STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2021-11-12

NOTICE OF THE FIRST MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY MONDAY, 2021-11-15 AT 10:00

TO **ALL COUNCILLORS**

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 **FIRST MEETING** of the **COUNCIL** of **STELLENBOSCH MUNICIPALITY** will be held in the **TOWN HALL, PLEIN STREET, STELLENBOSCH** on **MONDAY, 2021-11-15** at **10:00** to consider the items on the Agenda.

MUNICIPAL MANAGER
MS G METTLER

A G E N D A

FIRST MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2021-11-15

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AGENDA **FIRST MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY** **2021-11-15**

1.	OPENING AND WELCOME: MUNICIPAL MANAGER

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 15 November 2021**

In terms of Section 29(2) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), the Municipal Manager must call the first meeting of a Council of a municipality within fourteen days after the Council has been declared elected.

The Municipal Manager will declare the meeting open and welcome all elected Councillors.

2.	CONSTITUTING OF MEETING AND REPRESENTATION ON COUNCIL: INTRODUCTION OF COUNCILLORS

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 15 November 2021**

1. SUBJECT: CONSTITUTING OF MEETING AND REPRESENTATION ON COUNCIL: INTRODUCTION OF COUNCILLORS

2. PURPOSE OF REPORT

For notification.

3. DELEGATED AUTHORITY

To formally introduce the newly elected Councillors.

4. EXECUTIVE SUMMARY

A schedule of the outcome of the elections held on 2021-11-01, received from the IEC, is attached hereto as **APPENDIX 1**.

The Municipal Manager will introduce all elected Councillors.

5. RECOMMENDATION

that cognisance be taken of the results of the election held on 2021-11-01.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*10 November 2021*

ITEM 2

SCHEDULE OF THE OUTCOME OF THE ELECTIONS HELD ON 2021-11-01

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Province	Municipality	Party	Ward \ List Order	Surname	Full Name	SeatType
Western Cape	WC023 - Drakenstein	DEMOCRATIC ALLIANCE	PR(9)	SMUTS	REAN	LC PR
Western Cape	WC023 - Drakenstein	DEMOCRATIC ALLIANCE	PR(10)	CYSTER	LORRAINE	LC PR
Western Cape	WC023 - Drakenstein	ECONOMIC FREEDOM FIGHTERS	PR(1)	ZOYA	NOMZAMO	LC PR
Western Cape	WC023 - Drakenstein	GOOD	PR(1)	DE VILLIERS	PETER THOMAS	LC PR
Western Cape	WC023 - Drakenstein	GOOD	PR(2)	ARENDSE	EDGAR GERADES	LC PR
Western Cape	WC023 - Drakenstein	GOOD	PR(3)	DANIELS	JENNIFER VIVIAN	LC PR
Western Cape	WC023 - Drakenstein	GOOD	PR(4)	KULSEN	GAVIN	LC PR
Western Cape	WC023 - Drakenstein	INDEPENDENT CIVIC ORGANISATION OF SOUTH AFRICA	PR(1)	NELL	RODNEY HEINREICH	LC PR
Western Cape	WC023 - Drakenstein	PAN AFRICANIST CONGRESS OF AZANIA	PR(1)	MBENENGE	MORRIS	LC PR
Western Cape	WC023 - Drakenstein	PATRIOTIC ALLIANCE	PR(1)	MATTHEE	LEANDRA CHAMANEY	LC PR
Western Cape	WC023 - Drakenstein	VRYHEIDSFRONT PLUS	PR(1)	FOURIE	ANDREW	LC PR
Western Cape	WC023 - Drakenstein	VRYHEIDSFRONT PLUS	PR(2)	LANDSBERG	STEPHAN	LC PR
Western Cape	WC023 - Drakenstein	VRYHEIDSFRONT PLUS	PR(3)	DU PLESSIS	ADRIAAN JOHANNES	LC PR
Western Cape	WC024 - Stellenbosch	AFRICAN CHRISTIAN DEMOCRATIC PARTY	PR(1)	JOOSTE	OTNIEL LINDEN	LC PR
Western Cape	WC024 - Stellenbosch	AFRICAN NATIONAL CONGRESS	10204012	TOMOSE	AYANDA	LC ward
Western Cape	WC024 - Stellenbosch	AFRICAN NATIONAL CONGRESS	10204013	NKOPANE	MARY	LC ward
Western Cape	WC024 - Stellenbosch	AFRICAN NATIONAL CONGRESS	10204014	DANANA	MAXWELL MASOMELELE	LC ward
Western Cape	WC024 - Stellenbosch	AFRICAN NATIONAL CONGRESS	10204015	MASIMINI	ELLIOT PHAKAMISA	LC ward
Western Cape	WC024 - Stellenbosch	AFRICAN NATIONAL CONGRESS	PR(1)	NALUMANGO	RONALDA SCHIVONNE	LC PR
Western Cape	WC024 - Stellenbosch	AFRICAN NATIONAL CONGRESS	PR(2)	NTSUNGUZI	NOMBULELO	LC PR
Western Cape	WC024 - Stellenbosch	AFRICAN NATIONAL CONGRESS	PR(3)	RATAZA	MONWABISI GREGORY	LC PR
Western Cape	WC024 - Stellenbosch	AFRICAN NATIONAL CONGRESS	PR(4)	MANANGA-GUGUSHE	NOKUTHULA	LC PR
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	10204001	PHEIFFER	REGINALD OLIVER	LC ward
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	10204002	PETERSEN	WILHELMINA CHRISTINA	LC ward
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	10204003	MANUEL	CHARLES	LC ward
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	10204004	ADAMS	RALPHTON ANTONY	LC ward
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	10204005	VAN ROOYEN	ROY BENJAMIN	LC ward
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	10204006	MC OMBRING	NATESHIA ELEANOR	LC ward
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	10204007	FERNS	ANNEMARIE	LC ward
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	10204008	VAN WYK	CARLI ANDREA	LC ward
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	10204009	DALLING	ZELDA JULIA	LC ward
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	10204010	DU TOIT	ROZETTE	LC ward
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	10204011	SERDYN	JOHANNA PETRONELLA	LC ward
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	10204016	VERMEULEN	ELSABE	LC ward
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	10204017	JOHNSON	PETER	LC ward
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	10204018	ANTHONY	JOHN CORNELIUS	LC ward
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	10204019	WILLIAMS	JAMES	LC ward
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	10204020	JOON	JOSEPH	LC ward
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	10204021	BADENHORST	FREDERIK JACOBUS	LC ward
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	10204022	GROENEWALD	ESTHER	LC ward
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	10204023	NKAMISA	LWANDO	LC ward
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	PR(1)	VAN DEVENTER	GESINA MARIA MAGDALENA	LC PR
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	PR(2)	FASSER	JEREMY SHAUN	LC PR
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	PR(3)	SMIT	QUINTIN	LC PR
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	PR(4)	HANEKOM	ALWYN JACOBUS NICOLAAS	LC PR
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	PR(5)	CROMBIE	ANSAAF	LC PR
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	PR(6)	KALIPA	XOLILE	LC PR
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	PR(7)	CRAWLEY	PATRICIA ROSE	LC PR
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	PR(8)	MDEMKA	XOLISWA LEONORA	LC PR
Western Cape	WC024 - Stellenbosch	DEMOCRATIC ALLIANCE	PR(9)	OLAYI	NDIPIWE	LC PR
Western Cape	WC024 - Stellenbosch	ECONOMIC FREEDOM FIGHTERS	PR(1)	NDALASI	ZOLA RUDOLPH	LC PR
Western Cape	WC024 - Stellenbosch	ECONOMIC FREEDOM FIGHTERS	PR(2)	MKHONTWANA	NOMONDE MONICA	LC PR
Western Cape	WC024 - Stellenbosch	GOOD	PR(1)	NOBLE	CHRISTIE DEON	LC PR
Western Cape	WC024 - Stellenbosch	GOOD	PR(2)	HENDRIKSE	ROBIN BONNITA	LC PR
Western Cape	WC024 - Stellenbosch	GOOD	PR(3)	VAN STADE	MARIUS	LC PR
Western Cape	WC024 - Stellenbosch	PATRIOTIC ALLIANCE	PR(1)	ANDREWS	JOHANNES	LC PR
Western Cape	WC024 - Stellenbosch	PEOPLE'S DEMOCRATIC MOVEMENT	PR(1)	PIETERSEN	WILFRED FREDRICK	LC PR
Western Cape	WC024 - Stellenbosch	VRYHEIDSFRONT PLUS	PR(1)	DE TAILLEFER	ISABELLE	LC PR
Western Cape	WC025 - Breede Valley	AFRICAN CHRISTIAN DEMOCRATIC PARTY	PR(1)	MANUEL	TONY SAMUEL	LC PR
Western Cape	WC025 - Breede Valley	AFRICAN NATIONAL CONGRESS	10205001	JOHNSON	RUSSEL THEONEEL	LC ward
Western Cape	WC025 - Breede Valley	AFRICAN NATIONAL CONGRESS	10205002	NYITHANA	CYNTHIA TYUKIE	LC ward
Western Cape	WC025 - Breede Valley	AFRICAN NATIONAL CONGRESS	10205003	RALEHOKO	OSCAR	LC ward
Western Cape	WC025 - Breede Valley	AFRICAN NATIONAL CONGRESS	10205008	WILLIAMS	MIEMIE THANDIWE	LC ward

3.	APPLICATION FOR LEAVE OF ABSENCE

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 15 November 2021**

In accordance with existing protocols, application for leave of absence from a meeting must be submitted in writing to the Council Whip/the Speaker, or in their absence, to the Office of the Municipal Manager. The appropriate form is **APPENDED.**

ITEM 3

APPLICATION FOR LEAVE OF ABSENCE FORMS FOR COUNCILLORS

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

TO: _____

FROM: Alderman/ Councillor _____

RE: **APPLICATION FOR LEAVE OF ABSENCE**

DATE FROM : _____

DATE TO : _____

REASON FOR ABSENCE

_____

_____

_____

_____

_____

_____

_____ _____

SIGNATURE **DATE**

(Items 3 & 4 of schedule 2 (Code of Conduct for Councillors) and Clause 21 of the Rules of Order By-Law adopted by Council on 2019/07/24)

4.	NOTICES AND COMMUNICATIONS: MUNICIPAL MANAGER

4.1	TYPE OF MUNICIPALITY: PROVISION OF FULL-TIME POLITICAL OFFICE BEARERS AS PER SECTION 12 ESTABLISHMENT NOTICE

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 15 November 2021**

1. SUBJECT: TYPE OF MUNICIPALITY: PROVISION OF FULL-TIME POLITICAL OFFICE BEARERS AS PER SECTION 12 ESTABLISHMENT NOTICE

2. PURPOSE OF REPORT

To inform Council of the Type of Municipality for Stellenbosch Municipality as per the Establishment Notice.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The MEC in the Western Cape determines the type of Municipality and who may be determined as full-time Councillors. This is published in the establishment notice. The Principal Establishment Notice dated 22 September 2000 is attached as **APPENDIX 1.** The Stellenbosch Municipality (WCO24) Establishment Ninth Amendment Notice dated 15 October 2021 is attached as **APPENDIX 2.**

5. RECOMMENDATION

that cognisance be taken that in terms of the Section 12 Notice, Stellenbosch Municipality is a Type 9 (d) municipality, namely a municipality with an Executive Mayoral System with a Ward Participatory System, it has 45 (forty five) Councillors of which 23 (twenty three) are Ward Councillors (in its 23 wards), and 22 (twenty two) are proportionally elected councillors, and Stellenbosch Municipality has an Executive Mayoral Committee consisting of 9 members besides the Executive Mayor and the Deputy Executive Mayor.

6. DISCUSSION AND BACKGROUND

6.1 LEGAL FRAMEWORK

6.1.1 Types of category B Municipalities

In terms of Section 9 of the Local Government: Municipal Structures Act, 117/1998, there are the following types of category B municipalities:

(a) a municipality with a collective executive system;

(b) a municipality with a collective executive system combined with a ward participatory system;

(c) a municipality with a mayoral executive system;

(d) a municipality with a mayoral executive system; combined with a ward participatory system;

(e) a municipality with a plenary executive system; and

(f) a municipality with a plenary executive system; combined with a ward participatory system.

6.1.2 Determination of types for provinces

In terms of Section 11 of the Structures Act, provincial legislation must determine for each category of municipality the different types of municipality that may be established in that category in the province.

In terms of the Western Cape Determination of types of municipalities Act, Act 9 of 2000, as amended by Amendment Act 4 of 2002, all the type of category B municipalities as set out in Section 9 of the Structures Act, (*supra*) may be established in the Province.

6.1.3 Establishment notice

In terms of Section 12 of the Structures Act, the MEC for Local Government in a Province, by notice in the Provincial Gazette, must establish a municipality in each municipal area which the Demarcation Board demarcates in the province in terms of the Demarcation Act.

Such establishment notice must, *inter alia*, specify:-

- the type of municipality that is established;
- the number of Councillors as determined in terms of Section 20; and
- which Councillors of the municipality (if any) may be designated as full-time in terms of Section 18.

In terms of Section 16 of the Structures Act, the MEC for Local Government in a Province, by notice in the Provincial Gazette, may amend a Section 12 notice to, *inter alia,*

- change the municipality from its existing type to another type;
- specify which Councillors of the municipality (if any) may be designated as full-time in terms of Section 18; and
- alter the number of Councillors.

In terms of the Stellenbosch Municipality (WCO24) Establishment Notice, read with the subsequent amendment notices:-

(a) Stellenbosch Municipality is a municipality with a mayoral executive system combined with a ward participatory system, as provided for in Section 9 (d) of the Municipal Structures Act;

(b) Stellenbosch Municipality has 45 Councillors; and

(c) Stellenbosch Municipality may designate the following Councillors as full-time Councillors:-

- the Executive Mayor;
- the members of the Mayoral Committee;
- the Speaker;
- Single Whip; and
- the Chairperson of MPAC (Municipal Public Accounts Committee).

Attached as **APPENDIX 1** is the Principal Establishment Notice dated 22 September 2000 as well as **APPENDIX 2** which is the Stellenbosch Municipality Establishment Notice amended as per Provincial Gazette no. 8505, 15 October 2021, P.N 118/2021.

The Provincial Gazette: no. 7460, dated 31 July 2015, attached as **APPENDIX 3** under Agenda Item 6.5, confirms the designation of the full-time councillors.

6.4 The Mayoral Committee must consist of the Deputy Executive Mayor and up to 9 (nine) members. The amount of members is determined by the need for effective and efficient government. These councillors may be full-time Councillors.

6.5 The Amendment Act (117/1998 amended as on 5 November 2021) refers to a Council Whip in Section 41(A) of the said Act. This Council Whip is also an Office Bearer.

Attached as **APPENDIX 2** is the Provincial Gazette: no. 7460, dated 31 July 2015, confirming the designation of the above as full-time councillors.

With reference to the status of the Deputy Executive Mayor, Section 60(2) of the Municipal Structures Act, 117 of 1998, states that "*the mayoral committee must consist of the deputy executive mayor (if any) and as many councillors as may be necessary for effective and efficient government, provided that no more than 20 per cent of the councillors or 10 councillors, whichever is the least, are appointed.*"

Hence, by virtue of section 60(2) of the Municipal Structures Act, a Deputy Executive Mayor must form part of the mayoral committee, if one is elected. Therefore, based on this legal provision, read with Item 9(b) of the Establishment Notice of Stellenbosch Municipality, the Deputy Executive Mayor of Stellenbosch Municipality is a full-time councillor as he/she is a member of the mayoral committee.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*10 November 2021*

ITEM 4

App 1

PRINCIPAL ESTABLISHMENT NOTICE DATED 22 SEPTEMBER 2000

P.N. 489/2000 22 September 2000

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998
(ACT 117 OF 1998)

Amended by:
Provincial Notice 675 dated 4 December 2000
Provincial Notice 456 dated 19 December 2002
Provincial Notice 184 dated 28 May 2003
Provincial Notice 11 dated 3 January 2006
Provincial Notice 117 dated 28 March 2008
Provincial Notice 55 dated 25 February 2011
Provincial Notice 283 dated 24 October 2014
Provincial Notice 261 dated 31 July 2015
Provincial Notice 114 dated 8 April 2016
Provincial Notice 118 dated 15 October 2021

ESTABLISHMENT OF THE STELLENBOSCH MUNICIPALITY (WCO24)

By virtue of the powers vested in me by section 12 and 14 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), I hereby give notice of the establishment of the Stellenbosch Municipality on the terms set out in the Schedule hereto.

Dated this 22nd day of September 2000.

P UYS, PROVINCIAL MINISTER OF LOCAL GOVERNMENT

SCHEDULE

Definitions and Interpretation

1. In this Schedule, unless the context otherwise indicates, the singular includes the plural and vice versa, the English text prevails in the event of an inconsistency between the different texts and a word or expression to which a meaning has been assigned in the Municipal Structures Act has the same meaning, and –

   (1) **"Bargaining Council"** means the Western Cape division of the South African Local Government Bargaining Council which has applied for registration as a bargaining council in terms of General Notice 1513/1999 as published in Government Gazette No. 20282 of 16 July 1999;

   (2) **"CEO"** means the chief executive officer of a disestablished municipality;

   (3) *(subsection (3) deleted by PN.184/2003)*

   (4) **"Constitution"** means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

   (5) **"disestablished municipalities"** means those existing municipalities disestablished in terms of section 3 of this Schedule;

(6) **"District Municipality"** means the Boland District Municipality, established in terms of section 4 of this Schedule;

(6A) **"District Municipality IMM"** means the interim municipal manager of the District Municipality;

(subsection (6A) inserted by PN.675/2000)

(6B) **"District Municipality Notice"** means Provincial Notice 486/2000 published in Provincial Gazette Extraordinary No. 5590 dated 22 September 2000;

(subsection (6B inserted by PN.675/2000)

(7) **"District Transformation forum"** means the Breede River/Winelands District Transformation Forum established in terms of the DTF Notice;

(8) **"DTF Notice"** means Provincial Notice 78/2000 published in Provincial Gazette Extraordinary No 5435 dated 10 March 2000;

(9) **"effective date"** means the commencement date of the election;

(10) **"election"** means the first general election of Municipal Councils after the commencement of the Constitution;

(11) **"inter-municipal budgetary transfers"** means the transfer of funds between municipalities to achieve revenue stability during the period of transition;

(12) **"interim municipal manager"** means the interim municipal manager of the Local Municipality appointed in terms of section 21(1) who from the effective date shall be the acting municipal manager of the Local Municipality, or the acting municipal manager or municipal manager of the Local Municipality appointed by the Municipal Council of the Local Municipality after the effective date;

(subsection (12) amended by PN.675/2000)

(13) **"Local Municipality"** means the Stellenbosch Municipality established in terms of section 4 of this Schedule;

(13A) **"mayoral executive system"** means a system which allows for the exercise of executive authority through an executive mayor in whom the executive leadership of the Municipality is vested and who is assisted by a mayoral committee;

(subsection (13A) inserted by PN.184/2003)

(14) **"Municipal Demarcation Act"** means the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998);

(15) **"Municipal Demarcation Board"** means the Municipal Demarcation Board established by section 2 of the Municipal Demarcation Act;

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

(16A) **"Municipal Structures Amendment Act"** means the Local Government: Municipal Structures Amendment Act, 2000 (Act 33 of 2000);

(subsection (16A) inserted by PN.675/2000)

(16B) **"National Minister"** means the national Minister responsible for local government;

(subsection (16B) inserted by PN.675/2000)

(17) **"Province"** means the Province of Western Cape;

(18) **"Provincial Minister"** means the member of the Cabinet of the Province of Western Cape responsible for local government;

(19) **"Rural Areas Act"** means the Rural Areas Act (House of Representatives), 1987 (Act 9 of 1987);

(19A) **"section 18 notice"** means a notice promulgated in terms of section 18 of the Municipal Structures Amendment Act;

(subsection (19A) inserted by PN.675/2000)

(19B) **"section 84(3) notice"** means a notice promulgated in terms of section 84(3) of the Municipal Structures Act;

(subsection (19B) inserted by PN.675/2000)

(19C) **"staff"** means all staff, including operational, managerial and support staff, and includes budgeted vacant posts but not unbudgeted vacant posts;

(subsection (19C) inserted by PN.675/2000)

(20) **"statutory plan"** means a plan required in terms of any legislation, including but not limited to, any structure plan, land use plan, zoning scheme, integrated development plan, water services plan, skills development plan and employment equity plan;

(21) **"trade unions"** means the Independent Municipal and Allied Trade Union and the South African Municipal Workers Union;

(21A) **"transfer process"** means the process as set out in this Schedule to effect the transfer of all staff, assets, liabilities and records of the disestablished municipalities to the District Municipality or the Local Municipalities, which process includes:-

(a) the identification of all staff, assets, liabilities and records to be transferred;

(b) the application of the principles for effecting transfer as set out in this Schedule;

(c) the allocation of every staff member, asset, liability and record to either the District Municipality or a Local Municipality, and

(d) the putting into operation of the transfer;

(subsection (21A) inserted by PN.675/2000)

(22) **"Transformation of Certain Rural Areas Act"** means the Transformation of Certain Rural Areas Act, 1998 (Act 94 of 1998);

(22A) **"ward participatory system"** means a system which allows for matters of local concern to wards to be dealt with by committees established for wards;

(subsection (22A) inserted by PN.184/2003)

(23) **"WECLOGO"** means the Western Cape Local Government Organisation, being the provincial organisation for the Western Cape recognised in terms of section 2(1)(b) of the Organised Local Government Act, 1997 (Act 52 of 1997).

Preamble

2.(1) On 3 March 2000 the Municipal Demarcation Board, acting in terms of section 21 of the Municipal Demarcation Act, determined the boundaries of the Municipality, as re□ected in the map appearing in Provincial Notice 69/2000 published in the Provincial Gazette Extraordinary No. 5431 of 3 March 2000 (A copy of the map is republished in Annexure "1" to this Schedule) and amended by Provincial Notice 478/2000 published in the Provincial Gazette Extraordinary No. 5587 of 18 September 2000 and Provincial Notice 258/2002 published in the Provincial Gazette Extraordinary No. 5922 dated 15 August 2002 and Provincial Notice 339/2013 published in the Provincial Gazette Extraordinary No. 7185 of 15 October 2013 read with Provincial Notice 417/2013 published in the Provincial Gazette Extraordinary No. 7209 of 10 December 2013, Provincial Notice 248/2013 published in the Provincial Gazette Extraordinary No. 7156 of 8 August 2013, Provincial Notice 1/2014 published in the Provincial Gazette No. 7217 dated 10 January 2014, Provincial Notice 63/2014 published in the Provincial Gazette No. 7236 dated 7 March 2014 and Provincial Notice 159/2014 published in the Provincial Gazette No. 7277 dated 13 June 2014 and Provincial Notice 657/2018 published in the Provincial Gazette No. 7968 dated 10 August 2018 read with Provincial Notice 124/2018 published in the Provincial Gazette Extraordinary No. 7987 dated 4 October 2018, Provincial Notice 91/2018 published in the Provincial Gazette Extraordinary No. 7942 dated 15 June 2018 and Provincial Notice 166/2018 published in the Provincial Gazette No. 8024 dated 14 December 2018.

(section (1) amended by PN.11/2006, PN 114/2016 and PN118/2021)

(2) The Provincial Minister, acting in terms of section 12(4) of the Municipal Structures Act, has:-

(a) given written notice of the proposed establishment of the Municipality to WECLOGO and to the disestablished municipalities by way of a circular letter dated 12 July 2000 and referenced AAO 509/1/4;

(b) consulted with WECLOGO and the disestablished municipalities;

(c) published particulars of this Notice in Provincial Notice 394/2000 published in Provincial Gazette Extraordinary No. 5571 dated 28 August 2000, and

(d) considered the comments received following the publication of the proposed Notice.

(3) The Provincial Minister has also considered the advice of the District Transformation Forum given to him in terms of section 11(2) of the DTF Notice.

