is shown in the second bar. In this scenario, the SSEG customer received a smaller credit than what was proposed and Stellenbosch Municipality procured the kWh at a lower cost than what was proposed. The third bar shows the proposed rates for the 2021/22 financial year. The Eskom price increased from 118.86 to a value of 140.02 c/kWh (17.8%). This is the rate that Stellenbosch Municipality would have to pay in the absence of a kWh being available from the SSEG client. If the kWh was available from an SSEG client, the municipality would save 14 c/kWh and the SSEG client would get a credit of 126.02 c/kWh. This proposal not only creates a win-win solution in monetary terms for both Stellenbosch Municipality and the SSEG client, but also encourages the uptake of green energy solutions.

Figure 1: Proposed and Approved SSEG rate for Low Season Peak time of use period

Besides the six time of use energy rates, the SSEG tariff comprises of two more tariff components. The first is the reactive energy rate. This rate is included (and was approved in previous years) because it will assist the municipality to recover the higher demand and reactive energy costs observed with PV systems. The rate is levied for both the summer and winter months at a rate identical to that charged for TOU1 for all the SSEG clients except for TOU2. The reason for this is to have a common reactive energy charge for TOU1 and TOU2 which already have reactive energy charges associated with the respective host tariffs. The proposed increase for the reactive energy charge is aligned with NERSA's guideline increase of 14.59% for all the applicable host tariffs except for TOU2 where the increase is 16.09% (the general increase on TOU2 is 16.09% to align the tariff more closely with the NERSA guidelines. This higher increase on TOU2 is the last of a three year higher increase cycle.

The last tariff component on the SSEG tariff is a meter reading cost. This cost is to compensate the municipality for the additional meter readings (i.e. not only consumption but also export in the six various time of use periods) as well as the additional administration burden associated with the more complex tariff. This tariff component has been present and approved by NERSA since the inception of the SSEG tariffs in 2016/17. For the 2020/2021 financial year, this cost was R 84.07/month. The proposed cost for 2021/2022 is R 96.34/month which is a 14.59% increase.

3. EXTERNAL WHEELING TARIFFS

Two external wheeling charges were introduced and approved by NERSA in the 2018/19 municipal financial year; one for low voltage wheeling and the other for medium voltage wheeling. The wheeling charges were approved for the 2018/19 and 2019/20 financial years. The wheeling tariffs for the 2020/21 financial year were only approved after an appeal. The percentage increase for the 2020/21 financial year was 4.6% on the 2019/20 rates.

In the appeal letter (reference 10/2/3), Stellenbosch Municipality undertook to base the 2021/22 rates on the outcome of a new Cost of Supply (COS) study. Such a COS study has since been undertaken but has not been submitted to NERSA yet. Based on the Draft tariff guideline document dated 12 March 2021, NERSA requires six months to process COS studies. It is therefore too late to consider the COS study results for the 2021/22 financial year. In light thereof, it is proposed that the 2020/21 rates be increased by the 14.59% guideline increase as shown in Table 3. The actual percentage increases differ slightly due to rounding to the second decimal.

Table 3: 2020/21 Approved and Proposed 2021/22 external wheeling tariff rates

Tariff	NERSA approved external wheeling rate for 2020/21	Proposed external wheeling tariff for 2021/22	% Increase
Customer receiving power at low voltage (<400V) in c/kWh	22.65	25.95	14.57%
Customer receiving power at medium voltage (>400V) in c/kWh	19.62	22.48	14.58%

The COS study referred to earlier will be submitted well in advance of the six month requirement by NERSA so that it can be considered when setting the rates for 2022/23.

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4. LIST OF PROPOSED TARIFFS

The current tariff, proposed tariff for 2021/22 as well as the percentage increase is shown in the tables below.

	Approved 2020/2021	Application 2021/2022	Percentage increase
1. Co-generation/small scale embedded generation tariff			
Buyback rates for surplus renewable energy that can be sold back to the municipality. Available on DOM4, COM4, AGRI1, IND1, IND2, TOU1 and TOU2 tariffs			
Reading Cost (R/month)	84.07	96.34	14.59%
Import (low and high season)			
Reactive Energy Rate (c/kVArh) (all except TOU2)	21.58	24.73	14.60%
Reactive Energy Rate (c/kVArh) (TOU2 only)	22.38	25.98	16.09%
Export			
Low Season			
Peak (c/kWh)	104.67	126.02	20.40%
Standard (c/kWh)	72.03	86.72	20.39%
Off Peak (c/kWh)	45.70	55.02	20.39%
High Season	-	-	
Peak (c/kWh)	320.91	386.34	20.39%
Standard (c/kWh)	97.22	117.05	20.40%
Off Peak (c/kWh)	52.79	63.56	20.40%
2. External Wheeling			
Customer received power at low voltage (<400V) in c/kWh	22.65	25.95	14.57%
Customer received power at medium voltage (>400V) in c/kWh	19.62	22.48	14.58%
Upon a successful application Stellenbosch Municipality will permit the retail wheeling of electricity through its network by another electricity supplier that is licensed for the trading of electricity in terms of the Electricity Regulation Act to the customers of this electricity supplier.			
3. Generation for Own Use			

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Customers that want to connect their own generation system to the municipal electrical grid without being compensated for reverse power flow can remain on their current tariff and continue to use their current meter.

4. Generation for Own Use and Export

Customers that want to connect their own generation system to the municipal electrical grid for own use and export and who want to be reimbursed for exported energy will have to do the following:

1 The Municipality shall provide and install the requisite meters at the customer's cost.

2 The customer will stay on the existing purchase tariff.

3 For reimbursement the basic charge will be increased to include the automated meter reading cost

4 The reimbursement will only be for the export energy.

5 Customer not allowed to generate more than his total consumption per financial year.

5. Time of use periods

1. Low Demand - Summer	**2. High Demand - Winter**
September to May	**June to August**
Monday to Friday	**Monday to Friday**
00:00 - 06:00 Off Peak	00:00 - 06:00 Off Peak
06:00 - 07:00 Standard	06:00 - 09:00 Peak
07:00 - 10:00 Peak	09:00 - 17:00 Standard
10:00 - 18:00 Standard	17:00 - 19:00 Peak
18:00 - 20:00 Peak	19:00 - 22:00 Standard
20:00 - 22:00 Standard	22:00 - 24:00 Off Peak
22:00 - 24:00 Off Peak	
Saturday	**Saturday**
00:00 - 07:00 Off Peak	00:00 - 07:00 Off Peak
07:00 - 12:00 Standard	07:00 - 12:00 Standard
12:00 - 18:00 Off Peak	12:00 - 18:00 Off Peak
18:00 - 20:00 Standard	18:00 - 20:00 Standard
20:00 - 24:00 Off Peak	20:00 - 24:00 Off Peak
Sunday	**Sunday**
00:00 - 24:00 Off Peak	00:00 - 24:00 Off Peak

All tariffs exclusive of VAT

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5. CONCLUSION

We hereby request that the proposed tariffs be approved for the municipal financial year of 2021/2022.

Sincerely

8/6/2021

MS GERALDINE METTLER

Municipal Manager

Date

ANNEXURE B

NATIONAL ENERGY REGULATOR OF SOUTH AFRICA

Enquiries: Zingisa Mavuso
Tel. (012) 401-4794
Fax. (012) 401-4700
Email: Zingisa.Mavuso@nersa.org.za

Ref. NER/D/NC053/2021-22

Date: 30 June 2021

Ms Geraldine Mettler
The Municipal Manager
Stellenbosch Municipality
P O Box 17
Stellenbosch
7599

Per Email: municipal.manager@stellenbosch.gov.za

Dear Ms Mettler,

ELECTRICITY TARIFFS FOR THE PERIOD 01 JULY 2021 – 30 JUNE 2022

Your application dated 09 June 2021 refers.

The Energy Regulator at its meeting held on 07 May 2020 approved the guideline increase of 14.59% for municipalities applicable for the 2021/22 financial year. Consequently, the Energy Regulator considered your application for a tariff increase for the period 01 July 2021 - 30 June 2022 and approved the tariffs as follows:

Domestic Tariffs

- **Domestic Lifeline Prepaid (DOM1)**

Tariff blocks	***c/kWh***
Block 1 (0-50 kWh)	125.84

Block 2 (51 – 300 kWh)	157.47
Block 3 (301 – 600 kWh)	234.70
Block 4 (>600 kWh)	270.00

- **Domestic Regular Prepaid (DOM2)**

Tariff blocks	***c/kWh***
Block 1 (0-50 kWh)	126.05
Block 2 (51 – 300 kWh)	162.14
Block 3 (301 – 600 kWh)	228.03
Block 4 (>600 kWh)	268.14

- **Domestic Regular Prepaid (DOM3)**

Tariff blocks	***c/kWh***
Block 1 (0-50 kWh)	125.84
Block 2 (51 – 300 kWh)	161.42
Block 3 (301 – 600 kWh)	227.72
Block 4 (>600 kWh)	268.16

Basic charge(R/month)	172.57

- **Domestic Regular Conventional (DOM4)**

Tariff blocks	***c/kWh***
Block 1 (0-50 kWh)	125.84
Block 2 (51 – 300 kWh)	161.42
Block 3 (301 – 600 kWh)	227.72
Block 4 (>600 kWh)	268.16

Basic charge(R/month)	212.87

Commercial Tariffs

- **Commercial Life Line <=20Amp (1 and 3 phase prepaid) (COM1)**
  - Energy charge: 272.51

- **Commercial Low 40Amp and own generation (1 and 3 phase prepaid) (COM2)**
  - Basic charge: R213.32/month
  - Energy charge: 218.82c/kWh

- **Commercial Low Regular 80Amp Prepaid and own generation (1 and 3 phase) (COM3)**
  - Basic charge: R365.28/month
  - Energy charge: 259.63c/kWh

- **Commercial Low Regular 80Amp Credit Meter and own generation (1 and 3 phase) (COM4)**
  - Basic charge: R396.26/month
  - Energy charge: 241.95c/kWh

Agricultural Tariffs

- **Agricultural: Regular (Prepaid and Credit meters 80 Amp 3 Phase) and own generation (AGR1)**
  - Basic charge: R432.84/month
  - Energy charge: 263.41c/kWh

Industrial Tariffs

- **Large Power Low Voltage > 80 Amp and generation for own use (IND1)**
  - Basic charge: R2 231.20/month
  - Energy charge: 118.99c/kWh
  - Maximum Demand Charge: R302.38/kVA
  - Notified Maximum Demand Charge: R54.45/kVA

- **Industrial: Medium Voltage (IND2)**
  - Basic charge: R4 230.48/month
  - Energy charge: 117.39c/kWh
  - Maximum Demand Charge: R300.15/kVA
  - Notified Maximum Demand Charge: R53.59/kVA

- **Non Profit Organisations: Single Phase 20 Amp Prepayment (NPO1)**
  - Energy charge: 272.51c/kWh

- **Non Profit Organisations: Low Voltage Max 60 Amp Prepayment SARS Approved (NPO2)**
  - Energy charge: 261.44c/kWh

- **Municipal: Street and Traffic Lights (MUN1)**
  - Energy charge: 271.77c/kWh

- **Municipal: Low Voltage <80 Amp (MUN2)**
  - Energy charge: 247.03c/kWh

- **Municipal: Low Voltage >80 Amp (MUN3)**
  - Energy charge: 113.23c/kWh
  - Maximum Demand Charge: R335.20/kVA

- **Sport: Low All Consumers (<80A) and Prepaid (SPO1)**
  - Energy charge: 231.62c/kWh

- **Sport: High Consumers (>80A) Maximum Demand (SPO2)**
  - Maximum Demand charge: R334.08/kVA
  - Energy charge: 106.00c/kWh

Time of use Tariffs

- **Time of Use Low Voltage>80 Amp and for generation for own use (TOU1)**
  - Basic charge: R4 263.65/month
  - **Low Season**
    - Maximum Demand charge: R57.80/kVA
    - Access Demand Charge: R57.80/kVA
    - Peak energy charge: 189.10c/kWh
    - Standard energy charge: 124.61c/kWh
    - Off-Peak energy charge: 93.45c/kWh
    - Reactive energy charge: 0c/kVArh
  - **High Season**
    - Maximum Demand charge: R57.80kVA
    - Access Demand Charge: R57.80/kVA
    - Peak energy charge: 592.98c/kWh
    - Standard energy charge: 177.97c/kWh
    - Off-Peak energy charge: 104.56c/kWh
    - Reactive energy charge: 24.73/kVArh

- **Time of Use Medium Voltage and for generation for own use (TOU2)**
  - Basic Charge: R8 070.53/month
  - **Low Season**
    - Maximum Demand charge: R58.75kVA
    - Access Demand charge: R55.87/kVA
    - Peak energy charge: 183.35c/kWh
    - Standard energy charge: 119.93c/kWh
    - Off-Peak energy charge: 89.89c/kWh
    - Reactive energy: 0c/kVArh
  - **High Season**
    - Maximum Demand charge: R58.75kVA
    - Access Demand charge: R55.87/kVA
    - Peak energy charge: 605.66c/kWh
    - Standard energy charge: 172.05c/kWh
    - Off-Peak energy charge: 101.13c/kWh
    - Reactive energy: 25.98c/kVArh

Co-generation/ Small Scale Embedded Generation Tariff

- **Buyback rates for surplus renewable energy that can be sold back to the Municipality. Available on DOM4, COM4, AGRI1, IND1, IND2, TOU1 and TOU2)**
  - Reading Cost: R96.34/month
  - **Import (Low and High season)**
    - Reactive energy (all except TOU2): R0/kVArh
    - Reactive energy (TOU2 only): 0c/kVArh
  - **Export Low Season**
    - Peak energy charge: 126.02c/kWh
    - Standard energy charge: 86.72c/kWh
    - Off-Peak energy charge: 55.02c/kWh
  - **Export High Season**
    - Peak energy charge: 386.34c/kWh
    - Standard energy charge: 117.05c/kWh
    - Off-Peak energy charge: 63.56c/kWh

External Wheeling Tariffs

- Customer Receives Power at LV (<400V) Energy Charge: 25.95c/kWh
- Customer Receives Power at MV (>400V) Energy Charge: 22.48c/kWh

Please note that in terms of the National Energy Regulator Act, 2004 (Act No. 40 of 2004), National Energy Regulator is entrusted to perform all the functions that the National Electricity Regulator used to perform, and amongst others, to review and approve tariff increase proposals by all licensed distributors of electricity in South Africa. Implementation of tariffs without approval of the Energy Regulator is a contravention of the license conditions issued to you.

It is therefore important that provision is made in your planning / budgeting cycle to allow time for the submission of applications for future changes or increases to NERSA for consideration.

Should you have any enquiries please do not hesitate to contact Phumla Botha in the Electricity Pricing and Tariffs Department on (012) 401 600 or email: Phumla.Botha@nersa.org.za

Yours sincerely,

NP Sithole
Adv. Nomalanga Sithole
Acting Chief Executive Officer
Date: *06 July 2021*

ANNEXURE C

STELLENBOSCH MUNICIPALITY

ELECTRICITY TARIFFS FOR THE PERIOD 1 JULY 2021 TO 30 JUNE 2022

Applicable to services rendered from 1 July 2021

	Approved 2020/2021	Application 2021/2022
1. Domestic		
Domestic: Life Line PP - 0 to 60amp single phase only (For qualifying indigent customers and receiving the first 100 units free per month) (DOM1)		
Fixed Charge per month	-	**-**
Domestic PP Lifeline DOM1 (c/kWh) (<= 50 kWh)	109.82	**125.84**
Domestic PP Lifeline DOM1 (c/kWh) (51 – 300 kWh)	137.42	**157.47**
Domestic PP Lifeline DOM1 (c/kWh) (300 – 600 kWh)	204.82	**234.70**
Domestic PP Lifeline DOM1 (c/kWh) (> 600 kWh)	235.86	**270.00**
Domestic PP Lifeline DOM1 BSST	-	**-**
Domestic: Regular PP meters- (0 to 60amp single and three phase AND Less than 600kWh per month average consumption during the previous financial year and for generation for own use) (DOM2)		
Fixed Charge per month	-	**-**
Energy Rate (c/kWh) (<= 50kWh)	110.00	**126.05**
Energy Rate (c/kWh) (51 - 300kWh)	141.50	**162.14**
Energy Rate (c/kWh) (301 - 600kWh)	199.00	**228.03**
Energy Rate (c/kWh) (> 600kWh)	234.00	**268.14**
Domestic: Regular PP meters- (0 to 60 Amp single and three phase using more than 600 kWh per month average consumption during the previous financial year and for generation for own use) (DOM3)		
Fixed Charge per month	150.60	**172.57**
Energy Rate (c/kWh) (<= 50kWh)	109.82	**125.84**
Energy Rate (c/kWh) (51 - 300kWh)	140.87	**161.42**
Energy Rate (c/kWh) (301 - 600kWh)	198.73	**227.72**
Energy Rate (c/kWh) (> 600kWh)	234.02	**268.16**
Domestic: Regular (Using Credit Meters 60 Ampere single and three phase maximum and for generation for own use) (DOM4)		
Fixed Charge per month	185.77	**212.87**
Energy Rate (c/kWh) (<= 50kWh)	109.82	**125.84**
Energy Rate (c/kWh) (51 - 300kWh)	140.87	**161.42**
Energy Rate (c/kWh) (301 - 600kWh)	198.73	**227.72**
Energy Rate (c/kWh) (> 600kWh)	234.02	**268.16**

	Approved 2020/2021	Application 2021/2022
Domestic: Renewable Energy (DOM5) Generation for own use and export		
Reading cost R/pm	84.07	**96.34**
Basic Charge	185.77	**212.87**
Import		
Energy Rate (c/kWh) (<= 50kWh)	109.82	**125.84**
Energy Rate (c/kWh) (51 - 300kWh)	140.87	**161.42**
Energy Rate (c/kWh) (301 - 600kWh)	198.73	**227.72**
Energy Rate (c/kWh) (> 600kWh)	234.02	**268.16**
Reactive Energy Rate (c/kVArh)	21.58	**24.73**
Export		
Low Season		
Peak c/kWh	104.67	**126.02**
Standard c/kWh	72.03	**86.72**
Off Peak c/kWh	45.70	**55.02**
High Season		
Peak c/kWh	320.91	**386.34**
Standard c/kWh	97.22	**117.05**
Off Peak c/kWh	52.79	**63.56**
2. Commercial		
Commercial: Life Line (<20Ampere maximum, Single & three phase Pre Paid Only for micro entrepreneurial businesses) (COM1)		
Fixed Charge per month	-	**-**
Energy Rate (c/kWh)	237.81	**272.51**
Commercial: Low (40Ampere maximum, Pre Paid single & three phase only and for generation for own use) (COM2)		
Fixed Charge per month	186.16	**213.32**
Energy Rate (c/kWh)	190.96	**218.82**
Commercial: Regular PP only (80Ampere, single and three phase and for generation for own use) (COM3)		
Fixed Charge per month	318.77	**365.28**
Energy Rate (c/kWh)	226.57	**259.63**
Commercial: Credit meters (80Ampere, single and three phase and for generation for own use) (COM4)		
Fixed Charge per month	345.81	**396.26**
Energy Rate (c/kWh)	211.14	**241.95**
Commercial: Renewable Energy (COM 5) Generation for own use and export		
Reading cost R/pm	84.07	**96.34**
Basic Charge	345.81	**396.26**
Import		
Energy Rate (c/kWh)	211.14	**241.95**
Reactive Energy Rate (c/kVArh)	21.58	**24.73**
Export		
Low Season		
Peak c/kWh	104.67	**126.02**
Standard c/kWh	72.03	**86.72**
Off Peak c/kWh	45.70	**55.02**
High Season		
Peak c/kWh	320.91	**386.34**
Standard c/kWh	97.22	**117.05**

	Approved 2020/2021	Application 2021/2022
3. Agricultural		
Agricultural: Regular (Prepaid and Credit meters maximum 80Amp 3 phase and for generation for own use) (AGR1)		
Fixed Charge per month	377.73	**432.84**
Energy Rate (c/kWh)	229.87	**263.41**
AGRICULTURAL: Renewable Energy (AGRI 1.1) Generation for own use and export		
Tariff similar as AGRI 1		
Reading cost R/pm	84.07	**96.34**
Fixed Charge per month R/pm	377.73	**432.84**
Import		
Energy Rate (c/kWh)	229.87	**263.41**
Reactive Energy Rate (c/kVArh)	21.58	**24.73**
Export		
Low Season		
Peak c/kWh	104.67	**126.02**
Standard c/kWh	72.03	**86.72**
Off Peak c/kWh	45.70	**55.02**
High Season		
Peak c/kWh	320.91	**386.34**
Standard c/kWh	97.22	**117.05**
Off Peak c/kWh	52.79	**63.56**
4. Industrial		
Industrial: Low Voltage > 80 Amp and for generation for own use (IND1)		
Fixed Charge per month	1 947.12	**2 231.20**
Energy Rate (c/kWh)	103.84	**118.99**
Notified Maxium Demand (R/kVA)	47.52	**54.45**
Maximum Demand Charge (R/kVA)	263.88	**302.38**
Industrial (IND 1.1): Low Voltage>80 Amp: Renewable Energy- Generation for own use and export		
Fixed Charge per month	1 947.12	**2 231.20**
Reading cost R/pm	84.07	**96.34**
Import		
Energy Rate (c/kWh)	103.84	**118.99**
Notified Maximum Demand (R/kVA)	47.52	**54.45**
Maximum Demand Charge (R/kVA)	263.88	**302.38**
Reactive Energy Rate (c/kVArh)	21.58	**24.73**
Export		
Low Season		
Peak c/kWh	104.67	**126.02**
Standard c/kWh	72.03	**86.72**
Off Peak c/kWh	45.70	**55.02**
High Season		
Peak c/kWh	320.91	**386.34**
Standard c/kWh	97.22	**117.05**
Off Peak c/kWh	52.79	**63.56**

	Approved 2020/2021	Application 2021/2022
Industrial: Medium Voltage and for generation for own use (IND2)		
Fixed Charge per month	3 691.84	**4 230.48**
Energy Rate (c/kWh)	102.44	**117.39**
Notified Maxiumum Demand (R/kVA)	46.77	**53.59**
Maximum Demand Charge (R/kVA)	261.93	**300.15**
Industrial Medium Voltage (IND 2.1): Renewable Energy - Generation for own use and export		
Tariff similar as IND2		
Fixed Charge per month	3 691.84	**4 230.48**
Reading cost R/pm	84.07	**96.34**
Import		
Energy Rate (c/kWh)	102.44	**117.39**
Notified Maximum Demand (R/kVA)	46.77	**53.59**
Maximum Demand Charge (R/kVA)	261.93	**300.15**
Reactive Energy Rate (c/kVArh)	21.58	**24.73**
Export		
Low Season		
Peak c/kWh	104.67	**126.02**
Standard c/kWh	72.03	**86.72**
Off Peak c/kWh	45.70	**55.02**
High Season		
Peak c/kWh	320.91	**386.34**
Standard c/kWh	97.22	**117.05**
Off Peak c/kWh	52.79	**63.56**

PLEASE NOTE, FOR ALL TARIFFS WHERE THERE IS A MAXIMUM DEMAND CHARGE AS PART OF THE TARIFF: In the event that the access demand or Notified Demand is exceeded more than once in a municipal year, the following additional charges will apply.

1. A 10% of the total Access Demand Charge/Notified Maximum Demand will be added to your municipal account on the 2nd occasion.

2. A 20% of the total Access Demand Charge/Notified Maximum Demand will be added to your municipal account on the 3rd occasion.

3. A 30% of the total Access Demand Charge/Notified Maximum Demand will be added to your municipal account on the 4th occasion.

4.On the 5th occasion the municipality reserves the rights to disconnect your electricity supply and only when the electricity supply has been upgraded and bulk levy contribution paid will the supply be restored.

* Occasion refers to the number of times/events the Access Demand/Notified Maximum Demand has been exceeded.

	Approved 2020/2021	Application 2021/2022
5. Municipal		
Municipal: Street and Traffic lights (MUN1)		
Fixed Charge per month	-	**-**
Energy Rate (c/kWh)	237.17	**271.77**
Municipal: Low Voltage <80 Amp (MUN2)		
Fixed Charge per month	-	**-**
Energy Rate (c/kWh)	215.58	**247.03**
Municipal: Low Voltage >80 Amp (MUN3)		
Energy Rate (c/kWh)	98.81	**113.23**
Maximum Demand Charge (R/kVA)	292.52	**335.20**
6. Non Profit Organisations		
Non Profit Organisations : Single Phase 20 Amp Prepaid (NPO1)		
Fixed Charge per month	-	**-**
Energy Rate (c/kWh)	237.81	**272.51**
Non Profit Organisations : Low Voltage Max 60 Amp Prepaid SARS Approved (NPO2)		
Fixed Charge per month	-	**-**
Energy Rate (c/kWh)	228.15	**261.44**
7. Sport		
Sport: Low All Consumers (<80A) and Prepaid (SPO1)		
Fixed Charge per month	-	**-**
Energy Rate (c/kWh)	202.13	**231.62**
Sport: High Consumers (>80A) Maximum Demand (SPO2)		
Fixed Charge per month	-	**-**
Energy Rate (c/kWh)	92.50	**106.00**
Notified Maximum Demand	-	**-**
Maximum Demand Charge (R/kVA)	291.54	**334.08**
8. Time-of-Use		
Time of Use (Low Voltage>80Amp and for generation for own use) TOU1		
Fixed Charge per month	3 720.79	**4 263.65**
SUMMER: Maximum Demand Charge (R/kVA)	50.44	**57.80**
Access Demand Charge (R/kVA)	50.44	**57.80**
Peak Energy (c/kWh)	165.02	**189.10**
Standard Energy (c/kWh)	108.74	**124.61**
Off-peak Energy (c/kWh)	81.55	**93.45**
Reactive Energy (c/kVArh)	-	**-**
WINTER: Maximum Demand Charge (R/kVA)	50.44	**57.80**
Access Demand Charge (R/kVA)	50.44	**57.80**
Peak Energy (c/kWh)	517.48	**592.98**
Standard Energy (c/kWh)	155.31	**177.97**
Off-peak Energy (c/kWh)	91.25	**104.56**
Reactive Energy (c/kVArh)	21.58	**24.73**

	Approved 2020/2021	Application 2021/2022
Time of Use Low Voltage (TOU 1.1): Renewable Energy - Generation for own use and export		
Reading Cost R/pm	84.07	**96.34**
Fixed Charge per month	3 720.79	**4 263.65**
Import		
SUMMER: Maximum Demand Charge (R/kVA)	50.44	**57.80**
Access Demand Charge (R/kVA)	50.44	**57.80**
Peak Energy (c/kWh)	165.02	**189.10**
Standard Energy (c/kWh)	108.74	**124.61**
Off-peak Energy (c/kWh)	81.55	**93.45**
Reactive Energy (c/kVArh)	21.58	**24.73**
WINTER: Maximum Demand Charge (R/kVA)	50.44	**57.80**
Access Demand Charge (R/kVA)	50.44	**57.80**
Peak Energy (c/kWh)	517.48	**592.98**
Standard Energy (c/kWh)	155.31	**177.97**
Off-peak Energy (c/kWh)	91.25	**104.56**
Reactive Energy (c/kVArh)	21.58	**24.73**
Export		
Low Season		
Peak c/kWh	104.67	**126.02**
Standard c/kWh	72.03	**86.72**
Off Peak c/kWh	45.70	**55.02**
High Season		
Peak c/kWh	320.91	**386.34**
Standard c/kWh	97.22	**117.05**
Off Peak c/kWh	52.79	**63.56**
Time of Use (Medium Voltage and for generation for own use) TOU2		
Fixed Charge per month	6 951.96	**8 070.53**
SUMMER: Maximum Demand Charge (R/kVA)	50.61	**58.75**
Access Demand Charge (R/kVA)	48.13	**55.87**
Peak Energy (c/kWh)	157.94	**183.35**
Standard Energy (c/kWh)	103.31	**119.93**
Off-peak Energy (c/kWh)	77.43	**89.89**
Reactive Energy (c/kVArh)	-	**-**
WINTER: Maximum Demand Charge (R/kVA)	50.61	**58.75**
Access Demand Charge (R/kVA)	48.13	**55.87**
Peak Energy (c/kWh)	521.72	**605.66**
Standard Energy (c/kWh)	148.20	**172.05**
Off-peak Energy (c/kWh)	87.11	**101.13**
Reactive Energy (c/kVArh)	22.38	**25.98**
Time of Use Medium Voltage (TOU 2.1): Renewable Energy - Generation for own use and export		
Fixed Charge per month	6 951.96	**8 070.53**
Reading Cost R/pm	84.07	**96.34**
Import		
SUMMER: Maximum Demand Charge (R/kVA)	50.61	**58.75**
Access Demand Charge (R/kVA)	48.13	**55.87**
Peak Energy (c/kWh)	157.94	**183.35**
Standard Energy (c/kWh)	103.31	**119.93**
Off-peak Energy (c/kWh)	77.43	**89.89**
Reactive Energy (c/kVArh)	22.38	**25.98**
WINTER: Maximum Demand Charge (R/kVA)	50.61	**58.75**
Access Demand Charge (R/kVA)	48.13	**55.87**
Peak Energy (c/kWh)	521.72	**605.66**
Standard Energy (c/kWh)	148.20	**172.05**

	Approved 2020/2021	Application 2021/2022
Off-peak Energy (c/kWh)	87.11	**101.13**
Reactive Energy (c/kVArh)	22.38	**25.98**

	Approved 2020/2021	Application 2021/2022
Export		
Low Season		
Peak c/kWh	104.67	**126.02**
Standard c/kWh	72.03	**86.72**
Off Peak c/kWh	45.70	**55.02**
High Season		
Peak c/kWh	320.91	**386.34**
Standard c/kWh	97.22	**117.05**
Off Peak c/kWh	52.79	**63.56**

PLEASE NOTE, FOR ALL TARIFFS WHERE THERE IS A MAXIMUM DEMAND CHARGE AS PART OF THE TARIFF: In the event that the access demand or Notified Demand is exceeded more than once in a municipal year, the following additional charges will apply.

1. A 10% of the total Access Demand Charge/Notified Maximum Demand will be added to your municipal account on the 2nd occasion.

2. A 20% of the total Access Demand Charge/Notified Maximum Demand will be added to your municipal account on the 3rd occasion.

3. A 30% of the total Access Demand Charge/Notified Maximum Demand will be added to your municipal account on the 4th occasion.

4.On the 5th occasion the municipality reserves the rights to disconnect your electricity supply and only when the electricity supply has been upgraded and bulk levy contribution paid will the supply be restored.

* Occasion refers to the number of times/events the Access Demand/Notified Demand has been exceeded.

9. Co-generation/small scale embedded generation tariff

Buyback rates for surplus renewable energy that can be sold back to the municipality. Available on DOM4, COM4, AGRI1, IND1, IND2, TOU1 and TOU2 tariffs

Reading Cost (R/month)	84.07	**96.34**
Import (low and high season)		
Reactive Energy Rate (c/kVArh) (all except TOU2)	21.58	**24.73**
Reactive Energy Rate (c/kVArh) (TOU2 only)	22.38	**25.98**
Export		
Low Season		
Peak (c/kWh)	104.67	**126.02**
Standard (c/kWh)	72.03	**86.72**
Off Peak (c/kWh)	45.70	**55.02**
High Season	-	**-**
Peak (c/kWh)	320.91	**386.34**
Standard (c/kWh)	97.22	**117.05**
Off Peak (c/kWh)	52.79	**63.56**

10. External Wheeling Tariffs

Customer received power at low voltage (<400V) in c/kWh	22.65	**25.95**
Customer received power at medium voltage (>400V) in c/kWh	19.62	**22.48**

Upon a successful application Stellenbosch Municipality will permit the retail wheeling of electricity through its network by another electricity supplier that is licensed for the trading of electricity in terms of the Electricity Regulation Act to the customers of this electricity supplier.

	Approved 2020/2021	Application 2021/2022

11. Generation for Own Use

Customers that want to connect their own generation system to the municipal electrical grid without being compensated for reverse power flow can remain on their current tariff and continue to use their current meter.

12. Generation for Own Use and Export

Customers that want to connect their own generation system to the municipal electrical grid for own use and export and who want to be reimbursed for exported energy will have to do the following:

1 The Municipality shall provide and install the requisite meters at the customer's cost.
2 The customer will stay on the existing purchase tariff.
3 For reimbursement the basic charge will be increased to include the automated meter reading cost
4 The reimbursment will only be for the export energy.
5 Customer not allowed to generate more than his total consumption per financial year.

13.Availability Fees (Per Annum)

Availability (R/year)	**3510.53**	**3580.74**

14. Time of use periods

1. Low Demand - Summer	**2. High Demand - Winter**
September to May	**June to August**
Monday to Friday	**Monday to Friday**
00:00 - 06:00 Off Peak	00:00 - 06:00 Off Peak
06:00 - 07:00 Standard	06:00 - 09:00 Peak
07:00 - 10:00 Peak	09:00 - 17:00 Standard
10:00 - 18:00 Standard	17:00 - 19:00 Peak
18:00 - 20:00 Peak	19:00 - 22:00 Standard
20:00 - 22:00 Standard	22:00 - 24:00 Off Peak
22:00 - 24:00 Off Peak	
Saturday	**Saturday**
00:00 - 07:00 Off Peak	**00:00 - 07:00 Off Peak**
07:00 - 12:00 Standard	**07:00 - 12:00 Standard**
12:00 - 18:00 Off Peak	**12:00 - 18:00 Off Peak**
18:00 - 20:00 Standard	**18:00 - 20:00 Standard**
20:00 - 24:00 Off Peak	**20:00 - 24:00 Off Peak**
Sunday	**Sunday**
00:00 - 24:00 Off Peak	00:00 - 24:00 Off Peak

All tariffs exclusive of VAT

13.2	REQUESTING PUBLIC INPUT ON THE FUTURE USE OF PORTIONS 528A AND 529CC, STELLENBOSCH, FORMALY KNOWN AS MOUNTAIN BREEZE CARAVAN PARK

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **28 July 2021**

1. SUBJECT: REQUESTING PUBLIC INPUT ON THE FUTURE USE OF PORTIONS 528A AND 529CC, STELLENBOSCH, FORMALY KNOWN AS MOUNTAIN BREEZE CARAVAN PARK

2. PURPOSE

To approve the request for public input on the future use of portions 528A and 529CC, formally known as Mountain Breeze Caravan Park.

3. DELEGATED AUTHORITY

The Municipal Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality and Stellenbosch Caravan Park cc (Malan) concluded a long-term Lease Agreement during 1992 for a period of 30 years (1 April 1991-31 March 2021). This Lease Agreement was later ceded to the Mountain Breeze Caravan Park CC (Visser).

The lease Agreement expired on 31 March 2021, but at a Council meeting held on 31-03-2021 Council has decided to extent the current Lease Agreement on a month-to-month basis. The Lessee subsequently cancelled the lease and indicated that they will vacate the property by 30 June 2021. They are currently busy removing an agreed list of assets that forms part of the improvements Mountain Breeze made and may be removed in terms of the contract.

There are 9 long term residents left on the property and the administration is in the process to appoint attorneys to have the people evicted should they not agree to vacate the property freely. We have received requests from two of the residents for a temporary arrangement, which requests will be submitted to the Executive Mayor in consultation with the Mayoral committee for a decision under separate item.

Council has requested the municipal manager to assemble a TASK team to provide a report on the different types of properties owned by Council by December 2021. This is one of the properties that will form part of the report. Council however resolved on 23 June 2021 inter alia *that a call for proposal be prepared for the property on the future use of the property.*

The property fall in the over R10 million category and any disposal thereof will require a public participation process that involves the publication of an information statement. Disposal in this instance will mean either the selling or any long term lease agreement. Before such a call for proposals can be properly considered council must assessed the property for its most appropriate use. The attach request for public input provides the opportunity for the public to provide an indication of what they regard as the best future use of the property. All inputs will be placed before Council and Council can then resolve what the future use must be and is the intention to sell of the property or lease the property for that purpose. A further process of public participation will be needed before a final decision of providing rights on the property may be made. The current process merely want to get a sense of how the public see the future of the property. This process will assist the Council to make as assessment of the most appropriate use of the property as required by law before an Information statement is published.

5. RECOMMENDATION

To consider the notification to the public for input.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Existing Lease Agreement

Stellenbosch Municipality and Stellenbosch Caravan Park cc (C.P Malan) concluded a long-term Lease Agreement on 18 May 1992 for the period 1 April 1991 to 31 March 2021.

This Lease Agreement, however, was later ceded to the Mountain Breeze Caravan Park cc (R.P. Visser) during 1995 and came to an end in March 2021.

6.2 Discussion

6.2.1 Council have to decide on the future use of the property. The previous lessee in busy with the removal of agreed to assets that forms part of the improvements and may be removed. The permanent residents were given notice to vacate the property, but they have not done so and apart from two people have not indicated their intent. The municipality will proceed to appoint attorneys to have them evicted.

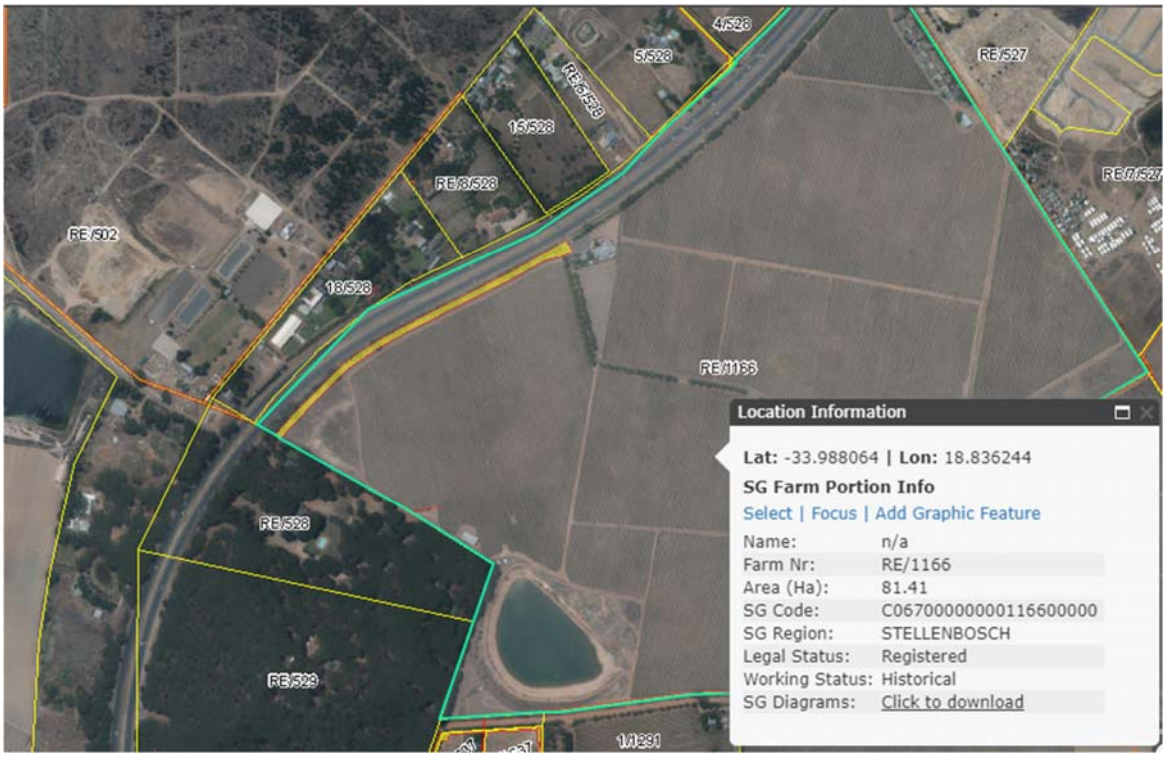
6.2.2 The permanent structures are part of the caravan park's facilities that are rented out and used by temporary users of the resort.

The staff houses are occupied by the workers currently employed by the municipality for a period of 12 months since 1 July 2021.

6.2.3 Access

Access to the property is *via* a registered servitude access off the R44, over a portion of Farm 1166, Stellenbosch as shown on Fig 3, below. A servitude was registered at the Surveyor General in 1985. The property has access to irrigation water (Theewaterskloof) and is getting drinking water from a borehole situated on the neighbouring farm 1166.

Electricity is supplied by Eskom. The municipality has taken over the Eskom contract, installed pre-paid meters for electricity at all the units of the long term residents to ensure they pay for the service. They are also only allocated 6 kl of water and the other services has been taken over by the Infrastructure Directorate.



6.2.4 Legal requirements

Depending on whether Council is considering the disposal of the asset or whether to award long term rights various sections/regulations of the Municipal Finance Act, No 56 of 2003, (MFMA), the Asset Transfer Regulations (ATR) and the Municipality's Policy on the Management of Council owned property, will apply.

6.2.4.1 Disposal of fix properties

6.2.4.1.1 Municipal Finance Management Act (MFMA)

In terms of the Section 14 of the MFMA,

"*A municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.*

(2) A municipality may transfer ownership or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public—

(a) has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and

(b) has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.

(3) A decision by a municipal council that a specific capital asset is not needed to provide the minimum level of basic municipal services, may not be reversed by the municipality after that asset has been sold, transferred or otherwise disposed of.

(4) Municipal council may delegate to the accounting officer of the municipality its power to make the determinations referred to in subsection (2)(a) and (b) in respect of movable capital assets below a value determined by the council.

(5) Any transfer of ownership of a capital asset in terms of subsection (2) or (4) must be fair, equitable, transparent, competitive and consistent with the supply chain management policy which the municipality must have and maintain in terms of section 111".

6.2.4.1.2 Asset Transfer Regulations (ATR)

In terms of Regulation 5 of the ATR

"*(1) A municipality may transfer or dispose of a non-exempted capital asset only after—*

(a) the accounting officer has in terms of regulation 6 conducted a public participation process to facilitate the determinations a municipal council must make in terms of section 14(2)(a) and (b) of the Act; and

(b) the municipal council—

(i) has made the determinations required by section 14(2)(a) and (b) and

(ii) has as a consequence of those determinations approved in principle that the capital asset may be transferred or disposed of.

(2) Sub regulation (1)(a) must be complied with only if the capital asset proposed to be transferred or disposed of is a high value capital asset" (i.e. in excess of R50M)".

6.2.4.1.3 Policy on the Management of Council owned property

In terms of paragraph 7.2.3 (general principles pertaining to the disposal of immovable property), of the policy;

"*Before alienating Immovable property or rights in Immovable property the Municipality shall be satisfied that alienation is the appropriate methodology and that reasonable economic, environmental and social return cannot be derived whilst ownership of the Immovable property or Property rights is retained by the Municipality*".

Further in terms of paragraph 8 of the policy:

" 8.1 Before an Immovable property is declared as surplus, and earmarked for disposal or the awarding of rights, it must first be assessed for its most appropriate use.

8.2The most appropriate use for a surplus property is one which achieves an optimum balance between the following three key elements of sustainable development:

(a) the protection of ecological processes and natural systems;

(b) the optimum financial return to and economic development of the municipal area; and

(c) the enhancement of the cultural, economic, physical and social wellbeing of people and communities.

8.3 The three elements of sustainability will apply to all surplus Immovable Properties, however their significance and the relationships between them will vary for individual Immovable Properties.

8.4 In determining the most appropriate use of surplus properties, regard should be given to:

(a) Spatial development framework(s);

(b) Regional plans;

(c) Sectoral studies/plans;

(d) Government policies;

(e) Relevant legislation; and

(f) The views of interested and affected parties.

8.5 Where appropriate, opportunities should be provided for community involvement in the assessment process".

Further, Subsequent to determining the most appropriate use of a property and after the Municipality has decided that the Immovable property could be disposed of, or that rights may be awarded, the method of disposal or method of awarding rights should be determined".

In terms of paragraph 9.1 the Municipality may use any of the following methods, depending on the circumstances pertaining the specific Immovable property:

a) Tender process

b) Auction

c) Call for proposals (will include a tender process)

6.2.4.2 Granting of rights to use, Control or Manage a Capital asset
6.2.4.2.1 Asset Transfer Regulations (ATR)

In terms of Regulation 34, a municipality may grant a right to use, control or manage a capital asset only after:

"*1)a) The accounting officer has, in terms of Regulation 35, concluded a public participation process regarding the proposed granting of the right; and*

b) The municipal Council has approved in principle that the right may be granted.

2) Sub-regulation (1)(a) must be complied with only if:

a) the capital asset in respect of which the proposed right is to be granted has a value in excess of R10m; and

b) a long-term right is proposed".

In considering options Council must treat the property as a property that falls within this category valued in excess of R10M.

"3)a) Only a Municipal Council may authorise the public participation process referred to in sub-regulation (a)

b) a request to the Municipal Council for the authorisation of a public participation process must be accompanied by an Information Statement, stating:*

i) the reason for the proposal to grant a long term right to use, control or manage the relevant capital asset;

ii) any expected benefit to the municipality that may result from the granting of the right;

iii) any expected proceeds to be received by the municipality from the granting of the right; and

iv) any expected gain or loss that will be realised or incurred by the municipality arising from the granting of the right".

Council must consider its options and decide on the future use of the property. Only after Council had decided on a way forward, an Information Statement will be prepared and submitted with a further item.

6.3 Staff implications

The municipality currently employ 4 of the previous staff members, all living on the property for a period of 12 months whilst the process on the future of the property unfolds.

6.4 Legal Implications

Discussed under 6.2.4

6.5 Financial implications

Will only be determined after the future use has been determined. The property is valued in excess of R10 million.

6.6 Previous / Relevant Council Resolutions

Item 19.3.3 : 23 June 2021

a) That the Council takes note of the decision of the lessee to vacate the property on 30 June 2021;
b) That the lessee be held responsible for any costs that the municipality will have to incur should the properties not be returned to the municipality in the state envisaged by lease agreement;
c) That the Municipal Manager be mandated to take any necessary steps and measures, including access control, to ensure the properties is secured; and
d) that the Municipal Manager be mandated to ensure the necessary maintenance of the property and appoint the necessary staff on contract; and
e) that a call for proposal be prepared for the property on the future use of the property.

6.7 Risk Implications

Addressed through the content of the email.

The matter of the long term residents are dealt with separately.

6.8 Comments from Senior Management

Supported by Senior Management that input from the public be obtained on the possible future uses

ANNEXURES:

APPENDIX 1: Notice to provide input on future use of the portions 528A and 529CC, Stellenbosch

FOR FURTHER DETAILS CONTACT:

NAME	**Annalene de Beer**
POSITION	***Director: Corporate Services***
DIRECTORATE	***Corporate Services***
CONTACT NUMBERS	***021-8088018***
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.gov.za
REPORT DATE	***21/07/21***

APPENDIX 1

OFFICIAL NOTICE: FUTURE USE OF PORTIONS 528A EN 528CC, STELLENBOSCH (FORMERLY KNOWN AS MOUNTAIN BREEZE CARAVAN PARK)

1.PURPOSE:

The purpose of this notice is to solicit inputs/comments from the general public on the future use of Portions 528A and 528CC, Stellenbosch (Formerly known as Mountain Breeze Caravan Park)

2.BACKGROUND:

Stellenbosch Municipality and the Stellenbosch Caravan Park cc (Malan) concluded a long-term Lease Agreement during 1992 for a period of 30 years (1 April 1991 - 31 March 2021). The Lease Agreement was due to expired on 31 March 2021 and the Council, at a meeting held on 31-03-2021 has decided, *inter alia*, to extent the then Lease Agreement on a month-to-month basis whilst Council decide on the long-term future of the land. The Lessee has subsequently informed Council that she does not want to continue with the lease and vacated the property on 30 June 2021. Council has taken over the land and closed the park.

At a meeting held on 23 July 2021, Council resolved, inter *alia*, **to afford the public an opportunity to submit comment/ inputs on the future use of the property.**

3. DISCUSSION:

3.1 Property description

The Mountain Breeze Caravan Park is situated on Lease Portions 528 A and 529 C, off the R44 (direction Somerset-west), measuring approximately 22.2 Ha in extent, as shown on Fig 1 and Fig 2, below.

Fig 1. Location and context

Fig 2. The site

3.1 Ownership

Ownership of the properties vests with Stellenbosch Municipality by virtue of Title Deeds ST FH6-6/1891 and ST FH 6-4/1890

3.2 Legal status

Council will through a public participation process solicited the views of the public to determine the future use or most appropriate use of the land. Once the future use is determined a decision will be made on whether to sell or lease the land for that use. The Municipal Assets transfer regulations is applicable to land valued above R10 million.

3.2.1 Municipal Finance Management Act

In compliance with the provisions of section 14(1) of the MFMA, the Municipality shall not transfer ownership as a result of a sale or other transaction, or otherwise permanently dispose of an Immovable property that is needed to provide the minimum level of basic municipal services.

3.2.2 Asset Transfer Regulations

a) the transfer and disposal of capital assets by municipalities and municipal entities; and

b) the granting by municipalities and municipal entities of rights to lease, use, control or manage capital assets;

3.2.3 Property Management Policy

The following abstracts from the policy is highlighted below:

5.1. The following principles and values should underpin Immovable property disposal activities:

(a) The use of the Municipality's Immovable property to promote social integration, to redress existing spatial inequalities, to promote economic growth, to build strong, integrated and dignified communities and to provide access to housing, services, amenities, transport and opportunities for employment.

4. Process

A further public participation process will therefore follow after council has determined in their view the most appropriate use for the land.

In determining the most appropriate use of surplus properties, regard should be given to:

(a) Spatial development framework(s);

(b) Regional plans;

(c) Sectoral studies/plans;

(d) Government policies;

(e) Relevant legislation; and

(f) The views of interested and affected parties.

Subsequent to determining the most appropriate use of a property and after the Municipality has decided that the Immovable property could be disposed of, or that rights may be awarded, the method of disposal or method of awarding rights will be determined.

5 SUBMISSION OF INPUTS/COMMENTS/OBJECTIONS

Submissions/inputs/comments on the future use of the property is herewith requested from the public to be submitted to the Municipal Manager within 30 days from publication of this notice. Submissions can be hand delivered or e-mailed to the Municipal Manager the following address:

Email: mountainbreeze@stellenbosch.gov.za
Physical address: 3rd Floor, Plein Street, Stellenbosch.
Landline: 021 808 8025

The closure date for submissions is: ……..

6 FURTHER INFORMATION

Further information is available at the office of the Municipal Manager during office hours, including the agenda item that served before Council.

PERSONS WITH DISABILITIES

Notice is further given in accordance with Section 21 of the Local Government: Municipal Systems Act, No. 32 of 2000 that anyone with disabilities or who is unable to write, but need to participate in the process, may present him/herself during office hours at the office of the Municipal Manager, where a staff member of the Municipality will assist such person to transcribe that person's comments/inputs/objections.

GARALDINE METTLER **DATE……..**
MUNICIPAL MANAGER: STELLENBOSCH MUNICIPALITY

14.	**CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER**

14.1	**MOTION BY COUNCILLOR J KLEYNHANS (MS): AWARDING OF HONORARY CITIZENSHIP**

A Notice of a Motion, dated 2021-07-19, was received from Councillor J Kleynhans (Ms), regarding the awarding of Honorary Citizenship.

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

FOR CONSIDERATION

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	***Municipal Manager***
DIRECTORATE	***Office of the Municipal Manager***
CONTACT NUMBERS	***021 808-8025***
E-MAIL ADDRESS	***Municipal.Manager@stellenbosch.gov.za***
REPORT DATE	

APPENDIX 1

DNCA
DEMOCRATIC NEW CIVIC ASSOCIATION
U EERSTE YOU FIRST

CONTACT: oackcity2010@yahoo.com
P.O BOX 12445
DIE BOORD
7613

MUNICIPALITY - MUNISIPALITEIT STELLENBOSCH
19 JUL 2021
OFFICE OF THE SINGLE WHIP

Democratic New Civic Association

MUNICIPALITY - MUNISIPALITEIT STELLENBOSCH
13 JUL 2021
OFFICE OF THE SPEAKER

"Without Prejudice"

13 July 2021

For attention: The Speaker

Stellenbosch Municipality

Re: Motion

I hereby submit the following Motion to serve at the July 2021 Council meeting.

Motion: The Awarding of Honorary Citizenship for members of the public.

Motivation/background

1. I refer Council to numerous attempts since 2012- 2015 to award the above mention honor to
a) Mr. Victor Honey
b) Ds Simon Adams and
c) Prof. Laurens Du Plessis

2. It is with sadness to announce, that the DA deemed it fit to oppose this initiative, but deemed it fit to award an Honorary Citizenship lately to Prof. Durand. Why the inconsistency by the Stellenbosch Municipality?

DNCA
DEMOCRATIC NEW CIVIC ASSOCIATION
U EERSTE YOU FIRST

CONTACT: oackcity2010@yahoo.com
P.O BOX 12445
DIE BOORD
7613

3. Recommendation:

That Council hereby agrees to add the following names to the awarding of honor of Honorary Citizenship to

a. Mr. Victor Honey
b. Ds. Simon Adams
c. Prof. Laurens Du Plessis and
d. Mr. Clive Gabriels
e. Ald. Doreen Hani

This is for their meaningful and selfless contribution to the struggle against Apartheid and also for workers' and human rights and a new dispensation.

Clr. Jo-ann Kleynhans

Seconded by: ----------

MUNICIPALITY - MUNISIPALITEIT
STELLENBOSCH
19 JUL 2021
OFFICE OF THE SINGLE WHIP

"Aluta Continua"

14.2	QUESTION BY COUNCILLOR J KLEYNHANS (MS): STATUS OF COUNCILLORS N JINDELA AND N OLAYI

A Notice of a Question, dated 2021-07-19, was received from Councillor J Kleynhans (Ms) regarding the status of Cllrs N Jindela and N Olayi.

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

FOR CONSIDERATION

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	***Municipal Manager***
DIRECTORATE	***Office of the Municipal Manager***
CONTACT NUMBERS	***021 808-8025***
E-MAIL ADDRESS	***Municipal.Manager@stellenbosch.gov.za***
REPORT DATE	

APPENDIX 1

DNCA
DEMOCRATIC NEW CIVIC ASSOCIATION
U EERSTE YOU FIRST

CONTACT: oackcity2010@yahoo.com
P.O BOX 12445
DIE BOORD
7613

MUNICIPALITY - MUNISIPALITEIT
STELLENBOSCH
13 JUL 2021
OFFICE OF THE SPEAKER

Democratic New Civic Association

13 July 2021

For attention : The Speaker

Stellenbosch Municipality

Re: Question.

I hereby submit the following question to serve at the July 2021 Council meeting.

Motivation/background

1. I refer Council to current two DA Councillors who are officially charged with Serious Criminal Charges.
2. Surely they not only brought this institution in disrepute ,but also violate the Code of Conduct for Councillors.
3. Although everybody is innocent until proven guilty, they both still have serious allegations to answer too.

Question:

What is the current disciplinary status of both Clr. Jindela, as well as Olayi and is Clr. Jindela on "special leave" with or without pay?

I request the Speaker to answer this in writing.

Clr. Jo-ann Kleynhans

Aluta Continua

MUNICIPALITY - MUNISIPALITEIT
STELLENBOSCH
19 JUL 2021
OFFICE OF THE SINGLE WHIP

APPENDIX 2

MEMORANDUM

Office of the Municipal Manager
Kantoor van die Munisipale Bestuurder

TO	:	**COUNCILLOR JO-ANN KLEYNHANS**
FROM	:	**SPEAKER**
DATE	:	**20 JULY 2021**
RE		**REPLY TO QUESTIONS IN TERMS OF SECTION 35 OF THE STANDING RULES AND ORDER FOR THE MEETINGS OF COUNCIL**

Dear Cllr Kleynhans

With reference to the question submitted by you in terms of Section 35 of the Standing Rules and Order for the meetings of council, received by my office.

QUESTION

"What is the current disciplinary status of both Clr. Jindela, as well as Olayi and is Clr. Jindela on "special leave" with or without pay?"

RESPONSE

Both councillors are currently on special leave. As you are aware there is currently a criminal investigation pending and all accused are regarded innocent until proven guilty. To this end, the matter is underway, and the outcomes of the investigation will be submitted to Council for consideration once finalized.

Kind regards,

SPEAKER
WILHELMINA PETERSEN

15.	**CONSIDERATION OF URGENT MOTIONS**

16.	**URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER**

17.	REPORTS SUBMITTED BY THE SPEAKER

17.1	REPORT TO COUNCIL REGARDING THE INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY CLR R DU TOIT (MS)

Collaborator No:
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 28 July 2021

1. SUBJECT: REPORT TO COUNCIL REGARDING INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY COUNCILLOR R DU TOIT (MS)

2. PURPOSE

To consider the report submitted by the Speaker against Councillor Cllr R du Toit, which was done in terms of item 14 of Schedule 1 of the Local Government Act: Municipal Systems Act 32 of 2000, as well as the Approved Code of Conduct for Councillors.

3. DELGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The Office of the Speaker received a formal complaint from the complainant Liesl Rhaphoto against Cllr R du Toit, for various allegations as listed in her letter of complaint. The Office of the Speaker was requested to assist with the investigation and for this matter Speaker opted for outside legal services.

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

Advocate Vermaak provided a report with recommendations to the Speaker's office, which report served before Council for consideration on 24 August 2020. In his report Advocate Vermaak under **Remarks** page 36 said that: "In my view, she did not transgress the Code of Conduct for Councillors as attached **as APPENDIX 1**.

Council however refer the matter to the Disciplinary Committee of Council for Councillors to investigate the matters and make a finding on any alleged breach of the Code of conduct; and that, following the investigation, the Disciplinary Committee make appropriate recommendations to the Council in the event of any findings as per **APPENDIX 1.1.**

The Disciplinary Committee hearing was set for 20th April 2021 and Cllr R du Toit was informed of the hearing and also informed of her right to have a representative present. A copy of the Notice and Charge Sheet is attached as **APPENDIX 1.1.1.** Cllr R du Toit as well as the complainant Liesl Rhaptoto was present at the hearing.

The case was vigorously discuss, heated debate takes place and cross examination of the accused and witness of the facts and circumstances around the matters at hand was thoroughly done.

Based on all evidence submitted and produced to the disciplinary committee and as per the regulations for disciplinary hearings the disciplinary committee makes the following findings and subsequent recommendation to Council.

The committee is of the opinion that Councillor Du Toit did not intentionally act in bad faith, however the committee strongly feels that the integrity of Council have been affected and brought in disrepute based on the evidence presented.

This item was tabled at the 43rd Council meeting: 2021-05-26, where The Speaker Ruled that this matter be dealt with at a next meeting of Council.

5. RECOMMENDATION

The Disciplinary Committee makes the following recommendation to Council as per Section 14 of Schedule 1 of the Municipal Systems Act No 32 of 2000. (154) Subsection 2a, to read as follows:

Issue a formal warning to the Councillor.

6. DISCUSSION

6.1 Background

The Office of the Speaker received written complaints from the Complainant MS Liesl Rhaphoto against Cllr Rozette du Toit, namely:

1. It is alleged that Councillor Rozette du Toit did not declare all her income to the Stellenbosch Municipality.
2. It is alleged that she abused her power to instruct two Municipal Law Enforcement Officials to escort the complainant from the building she was working at.
3. It is alleged that she instructed Mr Michael Moses, her Administrator, to act as presiding officer at the hearing.

6.2 Discussion

An investigation was done by Adv. Etienne Vermaak in respect of the complaints/ allegations of misconduct made against Cllr R du Toit. His report is attached as Appendix 1. The matter served before the full Council on 24 August 2020 where the matter has been referred to the Disciplinary Committee of Council. The Disciplinary Committee did sit on 20 April 2021 and their recommendation now serves before the full Council to finalise the matter.

This item was tabled at the 43rd Council meeting: 2021-05-26, where The Speaker Ruled that this matter be dealt with at a next meeting of Council.

6.3 Financial Implications

As per the approved appointment through the Supply chain management process.

6.4 Legal Implications

Local Government Act: Municipal Systems, 2000 – Schedule 1: Code of Conduct for Councillors. Sections 13 and 14 read as follows:

"13. DUTY OF CHAIRPERSONS OF MUNICIPAL COUNCILS

13.1. If the chairperson of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the chairperson must

a. authorise an investigation of the facts and circumstances of the alleged breach;

b. give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and

c. report the matter to a meeting of the municipal council after paragraphs (a) and (b) have been complied with.

13.2. A report in terms of sub-item (1)(c) is open to the public.

13.3. The chairperson must report the outcome of the investigation to the MEC for local government in the province concerned.

13.4. The chairperson must ensure that each councillor when taking office is given a copy of this Code and that a copy of the Code is available in every room or place where the council meets.

14 BREACHES OF CODE

14.1. A municipal council may-

a. investigate and make a finding on any alleged breach of a provision of this Code; or

b. establish a special committee-

i) to investigate and make a finding on any alleged breach of this Code; and

ii) to make appropriate recommendations to the council.

14.2. If the council or a special committee finds that a councillor has breached a provision of this Code, the council may-

a. **issue a formal warning to the councillor;**

b. reprimand the councillor;

c. request the MEC for local government in the province to suspend the councillor for a period;

d. fine the councillor; and

e. request the MEC to remove the councillor from office.

14 3. a. Any councillor who has been warned, reprimanded or fined in terms of paragraph (a), (b) or (d) of sub-item (2) may within 14 days of having been notified of the decision of council appeal to the MEC for local government in writing, setting out the reasons on which the appeal is based.

14.3 b. A copy of the appeal must be provided to the council.

14.3 c. The council may within 14 days of receipt of the appeal referred to in paragraph (b) make any representation pertaining to the appeal to the MEC for local government in writing.

14.3 d. The MEC for local government may, after having considered the appeal, confirm, set aside or vary the decision of the council and inform the councillor and the council of the outcome of the appeal.

14.4. The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation on whether the councillor should be suspended or removed from office.

14.5. The Commissions Act, 1947 (Act No.8 of 1947), may be applied to an investigation in terms of sub-item (3).

14.6. If the MEC is of the opinion that the councillor has breached a provision of this Code, and that such contravention warrants a suspension or removal from office, the MEC may

a. suspend the councillor for a period and on conditions determined by the MEC; or

b. remove the councillor from office.

14.7. Any investigation in terms of this item must be in accordance with the rules of natural justice."

6.5 Staff Implications

No internal capacity exists to investigate these types of allegations. It is also not good practice to use internal staff as it may lead to intimidation.

6.6 Previous /Relevant Council Resolutions

43RD COUNCIL MEETING: 2021-05-26: ITEM 17.1

The Speaker **RULED**

that this matter be dealt with at a next meeting of Council.

6.7 Risk Implications

Addressed in the item.

6.8 Comments from Senior Management

None requested.

ANNEXURES

Annexure 1: Investigation Report from Adv. Vermaak
Annexure 1.1: Minutes of the Disciplinary meeting
Annexure 1.1.1: Notice and Charge sheet

FOR FURTHER DETAILS CONTACT:

NAME	*JC Anthony*
POSITION	*Senior Clerk: Support Staff: Office of the Speaker*
DIRECTORATE	*Corporate Services*
CONTACT UMBERS	*021 – 808 8042*
EMAIL ADDRESS	*Speaker.admin@stellenbosch.gov.za*
REPORT DATE	*26 May 2021*

ANNEXURE 1

27 FEBRUARY 2020

REPORT TO THE SPEAKER OF STELLENBOSCH MUNICIPALITY REGARDING AN ALLEGATION OF THE TRANSGRESSION OF THE CODE OF CONDUCT FOR COUNCILLORS BY CLR ROZETTE DU TOIT

REPORT COMPILED BY ADV E W VERMAAK

BACKGROUND

I was appointed by Stellenbosch Municipality, in an e-mail dated 12 February 2020 from Ms Nomie Tshefu in the Office of the Municipal Manager, at the request of the Speaker of that Municipality, Clr Nyaniso Jindela, to assist the Speaker with an investigation into alleged misconduct of Councillor Rozette du Toit of Stellenbosch Municipality. This e-mail is attached to this report on pages 37 and 38.

MY TERMS OF REFERENCE

My terms of reference are to investigate the written complaint by Ms Liesl Raphoto, an employee of the L'Abrie de Dieu Safe House in Stellenbosch (hereafter referred to as "the Safe House") to the Speaker dated 26 November 2019, which was hand delivered to the Municipality on the same date according to an official stamp of the Municipality on the said letter. See pages 39 and 40.

INITIAL DOCUMENTATION RECEIVED

At a meeting held on 17 February 2020 in the Office of the Speaker, which was attended by the Speaker, Alderman JC Anthony and myself, the Speaker handed a file to me. The file contained documentation particular to the allegation of the transgression of the Code of Conduct by the particular Councillor comprising of:

1. A letter by Ms Liesl Raphoto, addressed to the Municipal Manager of Stellenbosch Municipality, Ms Mettler, and the Speaker of Stellenbosch Municipality, Clr Jindela, as well as to the Speaker of the Cape Winelands District Municipality, Clr Meyer, dated 26 November 2019. This letter consists of two pages and the heading is "Complaint against two law enforcement officers and Councillor du Toit" (see pages 39 and 40);

2. A letter addressed to the Speaker of Stellenbosch Municipality, dated 29 January 2020, by the same Ms Raphoto with the heading "Supporting Documents –REF 8/2019 – ALLEGED BREACHED OF CODE OF CONDUCT FOR COUNCILLORS", which was received by the Municipality on 29 January 2020 according to an official stamp of the Municipality on the first page of the said document (see pages 41 to 51);

3. A sworn Affidavit in Afrikaans made by the same Ms Raphoto on 14 November 2019, consisting of two pages (see pages 42 to 43)

4. A sworn Affidavit in Afrikaans made by Davey Julius on 14 November 2019, consisting of one page (see page 44);

5. A letter addressed to Ms Liesl Raphto, with the heading "PRECAUTIONARY SUSPENSION NOTICE", consisting of five pages which was signed by Ms Alice Wilton as the CEO of the Safe House, dated 12 November 2019 (see page 45 to 49);

6. A photograph of a licence disc of a white Opel with registration number CA 788170 (see page 50 – a better photo appears on page 67);

7. A document with the heading "Notes to the Annual Financial Statements" of the Safe House for the financial year ended 31 March 2019 (see page 51);

8. A sworn affidavit made by Alice Lorenzo Ruth Wilton on the letterhead of the Safe House, dated 28 January 2020, consisting of six pages (see pages 52 to 56);

9. A document with the heading "To whom it may concern" listing the donations made by Clr Rozette du Toit from March 2019 until September 2019, consisting of one page (see page 57);

10. A Disclosure Form for Benefits and Interests of Stellenbosch Municipality, completed by R du Toit, which consists of two pages (see pages 58 and 59);

11. A letter to Clr R du Toit, dated 29 November 2019, and signed by the Speaker, Clr Jindela, with the heading "Alleged breach of the Code of Conduct for Councillors". Consisting of one page (see page 60);

12. An e-mail from Clr Rozette du Toit addressed to the Speaker dated 6 December 2019, in which she responded to the Speaker's letter dated 29 November 2019, consisting of one page (see page 61);

13. A copy of an article in the newspaper "The Argus" with the heading " Councillor probed for misuse of power, consisting of one page (see page 62);

14. A copy of a front page article in the newspaper "Eikestad Nuus" for the period 30 January 2020 to 5 February 2020, with the heading "Raadslid in spervuur" (loosely translated as "Councillor in cross fire" – see page 63).

MODUS OPERANDI OF MY INVESTIGATION

After the perusal of the file handed to me by the Speaker containing the complaints against Clr R du Toit, I identified the issues and I had arranged interviews with all the material witnesses mentioned in the initial documentation. During these interviews,

other possible witnesses were also identified as well as additional documentation which could assist me in my investigations in this regard.

ADDITIONAL DOCUMENTATION REQUESTED AND RECEIVED

I have requested and received the following additional documentation from the following persons during interviews:

1. A document with the heading "Submission of Liesl Raphoto to the Speaker of Stellenbosch Municipality ref 8/2019 re alleged breach of the Code of Conduct for Councillors consisting of 32 pages and received from Ms Liesl Raphoto on Monday, 24 February 2020 (see pages 64 to 96). Some of the documents in her pack also appear in the documentation initially handed to me by the Speaker, but as I gave Ms Raphoto the undertaking that I shall put all of her documentation before the Speaker without any interference, I decided include her bundle of documents as received in this report ;

2. A document with the heading "Re Board Report regarding non-compliance, disciplinary action and criminal matter filed with CAS Number 157/11/2019", dated 14 November 2019 and consisting of 24 pages, signed by Ms Alice Wilton on 18 February 2020 (see pages 97 to 120) which is addressed to all Board Members;

3. A document with the heading "Re Reporting re L'Abrie de Dieu Services (Urgent)" dated 19 November 2019 and addressed to the Department of Social Development consisting of 14 pages (see pages 121 to 134);

4. A document with the heading "Re Report regarding allegations of Board Members against myself and Clr du Toit", dated 21 January 2020 and consisting of 50 pages, drafted and signed by Ms Alice Wilton on 18 February 2020 (see pages 135 to 183), which was addressed to the Department of Social Development Services. Some of the documents in her pack also appear in the documentation initially handed to me by the Speaker and Ms Raphoto, but as I gave Ms Wilton the same undertaking as I had given to Ms Raphoto, namely that I shall put all of her documentation before the Speaker without any interference and I decided include her bundle of documents as received in this report ;

5. A copy of a letter from Stellenbosch Municipality, dated and signed by Mr G Esau on 9 November 2010, addressed to "Whom it may concern" with the

heading " Longterm relationship between Stellenbosch Municipality and the Stellenbosch Safe House: L'Abrie De Dieu" (see page 184);

6. A copy of an invitation to a Grievance meeting scheduled for 21 November 2019 to address the grievance of Ms G Pieterse , received from Ms Nomie Tshefu of the Office of the Municipal Manager (see pages 185 and 186);

7. A copy of the Grievance Application Form completed by Ms Gretlene Pieterse, received from her during our interview on 19 February 2020 (see pages 187 and 188);

8. A copy of the attendance register of the Safe House insofar as Ms Liesl Raphoto is concerned for the month of November 2019 (see pages 189 and 190).

OTHER EVIDENCE REQUESTED AND RECEIVED/ OBTAINED

1. I have recorded my interview with Ms Raphoto with her consent and I am willing to share this recording with the Speaker upon request;

2. I have requested and received several recordings (six to be exact) of Board meetings of the Safe House from Ms Wilton as I was informed by an affidavit of Ms Hillary Bergstedt that Clr du Toit had made certain admissions pertaining to the allegations against her during Board meetings. I am willing to share these recordings with the Speaker. Apart from the fact that Clr du Toit acknowledges that her office was used by the Safe House for meetings and that Mr Michael Moses acted as the Chairperson of the Precautionary Suspension Hearing of Ms Raphoto, she does not admit in these recordings that she was receiving remuneration from the Safe House as claimed and neither does she admit that she had instructed two Law Enforcement Officers of the Municipality tó escort Ms Liesl Raphoto out of the offices of the Safe House on 12 November 2019;

3. I have received a recording of the proceedings on the first day of the disciplinary hearing of Ms Raphoto, but only after I had given an undertaking to Ms Wilton not to share it or disclose it before the disciplinary hearing of Ms Raphoto is finalised. It suffices to say that she had made statements in her disciplinary hearing which make her allegations against Clr du Toit questionable as some of her statements seem to point to an ulterior motive for making the said allegations. I am willing to share this with the Speaker after the said disciplinary hearing is finalised.

OTHER EVIDENCE REQUESTED AND SHOWN BUT CANNOT BE SHARED

Ms Wilton showed me photos of Ms Raphoto leaving the offices of the Safe House on 12 November 2019 with her jacket over her arm and her handbag in the other hand, which were taken from the video footage captured by security cameras fixed to the offices of the Safe House.

I was informed by Ms Wilton that in terms of applicable legislation , the Non Profit Organisations Act of 1997, she may not hand these photos to people like me, as legislation prohibits her from giving me photographic material which could enable people like me to identify a Safe House and which could result in compromising the safety of the clients who live there.

The full length photo clearly shows Ms Raphoto from behind from her shoes to head and it at the same time shows the car of the Law Enforcement Officers parked in front of the gate of the Safe House. This photo confirms that nobody was escorting Ms Raphoto when she left the Safe House and also shows that the Law Enforcement Officers must still have been inside the offices of the Safe House as they do not appear on the photo and as the presence of their car suggests that they have not left the premises. Ms Wilton is willing to testify in a hearing (should there be one) and she is willing to show the photo on her cell phone to a Disciplinary Committee if need be.

OTHER EVIDENCE REQUESTED AND NOT RECEIVED/ OBTAINED

1. I have requested from Mr Fagrie Patel the recordings, which he had alleged to have made of the discussion between him and Ms Bergstedt on the one hand and Ms Tjetjeko and Ms Telemachus (the two Law Enforcement Officers) on the other hand outside the offices of Mr Cedric Thorpe on 13 November 2019, but despite an undertaking by him during our interview on 24 February 2020 that he would send it to me later that day as this recording was on his other cell phone which was at home, I have not received it, despite sending a reminder to Mr Patel on 26 February 2020 in the form of a WhatsApp message.

   He sent me a WhatsApp on 26 February 2020 that his granddaughter now has the particular cell phone and that he will try to get the recording from her, where after he will send it to me. See pages 191 and 192 as proof of the WhatsApp communication between myself and Mr Patel. I eventually received the sound clip on 27 February 2020 but it is unclear due to many people talking at the same time.

2. I have also requested Ms Hillary Bergstedt for a meeting, but she informed me that she was not available to meet with me until next week Tuesday, 3 March 2020.

   As I have a lengthy sworn affidavit from her given to me by Ms Raphoto and as I expect her (Ms Bergstedt) to stand by it as it was made under oath, I decided not to wait for a meeting with her and I requested her in a WhatsApp message instead to send me the minutes of a meeting of the Board of the Safe House to me, which she described in a WhatsApp message to me as of utmost importance.

   I also asked her to send me the audio recordings which she referred to in her sworn affidavit, but by 26 February 2020 I have not received the said minutes or the audio recordings from her. See pages 193 to 200 as proof of the WhatsApp communication between myself and Ms Bergstedt.

THE DIFFERENT COMPLAINTS

1. **The complaint that Clr du Toit had received monies from the Safe House which she did not declare in the Disclosure Form for Benefits and Interests of Stellenbosch Municipality**

The complaint of Ms Raphoto is fully explained in her letter to Ms Mettler as the Municipal Manager dated 26 November 2019, which was also addressed to the Speaker. In the said complaint, the monies in question are referred to as "income" which she had allegedly received from the Safe House.

INTERVIEWS CONDUCTED/ REQUESTED REGARDING THIS COMPLAINT:

Clr Jindela (Speaker)

The Speaker acknowledged that his office had received the written complaint, dated 26 November 2019, from Ms Raphoto as well as her follow up document with the heading "Supprting Documents – Ref 8/2019- Alleged Breach of Code of Conduct for Counciilors" dated 29 January 2020.

He informed me that after the receipt of her first letter dated 26 November 2019, he had addressed a letter to Clr du Toit dated 29 November 2019 (see page 60) in which he requested her to respond to the allegations as set out in the first letter of Ms Raphoto.

He added that Clr du Toit did respond to his letter by means of an e-mail dated 6 December 2019 to all three allegations (see page 61). The Speaker told me that, after considering her response, he was of the opinion that these complaints must be investigated more thoroughly and that he had requested the Municipal Manager to appoint a suitable person to investigate the merits of the said complaints (see page 38).

Alderman J C Anthony

Alderman Anthony provided me with more background information about the Safe House and the relationship between the Safe House and the Municipality. He also provided me with information as to what Councillors are expected to declare in the Disclosure Form for Benefits and Interests of Stellenbosch Municipality (hereafter referred to as "the Declaration Form").

He informed me that a Councillor is expected to declare any other salary / remuneration/ allowances received from any other institution or legal entity in the said form, but that re-imbursements for mere out of pocket expenses such as travelling costs do not have to be declared in the said form.

Ms Liesl Raphoto

Ms Raphoto and I agreed at the start of our very long interview that both of us would record the interview using our cell phones. This agreement is part of the recording. I did so because she speaks at a fast pace and I am not able to write at the same speed. I have saved the recording of her interview on my cell phone and I am willing to share it with the Speaker.

Our initial arrangement was to meet on Tuesday, 18 February 2020, but she contacted me via WhatsApp to request me to move the interview to Monday, 24 February 2020, as she needed more time to gather the information and evidence that I had required from her.

Miss Raphoto informed me that she had learnt from the financial statements of the Safe House that a certain amount of money was paid to Clr du Toit, namely R25 186,00, in the financial year of the Safe House which ended 31 March 2019.

She pointed me to the document with the heading "Notes to the Annual Financial Statements" (see page 51) where this amount is listed next to the name of Rozette du Toit as the very last line item on that document under the sub heading "Waste removal and transport claim to related parties".

She explained that Clr du Toit was the only Councillor of the three names listed under this sub heading and that to the best of her knowledge, Clr du Toit should have declared this payment as income to the Municipality. She further pointed to the Declaration Form completed by Clr du Toit (see pages 58 and 59) and stated that Clr du Toit had not declared any income received from the Safe House under the heading " Remuneration work outside the Municipality " (see the bottom of page 58), which form was signed by her on 14 Augustus 2019. Ms Raphoto did not disclose to me how she had obtained a copy of this form or who advised her that Clr du Toit was obliged to declare reimbursements for fuel expenses as income to the Municipality.

Councillor Rozette du Toit

Clr du Toit acknowledged to me in our first interview that she had received the amount of R25 186,00 from the Safe House in the financial year ended 31 March 2019, but she informed me that this whole amount was a re-imbursement for travelling expenses, as the sub heading in the Notes to the Financial Statements indicate by referring to " ...transport claims to related parties".

She explained that the Safe House does not have a vehicle and as such the clients of the Safe House (abused women and children) are without transport when they need to travel to hospitals, courts, government departments, etc..

She accordingly bought a vehicle, a white Opel, using her own funds with the intention to donate this vehicle to the Safe House, but after the purchase of the vehicle and after it having passed the road worthy test at the Traffic Department, she was informed by the Traffic Department that the vehicle cannot be registered in the name of the Safe House, as the seller of the vehicle had a warrant of arrest issued against him and until such time when this issue is resolved between the seller of the vehicle and the Traffic Department, the vehicle cannot be registered in the name of a new owner.

So she made the vehicle available to the Safe House anyway to enable the clients of the Safe House to be mobile and to travel where they need to be. As she has to incur travelling expenses (petrol) from time to time when clients of the Safe House are transported to hospital or somewhere else like a court by the driver of the vehicle who was appointed by the Safe House, Mr Steven Lottering, she is entitled in terms of the policy of the Safe House to be reimbursed for such transport claims.

She explained further that she donates on average about R2 000,00 per week to the Safe House, for the sole purpose of funding the fuel expenses of the said vehicle. She pays this money to Ms Charlene Abels, who is an Acting Manager at the Safe House and who also is responsible for the financial matters of the Safe House.

This donation of hers, is not kept with the cash in the Petty Cash, but apart from any other money by Ms Abels. When Mr Lottering has to refuel the vehicle, he would then approach Ms Abels for an amount of cash to refuel the vehicle and after purchasing the fuel, he would bring her the cash slip for the transaction. Ms Abels keeps these cash slips.

Mr Lottering does on a weekly basis (usually on a Friday) fill in a claim form of the Safe House on behalf of Clr du Toit, in which he records the number of kilometres travelled in that week and in terms of which a particular tariff is claimed for every kilometre travelled for official purposes.

The claim is settled by Ms Abels by paying the claimed amount into her (Clr du Toit's) bank account. Then the process repeats itself when she donates money at the start of the next week to the Safe House to pay for the fuel the vehicle will require in that week.

Ms Alice Wilton

Ms Wilton informed me that, as the CEO of the Safe House, she was aware of the fact that Clr du Toit had regularly paid monies to Ms Abels of the Safe House and that these amounts of money were solely for fuel expenses for the vehicle which Clr du Toit had made available to the Safe House.

She was aware that Ms Abels had kept these funds which were donated by Clr du Toit, separate from the cash in the Petty Cash. She was aware of the arrangement that the driver of the vehicle, Mr Steven Lottering, has to request a sum of money from Ms Abels to put fuel in the said vehicle and that Mr Lottering had to record the number of kilometres that he had travelled with the said vehicle for official purposes of the Safe House and that Clr du Toit would then be reimbursed for travelling expenses in terms of the applicable policy of the Safe House.

She confirmed that Clr du Toit, just like other Board members, do not receive a monthly salary or an allowance for serving in that capacity. The only money that Board members are entitled to, is reimbursements for travelling expenses when they travel for official business for the Safe House (not all Board members do so).

Ms Wilton acknowledged that the payments made by the Safe House to Clr du Toit are part of the financial statements of the Safe House and told me that these financial statements were audited and that no irregularities in this regard have been found by the auditors of the Safe House. She pointed me to supporting documentation pertaining to the claims by Clr du Toit and the payments made by the Safe House. See pages 167 to 183.

She also made the point that Clr du Toit had made anonymous donations to the Safe House as can be seen from page 57 and that only Clr de Wet and herself knew about these donations.

Ms Charlene Abels

Ms Abels confirmed in a separate interview on a different date than Ms Wilton, the version of Ms Wilton. She said that on average Clr du Toit would give about R2 000 per week to her in cash, which she kept separate from the money in her Petty Cash.

She gave Mr Steven Lottering some of the cash that Clr du Toit had given her for fuel expenses when he needed to refuel the vehicle which Clr du Toit had made available to the Safe House. She continued to say that record was kept by her of the money she had given to Mr Lottering and Mr Lottering was obliged to capture the number of kilometres that he had travelled in order to claim a reimbursement on behalf of Clr du Toit. He normally completed the claim form on a Friday.

The claimed amount was then paid into the banking account of Clr du Toit. She said to me that this arrangement has been in place since the vehicle was made available to the Safe House by Clr du Toit.

She is aware that Ms Raphoto may have seen her handing cash to Mr Lottering as they work together in a small office, but she is of the opinion that Ms Raphoto is under the impression that the cash that she had handed to Mr Lottering, came from the Petty Cash of the Safe House, which may be her motivation for making this particular allegation against Clr du Toit.

She continued to say that if MS Raphoto had any concerns about the fact that cash from the Petty Cash was used to refuel the vehicle and that Clr du Toit was reimbursed by the Safe House on top of it, then she would have expected Ms Raphoto to discuss her concerns with her before she had made the allegations against Clr du Toit. She added that Ms Wilton and Mr Basil Pietersen are also reimbursed for travelling expenses by the Safe House.

Mr (Pastor) Basil Pietersen

Mr Pietersen told me in our interview that he has been the Treasurer of the Safe House for the past 2 years. He said that as the Treasurer, he has a good understanding of the finances of the Safe House. He added he was aware that Clr du Toit was providing a vehicle to be used by the Safe House and that she was paying for the fuel for this vehicle.

He is also aware that she was reimbursed for travelling expenses and he added that he and Ms Wilton are also reimbursed in terms of the policy of the Safe House in this regard.

He continued to say that the financial statements of the Safe House are scrutinised by auditors and that the auditors and the Department for Social Services (DSD) and that neither the auditors or DSD had any issues with the reimbursement for travelling expenses by the Safe House. He confirmed that Clr du Toit does not earn a salary or receive a monthly allowance from the Safe House.

2. **The complaint that Clr du Toit had abused her position as a Councillor by allegedly instructing Law Enforcement Officers to escort Ms Raphoto out of the Safe House on 12 November 2019**

The complaint is based on the fact Clr du Toit was present at the Safe House on the day, 12 November 2019, that Ms Raphoto had been suspended and that Clr du Toit was present when the CEO informed Ms Raphoto that she was going to be given a precautionary suspension while two Law Enforcement Officers, Mr Osric Jumat and Ms Gretlene Pieterse, were also present in the Safe House on that specific date and time. Ms Raphoto believes that Clr du Toit was part of the decision to suspend her and that Clr du Toit had instructed or arranged for the 2 Law Enforcement Officers to be at the Safe House on that day to escort her out of the building after she was served with a Notice of a Precautionary Suspension.

INTERVIEWS CONDUCTED/ REQUESTED REGARDING THIS COMPLAINT:

Ms Liesl Raphoto

During our interview, Ms Raphoto informed me that on 12 November 2019 she arrived at the office at the usual time that she starts to work, namely 7.30 am, as the Compliance Officer of the Safe House.

As she had stated in her letter to the Speaker , dated 26 November 2019, and in her sworn affidavit, dated 14 November 2019, she believes that Clr du Toit was part of a

decision to serve a Notice of a Precautionary Suspension Hearing on her on 12 November 2019 as she was present at the Safe House on that day and as she was present when Ms Alice Wilton as the CEO of the Safe House informed her of the intention of the Safe House to suspend her.

In addition, Ms Raphoto believes that Clr du Toit had instructed 2 Law Enforcement Officers to be at the Safe House to escort her out of the offices of the Safe House on 12 November 2019.

When she was asked if she has any proof in the form of documents like e-mails that Clr du Toit was part of a preconceived plan to suspend her or any witnesses to this effect, she said that she did not.

When she was asked if she has any hard evidence or witnesses that Clr du Toit had in fact instructed the Law Enforcement Officers to be at the Safe House and/or to escort her out of the Safe House, she also indicated that she did not.

When she was asked if she agrees that the Law Enforcement Officers were together at all times when they were in the Safe House, she answered that they were. When she was asked if she had to pass the 2 Law Enforcement Officers in the office to exit the building of the Safe House, she said that this is correct.

I asked her who had informed her that the Safe House was considering to suspend her and she said that it was Ms Wilton. I asked her further who had read the Notice of Precautionary Suspension to her and she confirmed that it was Ms Wilton. I enquired from her who had instructed her to hand over her keys for the building and she again said it was Ms Wilton.

I put it to her that Clr du Toit did not inform her of that she may possibly be suspended, neither did she read the Notice of Precautionary Suspension to her and neither did Clr du Toit instruct her to hand over her office keys and Ms Raphoto agreed.

I wanted to know from her why she then believed that Clr du Toit was part of the decision to serve the said Notice on her and she replied that it is because Clr du Toit suggested that the time of the Precautionary Suspension Hearing, which was going to be held at her office, must be inserted in the said Notice (In the typed Notice the time is written in by hand).

I put it to her that Clr du Toit was at the Safe House on 12 November 2019 for a meeting with Funeka Mayembana, an employee of the Department for Social

Development of Stellenbosch Municipality to discuss the "16 Days of Activism Campaign", which is an awareness campaign aimed at highlighting the abuse of women and children. Ms Raphoto told me that she was not aware of this.

When I asked her who was all present when the said Notice was read to her, she said it was herself, Ms Wilton , Clr du Toit , Ms Abels and the two Law Enforcement Officers. I put it to her that the Law Enforcement Officers both deny that they were present during this event and so does Ms Wilton, Clr du Toit and Ms Abels, but she persisted that they were present.

I asked her what made her believe that she was escorted out of the offices of the Safe House and she replied that Ms Wilton asked them to do so and that the two Law Enforcement Officers walked directly behind her as she exited the offices. She told me that Mr Osric Jumat walked behind her left shoulder and Ms Laurika Williams walked behind her right shoulder as they approached the office door.

When I asked her if she was touched by either of the two Law Enforcement Officers at any time as she left the building, she replied that she was not. When I asked her if anyone of them spoke to her as she left the building, she replied that they did not.

I then reminded her that there were other employees in the office who saw her leaving the building on that day after she was served with the said Notice and that they did not see the Law Enforcement Officers leave the building with her. I also reminded her that there are security cameras fixed to the building, which records video footage and that the footage showed that she left the building alone and minutes before the two Law Enforcement Officers left through the same door that she did. She persisted that the two Law Enforcement Officers escorted her out of the building.

I further put it to her that Laurika Williams, who she names in her sworn affidavit as one of the Law Enforcement Officers who escorted her out of the building, has never ever been to the Safe House and that she does not work the same shift as Mr Osric Jumat, the other Law Enforcement Officer that she had identified in her sworn affidavit. I put it to her that Ms Gretlene Pieterse was the other Law Enforcement Officer at the Safe House with Mr Jumat and she agreed that she had made a mistake with the name of the female officer.

I informed her that Ms Pieterse and Mr Jumat had told me in separate interviews that they were actually at the Safe House on 12 November 2019 to obtain legal advice from Ms Alice Wilton, who is legally qualified and who was once the Manager of Law Enforcement at the Municipality, about a grievance that Ms Pieterse had

submitted against Mr William September. The Grievance Hearing was scheduled for 21 November 2019 and as Ms Pieterse had never been through such a process, she wanted Ms Wilton to give her some advice about this process. Mr Jumat gave her a lift to the Safe House in a Law Enforcement vehicle on his way to his appointment with a doctor. I asked Ms Raphoto if she was aware of this and she said she was not.

I put it to her that although the two Law Enforcement Officers agree that they were requested by Ms Wilton to sign the Notice of the Precautionary Suspension Hearing as witnesses, that they deny that they were part of a preconceived plan to serve the said Notice on her. Ms Raphoto, however, persisted in her belief that the two Law Enforcement Officers were there to escort her out of the offices of the Safe House.

At the end of the interview I asked her if she could provide me with names of witnesses who could verify her version of the events. I was expecting her to name employees of the Safe House who were present on 12 November 2019 when she was allegedly escorted out of the offices of the Safe House by the two Law Enforcement Officers, but she gave me the names of Mr Fagrie Patel and Ms Hillary Bergstedt as her only witnesses.

I was informed by her that Mr Patel is a Board member of the Safe House and that Ms Bergstedt was the Secretary of the Board. I was further informed that although they were not present at the Safe House on 12 November 2019, that they had met with Mr Cedric Thorpe, the Deputy Chief of Law Enforcement on 13 November 2019 and that they understood from that visit that Mr Osric Jumat had admitted that he was instructed by Clr du Toit to go to the Safe House to escort her out of it.

She provided me with a sworn affidavit of each of these witnesses, which from part of her bundle of documents and which can be seen on pages 90 to 92 and page 93 respectively.

Ms Alice Wilton

Ms Wilton confirmed that Clr du Toit visited the Safe House on 12 November 2019 to attend a meeting with Funeka Mayembana, an employee of Stellenbosch Municipality, to discuss "16 Days of Activism Campaign", which is an awareness campaign aimed at highlighting the abuse of women and children. The Safe House, being a home to such women and children, was one of the key role players in planning this campaign.

She informed me that Clr du Toit arrived at the Safe House on 12 November 2019 before Funeka Mayembana did and that she entered the office using the office door

(as opposed to the front door). When Clr du Toit greeted the staff in the office of the Safe House, Ms Wilton, who was in the skills room adjacent to the office, recognised her voice as the door between the office and the skills room was open. The skills room is a room where meetings and training take place. Clr du Toit came into the skills room to greet Ms Wilton, who was busy taking to the two Law Enforcement Officers about the grievance of Ms Pieterse. She told them to wait for her in the skills room as she was busy with something important. Ms Wilton said that when Clr du Toit realised that she (Ms Wilton) was in a meeting, she left the skills room and returned to the office where she sat on a couch to wait for Funeka Mayembana. During this time Ms Raphoto was in the office.

Ms Wilton continued to say that she then returned to the office, which is an open plan office where a number of employees of the Safe House work, including Ms Rapotho. She then attended to the Notice of Precautionary Suspension to Ms Raphoto that she had prepared before the arrival of Clr du Toit and she discussed it with Ms Abels, who also co-ordinates the HR Function in the Safe House. Clr du Toit also joined them during this discussion as Ms Wilton wanted to know from Clr du Toit if her offices could be used to hold the Precautionary Suspension Hearing of Ms Raphoto on 14 November 2019, as this detail had to be inserted in the said Notice. After Clr du Toit had indicated that her office is available on 14 November 2019 for that purpose, Ms Wilton requested Ms Raphoto to join them, which she did.

Ms Wilton continued to say that she then informed Ms Raphoto of the intention of the Safe House to suspend her and that she then continued to read the said Notice to Ms Raphoto. At that time Ms Raphoto , Ms Abels, Clr du Toit and herself were present. The two Law Enforcement Officers were not part of this discussion.

Ms Wilton said that she had requested Ms Raphoto to sign the said Notice as proof of receipt, which she did. Ms Wilton added that she wanted witnesses to sign the said Notice and that she then called the two Law Enforcement Officers to the office where they were sitting in the skills room and requested them to sign the said Notice as witnesses, which they did in the office.

According to Ms Wilson, she told Ms Raphoto that she must hand over her keys for the office, which she did, and Ms Wilton then told her that she is free to leave the premises. Ms Raphoto collected her jacket and her handbag, where after she headed for the office door to leave the building.

At that time Ms Wilton attended to the two Law Enforcement Officers, who were still in the office area waiting to speak to her about the grievance of Ms Pieterse. As Mr Jumat had to leave for his doctor's appointment and as Ms Pieterse would not

have a lift if he had left without her, the discussed another date and time to meet with Ms Wilton to get legal advice about the grievance process. Ms Wilton said that the two Law Enforcement Officers left about 5 minutes after Ms Raphoto did.

Ms Wilton continued to say during her discussion with the Law Enforcement Officers Clr du Toit was sitting on the couch in the office area waiting for Funeka Mayembana to arrive for their meeting.

She said that at no time did she instruct or request the Law Enforcement Officers to escort Ms Raphoto out of the building as alleged by Ms Raphoto. Ms Wilton was very upset about his allegation during my interview with her. She told me that when she first heard of this allegation, she requested Ms Abels to look at the video footage at the time when Ms Raphoto left the building of the Safe House and it showed that Ms Raphoto left the offices alone with nobody else in sight.

She was informed later by Ms Abels that Ms Raphoto, when she was already outside the automated gate of the Safe House, was calling the Law Enforcement Officers when they left the building with a request that they must go and fetch her cell phone which she had left on her desk. Ms Pieterse did so and handed the cell phone to Ms Raphoto.

Ms Wilton assured me that Clr du Toit was not aware that a Notice of a Precautionary Suspension Hearing was going to be served on Ms Raphoto on 12 November 2019 when she arrived at the offices of the Safe House for her meeting with Funeka Mayembana . She also assured me that Clr du Toit played no part in the fact that the two Law Enforcement Officers were visiting the Safe House on 12 November 2019 as they came to seek legal advice from her about the grievance of Ms Pieterse against a fellow employee.

She added that Clr du Toit was only present when the Notice of a Precautionary Suspension Hearing was served on Ms Raphoto, as Ms Wilton beforehand had to ascertain from Clr du Toit if her municipal office could be used to hold the hearing. Clr du Toit did suggest that Ms Wilton insert the time of the said hearing in the said Notice as Ms Wilton omitted the time of the hearing. Clr du Toit suggested that the time be inserted as she could only avail her office from a certain time for this purpose. This explains why the time of the said hearing was written in by hand by Ms Wilton in the said Notice.

Ms Charlene Abels

In my interview with her in this regard, she informed me that she also fulfils the HR function in the office, apart from being responsible for the Petty Cash and the receipt of cash from Clr du Toit for the fuel of the vehicle that she had made available to the Safe House.

She said that she was on duty on 12 November 2019 and confirmed that Ms Raphoto was also at work on that day and that their desks are in the same open plan office. She said that two Law Enforcement Officers, Mr Osric Jumat and Ms Gretlene Pieterse, arrived at the Safe House, which was not uncommon as several Law Enforcement Officers stop by the Safe House from time to time to get legal advice from Ms Wilton, who was their Manager at the Municipality at one time.

She added that the Law Enforcement Officers were asked to sit in the skills room by Ms Wilton, as she was busy with another matter, namely preparing the Notice of a Precautionary Suspension Hearing for Ms Raphoto. She said that at that time Clr du Toit had not yet arrived and that she and Ms Wilton discussed the said Notice in the office adjacent to the skills room.

She continued to say she was aware that Clr du Toit had made arrangements with Funeka Mayembana of the Municipality for a meeting with staff of the Safe House about the 16 Days of Activism Campaign on 12 November 2019, as she was also going to be part of that meeting. When I asked her if Ms Raphoto was also going to be part of the meeting about the 16 Days of Activism Campaign, she answered that Ms Raphoto was a Compliance Officer and as such she was not going to be part of that meeting.

She confirmed that Clr du Toit arrived shortly after the Law Enforcement Officers and before Funeka Mayembana of the Municipality had arrived. After greeting her and other staff in the office, Clr du Toit saw Ms Wilton in the skills room as the door between the office and the skills room was open at that time and Clr du Toit walked to the skills room where she greeted Ms Wilton, who was talking to the two Law Enforcement Officers in the skills room. When she realised that Ms Wilton was not alone and in a meeting, she left the skills room and sat on the couch in the office. The couch is next to the desk of Ms Abels and therefore Ms Abels had a clear view of where Clr du Toit was.

She confirmed that Clr du Toit had joined her and Ms Wilton in a discussion in the office when Ms Wilton wanted to ascertain from Clr du Toit if her offices could be used to hold the Precautionary Suspension Hearing for Ms Raphoto on 14 November 2019. She said that Clr du Toit had indicated that her office would be available from

10.00 am for that purpose and that Clr du Toit suggested that the time of the hearing be inserted in the said Notice when Ms Wilton read the said Notice to Ms Raphoto.

She also confirmed that Ms Wilton had requested the two Law Enforcement Officers to sign as witnesses on the said Notice after Ms Raphoto had signed it. This was done in her presence and also in the presence of Ms Wilton and Clr du Toit.

She further confirmed that at no stage did Ms Wilton or Clr du Toit instruct or request the Law Enforcement Officials to escort Ms Raphoto out of the building. Ms Raphoto , according to her, left on her own after she took her jacket and her handbag from her desk. The Law Enforcement Officials left about 5 minutes later after a short discussion with Ms Wilton. One of the Law Enforcement Officers returned to the office soon after they had left to say that Ms Raphoto had left her cell phone on her desk. Ms Abels then gave the cell phone to the Law Enforcement Officer to give it to Ms Raphoto.

She added that the Safe House has an attendance register which all staff members must sign when they report for duty and when they leave work, but on 12 November 2019 Ms Raphoto did not sign the said register when she arrived for work or before she had left. See pages 189 and 190.

She told me that the video footage of the security cameras fixed to the building of the Safe House, can be accessed from her cell phone, as well as the cell phone of Ms Wilton an the computer of the Social Auxiliary Worker. The video footage of a particular day is available for 2 weeks, where after it is automatically deleted by the camera system.

Ms Abels told me that Ms Wilton had requested her to look at the video footage for 12 November 2019 at the time when Ms Raphoto left the building. She saw that the footage shows that when Ms Raphoto left the building, nobody else can be seen on the video footage. She showed the footage to Ms Wilton, who suggested that she takes a photograph of the footage, which she did. She noticed from the date and the time on the video footage that Ms Raphoto exited the offices of the Safe House on 12 November 2019 at 15:30 and that the Law Enforcement Officers left about 5 minutes later.

I put it to her that Ms Raphoto stated to me that the two Law Enforcement Officers were walking directly behind her when she was escorted out of the building, with Mr Jumat allegedly behind her left shoulder and Mr Pieterse allegedly behind her right shoulder. Ms Abels assured me that nobody else, including the Law Enforcement Officers could be seen on the video footage or the photo that was taken from the video footage. When I asked her how ide the angel was of the video footage and the

photo, she said that it shows Ms Raphoto from her shoes to her head and the angle is wide enough that the Law Enforcement vehicle can also be seen where it was parked in front of the gate.

Ms Funeka Mayembana

Ms Mayembana confirmed in my interview with her that she indeed had an appointment with Clr du Toit at the Safe House on 12 November 2019 from 2.30 pm until 4.30 pm. She sent me a photo of her diary on 12 November 2019 via WhatsApp, which can be seen on page 201. This appointment was to discuss the 16 Days of Activism Campaign with her and some staff members of the Safe House.

Ms Shireen Williams

Ms Williams informed me that she is an employee at the Safe House and that she is a "House Mother" (Huis Moeder). She is one of the employees who were in open plan office on 12 November 2019 when two Law Enforcement Officers entered the office and she confirmed that Ms Wilton had asked them to wait for her in the skills room as she was busy with something else. Ms Williams went to the skills room to offer the Law Enforcement Officers coffee or tea.

She told me that a while later, Clr du Toit arrived at the Safe House and after greeting the staff in the office, she went to the skills room where Ms Wilton was talking to the Law Enforcement Officers. She said that Clr du Toit had greeted Ms Wilton, but turned around and left the skills room when she realised that Ms Wilton was not alone. Clr du Toit then sat on the couch in the office and Ms Williams made tea for her.

She informed me that, as there are only a few staff members working for the Safe House and as they all have desks next to each other in the open plan office, they can communicate very easily with one another.

She was aware that Clr du Toit had an appointment to meet with Ms Funeka Mayembana and some staff members of the Safe House on 12 November 2019 as Ms Wilton informed her about the meeting.

As the office in the Safe House is the size of a normal living room in a normal home, she saw and heard Ms Wilton speaking to Ms Raphoto about the Notice of a Precautionary Suspension Hearing for Ms Raphoto. At that time the Law Enforcement Officers were still in the skills room, but Ms Abels and Clr du Toit were standing next to Ms Wilton.

Mr Cedric Thorpe

Mr Thorpe is the Deputy Chief of Law Enforcement at Stellenbosch Municipality and he informed me in our first interview that he first became aware of the alleged escorting of Ms Raphoto when Mr Fagrie Patel and Ms Hillary Bergstedt visited his offices on 13 November 2019 to discuss the incident with him. As he had no knowledge about the incident and as Mr Patel mentioned the name of Mr Osric Jumat as being one of the Law Enforcement Officers who were involved in the alleged incident, Mr Thorpe phoned Mr Jumat on his cell phone from his (Mr Thorpe's) cell phone and he put the cell phone on speaker phone so that Mr Patel and Ms Bergstedt could follow the conversation.

He asked Mr Jumat if he was at the Safe House on 12 November 2019 and when Mr Jumat replied that he was, he asked him if Clr du Toit had given him an instruction to be there, as this was the information that he was given by Mr Patel and Ms Bergstedt. Mr Jumat explained that he took Ms Gretlene Pietersen to see Ms Alice Wilton for legal advice regarding a grievance which she had lodged against Mr William September and that Clr du Toit did not instruct him to go there.

M Thorpe then said to Mr Patel that it is not the policy of the Municipality that a Councillor may instruct a Law Enforcement Official to escort an employee of a private institution or to do anything of that kind, as Councillors must contact the Municipal Manager with a request that municipal perform a municipal function and the Municipal Manager will then decide if she will approve the request and if so, she will contact the relevant Department to perform the function as a general principle. At the time of our first interview, I did not yet receive the sworn affidavits of Mr Fagrie Patel and Ms Hillary Bergstedt, as I received these sworn affidavits from Ms Raphoto a few days later as a result of her request to me to postpone our first appointment.

After I had received these sworn affidavits, I set up a follow up interview with Mr Thorpe and I asked him to read these affidavits, which he did.

During our second interview, he explained that Mr Patel and Ms Bergstedt came to his office without making an appointment first and that he was very busy. As he had no prior knowledge of the alleged escorting of Ms Raphoto by Law Enforcement Officers, he called Mr Jumat, who was identified by Mr Patel and Ms Bergstedt to have been one of the two Law Enforcement Officers to involved in the incident. He said that the nature of the allegation was disturbing and that he wanted to allay the concerns of Mr Patel and Ms Bergstedt immediately.

He distinctly remember Mr Jumat saying that Clr du Toit did not instruct them to go to the Safe House as alleged by Mr Raphoto, Mr Patel and Ms Bergstedt. He clearly remembers Mr Jumat saying that they were there to get legal advice from Ms Wilton about a grievance of Ms Laurika Williams, but as he found out later, Mr Jumat was referring to Ms Gretlene Pieterse.

He acknowledges that he questioned Ms Laurika Williams, after Mr Patel and Ms Bergstedt had left, about the incident shortly after his conversation with Mr Jumat, but he found out that she was not at the Safe House ever and that Mr Jumat had accidently referred to her instead of Ms Pieterse. He then spoke to Ms Pieterse about the incident and she confirmed that she was at the Safe House with Mr Jumat on 12 November 2019 so that she could get legal advice from Ms Wilton about her grievance. Ms Pieterse also told him that Clr du Toit did not instruct them or request them to go to the Safe House.

Mr Thorpe told me that he was not aware that he was being recorded by Mr Patel on his cell phone when he talked to them in his office that day. He said that if Mr Patel and Ms Bergstedt had understood that he or Mr Jumat had acknowledged that Clr du Toit had instructed Mr Jumat to go to the Safe House on 12 November 2019, then it is their problem and not his.

Mr Osric Jumat

Mr Jumat informed me that he is a Law Enforcement Officer at Stellenbosch Municipality with about 13 years' service. He said that on 12 November 2019 Ms Gretlene Pieterse requested him "to give her a lift" to the Safe House in Stellenbosch when she heard that he had an appointment with a doctor that afternoon. He said he agreed and on the way Ms Pieterse spoke to him about her grievance in respect of Mr William September and that she wanted to obtain free legal advice from Ms Wilton, the CEO of the Safe House, who was the Manager of Law Enforcement at the Municipality before.

He said that when they arrived at the Safe House, Ms Wilton was busy in the office area and she had asked them to wait for her in the skills room. Clr du Toit was not yet there. After a while Clr du Toit, who he does not really know well, arrived at the Safe House and after greeting Ms Wlilton who was speaking to them in the skills room, Clr du Toit left the skills room and returned to the office area. He and Ms Pieterse remained in the skills room.

Ms Wilton approached them to sign a document as witnesses on her desk and they both agreed to do so. He told me that he did not know what type of document it was, but he trusted Ms Wilton and he had no problem to act as a witness. Ms

Wilton, Ms Raphoto, Ms Abels and Clr du Toit were in close proximity when they signed as witnesses.

He said that Ms Raphoto then left the office area with her jacket and her handbag through the office door as he and Ms Pieterse waited for Ms Wilton to come and speak with them. As he was concerned that he might miss his appointment with his doctor that afternoon, he suggested that Ms Pieterse should make another appointment to see Ms Wilton as Ms Pieterse depended on him for transport from the Safe House. Ms Pieterse and Ms Wilton agreed and he and Ms Pieterse left the Safe House through the same door that Ms Raphoto had used about 5 minutes after her departure.

When they were outside the building but still inside the premises, they saw and heard Ms Raphoto calling them with a request to fetch her cell phone which was still on her desk. Mr Jumat said that Ms Pieterse went back inside the building and soon came outside with the cell phone of Ms Raphoto and she gave it to her. Ms Raphoto then drove away in her car and shortly after that Mr Jumat and Ms Pieterse left in the Law Enforcement vehicle.

Mr Jumat strongly denied that he was instructed or requested by Clr du Toit to go the Safe House on that day. He further strongly denied that he was requested by Ms Wilton to escort Ms Raphoto out of the Safe House building and that he and Ms Pieterse indeed escorted Ms Raphoto out of the building. He added that as far as he knows, Clr du Toit does not have his cell phone number and neither does he have hers. He does not know Clr du Toit very well and he had not dealt with her before in sees her, like he does with any other Councillor.

He did acknowledge that he initially told Mr Thorpe that Ms Laurika Williams was with him at the Safe House, but he explained that he is not the only one that confuses the two women as they have the same appearance in terms of height and built.

Ms Getlene Pieterse

Ms Williams told me that she is a Law Enforcement Officer at Stellenbosch Municipality and that she had asked Mr Osric Jumat for a lift to the Safe House in Stellenbosch on 12 November 2019 when she overheard him saying that he had an appointment to see a doctor that afternoon. He agreed to take her there when she told him that she wanted to obtain legal advice from Ms Alice Wilton, the CEO of the Safe House.

She confirmed that they were told to wait in the skills room for Ms Wilton, who was busy with something else. She also confirmed that when they arrived there, Clr du Toit was not yet there.

She said that after a while, Ms Wilton came to them asking for them to be patient as she was dealing with something very important. At that time Clr du Toit came into the skills room to greet Ms Wilton, but she left when she saw the Law Enforcement Officers. Ms Wilton returned to the office, but a while later she came to them and asked them to sign as witnesses on a document. She did not know what she was signing, but as she had known Ms Wilton for a very long time, she had no problem to sign the document as a witness. When they signed the document, Ms Wilton, Ms Abels, Ms Raphoto and Clr du Toit were also present. After they had signed the document, Ms Pieterse and Mr Jumat waited for Ms Wilton to speak to her about the grievance of Ms Pieterse.

While they were waiting, they saw Ms Raphoto leave the building through the office door by herself. After speaking to Ms Wilton briefly about another date and time for a consultation with her about the said grievance, she and Mr Jumat also left the office of the Safe House using the same door as Ms Raphoto to exit the building.

When they got outside the building, they saw and heard Ms Raphoto calling them and she requested them to go back into the office to fetch her cell phone which was laying on her desk. Ms Pieterse went back into the building and got the cell phone from an employee of the Safe House and she then handed it to Ms Raphoto who waited outside the gate.

She also strongly denied that she was instructed by Ms Wilton or Clr du Toit to go to the Safe House. She gave me a copy of her Grievance to prove that this is the only reason why she was there (see pages 187 and 188). She further strongly denied that she had escorted Ms Raphoto out of the Safe House.

Ms Laurika Williams

She informed me that she is a Law Enforcement Officer at Stellenbosch Municipality and that she had never been to the Safe House in Stellenbosch. She confirmed that Mr Thorpe had questioned her about an incident at the Safe House in November 2019, but she told him that Mr Jumat must have confused her with Ms Pieterse, like many people do.

Mr Fragie Patel

In my interview with Mr Patel, he told me that he can only speak about the incident at the Safe House and not the other allegations, as Ms Raphoto brought this incident to his attention. He then contacted M Bergstedt and on 13 November 2019 they both went to see Mr Thorpe about it.

He said Mr Thorpe phoned Mr Jumat in their presence and as he understood the conversation, Mr Jumat had acknowledged that he was instructed by Clr du Toit to go to the Safe House to escort Ms Raphoto out of the Safe House.

He said that he recorded a conversation with Mr Thorpe on his cell phone when he and Ms Bergstedt spoke to Mr Thorpe after he had spoken to Mr Jumat. He later sent me a sound clip which appears to be a recording of such a conversation, but due to other persons speaking loudly in the background and other background noise, it is very difficult to hear this conversation. I am willing to share this recording with the Speaker.

Ms Hillary Bergstedt

I tried to set up an interview with Ms Hillary Bergstedt , but she indicated in a WhatsApp message that she was only available to see me on Tuesday, 3 March 2020. As I am in possession of a lengthy sworn affidavit from her and as the contents were made under oath, I am comfortable that she had covered all of her concerns and that she will stand by the contents thereof. See pages 193 to 200 as proof of my attempt to set up an appointment with her and to get information from her.

Mr John Tjetjeko

Mr Tjetjeko was named in a sworn affidavit by Ms Bergstedt as well as in the sworn affidavit of Mr Patel as being one of the Law Enforcement Officers who confirmed later to Mr Patel that he had heard Mr Jumat say to Mr Thorpe on speaker phone that Clr du Toit had instructed him to go to the Safe House to escort Ms Raphoto out of the building.

Mr Tjetjeko told me that he is an Law Enforcement Officer at Stellenbosch Municipality and that he and Carmen Telemachus, another Law Enforcement Officer, went into the office of Mr Thorpe on 13 November 2019 to do work, when he heard Mr Thorpe asking Mr Jumat on speaker phone if Clr du Toit had instructed him to go the Safe House to escort Ms Raphoto out of the building. He saw Mr Patel and Ms Bergstedt with Mr Thorpe. He knows both of them as they were Councillors of Stellenbosch Municipality before.

He said that he did not hear the reply from Mr Jumat as he and Ms Telemachus was in a hurry to do something. As for the allegation of Mr Patel that he confirmed to Mr Patel and Ms Bergstedt outside of the offices of Mr Thorpe that he had heard Mr Jumat say that Clr du Toit had instructed him to go to the Safe House, he denies it.

Ms Carmen Telemachus

Ms Telemachus is the Carmen who was named in a sworn affidavit by Ms Bergstedt as well as in the sworn affidavit of Mr Patel as being one of the Law Enforcement Officers who confirmed later to Mr Patel that she had heard Mr Jumat say to Mr Thorpe on speaker phone that Clr du Toit had instructed him to go to the Safe House to escort Ms Raphoto out of the building.

She confirmed Mr Tjetjeko's version of the events in the finest detail by saying that she did not hear the reply of Mr Jumat as she was in a hurry to leave the offices of Mr Thorpe to attend to an important matter. She also did not speak to Mr Patel or Ms Bergstedt outside the offices of Mr Thorpe on that day about Mr Jumat.

Clr du Toit

In short, she told me that on 12 November 2019 she had an appointment with Ms Funeka Mayembana of the Municipality and some staff members of the Safe House about the 16 Days of Activism Campaign at about 2.30 pm. She said that she went to the Safe House a bit earlier to ensure that she is in time for the meeting.

When she arrived there, she went inside through the office door and she greeted all the staff members, including Ms Raphoto, in the office like she always does. Ms Mayembana was not yet there. She noticed that Ms Wilton was not in the office and saw her through the open door that she was in the skills room. She then proceeded to the skills room to greet Ms Wilton but when she noticed that Ms Wilton was in a meeting with two Law Enforcement Officers, she left the skills room and sat on the couch in the office to wait for Ms Mayembana.

Ms Wilton later approached her to ascertain from her if her office could be used for a Precautionary Suspension Hearing on 14 November 2019, which she agreed to. After a while Ms Wilton informed Ms Raphoto while Clr du Toit and Ms Abels were present, that the Safe House is intending to suspend her and Ms Wilton read the Notice of the Precautionary Suspension to Ms Raphoto. Clr du Toit said that hse realised that the time of the said hearing was not mentioned in the said Notice and that it was important to insert the time as her office was only available from 10.00 am on 14 November 2019.