(4) The Provincial Minister, acting in terms of section 12 and 14 of the Municipal Structures Act, as read with the Western Cape Determination of Types of Municipalities Act, 2000 (Act 9 of 2000), now gives notice of the establishment of the Local Municipality on the terms set out herein.

(5) The Provincial Minister, acting in terms of chapter 2 of the Municipal Structures Amendment Act as read with section 14(2)(b) of the Municipal Structures Act now gives notice of the regulation of the legal, practical and other consequences of the disestablishment of the disestablished municipalities, including:-

(a) the principles determining, and the process for, effecting the transfer of staff to the Local Municipality, which process will commence on the

publication date of this notice and will end on a date to be determined by the Provincial Minister;

(b) the principles determining, and the process for, effecting the transfer of assets, liabilities, rights and obligations and administrative and other records to the Local Municipality, which process will commence on the publication date of this notice and will end on a date to be determined by the Provincial Minister;

(c) the provision of transitional administrative arrangements for the period from the effective date to a date to be determined by the Provincial Minister to ensure continued service delivery and to ensure the integrity and financial viability of the Local Municipality.

(subsection (5) inserted by PN.675/2000)

Disestablishment of the Existing Municipalities

3.(1) With effect from midnight on the day before the effective date, the following municipalities shall be disestablished:-

(a) Municipality for the Area of Franschhoek, established in terms of Proclamation No. 20/1995 dated 31 January 1995;

(b) Nuweberg Transitional Representative Council, established in terms of Proclamation No. 18/1996 dated 26 April 1996, to the extent that its area is included within the boundaries of the Local Municipality as determined by the Municipal Demarcation Board and referred to in section 2(1);

(c) Paarl Transitional Representative Council, established in terms of Proclamation No. 18/1996 dated 26 April 1996, to the extent that its area is included within the boundaries of the Local Municipality as determined by the Municipal Demarcation Board and referred to in section 2(1);

(d) Pniel Transitional Local Council, established in terms of Proclamation No. 142/1994 dated 30 December 1994;

(e) Stellenbosch Transitional Local Council, established in terms of Proclamation No. 28/1995 dated 31 January 1995, and

(f) Stellenbosch Transitional Representative Council, established in terms of Proclamation No. 18/1996 dated 26 April 1996, to the extent that its area is included within the boundaries of the Local Municipality as determined by the Municipal Demarcation Board and referred to in section 2(1).

(2) The councillors of the disestablished municipalities must vacate their offices when the newly elected Council of the Local Municipality is declared elected and by midnight on that day must return to the CEO of the relevant disestablished municipality or his nominee any property in their possession which belongs to a disestablished municipality.

Establishment and Name

4. With effect from the effective date , a municipality shall be established, to be known in English as "Stellenbosch Municipality", in Afrikaans as "Munisipaliteit Stellenbosch" and in isiXhosa as "U Masipala waseStellenbosch".

Category

5. The Local Municipality is a local municipality as defined in section 1 of the Municipal Structures Act, being a municipality that shares municipal executive and legislative authority in its area with the District Municipality, and which is described in section 155(1) of the Constitution as a category B municipality.

Type

6. The Local Municipality is a municipality with a mayoral executive system combined with a ward participatory system as provided for in the Western Cape Determination of Types of Municipalities Act, 2000 (Act 9 of 2000), as amended by the Western Cape Determination of Types of Municipalities Amendment Act, 2002 (Act 4 of 2002).

(section 6 amended by PN.184/2003)

Boundaries

7. The boundaries of the Local Municipality shall be the boundaries determined by the Municipal Demarcation Board and referred to in section 2(1).

Number of Councillors and Wards

8.(1) The Municipal Council of the Local Municipality has 45 (forty - five) councillors, as determined by the Provincial Minister in Provincial Notice 85/2019 published in the Provincial Gazette Extraordinary No. 8137 dated 7 August 2019, of which 23 (twenty- three) are ward councillors and 22 (twenty-two) are proportionally elected councillors.

(2) The Municipality has 23 (twenty three) wards.

(section 8 amended by PN.11/2006, PN. 55/2011 and PN.118/2021)

Full-time Councillors

9. The Local Municipality may designate the following councillors as full-time councillors:-

(a) the executive mayor;

(b) the members of the mayoral committee;

(c) the speaker;

(d) a single whip appointed for Council, and

(e) Chairperson of Committee established in terms of section 79 (MPAC).

(section 9 amended by PN.456/2002, PN.184/2003, PN.283/2014 and PN.261/2015)

Functions and Powers

10. There will be no adjustment of the functions and powers of the Local Municipality in terms of section 85 of the Municipal Structures Act.

Exemptions

11. The Local Municipality is not exempted from any of the provisions of the Municipal Structures Act.

Principles determining the Transfer of Staff

12.(1) With effect from the effective date, and in accordance with the provisions of section 197 of the Labour Relations Act, 1995 (Act 66 of 1995):-

(a) all staff of the disestablished municipalities associated exclusively with functions to be carried out by the Local Municipality shall be transferred to the Local Municipality;

(b) all staff of the disestablished municipalities associated exclusively with functions to be carried out by the District Municipality (which shall include functions to be carried out by the District Municipality in a District Management Area) shall be transferred to the District Municipality;

(c) any member of staff of a disestablished municipality associated with one or more functions which, with effect from the effective date, will be fulfilled by the Local Municipality and the District Municipality, shall be transferred according to the function taking up the largest portion of such staff member's time;

(d) all staff of the disestablished municipalities not associated with a particular function of functions to be carried out by the Local Municipality and the District Municipality shall be transferred to either the Local Municipality or the District Municipality in proportions based on the total number of posts transferred in terms of paragraphs (a), (b) and (c);

(e) all un-budgeted vacant posts of the disestablished municipalities shall be abolished.

(2) Subject to any collective agreement, all the rights and obligations between the disestablished municipalities and each of their respective employees at the time of transfer shall continue in force as if they were rights and obligations between the Local Municipality or the District Municipality, as the case may be, and each of its employees, and anything done before the transfer by or in relation to the relevant disestablished municipality will be considered to have been done by or in relation to the Local Municipality or District Municipality, as the case may be.

(3) The transfer does not interrupt an employee's continuity of employment and it continues with the Local Municipality or District Municipality, as the case may be, as if with the relevant disestablished municipality.

(4) Subject to the human resource policies and procedures referred to in section 14(a) of this Schedule, any employee that is transferred to the Local Municipality, may be required to report to any of the offices of the Local Municipality and, unless otherwise agreed, will not be entitled to any additional remuneration as a result thereof.

(section 12 amended by PN.675/2000)

Process for Effecting the Transfer of Staff

12A.(1)Notwithstanding the provisions of section 12 and 16C, and pending the completion of the transfer process in terms of this section, all staff of the disestablished municipalities shall, to the extent necessary, be temporarily placed in the service of the Local Municipality, and accordingly all staff to be transferred to the District Municipality in terms of the provisions of sections 12 or 16C of this Schedule shall be deemed to be seconded to the Local Municipality in terms of an agency arrangement between the Local Municipality and the District Municipality to the effect that the Local Municipality will fulfill the function or functions with which the specific staff are associated on behalf of the District Municipality.

(2) In order to:-

(a) accommodate any transitional arrangements in terms of the Municipal Structures Amendment Act, or

(b) allow the Local Municipality and the District Municipality to enter into agreements, including operational agreements,

that may affect the transfer of staff in terms of this Schedule, no member of staff shall be finally allocated as provided for in subsection (4) before 30 June 2001, or such alternative date that may be determined by the Provincial Minister.

(3) On or before a date to be determined by the Provincial Minister every CEO must prepare a schedule of all staff of his or her disestablished municipality in accordance with a format prescribed by the Provincial Minister, must provisionally allocate each staff member and budgeted vacant post of his or her disestablished municipality in accordance with the principles set out in sections 12 and 16C, and must submit copies of the full schedule to the interim municipal manager and the District Municipality IMM.

(4) On or before a date to be determined by the Provincial Minister, but subject to subsection (2), the interim municipal manager, in consultation the District Municipality IMM, must:-

(a) consolidate the schedule(s) referred to in subsection (1) into a single schedule and must finally allocate in his or her discretion each staff member and budgeted vacant post listed in the consolidated schedule to either the Local Municipality or the District Municipality for transfer on the effective date, in accordance with the principles set out in section 12 and 16C or any agreement referred to in subsection (2);

(b) submit a copy of the schedule to the District Municipality IMM and obtain from the District Municipality IMM the copy of the schedule prepared by the District Municipality IMM, and

(c) consolidate the schedule referred to in paragraph (a) with the schedule received from the District Municipality IMM referred to in paragraph (b) into a single schedule reflecting all staff to be transferred to the Local Municipality.

(5) Notwithstanding the principles set out in section 12 and 16C, the interim municipal manager may, by agreement with the District Municipality IMM, adjust the allocation of staff in terms of subsection (2) to provide for a more effective overall allocation of staff between the Local Municipality and the District Municipality; provided that no such adjustment may be made after a member of staff has been notified in terms of subsection (8).

(6) Should any dispute with regard to the allocation of staff arise between the interim municipal manager and the District Municipality IMM such dispute must be referred to the Provincial Minister for determination by the Provincial Minister or his nominee in accordance with procedures determined by the Provincial Minister, and the decision of the Provincial Minister or his nominee shall be final and binding.

(7) The interim municipal manager shall, in writing, verify the consolidated schedule referred to in subsection (4)(c) and must submit the schedule to the Provincial Minister on or before a date to be determined by the Provincial Minister.

(8) After preparation of the single consolidated schedule referred to in subsection (4)(c), the interim municipal manager must furnish each prospective member of staff of the Local Municipality with a written notice informing such staff member that he or she is employed by the Local Municipality with effect from the effective date.

(9) Failure to receive the written notice referred to in subsection (8) shall not invalidate any transfer.

(10) Should any member of staff ('the objector") contend that his or her transfer has not been effected in accordance with the principles set out in section 12 and 16C, any agreement referred to in subsection (2), or the process set out in

this section, the objector may lodge a written objection with the interim municipal manager of the municipality to which he or she has been transferred within 14 days of being notified in terms of subsection (5). The interim municipal manager must refer the objection to the Provincial Minister for determination by the Provincial Minister or his nominee in accordance with procedures determined by the Provincial Minister, and the decision of the Provincial Minister or his nominee shall be final and binding.

(11)Pending a determination by the Provincial Minister or his nominee in terms of subsection (10) the objector shall be transferred to the municipality as determined in accordance with this section. Should the Provincial Minister or his nominee determine that the objector should have been transferred to another municipality the objector will be transferred to that municipality, and his or her transfer will be deemed to have taken place on the effective date in accordance with section 12 and 16C.

(12)Should any member of staff not be reflected in the schedule referred to in subsection (4)(a), or should any member of staff be allocated to more than one municipality with effect from the effective date, such member of staff must, immediately upon becoming aware of either of these facts, report to the interim municipal manager or the District Municipality IMM who must refer the matter to the Provincial Minister for determination by the Provincial Minister or his nominee in accordance with procedures determined by the Provincial Minister, and the decision of the Provincial Minister or his nominee shall be final and binding.

(13)On or before a date to be determined by the Provincial Minister the Local Municipality must approve a staff establishment for the Local Municipality in terms of relevant legislation and must submit a copy of the document setting out the staff establishment to the Transformation Sub-Chamber of the Bargaining Council; provided that the Local Municipality shall not finally approve a staff establishment for the Local Municipality before the interim municipal manager has verified the consolidated schedule in terms of subsection (7).

(14)On or before a date to be determined by the Provincial Minister, to the extent that agreement has not been reached before the effective date in terms of section 13(2) of this Schedule, the Local Municipality, as a member of the Transformation Sub-Chamber of the Bargaining Council, must endeavour to reach collective agreement in the Transformation Sub-Chamber of the Bargaining Council with the trade unions regarding the principles, procedures and criteria to be followed for making appointments to the posts flowing from the creation of a new organisational structure of the Local Municipality.

(15)On or before a date to be determined by the Provincial Minister the Local Municipality shall make appointments to the positions on the staff establishment in accordance with the principles, procedures and criteria agreed to in the Transformation Sub-Chamber of the Bargaining Council.

(section 12A inserted by PN.675/2000)

Collective Agreements

13.(1) Any collective agreement entered into:-

(a) at a national level, or

(b) at the Bargaining Council, or

(c) at a local level;

prior to the date of publication of this Schedule, shall remain of full force and effect until amended or terminated in accordance with the provisions of the relevant agreement.

(2) Before the effective date the disestablished municipalities, as members of the Transformation Sub-Chamber of the Bargaining Council, must endeavour to reach agreement with the trade unions regarding:-

(a) the process and criteria for the placement of staff into new organisational structures after the effective date;

(b) the process to be followed for the filling of new posts flowing from the creation of a new organisational structure for the Local Municipality;

(c) the adoption of terms and conditions of employment for the Local Municipality after the effective date, and

(d) any other labour matter relating to the establishment of the Local Municipality.

Human Resource Matters

14. Subject to any collective agreement:-

(a) the human resource policies and procedures of the Local Municipality shall be the human resource policies and procedures that existed prior to the effective date and continue to be applicable to all employees in the same manner as was the case prior to the effective date, subject to any amendment or repeal by the Local Municipality;

(b) the terms and conditions of employment of all employees of the Local Municipality shall be the terms and conditions of employment that applied to each employee prior to the effective date; provided that any employee appointed after the effective date shall be appointed on the terms and conditions of employment determined by the Local Municipality.

Consequences of Transition in Respect of Certain Staff Issues

15.(1) Subject to any collective agreement, an employee whose post is changed as a result of the transition will not be considered redundant for the purposes of any term or condition of employment or any pension fund rule that gives the employee the election to terminate his or her employment with benefits.

(2) The provisions of this section apply only if the employee unreasonably refuses to accept the Local Municipality's offer of alternative employment.

(3) For the purpose of this section, a change in post includes one or more of the following:-

(a) the post no longer exists;

(b) the post is disestablished;

(c) the employee is required to apply for the post;

(d) the functions and powers of the post are changed;

(e) there is a change in the identity of the employer;

(f) the post is made subject to different reporting lines;

(g) the post is described differently.

Legal Succession

16. With effect from the effective date:-

(1) the Local Municipality shall be the successor in law of the disestablished municipalities and the municipalities to be disestablished in terms of the District Municipality Notice in relation to the specific assets and liabilities allocated to the Local Municipality in terms of this Schedule.

(2) Subject to subsection (1) and section 16D of this Schedule, all rights and obligations of the disestablished municipalities not allocated in terms of this Schedule shall be allocated to the Local Municipality, and the Local Municipality shall be the successor in law of the disestablished municipalities in relation to such rights and obligations.

(3) All rates, revenue and other monies payable to or recoverable by any disestablished municipality shall be payable to and be recoverable by the successor in law to such disestablished municipality in accordance with the provisions of this Schedule.

(4) Notwithstanding the provisions of any applicable law, any valuation rolls in force or arising from the introduction of interim or additional valuations, as the case may be, within the area of the Local Municipality shall, subject otherwise to the provisions of such law, remain of force and effect until the introduction of a general valuation roll for the area of the Local Municipality.

(5) Notwithstanding subsection (1):-

(a) the Local Municipality shall be the successor in law of the disestablished municipalities with reference to the matters set out in the Transformation of Certain Rural Areas Act and the Rural Areas Act and, to that extent until transferred to an entity envisaged in section 3 of the Transformation of Certain Rural Areas Act:-

(i) land which is held in trust by the Minister for Agriculture and Land Affairs in terms of section 7 of the Rural Areas Act and which is subject to the provisions of section 3 of the Transformation of Certain Rural Areas Act will remain vested in the Minister for Agriculture and Land Affairs, and

(ii) land that has been acquired by the disestablished municipalities in terms of the Rural Areas Act and which is subject to the provisions of section 3 of the Transformation of Certain Rural Areas Act will vest in the Municipality with effect from the effective date;

(b) land referred to in paragraph (2)(a) shall, pending transfer in terms of section 3 of the Transformation of Certain Rural Areas Act, be managed by the Local Municipality in terms of the Rural Areas Act and the regulations made in terms of the Rural Areas Act.

(section 16 amended by PN.675/2000)

Principles determining the Transfer of Assets, Liabilities and Records

16A. With effect from the effective date:-

(1) All assets, liabilities and records of the disestablished municipalities associated exclusively with functions to be carried out by the Local Municipality shall be transferred to the Local Municipality.

(2) All assets, liabilities and records of the disestablished municipalities associated exclusively with functions to be carried out by the District Municipality (which shall include functions to be carried out by the District Municipality in a District Management Area) shall be transferred to the District Municipality.

(3) Any movable asset of one of the disestablished municipalities associated with one or more functions which, with effect from the effective date, will be fulfilled by the Local Municipality and the District Municipality, and which can be divided between them, shall be divided amongst them according to:-

(a) the percentage of actual time the particular asset is utilised for the function in each area;

(b) the percentage of actual time the particular asset is utilised for the function for the benefit of each party, or

(c) on any other basis approved by the Provincial Minister.

(4) All immovable assets of the disestablished municipalities associated with a function or functions to be carried out by the Local Municipality and the District Municipality, and all movable assets associated with a function or functions to be carried out by the Local Municipality and the District Municipality and which cannot be divided between them shall be transferred to the municipality that will be the major user of such asset, provided that any other municipality having an interest in such asset shall be entitled to continue to use such asset against payment of a proportional share of the costs and until its right of use is terminated by agreement.

(5) Notwithstanding the provisions of subsection (4), the Local Municipality and the District Municipality may agree to subdivide any immovable asset referred to in subsection (4) capable of subdivision or to divide any group of assets referred to in subsections (3) and (4) on an equitable basis, having regard to the nature and purpose served by such an asset or assets, as agreed between them, and to allocate each portion thereof in accordance with such agreement.

(6) All financial assets of the disestablished municipalities associated with a function or functions to be carried out by the Local Municipality and the District Municipality shall be equitably divided between them, having regard to the nature and purpose served by such an asset.

(7) All financial assets and liabilities of the disestablished municipalities not associated with a particular function shall be divided between the Local Municipality and the District Municipality on the following basis:-

(a) accumulated provisions for employee benefits, such as accumulated leave funds, shall be transferred, in the event that the provision can be linked to a specific employee in accordance with the transfer of that employee in terms of this Schedule, and in all other instances in proportion to the total salary and wages provision to be transferred to the Local Municipality and the District Municipality;

(b) reserves and provisions accumulated for a specific purpose shall be transferred on an equitable basis having regard to the nature and purpose served by each particular reserve or provision;

(c) reserves and accumulated surpluses of a general nature shall be divided between the Local Municipality and the District Municipality on one of the following bases:-

(i) in proportion to the most recent consolidated financial statements of the Local Municipality and the District Municipality;

(ii) any other basis approved by the Provincial Minister.

(8) All incorporeal assets of the disestablished municipalities associated with a function or functions to be carried out by the Local Municipality and the District Municipality shall be allocated to one municipality, provided that the other municipality with an interest in such incorporeal asset shall be entitled to:-

(a) equitable compensation, including financial, exchange or other compensation, as may be agreed, and

(b) continue to use such asset against payment of a proportional share of the costs until its right of use if terminated by agreement.

(9) All records of the disestablished municipalities associated with a function or functions to be carried out by the Local Municipality and the District Municipality and which cannot be divided between the said municipalities shall be allocated to one municipality according to the function to which the records are the most closely connected; provided that the other municipality shall have the right of access to such records and the right to obtain copies thereof.

(10)All liabilities of the disestablished municipalities associated with a function or functions to be carried out by the Local Municipality and the District Municipality shall be shared equitably between the Local Municipality and the District Municipality, taking account of the nature and purpose of the liability.

(11)All assets and liabilities of the disestablished municipalities, other than those referred to in subsection (7) not associated with a particular function, shall be transferred to the Local Municipality.

(section 16A. inserted by PN.675/2000)

The Process for Effecting the Transfer of Assets, Liabilities and Records

16B.(1)Notwithstanding the provisions of section 16A and 16C, and pending the completion of the transfer process in terms of this section, all assets, liabilities and records of the disestablished municipalities shall, to the extent necessary, be temporarily transferred to the Local Municipality, and accordingly all assets, liabilities and records to be transferred to the District Municipality in terms of the provisions of sections 16A or 16C of this Schedule shall be deemed to be transferred to the Local Municipality in terms of an agency arrangement between the Local Municipality and the District Municipality to the effect that the Local Municipality will fulfill the function or functions with which the specific assets, liabilities and records are associated on behalf of the District Municipality.

(2) In order to:-

(a) accommodate any transitional arrangements in terms of the Municipal Structures Amendment Act, or

(b) allow the Local Municipality and the District Municipality to enter into agreements, including operational agreements,

that may affect the transfer of assets, liabilities and records in terms of this Schedule, no asset, liability or record shall be finally allocated as provided for in subsection (4) before 30 June 2001, or such alternative date that may be determined by the Provincial Minister.

(3) On or before a date to be determined by the Provincial Minister every CEO must prepare a schedule of all assets, liabilities and records of his or her disestablished municipality in accordance with a format prescribed by the Provincial Minister, must provisionally allocate all assets, liabilities and records of his or her disestablished municipality in accordance with the principles set out in sections 16A and 16C, and must submit copies of the full schedule to the interim municipal manager and the District Municipality IMM.

(4) On or before a date to be determined by the Provincial Minister, but subject to subsection (2), the interim municipal manager, in consultation with the District Municipality IMM, must:-

(a) consolidate the schedules referred to in subsection (1) into a single schedule and must finally allocate all assets, liabilities and records listed in the consolidated schedule to either the Local Municipality or the District Municipality for transfer on the effective date, in accordance with the principles set out in section 16A and 16C or any agreement referred to in subsection (2);

(b) submit a copy of the schedule to the District Municipality IMM and obtain from the District Municipality IMM the copy of the schedule prepared by the District Municipality IMM, and

(c) consolidate the schedule referred to in paragraph (a) with the schedules received from the District Municipality IMM referred to in paragraph (b) into a single schedule reflecting all assets, liabilities and records to be transferred to the Local Municipality.

(5) Notwithstanding the principles set out in sections 16A and 16C, the interim municipal manager may, by agreement with the District Municipality IMM, adjust the allocation of assets, liabilities and records in terms of subsection (4) to provide for a more effective overall allocation between the Local Municipality and the District Municipality.

(6) Should any dispute with regard to the allocation of any assets, liabilities or records arise between the interim municipal manager and the District Municipality IMM, such dispute must be referred to the Provincial Minister for determination by the Provincial Minister or his nominee in accordance with procedures determined by the Provincial Minister, and the decision of the Provincial Minister or his nominee shall be final and binding.

(7) The interim municipal manager shall, in writing, verify the consolidated schedule referred to in subsection (4)(c) and must submit the schedule to the Provincial Minister on or before a date to be determined by the Provincial Minister.

(8) As soon as possible after verifying the consolidated schedule in terms of subsection (7), but by no later than a date to be determined by the Provincial

Minister, the interim municipal manager must put in operation the transfer of all assets, liabilities and records of the disestablished municipalities.

(9) The Local Municipality shall audit the transfer of assets, liabilities and records no later than 12 months after the effective date, or by such later date as may be determined by the Provincial Minister.

(section 16B inserted by PN.675/2000)

Transfer of staff, assets and liabilities relating to functions other than those listed in section 84 of the Municipal Structures Act

16C. Notwithstanding the provisions of sections 12(1) and 16A of this Schedule, with effect from the effective date:-

(a) all staff, assets, liabilities and records of the disestablished municipalities associated exclusively with:-

(i) roads other than municipal roads;

(ii) ambulance services;

(iii) health services other than municipal health services;

(iv) disaster management;

(v) housing;

(vi) libraries;

(vii) museums;

(viii) water supply systems other than potable water supply systems;

(ix) nature and environmental conservation, including coastal control, environmental education, animal control and control over inland waters, and

(x) traffic and law enforcement;

shall be transferred to the Local Municipality in terms of section 12(2), (3) and (4) and the process set out in sections 12A and 16B of this Schedule;

(b) any member of staff, assets liabilities and records of the disestablished municipalities not associated with a function referred to in section 84(1) of the Municipal Structures Act or paragraph (a) shall be transferred, in terms of the principles and process set out in sections 12, 12A, 16A and 16B of this Schedule, to the Local Municipality that will fulfill the function with which it is associated, with effect from the effective date.