She said that she was present when Ms Raphoto and the Law Enforcement Officers signed the said Notice. She was also present when Ms Wilton asked Ms Raphoto to hand over the keys of her office. She said that Ms Wilton told Ms Raphoto that she can leave and Ms Raphoto did so after she fetched her jacket and her handbag. She said that Ms Raphoto left unaccompanied through the office door. A that time the Law Enforcement Officers were talking to Ms Wilton about something else and Clr du Toit again sat on the couch in the office to wait for Ms Mayembana.

She added that after about 5 minutes the Law Enforcement officers left through the office door, but a female Law Enforcement Officer returned shortly afterwards, saying that Ms Raphoto had forgotten her cell phone on her desk and one of the staff members handed it to the Officer. The Officer then left the office area.

She informed me that she did not know that a Notice of a Precautionary Suspension Hearing was going to be served on Ms Raphoto that day before her arrival and neither did she know that the two Law Enforcement Officers were going to be at the Safe House.

Therefore she strongly denied the allegation of Ms Raphoto that she had instructed the Law Enforcement Officers to go to the Safe House to escort her out of the building and she in fact took exception to his allegation. She told me that she does not have the cell phone number of any Law Enforcement Officer of Stellenbosch Municipality, except for a Mr Abrahams who she contacts when she sees drug sales going on. This is also stated in her response, dated 6 December 2019, to the letter of the Speaker. She offered her cell phone records to the Speaker in her said response as soon as she gets it from Vodacom.

Clr du Toit told me that she does not know why Ms Raphoto is making these allegations against her, but she does know that Ms Raphoto does not have proof in this regard and that she does not have all the information in these respects.

3. The complaint that Clr du Toit is allowing the resources of the Municipality to be used by the Safe House, including her office and the services of Mr Michael Moses, her Administrator

This complaint results from observations by Ms Raphoto that the office of Clr du Toit is used from time to time for meetings of the Safe House and that her Administrator, Mr Michael Moses, had chaired her (Ms Raphoto's) Precautionary Suspension Hearing.

INTERVIEWS CONDUCTED/ REQUESTED REGARDING THIS COMPLAINT:

Ms Raphoto

Ms Raphoto informed me in our interview that she has personal knowledge that the municipal office of Clr du Toit is being used for some meetings of the Safe House, in that her Precautionary Suspension Hearing was held on 14 November 2019 at her office in Reyneveld street in Stellenbosch, which she had attended (see page 47). She added that she was advised that a Councillor may not avail her or his office for meetings of external organisations as it is municipal property which must be used for municipal purposes alone.

She continued to say that she has personal knowledge that a few other meetings organised by the Safe House, were also held at the municipal office of Clr du Toit and that her Precautionary Suspension Hearing was not the only occasion where the office of Clr du Toit was used for non- municipal purposes.

She added that Clr du Toit did not only misuse municipal property, but also municipal staff as her Administrator, Mr Michael Moses, was requested to act as the Chairperson of her Precautionary Hearing on 14 November 2019 when the original Chairperson, Ms Zelda Dalling, had withdrawn in this regard. She said that Mr Moses works in the municipal office of Clr du Toit in Reyneveld street.

She continued to say that she was advised that Councillors may not instruct municipal officials to do so and that Clr du Toit had transgressed the Code of Conduct for Councillors by instructing Mr Moses as her Administrator to act as the Chairperson of the said hearing.

Ms Raphoto made mention of two other matters which she believed that Clr du Toit played an instrumental role in, namely the appointment of the driver, Mr Steven Lottering for the vehicle that she had made available to the Safe House as well as the appointment of an accountant, Mr Stephen Louw, for the Safe House, but toward the end of our interview she conceded that the Board of the Safe House had appointed Messrs Lottering and Louw and not Clr du Toit.

Ms Alice Wilton

Ms Wilton informed me that the identity and the location of the Safe House are regarded as confidential matters and that it is protected by legislation, as the Safe House is home to vulnerable women and children who have been victims of abuse. In order to ensure their safety and the progress made with counselling and to protect them against the perpetrators of the crimes against them and the friends or families of such perpetrators, the integrity and the location of the Safe House must be regarded as confidential information. According to her, this means necessarily that access to the Safe House must be restricted and one of the ways to do that, is to arrange meetings of the Safe House elsewhere so that the people who have to attend such meetings, do not know where the Safe House is located. She also added

that clients (the term used for victims of abuse in the Safe House) are free to walk around in the Safe House as they do not want to create the impression in the minds of the clients that they are confined or locked up, which means that clients can walk into meetings at any time and this is not desirable for the clients or for having uninterrupted meetings.

She said that the Safe House has an agreement with Stellenbosch Municipality in terms of which the Municipality gives financial and administrative support to the Safe House. The financial support is considered by the Municipality upon motivated requests by the Safe House on an ad hoc basis. The Municipality also for instance leases a municipal property to the Safe House at a nominal rate and as the space in the Safe House is not enough for all the activities of the Safe House, a request was made by the Safe House in 2010 for the expansion of the Safe House by the Municipality. She pointed me to a letter written by Mr G Esau of the Municipality in November 2010 in which he replied to the request for the expansion of the Safe House, which also proves the "Long term partnership" (as the heading of the said letter states) between Stellenbosch Municipality and the Safe House (see page 184). In this letter it is stated in the last paragraph that "We support the Stellenbosch Safe House and their activities..... " and also "We hope that as our partnership with them has made possible for them to continue serving, they will find a partnership who can assist them in serving a bigger portion of our community.'

It is against this background that the Safe House had for a long time requested the Municipality, if and when necessary, for a venue to hold meetings and Clr du Toit assisted the Safe House by agreeing that her municipal office can be used for meetings of the Safe House.

Ms Wilton also informed me that the Safe House does not only request the Municipality to avail meeting space for it at no charge. It also approaches guest houses and other organisations from time to time for office space to hold meetings free of charge.

As for making use of Mr Michael Moses, the Administrator of Clr du Toit, as the Chairperson of the Precautionary Suspension Hearing of Ms Raphoto, she informed me that Ms Zelda Dalling withdrew as the Chairperson of the said hearing shortly before it was scheduled. In this regard she pointed to the Notice of the Precautionary Suspension Hearing to Ms Raphoto, which is dated 12 November 2019 and in which Ms Dalling is mentioned as the Chairperson of the said hearing which was scheduled for 14 November 2019 (see page 47).

Ms Wilton told me that when Ms Dalling withdrew as the Chairperson, she had to find someone else who is available on 14 November 2019 to act in this position and eventually Mr Moses was available and agreed to fulfil this role. Asked if Clr du Toit

had instructed Mr Moses to Chair the Precautionary Suspension Hearing of Ms Raphoto, she replied that Clr du Toit did not. Asked if the Safe House had compensated Mr Moses for his time in this regard, she replied that he was not compensated by the Safe House.

Clr du Toit

In our interview in her office in Reyneveld street, Clr du Toit acknowledged that she avails her office as a meeting place for the Safe House when it does not interfere with her work as a Councillor. She informed me that when Clr Loretta Maree was the Mayor of Stellenbosch Municipality about thirteen years ago, a decision was taken by the Municipality that a home owned by the Municipality, would be made available to the Safe House as offices and accommodation for the clients of the Safe House. She added that there is a long standing relationship between the Municipality and the Safe House and that she has been serving on the Board of the Safe House for about two years as it is her passion to serve people in need. She does not receive a salary or an allowance to serve on the Board and neither does any other Board member.

She continued to say that apart from the municipal building, for which the Safe House pays nominal rent, the Municipality also considers applications for funding by the Safe House, in the same manner that it considers applications for funding from other community organisations. Such applications must follow a prescribed process and must be fully described and motivated.

She confirmed that it is very difficult and sometimes even impossible to hold meetings at the Safe House, as the safety of the clients can be compromised if anyone off the street is allowed to enter the premises to ask for a meeting or to attend a meeting. Therefore, taking into account the long relationship between the Municipality and the Safe House, she avails her municipal office free of charge to the Safe House for meetings if it is not being used by her for meetings. In this regard she pointed out that her office in her view must serve the broad community of Stellenbosch and that it is not only to be used by her to have meetings. She therefore also from time to time makes her office available to other community organisations to conduct meetings. It is therefore not only the Safe House that benefits from using her offices for meetings.

She informed me that the Municipality is not the only institution that makes meeting space available for the Safe House, as other some organisations also do so free of charge.

With regard to the allegation that she had instructed Mr Michael Moses, her Administrator, to act as the Chairperson of the Precautionary Suspension Hearing of

Ms Raphoto, she informed me that Ms Zelda Dalling withdrew as the Chairperson of the said hearing and she had proposed to Ms Wilton, the CEO of the Safe House, that Mr Moses be considered for this role as she is very impressed by his work and his judgement. She denies that she had instructed Mr Moses to act as the Chairperson of the said hearing and added that Mr Moses had worked many hours overtime and that he could take time off his official duties to do whatever he pleases. When he acted as the Chairperson of the said hearing, it was regarded by her that he was doing so in his time off. Asked if Mr Moses was compensated by the Municipality or the Safe House for acting as Chairperson of the Precautionary Suspension Hearing of Ms Raphoto, she replied that he was not to her knowledge.

Mr Michael Moses

In my interview with him, he acknowledged that he is the Administrator of Clr du Toit and that he works in her office in Reyneveld street in Stellenbosch. He also conceded that he was the Chairperson of the Precautionary Suspension Hearing of Ms Raphoto on 14 November 2019 which was held in the municipal offices of Clr du Toit. Asked if he was instructed to act in this position by Clr du Toit, he replied that she did not and that he willingly agreed to fulfil this role when Ms Wilton requested him to do so. He added that he had worked many hours overtime and because the Municipality has a policy that he cannot be paid for overtime worked and that he must take time off instead, he took time off to assist the Safe House in this regard. Asked if he was paid by the Safe House for his time, he answered that he was not.

Ms Charlene Abels

Ms Abels, the Acting Manager of the Safe House since September 2019, said that she is aware that meetings of the Safe House are often held at other venues than the offices of the Safe House. She mentioned a few examples of such venues which the Safe House have used free of charge, namely the Simonberg Guesthouse in Cloetesville, the Ou Luckhof offices in Banghoek street in town, the home of Mr Fagrie Patel in Jamestown, the Breugel Civic Centre in Cloetesville, the office of Clr du Toit, etc.. This is done to protect the location, the safety and the integrity of the Safe House as well as the wellbeing of the clients as Board meetings lately were marked with screaming and shouting which could upset clients, especially those with mental issues and those who have fears of any type of aggression.

EVALUATION OF EVIDENCE

THE DIFFERENT COMPLAINTS

1. The complaint that Clr du Toit had received monies from the Safe House which she did not declare in the Disclosure Form for Benefits and Interests of Stellenbosch Municipality

It is common cause that the Safe House has a policy that Board members and staff members who have to travel in the execution of their duties and responsibilities can be reimbursed for travelling expenses. Nobody disputes this – not even Ms Raphoto.

It is further common cause that Clr du Toit is a Board member and that she had incurred travelling costs as she funded the fuel expenses of the vehicle that she had made available to the Safe House to transport clients. Nobody disputes this, including Ms Raphoto.

It is common cause further that Mr Lottering kept record of the kilometres that he had travelled in the said vehicle and that he completed a claim form on behalf of Clr du Toit, where after Clr du Toit was reimbursed by the Safe House for travelling expenses by means of an EFT into her banking account. Ms Raphoto also agrees with this as she included proof of such payments in her bundle of documents.

The donations by Clr du Toit to the Safe House by means of cash payments to Ms Abels to refuel the said vehicle, which monies were kept separately by her from the money of the Safe House, appears not to be general knowledge as Ms Raphoto is not aware of it. In the mind of Ms Raphoto, Ms Abels took money from the Petty Cash, therefore income of the Safe House, to give to Mr Lottering when he had to refuel the said vehicle. Then, in the mind of Ms Raphoto, Clr du Toit was reimbursed by the Safe House for travelling expenses, which made her believe that the Safe House was making two payments for each tank of fuel (firstly to the garage where the fuel was purchased and then, secondly, another payment to Clr du Toit for travelling expenses incurred with the same tank of fuel.

The issue in dispute in this regard between Ms Raphoto and Clr du Toit, is whether or not the reimbursements to Clr du Toit for travelling expenses can be defined to be "income" as the income envisaged by the Declaration Form of the Municipality.

Ms Raphoto was advised (I still do not know by whom) that a reimbursement for travelling expenses is income and that Clr du Toit is obliged in terms of the relevant policy of the Municipality to declare it to the Municipality.

Clr du Toit is of the opinion that reimbursements for travelling expenses is not an income as it merely places money back in one's pocket after the out of pocket expense occurred. Accordingly she believes that these reimbursements are not similar to a second salary or another allowance which must be declared in terms of the Declaration Form.

My instructions from Alderman J C Anthony in the Speaker's Office is that Clr du Toit is correct with her interpretation and that the interpretation of Ms Raphoto is incorrect.

There is no evidence offered by Ms Raphoto in the form of a policy or Council resolution to say that reimbursements for travelling expenses by third parties to a Councillor will be regarded as income for purposes of completing the said Declaration Form.

2. The complaint that Clr du Toit had abused her position as a Councillor by allegedly instructing Law Enforcement Officers to escort Ms Raphoto out of the Safe House on 12 November 2019

There is ample evidence that Clr du Toit visited the Safe House on 12 November 2019 to attend a meeting with Ms Mayembana of the Municipality and some staff members of the Safe House to discuss the 16 Days of Activism Campaign. In this regard the inputs of Ms Mayembana (and particularly her diary showing the appointment), Ms Wilton, Ms Abels, Ms Williams and Clr du Toit are proof of this.

It appears from my interview with Ms Raphoto and also from her bundle of documents which were handed to me, that Ms Raphoto was unaware of the above meeting. She was not part of the group of employees of the Safe House that were going to discuss the said campaign with Ms Mayembana and Clr du Toit. Ms Raphoto is a Compliance Officer and as such she was not involved by Ms Wilton in the said campaign.

I believe that, after listening to all the witnesses and after studying all the documentation, Ms Raphoto jumped to conclusions by assuming that Clr du Toit came to the Safe House for the sole purpose of being present when she was going to be served with the Notice of Precautionary Suspension on 12 November 2019. The fact that the Precautionary Suspension Hearing was going to take place in the office of Clr du Toit coupled with the fact that Clr du Toit had suggested to Ms Wilton that the time of the said hearing must be inserted in the said Notice, fuelled her belief that Clr du Toit and Ms Wilton had decided jointly that Ms Raphoto would be served with the said Notice on that day.

Furthermore, Ms Raphoto, in my opinion, believed further that the presence of the two Law Enforcement Officers were organised by Clr du Toit and that they were only there to escort her out of the building. She assumed that Clr du Toit had abused her authority to instruct the two Law Enforcement Officers to be there in case Ms Raphoto would refuse to leave the building. She made this assumption as, in her mind, neither Ms Wilton or Ms Abels (who were actually involved in the decision to suspend her) had the authority to instruct the two Law Enforcement Officers to be there.

Even furthermore, I believe that the sequence of events on 12 November 2019 in a relative short space of time, namely the arrival of the two Law Enforcement

Officers, followed by the arrival of Clr du Toit, followed by the statement by Ms Wilton to Ms Raphoto that the Safe House is considering her suspension which was followed by the Law Enforcement Officers signing the said Notice as witnesses, led to an assumption by Ms Raphoto that all these events tie up together to make a plan of conspiracy against her.

The problem with this assumption is that the truth is that the Law Enforcement Officers were at the Safe House for legal advice from Ms Wilton about a grievance and that Clr du Toit was at the Safe House to attend a meeting regarding the 16 Days of Activism Campaign. This can be proved with documentation attached to this report. The Law Enforcement Officers did not know that Clr du Toit was going to be there on that day and neither did Clr du Toit know that Law Enforcement Officers would be visiting the Safe House on that day, as they were not part of the group of people which was going to discuss the said campaign.

I could not find any witness (including Ms Raphoto) who could provide me with hard evidence that Clr du Toit had instructed Law Enforcement Officials to be at the Safe House on 12 November 2019 or that she had arranged for them to be there on that date to escort Ms Raphoto out of the building.

3. The complaint that Clr du Toit is allowing the resources of the Municipality to be used by the Safe House, including her office and the services of Mr Michael Moses, her Administrator.

It is a fact that the Municipality has a long standing agreement with the Safe House, in terms of which office space and accommodation for clients are made available at a nominal fee and in terms of which the Municipality supports the Safe House in other ways.

It is a fact that Ms Raphoto is apparently not aware of and neither is Ms Bergstedt, who in her affidavit also criticises Clr du Toit for lending support to the Safe House, despite being the Secretary of the Board of the Safe House. One would assume that Ms Bergstedt would welcome any support to the Safe House in that capacity.

I could not find any person to say that Clr du Toit's support to a non-profit organisation like the Safe House by making her office available at times for meetings of the Safe House, contravenes a policy of the Municipality or a Council resolution. In fact, her gesture of goodwill in this regard can be seen as being part of the continued support of the good cause that the Safe House represents.

As for requesting her Administrator, Mr Moses, to act as the Chairperson of the Precautionary Suspension Hearing of Ms Raphoto, it was a request in the first place as Mr Moses certainly did not see it as an instruction. Therefore, Mr Moses could have turned down the said request if he was uncomfortable with it. In the second place, Mr

Moses can do whatever he wants in his time off as long as he does not transgress any law. He decided to do his good deed for the day by making himself available in that capacity in his time off.

This too can be seen to have taken place in the spirit of the long standing agreement between the Municipality and the Safe House.

As for other allegations that Clr du Toit had recommended Mr Lottering as the driver for the vehicle that she had made available and that she had recommended Mr Stephan Louw as the accountant for the Safe House, these recommendations are just that – recommendations. She did not appoint Mr Lottering as the driver or Mr Louw as the accountant – the Board of the Safe House did (which included Ms Bergstedt).

FINDINGS

1) **The complaint about reimbursements for travelling expenses by the Safe House not being declared as income by Clr du Toit to the Municipality**

   I am of the opinion that Clr du Toit is not obliged to declare reimbursement for travelling expenses by a third party, to the Municipality as it cannot be regarded as income. Accordingly, she did not transgress the Code of Conduct for Councillors.

2) **The complaint that Clr du Toit had abused her position as a Councillor by allegedly instructing Law Enforcement Officers to escort Ms Raphoto out of the Safe House on 12 November 2019**

   I cannot find any evidence to prove on a balance of probabilities that Clr du Toit had instructed the two Law Enforcement Officials to be at the Safe House on 12 November 2019 or that she had instructed them to escort Ms Raphoto out of the building. In fact, I cannot find any evidence that Ms Raphoto was escorted out of the building by Law Enforcement Officials as she claims. To the contrary, video footage shows that she walked out by herself with nobody near her. This fact is also supported by many eye witnesses. Therefore Clr du Toit did not transgress the Code of Conduct for Councillors in this regard in my view.

3) **The complaint that Clr du Toit is allowing the resources of the Municipality to be used by the Safe House, including her office and the services of Mr Michael Moses, her Administrator.**

I am of the opinion that Clr du Toit acted within the scope and the spirit of the long standing agreement between the Municipality and the Safe House by making available administrative support to the Safe House, which clearly lacks resources as a non-profit organisation. In my view, she did not transgress the Code of Conduct for Councillors.

CLOSING COMMENTS

It is noteworthy that the letter of Ms Raphoto dated 26 November 2019 addressed to the Municipal Manager and the Speaker, identifies all persons referred to in her said letter who are DA members, namely Clr du Toit, Mr Stephan Louw and Ms Zelda Dalling.

Many other names appear in her said letter and no indication is given by her of their political affiliation.

The nature of the allegations against Clr du Toit, did not require Ms Raphoto to involve party politics in her complaints. The political affiliation of certain persons does not make the complaints more or less serious.

Allegations of misconduct against a Councillor should stand on their own feet and not on a political platform.

ADV E W VERMAAK
27 February 2020

37

INVESTIGATION REGARDING ALLEGATIONS AGAINST CLR R DU TOIT

Nomie Tshefu <Nomie.Tshefu@stellenbosch.gov.za>

Wed 2020/02/12 16:10

To: Etienne Vermaak <evermaak@outlook.com>
Cc: Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za>; JC Anthony (Speaker Admin) <Speaker.Admin@stellenbosch.gov.za>; Sharesa Cammeleto <Sharesa.Cammeleto@stellenbosch.gov.za>; mm <Municipal.Manager@stellenbosch.gov.za>; Raydine Wenn <Raydine.Wenn@stellenbosch.gov.za>

2 attachments (151 KB)
SMFD-Comite20020414160.pdf; 357405 - EVermaak.pdf;

Dear Adv Vermaak

Our telephonic conversation refers.

Attached please find a letter requesting an investigation on a Councillor.

FQ112/19 is still applicable.

Kind regards,
Nomie Tshefu
Chief Administrative Officer
Office of the Municipal Manager

T: +27 21 808 8049 | C: +27 76 626 9438
Plein Street, Stellenbosch 7600
www.stellenbosch.gov.za

Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link: http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

STELLENBOSCH

About Stellenbosch Municipality
Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.
Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit [https://www.stellenbosch.gov.za" target=]www.stellenbosch.gov.za

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38

OFFICE OF THE SPEAKER

4 February 2020

Ref: 8/2019

To: **The Municipal Manager**
Stellenbosch Municipality
Plein Street
Stellenbosch
7600

Dear Ms Mettler

RE:REQUEST TO APPOINT AN INVESTIGATOR

Complaints have been lodged against Councilor Rozette du Toit for various "illegal" activities done by herself during the execution of her Councillors duties.

I have investigated all the facts and circumstance of the above matter and am of the view that an initiator/investigator be appointed to investigate the matter.

I hereby kindly request the appointment of an investigator in terms of the SCM process to conduct an investigation on behalf of the Speaker.

Thanking you in advance.

.....

SPEAKER: Nyaniso Jindela
nyaniso.jindela@stellenbosch.gov.za
021 808 8074

The Municipal Manager

Stellenbosch municipality

Ms. Metler

The Speaker

Stellenbosch Municipality

Councillor Jindela

The Speaker

Cape Winelands District Municipality

Councillor Meyer

Formal Complaint against two law enforcement officers and Councillor Du Toit

I am Liesl Raphoto, coloured female with Id number, 7904270066083

I am a single mother with two children.

I am employed by the safe house as a Compliance Officer.

Complaint

Councillor Rozette Du Toit is a DA member and councillor at Stellenbosch Municipality.

The councillor had to declare all income she received from the safe house to the municipality. The councillor were never able to submit proof that she declare to the municipality the income she received from the safe house.

The councillor made her unlicensed vehicle, Registration number, CA 788170 available to the Safe house to transport patients of the safe house. This is a risk in itself and compromise the safe house and safety of the patients and integrity of the Municipality as she is a public representative.

The friend and driver of Councillor Du Toit, Mr. Steven Lottering was appointed by the safe house to do the driving and would get a salary for driving.

Councillor Du Toit would then submit petrol claims and be paid again for the use of the unlicensed vehicle.

Councillor Du Toit brought another DA member, Mr Stephan Louw as the accountant to the Safe house.

The accountant was accused in the general media for corruption of company's books. The media also reported that the councillor was requested to resign as a councillor from Stellenbosch municipality.

Thus the integrity of the safe house and the municipality was compromise again by a public representative, DA Councillor Du Toit.

STELLENBOSCH MUNICIPALITY
COMMUNITY AND PROTECTION SERVICES
LAW ENFORCEMENT

26 NOV 2019

STELLENBOSCH MUNISIPALITEIT
GEMEENSKAP BESKERMINGSDIENSTE
WETSTOEPASSING

MUNICIPALITY - MUNISIPALITEIT
STELLENBOSCH

26 NOV 2019

OFFICE OF THE SPEAKER

Received:
R. Langeveldt.

Abuse of municipal resources

On 12 November 2019, I was informed by Councillor Du Toit and the CEO of the Safe House (Ms. Alice Wilton) that I was suspended. Two municipal law enforcement officials, Mr. Osric Jumat and Laurika Williams escorted me from the premises of the safe house. The safe house is a private institution and municipal officials are not allowed to interfere.

In terms of municipal processes, the involvement of the two officials is abuse of municipal resources since they had no authority to escort me off the premises.

I received a notice informing me that my precautionary suspension hearing will be held on Thursday, 14 November 2019 at the ward office of DA councillor Rozette du Toit at Laplan. The presiding officer for this hearing would be Ms. Zelda Dalling, again a DA councillor. On the day of the hearing Councillor Du Toit's administrative officer, Mr. Moses Michaels was the acting presiding officer during working hours. Again the employment of municipal officials and municipal property were abused.

I intent to inform the Premier of the Western Cape, MEC of local government (Anton Bredell), FEDEX and the Media of this abuse of municipal resources towards vulnerable women by DA councillors and political appointees.

I take note that council will go into recess early in December 2019. I have to apologise for the timing of my complaint but this was unfortunately out of my control. I would appreciate a correspondence on this matter before then. I also take note from Stellenbosch municipality's webpage that a council meeting is scheduled for Wednesday, 27 November 2019. According to the agenda for the above mentioned meeting you will be dealing with misconduct of councillors. I therefore urge you to also deal with my complaint at the above mentioned meeting as an urgent matter as the conduct of Councillor Du Toit have a negative impact on my lively wood as a single mother to two young children. This is especially crucial in this time where we are celebrating 16 days of Activism against abused women and children.

In failing to comply I will have no other alternative than to raise this matter in the media.

Yours sincerely,

STELLENBOSCH MUNICIPALITY
COMMUNITY AND PROTECTION SERVICES
LAW ENFORCEMENT

26 NOV 2019

STELLENBOSCH MUNISIPALITEIT
GEMEENSKAP BESKERMINGSDIENSTE
WETSTOEPASSING

Raphoto

Ms. L. Raphoto

(Compliance officer, Safe House)

0630032884

lieslraphoto@yahoo.com

26 November 2019

Received: K. Langeveldt

MUNICIPALITY / MUNISIPALITEIT
STELLENBOSCH

26 NOV 2019

OFFICE OF THE SPEAKER

41

The Speaker

Stellenbosch Municipality

Councillor Jindela

RE: SUPPORTING DOCUMENTS – Ref: 8/2019 – ALLEGED BREACHED OF CODE OF CONDUCT FOR COUNCILORS

Please find attached supporting documents with regards to my complaint of 26 November 2019.

Kind regards

Liesl Raphoto

Compliance officer – L'Abrie De Dieu Safehouse

29 January 2020

MUNICIPALITY - MUNISIPALITEIT
STELLENBOSCH

29 JAN 2020

OFFICE OF THE SPEAKER

BEëDIGE VERKLARING - SWORN AFFIDAVIT

Naam Van/Name Surname: Liesl Raphoto

ID No/ID Nr: 7904270066083 . Huis Adres/House Address: 10 Newman Straat, Idasvallei, Stellenbosch . Werk Adres/Work Address: Safehouse Stellenbosch, Simonsberg Weg, Stell. .Tel No/Tel Nr (h): _____ Sel No/Cell Nr: 0630032884

Tel No/Tel Nr (w): (021) 883 2574 .

Verklaar onder eed in Afrikaans / States under oath in English

Hiermee verklaar ek, Liesl Raphoto, 'n werker as "Compliance Officer" by Safehouse Stellenbosch die volgende. Op 12 November 2019 om 07h30 het ek na my werksplek "L'Abris De Dieu Safehouse" gegaan en my daaglikse pligte uitge= voer. Ontrent van wat aangaan het die volgende gebeur wat my summier getraumati= seer het want ek het nie geweet waar oor dit gaan nie.

Op 12 November 2019, om 10h00 het twee Weetstoepassers (Chr Oscic Sumat en sy rede vroue kollega) na die Safehouse se kantore toe gekom om vir Adv. Alice Wilton e kom sien. Alice Wilton het toe gevra dat hulle, die Weetstoepassers, saam met haar n die Skills kamer gaan konsulteer. 10 Minute later het Raadslid Rozette du Toit ook by die Safehouse op gedaag en saam met Alice Wilton en die Weetstoe= passers in die skills kamer gekonsulteer. Sowat 10 minute later het hul almal n die kantoor gekom waar ek rustig gesit het en my werk doen. Alice Wilton het toe in die teenwoordigheid van Raadslid Rozette du Toit, die Weetstoepassers n Charlene Abels 'n dokument aan my oorhandig aangaande 'n "Precautionary suspention Notice". Alice Wilton het toe die inhoud van die dokument aan my gelees n Raadslid Rozette du Toit het gesê dat daar 'n verandering moet aangebring word wat insluit die tyd van wanneer die verhoor gaan plaasvind op die 1 November 2019. Ek was gevra of ek enigiets wil byvoeg waarop ek geantwoor het nee. Dit was met my meegedeel deur Alice Wilton dat 'n kriminele saak een my gemaak is. en dat ek kan weg vir 'n oproep van die SAPS. Dit was ook vir my meegedeel deur Alice Wilton dat hierdie situasie is aan DSD meegedeel. Ek was toe gevra om die kopie van die dokument te teken as bewys van ontvangs waarvan die twee Weetstoepassers

is vertroud met die inhoud van die verklaring en begryp dit. Ek het geen beswaar teen die aflê van die voorgeskrewe eed nie. beskou die voorgeskrewe eed as bindend vir my gewete. I know and understand the contents of this statement. ave no objection in taking the prescribed oath. I consider the prescribed oath to be binding on my conscience.

Verklaarder Handtekening/Deponent Signature

sertifiseer dat die verklaarder erken dat hy/sy vertroud is met die inhoud van die verklaring en dit begryp . erdie verklaring is voor my beëdig en verklaarder se handtekkening/ ~~duimafdruk~~/ merk is in my teenwoordigheid daarop ebring te

rtify that the above statement was taken by me and that this deponent has acknowdlged that he/she knows and understands the tents of this statement. The statement was sworn before me and deponent's signature/ thumb print/ mark was placed there on ny presence at STELLENBOSCH op/on (Datum/Date) 2019-11-14 on/at(Tyd/Time) 08:05

Kommissaris van Ede/Commissioner of Oaths

OYSON JACOBS

Volle Naam en van/ Full name and Surname in pri

POLISIE DIENS / S A POLICE SERVICE ,

23 Du Toit Street, STELLENBOSCH

COLONEL RANK

SUID-AFRIKAANSE POLISIEDIENS
STASIE BEVELVOEDER
STELLENBOSCH

2019-11-14

STELLENBOSCH
STATION COMMANDER
SOUTH AFRICAN POLICE SERVICE

BEëDIGE VERKLARING - SWORN AFFIDAVIT

Naam Van/Name Surname: Liesl Raptoo

ID No/ID Nr: 7904270066083 . Huis Adres/House Address: 10 Newman Street Idasvallei, Stellenbosch . Werk Adres/Work Address: Stellenbosch Safehouse, Simonsberg weg .Tel No/Tel Nr (h): _____ Sel No/Cell Nr: 063 0032884

Tel No/Tel Nr (w): (021) 8832574 .

Verklaar onder eed in Afrikaans / States under oath in English

ngeteken het as getuies. Ek was gevra deur Alice Wilton om my sleutels oor te handig. Ek het geen kapsie gemaak teen wat besig was om te gebeur nie. Alice Wilton het toe die Weerstoepassers gevra, in die teenwoordigheid van Raadslid Rozette du Toit, om my te vergesel van die perseel af. Ek het toe my sak gevat en die perseel verlaat sonder enige teenstaan. Die hele gebeure het my erenstig getraumatiseer dat ek nie eers kan praat nie en kan nie nordentlik funksioneer nie.

ı is vertroud met die inhoud van die verklaring en begryp dit. Ek het geen beswaar teen die aflê van die voorgeskrewe eed nie.
ı beskou die voorgeskrewe eed as bindend vir my gewete. I know and understand the contents of this statement.
ıave no objection in taking the prescribed oath. I consider the prescribed oath to be binding on my conscience.

Verklaarder Handtekening/Deponent Signature

sertifiseer dat die verklaarder erken dat hy/sy vertroud is met die inhoud van die verklaring en dit begryp .
erdie verklaring is voor my beëdig en verklaarder se handtekkening/ ~~duimafdruk/ merk~~ is in my teenwoordigheid daarop ebring te
rtify that the above statement was taken by me and that this deponent has acknowdlged that he/she knows and understands the ıtents of this statement. The statement was sworn before me and deponent's signature/ thumb print/ mark was placed there on ny presence at STELLENBOSCH op/on (Datum/Date) 2019-11-14 on/at(Tyd/Time) 08:05

Kommissaris van Ede/Commissioner of Oaths

Volle Naam en van/ Full name and Surname in pri
POLISIE DIENS / S A POLICE SERVICE ,
23 Du Toit Street, STELLENBOSCH
COLONEL **RANK**

SUID-AFRIKAANSE POLISIEDIENS
STASIE BEVELVOEDER
STELLENBOSCH
2019-11-14
STELLENBOSCH
STATION COMMANDER
SOUTH AFRICAN POLICE SERVICE

BEëDIGE VERKLARING - SWORN AFFIDAVIT

Naam Van/Name Surname: Davey Julius

ID No/ID Nr: 670202 5143 08 7 . Huis Adres/House Address : 11 Anthony Street, Cloetesville, Stellenbosch Werk Adres/Work Address : N/A

. Tel No/Tel Nr (h): _____ Sel No/Cell Nr : 076 8155 427

Tel No/Tel Nr (w): _____.

Verklaar onder eed in Afrikaans / States under oath in English

Ek Davey Julius, verteenwoordiger van Liesl Raphoto, het op 14 November 2019 om 10h00 haar verteenwoordig in haar "Precautionary Suspension Notice" verhoor by die kantore van Raadslid Rozette du Toit. Teenwoordig by die verhoor was Adv Alice Witton (CEO van L'Abrie De Lieu Safehouse, Charlene Abels (the officer and Acting office manager). Mnr Moses Michaels was aan ons voorgestel as die acting Presiding officer. Mnr Moses Michaels is 'n administratiewe beampte naby van Raadslid Rozette Du Toit. Hierdie verrigtinge het plaas gevind gedurende mnr. Michaels se werks ure.

k is vertroud met die inhoud van die verklaring en begryp dit. Ek het geen beswaar teen die aflê van die voorgeskrewe eed nie. ı beskou die voorgeskrewe eed as bindend vir my gewete. I know and understand the contents of this statement. ıave no objection in taking the prescribed oath. I consider the prescribed oath to be binding on my conscience

Verklaarder Handtekening/Deponent Signature

sertifiseer dat die verklaarder erken dat hy/sy vertroud is met die inhoud van die verklaring en dit begryp . erdie verklaring is voor my beëdig en verklaarder se handtekkening/ duimafdruk/ merk is in my teenwoordigheid daarop ebring te

rtify that the above statement was taken by me and that this deponent has acknowdlged that he/she knows and understands the tents of this statement. The statement was sworn before me and deponent's signature/ thumb print/ mark was placed there on ny presence at STELLENBOSCH op/on (Datum/Date) 2019-11-14 on/at(Tyd/Time) 13:45

SUID-AFRIKAANSE POLISIEDIENS
STASIE BEVELVOEDER
STELLENBOSCH
2019 -11- 14
STELLENBOSCH
STATION COMMANDER
SOUTH AFRICAN POLICE SERVICE

Kommissaris van Eed/Commissioner of Oaths

Volle Naam en van/ Full name and Surname in pri
POLISIE DIENS / S A POLICE SERVICE ,
23 Du Toit Street, STELLENBOSCH
RANK

~~23 October 2019~~ 12 November 2019

Name : **Liesl Rhaphoto**

Staff designation : **Compliance Officer**

NPO : **L'Abrie de Dieu Safe House Stellenbosch**

(Shelter for abused women and children)

PRECAUTIONARY SUSPENSION NOTICE

It has been **alleged** that you have breached your duty as compliance officer of the Safehouse Stellenbosch, as included herein.

Fraud/Theft

You promoted fraud and/or theft of monies due to the Safehouse thus promoting fraud/theft of money, which should have been paid to the safehouse, in terms of the High Tea held on the 9th of August 20019. Allegations for investigation includes:

1. That you reneged your duty as compliance officer to ensure that all compliance procedures were followed during the arrangements of the high tea dated the 9th of August 2019. Processes not followed includes:

1.1. Failure to ensure that the Board member, Fachrie Patel who arranged the function with you documented and sought board approval for expenses;

1.2. Failure to ensure that all accepted procurement processes for the services were rendered were documented and processed by approved officials and board members of the safehouse.

1.3. Failure to ensure that monies received were documented and paid into the safehouse bank account.

1.4. Failure to meet a legal order to provide a report on the deviation and/or non-compliance with the safehouse constitution, delegations and financial policies and procedure.

1.5. Threatening staff and residents with Board conduct (EXCO) against staff and therapeutic staff.

Gross insubordination

2. Interference and/or blatant abuse and preying on of clients with mental illness, by interfering in the therapeutic processes of the safehouse by consulting and advising residents with mental illness about conflict between the board and staff, discussing therapeutic actions, advising clients on therapy regardless of lack of training, thus causing a therapeutic breach. Said interference has caused a violent therapeutic fallout between mental illness patients held at the safehouse. You have thus led to the risk that the safehouse will be shut down. Said matter will be reported to DSD and a meeting had been arranged for the 26th of November 2019 for investigation at the safehouse.

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Rude, abusive and insolent behavior

3. Acting abusively with the CEO when you were requested to provide a report on the high tea matter referred to above. Threatening and scaring staff with board interference. Then bragging via whattsapp about your conduct.

Be advised that said investigation will not be limited to the above.

Accordingly, you are requested to make representation regarding the Management decision to firstly suspend you, with pay, until said investigation is completed, within 48 hours from receipt of said notice. Your suspension hearing has been scheduled for the **14th of November 2019**, at the **Office of Rozette Du Toit**, LAP ward office, Reyneveldstr. The presiding officer is Zelda Dalling.

You are allowed to obtain legal representation in this regard as the allegations leveled amounts not only breach of duty, fraud and theft. Said legally qualified person can then make representations on your behalf in protection of your rights. The criminal matter has already been registered and it is advisable to rather appoint an attorney.

You are also compelled to hand over all keys and remote control with immediate effect. Your co-operation in this regard will be appreciated.

Please indicate the address for delivery of all formal notices in terms of relevant legislation.

Yours faithfully

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Alice Wilton

CEO

L'Abrie de Dieu Safe House Stellenbosch

Acknowledgement of receipt

49

....

Signature Date

....

Witness Date

Counselor Rozette Du Toit'S **unlicensed vehicle, White Opel, reg CA788170** that was used to transport patients of the Safehouse. 50

L'Abrie de Dieu Safe House

(Registration number: 050482 NPO)
Annual Financial Statements for the year ended 31 March 2019

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Notes to the Annual Financial Statements

Figures in Rand	2019	2018

11. Cash (used in) generated from operations

Loss before taxation	(290 147)	(163 852)
Adjustments for:		
Depreciation and amortisation	315 482	289 319
Profit on sale of assets	-	(300)
Dividends received	-	(186)
Interest received	(43 444)	(49 974)
Fair value adjustments	-	(1 009)
Changes in working capital:		
Trade and other receivables	-	3 231
Trade and other payables	4 076	(16 064)
	(14 033)	**61 165**

12. Related parties

Relationships

Board members	Gordon Reid
	Alice Wilton
	Basil Pietersen
	Rozette du Toit
	Elize Anthony
	Zenobia Sedeman
	Magdalene Blankenberg
	Faghrie Patel
	Hillary Bergstedt

Related party balances and transactions with other related parties

Related party transactions

Salary paid to related parties		
Alice Wilton	119 312	-
Waste removal and transport claim to related parties		
Alice Wilton	39 022	-
Basil Pietersen	70 777	-
Rozette du Toit	25 186	-

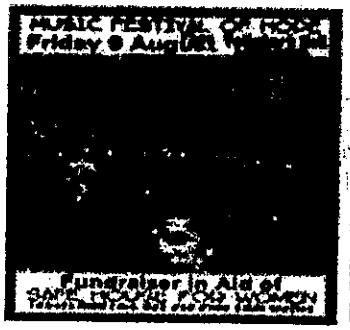
Safe House
L'ABRI DE DIEU
STELLENBOSCH

I, **Alice Lorenzo ruth Wilton** affirm as follows:

1. That I am an adult female and CEO of the safehouse Stellenbosch.

2. I am responsible for compliance within the safehouse, Stellenbosch.

3. On the 9th of August 2019, a High Tea with a difference was held to do fundraising for the safehouse by one of our board members. See posters attached.



The agreement was always that the fundraising was to be for the safehouse. Based on the marketing, we received free venue, cutlery, crockery, food etc. Our relationships allow us to have 0-cost events.

The proceeds from functions are always paid into the bank account/petty cash of the safehouse. No exception has ever been made during my tenure as CEO. We will make our statements available to you for verification.

To date this is the only transaction which has not been accounted for and we have reported it to our auditors who advised us to proceed with civil and criminal litigation.

Note that during the planning of this event we had several meetings and at no stage were we advised that M & F Events would be appointed to do the events and be remunerated for it.

NB: Also be advised that there is only one person who does procurement and that is Charlene Abels. I have attached our System of Delegations for your attention.

No board members is allowed to procure any services. Even if we procured the services then I have no explanation why monies were received in the personal bank account of the board member. I have proof thereof.

4. On the 31st of August 2019, our processes include completing financial month end, collation of information which is sent to the accountant and scanning of all hard copies of receipts and or invoices. Note that at the end of the month this was the only transaction with non-compliance. I then requested financial information on said transaction and was told by the compliance officer that I should not report on it. This immediately concerned me that I could not account for a significant amount of money, but I started the enquiry process to report it.

5. On the 12th of September 2019, I was verbally attacked by the Board member responsible for the function. The attack was unrelated to the successful golf day and centered around me being ill on the golf day and sitting with stakeholders having breakfast, while drinking my tablets, which the Board member saw on the table that morning.

I admit that I became upset due to the fact that my disability/illness is now used as a tool to ridicule and humiliate me, by a male board member whose conduct I experience as narcissistic behavior and/or bullying. Said board member ostensibly recruited the compliance officer and one other board members to continuously harass and bully me on a continuous basis. This persists to date.

Board meetings and communications are aggressive, name calling is common and allegations of misconduct has been levelled already. I suspended the compliance officer for financial misconduct, interference in the therapeutic processes of mental health patients/clients and threatening of staff. The above-mentioned board members refuse to allow me to proceed with the precautionary suspension and/or the disciplinary matter.

I have recordings of board meetings where I am screamed at, humiliated, accused of writing "rubbish" reports, having a personal vendetta, promoting apartheid and references are made to politics and the "DA."

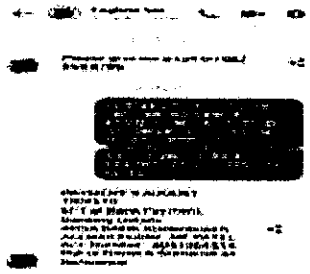
This has never happened that politics and personal vendettas were mentioned and/or used as a tool to humiliate and ridicule staff and other board members. Clause A15 of our Constitution" specifically prescribes that our organization "Has not and will not use its resources directly or indirectly to support, advance or oppose any political party."

Cllr Du Toit joined the safehouse and established a direct communication between us and the local authority which advances our work, leads to benefit for victims of violence and we receive support for all our events. The personal attacks and whatsapps followed only after I started enquiring about the missing funds.

6. On the 12th of October 2019, the therapeutic team walked out and suspended services due to interference by the compliance officer and board. The same compliance officer was working with EXCO members in a recruitment drive of clients, which led to a breakdown of therapeutic services and urgent medical intervention for two clients. We have complete record of all proceedings. Note that this suspension is 100% aligned with our standard practices in the safehouse.

7. On the 16 of November 2019, we received evidence that the board member had payments done into his bank account. See proof of at least one payment reflected. I have recordings of the Board member saying that he is entitled to the money. The criminal matter has been

registered with CAS no Stellenbosch 157/11/2019. Hillary Bergstedt has tried to get our Chairperson to withdraw the matter. He refused and the matter is still being investigated.



Clause 8.2 of our "Constitution" provides that "No portion of the income or property of the Association shall be paid or distributed directly or indirectly to any person (otherwise than in the ordinary course of undertaking any public benefit activity) or to any Management Board Member of the Association, except as : reasonable compensation for services actually rendered to the Association; reimbursement for actual costs or expenses reasonably incurred on behalf of the Association.'

Be advised that no staff or board members takes money into their bank accounts. This is the first time this has ever happened during my term as CEO. We have all documents hard copy and electronically available to prove that this is not done. Every payment reflected in petty cash and the bank account has a corresponding proof for payment. All payments made is related to our prerogatives in our constitution. I have attached the constitution for your attention.

Note that the Board member never denied that he did it. I have received proof that he also received monies for CANSA functions in his bank account. This is however not our practice at the safehouse.

8. On the 19th of November 2019, I sent a letter dated the 19th of November 2019 to DSD requesting assistance to resolve this issue. We agreed on more board training and a meeting with the Chairperson. I am also herewith requesting said suggested meeting dates. See a copy of said reports attached. I sent a letter in an attempt to seek resolution and guidance.

9. On the 29th of November 2019, we were made aware of charges lodged against Cllr Du Toit. See the complaint attached. I immediately drafted a response, but she said I must hold it back until we are advised by Stellenbosch Municipality Speaker on their response.

The problem with the complaint is that it is factually incorrect.

Re allegations of Nepotism

Cllr Du Toit did not commit any act of nepotism. We have a closed recruitment process and the Chairperson made the appointment.

Re Allegations of Financial misconduct

There were no acts of financial misconduct. Cllr Du Toit made several contributions to the safehouse and runs at a loss in the provision of a vehicle. She has been supporting our safehouse financially for years.

Re allegations of Abuse of power

The law enforcement persons did not remove the member of personnel, so there was no abuse of power. Said law enforcement officials frequent our facility and assist when we are on lockdown.

That day a female official visited us to obtain legal advice regarding an abusive male colleague. I have email proof for this. She merely signed as a witness at my request, because they were in the room next door waiting for me.

We also have video and photographic footage that this person was not escorted off the premises and a recording to prove that Cllr Du Toit merely sat in the office and did not partake in the suspension hearing. Cllr Du Toit was at our premises to see someone from community development regarding the 16 days of activism programme.

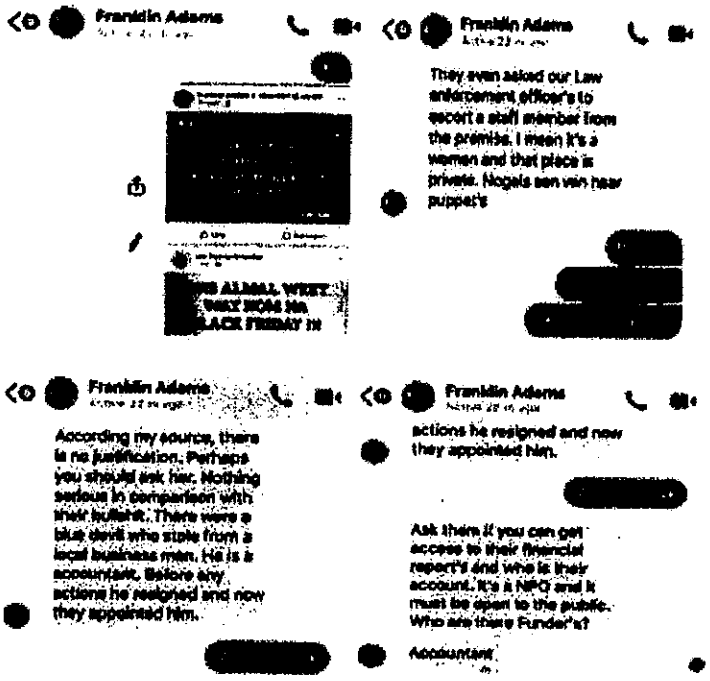
10. On the 19th of January 2020, Hillary Bergstedt asked the Board and Chairperson for a meeting regarding misconduct of myself. She attached proof thereof. I asked her to write a report and offered to send it to the Department for investigation. I also advise that I would be sending it to the auditors for investigation. I am sending her details for your office to also contact her on 0769608099.

I have cut and paste said allegations:

"Voorsitter en mede raadslede. Na vele versoeke en pleidooie op die groep, vanaf myself vir n vergadering, blyk dit asof die voorsitter hom nie steur aan die erns van die saak. Alhoewel ek die versoek op die groep gesit het, het ek dit ook privaat op whatsupp versoek vanaf voorsitter. Ek kom agter dat dit gelees word maar geen reply. Daaromhalwe plaas ek n paar dokumente van Liezl se submission op die groep waar daar uitgewys word hoe die board misiel word. Daar was verslag by Faghrie se huis gedoen dat privaat skool net 1keer deur safehouse betaal was. Die dokumente bewys die teendeel. Derduisende rande in petrol claims vir leerder na en vanaf skool. Training ook derduisende Rande was spandeer op training vir die vig mense, Rozette, Alice, Shireen, Bronwin, Charlene en Orlando. Raai wie het betaling vir training geteken. Hoekom was die volle board nie in kennis gestel nie en wie het alleen mandaat gebruik. Dan wil ek nie eens begin met dokumentasie van golf dag nie. Al die dokumentasie laat my weer wonder oor eindlike redes hoekom boardmembers nie by die safehouse mag kom nie want ek wag nog steeds vir die klag wat Alice na Departement toe gestuur het. Ek lees ook Alice se laaste concern oor die kliente. As dit so is, hoekom training laat aanbied wat net 1 klient benefit. Lede indien ons nie nie binne 24 uur vergader nie laat u my geen ander keuse as om al 66 bladsye aan die Departement te gee en n klag van mismanagement te maak nie."

My response to the allegations can be summarized as follows:

I agree that private school fees had been paid. I agree that I applied to all public schools and have proof that my applications were all rejected. I sent requests to the Minister of Education. They responded saying that they would intervene and never did.



We are a non-political organization and do not engage with this councilor. He however has a smear campaign against us. Our staff are being attacked by stakeholders in public for working at the safehouse.

This document reflects my version and interpretation of events. As advised above you should feel free to contact the other board members to verify and investigate allegations. Elsa and all other staff has also indicated their willingness to testify and provide evidence in any investigation.

Be advised that we will answer all enquiries, and be willing to make all documents available for investigation at your request.

I affirm that the content of this statement is true and correct.

Alice Wilton
CEO
Safehouse Stellenbosch

in my presence

te CLOETESVILLE op 2020-1-28 om 16:00

(HANDTEKENING) KOMMISSARIS VAN EDE
(SIGNATURE) COMMISSIONER OF OATHS

VERNON PAUL

VOLLE VOORNAME EN VAN IN BRUKSKRIF
FULL FIRST NAMES AND SURNAME IN BLOCK LETTERS

BEDRYFSADRES (STRAATADRES)
BUSINESS ADDRESS (STREET ADDRESS)

Stellenbosch 7600

RANG/RANK

Safe House
L'ABRI DE DIEU
STELLENBOSCH

To Whom It May Concern

L'ABRIE DE DIEU SAFEHOUSE

Donations Received by Rozette du Toit

Date	Descriptions	Quantity	Amount
04/03/2019	R du Toit	1	R 200,00
11/03/2019	R du Toit	1	R 200,00
18/03/2019	R du Toit	1	R 200,00
25/03/2019	R du Toit	1	R 200,00
01/04/2019	R du Toit	1	R 200,00
08/04/2019	R du Toit	1	R 200,00
15/04/2019	R du Toit	1	R 200,00
22//04/2019	R du Toit	1	R 200,00
29/04/2019	R du Toit	1	R 200,00
06/05/2019	R du Toit	1	R 200,00
07/05/2019	R du Toit	1	R 500,00
13/05/2019	R du Toit	1	R 200,00
20/05/2019	R du Toit	1	R 200,00
27/05/2019	R du Toit	1	R 200,00
28/05/2019	R du Toit	1	R 3 000,00
29/05/2019	R du Toit	1	R 500,00
03/06/2019	R du Toit	1	R 200,00
10/06/2019	R du Toit	1	R 200,00
17/06/2019	R du Toit	1	R 200,00
24/06/2019	R du Toit	1	R 200,00
01/07/2019	R du Toit	1	R 200,00
22/07/2019	R du Toit	1	R 4 000,00
31/07/2019	R du Toit	1	R 2 000,00
08/08/2019	R du Toit	1	R 200,00
15/08/2019	R du Toit	1	R 200,00
22/08/2019	R du Toit	1	R 200,00
29/08/2019	R du Toit	1	R 200,00
05/08/2019	R du Toit	1	R 200,00
12/08/2019	R du Toit	1	R 200,00
19/08/2019	R du Toit	1	R 200,00
16/08/2019	R du Toit	1	R 200,00
02/09/2019	R du Toit	1	R 200,00
09/09/2019	R du Toit	1	R 200,00
16/09/2019	R du Toit	1	R 200,00

Tel: +27 21 883 2574 | Email: info@safehousestellenbosch.co.za
Bank details: L'Abrie de Dieu, ABSA 632005, Current acc. 4069604712
NPO no: 050482 | Section 18A tax no: 930025698

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STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Disclosure form for benefits and interests

I, the undersigned (Surname and Initials) R. du Toit

(Postal or Residential Address) 1 Zambezi Flat Borcherdste. Stellenbosch

(Position Held) Ward Councillor

(Name of Municipality) Stellenbosch DEPT:

Tel: 0722182267 Fax:

I hereby certify that the following information is complete and correct to the best of my knowledge and that I will inform the employer if any changes occur to my current position. Failure to inform the employer timeously may lead to disciplinary steps taken against me. Completed forms must be handed in at Human Resource Department by 23 August 2019.

1. Shares, securities and other financial interests (Not bank accounts with financial institutions.)

Number of shares/extent of financial interest	Nature	Nominal Value	Name of Company/Entity

2. Interest in a trust

Name of trust	Amount of Remuneration/Income

3. Membership, directorships and partnerships

Name of Corporate entity, partnership or firm	Type of business	Amount of Remuneration/Income

4. Remunerated work outside the Municipality (Must be sanctioned by Council)

Name of employer	Type of Work	Amount of Remuneration/Income

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5. Consultancies, Retainerships and Relationships with service providers			
Name of client	Nature	Type of business activity	Value of any benefits

6. Subsidies, grants and sponsorships by any organisation		
Source of assistance	Descriptions of assistance	Value of assistance

7. Gifts and Hospitality from a source rather than a family member		
Description	Value	Member

8. Land and Property			
Description	Extent	Area	Value

9. Whether employee could be deemed as a spouse/child/parent of a service provider or of a director/manager/shareholder/stakeholder of the service provider. SCM Regulation 13 (c) & SCM policy 4.41.

Name of Service Provider	Name of the Owner/Director/Shareholder etc	Relationship

SIGNATURE OF EMPLOYEE

DATE: 14/08/2019

PLACE: Stellenbosch

CONFIDENTIAL

OFFICIAL USE:

RECEIVED ON (DATE): _____ OFFICIAL: _____

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

OFFICE OF THE SPEAKER

29 November 2019

Ref: 8/2019

To: Councilor R. Du Toit
1 Zambezi Flats
C/O borchard and Bird Street
Stellenbosch
7600

Re: ALLEDGED BREACH OF THE CODE OF CONDUCT FOR COUNCILORS

Dear Councilor R. Du Toit

You have allegedly breached the Code of Conduct for Councilors in terms of Item 13 in that:

- You in your position as Councillor alledgedly did not declare all your income to the Stellenbosch municipality
- You alledgedly abuse your power to instruct two Municipal Law Enforcement Officials to escorted the complainant from the building she was working at.
- That you alledgedly instructed Mr Michael Moses your administrator to act as presiding officer at he hearing.

In terms of item 13 of the said Code you are hereby given the oppurtunity to reply, in writng regarding the alledged breach by not later than 16H00 on Friday, 13th December 2019.

Kindly see attached complaint letter my office received regarding this matter

Thanking You

SPEAKER: Nyaniso Jindela

nyaniso.jindela@stellenbosch.gov.za

021 808 8074

Sharesa Cammeleto

From: Rozette DuToit
Sent: Friday, 06 December 2019 15:16
To: Sharesa Cammeleto
Subject: RE: ALLEDGED BREACH CODE OF CONDUCT
Attachments: Safe_House_Stellenbosch_Letterhead_Donations Received by Rozette du Toit.pdf

Good day Speaker

I hope this e-mail finds you well. This is my response on the allegations.

Allegation 1: Attached you will find a document from the safe house regarding donations made by me as from 1 March 2019.

Allegation 2: I have no powers to order, instruct or demand any official from the municipality to perform a duty. We as councillors must put a request to the relevant Mayco Member. I am willing to produce my cell phone and landline records to prove that I have no direct contact with any law enforcement officers beside Cecil Abrahams, who is a Special Op, person, he is also the only person that I contact when I see drug deals go down or anything that is drug related. Mr Abrahams can confirm this.