(section 16C inserted by PN.675/2000)

Transfer of staff, assets, liabilities and records relating to municipal service delivery agreements

16D.(1)Notwithstanding anything to the contrary contained in any municipal service delivery agreement entered into by a disestablished municipality in terms of which such disestablished municipality is the service provider, all staff, assets, liabilities and records of the disestablished municipalities shall be transferred in accordance with the provisions of this Schedule.

(2) The Provincial Minister shall determine which municipality will be the successor in law of the disestablished municipality in terms of any municipal service delivery agreement entered into by a disestablished municipality in terms of which such disestablished municipality is the service provider, and

may direct the Local Municipality or the District Municipality to implement and administer any interim service delivery arrangements in terms of section 19 of this Schedule in order to ensure continued service delivery in terms of such agreement.

(3) For the period from the effective date to the date on which the Provincial Minister has made a determination in terms of subsection (3), the Local Municipality shall be the successor in law of the disestablished municipalities with regard to any municipal service delivery agreement referred to in subsection (1) in accordance with the provisions of section 19.

(section 16D inserted by PN.675/2000)

Failure to implement certain provisions of this Schedule

16E. In the event that the interim municipal manager or any other person required to perform a task set out in section 12A or section 16B, fails or refuses to do so within the time periods specified in those sections, then the Provincial Minister may nominate any person to perform such tasks, in which event the Local Municipality or District Municipality shall be obliged to co-operate fully with such person.

(section 16E inserted by PN.675/2000)

Transitional Provisions Relating to By-Laws and Resolutions

17.(1) Any by-law in force in the area of a disestablished municipality immediately prior to the effective date shall, with effect from the effective date, and pending the review and rationalisation thereof in terms of section 15 of the Municipal Structures Act, remain of full force and effect within the area for which it was promulgated, subject to any amendment or repeal by the Local Municipality.

(2) Unless inconsistent with the context or clearly inappropriate, a reference in any such by-law to:-

(a) a disestablished municipality or its predecessor, must be construed as a reference to the Local Municipality, and

(b) a structure or functionary of a disestablished municipality, must be construed as a reference to the corresponding structure or functionary of the Local Municipality.

(3) Subject to the provisions of this Schedule, and notwithstanding the disestablishment of the disestablished local municipalities, any:-

(a) resolution taken;

(b) notice, certificate or other document issued;

(c) direction, approval, consent or authority given;

(d) exemption, license or permit granted or issued;

(e) appointment made;

(f) employee nominated;

(g) agreement or contract entered into;

(h) delegation of powers granted to an employee;

(i) rates, tariffs or charges levied or imposed;

(j) reservation of land made, and

(k) other action taken or thing done,

by a disestablished municipality shall, subject to the provisions of this Schedule, be deemed to have been taken, issued, given, made, nominated, entered into, granted, levied, imposed or done by the Local Municipality, pending the review and rationalisation thereof in terms of section 15 of the Municipal Structures Act.

(4) Subject to section 20, 21, 22 and 23 of this Schedule, any person who on the effective date exercises a power or performs a duty or function by virtue of the office held by him or her or by the virtue of a delegation of power conferred upon him or her by a disestablished municipality, shall continue to exercise that power or perform that duty or function until such time as it may be decided to the contrary by the Local Municipality.

(5) For the purposes of the Schedule to the Regulation relating to the Declaration of Peace Officers made in terms of section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977), any law enforcement officer appointed by a disestablished municipality shall, from the effective date, be deemed to have been appointed by the Local Municipality for the area of jurisdiction of the Local Municipality.

(6) Any statutory plan in force or in operation in the area of jurisdiction of the disestablished municipalities, shall remain in force or in operation in respect of the area to which it was intended to apply until amended, varied or repealed by the Local Municipality.

Financial Matters

18.(1) With effect from the effective date the existing budgets of the disestablished municipalities shall constitute the budget of the Local Municipality up to 30 June 2001, and inter-municipal budgetary transfers shall continue for the 2000/2001 financial year.

(2) Notwithstanding the provisions of subsection (1), the Local Municipality may:-

(a) adjust the existing budgets, or

(b) resolve to close its accounts and rebudget for the remainder of the financial year;

provided that any such budget is adjusted or prepared and adopted, as the case may be, in accordance with relevant legislation.

(3) Before the commencement of the 2001/2002 financial year the Local Municipality must consider the adoption of financial management plans and policies that deal with:-

(a) measures, including inter-municipal budgetary transfers, to ensure revenue stability for the period after the 2000/2001 financial year;

(b) medium term expenditure;

(c) equalisation of tariff structures;

(d) the preparation of a new general valuation roll for the Local Management area and the introduction of equitable property taxes;

(e) the introduction of consolidated billing system;

(f) the consolidation of financial accounting systems and budgetary systems;

(g) credit control, and

(h) procurement.

Transitional Administrative Arrangements

19.(1) From the effective date to the date that all staff, assets, liabilities and records have been finally allocated in terms of the provisions of this Schedule, or such alternative date as may be determined by the Provincial Minister, the Local Municipality:-

(a) shall be obliged to deal with all staff, assets, liabilities or records:-

(i) temporarily placed in terms of section 12A(1);

(ii) temporarily transferred in terms of section 16B(1), and

(iii) provisionally allocated in terms of sections 12A(3) and 16B(3),

in the utmost good faith having due regard to the interests of the District Municipality;

(b) without derogating from the generality of subsection (1) and subject to section 12(2), shall not, with reference to paragraphs (i) and (vii) hereunder without the prior written approval of the Provincial Minister, which approval may be conditional, and with reference to paragraphs (ii), (iii), (iv), (v), (vi) and (viii) hereunder without the prior written approval of the Local Municipalities, which approval shall not be unreasonably withheld, make or effect any alteration to the staff establishment temporarily placed in terms of section 12A(1) or provisionally allocated in terms of section 12A(3) by:-

(i) creating or filling any new posts;

(ii) filling any vacancies;

(iii) initiating and implementing the regrading or upscaling of any posts;

(iv) promoting any member of staff;

(v) assigning any functions or duties to personnel other than on a temporary basis;

(vi) subject to any law, existing collective agreement or contract of employment:-

(aa) approving and implementing any allowance or acting allowance;

(bb) implementing any increase in salaries or wages;

(vii) implementing any permanent alteration to staff structures and organisational structures, and

(viii) entering into any collective agreement, other than a collective agreement negotiated and agreed to in the Bargaining Council, which will bind the District municipality in respect of any matter listed in this subsection;

(c) without derogating from the generality of subsection (1), shall not, without the prior written approval of the District Municipality, which approval shall not be unreasonably withheld, make or implement any decision in relation to any assets, liabilities or records transferred in terms of section 16B(1) or provisionally allocated in terms of section 16B(3) that will result in such municipality:-

(i) selling or leasing immovable or movable assets to a value exceeding R20 000,00 (twenty thousand rand) other than in terms of existing contractual arrangements; provided that this provision shall not apply to the disposal of immovable property in terms of an approved housing scheme in terms of the Housing Act, 1997 (Act 107 of 1997);

(ii) purchasing immovable or movable assets to a value exceeding R20 000,00 (twenty thousand rand) other than in terms of existing contractual arrangements;

(iii) concluding new contracts with a duration longer than one year;

(iv) renewing contracts for a duration longer than three months;

(v) acquiring information technology systems, including hardware and software, and

(vi) using:-

(aa) statutory funds either for direct capital or other expenditure or to finance expenditure by taking up internal loans for purposes other than for committed and necessary infrastructural projects approved in the 2000/2001 budget;

(bb) trust funds (which does not include a council's own accounts) for any purpose other than that for which the funds are held;

(cc) reserve funds, reserve capital or reserve provisions for a purpose other than for necessary budgeted infrastructural maintenance, non-budgeted emergency infrastructural maintenance which cannot be financed from the operational budget or for the writing off of bad debts, and

(dd) any statutory trust, reserve or provision which is not cash funded other than for the writing off of bad debts;

provided that this subsection shall not apply in the case of an emergency, and

(d) shall not make or implement any decision that will result in the Local Municipality exceeding its approved capital or operating budget for the 2000/2001 financial year.

(2) Should any dispute with regard to the provisions of subsection (1) arise between the Local Municipality and the District Municipality, such dispute must be referred to the Provincial Minister for determination by the Provincial Minister or his nominee in accordance with procedures determined by the Provincial Minister, and the decision of the Provincial Minister or his nominee shall be final and binding.

(3) Any contract entered into in breach of the provisions of subsections (1) or (2) shall be null and void.

(section 19 amended by PN.675/2000)

Appointment of Acting Officers

20. Before the effective date the Provincial Minister, after considering any recommendations of the District Transformation Forum, shall where relevant to the Local Municipality appoint any person to any position that may be required

in terms of relevant legislation, which appointment shall be in an acting capacity, and who shall assume office on the effective date and remain in office until the Local Municipality has made its own appointments in terms of the relevant legislation.

Appointment of Interim Municipal Manager

21.(1) Before the effective date the Provincial Minister, after considering any recommendations of the District Transformation Forum , appoint an interim municipal manager, who assume office upon appointment and remain in office until the Local Municipality has appointed its own municipal manager or acting municipal manager.

(2) The duties of the interim municipal manager shall, subject to directions or resolutions to the contrary adopted by the Local Municipality, be the following:-

(a) call the first meeting of the Council of the Local Municipality in terms of section 29(2) of the Municipal Structures Act;

(b) preside over the first meeting of the Council of the Local Municipality until the election of the speaker;

(c) after the effective date, act as the head of administration and chief accounting officer of the Local Municipality until the appointment by the Local Municipality of its own municipal manager or acting municipal manager;

(d) after the effective date, fulfill all duties required to be fulfilled by the CEO of a municipality in terms of relevant legislation;

(e) assume responsibility for effecting the transfer of all staff, assets, liabilities and administrative and other records to the Local Municipality;

(f) appoint such persons as are necessary to fulfill his or her obligations in terms of this Schedule;

(g) take all reasonable steps to ensure that service delivery continuity is maintained after the effective date;

(h) establish interim financial control mechanisms for the Local Municipality;

(i) establish interim reporting lines and delegations for the Local Municipality;

(j) review and recommend service contracts, agency arrangements and service delivery agreements;

(k) implement any interim service delivery arrangements between the Local Municipality and the District Municipality as well as between the Local Municipality and other local municipalities within the area of the District Municipality;

(l) delegate any of his or her powers or duties to any employee of the Local Municipality and amend or revoke any such delegation, and

(m) in the period prior to the effective date, prepare for the performance of the functions set out in paragraphs (a) to (l).

(3) Prior to the effective date, the CEOs shall co-operate with the interim municipal manager in relation to all matters pertaining to the establishment of the Local Municipality.

(4) From the effective date the CEOs shall act under the direction of, and be responsible to the interim municipal manager, and the interim municipal manager shall have all the powers of the CEOs.

Interim Assistant Municipal Managers

22. The Provincial Minister may, after considering any recommendation of the District Transformation Forum, appoint any number of interim assistants to the interim municipal manager who assume office upon appointment and remain in office until the Local Municipality has confirmed or terminated the appointment.

Senior Management Team

23. Any interim assistants appointed to the interim municipal manager, together with the interim municipal manager, shall form the senior management team of the Local Municipality to oversee the implementation of the establishment of the Local Municipality.

Appointments

24. Any person appointed in terms of section 20 or 21 shall, subject to the provisions of section 12 of this Schedule, be an employee of a disestablished municipality and shall fulfill his or her duties on a seconded basis.

First meeting of the Council of the Local Municipality

25.(1) The interim municipal manager shall, at least three days before the first meeting of the Council of the Local Municipality, send to each councillor at his or her place of residence or other place nominated by the councillor concerned, a notice specifying the place, date and time of the first meeting and an agenda; provided that the interim municipal manager may call the first meeting on shorter notice should it in his or her opinion be necessary to do so.

(2) Notwithstanding any by-law in force, but subject to the provisions of the Municipal Structures Act, the rules of order for the first meeting of the Council of the Local Municipality are the rules of order as set out in Provincial Notice 411/1988 as promulgated in Provincial Gazette No. 4532 of 20 May 1988, which rules shall remain in force until the adoption of rules of order by the Council of the Local Municipality.

(3) The venue for the first meeting of the Council of the Local Municipality shall be in Stellenbosch.

(subsection (3) amended by PN.675/2000)

(4) The agenda of the first meeting shall be as follows:-

(a) the election of the speaker;

(b) whether the Local Municipality wishes to establish an executive committee, and if so, the determination of a system of representation for the election of the executive committee;

(c) the election of councillors to serve on the executive committee;

(d) the election of the mayor from the members of the executive committee;

(e) the election of the deputy mayor, for which approval is granted by the Provincial Minister, from the members of the executive committee, and

(f) any other business as determined by the interim municipal manager and set out in the agenda.

Application of this Notice

25A. If any conflict relating to the matters dealt with in this Notice arises between this Notice and the provisions of any section 84(3) notice promulgated by the National Minister or any section 18 notice promulgated by the Provincial Minister, the provisions of the section 84(3) notice or section 18 notice, as the case may be, shall prevail.

(section 25A. inserted by PN.675/2000)

Executive Deputy Mayor

25B. Approval is granted in terms of section 55 of the Municipal Structures Act, as amended, for the election of an executive deputy mayor.

(section 25B. inserted by PN.184/2003)

Short title and Commencement

26. This Notice is called the Stellenbosch Municipality (WCO24) Establishment Notice and comes into operation on the date of publication.

URHULUMENTE WENGINGQI: UMTHETHO WAMASEBE KAMASIPALA, KA1998 (UMTHETHO WE-117 KA-1998)

Amended by:
neSaziso sePhondo 675 dated we-4 kuDisemba 2000
neSaziso sePhondo 456 dated we-19 kuDisemba 2002
neSaziso sePhondo 184 dated we-28 kuMeyi 2003
neSaziso sePhondo 11 dated we-3 uJanuwari 2006
neSaziso sePhondo 117 dated we-28 kuMatshi 2008
neSaziso sePhondo 55 dated we-25 kuFebhuwari 2011
neSaziso sePhondo 283 dated we-24 KwyeyDwarha 2014
neSaziso sePhondo 261 dated we-31 kweyeKhala 2015

UKUSEKWA KOMASIPALA WASE-STELLENBOSCH (WCO24)

Ngamandla andigunyazisayo aqulathwe licandelo-12 ne-14 loRhulumente waseKhaya: uMthetho owasekwa ngo-1998 wamaSebe ooMasipala, (uMthetho we-117 wonyaka we-1998) ukuba ndenze isaziso sokusekwa kukaMasipala waseStellenbosch ngokwemiqathango edweliswe kolu ludwe lweenkqubo.

Ngomhla wama-22 uSeptemba 2000.

P UYS, UMPHATHISWA WEPHONDO WORHULUMENTE WENGINGQI

ULUNDWE LWEENKQUBO

Inkcazo yamagama

1. Kolu Xwebhu ngaphandle kokuba okuqulathiweyo kukuxelela enye into, isinye sibandakanya isininzi nesininzi sibandakanya isinye, isicatshulwa sesiNgesi siya kuma simi isiso esisetyenziswayo apho kuthe kwakho iyantlukwano kwizcatshulwa ezahlukeneyo okanye kwigama elinokuthi lahluke okanye isiqendwana ngentsingiselo esithe sanikwa yona kuMthetho wamaSebe ooMasipala, intsingiselo yesiNgesi-

   (1) **"iQumrhu leeNgxoxo"** lithetha iCandelo leQumrhu leeNgxoxo loRhulumente weeNqila loMzantsi Afrika elifake isicelo sobhaliso njengeQumrhu leeNgxoxo ngokweSaziso esingunombolo 1513/1999 njengoko sipapashwe kwiGazethi kaRhulumente engunombolo 20282 somhla we- 16 kaJulayi 1999;

   (2) **"uCEO"** sisishungulelo segama elingu-chief executive officer igosa eliyintloko yesigqeba solawulo lomasipala otshitshisiweyo;

   (3) *(subsection (3) deleted by PN.184/2003)*

   (4) **"uMgaqo-siseko"** uthetha uMgaqo-siseko weRiphabliki yoMzantsi Afrika, we-1996 (uMthetho we- 108 we- 1996);

   (5) **"ukutshitshiswa koomasipala"** kuthetha aba masipala bakhoyo nabaza kutshitshiswa ngokwemigaqo yecandelo-3 lolu ludwe lweenkqubo;

(6) **"uMasipala weSithili"** uthetha uMasipala wesiThili saseBoland, oza kumiselwa ngomhla wokuqalisa unyulo;

(6A) **"i-MM yoMasipala weSithili"** ithetha umphathi wethutyana kaMasipala weSithili;

(subsection (6A) inserted by PN.675/2000)

(6B) **"iSaziso sikaMasipala weSithili"** Sithetha iSaziso sePhondo 486/2000, esapapashwa kwiGazethi yePhondo eyoNgezelelweyo nenguNombolo 5590 yomhla wama-22 kuSeptemba 2000;

(subsection (6B) inserted by PN.675/2000)

(7) **"iQonga leNguqulelo leSithili"** lithetha iQonga leNguqulelo leSithili saseBreede River/Winelands elamiselwa ngokweSaziso seDTF;

(8) **"iSaziso seDTF"** sithetha iSaziso sePhondo esingunombolo 78/2000 esapapashwa kwiGazethi yePhondo Eyongeselelweyo engunombolo 5435 yomhla we-10 kuMatshi 2000;

(9) **"umhla wokuqala wonyulo"** uthetha umhla wokuqalisa unyulo;

(10) **"unyulo"** luthetha unyulo lokuqala jikelele lwamaBhunga ooMasipala onyulwa emva kokusebenza koMgaqo-siseko;

(11) **"inkqubo yoomasipala yokutshintshwa kohlahlo-lwabiwo-mali"** ithetha ukutshintshwa kwezibonelelo zemali phakathi koomasipala ukufezekisa uzinzo kwingeniso ngexesha lenguqu;

(12) **"uMphathi weThutyana kaMasipala"** uthetha umphathi wethutyana kamasipala kuMasipala weNgingqi obekwe ngokwemiqathango yecandelo- 21(1) nozakuba ngumphathi obambeleyo kamasipala kuMasipala weNgingqi ukususela ngomhla wokuqalisa, okanye umphathi wethutyana obambeleyo okanye umphathi kamasipala kuMasipala weNgingqi nobekwe yiKansile yoMasipala weNgingqi emva komhla wokuqalisa;

(subsection (12) amended by PN.675/2000)

(13) **"uMasipala weNgingqi"** uthetha uMasipala waseStellenbosch, owasekwa ngokwemigaqo yocandelo le-4 elikolu ludwe lweenkqubo;

(13A) **"inkqubo yesigqeba solawulo secandelo losodolophu"** ithetha inkqubo evumela ukuba kusetyenziswe igunya lesigqeba solawulo, oko kusenziwa kudlulwe kusodolophu osemagunyeni apho inkqubo yokhokelo lwesigqeba yoMasipala igunyaziswe khona kwanocediswa yikomiti yecandelo losodolophu;

(subsection (13A) inserted by PN.184/2003)

(14) **"UMthetho wokuCandwa kooMasipala"** uthetha uMthetho woRhulumente waeNgingqi we- 1998 (uMthetho 27 we-1998);

(15) **"iBhodi yokuCandwa kooMasipala"** ithetha iBhodi yokuCandwa kooMasipala eyamiselwa phantsi kwecandelo -2 loMthetho wokuCandwa kooMasipala;

(16) **"uMthetho wamaSebe kaMasipala"** ithetha uMthetho kaMasipala woRhulumente waseKhaya we-1998 (uMthetho we-117 we-1998);

(16A) **"uMthetho-sihlomelo wamaSebe ooMasipala"** uthetha uMthetho-sihlomelo wooMasipala beeNgingqi, 2000 (uMthetho 33 wonyaka wama-2000);

(subsection (16A) inserted by PN.675/2000)

(16B) **"Umphathiswa weSizwe"** uthetha uMphathiswa wesizwe osingethe imicimbi yoorhulumente beengingqi;

(subsection (16B) inserted by PN.675/2000)

(17) **"iPhondo"** lithetha iPhondo leNtshona-Koloni;

(18) **"uMphathiswa wePhondo"** uthetha ilungu lesiGqeba soWiso-mthetho wePhondo leNtshona-Koloni elinoxanduva lokujongana norhulumente wngingqi;

(19) **"uMthetho weeNginqi zasemaPhandleni"** uthetha uMthetho weeNgingqi zasemaPhandleni (iNdlu yabaMeli), we-1987 (uMthetho we-1987);

(19A) **"Isaziso secandelo 18"** sithetha isaziso esibhengezwe ngokwemiqathango yecandelo 18 loMthetho wamaSebe ooMasipala;

(subsection (19A) inserted by PN.675/2000)

(19B) **"Isaziso secandelo 84(3)"** sithetha isaziso esibhengezwe ngokwemiqathango yecandelo 84(3) loMthetho wamaSebe ooMasipala;

(subsection (19B) inserted by PN.675/2000)

(19C) **"abasebenzi"** kuthethwa bonke abasebenzi, kuqukwa abo benza umsebenzi, abakwizikhundla zokuphatha nezincedisayo, kananjalo kubandakanywa nezikhundla ezingenamntu nezifakwe kwizicwangciso zovalo-zikhewu, kodwa zingabandakanywanga izikhundla ezingenamntu ezingafakwanga kwizicwangciso zovalo-zikhewu;

(subsection (19C) inserted by PN.675/2000)

(20) **"uYilo oluseMthethweni"** uthetha uyilo oluyimfuneko ngokwemigaqo yowiso-mthetho kubandakanya, kodwa kungaphelelanga apho naluphi na olunye uyilo lokusetyenziswa komhlaba, inkqubo yokwahlulwa, uyilo lophuhliso oluhlanganisiweyo, uyilo lweenkonzo zamanzi, uyilo lophuhliso oluhlanganisiweyo, uyilo lophuhliso lwezakhono noyilo lolungiso kumathuba engqesho;

(21) **"imanyano zabasebenzi"** zithetha ooMasipala abazimeleyo neemanyano zabasebenzi kunye nemanyano yabasebenzi bakaMasipala yoMzantsi Afrika;

(21A) **"inkqubo yogqithiselo"** ithetha inkqubo, echazwe kule Shedyuli, yokugqithisela abasebenzi, impahla, amatyala neerekhodi zoomasipala abatshitshisiweyo kuMasipala weSithili okanye kooMasipala beeNgingqi, nkqubo leyo iquka:

(a) ukuchongwa kwabo bonke abasebenzi, yonke impahla, wonke amatyala nazo zonke iirekhodi eziza kugqithiselwa;

(b) ukusetyenziswa kwemimiselo yokugqithiselwa njengoko ichazwe hule Shedyuli;

(c) ukunikezelwa kwabo bonke abasebenzi, yonke impahla, wonke amatyala nazo zonke iirekhodi kuMasipala weSithili kungenjalo kuMasipala weNgingqi, kananjalo

(d) ukuqaliswa kogqithiselo olo.

(subsection (21A) inserted by PN.675/2000)

(22) **"ukuGuqulwa kwemiThetho ethile yamaPhandle"** kuthetha ukuGuqulwa kweMithetho ethile yamaPhandle, we-1998 (uMthetho wama-94 we-1998);

(22A) **"inkqubo yothatho-nxaxheba yewadi"** ithetha inkqubo evumela imicimbi yezinto ezinxulumene neenqila ekuza kujonganwa nazo ziikomiti ezisekelwe ezi wadi;

(subsection (22A) inserted by PN.184/2003)

(23) **"uWECLOGO"** ligama elithetha uMbutho weNtshona-Koloni wooRhulumente baseKhaya, ongumbutho wephondo leNtshona-Koloni onikwa ingqalelo ngokwemigaqo yecandelo 2(1)(b) lomthetho woRhulumente weNgingqi olungiselelweyo we-1997 (uMthetho –52 we 1997).