Allegation 3. Mr . Michaels does voluntary work for the safe house form time to time. Once again I can not demand, order or instruct any person to do anything.

Further more I would like meeting with Speaker.

Kind regards.

Rozette du Toit

From: Sharesa Cammeleto
Sent: 04 December 2019 11:25 AM
To: Rozette DuToit
Cc: JC Anthony (Speaker Admin); Nyaniso Jindela
Subject: ALLEDGED BREACH CODE OF CONDUCT

Delay

Good day Cllr Du Toit

Kindly see attached letter for your perusal.

Kind regards,
Sharesa Arendse
Personal Assistant
OFFICE OF THE SPEAKER

T: +27 21 808 8074
Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za

pneumonia while waiting for a shelter to open. Distressed, Timmer vowed to come up with a solution to protect the homeless from extreme cold, and the Sheltersuit was born.

Timmer is changing the world one Sheltersuit at a time. With an accommodate the real needs of those trying to survive on the street.

"The suit is created from upcycled and recycled materials, and is, in effect, a waterproof and wind-proof bodysuit with an attachable sleeping bag," he said. "If the wearer needs to move away from a particular location quickly, there's an opening at the bottom of the suit to facilitate this. The ingeniously designed garment can be stored in a matching backpack during the day," Timmer said.

SHELTERSUITS are created from upcycled and recycled materials.

Sheltersuits are made by volunteers, formerly homeless people, refugees and the unemployed, with some of the workers receiving payment.

■ STELLENBOSCH

ARGUS

Councillor probed for misuse of power

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ALLEGATIONS against a Stellenbosch Municipality councillor, involving the alleged of misuse of power, a breach in the code of the conduct for councillors and the mismanagement of a safe house in the Stellenbosch area, are being investigated.

DA councillor Rozette du Toit was asked to answer to Stellenbosch speaker Nyaniso Jindela after a formal complaint about her conduct from the compliance officer at the L' Abde de Dieu Safe House, a shelter for physically, emotionally and sexually abused women and children.

> "We cannot provide further details at this time."
>
> Stuart Grobbelaar
> STELLENBOSCH MUNICIPALITY

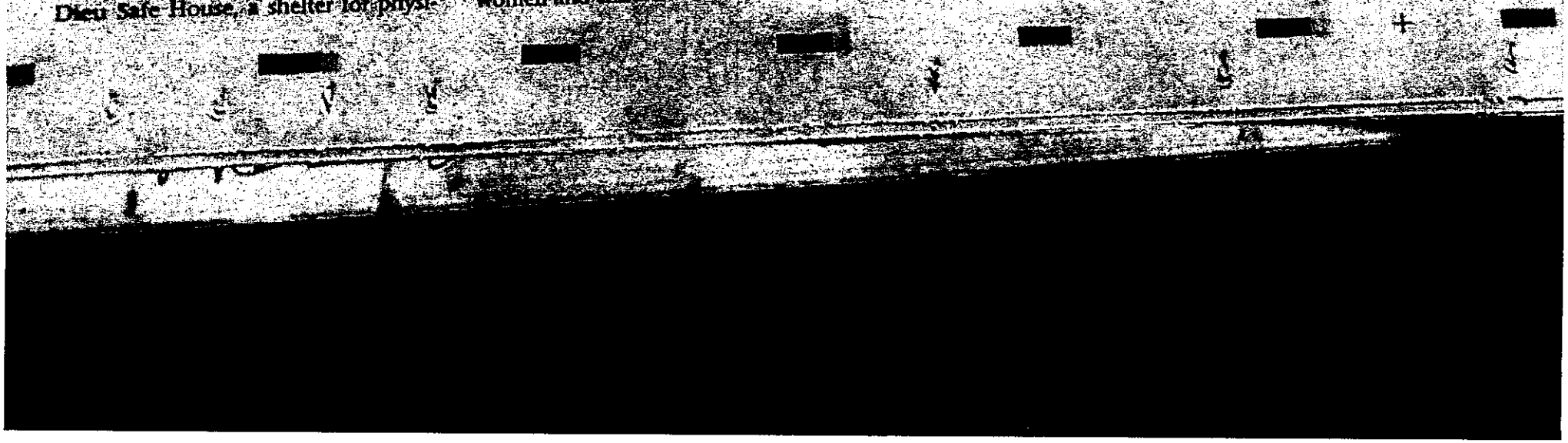
The safe house is funded by the Department of Social Development (DSD).

In a letter to Du Toit, dated November 29, Jindela wrote: "You are alleged to have breached the code of conduct for councillors in that: You did not declare all your income to the Stellenbosch Municipality, you abused your power to instruct two municipal law enforcement officials to escort the complainant from the building she worked in (the safe house), and that you instructed Michael Moses, your administrator, to act as presiding officer at a hearing on the matter."

The complaint against the councillor was lodged by suspended compliance officer Liesel Raphoto, who claimed that Du Toit had not declared her income from the safe house, of which she is a director. Du Toit is also accused of employing friends to positions at the safe house.

Stellenbosch Municipality spokesperson Stuart Grobbelaar said any accusation against a councillor was taken seriously. "As this is an ongoing internal process, we cannot provide further details at this time."

Despite a request for comment, the DSD failed to respond.



30 Januarie 2020 - 5 Februarie 2020

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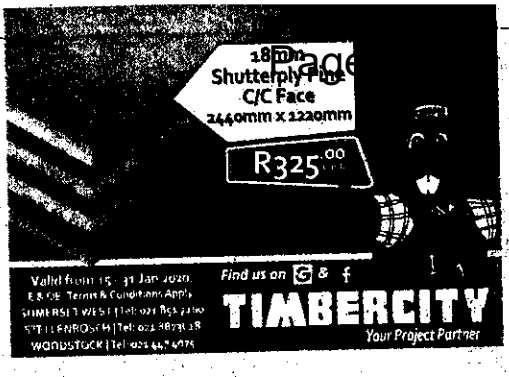

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ar in wording

Oldenburg-wyne in Helshoogte, klink 'n glasie op die plaas
bl. 10 oor wat wynmakers van die nuwe oesjaar verwag.

glike omstandighede

Raadslid in spervuur

Danie Keet

Talle bewerings oor wanbestuur en nepotisme hang oor die kop van 'n raadslid van die Stellenbosch-munisipaliteit.

Rozette du Toit, DA-wyksraadslid vir wyk 10, is in die spervuur oor die beweerde wanbestuur by die L'Abrie de Dieu huis van veiligheid, bekend as Stellenbosch Safe House, vir mishandelde vroue en kinders wat slagoffers is van seksuele en huishoudelike geweld.

In 'n brief wat die speaker van die raad, Nyaniso Jindela, op 29 November verlede jaar aan Du Toit gestuur het, word aantygings gemaak van die verbreking van die etiese kode, wanverklaring van inkomste verdien uit betrokkenheid by die Safe House, wanbenutting van mag en die aanstelling van vriende in posisies in die Safe House.

Volgens Alice Wilton, bestuurder van die huis, het die raadslid niks verkeerds gedoen nie.

"Die wyksraadslid is 'n raadslid van ons tehuis en werk hard om geld vir ons in te samel. Die aantygings teen haar is gemaak deur 'n personeellid, Liesl Rhapoto, wat ons tydelik geskors het. Daardie dissiplinêre proses is nog hangende. Daar is 'n raadslid van ons wat 'n medebeskuldigde in die saak is en 'n strafregtelike saak is aanhangig gemaak.

"Ek het ook die departement van maatskaplike ontwikkeling oor die saak ingelig en hulle versoek om 'n oudit van ons finansies te doen – dit was reeds in November 2019. Hoe kan daar wanbestuur van geld wees as ek self die ondersoek aangevra het en ons eie ouditeure in kennis gestel het?" het 'n omgekrapte Wilton gevra.

'n Skriftelike waarskuwende skorsingsbrief is op 12 November deur Wilton aan Rhapoto beteken waarin haar dienste opgeskort word. Hierin word bewerings van bedrog en/of diefstal, grootskaalse insubordinasie en onbehoorlike gedrag gemaak.

Wilton het egter ontken dat Du Toit, wat van wanbestuur aangekla word, enige inkomste uit die Safe House verdien het.

"Ons is 'n organisasie sonder winsbejag en die Stellenbosch-munisipaliteit is 'n aandeelhouer wat ons help met die bestuur van ons programme in ons gemeenskap. Ons het reeds 'n kurrikulum vir gender-gegronde geweld ontwikkel en dit hier en in die Paarl geïmplementeer – met groot sukses. Ons red lewens en steel nie geld nie," was Wilton se reaksie op navrae oor die bewerings.

Stuart Grobbelaar, munisipale woordvoerder, het bevestig dat 'n klagte by die speaker se kantoor deur 'n voormalige amptenaar van die Safe House teen die raadslid ingedien is.

"Die aangeleentheid word tans deur die speaker se kantoor ondersoek.

"Aangesien hierdie 'n interne ondersoekproses is en ondersoeke ingevolge die wet vertroulik is totdat dit afgehandel is, kan ons nie in hierdie stadium verdere inligting verskaf nie.

"Die Safe House word as 'n onafhanklike nieregerings-organisasie bedryf uit 'n perseel wat by die munisipaliteit gehuur word. Die munisipaliteit het geen insae in die organisasie se personeel of finansiële strukture nie," het Grobbelaar gesê.

▸ *Du Toit het teen druktyd nog nie gereageer op versoeke om kommentaar te lewer nie.*

SUBMISSION OF LIESL RAPHOTO TO THE SPEAKER OF STELLENBOSCH MUNICIPALICTY. REF: 8/2019 RE: ALLEDGED BREACH OF THE CODE OF CONDUCT FOR COUNCILORS.

Complaint 1

The Councilor had to declare all income received from the safe house to the municipality. The Councilor were never able to submit proof that she did indeed declared to the municipality.

Income received from the Safehouse.

- The amount of R25 186 reflecting on L'Abrie de Dieu Safe House Annual Financial Statement for the year ended 31 March 2019
  Attachment 1 – Copy of the Financial Statement
- The income made from the unlicensed vehicle, CA788170, Councilor Du Toit made available to the safe house to transport patients of the safe house. The friend and driver of Councilor Du Toit, Mr. Steven Lottering was appointed by the safe house to do the driving and would get a salary for driving. Petrol will be paid by the safe house to fill up the vehicle. Councilor Du Toit would then submit petrol claims and be paid again for the use of the unlicensed vehicle without subtracting the petrol advance that was paid by the safe house. In making her unlicensed vehicle available to the safe house for transporting patients, she brought the council in disrepute. The responsibility of a councilor is very important as they are public figures and the onus are on them to lead by example. Councilors may not disobey the rules of the country.
  Attachment 2 – Copy of the disk of the unlicensed vehicle.
  Attachment 3 – Copy of an affidavit of Claudine Loggerenberg, a former house mother of L'Abrie de Dieu Safe House, stating that she was transported with the clients in the above mentioned vehicle.
  Attachment 4 – A spreadsheet indicating the salary payouts from L'Abrie de Dieu Safe House towards Mr. Steven Lottering for the period April 2019 – August 2019.
  Attachment 5 – April Bank statement of L'Abrie de Dieu – example of payment made by the safe house towards Mr. Steven Lottering's salary.
  Attachment 6 – A spreadsheet indicating the weekly petrol advances paid towards the unlicensed vehicle for the period April 2019 – September 2019. These amounts were paid out to Mr. Steven Lottering as he was driving the vehicle of Councilor Du Toit.
  Attachment 7 – April 2019 Bank statement of L'Abrie de Dieu – example of payment made by the safe house towards Mr. Steven Lottering with regards to petrol for the unlicensed vehicle of Councilor Du Toit.

Attachment 8 – A spreadsheet indicating the kilometer claims that Councilor Du Toit would put in for the use of the unlicensed vehicle for the period April 2019 – September 2019.
Attachment 9 – July 2019 Bank statement of L'Abrie de Dieu Safe House – example of payment made by the safe house towards Councilor Du Toit's kilometer claims.
Attachment 10 – Example of Councilor Du Toit's kilometer claim correlating with July 2019 bank statement of L'Abrie de Dieu Safe House.

L'Abrie de Dieu Safe House

(Registration number: 050482 NPO)
Annual Financial Statements for the year ended 31 March 2019

Notes to the Annual Financial Statements

Figures in Rand	2019	2018

11. Cash (used in) generated from operations

Loss before taxation	(290 147)	(163 852)
Adjustments for:		
Depreciation and amortisation	315 482	289 319
Profit on sale of assets	-	(300)
Dividends received	-	(186)
Interest received	(43 444)	(49 974)
Fair value adjustments	-	(1 009)
Changes in working capital:		
Trade and other receivables	-	3 231
Trade and other payables	4 076	(16 064)
	(14 033)	**61 165**

12. Related parties

Relationships

Board members	Gordon Reid
	Alice Wilton
	Basil Pietersen
	Rozette du Toit
	Elize Anthony
	Zenobia Sedeman
	Magdalene Blankenberg
	Faghrie Patel
	Hillary Bergstedt

Related party balances and transactions with other related parties

Related party transactions

Salary paid to related parties		
Alice Wilton	119 312	-
Waste removal and transport claim to related parties		
Alice Wilton	39 022	-
Basil Pietersen	70 777	-
Rozette du Toit	25 186	-

Counselor Rozette Du Toit'S **unlicensed vehicle, White Opel, reg CA788170** that was used to transport patients of the Safehouse.

RANG/RANK

BEËDIGDE VERKLARING – SWORN AFFIDAVIT

NAAM VAN/NAME SURNAME : CLAUDINE LOGGERENBERG ID NO/ID NR :

HUIS ADRES / HOUSE ADDRESS : 142 Curry Str Cloetesville Stellenbosch 7600

WERK ADRES / WORK ADDRESS :

CELL NO/ SELFOON NR : 062 655 0488 WERK NO/ WORK NR :

VERKLAAR ONDER EED IN AFRIKAANS/ STATES UNDER OATH IN ENGLISH

Ek Claudie Loggerenberg het vir Amanda by Safe House Stellenbosch gewerk. In April het die HR Charlyn vir my gesê dat daar nie meer geld is om vir my te betaal nie en ek 21 April 2018 klaarmaak. En Kliente is vir haar in ~~was~~ Car registration nor CA opel 788170, dop toe, hospitaal en clienke toe, marnel, Adrian

EK IS VERTROUD MET DIE INHOUD VAN DIE VERKLARING EN BEGRYP DIT.EK HET GEEN BESWAAR TEEN DIE AFLEGING VAN DIE VOORGESKREWE EED NIE.EK BESKOU DIE VOORGESKREWE EED AS BINDEND OP MY GEWETE SO HELP MY GOD.

I KNOW AND UNDERSTAND THE CONTENTS OF THIS STATEMENT. I HAVE NO OBJECTION I N TAKING THE PRESCRIBED OATH. I CONSIDER THE PRESCRIBED OATH TO BE BINDING ON MY CONSCIENCE.

HANDTEKENING

HIERMEE SERTIFISEER EK DAT DIE BOSTAANDE VERKLARING DEUR MY AFGENEEM IS EN DAT DIE VERKLAARDER ERKEN DAT HY/SY VERTROUD IS MET DIE INHOUD VAN DIE VERKLARING EN BEGRYP DIT. HIERDIE VERKLARING IS VOOR MY BEËDIG EN DIE VERKLAARDER SE HANDTEKENING/MERK/DUIMAFDRUK IS IN MY TEENWOORDIGHEID DAAROP AANGEBRING TE:

I CERTIFY THAT THE ABOVE STATEMENT WAS TAKEN BY ME AND THAT THIS DEPONENT HAS ACKNOWLEDGE THAT HE/SHE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS STATEMENT. THE STATEMENT WAS SWORN BEFORE ME AND DEPONENT'S SIGNATURE / TUMB PRINT/MARK WAS PLACED THERE ON IN MY PRESENCE AT:

CLOETESVILLE OP/ON(DATUM/DATE) 2020/1/30 ON/AT(TYD/TIME) 12.11:05

SOUTH AFRICAN POLICE SERVICE
CLOETESVILLE
COMMUNITY SERVICE CENTRE
30 JAN 2020
GEMEENSKAP DIENSSENTRUM
CLOETESVILLE
SUID-AFRIKAANSE POLISIEDIENS

Kommissaris van Ede/Commissioner of Oaths

Volle naam en Van in drukskrif/ Full name and Surname in print

S. MBUBO

S A POLISIE DIENS / S A POLICESERVICE

TENNANT STREET, CLOETESVILLE,STELLENBOSCH

RANG/RANK

Attachment (4)

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Wages- Casual (Stipen) paid by L'Abrie de Dieu Safe House

Date	Item no.	Descriptions	Quantity	Amount
06/04/2019	28	Mr. Steven Lottering Stipen	1	R 2,000.00
24/04/2019	70	Mr. Steven Lottering Stipen	1	R 2,300.00
23/05/2019		Mr. Steven Lottering Stipen	1	R 2,300.00
25/06/2019	75	Mr. Steven Lottering Stipen	1	R 2,300.00
23/07/2019	57	Mr. Steven Lottering Stipen	1	R 2,300.00
23/08/2019	81	Mr. Steven Lottering Stipen	1	R 2,300.00
			Total	**R 13,500.00**

absa

Date:	Transaction Description	Amount	Balance
2019-04-03	CHQ ENCASHMENT STELLENBOS(155,00) CHEQUE AMOUNT : 5 000,00	0.00	6,091.96
2019-04-03 (19)	CHEQUE 173 (150,00)	-5,000.00	1,091.96
2019-04-04 (20)	IBANK TRANSFER 93-3128-3130 ABSA BANK transfer	3,000.00 → in	4,091.96
2019-04-04 (21)	IBANK PAYMENT TO ABSA BANK Heather Resident	-375.00	3,716.96
2019-04-04 (22)	IBANK PAYMENT TO ABSA BANK Petrol Claim	-1,305.60	2,411.36
2019-04-04 (23)	IBANK PAYMENT TO ABSA BANK Boots and Play	-885.78	1,525.58
2019-04-04 (24)	IBANK PAYMENT TO ABSA BANK Alice reimburse	-812.90	712.68
2019-04-05 (25)	IBANK TRANSFER 93-3128-3130 ABSA BANK transfer	15,000.00 → in	15,712.68
2019-04-05 (26)	IBANK PAYMENT TO ABSA BANK Alice petrol	-9,062.70	6,649.98
2019-04-05 (27)	IBANK PAYMENT TO ABSA BANK Windows replace	-2,943.75	3,706.23
2019-04-06 (28)	IBANK PAYMENT TO ABSA BANK Steve Stipend	-2,000.00	1,706.23
2019-04-08 (29)	IBANK PAYMENT TO ABSA BANK Basil-Travel claim	-999.60	706.63
2019-04-08 (30)	IBANK PAYMENT TO ABSA BANK Liesl R petrol	-438.60	268.03
2019-04-08 (31)	IBANK PAYMENT TO ABSA BANK Abels reimburse	-211.44	56.59
2019-04-10 (32)	IBANK TRANSFER 93-3128-3130 ABSA BANK transfer	2,000.00 → in	2,056.59
19-04-10 (33)	IBANK PAYMENT TO ABSA BANK Alice reimbur erina	-180.00	1,876.59
2019-04-10 (34)	IBANK PAYMENT TO ABSA BANK Takealot	-1,757.00	119.59
2019-04-10 (35)	IBANK TRANSFER 93-3128-3130 ABSA BANK transfer	1,500.00 → in	1,619.59
2019-04-10 (36)	IBANK PAYMENT TO ABSA BANK Plumbing Katts	-1,462.00	157.59
2019-04-11 (37)	ACB CREDIT HELENA OLIVIER	150.00	307.59
2019-04-12 (46)	IBANK TRANSFER 93-3128-3130 ABSA BANK transfer	2,000.00 → in	2,307.59
2019-04-12 (39)	IBANK PAYMENT TO ABSA BANK Petrol Claim	-1,922.70	384.89
2019-04-12 (40)	IBANK PAYMENT TO ABSA BANK Alice reimb park	-52.80	332.09

Date:		Transaction Description	Amount	Balance
2019-04-24	59	IBANK PAYMENT TO ABSA BANK Rina salary	-7,017.00	63,644.88
2019-04-24	63	IBANK PAYMENT TO ABSA BANK R Robertson salary	-6,855.00	56,789.88
2019-04-24	66	IBANK PAYMENT TO ABSA BANK cammie salary	-3,500.00	53,289.88
2019-04-24	60	IBANK PAYMENT TO ABSA BANK Dot salary	-4,460.00	48,829.88
2019-04-24	64	IBANK PAYMENT TO ABSA BANK Loggereberg salary	-3,280.00	45,549.88
2019-04-24	66	IBANK PAYMENT TO ABSA BANK Liesl R petrol	-3,500.00	42,049.88
2019-04-24	67	IBANK PAYMENT TO ABSA BANK Elsa Salary	-14,606.63	27,443.25
2019-04-24	68	IBANK PAYMENT TO ABSA BANK C A Johnson cleaning	-1,865.00	25,578.25
2019-04-24	69	IBANK PAYMENT TO ABSA BANK training	-4,015.00	21,563.25
2019-04-24	70	IBANK PAYMENT TO ABSA BANK Steve Stipend	-2,300.00	19,263.25
2019-04-25	71	IBANK PAYMENT TO ABSA BANK Orlando salary	-2,000.00	17,263.25
2019-04-25	72	IBANK PAYMENT TO ABSA BANK dstv	-400.00	16,863.25
2019-04-25	73	ACB CONTRA SAFEHOUSE CONTRA	500.00	17,363.25
2019-04-25	74	IBANK PAYMENT TO ABSA BANK takealot	-12,530.00	4,833.25
2019-04-25	75	ACB DEBIT:EXTERNAL (19,00) TELKOMMOBI502902298010675940	-1,500.00	3,333.25
19-04-25	76	ACB CREDIT DONATION2SAFEHOUSE	100.00	3,433.25
2019-04-25	77	ACB CREDIT DIS-CHEM FOUNDATION	5,000.00	8,433.25
2019-04-26	78	ACB CREDIT Donation	300.00	8,733.25
2019-04-26	79	ACB CREDIT INVESTECPBT J. Fick	2,900.00	11,633.25
2019-04-28	80	STOP ORDER FROM ABSA BANK MARI & ME	500.00	12,133.25
2019-04-29	81	ACB CREDIT REF: E	50.00	12,183.25
2019-04-30	82	STOP ORDER FROM ABSA BANK Donasie H Sahd	100.00	12,283.25
2019-04-30	83	IBANK PAYMENT TO ABSA BANK takealot	-2,181.00	10,102.25
2019-04-30	84	IBANK PAYMENT TO ABSA BANK SARSEF 0054301155	-5,984.57	4,117.68

Petrol advance paid to Steven Lottering for Rozette Du Toit's unlicensed vehicle on a weekly base.

Wages- Casual (Stipen)

Date	Item no.	Descriptions	Quantity	Amount
12/04/2019	42	Steven - Petrol Allowance	1	R 500.00
18/04/2019	52	Steven - Petrol Allowance	1	R 500.00
03/05/2019		Steven - Petrol Allowance	1	R 500.00
10/05/2019		Steven - Petrol Allowance	1	R 500.00
16/05/2019	21	Steven - Petrol Allowance	1	R 200.00
17/05/2019		Steven - Petrol Allowance	1	R 500.00
28/05/2019		Steven - Petrol Allowance	1	R 500.00
07/06/2019	11	Steven - Petrol Allowance	1	R1,000.00
14/06/2019	29	Steven - Petrol Allowance	1	R500.00
21/06/2019	28	Steven - Petrol Allowance	1	R 200.00
27/06/2019	83	Steven - Petrol Allowance	1	R 500.00
27/06/2019	84	Steven - Petrol Allowance	1	R 500.00
28/06/2019	35	Steven - Petrol Allowance	1	R 200.00
02/07/2019	2	Steven - Petrol Allowance	1	R400.00
12/07/2019	20	Steven - Petrol Allowance	1	R 200.00
12/07/2019	31	Steven - Petrol Allowance	1	R500.00
19/07/2019	41	Steven - Petrol Allowance	1	R 500.00
19/07/2019	39	Steven - Petrol Allowance	1	R 100.00
24/07/2019	47	Steven - Petrol Allowance	1	R 200.00
27/07/2019	65	Steven - Petrol Allowance	1	R 500.00
02/08/2019	12	Steven - Petrol Allowance	1	R500.00
05/08/2019	14	Steven - Petrol Allowance	1	R200.00
08/08/2019	33	Steven - Petrol Allowance	1	R 500.00
16/08/2019	50	Steven - Petrol Allowance	1	R 500.00
16/08/2019	30	Steven - Petrol Allowance	1	R 200.00
21/08/2019	38	Steven - Petrol Allowance	1	R 200.00
23/08/2019	77	Steven - Petrol Allowance	1	R 500.00
30/08/2019	105	Steven - Petrol Allowance	1	R 500.00
09/09/2019	46	Steven - Petrol Allowance	1	R500.00
13/09/2019	86	Steven - Petrol Allowance	1	R 500.00
13/09/2019	8	Steven - Petrol Allowance	1	R200.00
Total				**R 12,800.00**

Date:		Transaction Description	Amount	Balance
2019-04-12	41	IBANK TRANSFER 93-3128-3130 ABSA BANK Transfer	500.00	832.09
2019-04-12	42	IBANK PAYMENT TO ABSA BANK Steve Stipend	-500.00	332.09
2019-04-15	43	ACB DEBIT:EXTERNAL (19,00) PASTEL 66742708 SAGEPAY	-578.75	-246.66
2019-04-16	44	IBANK TRANSFER 93-3128-3130 ABSA BANK transfer	15,000.00	14,753.34
2019-04-16	45	IBANK PAYMENT TO ABSA BANK Basil-Travel claim	-999.60	13,753.74
2019-04-16	46	IBANK PAYMENT TO ABSA BANK Checkers Charity	-6,000.00	7,753.74
2019-04-16	47	IBANK PAYMENT TO ABSA BANK Takealot	-2,250.00	5,503.74
2019-04-16	48	IBANK PAYMENT TO ABSA BANK Takealot	-1,483.00	4,020.74
2019-04-17	49	ACB CREDIT BASX33 WC: SOCIA001163958	68,545.00	72,565.74
2019-04-17	50	IBANK PAYMENT TO ABSA BANK getsmart education	-10,300.00	62,265.74
2019-04-17	51	IBANK PAYMENT TO ABSA BANK Plumbing Katts	-370.00	61,895.74
2019-04-18	52	IBANK PAYMENT TO ABSA BANK Steve Stipend	-500.00	61,395.74
2019-04-18	53	IBANK PAYMENT TO ABSA BANK Petrol Claim	-2,636.70	58,759.04
2019-04-24	54	IBANK PAYMENT TO ABSA BANK Alice Petrol	-2,376.60	56,382.44
2019-04-24	55	IBANK PAYMENT TO ABSA BANK Windows repair	-981.25	55,401.19
19-04-24	56	IBANK PAYMENT TO ABSA BANK Alice reimb PNA	-217.22	55,183.97
2019-04-24	57	IBANK PAYMENT TO ABSA BANK Basil-Travel claim	-999.60	54,184.37
2019-04-24	58	IBANK TRANSFER 93-3128-3130 ABSA BANK transfer	60,000.00	114,184.37
2019-04-24	59	IBANK PAYMENT TO ABSA BANK Alice salary	-13,336.28	100,848.09
2019-04-24	60	IBANK PAYMENT TO ABSA BANK J Govinden	-5,820.47	95,027.62
2019-04-24	61	IBANK PAYMENT TO ABSA BANK N Danana Salary	-6,770.87	88,256.75
2019-04-24	62	IBANK PAYMENT TO ABSA BANK Salary	-10,824.00	77,432.75
2019-04-24	63	IBANK PAYMENT TO ABSA BANK Lydia Lakay Salary	-6,770.87	70,661.88

Rozette Du Toit's claims (most of them are for the unlisensed vehicle)

Medical Expenses

Date	Item no.	Descriptions	Quantity	Amount
04/04/2019	22	Petrol claim (Rozette)	1	R 127.50
12/04/2019	39	Petrol claim (Rozette)	1	R 178.50
18/04/2019	53	Petrol claim (Rozette)	1	R 168.30
03/05/2019		Rozette : Petrol Claim	1	R 188.70
17/05/2019		Rozette : Petrol Claim	1	R 117.30
28/05/2019		Rozette : Petrol Claim	1	R 51.00
07/06/2019	13	Petrol claim - Rozette	1	R10.20
06/06/2019	14	Petrol claim - Rozette	1	R 86.70
14/06/2019	31	Petrol claim - Rozette	1	R 66.30
05/07/2019	16	Petrol - Rozette	1	R 81.60
05/07/2019	19	Petrol - Rozette	1	R 86.70
15/07/2019	36	Petrol - Rozette	1	R 15.30
19/07/2019	42	Petrol - Rozette	1	R 22.95
26/07/2019	64	Petrol - Rozette	1	R 15.30
05/08/2019	23	Petrol - Rozette	1	R 25.50
27/08/2019	91	Petrol - Rozette	1	R 66.30
27/09/2019	141	Petrol - Rozette	1	R 102.00
			Total	**R 1,410.15**

Specialised Services

Date	Item no.	Descriptions	Quantity	Amount
12/04/2019	39	Petrol claim (Rozette)		R 902.70
18/04/2019	53	Petrol claim (Rozette)		R 1,030.20
03/05/2019		Rozette : Petrol Claim	1	R 882.30
17/05/2019		Rozette : Petrol Claim	1	R 402.90
28/05/2019		Rozette : Petrol Claim	1	R 402.90
07/06/2019	13	Petrol Claim - Rozette	1	R525.30
06/06/2019	14	Petrol Claim - Rozette	1	R367.20
14/06/2019	31	Petrol Claim - Rozette	1	R387.60
05/07/2019	16	Petrol - Rozette	1	R382.50
05/07/2019	19	Petrol - Rozette	1	R367.20
26/07/2019	64	Petrol - Rozette	1	R367.20
27/08/2019	91	Petrol - Rozette	1	R372.30
17/09/2019	101	Petrol - Rozette	1	R357.00
20/09/2019	107	Petrol - Rozette	1	R270.30
			Total	**R 7,017.60**

Transport Costs				
Date	Item no.	Descriptions	Quantity	Amount
15/07/2019	36	Petrol - Rozette	1	R 165.75
19/07/2019	42	Petrol - Rozette	1	R 1,009.80
17/09/2019	100	Petrol - Rozette	1	R 33.15
17/09/2019	101	Petrol - Rozette	1	R 107.10
20/09/2019	107	Petrol - Rozette	1	R 1,116.90
27/09/2019	141	Petrol - Rozette	1	R 181.05
			Total	**R 2,613.75**

Victim Care Cost				
Date	Item no.	Descriptions	Quantity	Amount
04/04/2019	22	Petrol Claim (Rozette)	1	R 1,178.10
12/04/2019	39	Petrol Claim (Rozette)	1	R 841.50
18/04/2019	53	Petrol Claim (Rozette)	1	R 1,438.20
03/05/2019		Rozette : Petrol claim	1	R 244.80
03/05/2019		Rozette : Petrol claim	1	R 1,162.80
17/05/2019		Rozette : Petrol claim	1	R 703.80
28/05/2019		Rozette : Petrol claim	1	R 1,295.40
07/06/2019	13	Petrol - Rozette	1	R637.50
07/06/2019	14	Petrol - Rozette	1	R601.80
14/06/2019	31	Petrol claim - Rozette	1	R 1,229.10
14/06/2019	32	Petrol claim - Rozette	1	R 239.70
05/07/2019	16	Petrol - Rozette	1	R 961.35
05/07/2019	19	Petrol - Rozette	1	R 841.50
15/07/2019	36	Petrol - Rozette	1	R 912.90
19/07/2019	42	Petrol - Rozette	1	R 153.00
26/07/2019	64	Petrol - Rozette	1	R 209.10
05/08/2019	23	Petrol - Rozette	1	R 1,116.90
16/08/2019	49	Petrol - Rozette	1	R 1,680.45
16/08/2019	53	Petrol - Rozette	1	R 765.00
27/08/2019	91	Petrol - Rozette	1	R 708.90
17/09/2019	100	Petrol - Rozette	1	R 127.50
17/09/2019	101	Petrol - Rozette	1	R 986.85
20/09/2019	107	Petrol - Rozette	1	R 140.25
27/09/2019	141	Petrol - Rozette	1	R 479.40
			Total	**R 18,655.80**

Victim Empowerment				
Date	Item no.	Descriptions	Quantity	Amount
19/07/2019	42	Petrol - Rozette	1	R 239.70
26/07/2019	64	Petrol - Rozette	1	R 193.80

17/09/2019	100	Petrol - Rozette	1	R 290.70
17/09/2019	101	Petrol - Rozette	1	R 211.65
20/09/2019	107	Petrol - Rozette	1	R 117.30
27/09/2019	141	Petrol - Rozette	1	R 99.45
			Total	**R 1,152.60**

Golf Day

Date	Item no.	Descriptions	Quantity	Amount
17/09/2019	100	Petrol - Rozette	1	R 326.40
			Total	**R 326.40**
Total				**R31,176.65**

absa

Transaction History (2019-08-01 09:08:47)

L' ABRIE DE DIEU	**ABSA**
PO BOX 4130	4069604712
IDASVALLEI	
7609	

Current balance	R 5,585.92
Available Balance as at	R 5,585.92
Uncleared Cheques	R 0.00

Statement for Period 2019-07-01 - 2019-08-01

Date:	Transaction Description	Amount	Balance
	Balance Brought Forward		**7,053.45**
2019-07-01	SERVICE FEE	-150.00	6,903.45
2019-07-01	MONTHLY ACC FEE	-75.00	6,828.45
2019-07-01	TRANSACTION CHARGE	-193.00	6,635.45
2019-07-01	ADMIN CHARGE	-30.00	6,605.45
2019-07-01	IBANK PAYMENT TO ABSA BANK Basil-Travel claim	-999.60	5,605.85
2019-07-01	ACB DEBIT:EXTERNAL (19,00) SANTAM J073127538	-1,104.69	4,501.16
2019-07-01	ACB CREDIT LILIAS H VAN WYK	100.00	4,601.16
2019-07-01	ABSA FEE Business Integrator Fees	-512.05	4,089.11
2019-07-02	ACB CREDIT BASX33 WC: SOCIA001171734	68,545.00	72,634.11
2019-07-03	IBANK PAYMENT TO ABSA BANK Stelkor Apteek	-3,544.77	69,089.34
2019-07-04	IBANK PAYMENT TO ABSA BANK sanca training	-4,000.00	65,089.34
19-07-04	IBANK PAYMENT TO ABSA BANK Peddie petrol	-663.00	64,426.34
2019-07-04	IBANK PAYMENT TO ABSA BANK Petrol Claim	-1,152.60	63,273.74
2019-07-04	IBANK PAYMENT TO ABSA BANK Alice petrol	-2,458.20	60,815.54
2019-07-05	IBANK PAYMENT TO ABSA BANK Alice commision	-13,600.00	47,215.54
2019-07-05	IBANK PAYMENT TO ABSA BANK Petrol Claim	-1,425.45	45,790.09
2019-07-05	IBANK PAYMENT TO ABSA BANK Steve salary	-500.00	45,290.09
2019-07-05	IBANK PAYMENT TO ABSA BANK takealot	-512.00	44,778.09

(16) 05/07/2019

Safe House	PAYMENT REQUISITION FORM
RECIPIENT:	Rozette Du Toit.
REQUISTED BY:	Admin
MANAGEMENT AUTHOROSATION	
PAYMENT PROCEED BY:	EFT.
Details of payment:	Petrol Claim R1425.45
Payment method:	☑ EFT ☐ Petty cash ☐ Cheque ☐ Expense claim
Receipt/Invoice date:	
Payment date:	
Pastel ref#:	

Victim empowerment	☐
Victim entertainment	☐
Victim Support	☐
Victim Care	☑ R 961.35
Specialist Care	☑ R 382.50
Printing & Stationary	☐
Incomes	☐
Medical	☑ - R 81.60
Other	☐ _____

05 July 2019

Jun-19

Date	Driver	Vehicle	Time	KM/PU	PU Point	KM D/O	Destination	Total km	
21-Jun		Opel			S/H Sistene		S/B Taxirank	3	
21-Jun					Traffic Lorri Kay		S/H	2	
24-Jun					S/H Lucinda		Rietenbosch	4	
24					S/H Shireen		SAPS Cloetesville	6	
24					S/H		Bridgette SB Hospital	1.5	→ med
24					SH		Leonice Hospital clothing	1.5	
24					Lucinda Rietenbosch		S/H Stellenbosch	4	
25-Jun					S/H L Lucinda		Rietenbosch	4	
25					Rietenbosch		Lucinda S/H	4	
25					Shirene S/H		Town Hall	3	
26-Jun					S/H Lucinda		Rietenbosch/ Home Affairs	9.5	
26					Stellenbosch Hosp		Audrey/Pakama	1.5	- med.
26					Spar		S/H		
26					Rietenbosch		Lucinda S/H	4	
27-Jun					Lucinda< Pakama, Shireen		Rietenbosch/Town	6	
27					Bridgette		Bellville Txi rank	29	
27					SH Shireen		Dr Rossouw	8	- med
28-Jun					Lucinda & Heather		RietenboschAcvv	9.5	
28					Rietenbosch		Lucinda S/H	4	
28					Acvv		Heather	9	
01-Jul-19					Lucinda		Rietenbosch	4	
1					Rietenbosch		Lucinda S/H	4	
1					Acvv		Heather	9	
02-Jul					Lucinda/Heather		Rietenbosch/acvv	9.5	
2					Lucinda Rietenbosch		S/H	4	
2					Acvv		Heather	9	

Date	Driver	Vehicle	Time	KM/PU	PU Point	KM D/O	Destination	Total km	
03-Jul					S/H Lucinda/Heather		RietenboschAcvv	9.5	
03-Jan					Rietenbosch		Lucinda S/H	4	
03-Jan					S/H Heather		Acvv	9	
04-Jul					Lucinda/ Heather		RietenboschAcvv	9.5	
4					Lorri-kay		Lentegeur	75	- special
4					Heather/Lucinda		Rietenbosch/ SAPS Cloetesville	9.5	
4					Safe House		Stelkor Apteek		
TOTAL								279.5	

x5.10 = R1425.45

Med = 16 km x 5.10 = R 81.60
Spec = 75 km x 5.10 = R 382.50
Vte Other = 188.5 km x 5.10 = R 961.35

(2)

(10)

Attachment

SUBMISSION OF LIESL RAPHOTO TO THE SPEAKER OF STELLENBOSCH MUNICIPALICTY. REF: 8/2019 RE: ALLEDGED BREACH OF THE CODE OF CONDUCT FOR COUNCILORS.

Complaint 2

Councilor Du Toit abused her power in instructing two Municipal Law Enforcement Officials to escort me, Liesl Raphoto, from the premises of my work place on 12 November 2019.

Evidence.

- **Attachment 11** -Affidavit of Liesl Raphoto dated 14 November 2019 detailing the events of 12 November 2019.
- On 13 November 2019 Ms. Hillary Bergstedt and Mr. Faghrie Patel made some enquiries with Mr. Cedric Thorpe with regards to the Law Enforcement Officers presence at the L'Abrie De Dieu Safe House on 12 November 2019. Mr. Thorpe called Mr. Osric Jumat to obtain the information. This call was made in the presence of fellow colleagues Carmen and John Tjetjeka. Mr. Jumat informed Mr. Thorpe that Councilor Du Toit instructed him to be at the Safe house on 12 November 2019 and Laurika Williams was with him.
  Attachment 12 – Affidavit of Hillary Bergstedt with regards to the above event
  Attachemtn 13 – Affidavit of Faghrie Patel with regards to the above event.

BEëDIGE VERKLARING - SWORN AFFIDAVIT

Naam Van/Name Surname: LIESL RAPHOTO

ID No/ID Nr: 7904270066083. Huis Adres/House Address: 10 Newman Straat, Idasvallei, Stellenbosch. Werk Adres/Work Address: Safehouse Stellenbosch, Simonsberg Weg, Stell. Tel No/Tel Nr (h): _____ Sel No/Cell Nr: 0630032884

Tel No/Tel Nr (w): (021) 883 2574.

Verklaar onder eed in Afrikaans / States under oath in English

Hiermee verklaar ek, Liesl Raphoto, 'n werker as "Compliance Officer" by Safehouse Stellenbosch die volgende. Op 12 November 2019 om 07h30 het ek na my werksplek "L'Abrie De Lieu Safehouse" gegaan en my daaglikse pligte uitge= voer. Onbewus van wat aangaan het die volgende gebeur wat my sumier getraumati= seer het want ek het nie geweet waar oor dit gaan nie.

Op 12 November 2019, om 14h00 het twee Wetstoepassers (Mnr Osčić Jumat en sy mede vroue kollega) na die Safehouse se kantore toe gekom om vir Adv. Alice Wilton te kom sien. Alice Wilton het toe gevra dat hulle, die Wetstoepassers, saam met haar in die Skills kamer gaan konsulteer. 10 Minute later het Raadslid Rozette du Toit ook by die Safehouse op gedaag en saam met Alice Wilton en die Wetstoe= passers in die skills kamer geraadpleeg. Sowat 10 minute later het hul almal in die kantoor gekom waar ek rustig gesit het en my werk doen. Alice Wilton het toe in die teenwoordigheid van Raadslid Rozette du Toit, die Wetstoepassers en Charlene Abels 'n dokument aan my oorhandig aangaande 'n "Precautionary Suspention Notice". Alice Wilton het toe die inhoud van die dokument aan my gelees en Raadslid Rozette du Toit het gesê dat daar 'n verandering moet aangebring word wat insluit die tyd van wanneer die verhoor gaan plaasvind op die 4 November 2019. Ek was gevra of ek enigiets wil byvoeg waarop ek geantwoord het nee. Dit was met my meegedeel deur Alice Wilton dat 'n kriminele saak teen my gemaak is. en dat ek kan wag vir 'n oproep van die SAPS. Dit was ook vir my meegedeel deur Alice Wilton dat hierdie Situasie is aan DSD meegedeel. Ek was toe gevra om die kopie van die dokument te teken as bewys van ontvangs waarvan die twee Wetstoepassers

ek is vertroud met die inhoud van die verklaring en begryp dit. Ek het geen beswaar teen die aflê van die voorgeskrewe eed nie. k beskou die voorgeskrewe eed as bindend vir my gewete. I know and understand the contents of this statement. have no objection in taking the prescribed oath. I consider the prescribed oath to be binding on my conscience.

Verklaarder Handtekening/Deponent Signature

k sertifiseer dat die verklaarder erken dat ~~hy~~/sy vertroud is met die inhoud van die verklaring en dit begryp. ierdie verklaring is voor my beëdig en verklaarder se handtekkening/ ~~duimafdruk~~/ merk is in my teenwoordigheid daarop gebring te

ertify that the above statement was taken by me and that this deponent has acknowdlged that he/she knows and understands the ntents of this statement. The statement was sworn before me and deponent's signature/ thumb print/ mark was placed there on my presence at STELLENBOSCH op/on (Datum/Date) 2019-11-14 on/at(Tyd/Time) 08:05

Kommissaris van Ede/Commissioner of Oaths

OYSON JACOBS

Volle Naam en van/ Full name and Surname in pri

POLISIE DIENS / S A POLICE SERVICE,
23 Du Toit Street, STELLENBOSCH

COLONEL RANK

SUID-AFRIKAANSE POLISIEDIENS
STASIE BEVELVOEDER
STELLENBOSCH

2019 -11- 14

STELLENBOSCH
STATION COMMANDER
SOUTH AFRICAN POLICE SERVICE

BEëDIGE VERKLARING - SWORN AFFIDAVIT

Naam Van/Name Surname: Liesl Raptodo

ID No/ID Nr: 7904270066083 . Huis Adres/House Address : 10 Newman Street Idasvallei, Stellenbosch . Werk Adres/Work Address : Stellenbosch Safehouse, Simonsberg Weg .Tel No/Tel Nr (h): _____ Sel No/Cell Nr : 0630032884 Tel No/Tel Nr (w): (021) 8832574 .

Verklaar onder eed in Afrikaans / States under oath in English

geteken het as getuies. Ek was gevra deur Alice Wilton om my sleutels oor te handig. Ek het geen kapsie gemaak teen wat besig was om te gebeur nie. Alice Wilton het toe die Weststoepassers gevra, in die teenwoordigheid van Raadslid Rozette du Toit, om my te vergesel van die perseel af. Ek het toe my saak gevat en die perseel verlaat sonder enige teenstaan. Die hele gebeure het my erenstig getraumatiseer dat ek nie eers kan praat nie en kan nie hordentlik funksioneer nie.

Ek is vertroud met die inhoud van die verklaring en begryp dit. Ek het geen beswaar teen die aflê van die voorgeskrewe eed nie. Ek beskou die voorgeskrewe eed as bindend vir my gewete. I know and understand the contents of this statement. I have no objection in taking the prescribed oath. I consider the prescribed oath to be binding on my conscience.

Verklaarder Handtekening/Deponent Signature

Ek sertifiseer dat die verklaarder erken dat hy/sy vertroud is met die inhoud van die verklaring en dit begryp . Hierdie verklaring is voor my beëdig en verklaarder se handtekkening/ ~~duimafdruk~~/ ~~merk~~ is in my teenwoordigheid daarop gebring te

I certify that the above statement was taken by me and that this deponent has acknowdlged that he/she knows and understands the contents of this statement. The statement was sworn before me and deponent's signature/ thumb print/ mark was placed there on my presence at STELLENBOSCH op/on (Datum/Date) 2019-11-14 on/at(Tyd/Time) 08:05

Kommissaris van Ede/Commissioner of Oaths

DYSON JACOBS

Volle Naam en van/ Full name and Surname in pri

POLISIE DIENS / S A POLICE SERVICE ,
23 Du Toit Street, STELLENBOSCH

COLONEL RANK

SUID-AFRIKAANSE POLISIEDIENS
STASIE BEVELVOEDER
STELLENBOSCH
2019-11-14
STELLENBOSCH
STATION COMMANDER
SOUTH AFRICAN POLICE SERVICE

SUBMISSION OF LIESL RAPHOTO TO THE SPEAKER OF STELLENBOSCH MUNICIPALICTY. REF: 8/2019 RE: ALLEDGED BREACH OF THE CODE OF CONDUCT FOR COUNCILORS.

Complaint 3

Councilor Du Toit instructed Mr. Micheal Moses, her administrator, to act as presiding officer at my precautionary suspension hearing dated 14 November 2019.

Evidence.

- **Attachment 14** –Precautionary suspension notice indicating the time and venue of the hearing. It also indicated Ms. Zelda Darling as the presiding officer. On the day of the hearing Ms. Darling was not available and Mr. Michael Moses was acting presiding officer.
- **Attachment 15** – Affidavit of Mr. Davey Julius, my representative, describing the individuals present at the precautionary suspension hearing of 14 November 2019 and in what capacity they were there.
- Ms. Hillary Bergstedt will also testify with regards to the above matter as she is the Secretary of the L'Abrie De Dieu Safe house Board and the matter was discussed in the board meeting of 15 November 2019.

Attachment (14) (1)

84

Safe House

~~23 October 2019~~ 12 November 2019

Name : **Liesl Rhaphoto**

Staff designation : **Compliance Officer**

NPO : **L'Abrie de Dieu Safe House Stellenbosch**

(Shelter for abused women and children)

PRECAUTIONARY SUSPENSION NOTICE

It has been **alleged** that you have breached your duty as compliance officer of the Safehouse Stellenbosch, as included herein.

Fraud/Theft

You promoted fraud and/or theft of monies due to the Safehouse thus promoting fraud/theft of money, which should have been paid to the safehouse, in terms of the High Tea held on the 9th of August 20019. Allegations for investigation includes:

1. That you reneged your duty as compliance officer to ensure that all compliance procedures were followed during the arrangements of the high tea dated the 9th of August 2019. Processes not followed includes:

1.1. Failure to ensure that the Board member, Fachrie Patel who arranged the function with you documented and sought board approval for expenses;

1.2. Failure to ensure that all accepted procurement processes for the services were rendered were documented and processed by approved officials and board members of the safehouse.

1.3. Failure to ensure that monies received were documented and paid into the safehouse bank account.

1.4. Failure to meet a legal order to provide a report on the deviation and/or non-compliance with the safehouse constitution, delegations and financial policies and procedure.

1.5. Threatening staff and residents with Board conduct (EXCO) against staff and therapeutic staff.

Gross insubordination

2. Interference and/or blatant abuse and preying on of clients with mental illness, by interfering in the therapeutic processes of the safehouse by consulting and advising residents with mental illness about conflict between the board and staff, discussing therapeutic actions, advising clients on therapy regardless of lack of training, thus causing a therapeutic breach. Said interference has caused a violent therapeutic fallout between mental illness patients held at the safehouse. You have thus led to the risk that the safehouse will be shut down. Said matter will be reported to DSD and a meeting had been arranged for the 26th of November 2019 for investigation at the safehouse.

Rude, abusive and insolent behavior

3. Acting abusively with the CEO when you were requested to provide a report on the high tea matter referred to above. Threatening and scaring staff with board interference. Then bragging via whattsapp about your conduct.

Be advised that said investigation will not be limited to the above.

Accordingly, you are requested to make representation regarding the Management decision to firstly suspend you, with pay, until said investigation is completed, within 48 hours from receipt of said notice. Your suspension hearing has been scheduled for the **14th of November 2019**, at the **Office of Rozette Du Toit**, LAP ward office, Reyneveldstr. The presiding officer is Zelda Dalling.

You are allowed to obtain legal representation in this regard as the allegations leveled amounts not only breach of duty, fraud and theft. Said legally qualified person can then make representations on your behalf in protection of your rights. The criminal matter has already been registered and it is advisable to rather appoint an attorney.

You are also compelled to hand over all keys and remote control with immediate effect. Your co-operation in this regard will be appreciated.

Please indicate the address for delivery of all formal notices in terms of relevant legislation.

Yours faithfully

Alice Wilton

CEO

L'Abrie de Dieu Safe House Stellenbosch

Attachment (14) (5)

88

Acknowledgement of receipt

.....

Signature

.....

Date

.....

Witness

.....

Date

BEëDIGE VERKLARING - SWORN AFFIDAVIT

Naam Van/Name Surname: Davey Julius

ID No/ID Nr: 6702025143087. Huis Adres/House Address: 11 Anthony Street, Cloetesville, Stellenbosch Werk Adres/Work Address: N/A

Tel No/Tel Nr (h): Sel No/Cell Nr: 076 8155 427

Tel No/Tel Nr (w):

Verklaar onder eed in Afrikaans / States under oath in English

Ek Davey Julius, verteenwoordiger van Liesl Raphoto, het op 14 November 2019 om 10h00 haar verteenwoordig in haar "Precautionary Suspension Notice" verhoor by die kantore van Raadslid Rozette du Toit. Teenwoordig by die verhoor was Adv Alice Wilton (CEO van L'Abris De Dieu Safehouse, Charlene Abels (the officer and Acting office manager). Mnr Moses Michaels was aan ons voorgestel as die acting Deciding officer. Mnr Moses Michaels is in administratiewe beamptenaar van Raadslid Rozette Du Toit. Hierdie verrigtinge het plaas gevind gedurende Mnr. Michaels se werks ure.

Ek is vertroud met die inhoud van die verklaring en begryp dit. Ek het geen beswaar teen die aflê van die voorgeskrewe eed nie. Ek beskou die voorgeskrewe eed as bindend vir my gewete. I know and understand the contents of this statement. I have no objection in taking the prescribed oath. I consider the prescribed oath to be binding on my conscience.

Verklaarder Handtekening/Deponent Signature

Ek sertifiseer dat die verklaarder erken dat hy/sy vertroud is met die inhoud van die verklaring en dit begryp. Hierdie verklaring is voor my beëdig en verklaarder se handtekkening/ duimafdruk/ merk is in my teenwoordigheid daarop gebring te

I certify that the above statement was taken by me and that this deponent has acknowdlged that he/she knows and understands the contents of this statement. The statement was sworn before me and deponent's signature/ thumb print/ mark was placed there on my presence at STELLENBOSCH op/on (Datum/Date) 2019-11-14 on/at(Tyd/Time) 13:45

SUID-AFRIKAANSE POLISIEDIENS
STASIE BEVELVOEDER
STELLENBOSCH
2019-11-14
STELLENBOSCH
STATION COMMANDER
SOUTH AFRICAN POLICE SERVICE

Kommissaris van Eed/Commissioner of Oaths

Volle Naam en van/ Full name and Surname in print
POLISIE DIENS / S A POLICE SERVICE,
23 Du Toit Street, STELLENBOSCH
RANK

AFFIDAVIT

Ms. Hillary Bergstedt, female, I.D. 6804010081080, Carriemstreet 31, Cloetesville, Stellenbosch, 7600 Declare under oath in english.

① That i am the current secretary of L'Abrie De Dieu Safehouse in Stellenbosch. I was also for a number of years MPAC chairperson (Municipal public accounts) ~~Chair~~. Cllr R. du Toit is known to me as she was a member of MPAC. This committee exclusively dealt with Compliance, legislations, code of conduct, MFMA ext.

① After our Safehouse board mtg 13 November 201c myself and Mr F. Patel went to the office of Mr Cedric Thorpe. Mr Patel was informed by staff member (L. Raphoto) that she was escorted by 2 law enforcement officers, Osric Jumat and a female from her workplac At the office of Mr C. Thorpe, Mr F Patel enquired about above said matter. Mr C. Thorp immediatly phone Mr Osric Jumat to raise the allegation. Mr C. Thorpe left the phone on speaker in order for us to listen. Mr Osric Jumat confirmed and that he was at the safehouse on instruction from cllr du Toit. ~~He~~ We were futhermore informed tha the female law enforcement officer is Ms L. Williams. The following law enforcement staff was also present in the office when Mr. C. Thorpe called Mr. Jumat, John Tjetjek and Carmen.

H A Bergstedt

Outside the office Mr F. Patel again ask John Tjetjeka, who ~~instructed~~ gave the instruction? Mr Jumat and Carmen re-affirmed that it was indeed Cllr R. du. Tiot. (Audio recordings is available)

2) At a Safehouse board meeting 12 Sept 2019 at the office of Cllr R. du Tiot the Chairperson of the board enquired about the car that is used by the Safehouse. The manager (Ms Alice Wilton) indicated to the chairman that it was the property of Cllr du Tiot and mentioned that the Safehouse received R430 000 from Stellenbosch municipality and the board must give her permission to buy a car for the Safehouse. (Audio recording available) as well as minutes.

) 14 November 2019 the manager (Ms A. Wilton) informed he board that a board mtg will be held at the ffice of Cllr R du Tiot's office (15 Nov 2019). Mr atel indicated that he was uncomfortable with his arrangement and asked if the chairperson had written concent to make use of the office. rom the municipality. I then arrange with taff from Breughel to host our mtg. (Screenshots. tudio recordings available)

) Meeting 14 Nov 2019 Breughel. At this meeting eet Cllr R. du Tiot admitted to the board nat, Cllr Zelda Dalling did not understand the rocess of being a preciding officer and that he therefore decided that mr Moses Micheals hould act in the position. (Audio recordings

Attachment (12)

G.P.-S. 01/02

P. 21 (81/143198)

(5) Car registration (Opel Sedan CA 788170) At our Safehouse board mtg 4 January 2020 Cllr du Toit indicated that there was issue with the car and explained to the board in the presence of Mr Jacobs (representer from DSD) and Zenobia Sedeman (boardmember SAPS) (minutes available)

I would like to go on record and thefore avail myself.

(6) The Manager (Ms A-Wilton) indicated in the media that the allegations made by Ms L. Raphoto is false although she was present at the various meetings where Cllr du Toit admitted to ~~the~~ instruction She ~~no~~ gave to Mr Moses Micheals. The manager (Ms A. Wilton) also gave and signed the precautionary suppention lette with venue of Cllr du Toit.

Cloetesville SAPS:
Danita Williams
7017298 6.
Sersant.
021 8885940.

SOUTH AFRICAN POLICE SERVICE
CLOETESVILLE
COMMUNITY SERVICE CENTRE
24 FEB 2020
GEMEENSKAP DIENSSENTRUM
CLOETESVILLE
SUID-AFRIKAANSE POLISIEDIENS

Attachment 13

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BEËDIGDE VERKLARING – SWORN AFFIDAVIT

NAAM VAN/NAME SURNAME : MF PATEL (MOGAMAT FAGHRODEEN) ID NO/ID NR : 5903155091085

HUIS ADRES / HOUSE ADDRESS : FESTIVAL STRAAT 47, JAMESTOWN, STELLENBOSCH

WERK ADRES / WORK ADDRESS : —

CELL NO/ SELFOON NR : 082 858 8705 WERK NO/ WORK NR : —

VERKLAAR ONDER EED IN AFRIKAANS/ STATES UNDER OATH IN ENGLISH

HIERMEE VERKLAAR EK MOGAMAT FAGHRODEEN PATEL ID 5903155091085 ONDER EED DAT EK OP 13 NOVEMBER 2019 NA MNR CEDRIC THORPE TE MUNISIPALITEIT STELLENBOSCH SE KANTOOR GEGAAN HET OM TE VERNEEM WAAROM VAN HAL PERSONEEL LIESEL RAHOTO BY STELLENBOSCH SAPS HOKSE GAAN VERWYDER HET OP 12 NOVEMBER 2019. VOLGENS MNR THORPE HET N SEKERE CEDRIC JULIAT & LAURA WILLIAMS DIT IN OPDRAG VAN RDI ROZETTE DU TOIT GEDOEN

EK IS VERTROUD MET DIE INHOUD VAN DIE VERKLARING EN BEGRYP DIT.EK HET GEEN BESWAAR TEEN DIE AFLEGING VAN DIE VOORGESKREWE EED NIE.EK BESKOU DIE VOORGESKREWE EED AS BINDEND OP MY GEWETE SO HELP MY GOD.

I KNOW AND UNDERSTAND THE CONTENTS OF THIS STATEMENT. I HAVE NO OBJECTION I N TAKING THE PRESCRIBED OATH. I CONSIDER THE PRESCRIBED OATH TO BE BINDING ON MY CONSCIENCE.

HANDTEKENING/SIGNATURE

HIERMEE SERTIFISEER EK DAT DIE BOSTAANDE VERKLARING DEUR MY AFGENEEM IS EN DAT DIE VERKLAARDER ERKEN DAT HY/SY VERTROUD IS MET DIE INHOUD VAN DIE VERKLARING EN BEGRYP DIT. HIERDIE VERKLARING IS VOOR MY BEëDIG EN DIE VERKLAARDER SE HANDTEKENING/MERK/DUIMAFDRUK IS IN MY TEENWOORDIGHEID DAAROP AANGEBRING TE:

I CERTIFY THAT THE ABOVE STATEMENT WAS TAKEN BY ME AND THAT THIS DEPONENT HAS ACKNOWLEDGE THAT HE/SHE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS STATEMENT. THE STATEMENT WAS SWORN BEFORE ME AND DEPONENT'S SIGNATURE / TUMB PRINT/MARK WAS PLACED THERE ON IN MY PRESENCE AT:

CLOETESVILLE OP/ON(DATUM/DATE) 2020-02-24 ON/AT(TYD/TIME) 09:15

SOUTH AFRICAN POLICE SERVICE
CLOETESVILLE
COMMUNITY SERVICE CENTRE
24 FEB 2020
GEMEENSKAP DIENSSENTRUM
CLOETESVILLE
SUID-AFRIKAANSE POLISIEDIENS

Kommissaris van Ede/Commissioner of Oaths

Volle naam en Van in drukskrif/ Full name and Surname in print

S A POLISIE DIENS / S A POLICESERVICE

TENNANT STREET, CLOETESVILLE,STELLENBOSCH

RANG/RANK

beset

Twee mense het Dinsdagoggend omstreeks 09:00 ernstige beserings in 'n botsing tussen 'n minibustaxi en 'n motor op die R45 naby Franschhoek opgedoen. Die beseerdes is na die Paarl-hospitaal geneem. Nog twee passasiers het ligte beserings opgedoen. Die presiese omstandighede van die botsing is nog nie bepaal nie.

Die bestuurder van dié voertuig het ernstige beserings opgedoen.

Sakeman ingeloop; derduisende rande glo betrokke

Raadslid in die sop

Danie Keet

'n Raadslid van die Stellenbosch-munisipaliteit word tans in sy hoedanigheid as rekenmeester van 'n plaaslike sakeonderneming weens moontlike wanbestuur van geld ondersoek.

Die raadslid, wat 'n proporsionele lid van die DA-beheerde stadsraad is, dien ook in die munisipale openbare rekeninge komitee (MPAC) wat alle finansiële aangeleenthede van die munisipaliteit oorweeg.

Die man, 'n geoktrooieerde rekenmeester (CA), het na bewering die boeke van klein sakeondernemings in die dorp hanteer en BTW- en ander geld wat aan die Suid-Afrikaanse Inkomstediens (SAID) verskuldig was, na sy eie rekening oorgeplaas.

Derduisende rande is na bewering ter sprake.

Die sakeman wat ingeloop is en wie se naam aan *Eikestadnuus* bekend is, het bevestig dat die boekhouer reeds die afgelope jaar en 'n half na sy boekhouding omsien, maar dat hy eers onlangs van wanoptrede bewus geword het nadat van sy eie personeel navraag oor finansiële aangeleenthede gedoen het.

Die sakeman het bevestig dat die saak ondersoek word, maar dat geen formele klagte nog by die plaaslike polisie aanhangig gemaak is nie.

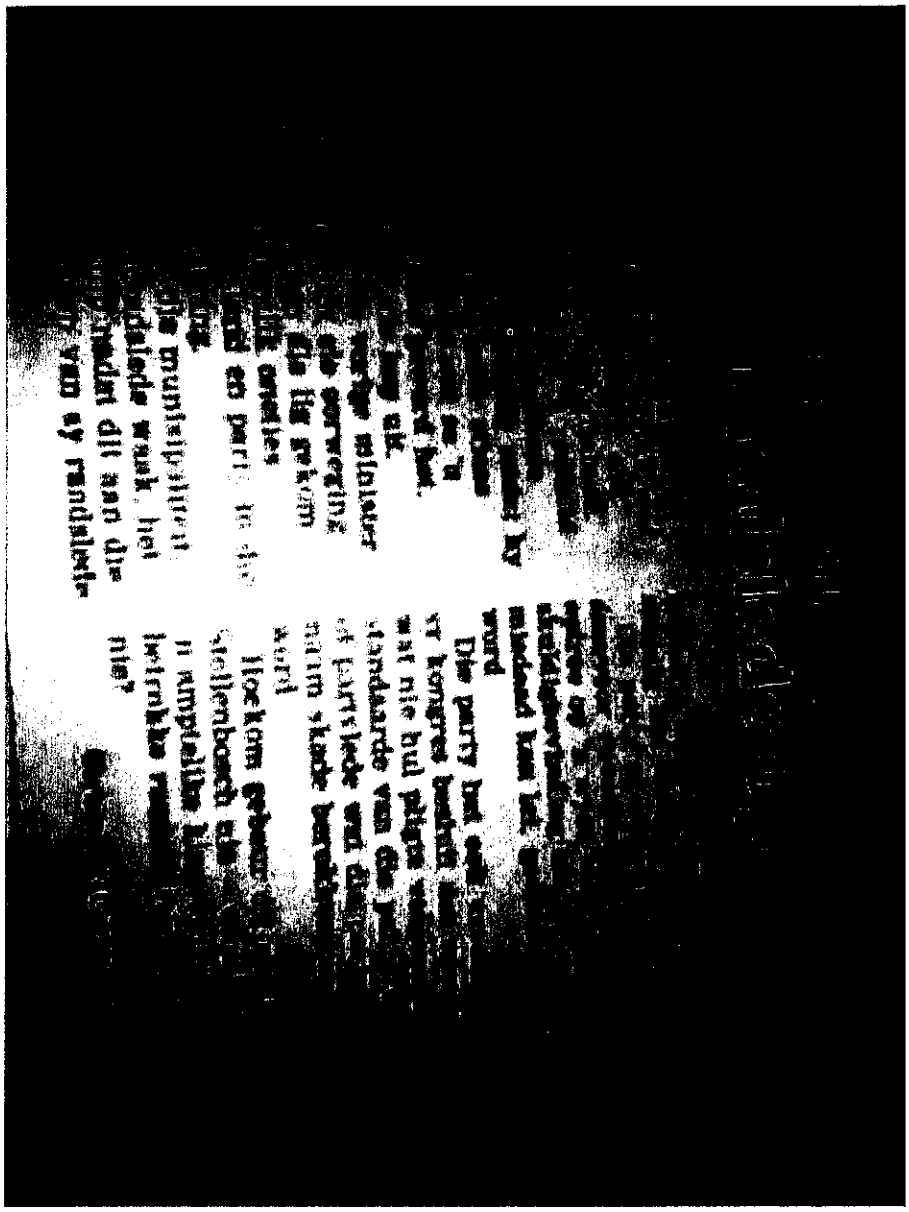
"Ek het my hele besigheid aan die man oopgemaak en al my finansiële state vir hom gewys – ook my persoonlike rekeninge. Ek het hom met al my belange vertrou, en nou gebeur dit.

"Ek wag nou dat hy kom verduidelik wat gebeur het en hoekom. Ek weet nie hoe ek oor hierdie skok gaan kom nie. Dit beïnvloed selfs my gesondheid op die oomblik," het hy gesê.

Die Stellenbosse munisipaliteit wou nie by navraag op die bewerings kommentaar lewer nie.

"Enigiemand kan 'n klag by die speaker se kantoor indien en alle klagtes sal ondersoek word," het Mart-Marié Haasbroek, die munisipale woordvoerder, gesê.

96



Safe House
L'ABRI DE DIEU
STELLENBOSCH

14 November 2019

L'Abrie De Dieu Board
Stellenbosch
7600

For attention : All board members

RE : BOARD REPORT REGARDING NON COMPLIANCE, DISCIPLINARY ACTION AND CRIMINAL MATTER FILED WITH CAS NUMBER 157/11/2019

1. INTRODUCTION

The purpose of this report is to provide a report of the above-mentioned matters to the board for consideration. Note, due to limited time constraint I could not complete all information, but will discuss other legal issues if requested.

2. BACKGROUND

On the 9th of August 2019 a High Tea was arranged. At the end of the month I requested information regarding all monthly transactions, i.t.o. standard operating procedures. Liesl asked me not to report on said High Tea, which made me uncomfortable. I am legally qualified and implemented compliance measures, including monthly collation and checking of financial transaction. After September 2019 we prepared the DSD report. I again asked for information, which was met with hostility from Liesl. This was done in front of witnesses.

I then did the following:

2.1. I asked information in writing on the 14th of October 2019.

2.2. I received information on the 16th of October 2019.

2.3. Said information received was in the form of a quote and not an invoice.

2.4. Said quote was for payment to M & E Events. It ostensibly seems to be a non-existent legal entity. This is the same scenario as with the previous manager, where monies was paid to Fox Transport(non-existent legal entity and Leigh Rossouw's' son). In that instance this board implemented discipline.

2.5. Said quote also included the following phrase, i.e. "expenses approved by the Safehouse full Board for board member F Patel to continue with the event." I had no

recollection of said matter and confirmed that there was no board meeting where expenses were approved by the Board. This amounts to a fraudulent misrepresentation of fact.

2.6. Said quote also included that 'no VAT added."

2.7. No payment could have been made if we did not receive an invoice.

2.8. Liesl confirmed she downloaded the quote, modified it and processed it on a safehouse computer for submission. Said quote was thus generated on our computers. This was also done by our previous manager and led to a negative audit finding. This is not legally allowed. Leigh was disciplined and dismissed for this.

2.9. I again asked for a report again and which was not responded to. Said communications are available in **Annexure A**. I tried everything to dispense with said matter amicably.

2.10. I consulted with Elize Anthony, Basil Petersen, Zenobia Sedeman, Rozette Du Toit and Gordon Reid individually from the Board to obtain external opinions. In my meeting with Zenobia Sedeman from SAPS, I received confirmation that no payment could have been made and that I had a legal duty to report it. I did it. CAS number 157/11/2019, was registered and allocated.

2.11. On the 12th of November 2019, I received a call from the Social Worker to meet her and her team at Mug and Bean to discuss an urgent matter. I met them and was advised that we received communications of Board involvement in therapeutic processes. See whatsapps attached as **Annexure B**.

2.12. Said therapeutic team reports to DSD i.t.o. process and we called Rene Botha for appointment. They will be visiting our facility on the 26th of November 2019. Note that Dr Elsa van der Watt takes responsibility to report said matter to both DSD and the Social Work Board. They stopped services and sent a communication in this regard.

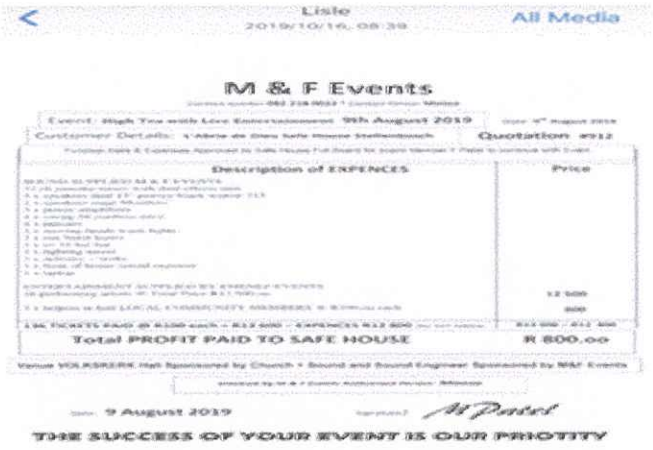
2.13. In a meeting with the Chairperson they indicated that they will address the Board tomorrow, on said issue.

3. APPLICATION OF LEGAL PRINCIPLES

3.1. **Clause 9.1.7.2** of the "**Constitution**" prescribes that:

All board members state that the organisation's income and property are not distributable to its members or office-bearers, except as reasonable compensation for services rendered." This is aligned with section 12(2)(c) of the Non Profit Organisations Act, 1997 (Act 71 of 1997). This has in the past been subject to Board approval such as Rozette and Basil transport. Note that prior approval has been accepted as a standard operating procedure and in the instance of the High Tea this was not done.

Deviation from process : No Board approval was obtained for quote below. No minutes are available containing an approval for said function expenses. Se the quote below which was submitted.



Liste
2019/10/16, 08:39
All Media

M & F Events

Description of EXPENCES | Price

Total PROFIT PAID TO SAFE HOUSE | R 800.00

9 August 2019

THE SUCCESS OF YOUR EVENT IS OUR PRIOTITY

Fachrie Patel response : During the EXCO meeting dated the 13th of November 2019, Mr Patel said the following; "ek het 'n diens aan die safehouse gelewer....wat almal geweet het...ek het nie 'n sent van die safehouse se geld gevat nie...ek het duidelik gesê...ek het duidelik gesê ek moet 50% van al die mense se deposits meer as 'n maand voor die tyd betaal...uit waar uit...uit my sak...twee weke voor die ding moes ek almal se geld betaal...wa uit...wanner het die geld ingekom...die geld het 'n dag of drie en op die dag ingekom van die mense...so...watter geld moes waar inbetaal gewees het...as daar nie geld was nie...ek het 'n diens...die geld moes by the way aan my uitbetaal gewees want ek het die diens aan die safehouse gelewer..." I will rather play the recording for the board that they can hear if the content is true and correct.

Legal non-compliance includes:

3.1.1. The quotation was dated the 9th of August 2019. It included the words "expenses approved by the Safehouse full Board for board member F Patel to continue with the event." I have no minutes where said expenses were approved prior to said date. No quotation for services were ever submitted to the board according to my honest recollection and Mr Patel's submissions to the EXCO indicates that nothing was submitted for approval.

3.1.2. It was included that "no VAT added." Yet Mr Patel said that he had to pay VAT in during the EXCO meeting dated the 13th of November 2019.

3.1.3. Note that all other board members do not process their own payments. It is always signed off by another EXCO member. Yet Mr Patel according to his account, paid himself and/or his son.

3.1.4. We do not make payments on quotations. We make payments on invoices. He said he submitted an invoice, but it was a quotation.

3.1.5. Note that the quotation was not submitted by him, but generated on a safehouse computer, used by Liesl. This was another reason the previous manager was dismissed. It was an audit finding that quotes and/or invoices were generated on the company's computers. This charge was also included in the criminal matter against the previous manager.

3.1.6. Fraud is regarded as a misrepresentation of fact leading to prejudice. In this instance the fraud lies in the fact that the Board member included information on his quote that was not true, as there was no board approval of his quote. He admits in his statements to the EXCO that he took a report to the board. See the

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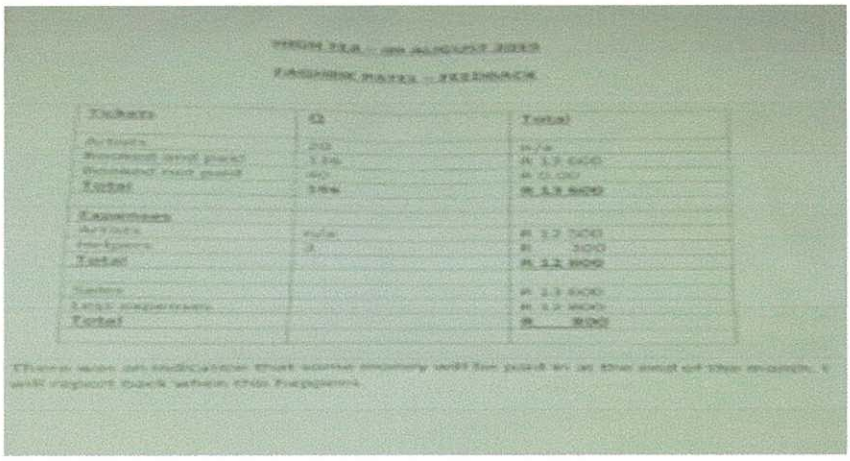
report he submitted below. Nothing indicates that he was being paid. He then made a private admission that the monies were paid to him, because he arranged the function. The below report was submitted with no relevant content for verification of legal compliance.



3.2. Paragraph 15 on page 2 Financial Policy and Procedure Manual dated the 28th of March 2019

"The EXCO is appointed to deal with general processing and oversight of all transactions. Before any transaction is finalised, it must be captured, electronically, sent via email to all EXCO members and signed off by relevant appointed signatories of the Board. Any cheque cashed will be processed by the relevant official and signed off by two Board appointed signatories. The financial statements will be available for perusal at the offices with all substantiating documents."

The signed policy is available on request. Compliance training was attended by all board members. Liesl was processing payment, invoices so she is aware of our practices. See proof below.

Safe House

L'ABRIE DE DIEU SAFE HOUSE BOARD
ACCEPTING OF L'ABRIE DE DIEU SAFE HOUSE CONSTITUTION

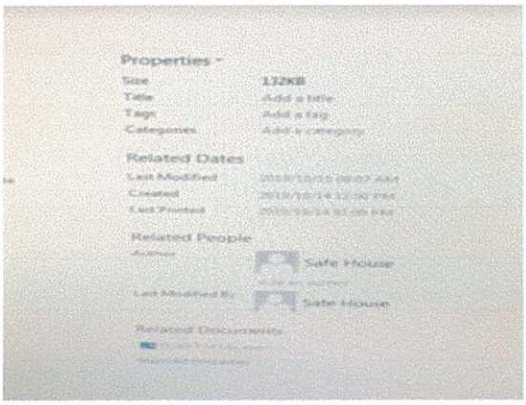
Name	Position	Contact Details	Signature	Yes

Note that there has to date not been any deviation of said application, except for this transaction. Both Liesl and Fachrie Patel signed for attendance and acceptance of constitution. Both attended all compliance training.

Legal non-compliance includes:

Charlene did not do any procurement. The EXCO did not sign off payment. No documentary proof was collated. The Board member confirmed he paid himself, because according to him the monies was due to him because he arranged the function. We all arrange functions. Other board members do it as well. This is the first time this however happens.

Also see attached proof that said quotation was processed on the computer used by Liesl, which is not denied by her.



3.3. System of Delegations

The approved system of delegations is aligned with the above-mentioned constitution and policies. See attached. If you view below then it is clear that no board member is allowed to procure services, receive or make payment except for those mentioned. Tis transaction is the only exception I know about.

	BOARD	IND	Notes
Capital expenditure and procurement (approval of)			Note: In the case of large building projects or similar capital expenses, once approval has been obtained, progress payments are done as per operational expenses' delegation of authority, element 4.1 above.
• Up to R5 000 per item.		APP	CEO/ EXCO member
• > R5 000, ≤ R25 000 per item.	REP	APP	CEO/ EXCO member
• > R25 000 per item	APP	REC	EXCO member
Sale of assets			Note: In all instances a proper record of such sale must be kept on the asset register and properly posted in the accounting system.
• ≤ R500 book value per item.		APP	Skills Development Officer
• > R500, ≤ R20 000 book value per item.	REP	APP	EXCO/CEO
• > R20 000	APP	REC	EXCO/CEO

3.4. Communication i.t.o. Annexure B

If you look at the content of Annexure B, then it is clear that there was a relationship which led to the therapeutic breakdown. References are made of changes coming, new EXCO being appointed, staff knowing what is coming. On the last occasion a person called Alicia Ruiters did the same and she was disciplined and resigned due to

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seriousness of the allegations. This conduct is not allowed. It will lead to the closure of the house. We are at this stage not sure what the nature of the relationship is.

4. Conclusion

Said information is sent to the board for consideration. I realise that that it is short notice but I worked throughout the night to get it done. It is not humanly possible to meet any other deadlines. Note that I already consulted and reported on said matter. Since asking for documentary proof, the board member, Mr Patel and Ms Bergstedt has been verbally attacking me. I am just doing my work. I have a legal duty to report and I did it. This is not the first time I am a "whistle blower."

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Annexure A (communications with Liesl)

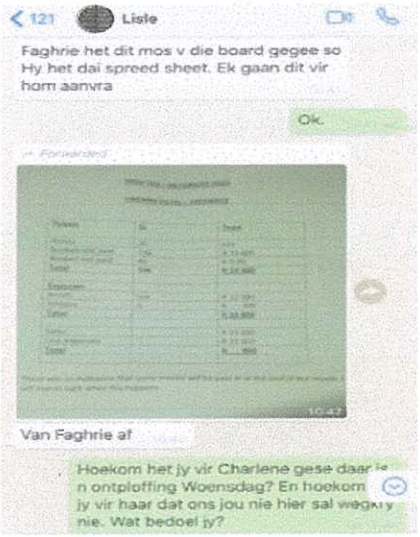
See below I am requesting a report. Included was the quote I received.

See again.

I asked for the original excel document.

104

See spread sheet request. I then realized that the numbers, board decisions etc. was not aligned. I did not want to tamper with documents as I honestly thought that this amounts to fraud.



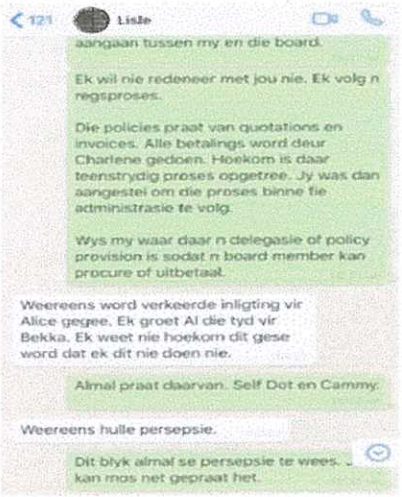
See above attached reference to words used to threaten Charlene. I also asked questions regarding communication from her to Charlene that we wanted to get rid of her from the safehouse.

Below, I advise her that she is scaring our staff with her conduct. See below she does not even deny scaring staff. The old board members are aware that Charlene reported a complaint of racially based attacks against her and other staff inwriting. She even had nightmares and I am still concerned about this. Staff said that Liesl was manifesting disturbing behavior.

I tried to enquire what was going on. I explained that I was busy with a legal process. This was and still is not a personal attack.

105

Here I explain again that I am just following a legal process.



Here again I inform her that we should engage. It is not for my personal sake, but for all in the safehouse. I even asked Elsa to counsel her, in an attempt to addess this issue.

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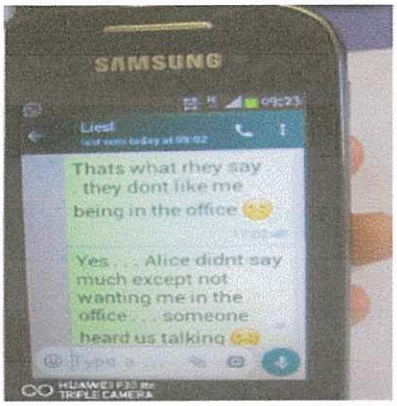
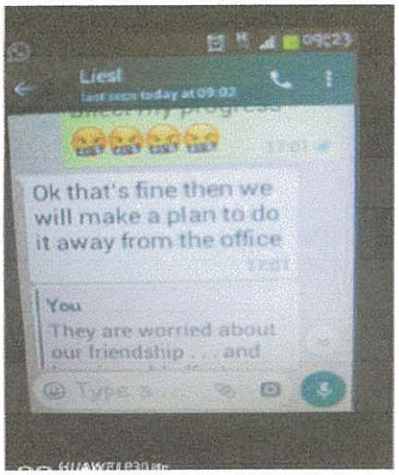
Annexure B (Liesl's communications with the client)

Here it seem that an unnatural relationship is forming. Dr van der Watt will address this issue. Words like "I love you" is used. Suggestions of meeting and chatting after hours is mentioned etc.

This is merely confirmation that we met with her and encouraged her to establish her therapeutic relationship/trust relationship with the trained social work team and not with the administrative staff.



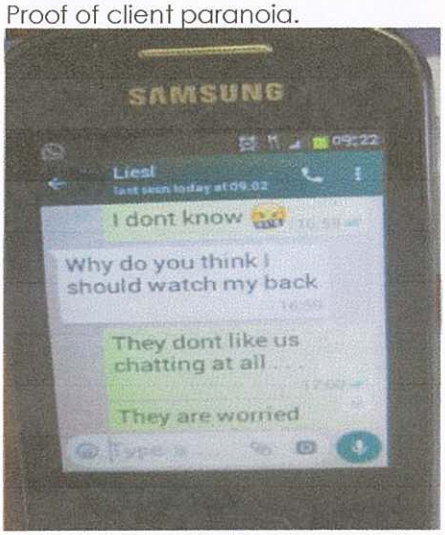
Here Liesl responds that they must meet away from the office. This is contrary to the therapeutic process agreed to an causes a breach of trust between the social work team and the client, who suffers from mental illness.



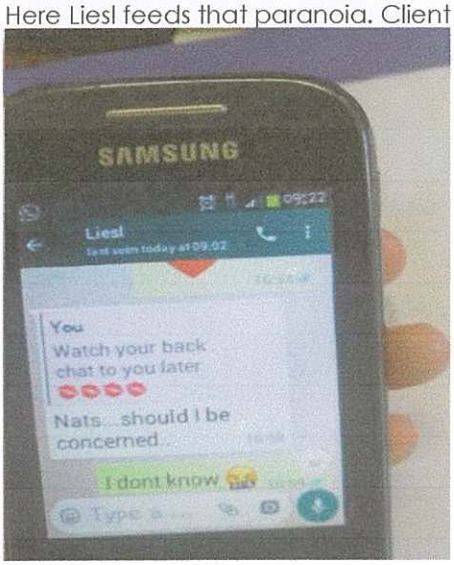
107

Here is confirmation that we explained that interference by staff could cause therapeutic fallout and/or retard development and healing processes. It shows we were acting in the best interest of the client.

Proof of client paranoia.

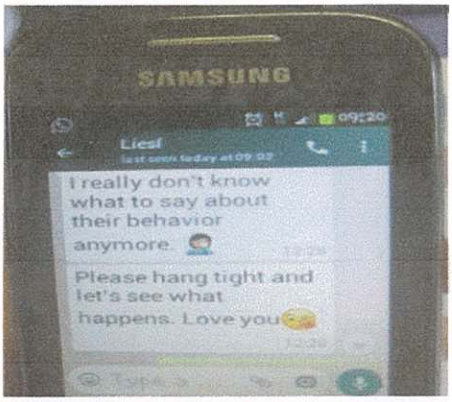


Here Liesl feeds that paranoia. Client thus does not feel safe and does not respond to treatment.



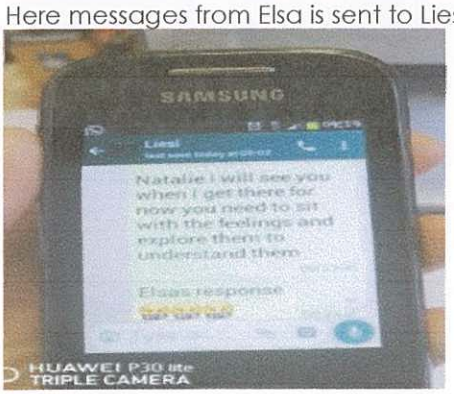
108

Here again, discussing staff with clients. Again words I love you is used.



Again discussing staff.

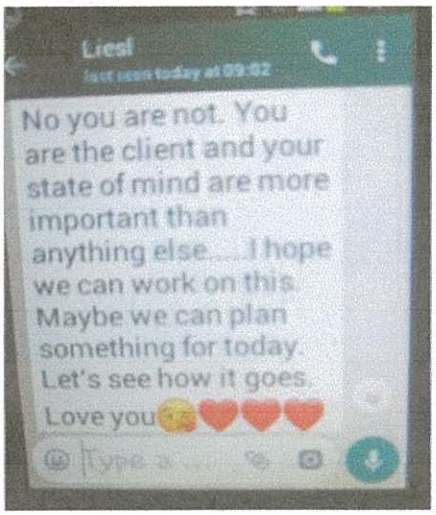
Here messages from Elsa is sent to Liesl. This is not allowed.



109

Again discussing the therapeutic team.

Here Liesl indicates that she is working with the client of therapeutic interventions.



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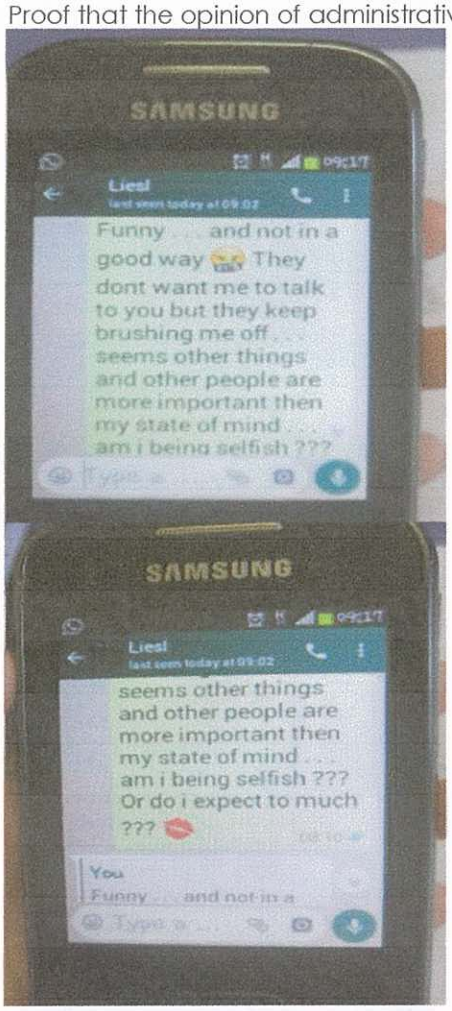
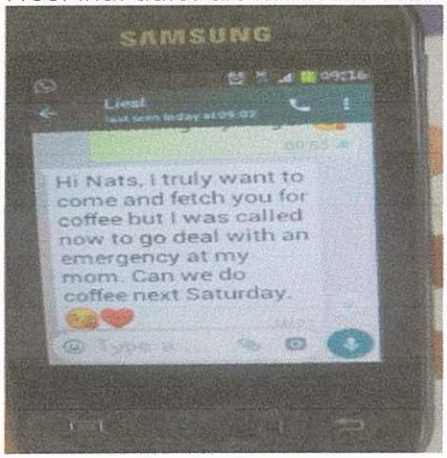
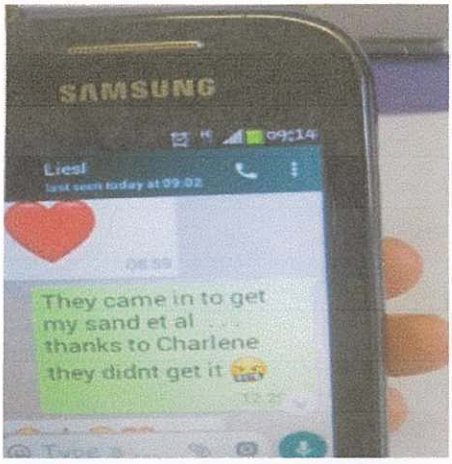
Proof that the opinion of administrative staff is sought above the therapeutic staff.

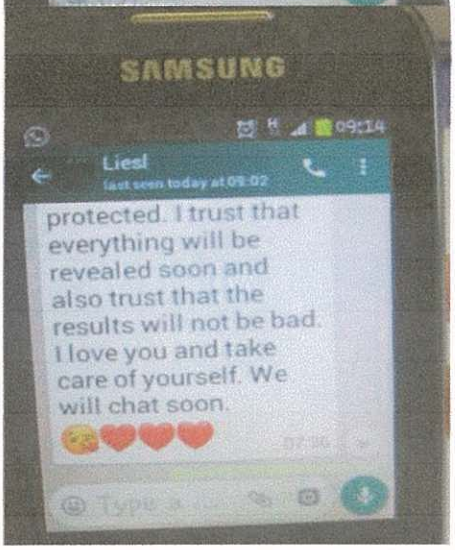


Proof that dates are made for coffee. This counteracts trust for therapeutic advancement.




SAMSUNG
09:14
Liesl
last seen today at 09:02
They came in to get my sand et al thanks to Charlene they didnt get it

SAMSUNG
09:13
Liesl
last seen today at 09:02
For now I am going to pray about it and try to find out what is going. I know it's very difficult for you not to worry so I am going to ask that you do only what you can do to keep yourself safe and your headspace


SAMSUNG
09:14
Liesl
last seen today at 09:02
protected. I trust that everything will be revealed soon and also trust that the results will not be bad. I love you and take care of yourself. We will chat soon.

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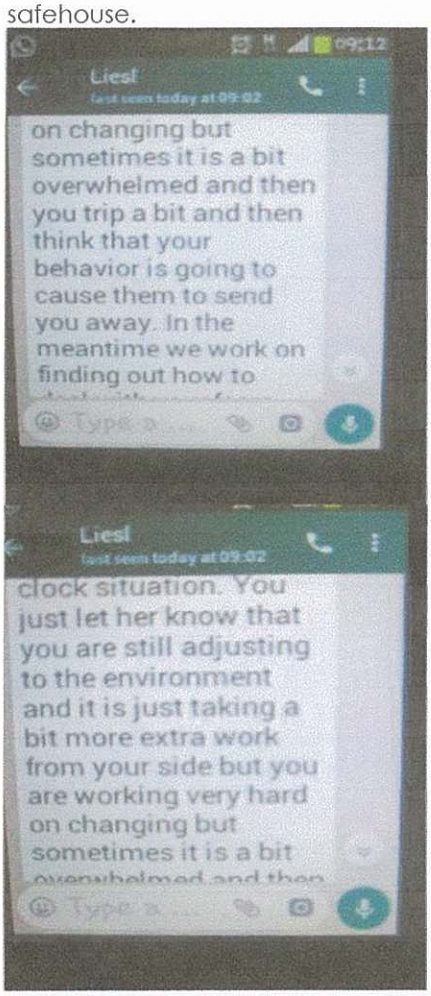
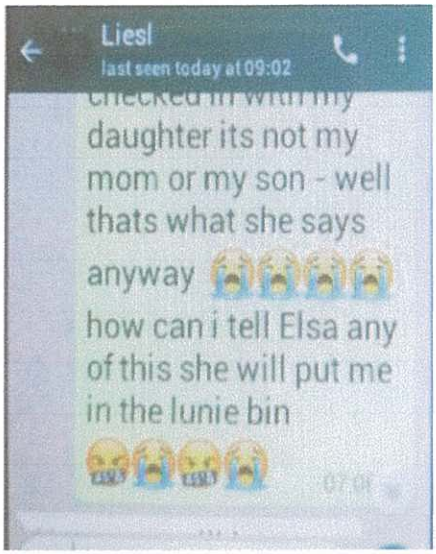
Here Liesl is feeding the paranoia of the client, i.e. by saying that she would be sent away from our safehouse.

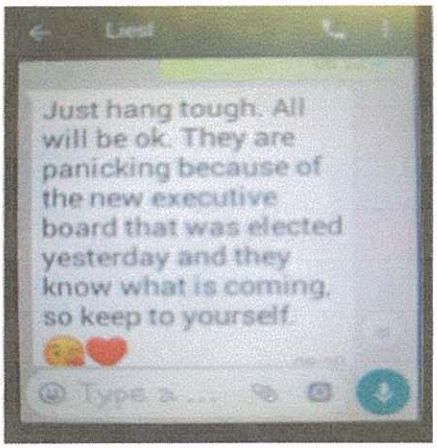


Proof of therapeutic consultation.

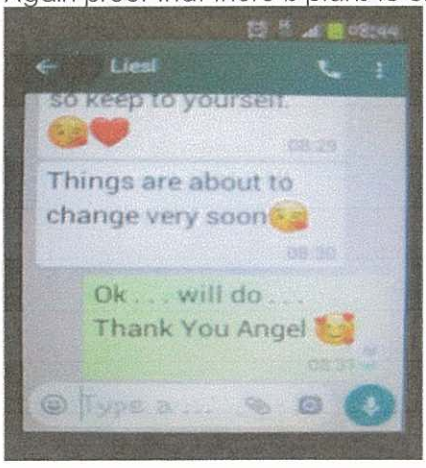
1B



Here is proof that Liesl told the client that a new executive had been appointed and "they know what is coming. New Executive members are aware who they are. By process of elimination Liesl is referencing new members who also happen to be our biggest critics. This proves that there had been consultation and plots to do something which interferes with currect status quo which in acknowledged as effective and worthy of extension of contract by both Western Cape Government, University and even the UN.

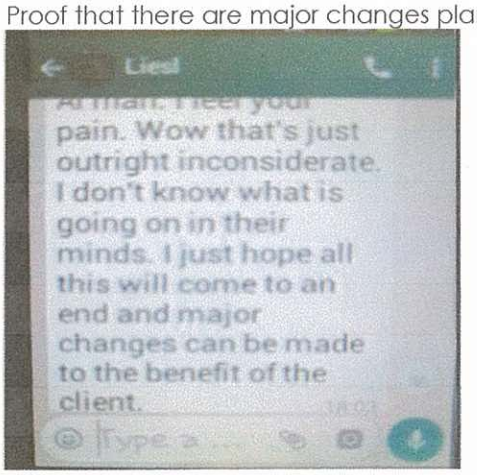


Again proof that there is plans to change things at the safehouse.



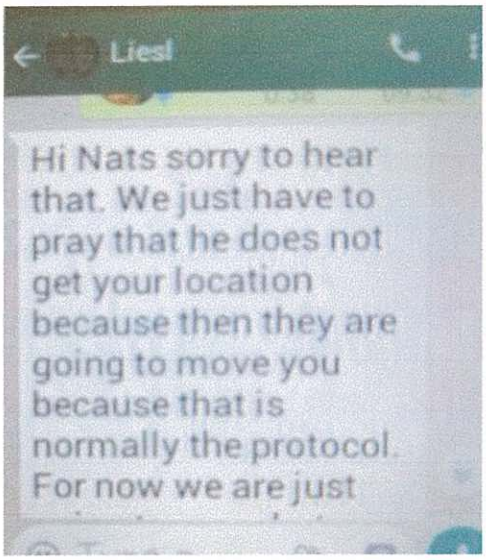
Proof that there are major changes planned without consultation with therapeutic staff.

114



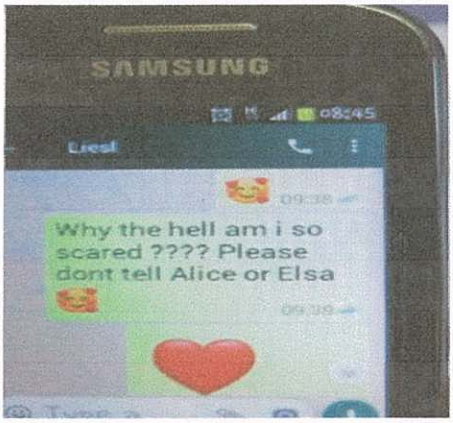
Discussions about Elsa.

More therapeutic discussions as well as safety discussions, which is the discretion of the CEo ito risk.



Again proof that other members of personnel were being discussed.

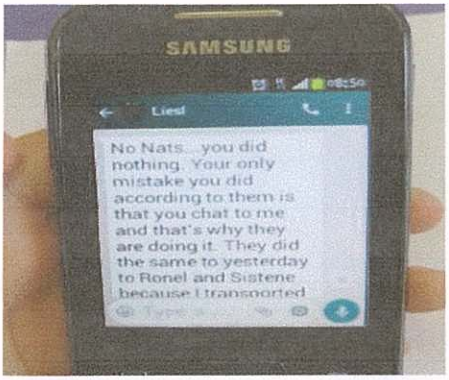
115

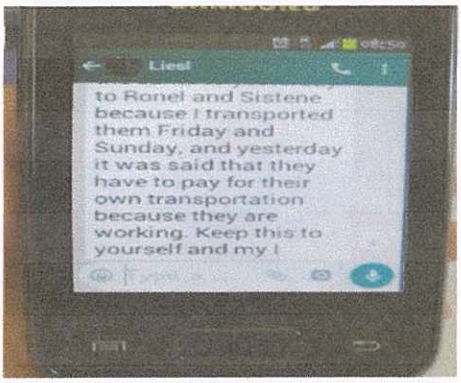


Again communication displaying inappropriate relationship.

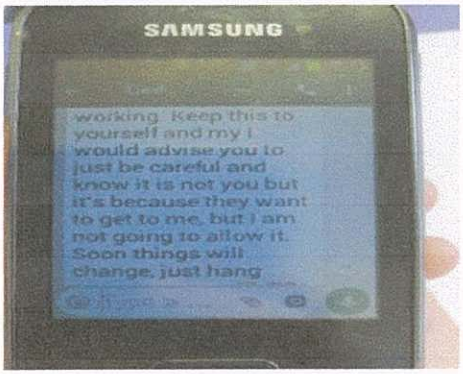
Discussions around other residents.

116

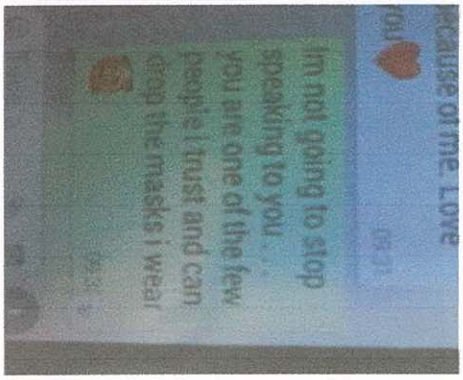




Liesl is pulling the client into her own personal drama.



Client express that she will continue making contact.



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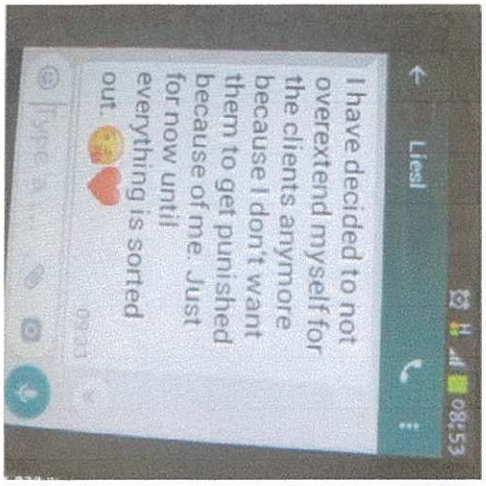
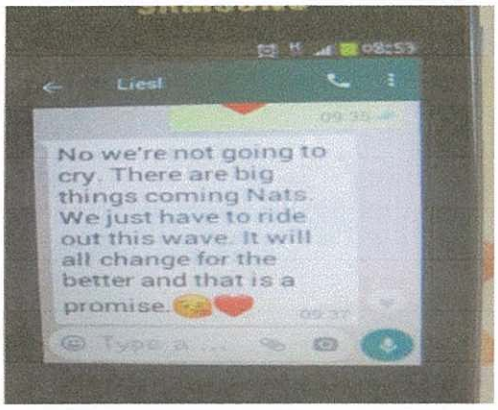
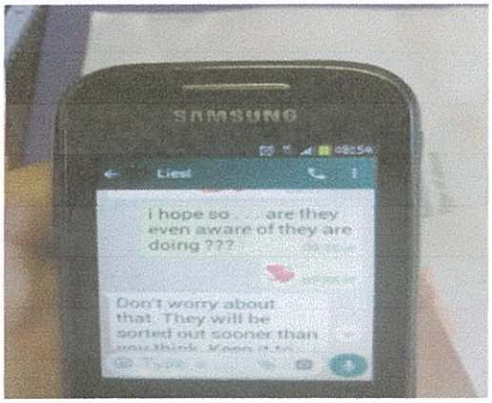


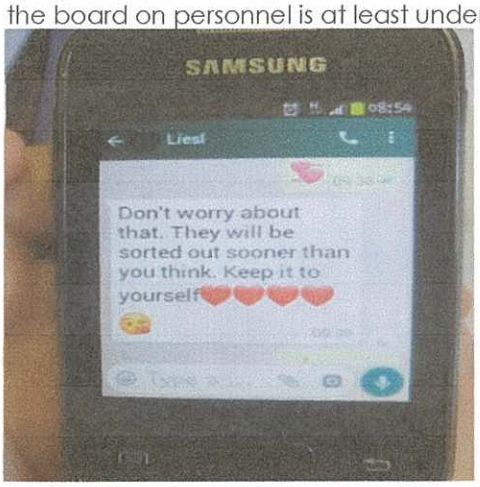
Here again Liesl is speaking about a change that is coming. No one has an idea of the change.



More discussion about personnel.



Again proof that they will be sorted out. We have no idea what this means. The unwarranted insults of the board on personnel is at least understood to be relevant in this context.



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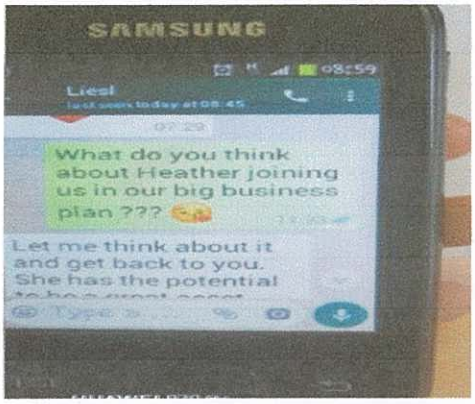
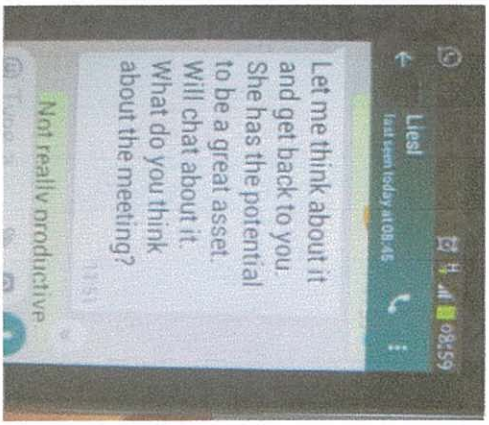
Discussions about recruiting other residents.



Proof of manipulation of mentally ill clients through manipulation.



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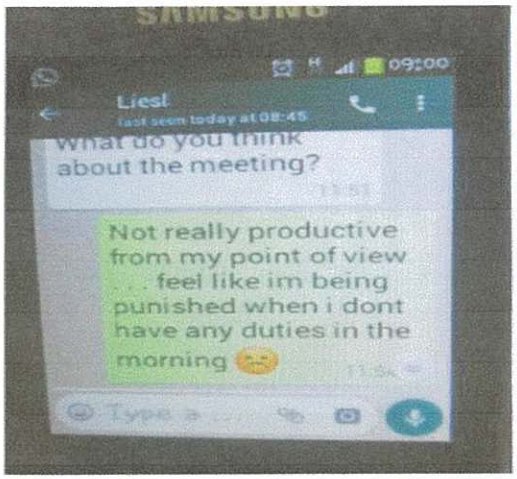
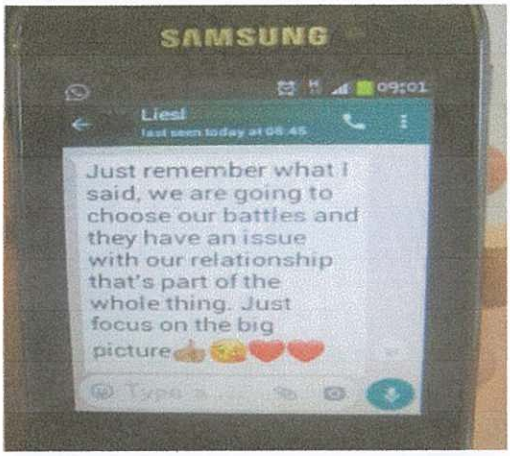
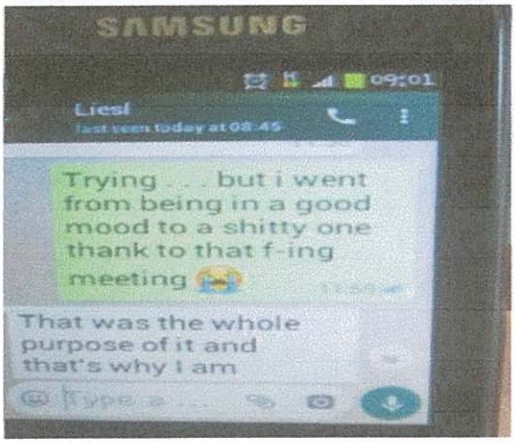


Proof of a manipulation of the client. Apparently they have a relationship.





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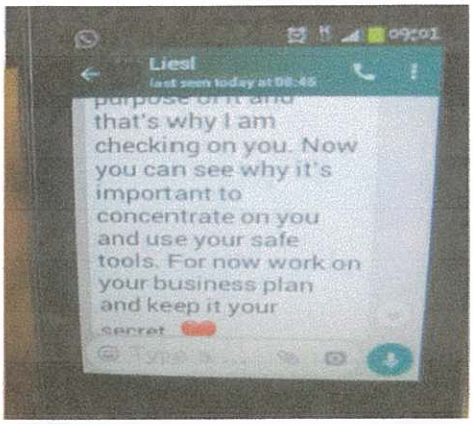
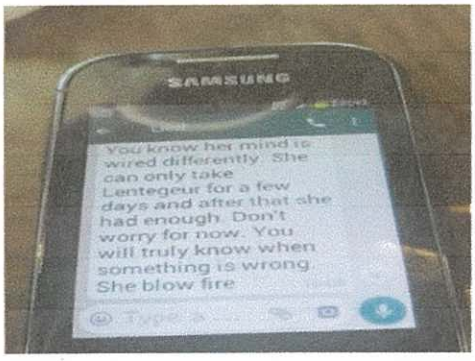


Proof of a change coming.

Discussing other mental health patients.



Safe House
L'ABRI DE DIEU
STELLENBOSCH

19th of November 2019 *sent via email*

Department of Social Development
14 Queen Victoria Street
Cape Town
8001

For attention : Renèe Botha (DSD.Vep@westerncape.gov.za)

RE : REPORTING RE L'ABRIE DE DIEU SERVICES (URGENT)

Herewith please find attached a joint compilation of concerns regarding services at L'Abrie De Dieu safehouse, i.t.o. the legal duties of both the CEO and Social Worker of L'Abrie De Dieu safehouse. We request the urgent intervention and investigation regarding Board actions included herein.

1. SUBMISSION : CEO

After the incident with previous management, I personally provided an undertaking that all compliance shortcomings would be addressed which included, implementation of governance, development of systems for assurances and financial compliance. All measures implemented led to a clean audit.

Everything ran smoothly until August 2019, when one breach occurred and monies fundraised were not accounted for. See attached a report which was submitted to the Board on the 15th of November 2019. Said report was described by the implicated board member as "rubbish" and he made a unilateral submission and I was refused an opportunity of rebuttal. Facts can be summarized as follows;

1.1. A function was arranged with a Board member, with the assistance of staff, to ensure financial compliance. The monies were unaccounted for and the Board member advised the board that regardless of said function held for the safehouse, said monies was due to him.

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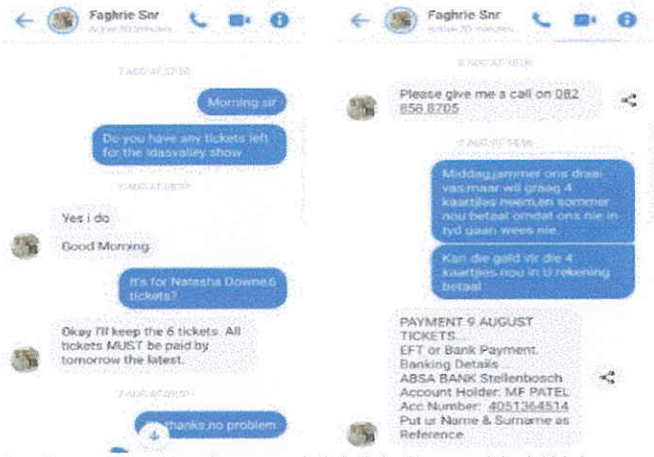
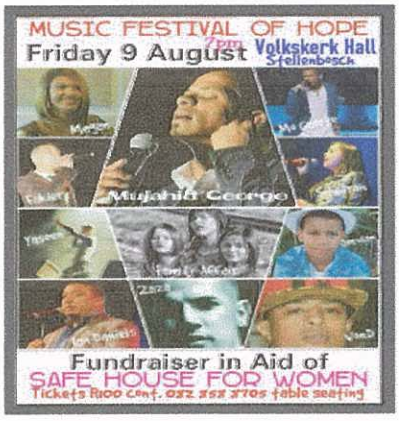
1.2. In fact, when we engaged with the new management of our first satellite safehouse in Wellington, the owner of said premises advised me that she wanted her own NPO and Board to be established after the launch on the 18th of November 2019, due to the fact that the Board member had monies paid into his personal bank account. See proof of communication and payment.



See the personal bank account details being provided. This has never happened before.

1.3. Also please see below the advertisements which clearly states that the concert was to benefit the safehouse and not the board member.



1.4. Our processes include completing financial month end, collation of information which is sent to the accountant and scanning of all hard copies of receipts and or invoices. Note that at the end of the quarter this was the only transaction with non-compliance.

1.5. In the Board meeting dated 12th of September 2019, I was verbally attacked by the Board member responsible for the function. The attack was unrelated to the successful golf day and centered around me being ill on the golf day and sitting with stakeholders having breakfast, while drinking my tablets, which the Board member saw on the table that morning.

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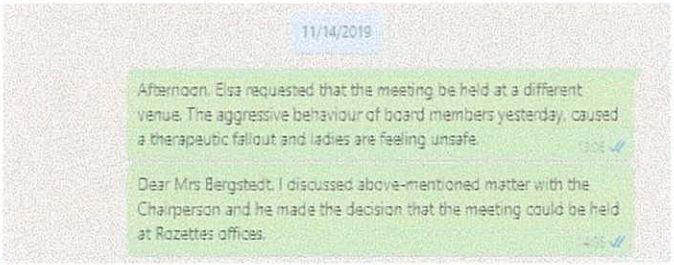
1.6. I admit that I became upset due to the fact that my illness is now used as a tool to ridicule and humiliate me, by a male board member whose conduct I experience as narcissistic behavior and/or bullying. Said board member ostensibly recruited the compliance officer and one other board members to continuously harass and bully me on a continuous basis.

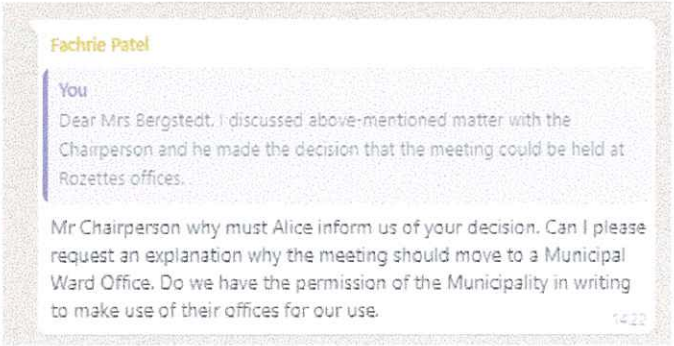
1.7. Board meetings and communications are aggressive, name calling is common and allegations of misconduct has been levelled already. I suspended the compliance officer for financial misconduct, interference in the therapeutic processes of mental health patients/clients and threatening of staff. The above-mentioned board members refuse to allow me to proceed with the precautionary suspension and/or the disciplinary matter. I have no idea what my functions are anymore.

1.8. I have recordings of board meetings where I am screamed at, humiliated, accused of writing "rubbish" reports, having a personal vendetta, promoting apartheid and references are made to politics and the "DA." This has never happened that politics and personal vendettas were mentioned and/or used as a tool to humiliate and ridicule staff and other board members.

1.9. All requests to restore therapy after the suspension of services are met with what I can only describe as hostility. The social workers ability to contain and manage conflict in the safehouse is sabotaged and criticized. The Board member are even trying to bring discord in the staff contingent, to no avail.