Intshayelelo

2.(1) Ngomhla wesi-3 kaMatshi 2000 iBhodi yokuCandwa kooMasipala, isebenza ngokweCandelo lama-21 lweMunicipal Structures Act, imisele uMasipala weNgingqi imida njengoko kubonakala kwimephu evelayo kwiSaziso sePhondo esingu69/2000 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 5431 yomhla wesi-3 kaMatshi 2000 (ikopi yemephu ipapashwe ngokutsha kwisiHlomelo "1" solu Ludwe lweNkqubo) yaza yalungiswa kwiSaziso sePhondo esingu478/2000 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 5587 yomhla we-18 kaSeptemba 2000 neSaziso sePhondo esingu258/2002 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 5922 yomhla we-15 ka-Agasti 2002, neSaziso sePhondo esingu339/2013 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 7185 yomhla we-15 ka-Oktobha 2013 esafundwa kunye neSaziso sePhondo esingu417/2013 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 7209 yomhla we-10 kaDisemba 2013, iSaziso sePhondo esingu248/2013 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 7156 yomhla wesi-8 ka-Agasti 2013, iSaziso sePhondo esingu1/2014 esapapashwa kwiGazethi yePhondo enguNo. 7217 yomhla we-10 kaJanuwari 2014, iSaziso sePhondo esingu63/2014 esapapashwa kwiGazethi yePhondo enguNo. 7236 yomhla wesi-7 kaMatshi 2014 neSaziso sePhondo esingu159/2014 esapapashwa kwiGazethi yePhondo enguNo. 7277 yomhla we-13 kaJuni 2014 neSaziso sePhondo esingu657/2018 esapapashwa kwiGazethi yePhondo enguNo. 7968 yomhla we10 ka-Agasti 2018 esafundwa kunye neSaziso sePhondo esingu124/2018 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 7987 yomhla wesi-4 ka-Oktobha 2018, iSaziso sePhondo esingu91/2018 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 7942 yomhla we-15 kaJuni 2018 nakwiSaziso sePhondo esingu166/2018 esapapashwa kwiGazethi yePhondo enguNo. 8024 yomhla we-14 kaDisemba 2018.

(subsection (1) amended by PN.11/2006 & PK118/2021)

(2) UMphathiswa wePhondo, esebenza ngokwecandelo le- 12(4) loMthetho wamaSebe ooMasipala:-

(a) ukhuphe isaziso esibhaliweyo sokusekwa kukaMasipala waseKhaya okusayilwayo i-WECLOGO nakoomasipala abathe batshitshiswa njengoko kumiselweyo kwisekyula yomhla we-12 kuJulayi 2000 nengqinisiswe kwiAAO 509/1/4;

(b) udlene indlebe neWECLOGO kunye noomasipala abathe batshitshiswa;

(c) upapashe iinkcukacha zesi Saziso kwiSaziso sePhondo 394/2000 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo engunombolo 5571, yomhla wama-28 kuAgasti 2000, kwakunye

(d) uziqwalasele izimvo ezithe zamkelwa emva kopapasho lweSaziso ekulindeleke ukugba samkelwe.

(3) UMphathiswa uthe waziqwalasela iingcebiso zeQonga leNguqulelo leSithili athe wazinikwa ngokwesahluko se- 11(2) seSaziso seDTF.

(4) UMphathiswa wePhondo, esebenza ngokwesahluko se- 12 nese- 14 loMthetho wamaSebe ooMasipala, njengoko ufundwa kunye noMthetho ka2000 wokuMiselwa kweeNdidi zooMasipala eNtshona-Koloni (uMthetho we-9 ka2000), nekungoku nje ukhupha isaziso sokusekwa koMasipala weSithili ngokwemigaqo edweliswe kolu xwebhu.

(5) Umphathiswa wePhondo, ngokugunyaziswa yimiqathango yesahluko 2 soMthetho-sihlomelo wamaSebe ooMasipala, xa sifundwa necandelo 14(2)(b) loMthetho wamaSebe ooMasipala kungoku nje wazisa ngeziphumo ezayamene nomthetho, ezinokwenzeka kanti nezinye iziphumo zokutshitshiswa koomasipala abatshitshisiweyo, nto leyo iquka:-

(a) imimiselo emiselwe ukugqithiselwa, nenkqubo yokugqithiselwa ngokunjalo, kwabasebenzi kuMasipala weNgingqi, nkqubo leyo iya kuqala ngomhla wokupapashwa kwesi saziso neza kugqitywa ngomhla oya kumiselwa nguMphathiswa wePhondo;

(b) imimiselo emiselwe nkugqithiselwa, nenkqubo yokugqithiselwa ngokunjalo, kwempahla, amatyala, amalungelo nezinyanzeliso neerekhodi zolawulo kanti nezinye, kuMasipala weNgingqi, nkqubo leyo iya kuqala ngomhla wokupapashwa kwesi saziso neza kugqitywa ngomhla oya kumiselwa nguMphathiswa wePhondo;

(c) ukubonelelwa ngamalungiselelo olawulo ethuba ukususela ngomhla wokuqalisa ukuya kumhla oya kumiselwa nguMphathiswa wePhondo ukuqinisekisa ukuqhubeka kobonelelo ngeenkonza nokuqinisekisa ukuthembeka nokuma kakuhle koMasipala weNgingqi ngokwezimali.

(subsection (5) inserted by PN.675/2000)

Ukutshitshiswa kooMasipala abakhoyo

3.(1) Ukususela ezinzulwini zobusuku eziphambi komhla wokuseka, aba masipala balandelayo baya kutshitshiswa:-

(a) uMasipal wommandla weFranschhoek, owasekwa ngokwemigaqo yoPapasho olungunombolo 20/1995 lomhla wama-30 kuJanuwari 1995;

(b) Ibhunga labaMeli leThutyana laseNuweberg elasekwa ngokwemigaqo yoPapasho olungunombolo 18/1996 ngomhla wama-26 kuEpreli 1996, ukuya kummandla ososahlulo ophantsi kolawulo lukaMasipala, njengoko kusekiwe yiBhodi yokuCandwa kwemida yooMasipala ekubhekiselelwe kuyo kwicandelo 2(1);

(c) Ibhunga labaMeli leThutyana lasePaarl elasekwa ngokwemigaqo yoPapasho olungunombolo 18/1994 ngomhla we-26 kuEpreli 1996, ukuya kummandla osisahlulo ophantsi kolawulo lukaMasipala, njengoko kusekwe yiBhodi yokuCandwa kwemida yooMasipala ekubhekiselelwe kuyo kwicandelo 2(1);

(d) Ibhunga labaMeli leThutyana lasePniel elasekwa ngokwemigaqo yoPapasho olungunombolo 142/1994 ngomhla wama-30 kuDisemba 1994;

(e) Ibhunga leNgingqi leThutyana laseStellenbosch elasekwa ngokwemigaqo yoPapasho olungunombolo 28/1995 ngomhla we-31 kuJanuwari 1995, kwakunye

(f) Ibhunga labaMeli leThutyana waseStellenbosch elasekwa ngokwemigaqo yoPapasho olungunombolo 18/1996 ngomhla wama-26 kuEpreli 1996, ukuya kummandla osoahlulo ophantsi kolawulo lukaMasipala, njengoko kusekiwe yiBhodi yokuCandwa kwemida yooMasipala ekubhekiselelwe kuyo kwicandelo 2(1).

(2) OoCeba abatshishiswayo kufuneka xa ibhunga lomasipala weSithili elitsha linyuliwe ze lachazwa njengelimiselweyo ezinzulwini zobusuku zalo mhla bazishiye ii-ofisi zabo babuyisele kwigosa eliyintloko elilawulayo lomasipala CEO lowo utshitshisweyo okanye umnyulwa wakhe yonke impahla ekubo eselungelweni lalo masipala utshitshisiweyo.

Ukusekwa kunye neGama

4. Ukususela ngomhla wokuqalisa wanyulo umasipala oyokusekwa uyakwaziwa ngesiXhosa njengo "U Masipala waseStellenbosch", ze negisiNgesi aziwe njenge "Stellenbosch Municipality" ze ngesiBhulu aziwe njenge "Munisipaliteit Stellenbosch".

iCandelo

5. UMasipala weSithili uya kuba ngumasipala weSithili njengoko kuxeliwe kwicandelo 1 loMthetho wamaSebe kaMasipala, eya kuba ngumasipala onamagunya awodwa olawulo nokuphatha kwingingqi leyo ebandakanya oomasipala abaninzi, kwanochaziweyo kwicandelo 155(1) loMgaqo-siseko njengecandelo B lomasipala.

uDidi

6. UMasipala weSithili ngumasipala oneenkqubo zesigqeba secandelo losodolophu onazo zombini ezi nkqubo zothatho-nxaxheba, icandelwana lebhunga kunye nelewadi njengoko zimiselwe ngumthetho, iWestern Cape Determination of Types of Municipalities Act, 2000 (Act 9 of 2000), njengokuba zilungisiwe ngomthetho, iWestern Cape Determination of Types of Municipalities Amendment Act, 2002 (Act 4 of 2002).

(section 6 amended by PN.184/2003)

Imida

7. Imida kaMasipala weSithili iya kuba yimida esekwe yiBhodi yokuCandwa kwemida yooMasipala nekubhekiselelwe kuyo kwicandelo 2(1).

INani looCeba

8.(1) IBhunga likaMasipala kuMasipala weNgingqi linooceba abangama-45 (amashumi amane anesihlanu), njengoko kumiselwe nguMphathiswa wePhondo kwiSaziso sePhondo esingu85/2019 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 8137 yomhla wesi-7 ka-Agasti 2019, kubo abangama-23 (amashumi amabini anantathu) ngooceba beewodi kwaye abangama-22 (amashumi amabini anesixhenxe) bamele ngokulinganayo.

(2) UMasipala weNgingqi uneewodi ezingama-23 (amashumi amabini anantathu).

(section 8 amended by PN.11/2006, PN.55/2011 & PN118/2021)

OoCeba abasebenza isigxina

9. uMasipala weSithili angamisela aba ceba balandelayo njengooceba besigxina:-

(a) Usodolophu wesigqeba solawulo;

(b) Amalungu ecandelo lekomiti yosodolophu;

(c) Nosomlomo;

(d) Umbhexeshi omnye onyulelewe iBhunga, kunye

(e) Usihlalo wekomiti eyasekwa ngokwecandelo 79.

(section 9 amended by PN.456/2002, PN.184/2003, PN.283/2014 and PN. 261/2015)

IMisebenzi namaGunya

10. Akuyi kubakho luhlenga-hlengiso ngokubhekiselele kwimisebenzi nakumagunya kaMasipala weSithili ngokwecandelo 85 loMthetho wamaSebe ooMasipala.

ukuNgachaphazeleki

11. Umasipala weNqila akayi kungachatshazelwa nayiyiphi na imiqathango yoMthetho wamaSebe kaMasipala.

Imimiselo emisa uGqithiselo lwaBasebenzi

12.(1) uKususela ngomhla wokuqalisa nangokwemiqathango yecandelo 197 loMthetho wezoBudlelwane eMsebenzini,1995 (uMthetho-66 wonyaka we-1995:-

(a) bonke abasebenzi boomasipala abatshitshisiweyo nabamsebenzi wabo wayanyaniswa ngokukodwa nemisebenzi efanele ukwenziwa nguMasipala weNgingqi baya kugqithiselwa kuMasipala weNgingqi;

(b) bonke abasebenzi boomasipala abatshitshisiweyo nabamsebenzi wabo wayanyaniswa ngokukodwa nemisebenzi efanele ukwenziwa nguMasipala weSithili (misebenzi leyo ibandakanya imisebenzi efanele ukwenziwa nguMasipala weSithili kuMmandla woLawulo lweSithili) siya kugqithiselwa kuMasipala weSithili;

(c) nawuphi na umntu ongomnye wabasebenzi bomasipala otshitshisiweyo owayanyaniswa nomnye okanye neminye imisebenzi eza kwenziwa nguMasipala weNgingqi noMasipala weSithili, ukususela ngomhla wokuqalisa, uya kugqithiselwa komnye wabo masipala, oko kusenziwa ngokobuninzi bexesha elidliwa ngumsebenzi lowo wenziwa nguloo mntu xa uthelekiswa nexesha elidliwa yeminye imisebenzi eyenziwa nguloo mntu;

(d) bonke abasebenzi boomasipala abatshitshisiweyo nabamsebenzi wabo ungayanyaniswayo nomsebenzi othile okanye nemisebenzi ethile efanele ukwenziwa nguMasipala weNgingqi noMasipala weSithili siya kugqithiselwa kuMasipala weNgingqi kungenjalo kuMasipala weSithili oko kusenziwa ngokwemilinganiselo esekelwe kwinani lezikhundla sezizonke ezigqithiselwe kwabo masipala ngokwemiqathango yemihlathi (a), (b) no-(c);

(e) zonke izikhundla koomasipala abatshitshisweyo ezingenamntu nezingenzelwanga zicwangiciso zovalo-zikhewu ziya kutshitshiswa.

(2) Phantsi kwemiqathango yezivumelwano ezihlanganyelweyo onke amalungelo nezibophelelo eziphakathi koomasipala abatshitshisiweyo naphakathi kwabaqeshwa boomasipala abo ngelixa logqithiselo aya kuhlala esebenza ngokunga ngamalungelo okanye izibophelelo eziphakathi koMasipala weNgingqi okanye uMasipala weSithili, nokuba nguwuphi kwabo masipala,

nomqeshwa wakhe ngamnye, kananjalo nantoni na eyenziwa ngaphambi kogqithiselo olo ngumasipala otshitshisiweyo okanye ngokunxulumene nomasipala lowo utshitshiswayo iya kuthatyathwa njengento eyenziwayo okanye eyenziwa ngokunxulumene noMasipala weNgingqi okanye uMasipala weSithili, nokuba nguwuphi kwabo masipala.

(3) Ukughubeka kwengqesho yomqeshwa akuyi kuphazanyiswa lugqithiso kananjalo ingqesho leyo iya kuqhubeka kuMasipala weNgingqi okanye uMasipala weSithili, nokuba nguwuphi kwabo masipala, ngokunga iqhubeka kumasipala lowo utshitshisiweyo.

(4) Phantsi kwemigaqo-nkqubo neenkqubo zomsebenzi eziphathelele kubantu nekubhekiswe kuzo phaya kwicandelo 14(a) lale Shedyuli, kuse nokufuneka ukuba umqeshwa ogqithiselwe kuMasipala weNgingqi asebenzele nayiphi na i-ofisi kaMasipala weNgingqi kwaye, ngaphandle kokuba kuvunyelenwe ngenye indlela, akayi kuba nalungelo lakongezelwa umvuzo ngenxa yaloo nto.

(section 12 amended by PN.675/2000)

Inkqubo yoKugqithiselwa kwaBasebenzi

12A.(1) Ingatyeshelwanga imiqathango yecandelo 12 necandelo 16C, kananjalo ngeli lixa kusalindelwe ukufezekiswa kwenkqubo yogqithiselo ngokweli candelo, bonke abasebenzi boomasipala abatshitshisiweyo, xa kukho imfuneko yoko, baya kusebenzela okwethutyana uMasipala weNgingqi, kwaye ke ngoko bonke abasebenzi abafanele ukugqithiselwa kuMasipala weSithili ngokwemiqathango yecandelo 12 okanye eyecandelo 16C bona baya kuthatyathwa njengabasancedisayo kuMasipala weNgingqi oko kusenziwa ngokwamalungiselelo aphakathi koMasipala weNgingqi naloo Masipala weSithili, malungiselelo lawo achaza ukuba uMasipala weNgingqi uya kufezekisa umsebenzi okanye imisebenzi eyayamene nabo basebenzi oko ekwenza egameni loMasipala weSithili.

(2) Ukuze ku:-

(a) kube nokulungiselelwa nawaphi na amalungiselelo ngokwemigaqo yoMthetho oHlonyelweyo wamaSebe ooMasipala; okanye

(b) kube nokuvunyelwa uMasipala weNgingqi kwanoMasipala weSithili ukuba bangene kwizivumelwano, kuqukwa nezivumelwano ezimalunga nomsebenzi.

Ezinokuchaphazela utshintsho lwabasebenzi ngokwemigaqo yale Shedyuli, akukho nalinye ilungu eliya kunikezewa ngokupheleleyo ngaphambi komhla wama-30 kuJuni 2001, okanye olo suku luya kube lumiswe nguMphathiswa wePhondo.

(3) Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo i-CEO nganye kuya kufuneka iqulunqe uxwebhu olunoludwe lwamagama abo bonke abasebenzi bomasipala wayo otshitshisiweyo ngokwendlela eyalelewe nguMphathiswa wePhondo, kwaye kuya kufuneka ukuba amisele okwethutyana ilungu ngalinye labasebenzi isikhundla esobelwe imali somasipala wakhe otshitshiweyo ngokuhambelanayo nemithetho-siseko echaziweyo phaya kwicandelo 12 nele 16C, kananjalo anike umphathi wethutyana kamasipala ne-IMM yoMasipala weSithili iikopi eziphelelelyo zolo xwebhu.

(4) Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo, kodwa ngokwemiqathango yecandelo (2), umphathi wethutyana kamasipala, ebonisene ne-IMM yoMasipala weSithili kuye kufuneka ukuba:-

(a) ahlanganise amazwebhu ekudweliswe kuwo amagama nekubhekiswe kuwo phaya kwicandelwana (1) awenze abe luxwebhu olunye kananjalo ekugqibeleni abele ngokuthanda kwakhe uMasipala weNgingqi okanye uMasipala weSithili ngabasebenzi nezikhundla ezingenamntu ezikwizicwangciso nezidweliswe phaya kuxwebhu oluhlanganisiweyo, ngomhla wokuqalisa, oko kusenziwa ngokwenmimiselo echazwe phantsi kwecandelo 12 nele 16C okanye kuso nasiphi na isivumelwano ekubhekiswe kuso kwicandelwana (2);

(b) anike i-IMM kaMasipala weSithili ngamnye ikopi yolo zwebhu kananjalo afumane kwi-IMM yoMasipala weSithili nganye ikopi yoxwebhu oluqulunqwe yiloo IMM kaMasipala weSithili, kananjalo

(c) ahlanganise uxwebhu ekubhekiswe kulo phaya kumhlathi (a) noxwebhu olufunyenwe kwi-IMM yoMasipala weSithili ekubhekiswe kulo phaya kumhlathi (b) aze loo maxwebhu enziwe uxwebhu olunye olubonakalisa amagama abo bonke abasebenzi abaza kugqithiselwa kuMasipala weNgingqi.

(5) Ingatyeshelwanga imimiselo echazwe kwicandelo 12 nele 16C, umphathi wethutyana kamasipala unokuthi evumelene ne-IMM yoMasipala weSithili, akuhlengahlengise ukwabiwa kwabasebenzi ngokwecandelwana (2) oko ekwenzela ukulungiselela ukwabelana ngabasebenzi, okufaneleke nangaphezulu, phakathi koMasipala weNgingqi noMasipala weSithili, kodwa olo hlengahlengiso aluyo kwenziwa emva ukuba umsebenzi azisiwe ngokwemiqathango yecandelwana (8).

(6) Xa kunokuvela nayiphi na impikiswano, emalunga nokwabelana ngabasebenzi, phakathi komphathi wethutyana kamasipala ne-IMM yoMasipala weSithili loo mpikiswano kuya kufuneka ukuba ibhekiswe kuMphathiswa wePhondo okanye kumtyunjwa wakhe ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo soMphathiswa wePhondo okanye esomtyunjwa wakhe akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

(7) Umphathi wethutyana kamasipala uya kuluqinisekisa ngencwadi uxwebhu olunoludwe lwamagama oluhlanganisiweyo nekubhekiswe kulo phaya kwicandelwana (4)(c) kwaye kuya kufuneka ukuba olo xwebhu lunoludwe lwamagama alunike uMphathiswa wePhondo ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo.

(8) Emva kokuqulunqwa koxwebu olunye olunoludwe lwamagama noluhlanganisiweyo ekubhekiswe kulo phaya kwicandelwana (4)(c), kodwa ngapambi komhla wokuqalisa, umphathi wethutyana kamasipala kuya kufuneka ukuba anike umntu ngamnye oza kuba ngumsebenzi kaMasipala weNgingqi isaziso esibhaliweyo esichazela loo msebenzi ukuba uqeshwe nguMasipala aweSithili ukususela ngomhla wokuqalisa.

(9) Ukungafunyanwa kwesaziso esibhaliweyo ekubhekiswe kuso phaya kwicandelwana (8) akuthethi kungasebenzi kwalo naluphi na ugqithiselo.

(10) Xa nawuphi na umsebenzi ('umphikisi") esithi ugqithiselo lwakhe alwenziwanga ngokwemimiselo echazwe phaya kwicandelo 12 nele 16C, ngokwaso nasiphi na isivumelwano ekubhekiswe kuso kwicandelwana (2) okanye ngokwenkqubo echazwe kweli candelo, lowo mphikisi angafaka incwadi yokuphikisa kumphathi wethutyana kamasipala womasipala lowo agqithiselwe kuye oko ekwenza kungagqithanga iintsuku ezili-14 emva kokwaziswa kwakhe ngokwemiqathango ephaya kwicandelwana (5). Loo

ncwadi yokuphikisa kuya kufuneka ukuba umphathi wethutyana kamasipala ayigqithisele kuMpathiswa wePhondo okanye kumtyunjwa wakhe ukuze uMphathiswa wePhondo okanye umtyunjwa wakhe ibe nguye owenza isigqibo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo soMphathiswa wePhondo okanye somtyunjwa wakhe akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

(subsection (10) amended by PN 117/2008)

(11)Ngeli lixa lusalindelwe isigqibo soMphathiswa wePhondo okanye somtyunjwa wakhe ngokwecandelwana (10) umphikisi uya kugqithiselwa kumasipala, oko kunsenziwa ngokweli candelo. Ukuba uMphathiswa wePhondo okanye umtyunjwa wakhe ufumanise ukuba umphikisi bekufanele agqithiselwe komnye umasipala umphikisi uya kugqithiselwa kuloo masipala kwaye ugqithiselo lwakhe luya kuthatyathwa njengolwenzeka ngomhla wokuqalisa ngokwecandelo 12 nele 16C.

(12)Xa kunokwenzeka ukuba igama lomsebenzi lingaveli kuxwebhu olunoludwe lwamagama ekubhekisiwe kulo phaya kwicandelwana (4)(a), okanye xa kunokwenzeka ukuthi kanti umsebenzi wabelwe oomasipala abangaphezulu kwesinye ukususela ngomhla wokuqalisa, loo msebenzi kuya kufuneka, ngokukhawuleza emvane kokuva ngayo nokuba yiyiphi kwezo zinto, loo nto ayichaze kumphathi wethutyana kamasipala okanye kwi-IMM yoMisipala weSithili yena ke ekuya kufuneka ukuba loo mcimbi awugqithisele kuMphathiswa wePhondo ukuse ibe nguMphathiswa wePhondo okanye umtyunjwa wakhe oweneza isigqibo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo kwaye isigqibo soMphathiswa wePhondo okanye umtyunjwaa akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

(13)Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo uMasipala weNgingqi kuya kufuneka ukuba aluvume uphuhliso lwabasebenzi loMasipala weNgingqi ngokwemigaqo yomthetho osebenzayo kwaye kuya kufuneka ukuba ikopi yoxwebhu oluchaza olo phuhliso lwabasebenzi ayandlale phambi kweSebe leQonga leeNguqu leKansile yoThethwano; ngaphandle kokuba uMasipala weNgingqi uthe ekugqibeleni akaluvuma uphuhliso lwabasebenzi ukuba lube loloMasipala weNgingqi ngaphambi kokuba umphathiswa wethutyana kamasipala abe uye wayikhangela ishedyuli eqinisekisiweyo ngokwemigaqo yecandelwana (7).