My message dated the 11th of November 2019.



Board members response.

124

Dear Mr Patel. Is it your intention to disregard a qualified social workers request that the meeting be held at different premises?

15:06

My response.

Hillary

You

Dear Mr Patel. Is it your intention to disregard a qualified social workers request that the meeting be held at different premises?

Ek het gister gevra dat die manager asb moet ophou om met woorde te speel. Soos ek die boodskap lees, vra Faghrie hoekom die mtg na die wykskantoor van Rozette geskuif moet word en of daar skriftelike toestemming gevra was vir die gebruik van die kantoor. Ek lees nerens dat hy sie social worker se versoek minag nie

15:17

Voorsitter ek self voel bietjie ongemaklik om daar te vergader en daaromhalwe my pleidooi dat ons miskien n ander venue probeer kry, asb.

15:20

Another affiliate response.

15 November 2019

Dear All. I am in a meeting with Elsa to communicate the board decision her response is as follows:

Elsa states that "I made it clear this morning that I do not know who is involved, but it is clear in the messages that the new Executive Committee are definitely involved. This information with all messages will be submitted to DSD on Monday morning as therapeutic processes and trust between the therapeutic team and the board is compromised and despite a request for the board to make an effort to resolve the matter it seems that the board is unable to do so. Proffesionally and ethically I will continue with reporting to DSD as our main funder and the holder of the contract for therapeutic service delivery. It is my hope that the board will make an effort before monday to provide a workable solution for the program to move forward to the benefit of the client."

17:17

Message types verbatum after consultation with Elsa to try and resolve our impasse and restore services.

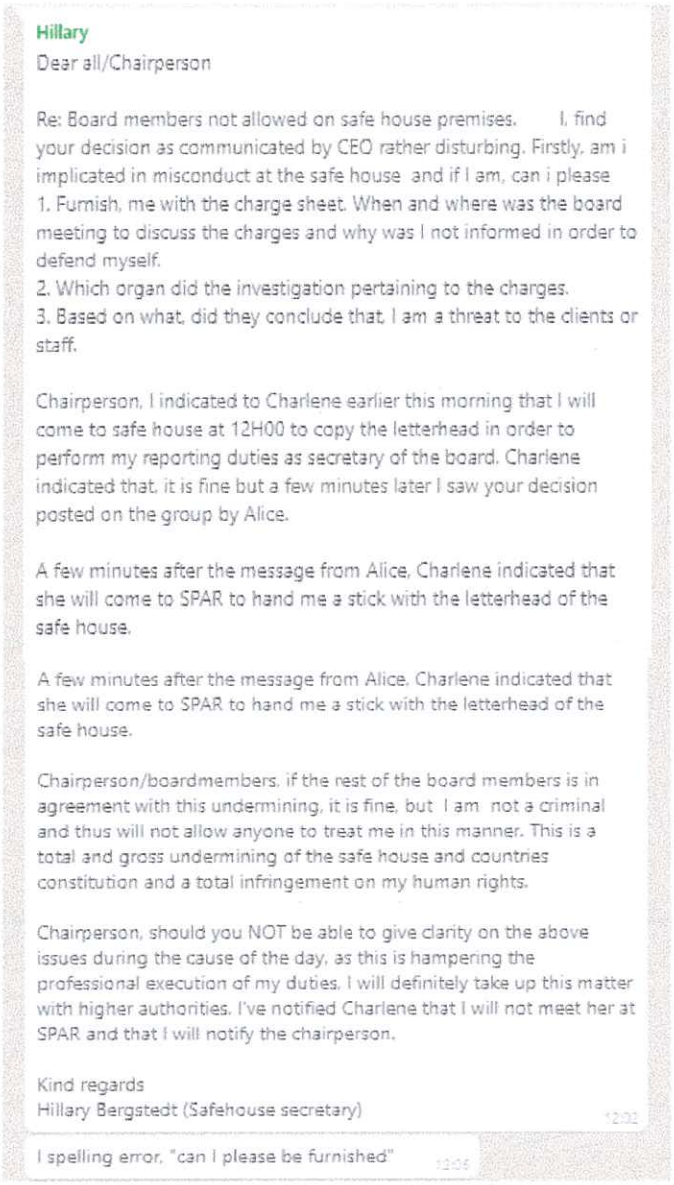
YESTERDAY

"The Chairperson of Stellenbosch safehouse agreed with the social workers that no Board members will make any direct or indirect contact with clients. No Board members will also be allowed onto the premises of the safehouse until DSD has investigated allegations made. By agreement the social work team will resume services including backlog services and DSD submission will be made as required ito legal duty."

09:45

My message after consultation with the therapeutic team and the Chairperson.

125



Hillary

Dear all/Chairperson

Re: Board members not allowed on safe house premises. I, find your decision as communicated by CEO rather disturbing. Firstly, am i implicated in misconduct at the safe house and if I am, can i please
1. Furnish, me with the charge sheet. When and where was the board meeting to discuss the charges and why was I not informed in order to defend myself.
2. Which organ did the investigation pertaining to the charges.
3. Based on what, did they conclude that, I am a threat to the clients or staff.

Chairperson, I indicated to Charlene earlier this morning that I will come to safe house at 12H00 to copy the letterhead in order to perform my reporting duties as secretary of the board. Charlene indicated that, it is fine but a few minutes later I saw your decision posted on the group by Alice.

A few minutes after the message from Alice, Charlene indicated that she will come to SPAR to hand me a stick with the letterhead of the safe house.

A few minutes after the message from Alice, Charlene indicated that she will come to SPAR to hand me a stick with the letterhead of the safe house.

Chairperson/boardmembers, if the rest of the board members is in agreement with this undermining, it is fine, but I am not a criminal and thus will not allow anyone to treat me in this manner. This is a total and gross undermining of the safe house and countries constitution and a total infringement on my human rights.

Chairperson, should you NOT be able to give clarity on the above issues during the cause of the day, as this is hampering the professional execution of my duties, I will definitely take up this matter with higher authorities. I've notified Charlene that I will not meet her at SPAR and that I will notify the chairperson.

Kind regards
Hillary Bergstedt (Safehouse secretary)

12:02

I spelling error, "can I please be furnished"

12:06

Board members response.

1.10. The staff has been performing under difficult circumstances. Regardless of attacks we have made several national and international submissions, completed our GBV curriculum for outpatients, trained staff for adult education and drug rehabilitation. We have launched fundraising for the Wellington safehouse and are completing project planning and fundraising for outpatient drug rehabilitation.

1.11. All staff and myself are traumatized due to the constant screaming matches/board meetings we attend. I am also sending copies of board meetings so that DSD can understand the extent of the problem. Recordings are withheld of board meetings by their affiliated staff who interfered. We are all at an impasse and need DSD to advise us urgently.

126

Alice Wilton
CEO
L'Abrie De Dieu safe house

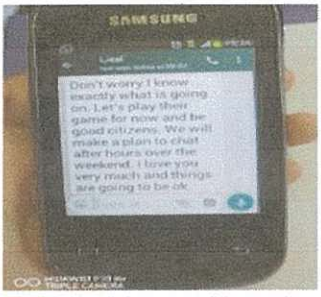
2. SUBMISSION : SOCIAL WORKER

2.1. It is clear that the above incident had a knock-on effect on the therapeutic process. Staff implicated in the above-mentioned fraud matter started interfering in the therapeutic processes of the safehouse. In terms hereof the most vulnerable persons were targeted, i.e. our mental health patients.

2.2. During September 2019 clients were starting to manifest strange behavior, which had to be addressed i.t.o. psychiatric treatment. The commonality for all affected were the fact that they were transported by the staff member implicated above.

2.3. One clients provided financial information on another, which she could not have been privy to. Said client also experienced therapeutic fallouts and was hospitalized. The analysis proved that there had been personal discussions related to clients which is indicative the in the whatsapp messages, included below.

2.4. There seems to be a relationship being established, yet we are not certain about the nature of the relationship. See whattsapp messages below.

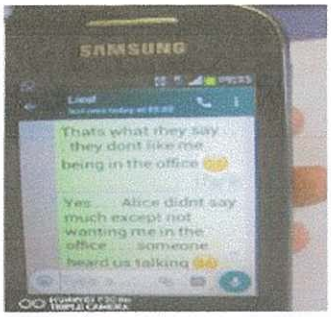


Words like "I love you" is used. Suggestions of playing games is mentioned and this led to paranoia of said client.

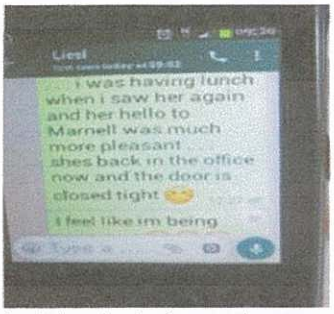
STAFF DISCUSSIONS

2.5. We also found instances where staff were discussed.

127



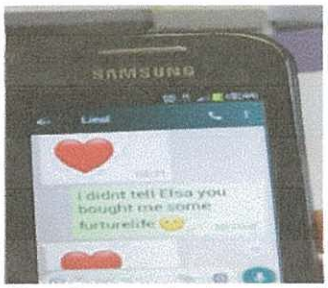
CEO is discussed.



Social worker is discussed.

Again the therapeutic team is discussed.

Rozanne is discussed.



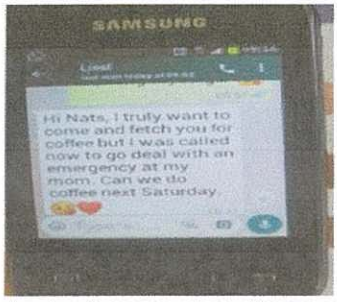
Discussions openly using names like Elsa, Rozanne, Alice is included.

SECRET MEETINGS AWAY FROM THE SAFEHOUSE

128

2.6. Agreements to have secret meetings off premises were held.

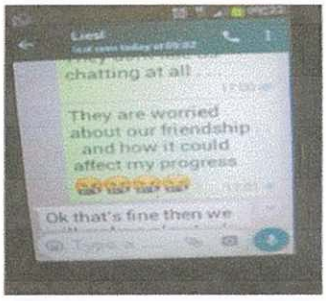
Here references are made to meet away from the office.



Again references of meetings away from the office and emojiis being used. This clearly shows a different intention than just being a service provider.

THERAPEUTIC INTERVENTIONS

2.7. Our response is however summarized in the whatsapp messages below. This message was sent after we engaged said client about an aggressive incident which had been reported.

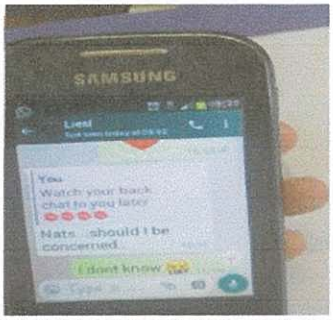


In said meeting we communicated the fact that the client was not responding to the therapeutic intervention and concern about her wellbeing and safety was expressed.

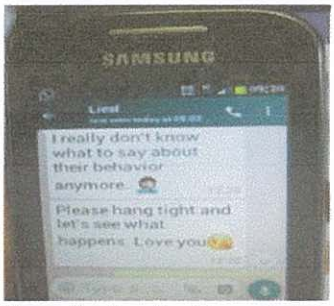
STAFF ABUSING HER RELATIONSHIP WITH THE CLIENT

129

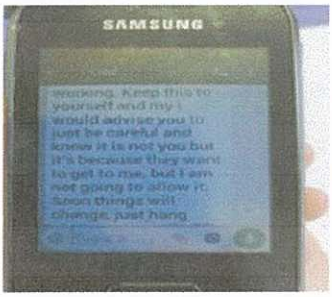
2.8. The staff member "pulled" the client into the conflict situation being created amongst staff.

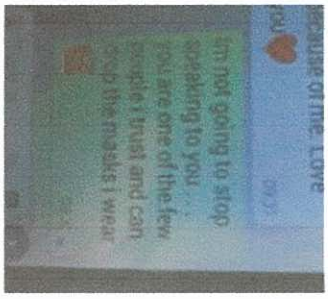


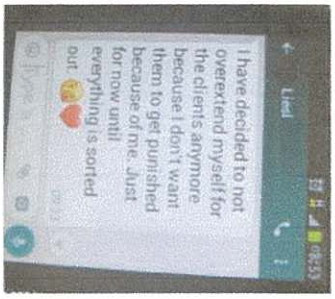
We had no idea that the staff member felt with way. Said staff member met with me and discussed the fact that the CEO could not be trusted. This was discussed with the CEO.



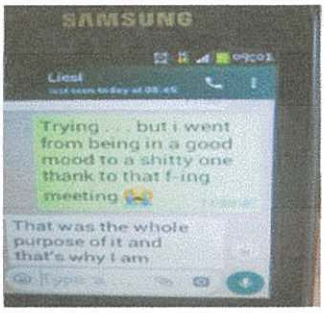
Thereafter the client is manipulated and words like "love you" is used again.







The client advised the therapeutic team that she was going to be appointed as a housemother. The client seemed privy to information on organizational development that not even the therapeutic staff were privy to.



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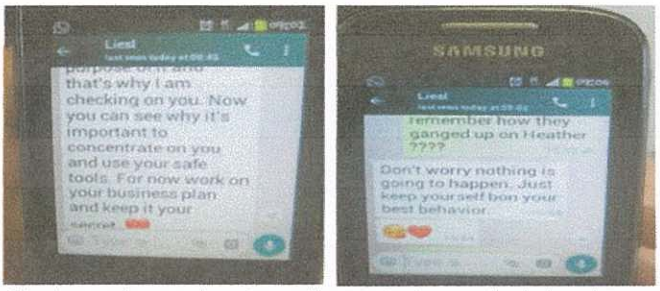
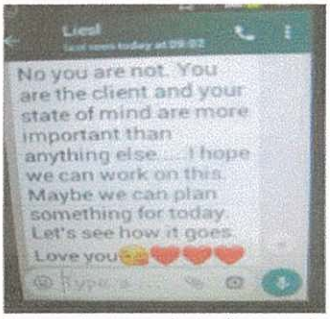


Clients are discussed and even those who have exited already are discussed.

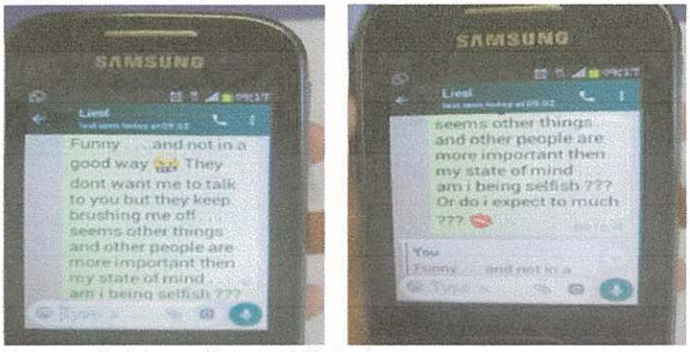
THERAPEUTIC INTERVENTIONS BY STAFF MEMBER WHO IS NOT QUALIFIED

2.9. Find below that therapeutic interventions were initiated by said staff member, regardless of lack of qualification. This led to a breakdown in trust with the therapeutic team. Note that this happened regardless of role clarification which is available on request. Charlene consulted with the staff member on two occasions to ask her to desist from therapeutic interventions.

Suggestions to discuss feelings.



More references to feelings and manipulation with words like "I love you" being used.



Therapeutic interventions are initiated.

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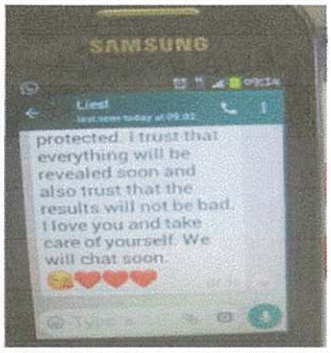
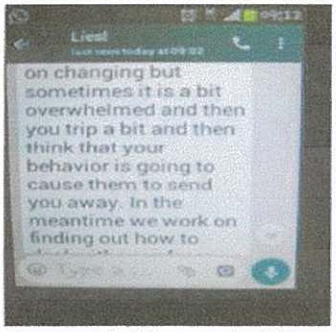
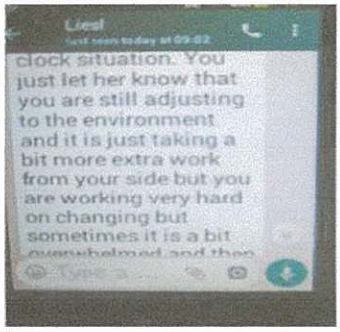


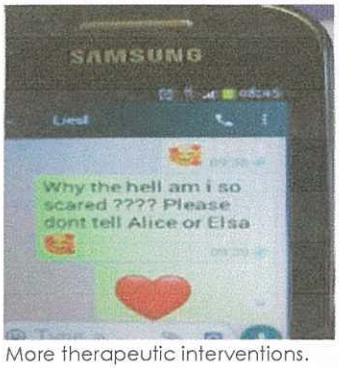
Not only proves therapeutic interventions but also words like "I love you being used again.





More proof of therapeutic interventions.

Again discussion on the social worker and therapeutic interventions.



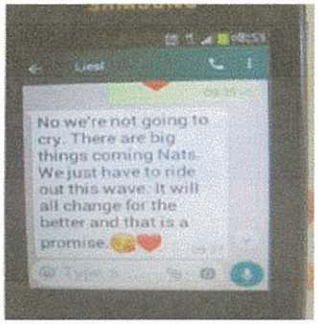
More therapeutic interventions.

BOARD INTERFERENCE

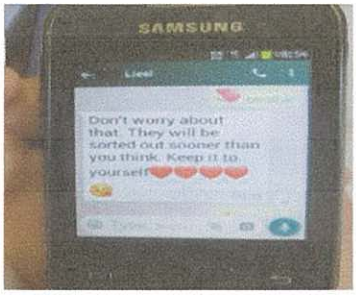
2.10. References are made by said staff member regarding the new executive Board. Note that the previous Executive Board had not interfered with our work in general. There were however new board members appointed who were implicated in above-mentioned fraud

and theft. Since then there had been a lot of interference in general staff matters with threats being made. See below. B2

Reference to changes which is coming.

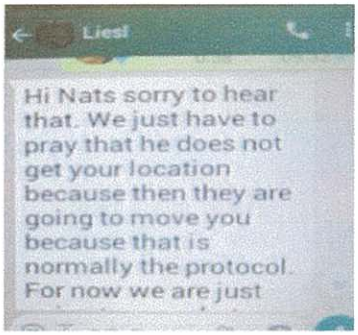


Again reference to changes which are going to be made to therapeutic programme. The therapeutic staff are not aware of these changes. In fact the Chairperson and/or CEO is also not aware of these changes.



RISK ASSESSMENT INFORMATION WITHHELD

2.11. Matters affecting the risk of the house was also discussed with this staff member. Concerning is that it was not communicated with the CEO responsible for liaising with SAPS intelligence to safeguard the house.



OTHER CLIENTS BEING DISCUSSED

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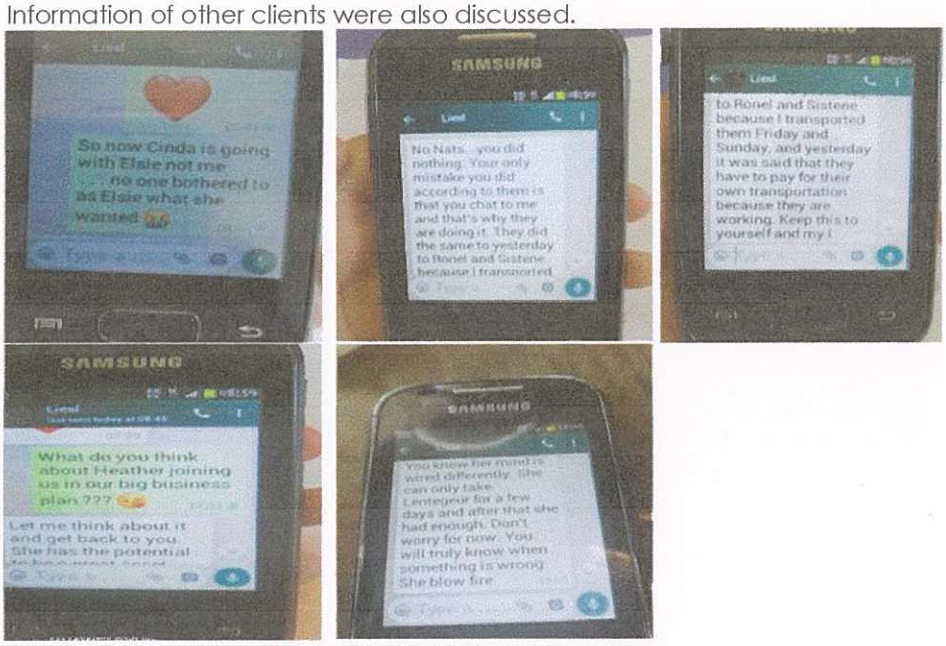
2.12. Information of other clients were also discussed.



Other patients including mental health patient is being discussed.

2.13. Note that there are more messages, which we will make available when we meet to discuss said instances.

OUR CONCERNS

2.14. There seems to be uncontrolled interference with the inclusion of new board members since September 2019. Said conflict is busy spilling over in the house, with frustration, conflict, hostility, aggression, etc being regular occurrences in daily activities. Residents are constantly arguing about food regardless of provision being made. Food even expire and have to be thrown away. Clients are paranoid about therapeutic interventions and motives with provision of services. Even residents meetings erupts in conflict situation when said staff member is present. Note that there is then isolation of the mentally ill clients by other clients due to taking of sides and thus therapeutic fallouts.

2.15. There is a definite documented correlation between the dates of the messages and the types of therapeutic fallouts being experienced. The therapeutic team however cannot control the clients, the situation in the house and the board. The board also refuses to co-operate and constantly interferes.

2.16. On the 12th of November 2019 we met with the CEO to discuss the problem and she responded immediately by suspending said personnel member. The board members are not supporting the therapeutic team. The refuse to share information on the new therapeutic direction being spoken about by the staff member in the above-mentioned messages.

2.17. The current Board shows an inability to understand the extent of the problem. The Chairperson supports our initiatives and have met with us to try and contain said problem. It however remains unresolved and we as therapeutic team remain concerned about our role and functions, the clients wellbeing and the programme in general.

2.18. We all also spend enormous amounts of time on writing reports such as this and cannot execute our tasks. We have entered into a new era of services with Wellington safehouse being launched and applications pending. We however cannot initiate satellite office services under these circumstances.

Elsa van der Watt
Social Worker
L'Abrie De Dieu safehouse

3. SUBMISSION : CHAIRPERSON FROM L'ABRIE DE DIEU SAFE HOUSE

Although the above is extremely concerning we still lack concrete evidence to understand the full extent of the problem. We are requesting DSD to intervene and independently investigate allegations communicated by the Social Work team. At the L'Abrie we do not support any illegal or irregular conduct and we will be dealing with all allegations i.t.o. law. We have been advised that you will be visiting our safehouse on the 26th of November 2019 and we would formally request an engagement to address this impasse.

If you have any enquiries, please feel free to contact me.

Yours sincerely

Gordon Reid
Chairperson
L'Abrie De Dieu safe house

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Safe House
L'ABRI DE DIEU
STELLENBOSCH

21st of January 2020

Department of Social Development Services
Western Cape Government
14 Queen Victoria street
Cape Town
8000

For attention : Clint Jacobs

RE : REPORT REGARDING ALLEGATIONS OF BOARD MEMBERS AGAINST MYSELF AND CLLR DU TOIT

Herewith please find attached an abridged summary of occurences within the safe house board and administration. I have completed it sequentially:

Date	Event	Discussion
9 Aug 19	A High Tea with a difference was held to do fundraising for the safehouse by one of our board members. See posters attached.	The agreement was always that the fundraising was to be for the safehouse. Based on the marketing, we received free venue, cutlery, crockery, food etc. Our relationships allow us to have 0-cost events. The proceeds from functions are always paid into the bank account/petty cash of the safehouse. No exception has ever been made during my tenure as CEO. We will make our statements available to you for verification. To date this is the only transaction which has not been accounted for and we have reported it to our auditors who advised us to proceed with civil and criminal litigation. The complaint are in retaliation for our legal actions.

Note that during the planning of this event we had several meetings and at no stage were we advised that M & F Events would be appointed to do the events and be remunerated for it.

NB: Also be advised that there is only one person who does procurement and that is Charlene Abels. I have attached our System of Delegations for your attention.

No board members is allowed to procure any services. Even if we procured the services then I have no explanation why monies were received in the personal bank account of the board member. I have proof thereof.

31 Aug 19	Our processes include completing financial month end, collation of information which is sent to the accountant and scanning of all hard copies of receipts and or invoices. Note that at the end of the month this was the only transaction with non-compliance. I then requested financial information on said transaction and was told by the compliance officer that I should not report on it.	This immediately concerned me that I could not account for a significant amount of money, but I started the enquiry process to report it.
12 Sept 2019	I was verbally attacked by the Board member responsible for the function. The attack was unrelated to the successful golf day and centered around me being ill on the golf day and sitting with stakeholders having breakfast, while drinking my tablets, which the Board member saw on the table that morning. I admit that I became upset due to the fact that my disability/illness is now used as a tool to ridicule and humiliate me, by a male board member whose conduct I experience as narcissistic behavior and/or bullying. Said board member ostensibly recruited the compliance officer and one other board members to continuously harass and bully me on a continuous basis. This persists to date. Board meetings and communications are aggressive, name calling is common and allegations of misconduct has been levelled already. I suspended the compliance officer for financial misconduct, interference in the therapeutic processes of mental health patients/clients and threatening of staff. The above-mentioned board members refuse to allow me to proceed with the precautionary suspension and/or the disciplinary matter. I have recordings of board meetings where I am screamed at, humiliated, accused of writing "rubbish" reports, having a personal vendetta, promoting apartheid and references are made to politics and the "DA." This has never happened that politics and personal	The personal attacks and whatsapps followed only after I started enquiring about the missing funds.

	vendettas were mentioned and/or used as a tool to humiliate and ridicule staff and other board members. **Clause A15** of our Constitution" specifically prescribes that our organization "Has not and will not use its resources directly or indirectly to support, advance or oppose any political party." Cllr Du Toit joined the safehouse and established a direct communication between us and the local authority which advances our work, leads to benefit for victims of violence and we receive support for all our events.	
12 Oct 19	The therapeutic team walked out and suspended services due to interference by the compliance officer and board. The same compliance officer was working with EXCO members in a recruitment drive of clients, which led to a breakdown of therapeutic services and urgent medical intervention for two clients.	We have complete record of all proceedings. Note that this suspension is 100% aligned with our standard practices in the safehouse.
16 Nov 19	We received evidence that the board member had payments done into his bank account. See proof of at least one payment reflected. 	I have recordings of the Board member saying that he is entitled to the money. The criminal matter has been registered with CAS no **Stellenbosch 157/11/2019**. Hillary Bergstedt has tried to get our Chairperson to withdraw the matter. He refused and the matter is still being investigated.

Clause 8.2 of our "**Constitution**" provides that "No portion of the income or property of the Association shall be paid or distributed directly or indirectly to any person (otherwise than in the ordinary course of undertaking any public benefit activity) or to any Management Board Member of the Association, except as : reasonable compensation for services actually rendered to the Association; reimbursement for actual costs or expenses reasonably incurred on behalf of the Association.'

Be advised that no staff or board members takes money into their bank accounts. This is the first time this has ever happened during my term as CEO. We have all documents hard copy and electronically available to prove that this is not done. Every payment reflected in petty cash and the bank account has a corresponding proof for payment. All payments made is related to our prerogatives in our constitution. I have attached the constitution for your attention.

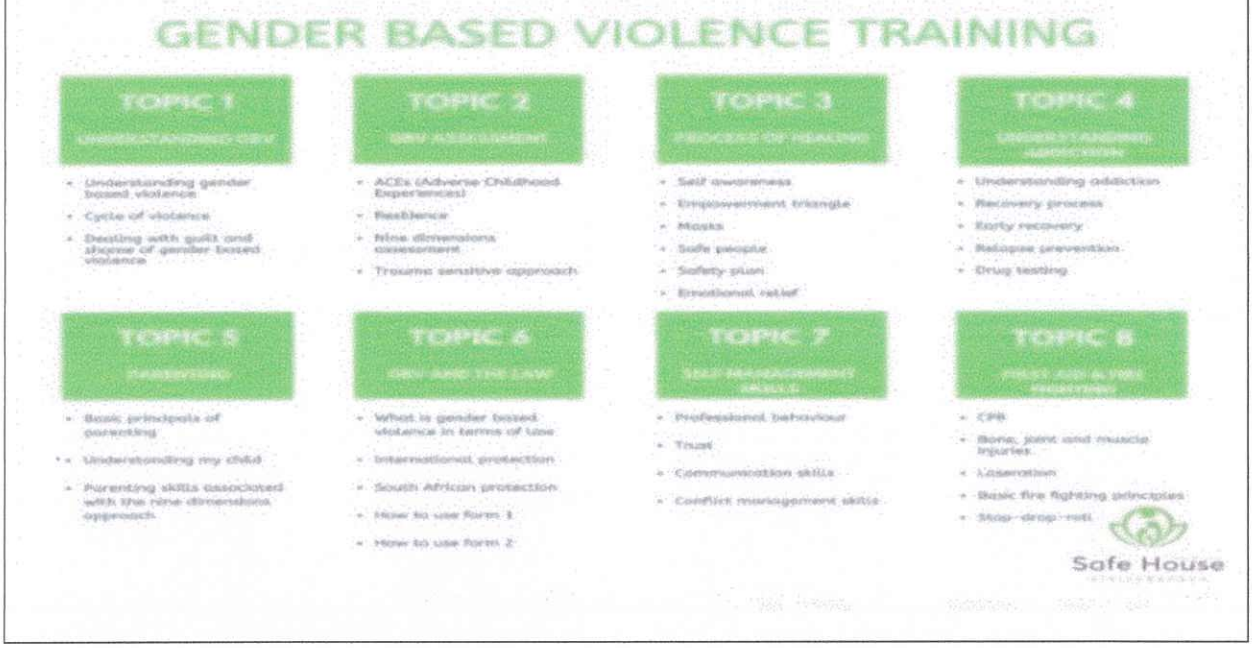
Note that the Board member never denied that he did it. I have received proof that he also received monies for CANSA functions in his bank account. This is however not our practice at the safehouse.

19 Nov 19	I sent a letter dated the 19th of November 2019 to DSD requesting assistance to resolve this issue. We agreed on more board training and a meeting with the Chairperson. I am also herewith requesting said suggested meeting dates. See a copy of said reports attached.	I sent a letter in an attempt to seek resolution and guidance.
29 Nov 19	We were made aware of charges lodged against Cllr Du Toit. See the complaint attached. I immediately drafted a response, but she said I must hold it back until we are advised by Stellenbosch Municipality Speaker on their response.	The problem with the complaint is that it is factually incorrect. Re allegations of Nepotism Cllr Du Toit did not commit any act of nepotism. We have a closed recruitment process and the Chairperson made the appointment. Re Allegations of Financial misconduct There were no acts of financial misconduct. Cllr Du Toit made several contributions to the safehouse and runs at a loss in the provision of a vehicle. She has been supporting our safehouse financially for years. Re allegations of Abuse of power The law enforcement persons did not remove the member of personnel, so there was no abuse of power. Said law enforcement officials frequent our facility and assist when we are on lockdown. That day a female official visited us to obtain legal advice regarding an abusive male colleague. I have email proof for this. She merely signed as a witness at my request, because they were in the room next door waiting for me. We also have video and photographic footage that this person was not escorted off

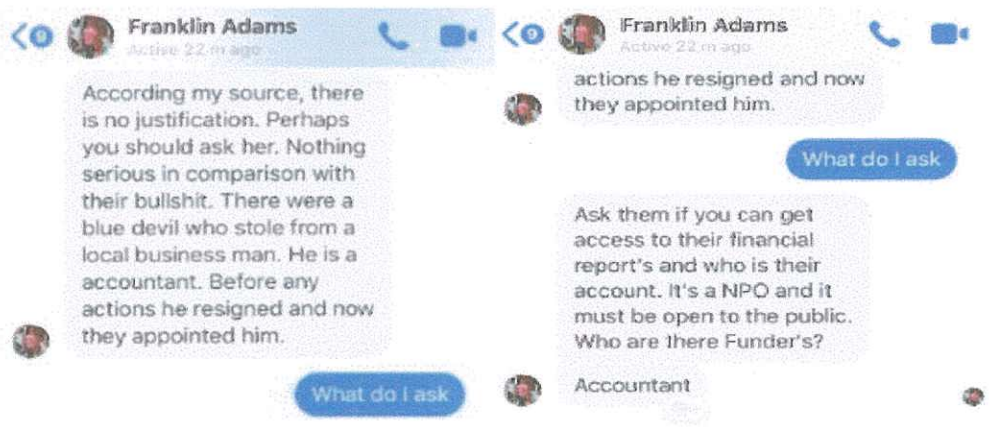
		the premises and a recording to prove that Cllr Du Toit merely sat in the office and did not partake in the suspension hearing. Cllr Du Toit was at our premises to see someone from community development regarding the 16 days of activism programme.
19 Jan 2019	Hillary Bergstedt asked the Board and Chairperson for a meeting regarding misconduct of myself. She attached proof thereof. I asked her to write a report and offered to send it to the Department for investigation. I also advise that I would be sending it to the auditors for investigation. I am sending her details for your office to also contact her on 0769608099. I have cut and paste said allegations: "Voorsitter en mede raadslede. Na vele versoeke en pleidooie op die groep, vanaf myself vir n vergadering, blyk dit asof die voorsitter hom nie steur aan die erns van die saak. Alhoewel ek die versoek op die groep gesit het, het ek dit ook privaat op whatsupp versoek vanaf voorsitter. Ek kom agter dat dit gelees word maar geen reply. Daaromhalwe plaas ek n paar dokumente van Liezl se submission op die groep waar daar uitgewys word hoe die board mislei word. Daar was verslag by Faghrie se huis gedoen dat privaat skool net 1keer deur safehouse betaal was. Die dokumente bewys die teendeel. Derduisende rande in petrol claims vir leerder na en vanaf skool. Training ook derduisende Rande was spandeer op training vir die vlg mense, Rozette, Alice, Shireen, Bronwin, Charlene en Orlando. Raai wie het betaling vir training geteken. Hoekom was die volle board nie in kennis gestel nie en wie het alleen mandaat gebruik. Dan wil ek nie eens begin met dokumentasie van golf dag nie. Al die dokumentasie laat my weer wonder oor eindlike redes hoekom boardmembers nie by die safehouse mag kom nie want ek wag nog steeds vir die klag wat Alice na Departement toe gestuur het. Ek lees ook Alice se laaste concern oor die kliente. As dit so is, hoekom training laat aanbied wat net 1 klient benefit. Lede indien ons nie nie binne 24 uur vergader nie laat u my geen ander keuse as om al 66 bladsye aan die Departement te gee en n klag van mismanagement te maak nie."	My response to the allegations can be summarized as follows: I agree that private school fees had been paid. I agree that I applied to all public schools and have proof that my applications were all rejected. I sent requests to the Minister of Education. They responded saying that they would intervene and never did. I have reported said expenses and concerns to DSD and the Minister during strategic session with the WSM. In an attempt to recoup said expense the child's mother has been assisting with administration and fundraising. To date she has assisted in raising more than R30 000 towards the safehouse and she has been earmarked for our research in trauma informed care and second phase housing. There is also a compliant regarding training expenditure. We did it to ensure our accreditation to write and provide training on gender-based violence. Please find attached a copy of the curriculum we have developed. The purpose is to reach more clients on an outpatient basis. We have several funding applications to promote this curriculum, developed by myself and Elsa.

Note that our concern is not regarding the expenses. Our concern is that the Board member published information about a minor victim on the whatsapp group of the Board. We have never published information on victims in the board. Individual cases are never discussed, identities are always redacted and this compliance i.t.o. POPPI has been breached.

See attached the gender-based violence curriculum we developed. Also be advised that this expenditure was discussed with the Board and is aligned with the training components in our Constitution.



Lastly, be advised that we are now being attacked in public by politicians who I know are personally associated with both Fachrie Patel and Hillary Bergstedt. He is a person called Franklin Adams who serves on the Stellenbosch Local Council. Please see his facebook posts and communications.



We are a non-political organization and do not engage with this councilor. He however has a smear campaign against us. Our staff are being attacked by stakeholders in public for working at the safehouse.

This document reflects my version and interpretation of events. As advised above you should feel free to contact the other board members to verify and investigate allegations. Elsa and all other staff has also indicated their willingness to testify and provide evidence in any investigation.

Be advised that we will answer all enquiries, and be willing to make all documents available for investigation at your request.

If you have any other enquiries please contact me.

Yours sincerely

Alice Wilton
CEO
Safehouse Stellenbosch

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ANNEXURES

Annexure A Constitution

Annexure B System of Delegations

Annexure C Complaint against Cllr Du toit

Annexure D Hillary Bergstedt supporting documents regarding my maladministration.

Annexure E Report to our Board and Department of Social Development Services

Safe House
L'ABRI DE DIEU
STELLENBOSCH

CONSTITUTION FOR L'ABRIE DE DIEU SAFE HOUSE STELLENBOSCH NPO REG NO 050482

Amendment	Date of revision
1st amendment	10 September 2015
2nd amendment	19 April 2018
3rd amendment	28 March 2019

Tel: +27 21 883 2574 | Email: info@safehousestellenbosch.co.za
Bank details: L'Abrie de Dieu, ABSA 632005, Current acc. 4069604712
NPO no: 050482 | Section 18A tax no: 930025698

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14. ADDITIONAL POWERS OF THE BOARD COMMITTEE

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Schedule B: General, Administrative and Investment Powers for Exemption form taxes and duties.

Safe House
L'ABRI DE DIEU
STELLENBOSCH

1. **NAME**

The name of the Association is "L'Abrie de Dieu", trading as L'Abrie de Dieu Safe House Stellenbosch, hereafter referred to as the Association, registered in terms of the Act 71 of 1997 as a Non-Profit Organisation.

2. **BACKGROUND:**

The organisation was established in 2006 as a response to the high levels of violence against house and shelter was recognised and this organisation strives to provide such a place. Violence against women and children has become endemic in South African society.

L'Abrie de Dieu Safe House Stellenbosch attempts to counteract this scourge that seems to pervade our society and robs people of their dignity.

We feel that it is the primary responsibility and duty of a civilized society to protect their vulnerable citizens against abuse.

In 2009, we extended our vision to include victims of human trafficking. Due to the dangerous nature of the crime, we decided to not make it known in public that we assist trafficked victims.

L'Abrie De Dieu has assessed our capacity to meet the 2030 UN Womens goals for sustainable development and will thus embark on extending our mandate, included herein.

3. **LEGAL PERSONALITY**

This association is a voluntary association in the form of a corporate body having perpetual succession and the power to own and hold property in its own name, as well as power to sue and be sued in its own name. All rights and duties are vested in the association. The association will comply with statutes of the Republic of South Africa regarding its legal status and the terms of reference in the Non-profit Organisation Act 71 of 1997 (as amended) and the Companies' Act of 2008.

4. **AREA OF OPERATION**

4.1 The organisation will endeavour to provide a shelter and protection to women and their children suffering domestic abuse in the Greater Stellenbosch Municipal District. Our prerogative is however not only limited to said area of operation.

4.2 Furthermore, the organisation will endeavour to provide a shelter and protection to trafficked victims (excluding boys over the age of 10 years).

4.3 We will consider referrals from other recognised social organisations. We will liaise and network with community organisations, churches, service providers and role players within the local community context. These activities, initiatives and processes will purposefully serve the broader goal of fostering healthy communities within which the project is located.

5. **VISION**

Restoring dignity through social justice projects.

6. **MISSION**

L'Abrie de Dieu Safe House Stellenbosch will work towards restoring the dignity of all victims referred to us by implementing the following strategic goals:

6.1 Facilitate a rehabilitation process to both mother and child from a hospitable and loving perspective based on biblical principles, methods and teachings. Ensuring they know that they can believe and follow the religion of their own choice, in accordance with our Charter of Services;

6.2 Create awareness and educate communities that it is the primary responsibility and duty of a civilized society to protect their vulnerable citizens (women and children) against abuse and violence;

6.3 Create awareness and educate communities on a provincial level about the dangers of human trafficking, sexual abuse, prostitution and pornography;

6.4 Empower, equip and encourage communities by providing resources and on-going support for them to safeguard their communities;

6.5 Create an environment where women and children can be protected and heal from abuse;

6.6 Create an environment where women and children trapped in Human Trafficking can

be protected and safe whilst receiving therapy and recuperating from their horrific experiences;

6.7 Ensuring that victims and their children recuperate from their trauma by offering a wide-ranging holistic restorative program (Therapeutic Intervention and Cognitive Behavioural Therapy);

6.8 Ensuring that the victims experience a comprehensive healing process which includes the development and improvement of their abilities "body, soul and spirit";

6.9 Equipping victims with knowledge and information by providing Skills Training and upliftment for them to improve their quality of life and be re-integrated as self-sufficient women into their community.

6.10 Inspiring and empowering disadvantaged young women with little or no formal education by equipping them with the necessary life skills that they need to uplift themselves from abusive and impoverished circumstances and find employment.

6.11 Developing and entitling unemployed women with life, technical and career oriented skills (preparation to be equipped for employment).

6.12 Assisting and securing employment and negotiating sustainable earnings for the victims in our care to live independently from their abusers.

6.13 Life skills should be promoting a holistically and healthy individual in order to prevent the destruction of a family unit by creating awareness of sustainable living and endorsing skills that promotes self-efficiency in generating an income.

6.14 Empower them to access organisations providing further education and training for them to improve their qualifications and competence, enhancing their CV's and be able to apply for jobs formerly unqualified for. This will re-establish them as independent women into society.

6.15 Arrange for further services to be rendered in terms of their requirements, for instance: legal, psychological and spiritual counselling in order to reclaim ownership of their own lives.

6.16 Accommodate and support all victims that qualify and are accepted in our care with compassion, regardless of HIV/AIDS status, race, religion, or age.

6.17 Arrange that residents in need of medical assistance be provided with the required medical help.

6.18 Provide trained and qualified staff to manage the goals set

6.19 Create awareness among the Boland/ Winelands community (including farms, informal settlements and surrounding rural communities) and encourage them to become involved in the assistance and upliftment of those requiring assistance.

6.20 Procure the necessary funds by way of donations and sponsorships to finance the activities of the Safe House.

6.21 Co-operate with institutions for men with similar aims, for the purpose of reconciliation and the re-establishment of the family unit.

6.22 To create sustainable upliftment and support by referring them to suitable support organisations after exiting the Safe House.

6.23 Confirming that the social dimension of the project which includes the empowerment and rehabilitation approach of neglected and abused women and their children, stay in line with international initiatives aimed at reducing inequality and the empowerment of women (2030 UN Women Sustainable Development Goals).

6.24 To provide necessary legal guidance as required by victims and residents alike.

6.25 To ensure that social justice projects including entrepreneurial projects are initiated to ensure that women will be able to access mainstream economy.

7. OUR VALUES

7.1. L'Abrie de Dieu Safe House exist to address a social need or to advance a purpose in the public interest. Resources are optimized to ensure that the public interest is addressed.

7.2. As such L'Abrie de Dieu Safe House is barred from pursuing individual self-interest or private profit, and must apply all their resources to advance a purpose for public benefit.

7.3. Financial Principles L'Abrie de Dieu Safe House Stellenbosch adheres to:

FIDELITY OF PURPOSE

7.4. For an NPO to be committed to the principle of fidelity, or loyalty, to purpose means that all its resources, energies and activities must be devoted to promoting its public benefit purpose and not to some personal or private objective.

CONSISTENCY

7.5. The financial policies and systems of L'Abrie de Dieu Safe House Stellenbosch must be consistent over time. This promotes efficient operations and transparency, especially in financial reporting.

ACCOUNTABILITY

7.6. L'Abrie de Dieu Safe House Stellenbosch must explain how it has used its resources and what it has achieved as a result to all stakeholders, including beneficiaries. All stakeholders have the right to know how their funds and authority have been used. Complete performance management will be implemented.

TRANSPARENCY

7.7. L'Abrie de Dieu Safe House Stellenbosch will be open about its work, making information about its activities and plans available to relevant stakeholders. This includes preparing accurate, complete and timely financial reports and making them accessible to stakeholders, including beneficiaries.

VIABILITY

7.8. To be financially viable, an organisation's expenditure must be kept in balance with incoming funds, both at the operational and the strategic levels. The Board should prepare a financing strategy to show how the NGO will meet all of its financial obligations and deliver its strategic plan.

INTEGRITY

7.9. On a personal level, individuals in the NGO will operate with honesty and propriety. The integrity of financial records and reports is dependent on accuracy and completeness of financial records.

STEWARDSHIP

7.10. L'Abrie de Dieu Safe House Stellenbosch will take good care of the financial resources it is entrusted with and make sure that they are used for the purpose intended – this is known as financial stewardship. The Board has overall responsibility for this. In practice, managers achieve good financial stewardship through careful strategic planning, assessing financial risks and setting up appropriate systems and controls.

ACCOUNTING STANDARDS

7.11. The system for keeping financial records and documentation will observe internationally accepted accounting standards and principles. Any accountant from anywhere around the world should be able to understand the organisation's system for keeping financial records.

CONFLICTS OF INTEREST AND SELF-DEALING

7.12 The Companies Act stipulates that in the event of a 'conflict of interest' arising, the affected person, must disclose the interest and its general nature before the matter is considered at
the meeting, along with any material information relating to the matter, and known to the director.

7.13. If present with the conflict of interest is present at the meeting, he/she must leave the meeting immediately after making any disclosure contemplated and must not take part in the consideration of the matter and lastly the person with the conflict of interest must not execute any document on behalf of the company in relation to the matter unless specifically requested or directed to do so by the Board.

EQUALITY AND NON-DISCRIMINATION

7.14. In terms of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000, it is the responsibility of a board to take proactive steps to prevent unfairness in the conduct of the affairs of an organisation. In particular, a board must be vigilant in preventing unfair discrimination based on grounds of race, gender, or one of the other prohibited grounds referred to in the Act. A board must also promote a principle of fairness in its relationships with other organisations, and in its programmes and activities – including its selection of beneficiaries, and the principle of equal access to its services and support.

DEMOCRACY AND EMPOWERMENT

7.15. In its dealings with beneficiaries and communities, a similar value and principle should be encouraged by the organisation. In recognition of the need for involving consultation and empowerment, beneficiaries should be shown respect, and given the opportunity to evaluate, and to praise or, if necessary, criticise, the quality of products and services received. The dignity, value, and empowerment of each individual person should be the hallmark of relationships.

INDEPENDENCE AND IMPARTIALITY

7.16. A fundamental value that needs to be observed by L'Abrie De Dieu safe house is that of independence and impartiality. A public benefit purpose implies that all eligible beneficiaries must be treated equally and fairly, without special favour or prejudice. Where it is necessary, because of limited resources, to choose between particular individuals or communities, the basis for choice must be such as to avoid the reality – or the possible perception – of unfair discrimination. This is particularly important where members of the Board – or senior executives – are identified with one beneficiary group rather than another.

8. **NON-PROFIT DISTRIBUTING CHARACTER**

8.1. The income and property of the Association shall be used solely for the promotion of its stated objectives. The Management Board and office bearers shall have no rights to the property or other assets of the Association solely by virtue of them being Management Board or office bearers.

8.2. No portion of the income or property of the Association shall be paid or distributed directly or indirectly to any person (otherwise than in the

ordinary course of undertaking any public benefit activity) or to any Management Board Member of the Association, except as: reasonable compensation for services actually rendered to the Association; reimbursement for actual costs or expenses reasonably incurred on behalf of the Association.

8.3. Upon the dissolution of the Association, after all debts and commitments have been paid, any remaining assets shall not be paid to or distributed amongst Management Board members or office bearers, but shall be:

8.4. Transferred by donation to some other non-profit organisations which the Management Board (and failing which any division of the High Court) considers appropriate and which has the same objectives or similar to the objectives of the Association, or

8.5. A similar public benefit organisation which has been approved in terms of section 30 of the Income Tax Act, or any institution, board or body which is exempt from tax under the provisions of section 10(1)(cA), which has as its sole or principal object the carrying on of any public benefit activity, or

8.6. Any department of state or administration in the national or provincial or local sphere of government of the Republic contemplated in section 10(1) (a) or (b).

8.7. The Association has obtained exemption from the Commissioner for the South African Revenue Service exemption from appropriate taxes and duties. In compliance with the provisions of the Income Tax Act, the provisions set out in the attached Schedule A shall bind the Association and qualify this Constitution.

9. GOVERNING STRUCTURE AND MECHANISM OF GOVERNANCE

9.1 MANAGEMENT BOARD

The affairs of the Association shall be conducted and managed by a Management Board similar to that of a Board of Directors, in accordance with the appropriate laws and regulations, subject to the terms of the constitution and to the resolutions of the Annual General Meeting. The management board shall be elected at the Annual General Meeting.

The operational management of the Association organisation will be managed by a House Committee consisting of the Chairman of the Management Board as Chairman, the Chief Executive Officer and the Treasurer of the Board, with the Office Manager as the Secretary of the House Committee.

Although the Board is ultimately responsible for the governance of an L'Abrie De Dieu Safehouse, this responsibility is carried into effect by management, with the support of employees, volunteers, donors and others involved with its operations. The Board must hold management accountable for the practical implementation of its responsibilities, and for ensuring the effective use of available resources; adhering to strategic objectives; prioritising needs, and maintaining budgetary discipline. The Board must also affirm core values; set attainable standards; provide strategic direction; monitor actual performance; and ensure responsible allocation of its available resources. However, a Board should never take over the responsibilities of management for the day-to-day operations, and implementation of work plans.

The House Committee will meet on a monthly basis or as and when it is required to attend to urgent matters.

COMPOSITION OF THE MANAGEMENT BOARD

9.1.1. The Management Board shall consist of a Chairperson, Vice-chairperson, Secretary, Treasurer, CEO and at least 2 additional members elected by the AGM.

9.1.2. All board members are state that the organisation's income and property are not distributable to its members or office-bearers, except as reasonable compensation for services rendered;[1]

9.1.3. Members of the Management Board shall be elected at an inaugural meeting and shall hold office for a period of two years. The members of the first Management Board shall be elected at the General Meeting at which this Constitution is adopted, and shall hold office for two years after which their term of office shall expire. At the Annual General Meeting after the two year period, a new Management Board shall be elected which shall hold office for two years. Thereafter, a new Management Board shall be elected bi-annually.

9.1.4. Current Management Board members shall be eligible for re-election or cooption.

9.1.5 If Sub-Boards are formed, such sub-Boards should have representation on the management board.

9.1.6 A member of the management board may vacate his/her office:

9.1.6.1 By submitting a letter of resignation serving 31 days' notice;

9.1.6.2 If the member becomes unfit/ disqualified in terms of legislation;

9.1.6.3 If the member is removed by the Management Board and condoned by a two third majority at a general meeting. The Management Board shall be required to furnish reasons for its decision/s regarding the removal of the member to the general meeting.

[1] Section 12(2)(c) of the Non Profit Organisations act, 1997 (act 71 of 1997)

POWERS OF THE MANAGEMENT BOARD

9.2. The Management Board shall conduct the affairs of the Association congruent with the aims and objectives of the Constitution and shall have power to do any such acts as may be deemed necessary or expedient to attaining the objectives of the Association, and shall be empowered:

9.2.1 To set up sub-Boards of whatever nature, consisting of any person, and determine their powers. The Sub-Boards and/or committees that could be established include committees for audit, finance, social and ethics, fundraising, human resources and risk or a combination of some of these.

9.2.2 To publicize the Association and its aims by way of advertisement, brochures, public meetings or other functions.

9.2.3 To open a bank account in the name of the Association.

9.2.4 To conduct the financial transactions of the Association by means of a banking account.

9.2.5 To accept and receive from institutions and persons contributions, donations and bequests or whosoever, and upon such conditions (if any) as the contributor, donor or testator may direct, provided that no such contribution, donation or bequest shall be accepted upon terms or conditions which shall be in any way in conflict with the objectives of the Association.

9.2.6 To utilize any property or income in the furtherance of its aims and objectives and is prohibited from transferring any portion thereof, directly or indirectly in any manner whatsoever so as to profit any person other than by way of payment in good faith remuneration to any officer or employee of the Association for any service rendered to the Association.

9.2.7 To fill any casual vacancy or vacancies on the Management Board.

9.2.8 To maintain full control over funds.

9.2.9 To bring or defend any actions or other legal proceedings in any court of law, or to refer to arbitration, or join or to accept any settlement absolute or conditional.

9.2.10 To require of any Management Board member to show good cause why such member was absent from two meetings without apologies failing such good cause shown to expel such member.

9.2.11 To appoint, mandate, terminate, discipline and hold accountable any employees appointed by the executive management. Processes applicable will be included in the relevant Standard Operating procedures of the L'Abrie de Dieu Safe House.

9.2.12 To contract service providers to fulfill designated services and responsibilities in the project.

DUTIES OF MANAGEMENT BOARD

9.3. The Management Board shall:

9.3.1 Keep minutes of the meetings of the Management Board in which shall be recorded the names of the members of the board attending such meetings.

9.3.2 Forthwith deposit to the credit of the Association, into an account, all monies, including the proceeds from anything that can be exchanged for or converted into money, received by it.

9.3.3 Keep such books of accounts as will accurately reflect the financial activities of the Association, including particulars of all property acquired and disposed of.

9.3.4 Prepare balance sheet and income and expenditure statements for certification by accounting officers.

9.3.5 Furnish the Director of Non-profit Associations with the prescribed Annual Returns within the period of six months after the close of the Associations Financial Year.

9.3.6 Ensure that not less than two persons duly authorised thereto by the Managing Board sign all cheques drawn or electronic transfers made on the Association.

MEETINGS OF THE MANAGEMENT BOARD

9.4. Management Board Meetings

9.4.1 The Management Board shall meet at such times, dates and at such places, as the Board shall decide. The Management Board will meet on a minimum every three months (once a quarter).

9.4.2 A simple majority (50% + 1) of the serving members of the Management Board shall constitute a quorum.

9.4.3 The chairperson of the association shall preside at meetings. In the event of the chairperson being absent the vice-chairperson or any of the board members elected shall perform the chairperson function.

9.5 General and Special Meetings

9.5.1 General meetings shall be held on a regular basis as the need arise.

9.5.2 The Management Board shall call a Special General Meeting at any time, upon written request by a majority decision of the Management Board.

9.5.3 Not less than 14 days' notice shall be given of any Special General Meeting, by written notice posted to the addresses of

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Alternatively, each of the parties shall be entitled to nominate one arbitrator, who shall act jointly with a third person to be nominated jointly by the respective nominees of the parties; on the basis that majority decision of the appointed arbitrators shall be final and binding.

13.5 The arbitrator/s shall have the power to determine the procedure to be adopted subject to principles of natural justice.

13.6 The arbitrator/s may base her/his award not only upon the applicable law but also upon the principles of equity and fairness.

13.7 The person(s) declaring the dispute and the Management Board, beforehand, may agree to share the costs of the arbitration. In the absence of such agreement the arbitrator shall decide which parties shall be liable for the costs.

13.8 The decision of the arbitrator shall be binding upon all parties and capable of being made an Order of Court on application by any of the parties.

14. ADDITIONAL POWERS OF THE BOARD COMMITTEE

14.1. The Management Board may from time to time co-opt any person who by reason of his/her specialized knowledge or skill, shall be of assistance to the association.

14.2. The provision that of such co-option shall be, i.e. either for a specific/specified purpose or project, and such person/s will act purely in an advisory capacity.

This constitution was approved and accepted by members of L'Abrie de Dieu Safe House Stellenbosch

Signed at the Annual General Meeting

.....
GORDON REID
CHAIRPERSON

19/4/2019
.....
DATE

Signed at the Annual General Meeting

.....
ROZETTE DU TOIT
SECRETARY

19/4/2019
.....
DATE

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SCHEDULE A
REQUIREMENTS OF THE COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE FOR EXEMPTION FROM TAXES AND DUTIES

1.As provided for in Clause 5.3 of this Constitution, the Association intends to apply to the Receiver of Revenue for the exemption from appropriate taxes and duties. In compliance with the anticipated requirements of the Commissioner in respect of such exemptions, the following provisions shall bind the Association:

In the case of a PBO seeking an exemption from income and other related taxes only, in terms of sections 10(1)(cN) of the Income Tax Act, as amended:

Carry out all its public benefit activities (or substantially the whole thereof) in the Republic, unless the Minister of Finance ("the Minister"), having regard to the circumstances of the case, directs otherwise.

or

In the case of a PBO seeking a section 10(1)(cN) exemption from income and other related taxes and donor deductible status in terms of sections 10(1)(cN) and 18A, respectively, of the Income Tax Act, as amended:
Carry on its public benefit activities in the Republic.