(14)Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo, xa kungekafikelelwa kwisivumelwano phambi komhla wokuqalisa ngokwemiqathango yecandelo (13)(2) lale Shedyuli, u Masipala weNgingqi, njengelungu leSebe leQonga leeNguqu leKansile yoThethwano kuya kufuneka ukuba azame ukufikelela kwisivumelwano esiqukanisayo kwiSebe leQonga leNguqu leCandelwana leKansile yoThethathethwano neemanyano zabasebenzi ngokubhekiselele kwimimiselo, iinkqubo neendlela emazilandelwe xa kuqeshwa abantu abaya kungena kwizikhundla ezivele ngenxa yemo entsha yolawulo lukaMasipala weNgingqi.

(15)Ngomhla okanye ngaphambi komhla omiselwe nguMphathiswa wePhondo, uMasipala weNgingqi uya kuqesha abantu abayakungena kwizikhundla ezikwi uphuhliso lwabasebenzi ngokwemimiselo, iinkqubo neendlela ekuvunyelwene ngazo kwiSebe leQonga leeNguqu leKansile yoThethwano.

(section 12A inserted by PN.675/2000)

Izivumelwano zokusebenza ezithatyathwa kunye

13.(1) Nasiphi na isigq ibo kuso li Qumrhu lee ngxoxo:-

(a) kurhulumente kazwelonke, okanye;

(b) kwi Qumrhu leeNgxoxo, okanye

(c) kurhulumente weedolophu,

siya kuhlala simi isesi setyenzi swayo de sihlo nyelwe okanye sitshitshiswe ngokokungqineland kni miqathango yesi sirumelwano.

(2) Phambi komhla wokuqala wonyulo oomasipala abatshutshisiweyo, njengamalungu eQonga lezokusebenza kufuneka bazame befikele esigq ibeni kunye nemanyano zaba sebenzi ngo kuphathelene nale miba ilandelayo:-

(a) inkqubo eya kulandelwa xa kumiselwa abasebenzi ezikhundleni ngokwendlela entsha emva komhla wokuqala wonyulo;

(b) inkqubo eya kulandelwa ekuzalisweni kwezikhundla ezitsha eziya kuba zikho emva kokusekwa ngokutsha kubume bezikhundla kuMasipala weNqila;

(c) ukwamkelwa kwemimiselo nemiqathango yengqesho yoMasipala weNqila emva komhla wokuqala wonyulo, kwakunye

(d) nawuphi na umcimbi obhekiselele kumiselo loMasipala weNqila.

Imicimbi yabasebenzi

14. Ngokuxhomekeke kuso naziphi na isivumelwano ezenziwe kunye:-

(a) imigaqo-nkqubo kunye namanyathelo emicimbi yabasebenzi yoMasipala weNqila iya kuba yimigaqo-nkqubo namanyathelo emicimbi eyayisetyenziswa ngenx' engaphambi komhla wokuqala wonyulo kwaye iya kuhlala iyesetyenziswayo ngabo bonke abasebenzi ngokufanayo naleyo yayisetyenziswa yayingaphambi komhla wokuqala wonyulo, kwanegahlolwa okanye ekutshitshiswe nguMasipala weNqila;

(b) imimiselo nemiqathango yengqesho yabasenzi bonke bakaMasipala iya kuba yimimiselo nemiqathango eya kusebenza ngaphambi komhla wokuqala wonyulo isebenza kumqeshwa ngamnye nokuba uqeshwe emva komhla wokuqala wonyulo eqeshwa ngokwemimiselo nemiqathango yengqesho egqitywe nguMasipala.

IZiphumo zeNguqu ezibhekiselele kweminye imiba emalunga nabasebenzi

15.(1) Ngokwesivumelwano esiqukanisiweyo, umsebenzi osikhundla sakhe sitshintshwe ngenxa yenguqu akayi kuthathwa njengongafunekiyo ngokweenjongo zayo nayiphi na imimiselo okanye imiqathango yengqesho kungenjalo nawuphi na umgaqo wengxowa-mali yomhlala phantsi enika umsebenzi ithuba lokuba azinyulele ngokwakhe ukuwuyeka umsebenzi neemfanelo zakhe.

(2) Imiqathango yeli candelo isebenza kuphela xa umsebenzi athe wasikhaba ngaphandle kwesizathu asinikwayo umsebenzi nguMasipala.

(3) Ngokwenjongo yeli candelo, utshintsho lwezikhundla lungaquka okunye koku kulandekayo:-

(a) isithuba eso somsebenzi asisekho;

(b) isithuba eso somsebenzi sithe satshitshiswa;

(c) umsebenzi kufuneka enze isicelo sesithuba ngokutsha;

(d) inkqubo kunye namagunya esithuba eso athe atshitshiswa;

(e) kuthe kwatshintshwa umqeshi;

(f) xa isithuba eso sithe sanaphathi abaninzi ekufuneka umsebenzi esebenze phantsi kwabo;

(g) xa kukho umahluko kwisithuba eso.

Ukuthabathelana koomasipala izikhundla ngokwaseMthethweni

16. Ukususela ngomhla wokuqalisa:-

(1) Umasipala weNgingqi uya kuba ngumasipala othabatha isikhundla ngokwasemthethweni sabo masipala batshitshiswayo kananjalo uya kuba ngumasipala oza kusekwa ngokwemiqathango yeSaziso sooMasipala beZithili ngokubhekiselele kwimpahla namatyala abelwe uMasipala weNgingqi ngokwemiqathango yale Shedyuli.

(2) Ngokwecandelwana (1) necandelo 16D lale Shedyuli wonke amalungelo nezibophelelo zoomasipala abatshitshisiweyo angabiwanga ngokwemiqathango yale Shedyuli ayakwabelwa uMasipala weNgingqi, kwaye kuya kuba nguloo Masipala weNgingqi othabatha isikhundla ngokwasemthethweni sabo masipala batshitshisiweyo, ngokubhekiselele kuloo malungelo nezibophelelo.

(3) Zonke iintlawulo, ingeniso nazo zonke ezinye iimali ekufanele zihlawulwe okanye ziqokelelwe nawuphina/nabaphina ziya kuhlawulwa okanye ziqokelelwe ongunmasipala onthabathe isikhundla ngokwasemthethweni somasipala otshitshisiweyo ngokwemiqathango yale Shedyuli.

(4) Ingatyeshelwanga imiqathango yawo nawuphina umthetho onxulumene noku, nawaphina amaxwebhu othelekelelo-maxabiso asasebenzayo okanye abekho ngenxa yokuqulunqwa kothelekelelo-maxabiso lwethutyana okanye olongeziweyo, nokuba yiyiphi kwezo zinto, kummandla woMasipala weNgingqi aya kuhlala esebenza, ngaphandle kokuba imiqathango yaloo mthetho itsho nto yimbi, de ummandla lowo woMasipala weNgingqi uqulunqelwe uxwebhu jikelele lothelekelo-maxabiso.

(5) Lingatyeshelwanga icandelwana (1):-

(a) uMasipala uya kuthabatha iintambo ngokusemthethweni koomasipala abatshitshisisweyo ngokwezingqinisiso zemibandela ichaziweyo kuMthetho wokuGuqulwa kweMimandla ethile yasemaPhandleni kwanakuMthetho weeNgingqi zasemaPhandleni, ukuya kutsho kwizahlulo ekubhekiselelwe kuzo, de kube kutshintshelwa kwinkqubo ekubhekiselalwe kuyo kwicandelo le-3 loMthetho wokuGuqulwa kweMimandla ethile yasemaPhandleni:-

(i) umhlaba ophantsi kwegunya loMphathiswa wezoLimo neMicimbi yoMhlaba njengoko kuchaziweyo kwicandelo le-7 loMthetho weeNgingqi zasemaPhandleni noxhomekeke kwimiqathango equlathwe licandelo le- 3 loMthetho wokuGuqulwa kweMimandla ethile yasemaPhandleni uya kuhlala phantsi kwegunya loMphathiswa wezoLimo neMicimbi yoMhlaba, kwakunye

(ii) umhlaba obuphantsi kwegunya loomasipala abatshitshisiweyo ngokwemimiselo equlathwe

nguMthetho weeNgingqi zasemaPhandleni noxhomekeke kwimiqathango yecandelo le- 3 loMthetho wokuGuqulwa kweMimandla ethile yasemaPhandleni uya kuhlala uphantsi kwegunya loMasipala ukususela kumhla wokuqala wonyulo;

(b) umhlaba ekubhekiselelwe kuwo kwicandelwana (2)(a) uya, kuthi ngexesha lotshintshelo ngokwemimiselo yecandelo le-3 loMthetho woluGuqulwa kweMimandla ethile yasemaPhandleni, ube phantsi kolawulo loMasipala njengoko uMthetho weeNgingqi zasemaPhandleni uchaza.

(section 16 amended by PN.675/2000)

Imimiselo yoGaithiselo lweMpahla, amaTyala neeRekhodi

16A. Ukususela ngomhla wokuqalisa:

(1) yonke impahla, amatyala neerekhodi zoomasipala abatshitshisiweyo neyayanyaniswa ngokukodwa nemisebenzi ekufanele yenziwe nguMasipala weSithili iya kugqithiselwa kuMasipala weSithili.

(2) yonke impahla, amatyala neerekhodi zoomasipala abatshitshisiweyo neyayanyaniswa ngokukodwa nemisebenzi ekufanele yenziwe nguMasipala weSithili (misebenzi leyo iquka imisebenzi efanele ukwenziwa nguMasipala weSithili kuMmandla woLawulo lweSithili) ye nawuphina omnye wooMasipala beeNgingqi iya kugqithiselwa iya kugqithiselwa kuMasipala weSithili.

(3) nayiphi na impahla yomasipala otshitshisiweyo enako ukususwa kwindawo ekuyo neyayanyaniswa nomsebenzi omnye okanye engaphezulu ekufanele ifezekiswe, ukusuela ngomhla wokuqalisa, nguMasipala weNgingqi noMasipala weSithili, nabanako ukwahlulelana ngayo baya kuyahlulelwa:-

(a) ngokwepesenti yelona xesha loo mpahla esetyenziswe ngalo kwindawo nganye;

(b) ngokwepesenti yelona xesha loo mpahla esetyenziswe ngalo ekwenzeni umsebenzi oya kuba luncedo macala omabini; okanye

(c) ngokwayo nayiphi na enye indlela evunywe nguMphathiswa wePhondo.

(4) yonke impahla yoomasipala abatshitshisiweyo engenakususwa kwindawo ekuyo neyayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili, ndawonye nayo yonke impahla enokususwa kwindawo ekuyo neyayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili abangenakwahlulelana ngayo, iya kugqithiselwa kumasipala oya kuyisebenzisa kakhulu ukugqitha abanye, kodwa nawuphi na umasipala osenomnqweno wokuyisebenzisa loo mpahla unelungelo lokuqhubeka ngokuyisebenzisa oko ekwenza ehlawula inxenye yeendleko zokuyisebenzisa ngokokuyisebenzisa kwakhe de ilungelo lakhe lokuyisebenzisa lipheliswe ngesivumelwano;

(5) ingatyeshelwanga imiqathango yecandelwana (4), uMasipala weNgingqi noMasipala weSithili banokuvumelana ngokuyahlula phakathi, nayiphi na impahla engenakususwa kwindawo ekuyo nekubhekiswe kuyo phaya kwincandelwana (4), nenokwahluleka phakathi, okanye bohlule naliphi na iqela lempahla ekubhekiswe kulo phaya kumacandelwana (3) no-(4) ngendlela eyanelisayo, oko kusenziwa kunikwe ingqalelo uhlobo noncedo

lwaloo mpahla okanye lwezo mpahla, ngokuvumelana kwabo, ze isahlulelo ngasinye saloo mpahla sabiwe ngokwesivumelwano eso;

(6) yonke impahla eyimali yoomasipala abatshitshisiweyo neyayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili iya kwahlulelwa abo masipala ngendlela eyanelisayo, oko kusenziwa kunikwe ingqalelo uhlobo noncedo lwaloo mpahla;

(7) yonke impahla eyimali namatyala emali oomasipala abatshitshisiweyo engenakwayanyaniswa nomsebenzi othile iya kwahlulelwa uMasipala weNgingqi noMasipala weSithili ngale ndlela ilandelayo:-

(a) Izibonelelo ezingasetyenziswanga eziziimfanelo zabaqeshwa, ezifana neentsuku zekhefu ezingasetyenziswanga, ziya kugqithiselwa kwiimeko apho izibonelelo zinokunxulumaniswa nomqeshwa othile ngokuhambelanayo nenkqubo yogqithiselo lwaloo mqeshwa ngokwemiqathango yale Shedyuli kwanenezinye iimeko ngokomlinganiselo oya kuthelekiswa nezibonelelo ezilungiselelwe imivuzo seyiphelele neziza kugqithiselwa kuMasipala weNgingqi noMasipala weSithili;

(b) Izibekelelo nezibonelelo ezingasetyenziswanga ngenjongo ethile ziya kugqithiselwa ngendlela eyanelisayo, oko kusenziwa kunikwe ingqalelo uhlobo nenjongo yesibekelelo okanye yesibonelelo ngasinye;

(c) Izibekelelo nemali ezingasetyenziswanga eyintsalela yohlobo lwesiqhelo iya kwahlulelwa uMasipala weNgingqi noMasipala weSithili ngenye yezi ndlela zilandelayo:-

(i) ngokuthelekanisekayo kweengxelo-mali ezihlanganisiweyo zakutsha nje zoMasipala weNgingqi noMasipala Sithili;

(ii) nayiphi na enye indlela evunywe nguMphathiswa wePhondo.

(8) Yonke impahla engaphathekiyo yoomasipala abatshitshisiweyo neyayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili iya kwabelwa umasipala omnye, noko kunjalo nawuphi na omnye umasipala onomnqweno waloo mpahla ingaphathekiyo uya kuba nelungelo:-

(a) lokuzuza imbuyekezo eyanelisayo, oko kuquka imali, ukutshintshiselwa okanye naluphi na olunye uhlobo lwembuyekezo ekunokuvunyelwana ngayo; kananjalo

(b) aqhubeke ngokuyisebenzisa loo mphahla xa athe wahlawula isabelo esithelekisekayo seendleko zokuyisebenzisa de elo lungelo lokuyisebenzisa lipheliswe ngokuvumelana.

(9) zonke iirekhodi zoomasipala abatshitshisiweyo nezayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili nabangenakwahlulelana ngazo, ziya kugqithiselwa kumasipala omnye ngokokusondela kwazo kumsebenzi iirekhodi ezo ezoyamene nawo noko kunjalo nabanye oomasipala baya kubanelungelo lokuzifikelela ezo rekhodi kananjalo baya kubanelungelo lokufunyaniswa iikopi zazo.

(10)wonke amatyala oomasipala abatshitshisiweyo nayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili aya kwahlulelwa uMasipala weNgingqi noMasipala

weSithili ngendlela eyanelisayo, oko kusenziwa kunikwe ingqalelo uhlobo nenjongo yaloo matyala.

(11)yonke impahla namatyala oomasipala abatshitshisiweyo, ngaphandle kwalawo achazwe phaya kwicandelwana (7), nangenakwayanyaniswa nomsebenzi othile, aya kugqithiselwa kuMasipala weNgingqi.

(section 16A. inserted by PN.675/2000)

Inkqubo yokuGqithisela iMpahla, amaTyala neeRekhodi

16B.(1) Ingatyeshelwanga imiqathango yecandelo 16A necandelo 16C, kananjalo ngeli lixa kusalindelwe ukufezekiswa kwenkqubo yogqithiselo ngokweli candelo, yonke impahla, wonke amatyala nazo zonke iirekhodi zoomasipala abatshitshisiweyo, xa kukho imfuneko yoko, ziya kugqithiselwa okwethutyana kuMasipala weNgingqi, kwaye ke ngoko yonke impahla, wonke amatyala nazo zonke iirekhodi ezifanele ukugqithiselwa kuMasipala weSithili ngokwemiqathango yecandelo 16A okanye 16C lale Shedyuli ziya kuthatyathwa njengezigqithiselwe kuMasipala weNgingqi oko kusenziwa ngokwamalungiselelo aphakathi koMasipala weNgingqi noMasipala weSithili, malungiselelo lawo achaza ukuba uMasipala weSithili uya kufezekisa umsebenzi okanye imisebenzi eyayamene nempahla, amatyala neerekhodi ezo oko ekwenza egameni loMasipala weSithili.

(2) Ukuze ku:-

(a) kube nokulungiselelwa nawaphi na amalungiselelo ngokwemigaqo yoMthetho oHlonyelweyo wamaSebe ooMasipala; okanye

(b) kube nokuvunyelwa uMasipala weNgingqi kwanoMasipala weSithili ukuba bangene kwizivumelwano, kuqukwa nezivumelwano ezimalunga nomsebenzi,

ezinokuchaphazela utshintsho lwabasebenzi ngokwemigaqo yale Shedyuli, akukho nalinye ilungu eliya kunikezelwa ngokupheleleyo ngaphambi komhla wama-30 kuJuni 2001, okanye olo suku luya kube lumiswe nguMphathiswa wePhondo.

(3) Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo iCEO nganye kuya kufuneka qulunqe uxwebhu olunoludwe layo yonke impahla, amatyala neerekhodi zomasipala wayo otshitshisiweyo ngokwendlela eyalelwe nguMphathiswa wePhondo, kufuneka abe okwethutyana zonke iimpahla, amatyala, neerekhodi zomasipala otshitshisiweyo wakhe ngokuhambelanayo nemithetho-ssiseko echaziweyo kwicandelo 16A nele 16C, kwaye kuya kufuneka ukuba inike umphathi wethutyana kamasipala ne-IMM yoMasipala weSithili iikopi eziphelelelyo zoxwebhu olunolo ludwe.

(4) Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo, kodwa ngokwemiqathango yecandelwana (2), umphathi wethutyana kamasipala, ebonisene ne-IMM zoMasipala weSithilii kuya kufuneka ukuba:-

(a) ahlanganise amaxwbehu ekubhekiswe kuwo phaya kwicandelwana (1) awenze abe luxwebhu olunye ze ekugqibeleni abe ngokwahlukeneyo impahla, amatyala neerekhodi eziza kugqithiselwa kuMasipala weSithili okanye kooMasipala beeNgingqi ngokwemiqathango yecandelo 16A nele 16C kanti nezo ekuya kufuneka ukuba zigqithiselwe ngokwesivumelwano ekubhekiswe kuso kwicandelwana (2);

(b) anike i-IMM yoMasipala weSithili ikipi yolo xwebhu kananjalo afumane kwi-IMM yoMasipala weSithili ikopi yoxwebhu oluqulungwe yi-IMM yoMasipala weSithili; kananjalo

(c) ahlanganise uxwebhu ekubhekiswe kulo phaya kumhlathi (a) noxwebhu olufunyenwe kwi-IMM yoMasipala weSithili ekubhekiswe kulo phaya kumhlathi (b) aze loo maxwebhu enziwe uxwebhu olunye olubonakalisa yonke impahla, wonke amatyala nazo zonke iirekhodi eziza kugqithiselwa kuMasipala weNgingqi.

(5) Ingatyeshelwanga imimiselo echazwe kwicandelo 16A no 16C, umphathi wethutyana kamasipala unokuthi evumelene ne-IMM yoMasipala weSithili, akuhlengahlengise ukwabiwa kwempahla, amatyala neerekhodi ngokwemiqathango yecandelwana (4) oko ekwenzela ukulungiselela ukwabelana, okufaneleke nangaphezulu, ngazo zonke ezo zinto phakathi koMasipala weNgingqi noMasipala weSithili.

(6) Xa kunokuvela impikiswano ngokubhekiselele kulwabiwo lwempathla, amatyala neerekhodi phakathi komphathi wethutyana kamasipala ne-IMM yoMasipala weSithili loo mpikiswano kuya kufuneka ukuba igqithiselwe kuMpathiswa wePhondo ukuze uMpathiswa wePhondo okanye umtyunjwa wakhe agqibe ngayo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo soMphathiswa wePhondo okanye somtyunjwa wakhe akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

(7) Umphathi wethutyana kamasipala uya kuluqinisekisa ngencwadi uxwebu loludwe oluhlanganisiweyo ekubhekiswe kulo phaya kwicandelwana (4)(c) kwaye kuya kufuneka ukuba uxwebhu olo olunoludwe alunike uMphathiswa wePhondo ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo.

(8) Nje ngokukhawuleza kangangoko emva kokuqinisekiswa koxwebhu loludwe oluhlanganisiweyo ngokwecandelwana (7), kodwa kungagqithanga umhla oya kumiselwa nguMphathiswa wePhondo, umphathi wethutyana kamasipala kuya kufuneka ukuba aqalise ugqithiselo layo yonke impahla, amatyala neerekhodi zoomasipala abatshitshisiweyo.

(9) Umasipala weNgingqi uya kuliphicotha ugqithiselo lwempahla, amatyala neerekhodi kungagqithanga iinyanga ezili-12 emva komhla wokuqalisa, kungenjalo ngolo suku luya kumiselwa nguMphathiswa wePhondo.

(section 16B. inserted by PN.675/2000)

Ugqithiselo lwabasebenzi, impahla, namatyala ayanyaniswa nemisebenzi engeyiyo leya idweliswe kwicandelo 84 loMthetho wamaSebe ooMasipala

16C. Ingatyeshelwanga imiqathango yecandelo 12(1) necandelo 16A lale Shedyuli, ukususela ngomhla wokuqalisa:-

(a) Bonke abasebenzi, yonke impahla, onke amatyala nazo zonke iirekhodi zoomasipala abatshitshisiweyo nezayanyaniswa ngokukodwa:-

(i) lindlela ezingezizo ezomasipala

(ii) neenkonzo zeenqwelo-zigulane;

(iii) linkonzo zempilo ezingezizo ezomasipala

(iv) ulawulo lweentlekelele;

(v) ulwakhiwo lwezindlu;

(vi) amathala eencwadi;

(vii) umzi wocgino lwezinto zakudala;

(viii) iinkqubo zokuzisa amanzi ingezizo ezo zamanzi alungele ukuselwa

(ix) ulondolozo lwendalo nokusingqongileyo, kubandakanywa nolawulo lwamazibuko, imfundiso ngokusingqongileyo, ulawulo lwezilwanyana nolawulo lwamanzi angaphakathi elizweni; kananjalo ubuxhakaxhaka bokubonelela ngamanzi ngaphandle kobuxhakaxhaka bokubonelela ngamanzi alungele ukuselwa;

(x) nemithetho yendlela nokuthotyelwa kwayo;

ziya kugqithiselwa kuMasipala weNgingqi ngokwenkqubo echazwe kwicandelo 12(2), (3) no (4) necandelo 12A no 16B lale Shedyuli;

(b) bonke abasebenzi, yonke impahla, onke amatyala nazo zonke iirekhodi zoomasipala abatshitshisiweyo ezingenakwayanyaniswa nemisebenzi ekubhekiswe kuyo phaya kwicandelo 84(1) loMthetho wamaSebe ooMasipala okanye umhlathi (a) okanye (b), ziya kugqithiselwa kuMasipala weNgingqi ngokwemimiselo neenkqubo ezichazwe kwicandelo 12, 12A, 16A no- 16B lale Shedyuli.

(section 16C. inserted by PN.675/2000)

Ugqithiselo lwabasebenzi, impahla, amatyala neerekhodi ezinxulumene nezivumelwano zobonelelo ngeenkonzo zikamasipala

16D.(1) Kungatyeshelwanga nantoni na ephikisana noko kuqulethwe kuso nasiphi na isivumelwano sokubonelela ngeenkonza zoomasipala, esenziwa noomasipala abatshitshisiweyo, sivumelwano eso esithi umasipala lowo utshitshisiweyo kuya kuba nguye obonelela ngeenkonza; bonke abasebenzi, yonke impahla, onke amatyala nazo zonke iirekhodi zaloo masipala utshitshisiweyo ziya kugqithiselwa ngokwemiqathango yale Shedyuli

(2) Umphathiswa wePhondo nguye oya kugqiba ekubeni nguwuphi umasipala oya kuthabatha isikhundla somasipala otshitshisiweyo ngokubhekiselele kwisivumelwano sobonelelo ngeenkonza esenziwa ngumasipala otshitshisiweyo sivumelwano eso esithi umasipala lowo utshitshisiweyo nguye oya kubonelela ngeenkonza, kwaye unokuyalela uMasipala weNgingqi okanye uMasipala weSithili ukuba aqalise kananjalo alawule nawaphi na amalungiselelo ethutyana obonelelo ngeenkonzo ngokwemiqathango yecandelo 19 lale Shedyuli, ukuqinisekisa ukuqhubeka kubonelelo ngeenkonzo ngokubhekiselele kwisivumelwano eso.

(3) Kwithuba ukususela ngomhla wokuqalisa ukuya kumhla uMphathiswa wePhondo enze ngawo isigqibo ngokwecandelwana (3), uMasipala weNgingqi kuya kuba nguye ongena esikhundleni somasipala otshitshisiweyo ngokwasemthethweni ngokubhekiselele kuzo naziphi na izivumelwano zobonenelelo ngeenkonzo ekubhekiswe kuzo kwicandelwana (1) ngokwemiqathango yecandelo 19.

(section 16D. inserted by PN. 675/2000)

Ukusilela ekufezekiseni imiqathango ethile yale Shedyuli

16E. Xa kunokwenzeka ukuba umphathi wethutyana kamasipala okanye nabani na ongomnye akufuneka enze umsebenzi othile ochazwe kwicandelo 12A okanye 16B, asilele okanye ale ukwenza oko kwithuba elichazwe kuloo macandelo, uMphathiswa wePhondo angatyumba nabani na ukuba enze loo msebenzi, xa kunjalo ke loo Masipala weNgingqi okanye loo Masipala

weSithili uchaphazelekayo kuya kufuneka asebenzisane ngokupheleleyo naloo mntu.

(section 16E. inserted by PN.675/2000)

Imithetho yeNguqu ebhekiselele kwimithetho yenqila nemimiselo

17.(1) Nayiphi na imithetho yenqila esetyenziswayo kummandla womasipala otshitshisiweyo emvan nje komhla wokuqala wonyulo iya kusebenza ukususela ngalo mhla, de kube kuthe ngexesha likugwalasewa ngokutsha nokwenziwa kohlenga-hlengiso ngokwemiqathango yecandelo le-15 loMthetho weNgingqi kaMasipala, uhlale usebenza ngokupheleleyo kuloo mmandla umiselwe wona, ukwaxhomekeke nasekubeni uhlonyelwe okanye utshitshiswe nguMasipala.

(2) Ngaphandle kokuba le mithetho ayingqinelani neemeko ekubhekiselelwa kuzo okanye ayicaciswanga ngokufanelekileyo, isingqinisiso kuyo nayiphi na imithetho yenqila enjengale esiya kwenza ukuba:-

(a) umasipala otshitshisiweyo okanye owayengaphambili, kufuneka achazwe njengosisingqiniso kuMasipala weNqila, kwakunye

(b) indlela ami ngayo okanye umsebenzi kamasipala otshitshisiweyo, melwe kukuchazwa njengesingqinisisio kubume ahambelana naso okanye umsebenzi kaMasipala.

(3) Ngokuxhomekeke kwimiqathango yolu ludwe lweenkqubo nangokugatyanga kutshitshiswa koomasipala abatshitshiweyo, nasiphi na:-

(a) isigqibo esithe sathatyathwa;

(b) isaziso, isiqinisekiso okanye amaxwebhu athe akhutshwa;

(c) isalathiso, ukwamkeleka, imvume okanye igunya elithe lanikezelwa;

(d) isaphulelo, iphepha-mvume okanye imvume ethe yanikwa okanye yakhutshwa;

(e) ukuqeshwa ukuthe kwenziwa;

(f) umqeshwa othe watyunjwa;

(g) isivumelwano okanye isibophelelo ekuthe kwangenwa kuso;

(h) amagunya athi anikweze umsebenzi;

(i) amaxabiso, uluhlu lweentlawulo okanye iintlawulo exibekiweyo;

(j) umhlaba othe wabekelwa bucala, kwakunye

(k) amanye amanyathelo athe athatyathwa okanye izinto ezenziweyo,

ngumasipala otshitshisiweyo oya kuthi, ngokwemiqathango yolu luhlu lweenkqubo, zithathwe ezi zinto ngokwzinto abezenza ezikhutshiweyo, ekunikiswe ngazo, ezenziweyo, abaqeshwa abatyunjiweyo, izivumelwano ekungenwe kuzo amagunya anikeziweyo, okumiselweyo, okanye okuthe kwenziwa nguMasipala de kube kuphindwe kwaqwalaselwa ngokutsha kusenziwa nohlenga-hlengiso ngokwemiqathango yecandelo le-15 loMthetho wamaSebe ooMasipala.

(4) Ngokwemiqathango yesahluko sama-20, 21, 22 nese 23 ekolu luhlu lwenkqubo, nabani na ngomhla wokuqala wonyulo othe wasebenzisa amagunya okanye wenza umsebenzi wakhe kungenjalo esebenza ngokwegunya lesikhundla sakhe nokuba ligunya awayelinikwe ngumasipala otshitshisiweyo, uya kuthi gqolo ukulisebenzisa elo gunya okanye enze

umsebenzi lowo kungenjalo asebenze de kufike elo xesha athe wagqiba ngandlela yimbi uMasipala omtsha.

(5) Ngokwenjongo zoludwe lweenkqubo yeMiqathango eLawula ukuMiselwa kwamaGosa oxolo njengoko kuchaziwe kwimigaqo yecandelo 334 loMthetho weNkqubo yolwaPhulo-Mthetho ka1977 (uMthetho wama-51 ka1977), naliphi na igosa eliqinisekisa ngokuthotyelwa komthetho elamiselwa ngumasipala otshitshisisweyo, liya kuthi ukususela kumhla wokuqala wonyulo lithathwe njengeliqeshwe nguMasipala weSithili eso lisebenza kuso.

(6) Nasiphi na isicwangciso esisemthethweni esisetyenziswayo okanye esilandelwayo kummandla wolawulo loomasipala abatshitshisiweyo, siya kuhlala sisetyenziswa kungenjalo kulandelwa sona kummandla lowo besilungiselelwe ukusetyenziswa kuwo de sibe sihlonyelwe, siguqulwe okanye sitshitshisiwe nguMasipala.

IMicimbi yeMali

18.(1) Ukususela kumhla wokuqala wonyulo uhlahlo-lwabiwo-mali olukhoyo loomasipala abatshitshisiweyo luya kusebenza kuhlahlo-lwabiwo-mali loMasipala de ibe ngumhla wama-30 kuJuni 2001.

(2) Ngokungayigatyanga miqathango yecandelwana (1), uMasipala:-

(a) angenza uhlenga-hlengiso kuhlahlo-lwabiwo-mali olukhoyo, okanye

(b) angagqiba ekubeni azivale iincwadi ze uhlahlo-lwabiwo-mali alwenze ngokutsha ngentsalela yemali yonyaka wohlahlo-lwabiwo-mali;

lungenziwa uhlenga-hlengiso okanye ulungiselelo nokwamkelwa kohlahlo-lwabiwo-mali olunjengolu, ukuba oko kuya kuhambelana nomthetho osetyenziwayo.

(3) Phambi kwesiqalo sonyaka-mali ka2001/2002 kuya kufuneka uMasipala ukuba alungiselele ukwamkela izicwangciso zokulawula imali kwanemigaqo-nkqubo esebenza:-

(a) nemiqathango nebandabakanya nenkqubo yoomasipala yokutshintshwa kohlahlo lwabiwo mali ukuqinisekisa uzinzo kwezezimali kwithuba lasemva konyaka mali ka2000/2001;

(b) neendleko zexesha eliphakathi;

(c) ukulinganiswa kobume boluhlu lweerhafu loLawulo loMmandla weSithili;

(d) ukwenziwa kwamalungiselelo abanzi oxwebhu olutsha loqikelelo-maxabiso kwanokuphakanyiswa kweimicimbi yeerhafu exifikeleleka nakubani kuLawulo loMmandla weSithili;

(e) ukuziswa ngaphambili kwee-akhawunti eziqukanisiweyo;

(f) ukuhlanganiswa kwenkqubo zocwangciso-mali neenkqubo zohlahlo-lwabiwo-mali;

(g) ulawulo lwamatyala, kwakunye

(h) neenkqubo zokuthenga.

Amalungiselelo eThutyana oLawulo

19.(1) Ukususela ngomhla wokuqalisa ukuya kumhla apho abasebenzi, iimpahla, amatyala neerekhodi zide ekugqibeleni zobiwa ngokwemimiselo ekule

Shedyuli, okanye omnye umhla onokumiselwa nguMphathiswa wePhondo, uMasipala weNgingqi:

(a) uya kunyanzeleka ukuba asebenzisane ngeyona ntembeko inkulu nabo bonke abasebenzi, iimpahla, amatyala okanye iirekhodi

(i) abaqeshwe ngokwemiqathango yecandelo 12A(1);

(ii) abagqithiselwe ngokwemiqathango yecandelo 16B(1) kananjalo

(iii) ezobiwe okwethutyana ngokwecandelo 12A(3) nele 16B(3) imo enokuthenjwa ngokubhekiselele kuMasipala weSithili

(b) engabujongelanga phantsi ububanzi becandelwana (1) kanto nangokwecandelo 12(2), ngokubhekiselele kwimihlathi (i) no (vii) elapha ngezantsi, akayi kuthi enganikwangwa nvume ngencwadi nguMphathiswa wePhondo, mvume leyo inemiqathango ethile ekubhekiselelwe kuyo kwimihlathi (ii), (iii), (iv), (v), (vi) nowe-(viii) elapha ngezantsi, kuthintelwa ngaphandle kwesizathu esivakalayo enze okanye aqalise naziphi na inguqu zophuhliso lwabasebenzi abaqeshwe okwethutyana ngokwemiqathango yecandelo 12A(1), okanye enze izabiwo zethutyana ngokwemiqathango yecandelo 12A(3) ngokuthi:-

(i) adale okanye avale naziphi na izikhundla ezintsha;

(ii) avale izikhundla ezingenamntu;

(iii) aphakamisa okanye aqalise ukuguqula ngokutsha nokunyusa umgangatho wazo naziphi na izikhundla ezikhoyo;

(iv) anyusele abasebenzi kwizikhundla eziphezulu;

(v) anike abasebenzi nayiphi na imisebenzi yesigxina ngaphandle kwemisebenzi esetyenzwa okwethutyana;

(vi) ngokuxhomekeke kuwo nawuphi na umthetho, izivumelwano ezihlanganisiweyo okanye ingqesho engesosigxina:-

(aa) ukunika imvume kwanokusebenzisa nayiphi na imali evunyelweyo, kungenjalo imali evunyelweyo engunobambiso;

(bb) ukuqalisa ukubonelela ngonyuso mali lwemivuzo.

(vii) aqalise naziphi na iinguqu kwimibutho yabasebenzi okanye kwiimo zokuphatha, kananjalo

(viii) angene nakwisiphi isivumelwano esihlanganyelweyo, ngaphandle kwesivumelwano esihlanganyelweyo ekubonisenwe ngaso kwavunyelwana ngaso kwiKansile yoThethwano nesiya kubophelela uMasipala weNgingqi ngokubhekiselele kuwo nawuphi na umba odweliswe kweli candelwano

(c) engabujongelanga phantsi ububanzi becandelwana (1), akayi kwenza ngaphandle kokuba kokufumana imvume yoMasipala weSithili, mvume leyo ingasayi kuthintelwa ngaphandle kwesizathu esivakalayo, okanye ukuqalisa nasiphi na isigqibo esinxulumene nayo nayiphi na impahla, amatyala, iirekhodi ngokwemiqathango yecandelo 16B(1) okanyeeyabiwe okwethutyana ngokwemiqathango yecandelo 16B(3) esiya kwenza ukuba loo masipala:-

(i) athengise okanye aqeshise ngempahla engenakususwa kwindawo ekuyo okanye enokususwa kwindawo ekuyo mpahla leyo exabiso layo lingaphezulu kwama-R20 000,00 (amawaka angamashumi amabini eerandi) ngaphandle xa oko kusenziwa ngokwemiqathango yezivumelwano ezikhoyo, nangona ke loo miqathango ingenakusebenza xa kuchithwa impahla engenakususwa kwindawo ekuyo ngokwenkqubo yolwakhiwo lwezindlu oluvunywe ngokwemiqathango yoMthetho woLwakhiwo lweZindlu, 1997 (Umthetho 107 wonyaka we-1997);

(ii) athenge impahla engenakususwa kwindawo ekuyo okanye enokususwa kwindawo ekuyo mpahla leyo exabiso layo lingaphezulu kwama-R20 000,00 (amawaka angamashumi amabini eerandi);

(iii) enze izivumelwano ezintsha zethuba elingaphezulu konyaka omnye;

(iv) avuselele izivumelwano zethuba elingaphezulu kweenyanga ezintathu;

(v) azifumanele ubuxhakaxhaka betekhnoloji obuquka oomatshini bohlobo lwekhompyuta neenkqubo abazisebenzisayo, kananjalo

(vi) asebenzise:-

(aa) iimali eziqingqwe ngokomthetho, ezisebenzisela ukuthenga impahla eyikapitali okanye enye inkcitho kungenjalo ukuhlawulela inkcitho ngokuvula amatyala angaphakathi emali-mboleko oko ekwenzela iinjongo ezingezizo ezeeprojekthi zolwakhiwo lwezinto ezisetyenziswa sisizwe eziqingqiweyo neziyimfuneko kwanezivunywe kuhlahlo-lwabiwo mali lonyaka wama-2000/2001;

(bb) iimali ezigcinwe kwithrasti (ezingaquki ii-akhawunti zeKansile) ezisebenzisela naziphi na iinjongo ngaphandle kwezo ezo mali ezigcinelwe zona;

(cc) iimali ezibekelelweyo, ikapitali ebekeleweyo okanye izibonelelo ezibekelelweyo ngenjongo engeyiyo yokulolonga izinto ezakhelwe isizwe nezifakwe kuhlahlo-lwabiwo mali, ulolongo lwezinto zonxunguphalo ezikhelwe isizwe nezingafakwanga kuhlahlo-lwabiwo mali, lolongo olo olungenakuhlawulelwa ngemali ecwangciselwe ukwenza umsebenzi okanye ngokuthi kucinywe amatyala angasenakuhlawulwa; kananjalo

(dd) nayiphi na ithrasti esekwe ngokomthetho, nasiphi na isibekelelo okanye isibonelelo esingeyo mali izinkozo exhaswa ngemali engeyiyo esisiphumo sokucinywa kwamatyala angasenakuhlawulwa.

Nangona ke eli candelwana lingenakusebenza kwiimeko zonxunguphalo; kwaye

(d) akayi kwenza okanye kuqalisa nasiphi na isigqibo esiya kwenza ukuba uMasipala weNgingqi agqithise kwikapitali yakheto evunyiweyo okanye

kwimali yonyaka-mali wama-2000/2001 ecwangciselwe ukwenza umsebenzi.

(2) Xa kunokuvela impikiswano ngokubhekiselele kwimiqathango yecandelwana (1) phakathi koMasipala weNgingqi noMasipala weSithili, loo mpikiswano kuya kufuneka ibhekiswe kuMphathiswa wePhondo ukuze ibe nguMphathiswa wePhondo okanye umtyunjwa wakhe owenza isigqibo ngayo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo so Mphathiswa wePhondo okanye umtyunjwa wakhe owenza isigqibo ngayo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo soMphathiswa wePhondo okanye umtyunjwa wakhe akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

(3) Nasiphi na isivumelwano esenziweyo nesiphikisana nemiqathango yecandelwana (1) okanye (2) asiyi kusebenza kwaphela.

(section 19 amended by PN.675/2000)

Ukuqeshwa kwamagosa abambeleyo

20. Phanbi komhla wokuqala wonyulo uMphathiswa wePhondo uya, kuthi akuba eziqwalasele iziphakamiso zeQonga leNgugulelo leSithili ezinxulumene noMasipala weNqila aqeshe nawuphi na umntu nokuba kukwesiphi na isikhundla uya kuqeshwa ngokwemigaqo yomthetho esetyenziswayo kwaye isikhundla eso siya kuba sesethutyana noya kuqalisa emsebenzini ngomhla wokuqala wonyulo ahlale kuwo de abe uMasipala uqesha ngokwakhe ngokwemigaqo yomthetho osetyenziswayo ekubhekiselelwe kuyo kwesi sahluko.

Ukuqeshwa koMphathi weThutyana kaMasipala

21.(1) Ngaphambi komhla wokuqala wonyulo uMphathiswa wePhondo, emva kokuqwalasela iziphakamiso zaQonga leNguqulelo leSithili, uya kutyumba umphathi wethutyana kamasipala noya kuhlala kweso sikhundla de abe uMasipala weNqila umisa owakhe umphathi okanye umphathi olibambela.

(2) Imisebenzi yomphathiswa wethutyana kamasipala iya kuba yile ilandelayo:-

(a) uya kubiza indibano yokuqala yeKansile kaMasipala weNqila ngokwesahluko sama- 29(2) soMthetho wamaSebe kaMasipala;

(b) uya kongamela indibano yokuqala yeKansile kaMasipala de kube kunyulwe isithethi;

(c) emva komhla wokuqala wonyulo, uya kusebenza njengentloko yolawulo kwananjengegosa eli loMasipala weSithili de abe uMasipala umisela owakhe umphathi nokuba

(d) emva komhla wokuqala wonyulo, uya kuyenza yonke imisebenzi efanele ukwenziwa yiCEO yomasipala ngokwemithetho wolawulo osetyenziswayo;

(e) ajongane noxanduva lwenkqubo yokutshintshwa kwabasebenzi, izixhobo zokusebenza, ingeniso, ulawulo kwanamanye amaxwebhu kuMasipala weSithili;

(f) amisele abantu abaya kufezekisa imfanelo azimiseleyo ngokwemigaqo ekule Shedyuli (g) athabathe amanyathelo afanelekileyo ukuqinisekisa ukuba inkonzo eqhutywayo isahamba ngendlela nasemva komhla wokuqala wonyulo;

(g) athabathe amanyathelo afanelekileyo ukuqinisekisa ukuba ubonelelo ngeenkonzo luya qhubeka nasemva komhla wokuqalisa ukusebenza;

(h) aseke inkqubo enobuchule yethutyana yolawulo lwemali kaMasipala weSithili (I) amisele iindawo zethutyana zeenkqubo zokwenza imgxelo;

(i) amisele uMasipala waseKhaya imigaqo yobudlelwane bolawulo namagunya bethutyana;

(j) ukunika izimvo neziphakamiso ezimalunga nenkqubo yezivumelwano, amalungiselelo eenkqubo kwanezivumelwano ngenkqubo yeenkonzo ezenziwayo;

(k) ukufezekiswa kwenkqubo yamalungiselelo enkonzo yethutyana phakathi kooMasipala beeNgingqi noMasipala weSithili;

(l) anikeze naliphi na kumagunya akhe okanye imisebenzi yakhe kuye nawuphi na umqeshwa kaMasipala weNgingqi, kwakhona arhoxise, abuyisele kuye loo magunya, kwakunye

(m) Kwisithuba esiphambi komhla wokuqala wonyulo uya kwenza amalungiselelo eenkqubo ezikankanyiweyo ku (a) ukuya ku (l).

(3) Phambi komhla wokuqala wonyulo, iiCEOs ziya kubambisana nomphathi komasipala weThutyana kuyo yonke imibandela enokwenza noku sekwa komasipala omtsha wengingqi.

(4) Ukusukela ngomhla wokuqala kumhla wonyulo, iiCEO ziya kusebenza phantsi kwemiyalelo yomphathi wethutyana kamasipala, kanti nomphathi wethuyana kamasipala uya kuba negunya kubo.

Abaphathi abancedisayo bethutyana bakamasipala

22. UMphathiswa wePhondo unokuthi, emva kokuba ezinike ingqalelo naziphi na iziphakamiso zaQonga leNguqulelo leSithili, aqeshe nokuba bangaphi abancedisi bethutyana babe ngabaphathi betyhutyana bakamasipala nabaya kuqalisa emsebenzini emva nje kokuba beqeshiwe kwaye baya kuhlala kwezo zikhundla de uMasipala abe usiqinisekisile okanye usiphelisile isikhundla eso.

IQela loLawulo elikiSikhundla esiPhezulu

23. Nabaphi na abancedisi abamiselwa ukuba ngabaphathi bethuyana bakamsipala, bekunye nomphathi wethutyana kamasipala, baya kuba yinxalenye yeqela lolawulo elikwisikhundla eziphezulu likaMasipala neliya kongamela iinkqubo zokufezikiswa ukusekwa koMasipala weNqila.

Ingqesho

24. Nawuphi na umntu oqeshwe ngokwezahluko 20, 21 okanye 22, oya kuthi, ngexesha lokuqeshwa kwakhe abe ngumsebenzi womasipala otshitshisiweyo kungenjalo uMasipala weNqila oya, kuthi ngokwemiqathamngo ekwicandelo le-12 lale skedyuli, ahlale eqeshwe ngumasipala otshitshisiweyo okanye uMasipala weNqila, eya kufezekisa iimfuna zomsebenzi njengomntu othunyelweyo.

INdibano yokuqala yeKansile kaMasipala weSithili

25.(1) uMphathi wethutyana kamasipala uya kuthi, kwiintsuku ezintathu phambi kokuhalalelwa kwendibano yeKansile kaMasipala weSithili, athumele kuceba ngamnye kwindawo ahlala kuyo nokuba kukwindawo ekhethwe nguceba lowo kubhekiselelwe kuye, isaziso esimalunga nendawo, umhla, ixesha lendibano yokuqala kwane-agenda; kuxhomekeke kumphathiswa wethutyana ukubiza indibano yokuqala ngesikhawu.

(2) Ngokungayigatyanga nje imithetho yeengingqi esebenzayo, kodwa ngokuxomekeke kwizibonelelo zaMthetho wamaSebe kaMasipala, imiqathango nemimiselo yentlanganisano yokuqala yeKansile yoMasipala weNgingqi yimimiselo nemimselo yentlanganiso yokuqala yeKansile yoMasipala weNgingqi yimimiselo nemimiselo ekhankanyiweyo kweiSaziso sePhondo esingu- 411/1988 njengongoko sichaziweyo kwiGazethi yePhondo enguNombolo 4532 yomhla wama- 20 kuMeyi 1998 eneenguqulelo ezifunekayo kwezinye iziqendu, loo mimiselo iya kuhlala iyesebenza de kusetyenziswe imiqathango nemimiselo nguMasipala weNgingqi.

(subsection (2) amended by PN.675/2000)

(3) INdawo eya kubanjelwa kuyo indibano yokuqala yeKansile kaMasipala weNqila iya kuba yiNdlu yeKansile yeBhunga leThutyana leNgingqi laseStellenbosch etshitshisiweyo eStellenbosch.

(4) I-agenda yendibano yokuqala iya kuba yile ilandelayo:-

(a) Ukunyulwa kwesithethi;

(b) ukuba ngaba uMasipala weSithili uyafuna na ukuseka ikomiti elawulayo, ukuba kunjalo, kuya kumiselwa umgaqo-nkqubo womelo lonyulo lwekomiti elawulayo;

(c) ukunyulwa kooceba abaya kusebenzela ikomiti elawulayo;

(d) ukunyulwa kukasodolophu kumalungu ekomiti elawulayo;

(e) ukunyulwa kosekela-sodolophu, kumalungu ekomiti elawulayo nothianikwe imvume nguMphathiswa wePhondo, kwakunye

(f) nayiphi na eminye imisebenzi esekwe ngumphathi wethutyana kamasipala ne-agenda emiselweyo.