2. Only in the case of a PBO which provides funds solely to any income tax exempt PBO seeking a section 10(1)(cN) exemption from income and other related taxes only and section 18A donor deductible status, as describe in section 18A(1)(b) of the Income Tax Act, is amended.

During the year of assessment preceding the year of assessment during which the donation is received, distribute or incur the obligation to so distribute at least 75% of the funds received. Provided that the Minister may on good cause shown and subject to such conditions as he or she may determine, either generally or in a particular instance, waive, defer or reduce the obligation to distribute at least 75% of its funds having regard to the public interest and the purpose for which the relevant organisation wishes to accumulate those funds.

3.Carry on its public benefit activities in a non-profit manner.

4.Comply with such conditions, if any, as the Minister may prescribe by way of regulation to ensure that the activities and resources of the organisation are directed in the furtherance of its objects.

5.Submit to the Commissioner a copy of and a copy of any amendment to the Constitution, Will or other written instrument under which it has been established.

6.Be required to have at least three persons, who are not connected persons in relation to each other, to accept the fiduciary responsibility of the organization and no other single person directly or indirectly controls the decision making powers relation to that organisation: Provided that the provisions of this subparagraph shall not apply in respect of any trust established in terms of a will of any person who died on or before 31 December 2003.

7.In the event of the Association investing funds, invest such funds: with a financial institution as defined in section 1 of the Financial Services Board Act, 1990 (Act no.97 of 1990); and/or in securities listed on a stock exchange as defined in section 1 of the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985); and/or in such a prudent investments in financial instruments and assets as the Commissioner may determine after consultation with the Executive Officer of the Financial Services Board and the Director of Non-Profit Organisations:

Provided that the provisions of this sub-paragraph do not prohibit any such organisation from retaining any investment (other that any investment in the form of a business undertaking or trading activity or asset which is used in such business undertaking or trading activity) in the form that it was acquired by way of donation, bequest or inheritance.

8.Be prohibited from carrying on any business undertaking or trading activity, otherwise that to the extent that: the gross income derived from such business undertaking or trading activity does not exceed the greater of:

fifteen percent (15%) of the gross receipts of such public benefit organisation; or twenty five thousand Rand (R25 000):

The undertaking or activity is:

integral and directly related to the sole object of such public benefit organisation; and carried out or conducted on a basis substantially the whole of which is directed towards the recovery of cost, and which would not result in unfair competition in relation to taxable entities;

the undertaking or activity, if not integral and directly related to the sole object of such public benefit organisation as contemplated in clause 8.2.1.is of an occasional nature and undertaken substantially with assistance on a voluntary basis without compensation; or the undertaking or activity is approved by the Minister by notice in the Gazette, having regard to:

the scope and benevolent nature of the undertaking or activity;

the direct connection and interrelationship of the undertaking or activity with the sole purpose of the public benefit organisation;

the profitability of the undertaking or activity; and the level of economic distortion that may be caused by the tax-exempt status of the public benefit organisation carrying out the undertaking or activity.

9. Be prohibited from accepting any donation which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in terms of section 18A: provided that a donor (other than a donor which is an approved public benefit organisation or an institution, board or body which is exempt from tax in terms of section 10(1)(cA)(i), which has as its sole or principal object the carrying on or any public benefit activity) may not impose conditions which could enable such donor or any connected person in

relation to such donor to derive some direct or indirect benefit for the application of such donation.

10. Ensure that it not knowingly a party to, and does not knowingly permit itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is or was the reduction, postponement or avoidance of liability for any tax, duty of levy, which, but for such transaction, operation or scheme, would have been would have become payable by any person under the Act of any other Act administered by the Commissioner.

11.He has not and will not pay any remuneration as defined in the Fourth Schedule, to any employee, office bearer, member or other person, which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered and has not and will not economically benefit any person in a manner which is not consistent with its objects.

12.Comply with such reporting requirement as may be determined by the Commissioner.

13. Take reasonable steps to ensure that the funds, which it may provide to any association of persons, as contemplated in section 30(b)(iii) of the Act are utilized for the purpose for which they are provided.

14.Become registered in terms of section 13(5) of the Non-Profit Organisations Act, 1997 (Act No.71 of 1997), within such period as the Commissioner may determine and comply with any other requirements imposed in terms of that Act, unless the Commissioner in consultation with the Director or Non-profit Organisations designated in terms of section 8 of the Act, on good cause shown, otherwise directs.

15.Has not and will not use its resources directly or indirectly to support, advance or oppose any political party.

16.Ensure that any books of account, records or other documents relating to its affairs are: where kept in book form, retained and carefully preserved by any person in control of the organisation, for a period of at least four years after the date of the last entry in any such book;

Or

where not kept in book form, are retained and carefully preserved by any person in control of the organisation, for a period of four years after the completion of the transaction, act or operation to which they relate.

SCHEDULE B

GENERAL ADMINISTRATIVE AND INVESTMENT POWERS

1. To employ staff and hire professional and other services.

2. To institute or defend any legal or arbitration proceedings and to settle any claims made by or against the Association.

3. To open and operate accounts with registered banks and building societies.

4.To make and vary investments and re-invest the proceeds of such investments on condition that any investment made by the Association shall be with Financial Institutions as defined in Schedule A Clause of the above.

5. To accept donations made to the Association and retain them in the form in which they are received, or sell them and re-invest the proceeds.

6. With regard to movable and immovable property and tangible and intangible assets of whatsoever nature:
to purchase or acquire property and assets;

to maintain, manage, develop, exchange, lease, sell, or in any way deal with the property and assets of the Association;

to donate and transfer the property and assets of the Association to organisations with the same or similar objectives and the same exemptions from taxes and duties to those of the Association.

7. To borrow and to use the property or assets of the Association as security for borrowing;

8. To guarantee the performance of contracts or obligations of any person on condition that any such person is primarily engaged in activities which further the objectives of the Association.

9. To execute any act or deed in any deeds registry, mining titles or other public office.

10. To work in collaboration with other organisations and to amalgamate with any organisation with the same or similar objectives and the same exemptions from taxes and duties to those of the Association.

11.To exercise all the management and executive powers that is normally vested in the Board of Directors of a Company.

12.To exercise all the powers and authority of the Association not only in the Republic of South Africa but also in any other part of the world.

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Safe House
STELLENBOSCH

L'Abrie de Dieu Safe House

DELEGATION OF AUTHORITY

Tel: +27 21 883 2574 | Email: info@safehousestellenbosch.co.za
Bank details: L'Abrie de Dieu, ABSA 632005, Current acc. 4069604712
NPO no: 050482 | Section 18A tax no: 930025698

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APPROVED AT BOARD MEETING :

RECOMMENDED BY : ..... SECRETARY ..... 19/4/2019 ..... DATE

APPROVED BY : ..... CHAIRPERSON ..... 19/04/2019 ..... DATE

REVISION

Version	Description	Version Date
00	First Draft issue	5/02/2015
01	Update due to comments from Board Members	5/02/2015

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Safe House
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Strategy, Plans and Forecasts (approval of)

	BOARD	IND	Notes
High level strategy plan	APP		Includes inter alia the following: External and internal environmental audit, strategic vision, financial and strategic objectives, risk management plan, strategy for functional and operational areas (fund raising, finances, administration, resources etc.).
Fund raising plan	APP	REC	**CEO.** This represents the next level of detail in the high level strategic plan, and includes inter alia the following: Projects, participation in fund raising events and conferences. (**Reminder** that the one key responsibility that all Board members should consider is to Accept responsibility for recruiting donors and volunteers as a board activity to improve and or support the sustainability of the financial income of the organization.)
Annual forecast which includes as a minimum • Personnel requirements • Operational expenses • Capital requirements (fixed assets & building alterations)	APP	REC	**CEO** and other employees as and when required: **Note:** The annual forecast will be treated as a rolling forecast which will be updated monthly with the latest information available, with the purpose to: • Ensure financial discipline; • Monitor outcomes; • Ensure financial stability; • Identify financial risk as early as possible (A fixed annual budget does not cater for any eventualities during a financial year which inevitable forms part of a NPO of this nature and creates unnecessary practical problems for management and staff.)

	BOARD	IND	Notes
Opening of bank accounts	APP	REC	**CEO**
Appointment of auditors	APP	REC	**CEO**
Audit fees	APP	REC	**CEO**
Annual Financial Statements (AFS)	APP	REC	**CEO**
Creation of new (additional) reserves/provisions	APP	REC	**EXCO**
Applications of reserves/provisions • For the allocated purpose • For other purposes.	 REP APP	 APP REC	 **CEO** **CEO** (Re-allocations of reserves are included.)
Decision on ineffectual expenses such as bad debts, etc.	REP	APP	**CEO**

Capital and equipment

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	BOARD	IND	Notes
Capital expenditure and procurement (approval of)			**Note:** In the case of large building projects or similar capital expenses, once approval has been obtained, progress payments are done as per operational expenses' delegation of authority, element 4.1 above.
• Up to R5 000 per item,		APP	**CEO/ EXCO member**
• > R5 000, ≤ R25 000 per item,	REP	APP	**CEO/ EXCO member**
• > R25 000 per item	APP	REC	**EXCO member**
Sale of assets			**Note:** In all instances a proper record of such sale must be kept on the asset register and properly posted in the accounting system.
• ≤ R500 book value per item,		APP	**Skills Development Officer**
• > R500, ≤ R20 000 book value per item,	REP	APP	**EXCO/CEO**
• > R20 000	APP	REC	**EXCO/CEO**

Expenses and operational decisions (approval of)

	BOARD	IND	Notes
Operational Expenses			
• < R5 000 per expense item/order.		APP	**EXCO** member/**CEO** up to 105% of the forecast element.
• ≥ R5 000, < R100 000 per expense item/order.		APP	**EXCO** member /**CEO** up to 105% of the forecast element.
• ≥ R100 000 per expense item/order.	APP	REC	**EXCO**
Participation in fund raising events and conferences			
❑ Forecast or not	APP	REC	**CEO/EXCO**
Travelling			Trips and cash advances if applicable must be approved before the trip.
• Domestic		APP	**CEO**
• International	APP	REC	**EXCO/BOARD**
Donations, gifts and/or rewards to victims or other individuals			
• ≤ R100 per occasion.		APP	**CEO**
• > R100, ≤ R1 000 per occasion		APP	**CEO**
• > R1 000 per occasion	REP	APP	**CEO**
Appointment of fund raising agents and/or consultants	APP	REC	**BOARD.**

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Personnel (approval of)

	BOARD	IND	Notes
Creation of positions and appointment of permanent employees	APP	REC	**CEO after approval by Board.**
Salary adjustments and annual increases for all employees	APP	REC	**CEO** in consultation with elected Board Members assisting with this process. (A special sub-committee will be elected yearly for this process.)
Yearly Bonuses for employees	APP	REC	**CEO** after Board approval. **Note:** Yearly bonuses will be agreed upon in November for pay out in December, and will be subject to the financial situation of the NPO, keeping in mind the forecast for end April the following year.
Rewards to employees: ▪ ≤ R500 value per case, ▪ >R500 value per case	 APP	 APP REC	 **CEO** within forecast constraints **CEO** within forecast constraints and proper written motivation
Leave		APP	**Finance and HR function delegate (Compliance Officer)/CEO** **Note:** Proper and auditable leave records will be kept and reported monthly to the entity handling the salary account ensuring that the leave balance of each individual will be displayed on the payslips of individuals.
Disciplinary actions, dismissals and acceptance of resignations	APP	REC	**CEO**. Representative of employees must be involved in all disciplinary actions and/or dismissals.

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Media and Public Relations (approval of)

	BOARD	IND	Notes
Press announcements and media enquiries and reports on behalf of the NPO	REP	APP	CEO

Signing Authorities

Note: This element refers to the signing of documents and not to the approval of any such item – refer in particular to elements 4 & 5 above.

	BOARD	IND	Notes
Signing of purchase orders and procurement contracts			
▪ ≤ R5 000 per expense item/order,		APP	**CEO/EXCO Members**
▪ > R5 000 per expense item/order		APP	**CEO/EXCO Members**
Signing of cheques and internet payments (EFT)		APP	**EXCO Members**
Signing of appointment contract of employees		APP	**CEO** (with the exception of the CEO's whose contract of appointment is signed by the Chairman of the Board).
Signing of lease contracts (premises, equipment, etc.)		APP	**CEO**
Signing of Annual Financial Statements		APP	**Chairperson of the Board**
Signing of statutory documents pertaining to inter alia SARS, Companies Act, Customs and Excise, and other Government institutions		APP	**CEO**
Signing of MOU's / Contracts with donors / beneficiaries	REP	APP	**CEO**
Signing of policy, procedures and official documents			
▪ Delegation of Authority (this document),	APP		**Chairman of the Board.**
▪ NPO policies and procedures	REP	APP	**Board**

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

OFFICE OF THE SPEAKER

29 November 2019

To: Councilor R. Du Toit
1 Zambezi Flats
C/O borchard @ Bird Street
Stellenbosch
7600

RE: ALLEDGED BREACH OF THE CODE OF CONDUCT FOR COUNCILORS

Hi Councilor R. Du Toit

You have alleged breached the Code of Conduct for Councilors in terms of Item 13 in that:

- You in your position as Councillor did not declare all your income to the Stellenbosch municipality
- That you abuse your power to instruct two Municipal Law Enforcement Officials to escorted the complainant from the building she was at work at.
- That you instructed Mr Michael Moses your administrator to act as presiding officer at he hearing.

In terms of item 13 of the said Code you are hereby given the oppurtunity to reply, in writng regarding the alledged breach by not later than 16H00 on Friday, 13th December 2019.

Kindly see attached complaint letter my office received regarding this matter

Thanking You

SPEAKER: Nyaniso Jindela

nyaniso.jindela@stellenbosch.gov.za

021 808 8074

165

The Municipal Manager

Stellenbosch municipality

Ms. Metler

The Speaker

Stellenbosch Municipality

Councillor Jindela

The Speaker

Cape Winelands District Municipality

Councillor Meyer

Formal Complaint against two law enforcement officers and Councillor Du Toit

I am Liesl Raphoto, coloured female with Id number, 7904270066083

I am a single mother with two children.

I am employed by the safe house as a Compliance Officer.

Complaint

Councillor Rozette Du Toit is a DA member and councillor at Stellenbosch Municipality.

The councillor had to declare all income she received from the safe house to the municipality. The councillor were never able to submit proof that she declare to the municipality the income she received from the safe house.

The councillor made her unlicensed vehicle, Registration number, CA 788170 available to the Safe house to transport patients of the safe house. This is a risk in itself and compromise the safe house and safety of the patients and integrity of the Municipality as she is a public representative.

The friend and driver of Councillor Du Toit, Mr. Steven Lottering was appointed by the safe house to do the driving and would get a salary for driving.

Councillor Du Toit would then submit petrol claims and be paid again for the use of the unlicensed vehicle.

Councillor Du Toit brought another DA member, Mr Stephan Louw as the accountant to the Safe house.

The accountant was accused in the general media for corruption of company's books. The media also reported that the councillor was requested to resign as a councillor from Stellenbosch municipality.

Thus the integrity of the safe house and the municipality was compromise again by a public representative, DA Councillor Du Toit.

STELLENBOSCH MUNICIPALITY
COMMUNITY AND PROTECTION SERVICES
LAW ENFORCEMENT

26 NOV 2019

STELLENBOSCH MUNISIPALITEIT
GEMEENSKAP BESKERMINGSDIENSTE
WETSTOEPASSING

MUNICIPALITY - MUNISIPALITEIT
STELLENBOSCH

26 NOV 2019

OFFICE OF THE SPEAKER

Received:
R. Langeveldt

166

Abuse of municipal resources

On 12 November 2019, I was informed by Councillor Du Toit and the CEO of the Safe House (Ms. Alice Wilton) that I was suspended. Two municipal law enforcement officials, Mr. Osric Jumat and Laurika Williams escorted me from the premises of the safe house. The safe house is a private institution and municipal officials are not allowed to interfere.

In terms of municipal processes, the involvement of the two officials is abuse of municipal resources since they had no authority to escort me off the premises.

I received a notice informing me that my precautionary suspension hearing will be held on Thursday, 14 November 2019 at the ward office of DA councillor Rozette du Toit at Laplan. The presiding officer for this hearing would be Ms. Zelda Dalling, again a DA councillor. On the day of the hearing Councillor Du Toit's administrative officer, Mr. Moses Michaels was the acting presiding officer during working hours. Again the employment of municipal officials and municipal property were abused.

I intent to inform the Premier of the Western Cape, MEC of local government (Anton Bredell), FEDEX and the Media of this abuse of municipal resources towards vulnerable women by DA councillors and political appointees.

I take note that council will go into recess early in December 2019. I have to apologise for the timing of my complaint but this was unfortunately out of my control. I would appreciate a correspondence on this matter before then. I also take note from Stellenbosch municipality's webpage that a council meeting is scheduled for Wednesday, 27 November 2019. According to the agenda for the above mentioned meeting you will be dealing with misconduct of councillors. I therefore urge you to also deal with my complaint at the above mentioned meeting as an urgent matter as the conduct of Councillor Du Toit have a negative impact on my lively wood as a single mother to two young children. This is especially crucial in this time where we are celebrating 16 days of Activism against abused women and children.

In failing to comply I will have no other alternative than to raise this matter in the media.

Yours sincerely,

STELLENBOSCH MUNICIPALITY
COMMUNITY AND PROTECTION SERVICES
LAW ENFORCEMENT

26 NOV 2019

STELLENBOSCH MUNISIPALITEIT
GEMEENSKAP BESKERMINGSDIENSTE
WETSTOEPASSING

Raphoto

Ms. L. Raphoto

(Compliance officer, Safe House)

0630032884

lieslraphoto@yahoo.com

26 November 2019

Received: K. Langeveldt.

MUNICIPALITY / MUNISIPALITEIT
STELLENBOSCH

26 NOV 2019

OFFICE OF THE SPEAKER

167

Copy Tax Invoice

Accreditation and Training

VAT No: 4660012718

PO Box 95679
Waterkloof
0145
0124603685

7 Van Wouw Street
Groenkloof
0181

Number
Date
Page
Reference
Sales Rep
Due Date
Overall Discount %

L'Abris de Dien Safe House Stellenbosch

Customer VAT No

Description	Quantity	Incl. Price	Disc %	VAT %	Exclusive Total	Inclusive Total
ODETDP 6MOD - Moderator's Course - US 115759 7 - 11 OCT 2019 DU TOIT ROZETTE TRAINING IN CAPE TOWN	1	R 4,255.00	0.00%	15.00%	R 3,699.65	R 4,255.00

BANK DETAILS FNB Accreditation and Training Account 62036915130 Branch 202145 Swift FIRNZAJJ

Total Discount	R 0.00
Total Exclusive	R 3,699.65
Total VAT	R 554.35
Sub Total	R 4,255.00
Total	R 4,255.00

Annexure 19

168

Date:	Transaction Description	Amount	Balan
2019-10-03	IBANK PAYMENT TO ABSA BANK Wilton Dr Vlotman	-350.00	62,705
2019-10-03	IBANK PAYMENT TO ABSA BANK SARSEF 0059624587	-8,874.58	53,190
2019-10-03	CHQ ENCASHMENT STELLENBOS(101,00) CHEQUE AMOUNT : 2 000,00	0.00	53,190
2019-10-03	IBANK PAYMENT TO ABSA BANK Private School	-3,300.00	49,890
2019-10-03	IBANK TRANSFER 92-0347-8904 ABSA BANK solms delta wine est	2,000.00	51,890
2019-10-03	ACB CREDIT INVESTECPBT J. Fick	14,600.00	66,490
2019-10-04	IBANK PAYMENT TO ABSA BANK Liesl petrol	-1,837.10	64,643
2019-10-04	CHEQUE 180 (150,00) (EFFEC 03102019)	-2,000.00	62,643
2019-10-05	ACB CREDIT HELENA OLIVIER	165.00	63,008
2019-10-07	IBANK PAYMENT TO ABSA BANK Basil-Travel claim	-999.60	62,008
2019-10-07	IBANK PAYMENT TO ABSA BANK Liesl petrol	-1,540.20	60,468
2019-10-08	ACB CREDIT MERCH/SERV (EFFEC 06102019) ABSA CARD 02480952 003 DD	90.00	60,558
2019-10-08	IBANK PAYMENT TO ABSA BANK Warboys petrol	-1,254.60	59,304
2019-10-08	IBANK PAYMENT TO ABSA BANK ABC Security	-1,040.00	58,264
2019-10-08	IBANK PAYMENT TO ABSA BANK santon petrol	-1,331. 0	56,933
2019-10-08	IBANK PAYMENT TO ABSA BANK Petrol Claim	-1,277. 5	55,655
2019-10-08	IBANK PAYMENT TO ABSA BANK santon reimburse	-99.99	55,555
2019-10-09	IBANK PAYMENT TO ABSA BANK Accredited Training	-4,250.00	51,305
2019-10-11	ATM PAYMENT FR ZEVENWACHT CARD NO. 0148 ABSA BANK MARLIN PETERSEN	50.00	51,355
2019-10-11	CARDLESS CASH DEP VINEYARD C(14,00) DEPOSIT NO : Rebecca donation CONTACT : 0836851530	300.00	51,655
2019-10-14	IBANK PAYMENT TO ABSA BANK Basil-Travel claim	-999.60	50,655
2019-10-14	IBANK PAYMENT TO ABSA BANK Warboys petrol	-989.40	49,666

Annexure 25

169

(36)

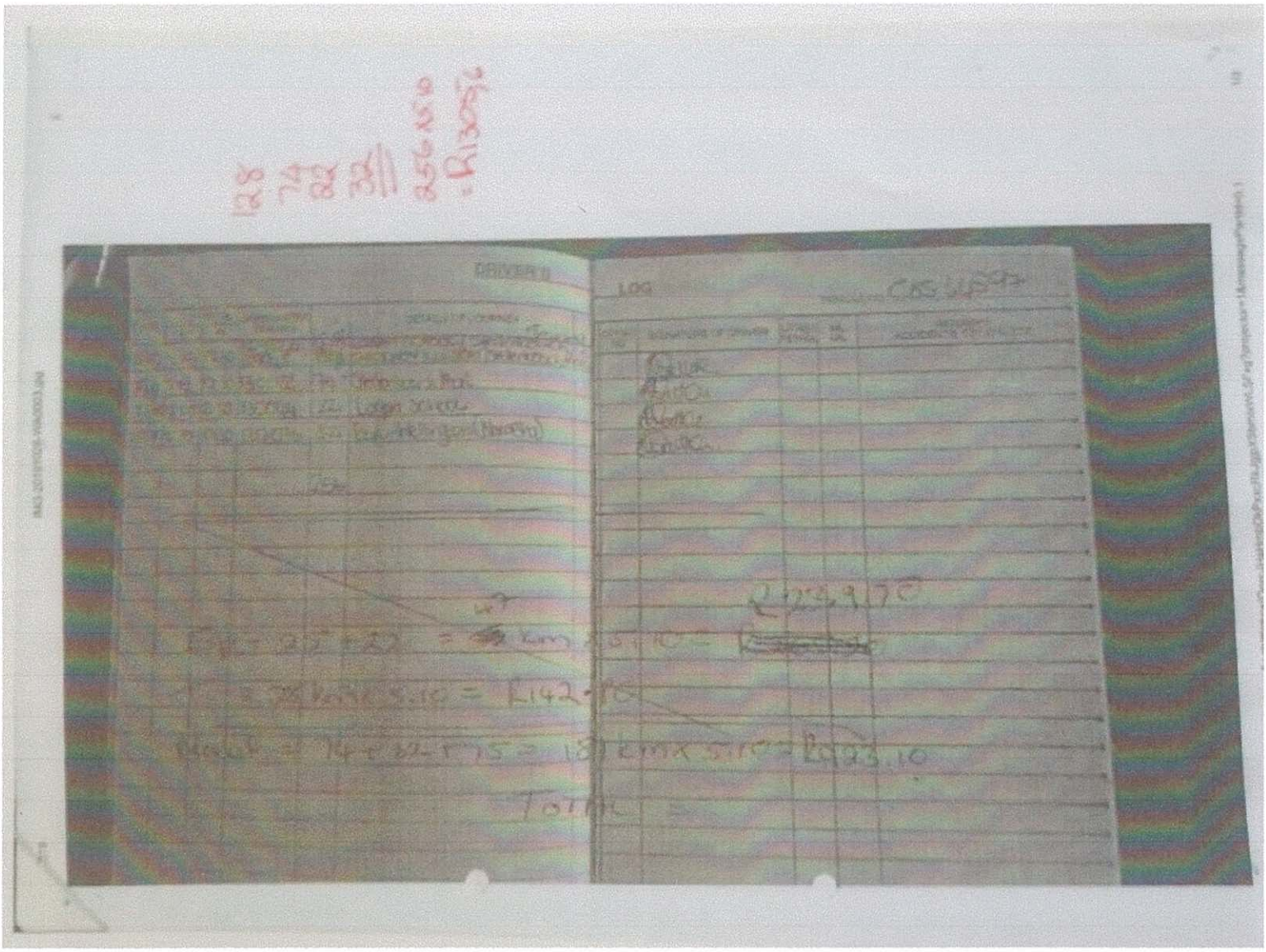
Safe House

PAYMENT REQUISITION FORM

RECIPIENT	Accredited Towing
REQUISTED BY:	Authority
MANAGEMENT AUTHOROSATION	✓
PAYMENT PROCEED BY:	EFT
Details of payment:	Makanaka's Car at Kozeeke Nu Tait. R4250.00
Payment method	☑ EFT ☐ Petty cash ☐ Cheque ☐ Expense claim
Receipt/Invoice date:	
Payment date:	
Pastel ref#	

Victim empowerment	☐	
Victim entertainment	☐	Towing
Victim Support	☐	
Victim Care	☐	R4250.00
Specialist Care	☐	
Printing & Stationary	☐	
Incomes	☐	
Medical	☐	
Other	☑	_____

170



Annexure 10

171

SIMOND

Tax Invoice

Privaatskool Simond

VAT No:

Simond Private School
R45
Simondium

Number:	INV0002975
Date:	30/07/2019
Page:	1/1
Reference:	Registration Fee
Sales Rep:	
Due Date	06/08/2019
Overall Discount %:	0.00%

Andrews Logan Sarah

Customer VAT No:

Description	Quantity	Unit Price	Disc %	VAT %	Exclusive Total	Inclusive Total
1R2019 - Registration fee 2019	1	R 3,500.00	0.00%	0.00%	R 3,500.00	R 3,500.00

Total Discount:	R 0.00
Total Exclusive:	R 3,500.00
Total VAT:	R 0.00
Sub Total:	R 3,500.00
Total Rounding:	R 0.00
Total:	R 3,500.00

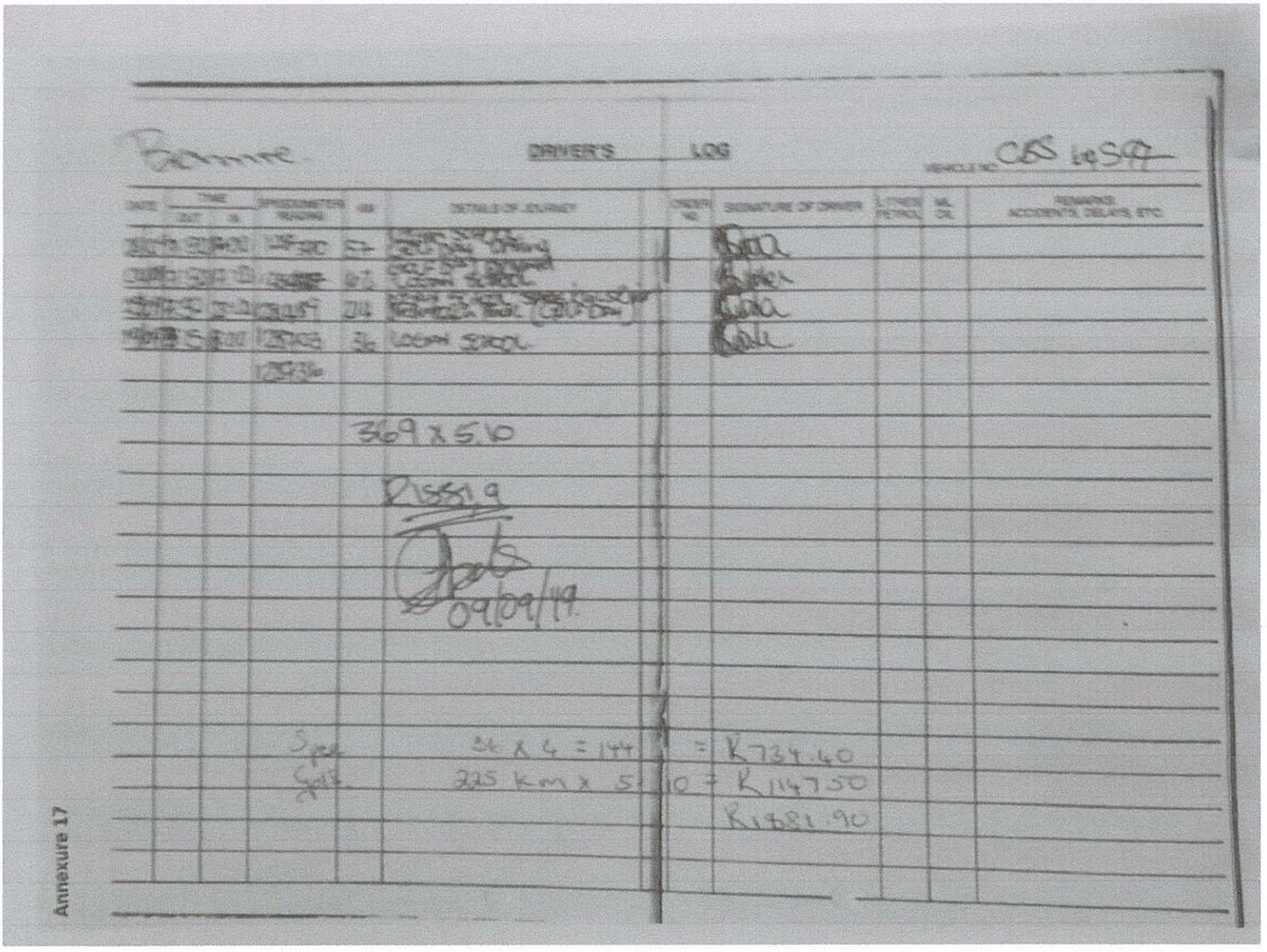
Paid

Annexure 22

171

Date:	Transaction Description	Amount	Balance
2019-05-06	IBANK PAYMENT TO ABSA BANK Basil-Travel claim	-999.60	4,473.71
2019-05-06	IBANK TRANSFER 93-3128-3130 ABSA BANK transfer	7,000.00	11,473.71
2019-05-06	IBANK PAYMENT TO ABSA BANK Evac Chair	-9,044.75	2,428.96
2019-05-07	IBANK PAYMENT TO ABSA BANK Reimburse pep	-631.83	1,797.13
2019-05-07	IBANK PAYMENT TO ABSA BANK Reimburse Flandria	-221.70	1,575.43
2019-05-09	ACB CREDIT BASX33 WC SOCIA001166516	68,545.00	70,120.43
2019-05-09	IBANK PAYMENT TO ABSA BANK Affiliation Fee	-300.00	69,820.43
2019-05-09	IBANK PAYMENT TO ABSA BANK Stellfire	-3,522.91	66,297.52
2019-05-09	IBANK PAYMENT TO ABSA BANK Liesl R petrol	-510.00	65,787.52
2019-05-09	IBANK PAYMENT TO ABSA BANK Assessor training	-21,250.00	44,537.52
2019-05-10	IBANK PAYMENT TO ABSA BANK Alice petrol	-816.00	43,721.52
2019-05-10	IBANK PAYMENT TO ABSA BANK Steve petrol	-500.00	43,221.52
2019-05-10	IBANK PAYMENT TO ABSA BANK Petrol Claim	-1,150.00	42,071.52
2019-05-10	IBANK PAYMENT TO ABSA BANK Elsa Strobel	-95.80	41,975.72
2019-05-10	IBANK PAYMENT TO ABSA BANK Elsa Strobel1	-679.20	41,296.52
2019-05-11	ACB CREDIT HELENA OLIVIER	150.00	41,446.52
19-05-14	IBANK PAYMENT TO ABSA BANK Reimburse nuri	-268.00	41,178.52
2019-05-14	IBANK PAYMENT TO ABSA BANK Boots and Play	-342.00	40,836.52
2019-05-14	IBANK PAYMENT TO ABSA BANK Medical	-300.00	40,536.52
2019-05-14	IBANK PAYMENT TO ABSA BANK Heather Resident	-75.00	40,461.52
2019-05-14	IBANK PAYMENT TO ABSA BANK Evac Chair	-685.98	39,775.54
2019-05-14	IBANK PAYMENT TO ABSA BANK takealot	-673.00	39,102.54
2019-05-14	IBANK PAYMENT TO ABSA BANK Liesl R petrol	-260.10	38,842.44
2019-05-14	IBANK PAYMENT TO ABSA BANK Alice petrol	-2,713.20	36,129.24

173



DRIVER'S LOG

VEHICLE NO CBS 149 GP

DATE	TIME OUT	TIME IN	SPEEDOMETER READING	KM	DETAILS OF JOURNEY	CREDIT NO	SIGNATURE OF DRIVER	LITRES PETROL	ML OIL	REMARKS ACCIDENTS, DELAYS, ETC
					LOCUM SCHOOL					
			125936							

369 x 5.10

Diesel

09/09/19

Spec 36 x 4 = 144 = R734.40

Spec 225 km x 5.10 + R1147.50

R1881.90

Annexure 17

Annexure 24

174

Statement

Accreditation and Training

VAT No: 4600212718

Date: 27/09/2019
Page: 1

PO Box 95679
Waterkloof
0145
0124609585

7 Van Wouw Street
Groenkloof
0181

L'Abrie de Dien Safe House Stellenbosch

Customer VAT No:

Date	Reference	Description	Debit	Credit
10/05/2019	INV0003586	ODETDP 2ASS001 - Assessor Course - US 115753	R 21,250.00	
09/05/2019	RCP0004073	20190509-0013, ABSA BANK Safehouse - INV0003586		R 21,250.00
12/08/2019	INV0003889	ODETDP 6MOD - Moderator's Course - US 115759	R 21,250.00	
12/08/2019	INV0003889	ODETDP 2ASS001 - Assessor Course - US 115753	R 4,250.00	
10/09/2019	RCP0004537	20190910-0018, ABSA BANK Safehouse - INV0003889		R 21,250.00

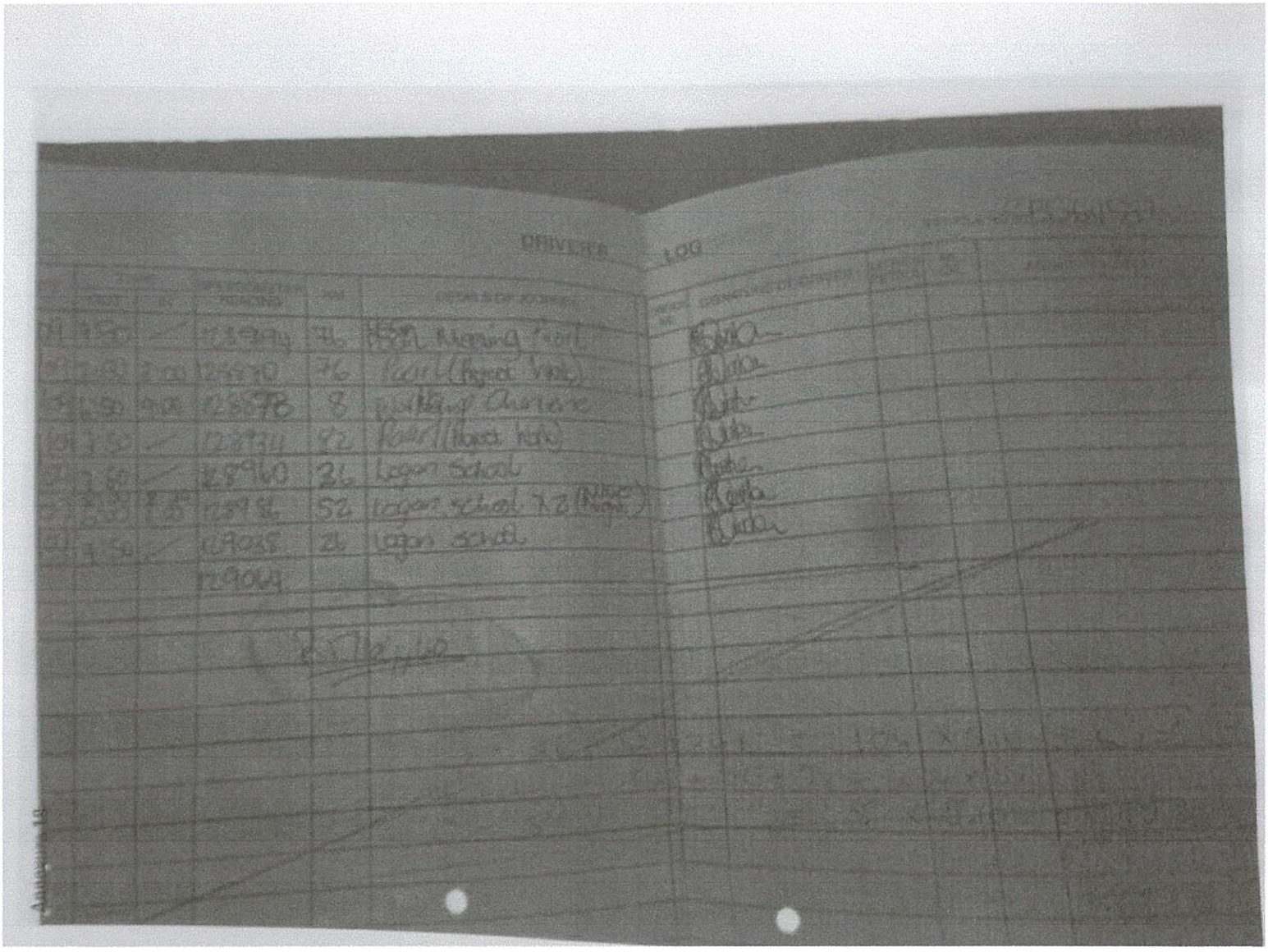
120+ Days	90 Days	60 Days	30 Days	Current	Amount Due	R 4,250.00
R 0.00	R 0.00	R 0.00	R 4,250.00	R 0.00	Amount Paid	R 42,500.00

FNB 62500915120 Hatfield - 252145

175

Date:	Transaction Description	Amount	Balan
2019-09-16	IBANK PAYMENT TO ABSA BANK Warboys Petrol	-1,473.90	30,388
2019-09-16	IBANK PAYMENT TO ABSA BANK Liesl petrol	-790.50	29,597
2019-09-16	IBANK PAYMENT TO ABSA BANK Wilton wine	-792.00	28,805
2019-09-16	IBANK PAYMENT TO ABSA BANK Wilton limnos	-220.00	28,585
2019-09-16	IBANK PAYMENT TO ABSA BANK Wilton bus cards	-375.00	28,210
2019-09-16	IBANK PAYMENT TO ABSA BANK Wilton paarl golf	-399.00	27,811
2019-09-16	IBANK PAYMENT TO ABSA BANK Rina Stelkor	-58.09	27,753
2019-09-16	IBANK PAYMENT TO ABSA BANK rina consultation	-450.00	27,303
2019-09-16	ACB DEBIT:EXTERNAL (19,00) PASTEL 80472379 SAGEPAY	-578.75	26,724
2019-09-17	IBANK PAYMENT TO ABSA BANK Abels Pep	-267.87	26,456
2019-09-17	IBANK PAYMENT TO ABSA BANK Abels Builders	-757.30	25,699
2019-09-17	IBANK PAYMENT TO ABSA BANK Petrol Claim	-991.95	24,707
2019-09-17	IBANK PAYMENT TO ABSA BANK Petrol Claim	-1,700.85	23,006
2019-09-18	ACB CREDIT CAPITEC E KAY SHUTTLEWORTH	100.00	23,106
2019-09-19	IBANK PAYMENT TO ABSA BANK Golfday food	-19,936.40	3,170
2019-09-19	IBANK TRANSFER 92-0347-8904 ABSA BANK Golf Food	19,936.40	23,106
2019-09-19	IBANK PAYMENT TO ABSA BANK Checkers Charity	-6,000.00	17,106
2019-09-19	IBANK PAYMENT TO ABSA BANK Post Office	-535.00	16,571
2019-09-20	IBANK PAYMENT TO ABSA BANK Petrol Claim	-1,644.75	14,927
2019-09-20	IBANK PAYMENT TO ABSA BANK dstv	-500.00	14,427
2019-09-20	IBANK PAYMENT TO ABSA BANK santon Admin Fee	-1,764.60	12,662
2019-09-20	IBANK PAYMENT TO ABSA BANK Private School	-3,300.00	9,362
2019-09-20	ACB CREDIT FRIEND	300.00	9,662

176



Annexure 16

177

SIMOND

Tax Invoice

VAT No:

Simond Private School
Bag
Simondium

Privaatskool Simond
Number: PIV0002978
Date: 01/08/2019
Page: 1/1
Reference: School Fees Aug
Sales Rep:
Due Date: 08/08/2019
Overall Discount %: 0.00%

Andrews Logan Sarah
Customer VAT No:

Description	Quantity	Unit Price	Disc %	VAT %	Exclusive Total	Inclusive Total
1HIGH - High School Fee Aug	1	R 3,300.00	0.00%	0.00%	R 3,300.00	R 3,300.00

Total Discount:	R 0.00
Total Exclusive:	R 3,300.00
Total VAT:	R 0.00
Sub Total:	R 3,300.00
Total Rounding:	R 0.00
Total:	R 3,300.00

178

DRIVER'S LOG

VEHICLE NO CBS164597

DATE	TIME OUT	TIME IN	SPEEDOMETER READING	KM	DETAILS OF JOURNEY	ORDER NO.	SIGNATURE OF DRIVER	LITRES PETROL	ML OIL	REMARKS ACCIDENTS, DELAYS, ETC.
01/08	6:15	7:50	127194	84	Loam school					
02/08	9:45	11:45	127247	75	Lomkay Hospital Bridgeview			Spec	= 75 km	
03/08	2:30	2:30	127282	36	Loam School			-	~~Mark (Spec)~~	
04/08	7:10	7:50	127317	35	Loam School					
06/08	2:00	2:35	127352	38	Loam School					
07/08	7:40	7:45	127386	34	Loam school					
08/08	2:00	2:35	127428	36	Loam school					
09/08	7:15	2:35	27431	105	Loam school / Kathleen Ferrier school					
10/08	2:00	2:30	127536	32	High tea / Jumeirah town			-		
10/08	11:21		127568		Night					
				535	x 5.10 = R 2728.50 ~~R 2728.50~~					
				424	R 2162,4					

Spec = 75 km x 5.10 = R 382 50

Vic Cove = 349 km x 5.10 = R 1779 90

R 2162 40

Annexure 16

179

SIMOND

Tax Invoice

VAT No:

Simond Private School
R45
Simondium

Privaatskool Simond

Number:	INV0002976
Date:	01/08/2019
Page:	1/1
Reference:	School Fees Aug
Sales Rep:	
Due Date	08/08/2019
Overall Discount %:	0.00%

Andrews Logan Sarah

Customer VAT No:

Description	Quantity	Unit Price	Disc %	VAT %	Exclusive Total	Inclusive Total
1HIGH - High School Fee: Aug	1	R 3,300.00	0.00%	0.00%	R 3,300.00	R 3,300.00

Total Discount:	R 0.00
Total Exclusive:	R 3,300.00
Total VAT:	R 0.00
Sub Total:	R 3,300.00
Total Rounding:	R 0.00
Total:	R 3,300.00

180

DRIVER'S LOG

VEHICLE NO. CBS 64 ST

DATE	TIME OUT	TIME IN	SPEEDOMETER READING	KM	DETAILS OF JOURNEY	ORDER NO.	SIGNATURE OF DRIVER	LITRES PETROL	ML OIL	REMARKS ACCIDENTS, DELAYS, ETC.
2/08	7:15	7:50	127663	36	Logan SCHOOL					
12/08	8:00	8:35	127697	36	LOGAN SCHOOL					
13/08	7:10	7:50	127733	36	LOGAN SCHOOL					
14/08	8:00	8:35	127769	36	LOGAN SCHOOL					
15/08	7:10	7:50	127805	36	LOGAN SCHOOL					
16/08	8:00	8:35	127841	36	LOGAN SCHOOL (Golf)					
18/08	7:15	17:00	127948	107	LOGAN SCHOOL (Golf)					
21/08	2:15	2:55	127984	36	[LOGAN SCHOOL]					
23/08	8:50	9:50	128012	28	Joan Kriel (Golf Day)					

387 x 5.10 = R1973.70

919

Golf day = 71.28 x 5.10 = R504.90

Special = 36 x 8 = 288 x 5.10 = R1468.80

Annexure 11

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Tax Invoice

I paid only R 1000.00 cash.
Ace to credit.
See attached.

Annexure 10

SIMOND

Tax Invoice

182

Privaatskool Simond

VAT No:

Simond Private School
R45
Simondium

Number: INV0002975
Date: 30/07/2019
Page: 1/1
Reference: Registration Fee
Sales Rep:
Due Date 06/08/2019
Overall Discount %: 0.00%

Andrews Logan Sarah

Customer VAT No:

Description	Quantity	Unit Price	Disc %	VAT %	Exclusive Total	Inclusive Total
1R2019 - Registration fee 2019	1	R 3,500.00	0.00%	0.00%	R 3,500.00	R 3,500.00

Total Discount:	R 0.00
Total Exclusive:	R 3,500.00
Total VAT:	R 0.00
Sub Total:	R 3,500.00
Total Rounding:	R 0.00
Total:	R 3,500.00

Paid

Annexure 23

183

Statement

Accreditation and Training

VAT No: 4800212718

Date: 10/09/2019
Page: 1

PO Box 95579
Waterkloof
0145
0124609585

7 Van Wouw Street
Groenkloof
0181

L'Abrie de Dian Safe House Stellenbosch

Customer VAT No:

Date	Reference	Description	Debit	Credit
10/05/2019	INV0003586	CDETDP 2ASS001 - Assessor Course - US 115753	R 21,250.00	
09/08/2019	RCP0004073	20190809-0013. ABSA BANK Safehouse - INV0003586		R 21,250.00
12/08/2019	INV0003589	CDETDP 5MOD - Moderator's Course - US 115759	R 21,250.00	
12/08/2019	INV0003589	CDETDP 2ASS001 - Assessor Course - US 115753	R 4,250.00	

120+ Days	90 Days	60 Days	30 Days	Current	Amount Due	R 25,500.00
R 0.00	R 0.00	R 0.00	R 25,500.00	R 0.00	Amount Paid	R 21,250.00

FNB 62030915120 Hatfield - 252145

184

STELLENBOSCH
STELLENBOSCH · PNIEL · FRANSCHHOEK
MUNISIPALITEIT · UMASIPALA · MUNICIPALITY

9 November 2010

To Whom It May Concern:

Longterm partnership between Stellenbosch Municipality and the Stellenbosch Safe House: L'Abrie De Dieu

Stellenbosch Municipality recognizes the vital role local government plays towards the development and protection of youth, women and children. Although this is not a core function of local government, we believe that in serving our communities we need to provide more than just physical infrastructure. We also need to protect the most vulnerable within our communities by building relationships with reliable organizations which has the skill and capacity to deliver on their needs.

Until their registration as an NPO in 2006 and the official opening of the Safe House Stellenbosch on 4 February 2008, the women and children of Stellenbosch who were stuck in abusive circumstances have not been able to break the cycle of violence. It is through the services provided at the Safe House that they can now learn how to look after themselves and that they have the capacity to change their own future. Although Stellenbosch Municipality has been working with the organization since inception, it was only when their need for alternative accommodation arose that we were in a situation to enter into a long term lease with them. They are currently occupying council property at a very low cost and can thus focus their financial resources at serving the people of our community better.

As it is often with these services the need increase as the service provider becomes known and trusted in the community. Women, who previously would have suffered in silence, now hear about the possibility of hope and want to make use of the services. The demand thus is constantly higher than the supply / availability at the house.

This is then also the situation that the Stellenbosch Safe House finds them in. Unfortunately Stellenbosch Municipality can not assist with the expansion of the current accommodation.

We support the Stellenbosch Safe House and their activities as they play a vital role in caring for our women and children. We hope that as our partnership with them has made it possible for them to continue serving, that they will find a partnership who can assist them in serving a bigger portion of our community.

G Esau
Acting Director: Community Services

STADSHUIS / TOWN HALL • PLEIN STRAAT / PLEIN STREET • STELLENBOSCH • 7600 • POSBUS 17 • STELLENBOSCH • 7599
TEL: +27 21 808 8111 • FAKS / FAX: +27 21 808 8451 • E-MAIL: MUNISIPALITEIT@STELLENBOSCH.GRO.ZA

185

Outlook Search

New message Reply Delete Archive Junk Sweep Move to Categorize

Folders

Inbox 774
Junk Email 38
Drafts
Sent Items
Deleted Ite... 231
Archive
Notes
Conversation H...
standard bank ...
scan
store and go
New folder

Groups

New group

Fwd: Grievance meeting: Ms G Pieterse

ZA Zoelfa Arnolds <Zoelfa.Arnolds@stellenbosch.gov.za>
Mon 2020/02/24 15:13
Melloney Zimri; Annalene De Beer; William September; Rozeeta Petersen; Neville Langenhoven; Cedric Thorpe +4 c

Fwd: Grievance meeting: Ms G Pieterse
Thu 2019/11/21 12:00 - 13:00
Corporate Service Boardroom, Third Floor Ecclesia building, Plein Street, Stellenbosch

No conflicts

RSVP to this event Email organizer

Add a message to Zoelfa Arnolds (optional)

✓ Yes ? Maybe ✗ No

invite.ics
3 KB

---------- Forwarded message ---------
From: **Zoelfa Arnolds** <Zoelfa.Arnolds@stellenbosch.gov.za>
Date: Thu, Nov 21, 2019 at 9:15 AM
Subject: Grievance meeting: Ms G Pieterse
To: Melloney Zimri <Melloney.Zimri@stellenbosch.gov.za>, Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za>, William September <William.September@stellenbosch.gov.za>
Cc: Zoelfa Arnolds <Zoelfa.Arnolds@stellenbosch.gov.za>, Rozeeta Petersen <Rozeeta.Petersen@stellenbosch.gov.za>, Neville Langenhoven <Neville.Langenhoven@stellenbosch.gov.za>, Cedric Thorpe <Cedric.Thorpe@stellenbosch.gov.za>, Akhona Mduzana <Akhona.Mduzana@stellenbosch.gov.za>, Osric Jumat <Osric.Jumat@stellenbosch.gov.za>, wiltonzimri1@gmail.com <wiltonzimri1@gmail.com>, Stefan Vanzyl <Stefan.Vanzyl@stellenbosch.gov.za>

About Stellenbosch Municipality
Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.
Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za

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Fwd: Grievance meeting: Ms G Pieterse

Zoelfa Arnolds <Zoelfa.Arnolds@stellenbosch.gov.za>
Mon 2020/02/24 15:13

To: Melloney Zimri <Melloney.Zimri@stellenbosch.gov.za>; Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za>; William September <William.September@stellenbosch.gov.za>
Cc: Rozeeta Petersen <Rozeeta.Petersen@stellenbosch.gov.za>; Neville Langenhoven <Neville.Langenhoven@stellenbosch.gov.za>; Cedric Thorpe <Cedric.Thorpe@stellenbosch.gov.za>; Akhona Mduzana <Akhona.Mduzana@stellenbosch.gov.za>; Osric Jumat <Osric.Jumat@stellenbosch.gov.za>; 'wiltonzimri1@gmail.com' <wiltonzimri1@gmail.com>; Stefan Vanzyl <Stefan.Vanzyl@stellenbosch.gov.za>

1 attachments (10 KB)
invite.ics;

---------- Forwarded message ---------
From: **Zoelfa Arnolds** <Zoelfa.Arnolds@stellenbosch.gov.za>
Date: Thu, Nov 21, 2019 at 9:15 AM
Subject: Grievance meeting: Ms G Pieterse
To: Melloney Zimri <Melloney.Zimri@stellenbosch.gov.za>, Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za>, William September <William.September@stellenbosch.gov.za>
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STELLENBOSCH

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Strategic & Corporate Services
06 NOV 2019
Stellenbosch Municipality

STELLENBOSCH MUNICIPALITY

GRIEVANCE APPLICATION FORM

NAME OF DEPARTMENT:	

PERSONAL DETAILS

To be completed by employee/s (If more than one employee, attach separate sheet)

Name of Employee *(Print)*:	Gretlene Pieterse
Employee No.:	197910
Nature of Grievance:	Hiermee wil ek Gretlene Pieterse werkzaam in die departement Wetstoepassing met my misnoeë uitspreek teenoor amptenare wat ongeskik is gedurende werksure en veral met die parkerings probleme. Sien aangeheg: Appendix 1 en Appendix 2
Desired Solution:	Sien aangehegte Appendix 3 vir verdere inligting wat die grief aanbetref.
Signature of Employee:	Pieterse
Date:	C C Y Y M M D D 2 0 1 9 1 1 0 6

STEP 1

To be completed by immediate superior within 5 days of receipt of grievance

Name *(Print)*:	
Date Received:	
Results of Discussions with Employee:	

G.M.P.

188

	Signature of Immediate Superior:		Date:	C	C	Y	Y	M	M	D	D
	Comments of Employee:			2	0	1	9	0	1	0	6
	Aanvaar wil ek net kennis gee dat ek die verslag deurgegaan het en dat ek geen besware het oor die verklaring nie.										
	Signature of Employee:		Date:	C	C	Y	Y	M	M	D	D

---

and handed to	CONFIRMATION OF RECEIPT OF GRIEVANCE FORM									
	Name *(Print)*:									
	Service No.:									
	Name of Immediate Superior:									
	Signature:		Date:	C	C	Y	Y	M	M	D	D

To be completed by the Head of Department or Nominee Within 5 days of receipt	STEP 2									
	Name *(Print)*:	D. de Beer								
	Date Received:	6/11/19.								
	Results of Grievance Investigation and Decision of Head of Department or Nominee:									
	Grievance not resolved. Mr. September ontken dat hy met Mr Peterse gepraat het + weier om aanklag te trek. Griet aangeteken.									
	Signature of Head of Department or Nominee:		Date:	2	0	1	9	1	1	2	0
	Comments of Employee:									
	Signature of Employee:		Date:	2	0	1	9	1	1	2	0
	Name of Shop Steward or Union Official:	O. Jumat								

(SHOPS AND OFFICES

ATTENDANCE 189

Name of Employee

Liesl Raphoto

MONTH November

ENTRIES TO BE MADE BY EMPLOYEES

EAR

DATE	DAY OF WEEK	SIGNTAURE	TIME OF COMMENCING WORK	INTERVALS OFF WORK					
				OFF	ON	OFF	ON	OFF	ON
1	Friday	Raphoto	07h30						
2									
3									
4	Monday	Raphoto	07h30						
5	Tuesday	Raphoto	07h30						
6	Wednesday	Raphoto	07h30						
7	Thursday	Raphoto	07h15						
8	Friday	Raphoto	07h30						
9									
10									
11	Monday	Raphoto	07h30						
12									
13									
14									
15									
16									
17									
18									
19									
20									
21									
22									
23									
24									
25									
26									
27									
28									
29									
30									
31									

NOTE: EMPLOYEES MUST SIGN ONLY IN THE

190

ACT, 1964)

REGISTER

Occupation of Employee

Compliance / HR Finance

ENTRIES TO BE MADE BY EMPLOYEES

REMARKS (if any) .....