Ukusetyenziswa kwesi Saziso

25A. Xa kunokuvela ukungavisisani, malunga nokufezekiswa kwemiba ekwesi Saziso, phakathi kwesi Saziso nemiqathango yaso nasiphi na isaziso secandelo 84(3) esabhengezwa nguMphathiswa wePhondo okanye nasiphi isaziso secandelo 18 esabhengeza nguMphathiswa wePhondo, nokuba sisiphi kwezo zaziso, imiqathango yesaziso ecandelo 83(3) yiyo eya kusebenza.

(section 25A inserted by PN. 675/2000)

USekela Sodolophu weSigqeba

25B Kunikezwe imvume ngokwemiqathango yecandelo 55 lomthetho, iMunicipal Structures Act, njengoko silungisiwe, kusenzelwa unyulo losekela sodolophu wesigqeba.

(section 25B inserted by PN.184/2003)

ISihloko esifutshane nokuqalisa

26. Esi Saziso sibizwa ngokuba nguMasipala waseStellenbosch (WCO24) ukuSekwa kweSaziso nesiqalise ukusebenza ngomhla esipapashwe ngawo.

P.K. 489/2000 22 September 2000

WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998 (WET 117 VAN 1998)

Gewysig deur:
Provinsiale Kennisgewing 675 van 4 Desember 2000
Provinsiale Kennisgewing 456 van 19 Desember 2002
Provinsiale Kennisgewing 184 van 28 Mei 2003
Provinsiale Kennisgewing 11 van 3 Januarie 2006
Provinsiale Kennisgewing 117 van 28 Maart 2008
Provinsiale Kennisgewing 55 van 25 Februarie 2011
Provinsiale Kennisgewing 283 van 24 Oktober 2014
Provinsiale Kennisgewing 261 van 31 Julie 2015
Provinsiale Kennisgewing 114 van 8 April 2016

INSTELLING VAN DIE MUNISIPALITEIT STELLENBOSCH (WCO24)

Uit hoofde van die gesag aan my verleen by artikels 12 en 14 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), gee ek hiermee kennis van die instelling van die Munisipaliteit Stellenbosch op die voorwaardes wat in die Bylaag hiervan uiteengesit is.

Gedateer op hierdie 22ste dag van September 2000.

P UYS, PROVINSIALE MINISTER VAN PLAASLIKE REGERING

BYLAAG

Woordomskrywings en Uitleg

1. In hierdie Bylaag, tensy uit die samehang anders blyk, omvat die enkelvoud die meervoud en omgekeerd, word voorkeur verleen aan die Engelse teks ingeval die verskillende tekste teenstrydig is, en het 'n woord of uitdrukking waaraan die Munisipale Strukturewet 'n betekenis geheg het, dieselfde betekenis, en beteken –

   (1) **"afgeskafte munisipaliteite"** daardie bestaande munisipaliteite afgeskaf ingevolge artikel 3 van hierdie Bylaag;

   (1A) **"artikel 18-kennisgewing"** 'n kennisgewing afgekondig ingevolge artikel 18 van die Munisipale Strukture Wysigingswet;

   (subartikel (1A) ingevoeg deur PK 675/2000)

   (1B) **"artikel 84(3)-kennisgewing"** 'n kennisgewing afgekondig ingevolge artikel 84(3) van die Munisipale Strukturewet;

   (subartikel (1B) ingevoeg deur PK.675/2000)

   (2) **"Bedingingsraad"** die Wes-Kaapse afdeling van die Suid-Afrikaanse Bedingingsraad vir Plaaslike Bestuur wat aansoek gedoen het om registrasie as 'n bedingingsraad ingevolge Algemene Kennisgewing 1513/1999, soos gepubliseer in Staatskoerant No. 20282 van 16 Julie 1999;

(2A) **"burgemeesters-uitvoerende stelsel"** 'n stelsel wat voorsiening maak vir die uitoefening van uitvoerende gesag deur 'n uitvoerende burgemeester in wie die uitvoerende leierskap van die munisipaliteit berus en wie deur 'n burgemeesterskomitee bygestaan word;

(subartikel (2A) ingevoeg deur PK.184/2003)

(3) **"Distriksmunisipaliteit"** die Boland Distriksmunisipaliteit wat met ingang van die effektiewe datum ingestel moet word;

(3A) **"Distriksmunisipaliteit se TMB"** die tussentydse munisipale bestuurder van die Distriksmunisipaliteit;

(subartikel (3A) ingevoeg deur PK.675/2000)

(3B) **"Distriksmunisipaliteitskennisgewing"** Provinsiale Kennisgewing 486/2000, gepubliseer in Buitengewone Provinsiale Koerant No. 5590 van 22 September 2000;

(subartikel (3B) ingevoeg deur PK.675/2000)

(4) **"Distrikstransformasieforum"** die Breërivier/Wynland Distrikstransformasieforum wat ingevolge die DTF-Kennisgewing ingestel is;

(5) **"DTF-Kennisgewing"** Provinsiale Kennisgewing 78/2000 gepubliseer in Buitengewone Provinsiale Koerant No. 5435 van 10 Maart 2000;

(6) **"effektiewe datum"** die datum waarop die verkiesing 'n aanvang neem;

(7) *(subartikel (7) geskrap deur PK.184/2003)*

(8) "**Grondwet"** die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996);

(9) **"HUB"** die hoof uitvoerende beampte van 'n afgeskafte munisipaliteit;

(10) **"intermunisipale begrotingsoorplasings"** die oordrag van fondse tussen munisipaliteite om inkomste stabiliteit te verkry tydens die periode van transformasie;

(11) **"Munisipale Afbakeningsraad"** die Munisipale Afbakeningsraad wat by artikel 2 van die Munisipale Afbakeningswet ingestel is;

(12) **"Munisipale Afbakeningswet"** die Wet op Plaaslike Regering: Munisipale Afbakenings, 1998 (Wet 27 van 1998);

(13) **"Munisipale Strukturewet"** die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998);

(13A) **"Munisipale Strukture Wysigingswet"** die Wysigingswet op Plaaslike Regering: Munisipale Strukture, 2000 (Wet 33 van 2000);

(subartikel (13A) ingevoeg deur PK.675/2000)

(13B) **"Nasionale Minister"** die nasionale Minister verantwoordelik vir plaaslike regering;

(subartikel (13B) ingevoeg deur PK.675/2000)

(13C) **"oordragproses"** die proses soos in hierdie Bylaag uiteengesit om die oordrag van alle personeel, bates, laste en rekords van die afgeskafte munisipaliteite na die Distriksmunisipaliteit of die Plaaslike Munisipaliteite teweeg te bring, welke proses insluit:-

(a) die identifisering van alle personeel, bates, laste en rekords wat oorgedra moet word;

(b) die toepassing van die beginsels vir doeltreffende oordrag soos in hierdie Bylaag uiteengesit;
(c) die toewysing van elke personeellid, bate, las en rekord aan óf die Distriksmunisipaliteit óf 'n Plaaslike Munisipaliteit, en
(d) die inwerkingstelling van die oordrag;

(subartikel (13C) ingevoeg deur PK.675/2000)

(13D) **"personeel"** alle personeel, insluitende funksionele, bestuurs- en steunpersoneel, en omvat dit vakante poste waarvoor begroot is, maar nie vakante poste waarvoor nie begroot is nie;

(subartikel (13D) ingevoeg deur PK.675/2000)

(14) **"Plaaslike Munisipaliteit"** die Munisipaliteit Stellenbosch wat ingevolge artikel 4 van hierdie Bylaag ingestel word;

(15) **"Provinsiale Minister"** die lid van die Kabinet van die Provinsie Wes-Kaap verantwoordelik vir plaaslike regering;

(16) **"Provinsie"** die Provinsie Wes-Kaap;

(17) **"Statutêre plan"** 'n plan wat ingevolge enige wetgewing vereis word, insluitende, sonder om beperk te wees tot, enige struktuurplan, grondgebruikplan, soneringskema, geïntegreerde ontwikkelingsplan, waterdiensteplan, vaardigheidsontwikkelingsplan en diensbillikheidsplan;

(18) **"tussentydse munisipale bestuurder"** die tussentydse munisipale bestuurder van die Plaaslike Munisipaliteit wat ingevolge artikel 21(1) aangestel is en wat vanaf die effektiewe datum die waarnemende munisipale bestuurder van die Plaaslike Munisipaliteit sal wees, of die waarnemende munisipale bestuurder of munisipale bestuurder van die Plaaslike Munisipaliteit wat na die effektiewe datum deur die Munisipale Raad van die Plaaslike Munisipaliteit aangestel is;

(subartikel (18) gewysig deur PK.675/2000)

(19) **"vakbonde"** die Onafhanklike Munisipale en Verwante Vakbond en die Suid-Afrikaanse Munisipale Werkersvereniging;

(20) **"verkiesing"** die eerste algemene verkiesing van Munisipale Rade na die inwerkingtreding van die Grondwet;

(21) **"WEKPRO"** die Wes-Kaapse Plaaslike Regeringsorganisasie, wat die provinsiale organisasie vir die Wes-Kaap waaraan erkenning verleen word ingevolge artikel 2(1) (b) van die Wet op Georganiseerde Plaaslike Regering, 1997 (Wet 52 van 1997) is;

(22) **"Wet op Landelike Gebiede"** die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987 (Wet 9 van 1987);

(23) **"Wet op Transformasie van Sekere Landelike Gebiede"** die Wet op Tranformasie van Sekere Landelike Gebiede, 1998 (Wet 94 van 1998).

(24) **"wyk deelnemende stelsel"** 'n stelsel wat voorsiening maak vir aangeleenthede van plaaslike belang vir wyke, om deur komitees mee gehandel te word wat vir wyke ingestel is.

(subartikel (24) ingevoer deur PK.184/2003)

Aanhef

2.(1) Op 3 Maart 2000 het die Munisipale Afbakeningsraad, wat ingevolge artikel 21 van die Munisipale Afbakeningswet handel, die grense van die Munisipaliteit

bepaal, soos aangetoon op die kaart wat voorkom in Provinsiale Kennisgewing 69/2000 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5431 van 3 Maart 2000 ('n kopie word herpubliseer in Aanhangsel "1" tot die Bylaag) en gewysig deur Provinsiale Kennisgewing 478/2000 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5587 van 18 September 2000 en Provinsiale Kennisgewing 258/2002 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5922 van 15 Augustus 2002 en Provinsiale Kennisgewing 339/2013 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 7185 van 15 Oktober 2013 gelees met Provinsiale Kennisgewing 417/2013 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 7209 van 10 Desember 2013, Provinsiale Kennisgewing 248/2013 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 7156 van 8 Augustus 2013, Provinsiale Kennisgewing 1/2014 gepubliseer in die Provinsiale Koerant Nr. 7217 van 10 Januarie 2014, Provinsiale Kennisgewing 63/2014 gepubliseer in die Provinsiale Koerant Nr. 7236 van 7 Maart 2014 en Provinsiale Kennisgewing 159/2014 gepubliseer in die Provinsiale Koerant Nr. 7277 van 13 Junie 2014 en Provinsiale Kennisgewing 657/2018 gepubliseer in die Provinsiale Koerant Nr. 7968 van 10 Augustus 2018 gelees met Provinsiale Kennisgewing 124/2018 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 7987 van 4 Oktober 2018, Provinsiale Kennisgewing 91/2018 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 7942 van 15 Junie 2018 en Provinsiale Kennisgewing 166/2018 gepubliseer in die Provinsiale Koerant Nr. 8024 van 14 Desember 2018.

(artikel 2(1) gewysig deur PK.11/2006, PK 114/2016 en PK118/2021)

(2) Die Provinsiale Minister, wat ingevolge artikel 12(4) van die Munisipale Strukturewet handel, het:-

(a) skriftelike kennis van die voorgenome instelling van die Plaaslike Munisipaliteit aan WEKPRO en aan die afgeskafte munisipaliteite gegee by wyse van 'n omsendbrief gedateer 12 Julie 2000 en met verwysing AAO509/1/4;

(b) oorleg gepleeg met WEKPRO en die afgeskafte munisipaliteite;

(c) besonderhede van hierdie Kennisgewing gepubliseer in Provinsiale Kennisgewing 394/2000, wat in Buitengewone Provinsiale Koerant No. 5571 van 28 Augustus 2000 gepubliseer is, en

(d) die kommentaar wat na die publikasie van die voorgestelde Kennisgewing ontvang is, oorweeg.

(3) Die Provinsiale Minister het ook die advies van die Distrikstransformasieforum oorweeg wat ingevolge artikel 11(2) van die DTF-Kennisgewing aan hom gegee is.

(4) Die Provinsiale Minister, wat handel ingevolge artikels 12 en 14 van die Munisipale Strukturewet, soos saamgelees met die Wes-Kaapse Wet op Bepaling van Soorte Munisipaliteite, 2000 (Wet 9 van 2000), gee hiermee kennis van die instelling van die Plaaslike Munisipaliteit ingevolge die voorwaardes hierin uiteengesit.

(5) Die Provinsiale Minister, wat ingevolge Hoofstuk 2 van die Munisipale Strukture Wysigingswet, soos gelees met artikel 14(2)(b) van die Munisipale Strukturewet, handel, gee hiermee kennis van die reëling van die wetlike, praktiese en ander gevolge van die afskaffing van die afgeskafte munisipaliteite, insluitende:-

(a) die beginsels wat die oordrag van personeel na die Plaaslike Munisipaliteit bepaal, en die proses daarvan, welke proses op die datum van publikasie van hierdie kennisgewing begin en op 'n datum wat die Provinsiale Minister bepaal sal eindig;

(b) die beginsels wat die oordrag van bates, laste, regte en verpligtinge en administratiewe en ander rekords na die Plaaslike Munisipaliteit bepaal, en die proses daarvan, welke proses op die datum van publikasie van hierdie kennisgewing begin en op 'n datum wat die Provinsiale Minister bepaal sal eindig;

(c) die verskaffing van administratiewe oorgangsmaatreëls vir die tydperk vanaf die effektiewe datum tot op 'n datum wat die Provinsiale Minister sal bepaal, om voortgesette dienslewering te verseker en om die integriteit en finansiële lewensvatbaarheid van die Plaaslike Munisipaliteit te verseker.

(subartikel (5) ingevoeg deur PK. 675/2000)

Afskaffing van Bestaande Munisipaliteite

3.(1) Met ingang van middernag van die dag voor die effektiewe datum, sal die volgende munisipaliteite afgeskaf word:-

(a) Munisipaliteit vir die Gebied van Franschhoek, ingestel ingevolge Proklamasie No. 20/1995 gedateer 31 Januarie 1995;

(b) Nuweberg Verteenwoordigende Oorgangsraad, ingestel ingevolge Proklamasie No. 18/1996 gedateer 26 Julie 1996, in die mate wat die gebied daarvan ingesluit is binne die grense van die Plaaslike Munisipaliteit, soos deur die Munisipale Afbakeningsraad bepaal is en in artikel 2(1) genoem word;

(c) Paarl Verteenwoordigende Oorgangsraad, ingestel ingevolge Proklamasie No. 18/1996 gedateer 26 Julie 1996, in die mate wat die gebied daarvan ingesluit is binne die grense van die Plaaslike Munisipaliteit, soos deur die Munisipale Afbakeningsraad bepaal is en in artikel 2(1) genoem word;

(d) Pniel Plaaslike Oorgangsraad, ingestel ingevolge Proklamasie No. 142/1994 gedateer 30 Desember 1994;

(e) Stellenbosch Plaaslike Oorgangsraad, ingestel ingevolge Proklamasie No. 28/1995 gedateer 31 Januarie 1995, en

(f) Stellenbosch Verteenwoordigende Oorgangsraad, ingestel ingevolge Proklamasie No. 18/1996 gedateer 26 Julie 1996, in die mate wat die gebied daarvan ingesluit is binne die grense van die Plaaslike Munisipaliteit, soos deur die Munisipale Afbakeningsraad bepaal is en in artikel 2(1) genoem word.

(2) Die raadslede van die afgeskafte munisipaliteite moet hul ampte ontruim wanneer die pas verkose Raad van die Plaaslike Munisipaliteit verkose verklaar is en moet teen middernag van dié dag enige eiendom in hul besit wat aan 'n afgeskafte munisipaliteit behoort, aan die HUB van die betrokke afgeskafte munisipaliteit of sy benoemde terugbesorg.

Instelling en Naam

4. Met ingang van die effektiewe datum sal 'n munisipaliteit ingestel word wat in Afrikaans as "Munisipaliteit Stellenbosch", in Engels as "Stellenbosch Municipality", en in isiXhosa as "U Masipala waseStellenbosch" bekend sal staan.

Kategorie

5. Die Plaaslike Munisipaliteit is 'n plaaslike munisipaliteit soos omskryf in artikel 1 van die Munisipale Strukturewet, naamlik 'n munisipaliteit wat munisipale uitvoerende en wetgewende gesag in sy gebied deel met die Distriksmunisipaliteit, en wat in artikel 155(1) van die Grondwet as 'n kategorie B – munisipaliteit beskryf word.

Soort

6. Die Plaaslike Munisipaliteit is 'n munisipaliteit met burgemeesters-uitvoerende stelsel wat met 'n wykdeelnemende stelsel gekombineer is, soos uiteengesit in die Wes-Kaapse Wet op Bepaling van Soorte Munisipaliteite, 2000 (Wet 9 van 2000), soos gewysig deur die Wes-Kaapse Wysigingswet op Bepaling van Soorte Munisipaliteite, 2002 (Wet 4 van 2002).

(artikel 6 gewysig deur PK.184/2003)

Grense

7. Die grense van die Plaaslike Munisipaliteit sal die grense wees wat deur die Munisipale Afbakeningsraad bepaal is en in artikel 2(1) genoem word.

Getal Raadslede en Wyke

8.(1) Die Munisipale Raad van die Plaaslike Munisipaliteit het 45 (vyf-en-veertig) raadslede, soos bepaal deur die Provinsiale Minister in Provinsiale Kennisgewing 85/2019 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 8137 van 7 Augustus 2019, van wie 23 (drieen- twintig) wykraadslede is en 22 (twee-en-twintig) proporsioneel verkose raadslede is.

(2) Die Plaaslike Munisipaliteit het 23 (drie-en-twintig) wyke.

(artikel 8 gewysig deur PK.11/2006, PK. 55/2011 en PK118/2021)

Voltydse Raadslede

9. Die Plaaslike Munisipaliteit mag die volgende raadslede as voltydse raadslede aanwys:-

(a) die uitvoerende burgemeester;

(b) lede van die burgemeesterskomitee;

(c) die speaker;

(d) 'n enkele sweep aangewys vir die Raad, en

(e) Voorsitter van Komitee ingestel ingevolge artikel 79 ('MPAC').

(artikel 9 gewysig deur PK.456/2002, PK.184/2003, PK.283/2014 en PK.261/2015)

Funksies en Bevoegdhede

10. Daar sal geen aanpassing van die funksies en bevoegdhede van die Plaaslike Munisipaliteit ingevolge artikel 85 van die Munisipale Strukturewet wees nie.

Vrystellings

11. Die Plaaslike Munisipaliteit is nie van enige van die bepalings van die Munisipale Strukturewet vrygestel nie.

Beginsels wat die Oorplasing van Personeel bepaal

12.(1) Met ingang van die effektiewe datum en ooreenkomstig die bepalings van artikel 197 van die Wet op Arbeidsverhoudinge, 1995 (Wet 66 van 1995), sal:-

(a) alle personeel van die afgeskafte munisipaliteite wat uitsluitlik betrokke is by funksies wat deur die Plaaslike Munisipaliteit verrig moet word, na die Plaaslike Munisipaliteit oorgeplaas word:

(b) alle personeel van die afgeskafte munisipaliteite wat uitsluitlik betrokke is by funksies wat deur die Distriksmunisipaliteit verrig moet word (insluitende funksies wat deur die Distriksmunisipaliteit in 'n Distriksbestuursgebied verrig moet word), na die Distriksmunisipaliteit oorgeplaas word;

(c) enige personeellid van 'n afgeskafte munisipaliteit wat betrokke is by een of meer funksies wat met ingang van die effektiewe datum deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig sal word, oorgeplaas word ooreenkomstig die funksie wat die grootste deel van so 'n personeellid se tyd in beslag neem;

(d) alle personeel van die afgeskafte munisipaliteite wat nie betrokke is by 'n bepaalde funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distrikmunisipaliteit verrig moet word nie, oorgeplaas word na óf die Plaaslike Munisipaliteit óf die Distriksmunisipaliteit in verhoudings wat gebaseer is op die totale getal poste wat ingevolge paragrawe (a), (b) en (c) oorgeplaas word;

(e) alle vakante poste van die afgeskafte munisipaliteite waarvoor nie begroot is nie, afgeskaf word.

(2) Behoudens enige kollektiewe ooreenkoms, moet alle regte en verpligtinge tussen die afgeskafte munisipaliteite en elkeen van hul onderskeie werknemers ten tyde van die oorplasing voortgaan om van krag te bly asof dit regte en verpligtinge tussen die Plaaslike Munisipaliteit of die Distriksmunisipaliteit, na gelang van die geval, en elkeen van sy werknemers is, en enigiets wat voor die oorplasing deur of met betrekking tot die betrokke afgeskafte munisipaliteit gedoen is, sal geag word deur of met betrekking tot die Plaaslike Munisipaliteit of Distriksmunisipaliteit, na gelang van die geval, gedoen te gewees het.

(3) Die oorplasing onderbreek nie die kontinuïteit van 'n werknemer se indiensneming nie en dit gaan voort met die Plaaslike Munisipaliteit of Distriksmunisipaliteit, na gelang van die geval, asof dit met die betrokke afgeskafte munisipaliteit is.

(4) Behoudens die menslikehulpbronbeleid en –prosedure genoem in artikel 14(a) van hierdie Bylaag, kan daar van enige werknemer wat na die Plaaslike Munisipaliteit oorgeplaas word, vereis word om by enige van die kantore van die Plaaslike Munisipaliteit aan te meld en, tensy anders ooreengekom, sal so 'n werknemer, as gevolg daarvan; nie op enige bykomende vergoeding geregtig wees nie.

(artikel 12 gewysig deur PK. 675/2000)

Proses om Oorplasing van Personeel te bewerkstellig

12A.(1)Ondanks die bepalings van artikels 12 en 16C, en hangende die voltooiing van die oorplaasproses ingevolge hierdie artikel, moet alle personeel van die afgeskafte munisipaliteite, in soverre dit nodig is, tydelik in diens van die Plaaslike Munisipaliteit geplaas word en moet alle personeel wat na die Distriksmunisipaliteit oorgeplaas staan te word ingevolge die bepalings van artikel 12 of 16C van hierdie Bylaag, dienooreenkomstig geag word na die Plaaslike Munisipaliteit gesekondeer te wees ingevolge 'n agentskapsreëling tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit ten effekte dat

die Plaaslike Munisipaliteit die funksie of funksies waarby die spesifieke personeel betrokke is, namens die Distriksmunisipaliteit sal verrig.

(2) Ten einde:-

(a) enige oorgangsbepalings ingevolge die Munisipale Strukture Wysigingswet te akkommodeer, of

(b) die Plaaslike Munisipaliteit en die Distriksmunisipaliteit toe te laat om ooreenkomste te sluit, met inbegrip van bedryfsooreenkomste,

wat die oordrag van personeel ingevolge hierdie Bylaag kan beïnvloed, sal geen personeellid finaal toegewys word, soos waarvoor voorsiening gemaak word in subartikel (4) voor 30 Junie 2001 nie, of sodanige alternatiewe datum as wat die Provinsiale Minister bepaal.