TIME OF FINISHING WORK	OVERTIME WORKED		TOTAL NUMBER OF HOURS WORKED		BY EMPLOYEE	BY EMPLOYER If employee absent, reason for his absence. (To be signed by employer)	BY INSPECTOR
	ON	OFF	EACH DAY	EACH WEEK			
16h00							
16h00							
16h00							
16h00							
16h00							

SECTION OF THE REGISTER RESERVED FOR THEIR USE

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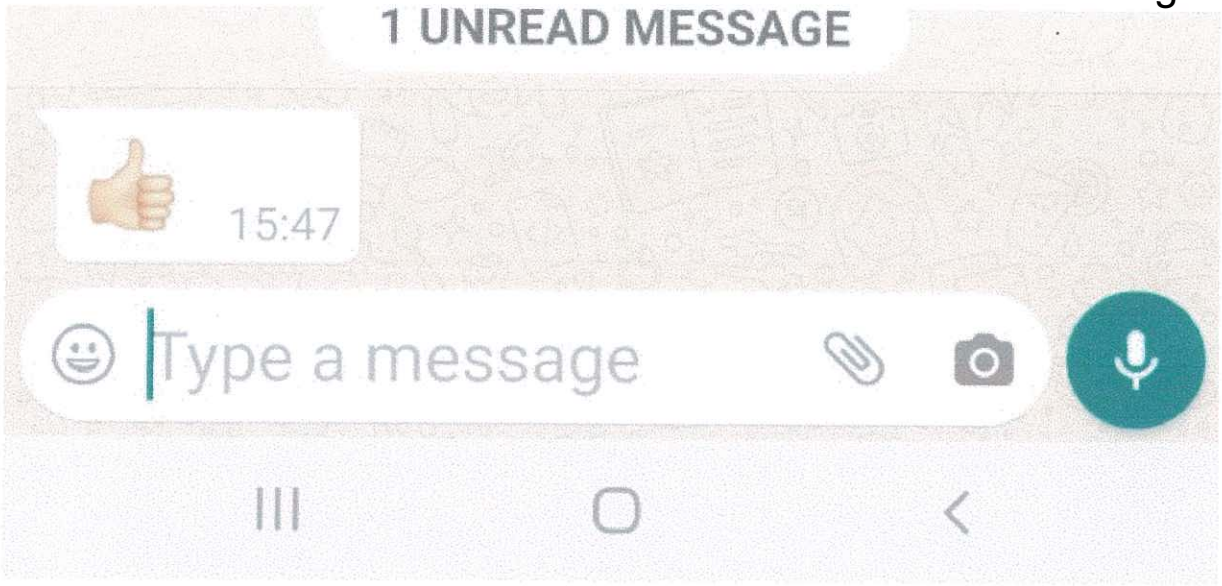
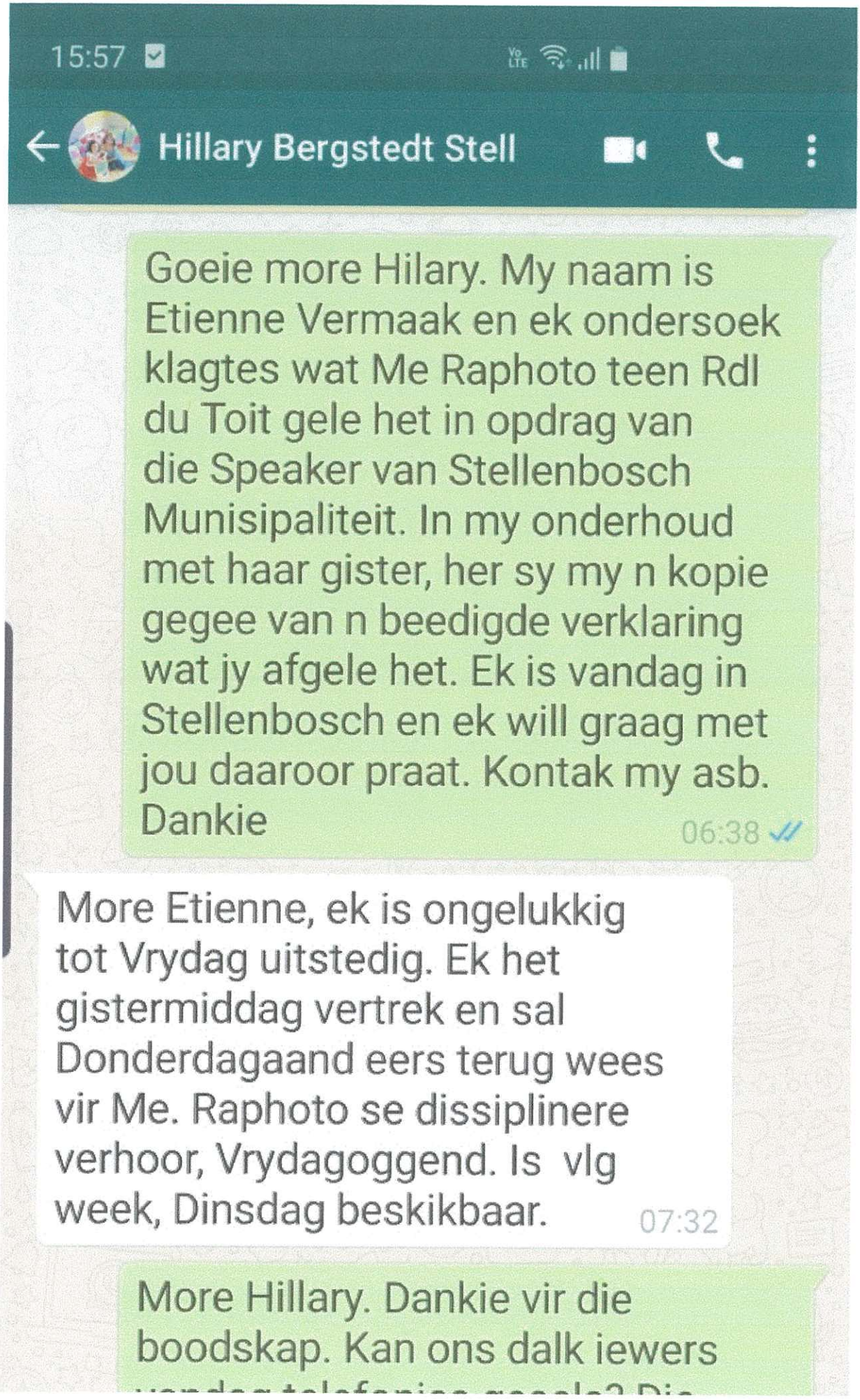
15:48
Fagrie Patel Stell
online
Middag Fragrie. Ek vertrou dit gaan goed. Tydens ons onderhoud op 24 Februarie 2020 in die Boardroom van die Speaker het jy gese dat jy audio recordings het op jou ander sel foon, wat by die huis was, van jou gesprek met John Tjetjeka en Carmen Telemachus van Law Enforcement wat jy vir my sal stuur. Ek het dit nog nie gekry nie. Stuur dit asb nog vandag vir my. Groete Etienne
15:15
Hi Etienne. Jammer. Moes jou laat weet. My kleindogter het die selfoon by haar. Ek sal dit vanaand gaan kry en teen môre oggend vir jou aanstuur as dit nog benodig word.
15:33
Dankie Fagrie. Sal dit waardeer.
15:45

192



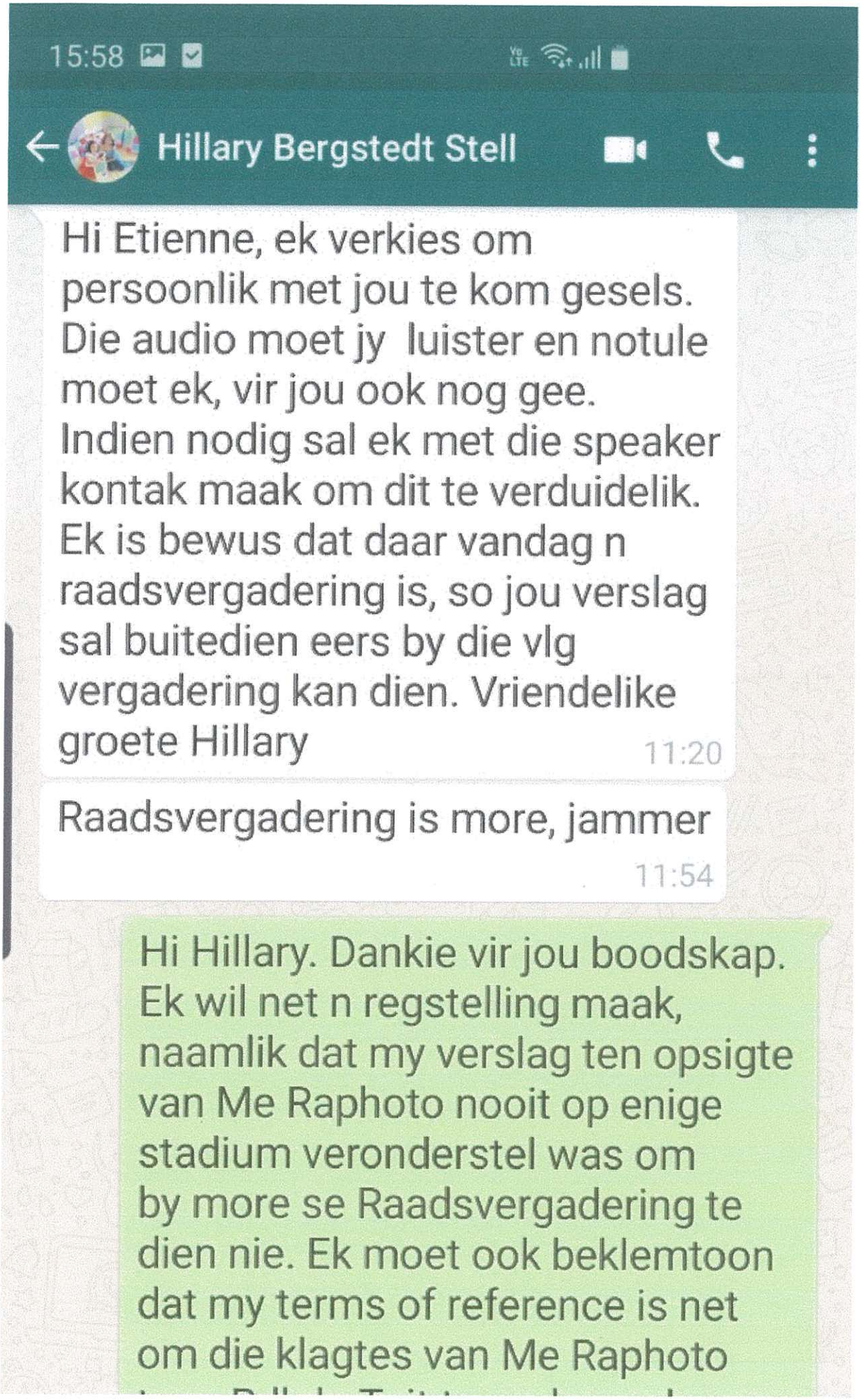
193


15:57
Hillary Bergstedt Stell
Goeie more Hilary. My naam is Etienne Vermaak en ek ondersoek klagtes wat Me Raphoto teen Rdl du Toit gele het in opdrag van die Speaker van Stellenbosch Munisipaliteit. In my onderhoud met haar gister, her sy my n kopie gegee van n beedigde verklaring wat jy afgele het. Ek is vandag in Stellenbosch en ek will graag met jou daaroor praat. Kontak my asb. Dankie
06:38
More Etienne, ek is ongelukkig tot Vrydag uitstedig. Ek het gistermiddag vertrek en sal Donderdagaand eers terug wees vir Me. Raphoto se dissiplinere verhoor, Vrydagoggend. Is vlg week, Dinsdag beskikbaar.
07:32
More Hillary. Dankie vir die boodskap. Kan ons dalk iewers

194

vandag telefonies gesels? Die
Speaker wil my verslag teen
Vrydag he. Watter tyd kan ek jou
bel? Groete
09:02
Type a message

195


15:58
Hillary Bergstedt Stell
Hi Etienne, ek verkies om persoonlik met jou te kom gesels. Die audio moet jy luister en notule moet ek, vir jou ook nog gee. Indien nodig sal ek met die speaker kontak maak om dit te verduidelik. Ek is bewus dat daar vandag n raadsvergadering is, so jou verslag sal buitedien eers by die vlg vergadering kan dien. Vriendelike groete Hillary
11:20
Raadsvergadering is more, jammer
11:54
Hi Hillary. Dankie vir jou boodskap. Ek wil net n regstelling maak, naamlik dat my verslag ten opsigte van Me Raphoto nooit op enige stadium veronderstel was om by more se Raadsvergadering te dien nie. Ek moet ook beklemtoon dat my terms of reference is net om die klagtes van Me Raphoto

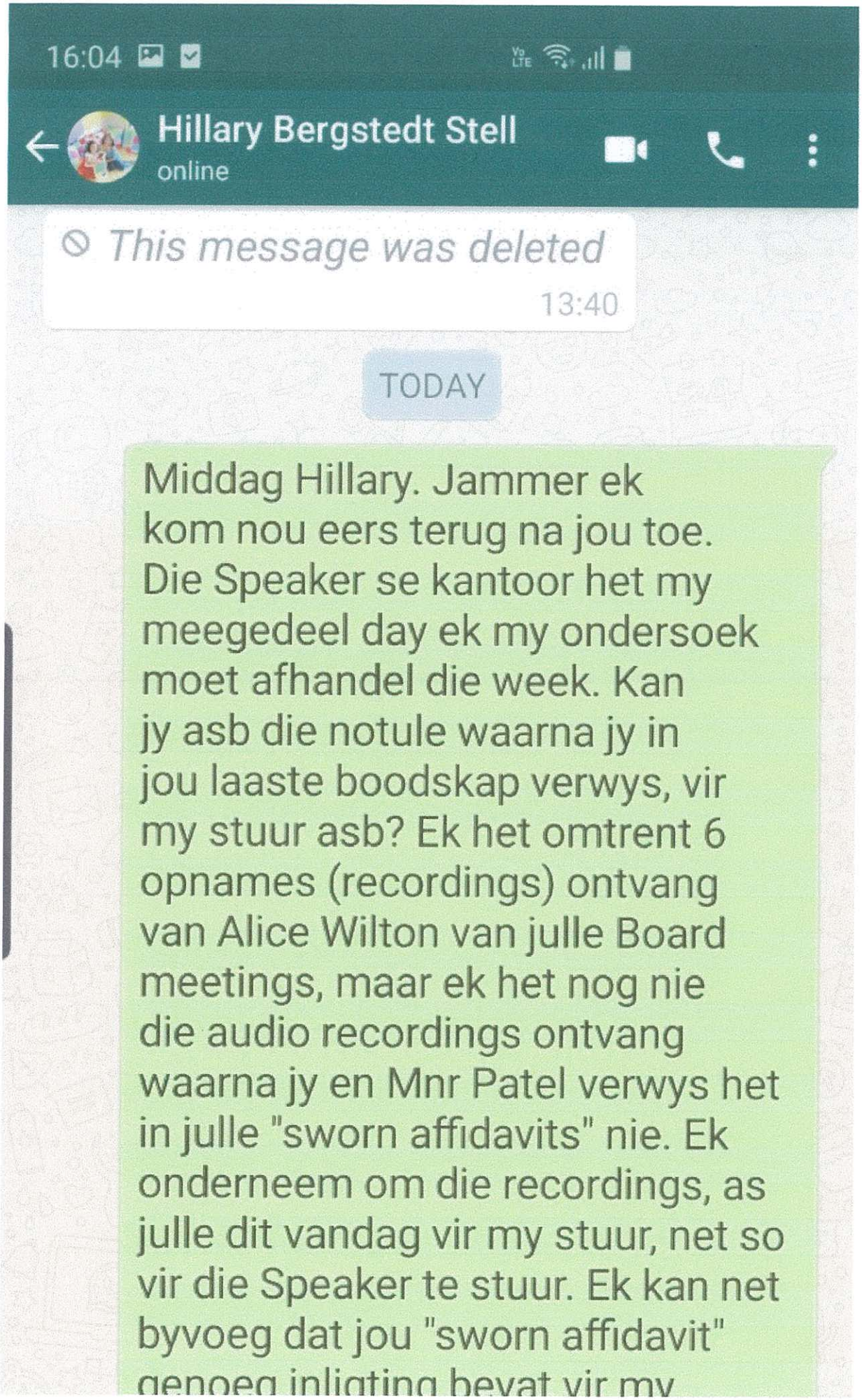
196

teen Rdl du Toit te ondersoek.
Nie die klagtes van die Safehouse
teen Me Raphoto of enige ander
persoon nie. Ek het n beedigde
Type a message

197

16:00
Hillary Bergstedt Stell
online
verklaring van jou wat redelik volledig is in die sin dat dit jou weergawe gee van wat in Mnr Thorpe se kantoor gese is. Ek het ook gister met Mnr Patel vergader om oor sy beedigde verklaring te praat en hy het onderneem om die audio recordings wat met sy selfoon gemaak is op die dag, vir my te stuur. My deadline on die verslag te finaliseer, is die week en ongelukkig kan ek nie tot volgende week wag om jou te sien nie. Ek het met al die ander getuies reeds vergader (met getuies vir Me Raphoto en vir die Munisipaliteit). As jy ander audio recordings het as wat Mnr Patel het van wat gese is op die 13de November 2019, stuur dit asb vir my. Ek onderneem om dit net so deel van my verslag te maak. Groete
12:04
Raphoto eers gevra of ek n verklaring sal

198


16:04
Hillary Bergstedt Stell
online
This message was deleted
13:40
TODAY
Middag Hillary. Jammer ek kom nou eers terug na jou toe. Die Speaker se kantoor het my meegedeel day ek my ondersoek moet afhandel die week. Kan jy asb die notule waarna jy in jou laaste boodskap verwys, vir my stuur asb? Ek het omtrent 6 opnames (recordings) ontvang van Alice Wilton van julle Board meetings, maar ek het nog nie die audio recordings ontvang waarna jy en Mnr Patel verwys het in julle "sworn affidavits" nie. Ek onderneem om die recordings, as julle dit vandag vir my stuur, net so vir die Speaker te stuur. Ek kan net byvoeg dat jou "sworn affidavit" genoeg inligting bevat vir my

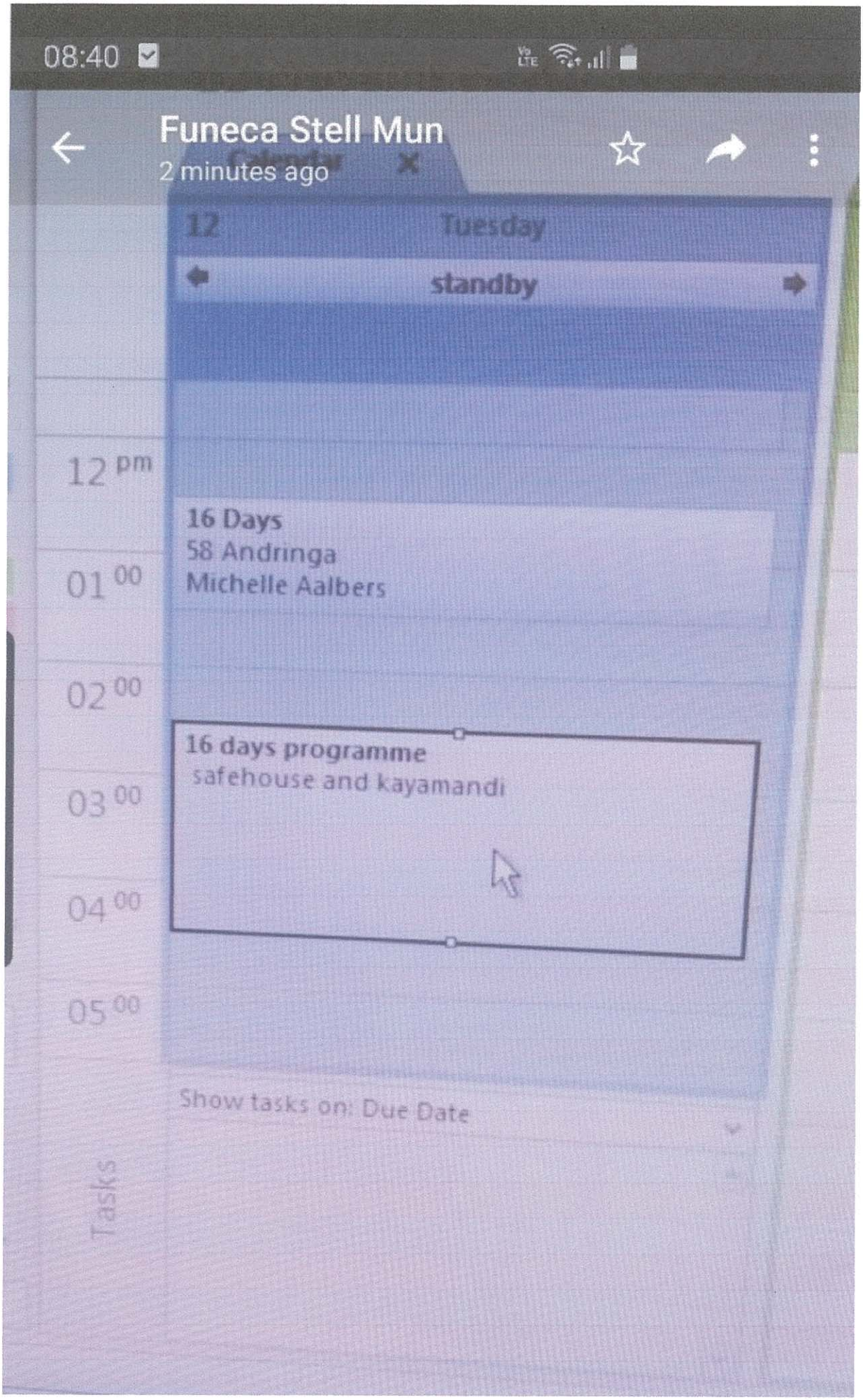
199

doeleindes en omdat dit onder eed
afgele is, aanvaar ek jy bly daarby.
Groete
15:11
Type a message

200

Ettiene, ek was Sondag namiddag deur me. Raphoto eers gevra of ek n verklaring sal maak. Soos u kan sien is dit gisteroggend gedoen. U versoek vir vergadering het ek 25/02/2020 om 6H38 via whatsupp ontvang. Ek verstaan baie goed plaaslik regerings prosesse en daaromhalwe weereens my versoek dat ons volgende week ontmoet. Ek is weet nie watter audio recordings mnr Patel alles het en vir gaan gee nie maar soos ek in my verklaring genoem het, het ek die notule wat van kardinale belang mag wees om u "mind te apply" in die klag teen raadslid du Tiot.
Groete Hillary

201


08:40
Funeca Stell Mun
2 minutes ago
12
Tuesday
standby
12 pm
16 Days
58 Andringa
Michelle Aalbers
01 00
02 00
16 days programme
safehouse and kayamandi
03 00
04 00
05 00
Show tasks on: Due Date
Tasks

ANNEXURE 11

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

2021-04-20

MINUTES

DISCIPLINARY COMMITTEE MEETING

2021-04-20

MINUTES

DISCIPLINARY COMMITTEE MEETING

2021-04-20

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3.2	DISCLOSURE OF INTERESTS	
4.	CONFIRMATION OF MINUTES	
	NONE	
5.	AGENDA ITEMS FOR CONSIDERATION	
5.1	INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY CLLR R DU TOIT	2

MINUTES **DISCIPLINARY COMMITTEE MEETING** **2021-04-20**

PRESENT: Cllr Q Smit [Chairperson]

Councillors: A Frazenburg
E Groenewald (Ms)
N Sinkinya (Ms)
L Stander

Officials: Committee Clerk: (N Mbali (Ms))

****

1.	OPENING AND WELCOME

The Chairperson, Cllr Q Smit, welcomed everyone present, and for the record, acknowledged the presence of the other Disciplinary Committee members, i.e. Cllrs A Frazenburg, E Groenewald (Ms), N Sinkinya (Ms) and L Stander.

2.	COMMUNICATION BY THE CHAIRPERSON

The Chairperson briefly stated the purpose of the meeting, namely to deal with the investigation into an allegation of misconduct by Councillor MD R du Toit, as contained in the pack of documentation provided to the committee members.

3. 1	APPLICATION FOR LEAVE OF ABSENCE

NONE

3. 2	DISCLOSURE OF INTERESTS

NONE

4.	CONFIRMATION OF MINUTES

NONE

5.	AGENDA ITEMS FOR CONSIDERATION

5.1	INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY CLLR R DU TOIT

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **20 April 2021**

1. SUBJECT: INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR R DUT TOIT

2. PURPOSE

To provide the Chairperson of the Disciplinary Committee and the Disciplinary Committee with the information in regard to the disciplinary hearing of Cllr R du Toit as per the resolution taken by Council on 24/08/2020 for misconduct.

To investigate the alleged allegation of misconduct against Councillor R du Toit, and to report back to Council.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The Office of the Speaker received a formal complaint from the complainant Liesl Rhaphoto against Cllr R du Toit, for various allegations as listed in her letter of complaint. The Office of the Speaker was requested to assist with the investigation and for this matter Speaker opted for outside legal services.

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

Advocate Vermaak provided a report with recommendations to the Speaker's office, which report served before Council for consideration on 24 August 2020.

5. RECOMMENDATIONS

(a) The disciplinary committee make the following recommendation to Council as per Section 14 of Schedule 1 of the Municipal Systems Act No 32 of 2000. (154) Subsection 2. To: read as follows:

Issue a formal warning to the councillor;

DISCUSSION / CONTENTS

6.1 Background

The Systems Act as per Schedule 1 of the Code of Conduct for Councillors determines the mechanism of accountability in fulfilling the role of a Councillor. The same act also makes provision for rules and procedures should councillors not adhere to the rules. The Stellenbosch Municipality's Standing Rules and Order By-law also needs to be adhered to.

6.2 Discussion

All documentation is attached.

6.3 Financial Implications

None

6.4 Legal Implications

Municipal Systems Act, 2000 – Schedule 1: Code of Conduct for Councillors Section 13 and Section 14:

"***Duty of chairpersons of municipal councils***

13.1 If the chairperson of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the chairperson must-

a. authorise an investigation of the facts and circumstances of the alleged breach;
b. give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and
c. report the matter to a meeting of the municipal council after paragraphs (a) and (b) have been complied with.

13.2 A report in terms of subitem (1)(c) is open to the public.

13.3 The chairperson must report the outcome of the investigation to the MEC for local government in the province concerned.

13.4 The chairperson must ensure that each councillor when taking office is given a copy of this Code and that a copy of the Code is available in every room or place where the council meets.

Breaches of Code

14.1 A municipal council may-

a. investigate and make a finding on any alleged breach of a provision of this Code; or
b. establish a special committees-
    i. to investigate and make a finding on any alleged breach of this Code; and

ii. to make appropriate recommendations to the council.

14.2 If the council or a special committee finds that a councillor has breached a provision of this Code, the council may-

a. issue a formal warning to the councillor;

b. reprimand the councillor;

c. request the MEC for local government in the province to suspend the councillor for a period;

d. fine the councillor; and

e. request the MEC to remove the councillor from office.

14.3 a. Any councillor who has been warned, reprimanded or fined in terms of paragraph (a), (b) or (d) of subitem (2) may within 14 days of having been notified of the decision of council appeal to the MEC for local government in writing, setting out the reasons on which the appeal is based.

b. A copy of the appeal must be provided to the council.

c. The council may within 14 days of receipt of the appeal referred to in paragraph (b) make any representation pertaining to the appeal to the MEC for local government in writing.

d. The MEC for local government may, after having considered the appeal, confirm, set aside or vary the decision of the council and inform the councillor and the council of the outcome of the appeal.

14.4 The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation on whether the councillor should be suspended or removed from office.

14.5 The Commissions Act, 1947 (Act No.8 of 1947), may be applied to an investigation in terms of subitem (3).

14.6 If the MEC is of the opinion that the councillor has breached a provision of this Code, and that such contravention warrants a suspension or removal from office, the MEC may-

a. suspend the councillor for a period and on conditions determined by the MEC; or
b. remove the councillor from office.

14.7 Any investigation in terms of this item must be in accordance with the rules of natural justice.

6.5 Staff Implications

N/A

6.6 Risk Implications

N/A

6.7 Comments from Senior Management:

None required.

Annexures of the relevant documentation:

Appendix A: Notice of Disciplinary Meeting

Appendix B: Charge Sheet

Appendix C: Council decision on the matter, referring it to the DC

DISCIPLINARY COMMITTEE MEETING: 2021-04-20: ITEM 5.1

Findings:

Based on all the evidence submitted and produced to the Disciplinary Committee and as per the regulations for disciplinary hearings, the Disciplinary Committee makes the following findings:

1. The Disciplinary Committee would urge Cllr Du Toit to seriously reconsider her position and involvement in the organization as stipulated in the charge sheet.

2. Even though the evidence led could not prove any wrongdoing, and the Committee is of the opinion that Cllr Du Toit acted in good faith, the Committee strongly feels that the integrity of Council could have been affected should the circumstances have been different.

Recommendation:

The Disciplinary Committee therefore makes the following recommendation to Council as per Section 14 of Schedule 1 of the Municipal Systems Act No 32 of 2000, (154) Subsection 2, namely; to issue a formal warning to the councillor.

RESOLVED

to recommend to Council:

that a formal warning be issued to Councillor R du Toit.

The meeting adjourned at 10:20.

CHAIRPERSON: .....

DATE: .....

Confirmed on ..... **with/without amendments.**

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NOTICE OF DISCIPLINARY HEARING

To: Cllr R du Toit
1 Zambesie Flats
C/O Borchart & Bird Street
Stellenbosch
7600

26 March 2021

NOTICE OF HEARING: INVESTIGATION INTO ALLEGED BREACH OF THE CODE OF CONDUCT FOR COUNCILLORS

You are hereby given notice in terms of Item 14 of the Code of Conduct for Councillors {'the Code") to attend a disciplinary hearing to answer to allegations of breaches of the Code.

The alleged breaches are contained in the Charge Sheet attached hereto. Council reserves the right to amend or to extend the charges against you before you plead to such charges and should this be necessary, you will be informed in writing thereof.

The hearing will be held in the Speaker's Boardroom on 7 April 2021 at 14H00.

You have the following rights:

1. To be informed of the charges against you;
2. To be present at the hearing;
3. To be represented by a representative of your choice at your own costs;
4. To request additional information from the Initiator that you may require to prepare for the hearing, excluding information/documentation that are protected by legal privilege and/or the provisions of the Promotion of Access to Information Act, No 2 of 2000;
5. To cross-examine the witnesses for the Council;
6. To present your case and call witnesses to testify on your behalf. It is your responsibility to ensure that your witnesses are present at the disciplinary hearing;
7. To present evidence in mitigation should you be found guilty of any charge/charges;
8. To be notified in writing of the decision and of the sanction /penalty imposed as well as the reasons therefore, if applicable;
9. To appeal to the MEC for Local Government against the imposition by Council of a sanction of a warning, reprimand or a fine, within 14 days of notification of the decision of the Council (see Item 14(3) of the Code).

If you do not attend and if you cannot give reasonable grounds for failing to attend the hearing, the hearing may be held in your absence.

STADSAAL / TOWN HALL • PLEINSTRAAT / STREET • 7600 • POSBUS / P.O. BOX 17 • STELLENBOSCH • 7599
TEL: +27 21 808 8111 • FAKS / FAX: +27 21 808 8200 • E-POS / E-MAIL: MUNISIPALITEIT@STELLENBOSCH.ORG

STELLENBOSCH

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CHARGE SHEET

To: Cllr R du Toit
1 Zambesie Flats
C/O Borchart & Bird Street
Stellenbosch
7600

26 March 2021

It is alleged that you are guilty of the following breaches of the Code of Conduct for Councillors, Schedule 1 to the Local Government: Municipal Systems, Act No 32 of 2000:

CHARGE 1

It is alleged that you have transgressed Item 7 of the Code of Conduct for Councillors ("the Code"), which requires that:

"(1) When elected or appointed, a councillor must within 60 days declare in writing to the municipal manager the following financial interests held by that councillor:

a) Shares and securities in any company;
b) Membership of any close corporation;
c) Interest in any trust;
d) Directorships;
e) Partnerships;
f) other financial interests in any business undertaking;
g) employment and remuneration;
h) interest in property;
i) pension and
j) Subsidies, grants and sponsorships by any organisation.

(2) Any change in the nature or detail of the financial interests of a councillor must be declared in writing to the municipal manager"

by failing to disclose to Stellenbosch Municipality that you had received reimbursements for travelling expenses from the Safe House in Stellenbosch in the amount of R25 186, 00 in the financial year of the Safe House which ended on 31 March 2019.

Alternatively to the main charge above, it is alleged on the same facts that you have transgressed Item 2(b) of the Code, which requires that:

"A Councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised".

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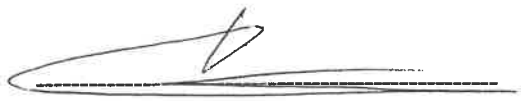
Further note that the hearing will be held *in camera* (meaning it will not be open for the public or for the media).

The Initiator in your hearing will be Adv Etienne Vermaak and he will lead evidence on behalf of the Municipality. Should you need to contact him, his e-mail address is evermaak@outlook.com.

Yours faithfully



Speaker

ACKNOWLEDGEMENT OF RECEIPT

I, Clr R du Toit, hereby acknowledge receipt of this Notice and the attached Charge Sheet.

SIGNATURE

26/03/2021

DATE

IN THE EVENT THAT THE COUNCILLOR SHOULD REFUSE TO SIGN AS ACKNOWLEDGEMENT OF RECEIPT

I, the undersigned, hereby confirm that the Councillor refused to sign the Notice as acknowledgement of receipt of the said Notice and the Charge Sheet when I attempted to serve these documents on her at the address stated in the Notice.

J

NAME

DATE

SIGNATURE

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APPENDIX 11

NOTICE OF THE DISCIPLINARY COMMITTEE MEETING @

CHARGE SHEET

A

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NOTICE OF DISCIPLINARY HEARING

Cllr Franklin Adams

26 March 2021

39 Whiteheart Street

Stellenbosch

Sir

NOTICE OF HEARING: INVESTIGATION INTO ALLEGED BREACH OF THE CODE OF CONDUCT FOR COUNCILLORS

You are hereby given notice in terms of Item 14 of the Code of Conduct for Councillors ('the Code") to attend a disciplinary hearing to answer to allegations of breaches of the Code.

The alleged breaches are contained in the Charge Sheet attached hereto. Council reserves the right to amend or to extend the charges against you before you plead to such charges and should this be necessary, you will be informed in writing thereof.

The hearing will be held in the Council Chamber on 6 April 2021 at 10.00.

You have the following rights:

1. To be informed of the charges against you;
2. To be present at the hearing;
3. To be represented by a representative of your choice at your own costs;
4. To request additional information from the Initiator that you may require to prepare for the hearing, excluding information/documentation that are protected by legal privilege and/or the provisions of the Promotion of Access to Information Act, No 2 of 2000;
5. To cross-examine the witnesses for the Council;
6. To present your case and call witnesses to testify on your behalf. It is your responsibility to ensure that your witnesses are present at the disciplinary hearing;
7. To present evidence in mitigation should you be found guilty of any charge/charges;
8. To be notified in writing of the decision and of the sanction /penalty imposed as well as the reasons therefore, if applicable;
9. To appeal to the MEC for Local Government against the imposition by Council of a sanction of a warning, reprimand or a fine, within 14 days of notification of the decision of the Council (see Item 14(3) of the Code).

If you do not attend and if you cannot give reasonable grounds for failing to attend the hearing, the hearing may be held in your absence.

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OFFICE OF THE SPEAKER

CHARGE SHEET

To: Cllr Franklin Adams 25 March 2021

39 Whiteheart Street

Stellenbosch

It is alleged that you are guilty of the following breaches of the Code of Conduct for Councilors, Schedule 1 to the Local Government: Municipal Systems, Act No 32 of 2000:

CHARGE 1

It is alleged that you have transgressed Item 2(b) of the Code of Conduct for Councilors ("the Code"), which requires that:

"A Councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised"

by verbally abusing and/or threatening Mr. F Hoosain on 2 March 2018 in the main building of Stellenbosch Municipality in the area of the lift on the ground floor in that you have wrongfully accused him to be part of a group of people who do not want to give him a copy of the Contract of Employment of the Director: Corporate Services/ access to such document and in that you have threatened him with the words that "you will fokken see" (or words to the same effect).

Alternatively to the main charge above, it is alleged on the same facts that you have transgressed Item 2(a) of the Code, which requires that:

"A Councillor must perform the functions of office in good faith, honestly and in a transparent manner."

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CHARGE 2

It is alleged that you have transgressed Item 2(b) of the Code of Conduct for Councilors ("the Code"), which requires that:

"A Councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised"

by making offensive posts in respect of Adv. Gesie van Deventer on your Facebook page such as calling her "the visiting Mayor "and "Kesie", as well as making derogatory /unfounded comments about her in on your Facebook page in or about November 2018, such as that she had rewarded the alleged dishonest behavior of Cllr Crawley by promoting her to the Mayoral Committee after she had testified against you in a previous disciplinary hearing.

Alternatively to the main charge above, it is alleged on the same facts that you have transgressed Item 2(a) of the Code, which requires that:

"A Councillor must perform the functions of office in good faith, honestly and in a transparent manner."

CHARGE 3

It is alleged that you have transgressed Item 2(b) of the Code of Conduct for Councilors ("the Code"), which requires that:

"A Councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised"

by making an offensive post about Cllr A Frazenburg on your Facebook page in or about February 2019, such as stating that Cllr Frazenburg was previously dismissed

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Alternatively to the main charge above, it is alleged on the same facts that you have transgressed Item 10(1) of the Code, which requires that:

"A Councillor may not without the permission of the municipal council or a committee disclose any privileged or confidential information of the council or committee to any unauthorized person",

read with Item 10(2) (c) of the same Code which defines "privileged or confidential information "to include "a disclosure of which would violate a person's right to privacy."

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from the Mayoral Committee and that he is guilty of blackmailing the Executive Mayor with an affidavit about an alleged relationship between two Mayoral Committee members, in order to be reappointed on the Mayoral Committee.

Alternatively to the main charge above, it is alleged on the same facts that you have transgressed Item 2(a) of the Code, which requires that:

"A Councillor must perform the functions of office in good faith, honestly and in a transparent manner."

CHARGE 4

It is alleged that you have transgressed Item 2(b) of the Code of Conduct for Councilors ("the Code"), which requires that:

"A Councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised"

by making offensive posts about Cllr P Crawley by referring to her on your Facebook page on 16 June 2018 as "the blue devil" and as "one of the greatest witches"; by referring to her as "the other dishonest blue liar" on your Facebook page on 28 June 2018; by yet again referring to her as "another blue devil who migrated from KZN to Skelmbos", as "the dishonest blue devil who laid false charges against me" and as being "devious, ruthless and plain evil" in a post on your Facebook page on 7 November 2018 and by referring to her again as the "blue devil" again on your Facebook page on 11 May 2019,

Alternatively to the main charge above, it is alleged on the same facts that you have transgressed Item 2(a) of the Code, which requires that:

"A Councillor must perform the functions of office in good faith, honestly and in a transparent manner."

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CHARGE 5

It is alleged that you have transgressed Item 2(b) of the Code of Conduct for Councilors ("the Code"), which requires that:

"A Councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised"

by making offensive posts in respect of Ms. Annalene de Beer, the Director: Corporate Services of the Municipality, on your Facebook page in that you stated that she is "infamous" and by alleging that she "can't spell properly".

Alternatively to the main charge above, it is alleged on the same facts that you have transgressed Item 2(a) of the Code, which requires that:

"A Councillor must perform the functions of office in good faith, honestly and in a transparent manner."

CHARGE 6

It is alleged that you have transgressed Item 2(b) of the Code of Conduct for Councilors ("the Code"), which requires that:

"A Councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised"

by posting personal and/or confidential information about Ms. Annalene de Beer, the Director: Corporate Services of the Municipality, on your Facebook page, which infringed on her constitutional right to privacy and/or which compromised her safety.

CHARGE 1

Compliant by Mr. Fiaz Hoosain

Relevant bundle: Bundle A

P26: His E-mail to MM

P25: E-mail from MM to Speaker

P25: E-mail from speaker to MM

Hoosain copied in both bottom and top

P27: Letter from Speaker to Adams

P28: Reply from Speaker to Adams

P28: Reply from Adams without responding to compliant by Hoosain

P29: Speaker's Memo to MM to appoint an investigator 12 June 2018

P30: Follow-up letter from Speaker to MM on 17 July 2018

P33: Memo from Speaker to Clr. Adams dated 12 October 2018

P34: Sworn Affidavit by Mr. Hoosain

P37: Statement by Bradley Dyers

P38: Memo from Speaker to MM requesting appointment of independent Investigator

P1-23: Report of Investigator

CHARGE 2

Compliant by Clr Gesie van Deventer

Relevant bundle: Bundle A

P31 - Memo from Mayor to Speaker dated 7 November 2018

P40: - Post of Adams: he refers to Major as "visiting Mayor (same post is more clear on page 58)

- says she rewarded dishonesty of Clr. Crawley by making her a Mayco member

P48: Refers to the Mayor as "Kesie" ("Kees is an Afrikaan term for a baboon)

P54: Adams again refers to the Mayor as "Keesie"

CHARGE 3

Compliant by Clr. Frazenburg

Relevant bundle: Bundle A

P13: of the report: Interview

P46: Compliant by Clr. Frazenburg dated 11 February 2019

P47: Post which offended Clr. Frazenburg

P49: Memo from Speaker to Clr Admas informing him of compliant by Clr. Frazenburg dated 19 February 2019

P50: E-mail to Clr. Adams with Memo of Speaker attached

P51: Confirmation of delivery of e-mail to Clr. Adams

P52: Memo from Speaker to MM requesting appointment of independent investigator

CHARGE 4

Compliant by Clr. Patricia Crawley

Relevant bundles: Bundle A and B

P53: Compliant by Clr. Crawley to the Speaker dated 13 May 2019

P54: Post by Clr. Adams on 11 May 2018 referring to Clr. Crawley as a "female blue devil"

P55: Post by Clr. Adams on 16 June 2018 calling Clr. Crawley "one of the biggest witches "(een van die grootste hekse")

P57: Post by Clr. Adams on 28 June 2018 referring to Clr. Crawley as a "dishonest blue liar" and a "dishonest blue devil"

P58: Post by Clr. F Adams on 7 November 2018 referring to Clr. Crawley as "another blue devil who migrated from KZN to Skelm bos".

and as "I never assaulted these blue devil from KZN"

and "The visiting mayor deemed it necessary to reward the dishonest blue devil who laid false charge against me"

and that she is "devious, ruthless and plain evil."

P59: Memo from Speaker to Clr. Adams requested response to compliant of Clr. Crawley dated 15 May 2019

P60: E-mail by Speaker's office with Memo as attachment to Clr. Adams on 15 May 2019

P61: Proof of delivery of e-mail by Speaker's office to Clr. Adams on 15 May 2019

P63: Follow-up Memo from speaker' office to Clr. Adams on 25 July 2019 as he did not respond to her Memo to him dated 15 May 2019

P62: Memo from speaker's Office to MM dated 3 June 2019 requesting appointment of investigator

P13: Interview with Clr. Crawley during investigation

Bundle B – see index to bundle B

CHARGE 5

Compliant by Ms Annalene de Beer

Relevant bundle: Bundle A

P64: E-mail from MM to the Speaker informing Speaker of post by Clr. Adams about Ms. De Beer on 18 February 2019

P65: Post by Clr Adams on 18 February 2019 about Ms. De Beer, referring to her as "infamous Beertjie"

and that she "can't even spell properly"

CHARGE 6

Compliant by Ms. Annalene de Beer

Relevant bundle: Bundle A

P65-67 Photos of post of parts of Ms. De Beers CV as part of her application for the position of Director: Corporate services, including confidential information

18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR

18.1	CHANGES TO THE PORTFOLIO COMMITTEE CHAIRPERSONS, MEMBERS OF PORTFOLIO COMMITTEES AND THE LLF (LOCAL LABOUR FORUM)

Collaborator No:
IDP KPA Ref No: **Good governance and Compliance**
Meeting Date: **28 July 2021**

1. SUBJECT: CHANGES TO THE PORTFOLIO COMMITTEE CHAIRPERSONS, MEMBERS OF PORTFOLIO COMMITTEES AND THE LLF (LOCAL LABOUR FORUM)

2. PURPOSE OF REPORT

(a) To approve the changes to members of the section 80 committees and LLF.

(b) To note the replacement of the late councilor Manie Pietersen as Chairperson of the Youth, Sport and Culture committee with councilor Jeremy Fasser.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The Executive Mayor, in terms of Section 60 of the Municipal Structures Act 117 of 1998 reshuffled her Mayoral Committee after the passing of the late councillor Manie Pietersen.

During January 2021, councillors Derrick Hendrickse and Manie Pietersen passed away, and Cllr Hendrickse was replaced by Cllr Clint Davidse, and Cllr Roy van Rooyen replaced Cllr Manie Pietersen [IEC appointment letters as **APPENDIX 1**].

Councillor Jeremy Fasser was also appointment by the Executive Mayor, in terms of section 60(1) of the Municipal Structures Act, no 117 of 1998 and Regulations, as the new Mayoral Committee member in the place of Cllr Manie Pietersen on 18 February 2021 [Appointment letter of Cllr Fasser as Mayco member as **APPENDIX 2**]. All this lead to vacancies on section 80 committees.

Councillor J Kleynhans also replaced ex-councillor F Adams as representative of the DNCA from 4 June 2021, after the resignation of ex-councillor Adams on 31 May 2021, but the letter of resignation was submitted on 27 April 2021 [IEC appointment letter as **APPENDIX 3**].

Councillor E Fredericks was appointed on MPAC by Council on 5 February 2019. She forfeited her seat on the LLF from that date. Councillor A Frazenburg has informally replaced Cllr Fredericks but his official appointment as an Employer Representative must be approved.

5. RECOMMENDATIONS

(a) that it BE NOTED that the Executive Mayor has appointed the following Mayco members as Chairpersons of the Section 80 Committees –

Human Settlements
Deputy Mayor Nyaniso Jindela

Financial Services
Cllr Patricia Crawley

Parks, Open Spaces and Environment
Cllr Xoliswa Mdemka

Planning and Economic Development And Tourism
Cllr Esther Groenewald

Youth, Sports and Culture
Cllr Jeremy Fasser

Rural Management
Cllr Salie Peters

Community and Protection Services
Cllr Rikus Badenhorst

Infrastructure Services
Cllr Quintin Smit

Corporate Services
Cllr Aldridge Frazenburg

(b) that Council approves the appointment of Cllrs R van Rooyen, C Davidse and J Kleynhans to the respective Section 80 Committees as per **APPENDIX 4** [Section 80 committees]; and

(c) that Council approves the appointment of Cllr Frazenburg as an Employer Representative on the LLF in the place of Cllr E Fredericks [**APPENDIX 4**].

6. DISCUSSION/CONTENT

6.1 BACKGROUND

Council, at an Urgent meeting held on 16 February 2017, appointed the Section 80 Committees in line with legislation. The Executive Mayor appointed her Mayoral Committee and Council noted the chairpersons of the respective committees in line with Section 80 of the Municipal Structures Act.

As members on the Mayoral Committee change, it brings about changes to portfolio committee chairpersons. Councilors also are replaced from time to time and members of the section 80 committees therefore change and Council has to approve the replacement of members on the committees.

During January 2021, councillors Derrick Hendrickse and Manie Pietersen passed away, and Cllr Hendrickse was replaced by Cllr Clint Davidse, and Cllr Roy van Rooyen replaced Cllr Manie Pietersen [IEC appointment letters as **APPENDIX 1**].

Councillor Jeremy Fasser was also appointed by the Executive Mayor, in terms of section 60(1) of the Municipal Structures Act, no 117 of 1998 and Regulations, as the

new Mayoral Committee member in the place of Cllr Manie Pietersen on 18 February 2021 [Appointment letter of Cllr Fasser as Mayco member as **APPENDIX 2**]. All this lead to vacancies on Section 80 Committees.

Councillor J Kleynhans also replaced ex-councillor F Adams as representative of the DNCA from 4 June 2021, after the resignation of ex-councillor Adams on 31 May 2021, but the letter of resignation was submitted on 27 April 2021 [IEC appointment letter as **APPENDIX 3**].

It is herewith required that Council notes the change in chairpersons of the Section 80 Committees, and approves the appointment of the new councilors to the respective Section 80 Committees and the LLF.

6.2 FINANCIAL IMPLICATIONS

As per the approved budget.

6.3 LEGAL IMPLICATIONS

The recommendations comply with legislation and Council policies.

6.4 STAFF IMPLICATIONS

No additional staff implications.

6.5 PREVIOUS / RELEVANT COUNCIL RESOLUTIONS:

Item 5.1: Urgent Council meeting held on 16 February 2017.

Item 13.2.1: 21st Council meeting held on 31 October 2018.

Item 13.2.1: 24th Council meeting held on 27 February 2019.

Item 18.1: 34th Council meeting held on 29 January 2020

6.6 RISK IMPLICATIONS

Addressed through the content of the item.

6.7 COMMENTS FROM SENIOR MANAGEMENT:

The report was not circulated for comment. The Executive Mayor discusses relevant issues with the Municipal Manager who takes up actions with the Directors directly.

ANNEXURES:

Annexure 1: IEC appointment letters

Annexure 2: Appointment letter of Cllr Fasser as Mayco member

Annexure 3: IEC appointment letter

Annexure 4: Section 80 Committees

FOR FURTHER DETAILS CONTACT:

NAME	Donovan Muller
POSITION	*Manager: Council Support*
DIRECTORATE	*Corporate Services*
CONTACT NUMBERS	*021 808 8314*
E-MAIL ADDRESS	Donovan.Muller@stellenbosch.gov.za
REPORT DATE	*2021-07-19*

ANNEXURE 1

SOUTH AFRICA

Memorandum

To: The Municipal Manager: Stellenbosch Local Municipality

From: B Heuvel

CC: G Abrahams; C Sampson; D Marco; B Mbeleni; K Simelane

Date: 27 January 2021

Re: **Replacement of Democratic Alliance (DA) PR Councillor Pietersen: WC024 – Stellenbosch Local Municipality**

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

Please be advised that as prescribed in item 18 of Schedule 1 of the Municipal Structures Act, 1998 (Act. No. 117 of 1998), that **Roy Benjamin Van Rooyen, ID No. 560123 5113 081,** being the candidate at the top of the party list for the **Democratic Alliance (DA)** has been declared elected to **Stellenbosch Local Municipality.**

Councillor **Van Rooyen** replaces **Manie Marthinus Pietersen, ID No. 561127 5133 089,** who ceased to hold office of Councillor in the municipality.

Sincerely

B Heuvel
Manager: Voter Registration & Party Liaison

SOUTH AFRICA

Memorandum

To: The Municipal Manager: Stellenbosch Local Municipality

From: B Heuvel

CC: G Abrahams; C Sampson; D Marco; B Mbeleni; K Simelane

Date: 28 January 2021

Re: **Replacement of the Economic Freedom Fighters (EFF) PR Councillor Hendrickse: WC024 – Stellenbosch Local Municipality**

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

Please be advised that **Clint Haus Davidse, ID No. 761018 5172 086,** being the candidate at the top of the party list for the **Economic Freedom Fighters (EFF)** has been declared elected to **Stellenbosch Local Municipality,** as prescribed in item 18 of Schedule 1 of the Municipal Structures Act, 1998 (Act. No. 117 of 1998).

Councillor **Davidse** replaces **Derrick Athur Hendrickse, ID No. 650112 5220 088,** who ceased to hold office of Councillor in the municipality.

Sincerely

B Heuvel
Manager: Voter Registration & Party Liaison

Electoral Commission

Ensuring Free and Fair Elections

Commissioners: Mr V.G. Mashinini (Chairperson) | Ms J.Y. Love (Vice-Chairperson) | Dr N.P. Masuku | Mr M. Moepya | Judge D. Pillay
National Office: Election House, Riverside Office Park, 1303 Heuwel Avenue, Centurion, 0157 | P/Bag X112, Centurion, 0046
info@elections.org.za | www.elections.org.za
Tel (+27) 12 622 5700 | Fax (+27) 622 5784

ANNEXURE 2

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OFFICE OF THE EXECUTIVE MAYOR

MEMORANDUM TO	:	MS G METTLER – MUNICIPAL MANAGER
MEMORANDUM FROM	:	ADV GMM VAN DEVENTER – EXECUTIVE MAYOR
REFERENCE NUMBER	:	3/9/R
DATE	:	22 FEBRUARY 2021

APPOINTMENT OF CLLR J FASSER – MAYORAL COMMITTEE

PURPOSE

To inform the Municipal Manager of the appointment of Cllr J Fasser as the Mayoral Committee member for Sport, Youth and Culture.

BACKGROUND

Cllr M Pietersen passed away on 7 January 2021, leaving vacant the Portfolio of Youth, Sport and Culture on the Mayoral Committee. In terms of section 60(1) of the Municipal Structures Act, no 117 of 1998 and Regulations, Cllr Jeremy Fasser, ID no 7708135611086, is appointed as the new Mayoral Committee member in the portfolio Sport, Youth and Culture. This appointment was made on 18 February 2021.

I trust that the necessary arrangements will be made with HR to ensure the relevant payment arrangements are put in order.

Your co-operation will be appreciated.

Kind regards

Adv. GMM van Deventer
EXECUTIVE MAYOR
Date: 2021-02-23

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14 Plein Street, Stellenbosch, 7600 • PO Box 17, Stellenbosch, 7599
mayor@stellenbosch.gov.za
www.stellenbosch.gov.za

ANNEXURE 3

SOUTH AFRICA

Memorandum

To: The Municipal Manager: Stellenbosch Local Municipality

From: B Heuvel

CC: G Abrahams; M Hendrickse; D Marco; B Mbeleni; K Tshoke

Date: 04 June 2021

Re: **Replacement of Democratic New Civic Association (DNCA) PR Councillor Adams: WC024 – Stellenbosch Local Municipality**

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

---

Please be advised that as prescribed in item 18 of Schedule 1 of the Municipal Systems Act, 1998 (Act. No. 117 of 1998), that **Joanne Kleynhans, ID No. 700914 0070 081,** being the candidate at the top of the party list for the **Democratic New Civic Association (DNCA)** has been declared elected to **Stellenbosch Local Municipality**.

Councillor **Kleynhans** replaces, **Franklin Adams, ID No. 671217 5112 089,** who ceased to hold office of Councillor in the municipality.

Sincerely

B Heuvel
Manager: Voter Registration and Party Liaison

ANNEXURE 4

SECTION 80 COMMITTEES

EFFECTIVE FROM: 2019-02-27 (Council Resolution 13.2.1 on 2019-02-27 / 10.1.1 on 2019-11-27/ 18.1 on 2020-01-29)

COMMUNITY & PROTECTION SERVICES			CORPORATE SERVICES			FINANCIAL SERVICES		
1.	**R BADENHORST (Chairperson)**	DA	1.	**AR FRAZENBURG (Chairperson)**	DA	1.	**PR CRAWLEY (Ms) (Chairperson)**	DA
2.	JK Hendriks	DA	2.	FT Bangani-Menziwa (Ms)	ANC	2.	A Florence	DA
3.	C Manuel	DA	3.	Z Dalling (Ms)	DA	3.	J Hamilton	DA
4.	N Olayi	DA	4.	R Du Toit (Ms)	DA	4.	RS Nalumango (Ms)	ANC
5.	P Sitshoti (Ms)	ANC				5.	MD Oliphant	ANC
6.	LL Stander	ANC						

HUMAN SETTLEMENTS			INFRASTRUCTURE			PARKS, OPEN SPACES AND ENVIRONMENT		
1.	**N JINDELA (Chairperson)**	DA	1.	**Q SMIT (Chairperson)**	DA	1.	**XL MDEMKA (Ms) (Chairperson)**	DA
2.	G Cele (Ms)	ACDP	2.	C Moses (Ms)	ANC	2.	J Kleynhans (Ms) [replacing cllr F Adams]	DNCA
3.	A Crombie (Ms)	DA	3.	AJ Hanekom	DA	3.	Ald JP Serdyn (Ms)	DA
4.	LK Horsband (Ms)	EFF	4.	NE Mcombring (Ms)	DA	4.	E Vermeulen (Ms)	DA
5.	DD Joubert	DA	5.	Ald JP Serdyn (Ms)	DA			

PLANNING & ECONOMIC DEVELOPMENT			RURAL MANAGEMENT AND TOURISM			YOUTH, SPORT & CULTURE		
1.	**E GROENEWALD (Ms) (Chairperson)**	DA	1.	**SA PETERS (Chairperson)**	DA	1.	**J FASSER (Chairperson) [replacing late cllr M Pietersen]**	DA
2.	R van Rooyen [replacing cllr J Fasser]	DA	2.	A Crombie (Ms)	DA	2.	R Du Toit (Ms)	DA
3.	T Gosa	DA	3.	JK Hendriks	DA	3.	C Davidse [replacing late cllr D Hendrickse]	EFF
4.	AJ Hanekom	DA	4.	LK Horsband (Ms)	EFF	4.	N Sinkinya (Ms)	ANC
5.	RS Nalumango (Ms)	ANC				5.	E Vermeulen (Ms)	DA

LOCAL LABOUR FORUM		
1.	E Groenewald (Ms)	DA
2.	R du Toit (Ms)	DA
3.	AR Frazenburg	DA
4.	LK Horsband (Ms)	EFF
5.	XL Mdemka (Ms)	DA
6.	RS Nalumango (Ms)	ANC

19.	MATTERS TO BE CONSIDERED IN–COMMITTEE

SEE IN-COMMITTEE DOCUMENTATION

THE AGENDA HAS BEEN DISCUSSED WITH THE SPEAKER, CLLR WC PETERSEN (MS), AND SHE AGREES WITH THE CONTENT.