(3) Voor of op 'n datum wat deur die Provinsiale Minister bepaal word, moet elke HUB 'n skedule van alle personeel van sy of haar afgeskafte munisipaliteit opstel in ooreenstemming met 'n formaat deur die Provinsiale Minister voorgeskryf, moet elke personeellid en 'n vakante pos van sy of haar afgeskafte munisipaliteit waarvoor begroot is in ooreenstemming met die beginsels uiteengesit in artikels 12 en 16C voorlopig toewys, en moet kopieë van die volle skedule aan die tussentydse munisipale bestuurder en die Distriksmunisipaliteit se TMB voorlê.

(4) Voor of op 'n datum wat deur die Provinsiale Minister bepaal word, maar behoudens subartikel (2), moet die tussentydse munisipale bestuurder, in oorleg met die Distriksmunisipaliteit se TMB:-

(a) die skedules genoem in subartikel (1) konsolideer tot 'n enkele skedule en moet hy of sy na goeddunke elke personeellid en vakante pos waarvoor begroot is en wat in die gekonsolideerde skedule gelys is, finaal aan óf die Plaaslike Munisipaliteit óf die Distriksmunisipaliteit toewys vir oorplasing op die effektiewe datum in ooreenstemming met die beginsels in artikels 12 en 16C uiteengesit of enige ooreenkoms in subartikel (2) bedoel;

(b) 'n kopie van die skedule aan die Distriksmunisipaliteit se TMB voorlê en van die Distriksmunisipaliteit se TMB die kopie van die skedule deur daardie Distriksmunisipaliteit se TMB opgestel, verkry, en

(c) die skedule genoem in paragraaf (a) met die skedules wat ontvang is van die Distriksmunisipaliteit se TMB genoem in paragraaf (b), konsolideer tot 'n enkele skedule wat alle personeel wat na die Plaaslike Munisipaliteit oorgeplaas moet word, aantoon.

(5) Ondanks die beginsels wat in artikels 12 en 16C uiteengesit is, kan die tussentydse munisipale bestuurder, volgens ooreenkoms met die Distriksmunisipaliteit se TMB, die toewysing van personeel ingevolge subartikel (2) aanpas om voorsiening te maak vir 'n meer doeltreffende algemene toewysing van personeel tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit, met dien verstande dat geen aanpassing gedoen mag word nadat 'n personeellid ingevolge subartikel (8) in kennis gestel is nie.

(6) Indien enige geskil met betrekking tot die toewysing van personeel tussen die tussentydse munisipale bestuurder en die Distriksmunisipaliteit se TMB ontstaan, moet sodanige geskil na die Provinsiale Minister verwys word vir beslissing deur die Provinsiale Minister of sy benoemde in ooreenstemming met prosedures wat deur die Provinsiale Minister bepaal word, en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(7) Die tussentydse munisipale bestuurder moet die gekonsolideerde skedule in subartikel (4)(c) genoem, skriftelik verifieer en moet die skedule aan die Provinsiale Minister voorlê voor of op 'n datum wat deur die Provinsiale Minister bepaal moet word.

(8) Na die opstelling van die enkele gekonsolideerde skedule genoem in subartikel (4)(c), moet die tussentydse munisipale bestuurder elke toekomstige personeellid van die Plaaslike Munisipaliteit voorsien van 'n skriftelike kennisgewing wat sodanige personeellid meedeel dat hy of sy met ingang van die effektiewe datum in diens van die Plaaslike Munisipaliteit is.

(9) Die nie-ontvangs van die skriftelike kennisgewing genoem in subartikel (8) maak nie enige oorplasing ongeldig nie.

(10)Indien enige personeellid ("die beswaarmaker") aanvoer dat sy of haar oorplasing nie in ooreenstemming met die beginsels uiteengesit in artikels 12 en 16C, enige ooreenkoms in subartikel (2) bedoel of die proses uiteengesit in hierdie artikel bewerkstellig is nie, kan die beswaarmaker binne 14 dae van inkennisstelling ingevolge subartikel (5) skriftelike beswaar aanteken by die tussentydse munisipale bestuurder van die munisipaliteit waarheen hy of sy oorgepaas is. Die tussentydse munisipale bestuurder moet die beswaar na die Provinsiale Minister verwys vir beslissing deur die Provinsiale Minister of sy of haar benoemde in ooreenstemming met prosedures wat deur die Provinsial Minister bepaal word en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(subartikel (10) gewysig deur PK 117/2008)

(11)Hangende 'n beslissing deur die Provinsiale Minister of sy benoemde ingevolge subartikel (10) moet die beswaarmaker oorgeplaas word na die munisipaliteit, soos in ooreenstemming met hierdie artikel beslis. Indien die Provinsiale Minister of sy benoemde beslis dat die beswaarmaker na 'n ander munisipaliteit oorgeplaas moes word, moet die beswaarmaker na daardie munisipaliteit oorgeplaas word, en sy of haar oorplasing word geag in ooreenstemming met artikels 12 en 16C op die effektiewe datum bewerkstellig te gewees het.

(12)Indien enige personeellid nie aangetoon word in die skedule in subartikel (4)(a) genoem nie, of indien enige personeellid met ingang van die effektiewe datum aan meer as een munisipaliteit toegewys word, moet daardie personeellid onmiddellik nadat hy of sy van enige van hierdie feite bewus word, dit aanmeld by die tussentydse munisipale bestuurder of die Distriksmunisipaliteit se TMB, wat die aangeleentheid in ooreenstemming met prosedures deur die Provinsiale Minister bepaal, na die Provinsiale Minister vir beslissing deur die Provinsiale Minister of sy benoemde moet verwys, en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(13)Voor of op 'n datum wat deur die Provinsiale Minister bepaal word, moet die Plaaslike Munisipaliteit 'n diensstaat vir die Plaaslike Munisipaliteit goedkeur ingevolge relevante wetgewing en 'n afskrif van die dokument waarin die diensstaat uiteengesit word, aan die Transformasiesubkamer van die Bedingingsraad voorlê; met dien verstande dat die Plaaslike Munisipaliteit nie 'n diensstaat vir die Plaaslike Munisipaliteit finaal sal goedkeur, voordat die tussentydse munisipale bestuurder die gekonsolideerde skedule ingevolge subartikel (7) geverifieer het nie.

(14)Voor of op 'n datum wat deur die Provinsiale Minister bepaal word, in soverre daar nie voor die effektiewe datum ingevolge artikel 13(2) van hierdie Bylae 'n ooreenkoms bereik is nie, moet die Plaaslike Munisipaliteit, as 'n lid van die

Transformasiesubkamer van die Bedingingsraad, poog om kollektiewe ooreenkoms met die vakbonde in die Transformasiesubkamer van die Bedingingsraad te bereik betreffende die beginsels, prosedures en maatstawwe wat gevolg moet word om aanstellings te doen in die poste wat uit die skepping van 'n nuwe organisasiestruktuur vir die Plaaslike Munisipaliteit voortspruit.

(15)Voor of op 'n datum wat deur die Provinsiale Minister bepaal word, moet die Plaaslike Munisipaliteit aanstellings doen in die poste op die diensstaat in ooreenstemming met die beginsels, prosedures en maatstawwe waarop daar in die Transformasiesubkamer van die Bedingingsraad ooreengekom is.

(artikel 12A ingevoeg deur PK.675/2000)

Kollektiewe Ooreenkomste

13(1). Enige kollektiewe ooreenkoms aangegaan:-

(a) op 'n nasionale vlak, of

(b) by die Bedingingsraad, of

(c) op 'n plaaslike vlak;

voor die datum van publikasie van hierdie Bylaag, sal ten volle van krag bly totdat dit ooreenkomstig die bepalings van die betrokke ooreenkoms gewysig of beëindig word.

(2) Voor die effektiewe datum moet die afgeskafte munisipaliteite, as lede van die Transformasiesubkamer van die Bedingingsraad, daarna streef om ooreen te kom met die vakbonde ten aansien van:-

(a) die proses en kriteria vir die plasing van personeel in die nuwe organisatoriese strukture na die effektiewe datum;

(b) die proses wat gevolg sal word vir die vul van nuwe poste voortvloeiend uit die skep van 'n nuwe organisatoriese struktuur vir die Plaaslike Munisipaliteit;

(c) die aanneem van bepalings en voorwaardes van indiensneming vir die Plaaslike Munisipaliteit na die effektiewe datum, en

(d) enige ander arbeidsaangeleenheid in verband met die instelling van die Plaaslike Munisipaliteit.

Menslikehulpbronaangeleenthede

14. Behoudens enige kollektiewe ooreenkoms:-

(a) is die menslikehulpbronbeleid en –prosedures van die Plaaslike Munisipaliteit die menslikehulpbronbeleid en –prosedures wat voor die effektiewe datum bestaan het, en dit bly op alle werknemers van toepassing op dieselfde wyse as wat dit voor die effektiewe datum die geval was, behoudens enige wysiging of herroeping deur die Plaaslike Munisipaliteit;

(b) is die bepalings en voorwaardes van indiensneming van alle werknemers van die Plaaslike Munisipaliteit, die bepalings en voorwaardes van indiensneming wat voor die effektiewe datum op elke werknemer van toepassing was; met dien verstande dat enige werknemer wat na die effektiewe datum aangestel word, aangestel sal word op die bepalings en voorwaardes van indiensneming soos vasgestel deur die Plaaslike Munisipaliteit.

Gevolge van Oorplasing ten opsigte van Sekere Personeelkwessies

15.(1) Behoudens enige kollektiewe ooreenkoms, word 'n werknemer wie se pos as gevolg van die oorplasing verander word, nie geag oortollig te wees vir die doel van enige bepaling of voorwaarde van indiensneming of enige pensioenfondsreël wat aan die werknemer die keuse bied om sy of haar indiensneming met voordele te beëindig nie.

(2) Die bepalings van hierdie artikel is slegs van toepassing indien die werknemer onredelikerwys weier om die Plaaslike Munisipaliteit se aanbod van alternatiewe indiensneming te aanvaar.

(3) Vir die doeleindes van hierdie artikel sluit 'n verandering van 'n pos een of meer van die volgende in:-

(a) die pos bestaan nie meer nie;

(b) die pos is afgeskaf;

(c) die werknemer moet om die pos aansoek doen;

(d) die funksies en bevoegdhede van die pos het verander;

(e) daar is 'n verandering in die werkgewer se identiteit;

(f) die pos word aan ander verslagdoeningskanale onderwerp;

(g) die pos word anders beskryf.

Regsopvolging

16. Met ingang van die effektiewe datum:-

(1) Sal die Plaaslike Munisipaliteit die regsopvolger van die afgeskafte munisipaliteite wees, en die munisipaliteite wat ingevolge die Distriksmunisipaliteitkennisgewings afgeskaf moet word, ten opsigte van die spesifieke bates en laste wat ingevolge hierdie Bylaag aan die Plaaslike Munisipaliteit toegewys word.

(2) Behoudens subartikel (1) en artikel 16D van hierdie Bylaag, word alle regte en verpligtinge van die afgeskafte munisipaliteite wat nie ingevolge hierdie Bylaag toegewys word nie, toegewys aan die Plaaslike Munisipaliteit, en die Plaaslike Munisipaliteit is die regsopvolger van die afgeskafte munisipaliteite ten opsigte van sulke regte en verpligtinge.

(3) Sal alle belasting, inkomste en ander gelde betaalbaar aan enige afgeskafte munisipaliteit of deur die afgeskafte munisipaliteit verhaalbaar is, betaalbaar wees aan en verhaalbaar wees deur die regsopvolger van so 'n afgeskafte munisipaliteit in ooreenstemming met die bepalings van hierdie Bylaag.

(4) Ondanks die bepalings van enige toepaslike wet, bly enige waardasielyste wat van krag is, of wat as gevolg van die instelling van tussentydse of bykomende waardasies ontstaan, na gelang van die van die geval, in die gebied van die Plaaslike Munisipaliteit, onderhewig andersins aan die bepalings van sodanige wet, van krag totdat 'n algemene waardasielys vir die gebied van die Plaaslike Munisipaliteit opgestel is.

(5) Ondanks subartikel (1):-

(a) sal die Plaaslike Munisipaliteit die regsopvolger van die afgeskafte munisipaliteite met betrekking tot die sake wat

uiteengesit word in die Wet op Transformasie van Sekere Landelike Gebiede en die Wet op Landelike Gebiede wees en in die mate, totdat dit oorgedra is na 'n entiteit wat in artikel 3 van die Wet op Transformasie van Sekere Landelike Gebiede beoog word:-

(i) sal grond wat deur die Minister vir Landbou en Grondsake ingevolge artikel 7 van die Wet op Landelike Gebiede in trust gehou word en wat onderworpe is aan die bepalings van artikel 3 van die Wet op Transformasie van Sekere Landelike Gebiede, steeds berus by die Minister vir Landbou en Grondsake, en

(ii) sal grond wat ingevolge die Wet op Landelike Gebiede deur die afgeskafte munisipaliteite verkry is en wat onderworpe is aan die bepalings van artikel 3 van die Wet op Transformasie van Sekere Landelike Gebiede, met ingang van die effektiewe datum by die Plaaslike Munisipaliteit berus;

(b) grond in subartikel (2)(a) genoem sal, hangende oordrag ingevolge artikel 3 van die Wet op Transformasie van Sekere Landelike Gebiede, deur die Plaaslike Munisipaliteit ingevolge die Wet op Landelike Gebiede en die regulasies ingevolge die Wet op Landelike Gebiede gemaak, bestuur word.

(artikel 16 gewysig deur PK. 675/2000)

Beginsels wat Oorplasing van Bates, Laste en Rekords bepaal

16A. Met ingang van die effektiewe datum:-

(1) Alle bates, laste en rekords van die afgeskafte munisipaliteite wat uitsluitlik verband hou met funksies wat deur die Plaaslike Munisipaliteit verrig moet word, moet na die Plaaslike Munisipaliteit oorgeplaas word.

(2) Alle bates, laste en rekords van die afgeskafte munisipaliteite wat uitsluitlik verband hou met funksies wat deur die Distriksmunisipaliteit verrig moet word (insluitende funksies wat deur die Distriksmunisipaliteit in 'n Distriksbestuursgebied verrig moet word), moet na die Distriksmunisipaliteit oorgeplaas word.

(3) Enige roerende bate van een van die afgeskafte munisipaliteite wat in verband staan met een of meer funksies wat met ingang van die effektiewe datum deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig sal word en wat tussen hulle verdeel kan word, moet tussen hulle verdeel word:-

(a) ooreenkomstig die persentasie werklike tyd wat die betrokke bate in elke gebied vir die funksie gebruik word;

(b) ooreenkomstig die persentasie werklike tyd wat die betrokke bate vir die funksie tot voordeel van elke party gebruik word, of

(c) op enige ander grondslag deur die Provinsiale Minister goedgekeur.

(4) Alle onroerende bates van die afgeskafte munisipaliteite wat verband hou met 'n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet word, en alle roerende bates wat verband hou met 'n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet en wat nie tussen hulle verdeel kan word

nie, moet oorgeplaas word na die munisipaliteit wat die hoofgebruiker van daardie bate sal wees; met dien verstande dat enige ander munisipaliteit wat 'n belang by daardie bate het, geregtig is om voort te gaan om daardie bate te gebruik teen betaling van 'n proporsionele deel van die koste en totdat sy gebruikersreg volgens ooreenkoms beëindig word.

(5) Ondanks die bepalings van subartikel (4), kan die Plaaslike Munisipaliteit en die Distriksmunispaliteit ooreenkom om enige onroerende bate genoem in subartikel (4) wat onderverdeelbaar is, te onderverdeel of om enige groep bates genoem in subartikels (3) en (4) op 'n billike grondslag te verdeel, met inagneming van die aard van en die doel wat gedien word deur so 'n bate of bates, soos tussen hulle ooreengekom, en om elke deel daarvan in ooreenstemming met daardie ooreenkoms toe te wys.

(6) Alle finansiële bates van die afgeskafte munisipaliteite wat in verband staan met 'n funksie of funksies wat deur die Plaaslike Munisipaliteit en Distriksmunisipaliteit verrig word, moet billik verdeel word tussen hulle, met inagneming van aard van en die doel wat gedien word deur daardie bate.

(7) Alle finansiële bates en laste van die afgeskafte munisipaliteite wat nie in verband staan met 'n bepaalde funksie nie, moet tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit op die volgende grondslag verdeel word:-

(a) opgehoopte voorsienings vir werknemersvoordele, soos opgehoopte verloffondse, moet oorgeplaas word, indien die voorsiening gekoppel kan word aan 'n spesifieke werknemer in ooreenstemming met die oordrag van daardie werknemer ingevolge hierdie Bylaag, en in ander gevalle in verhouding tot die totale salaris- en loonvoorsiening wat na die Plaaslike Munisipaliteit en die Distriksmunisipaliteit oorgeplaas moet word;

(b) reserwes en voorsienings wat vir 'n spesifieke doel opgehoop is, moet op 'n billike grondslag oorgeplaas word, met inagneming van die aard van en doel wat gedien word deur elke bepaalde reserwe of voorsiening;

(c) reserwes en opgehoopte surplusse van 'n algemene aard moet tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verdeel word op die volgende grondslag:-

(i) in verhouding tot die mees onlangse gekonsolideerde finansiële state van die Distriksmunisipaliteit en Plaaslike Munisipaliteit;

(ii) enige ander grondslag deur die Provinsiale Minister goedgekeur.

(8) Alle ontasbare bates van die afgeskafte munisipaliteite wat in verband staan met 'n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet word, moet aan een munisipaliteit toegewys word; met dien verstande dat die ander munisipaliteit met 'n belang by daardie ontasbare bate geregtig is:-

(a) op billike kompensasie, insluitende finansiële, ruil- of ander kompensasie, soos ooreengekom, en

(b) om voort te gaan om daardie bate te gebruik teen betaling van 'n proporsionele deel van die koste totdat sy gebruiksreg volgens ooreenkoms beëindig word.

(9) Alle rekords van die afgeskafte munisipaliteite wat in verband staan met 'n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet word en wat nie tussen genoemde munisipaliteite verdeel kan word nie, moet toegewys word aan een munisipaliteit ooreenkomstig die funksie waarop die rekords die nouste betrekking het; met dien verstande dat die ander munisipaliteit die reg van toegang tot daardie rekords het en die reg om kopieë daarvan te verkry.

(10) Alle laste van die afgeskafte munisipaliteite wat in verband staan met 'n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet word, moet op billike wyse gedeel word tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit, met inagneming van die aard en doel van die las.

(11) Alle bates en laste van die afgeskafte munisipaliteite, uitgesonderd dié genoem in subklousule (7) wat nie met 'n bepaalde funksie in verband staan nie, na die Plaaslike Munisipaliteit oorgeplaas word.

(artikel 16A ingevoeg deur PK. 675/2000)

Proses om Oorplasing van Bates, Laste en Rekords te bewerkstellig

16B.(1) Ondanks die bepalings van artikels 16A en 16C, en hangende die voltooiing van die oorplaasproses ingevolge hierdie artikel, moet alle bates, laste en rekords van die afgeskafte munisipaliteite, in soverre dit nodig is, tydelik na die Plaaslike Munisipaliteit oorgeplaas word en moet alle bates, laste en rekords wat na die Distriksmunisipaliteit oorgeplaas moet word ingevolge die bepalings van artikels 16A of 16C van hierdie Bylaag dienooreenkomstig geag word na die Plaaslike Munisipaliteit oorgeplaas te wees ingevolge 'n agentskapsreëling tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit ten effekte dat die Plaaslike Munisipaliteit die funksie of funksies waarby die spesifieke bates, laste en rekords betrokke is, namens die Distriksmunisipaliteit sal verrig.

(2) Ten einde:-

(a) enige oorgangsbepalings ingevolge die Munisipale Strukture Wysigingswet te akkommodeer, of

(b) die Plaaslike Munisipaliteit en die Distriksmunisipaliteit toe te laat om ooreenkomste te sluit, met inbegrip van bedryfsooreenkomste,

wat die oordrag van bates, laste en rekords ingevolge hierdie Bylaag kan beïnvloed, sal geen bate, las of rekord finaal toegewys word, soos daarvoor voorsiening gemaak word in subartikel (4) voor 30 Junie 2001 nie, of sodanige alternatiewe datum as wat die Provinsiale Minister bepaal.

(3) Voor of op 'n datum wat deur die Provinsiale Minister bepaal word, moet elke HUB 'n skedule van alle bates, laste en rekords van sy of haar afgeskafte munisipaliteit opstel in ooreenstemming met 'n formaat deur die Provinsiale Minister voorgeskryf, moet alle bates, laste en rekords van sy of haar afgeskafte munisipaliteit waarvoor begroot is in ooreenstemming met die beginsels uiteengesit in artikels 16A en 16C voorlopig toewys, en moet kopieë van die volle skedule aan die tussentydse munisipale bestuurder en die Distriksmunisipaliteit se TMB voorlê.

(4) Voor of op 'n datum wat deur die Provinsiale Minister bepaal word, maar behoudens subartikel (2), moet die tussentydse munisipale bestuurder, in oorleg met die Distriksmunisipaliteit se TMB:-

(a) die skedules genoem in subartikel (1) konsolideer tot 'n enkele skedule en moet finaal alle bates, laste en rekords gelys in die gekonsolideerde skedule toewys aan óf die Plaaslike Munisipaliteit óf die Distriksmunisipaliteit vir oordrag op die effektiewe datum in ooreenstemming met die beginsels uiteengesit in artikels 16A en 16C of enige ooreenkoms na verwys in subartikel (2);

(b) 'n kopie van die skedule aan die Distriksmunisipaliteit se TMB voorlê en van die Distriksmunisipaliteit se TMB die kopie van die skedule deur die Distriksmunisipaliteit se TMB opgestel, verkry, en

(c) die skedule genoem in paragraaf (a) en die skedules wat van die Distriksmunisipaliteit se TMB ontvang is, genoem in paragraaf (b), konsolideer tot 'n enkele skedule wat alle bates, laste en rekords wat na die Plaaslike Munisipaliteit oorgeplaas moet word, weergee.

(5) Ondanks die beginsels in artikels 16A en 16C uiteengesit, kan die tussentydse munisipale bestuurder volgens ooreenkoms met die Distriksmunisipaliteit se TMB die toewysing van bates, laste en rekords ingevolge subartikel (4) aanpas om voorsiening te maak vir 'n doeltreffender algemene toewysing tussen die Distriksmunisipaliteit en die Plaaslike Munisipaliteit.

(6) Indien enige geskil met betrekking tot die toewysing van enige bates, laste of rekords tussen die tussentydse munisipale bestuurder en die Distriksmunisipaliteit se TMB ontstaan, moet sodanige geskil na die Provinsiale Minister verwys word vir beslissing deur die Provinsiale Minister of sy benoemde in ooreenstemming met prosedures wat deur die Provinsiale Minister bepaal word, en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(7) Die tussentydse munisipale bestuurder moet die gekonsolideerde skedule genoem in subartikel (4)(c) skriftelik verifieer en dit aan die Provinsiale Minister voorlê voor of op 'n datum wat deur die Provinsiale Minister bepaal word.

(8) So gou moontlik nadat die gekonsolideerde skedule ingevolge subartikel (7) geverifieer is, maar nie later nie as 'n datum wat deur die Provinsiale Minister bepaal word, moet die tussentydse munisipale bestuurder die oorplasing van alle bates, laste en rekords van die afgeskafte munisipaliteite in werking stel.

(9) Die Plaaslike Munisipaliteit moet die oorplasing van bates, laste en rekords nie later nie as 12 maande na die effektiewe datum oudit, of sodanige latere datum as wat deur die Provinsiale Minister bepaal word.

(artikel 16B ingevoeg deur PK. 675/2000)

Oorplasing van personeel, bates en laste met betrekking tot funksies uitgesonderd dié gelys in artikel 84 van die Munisipale Strukturewet

16C. Ondanks die bepalings van artikels 12(1) en 16A van hierdie Bylaag en met ingang van die effektiewe datum, moet:-

(a) alle personeel, bates, laste en rekords van die afgeskafte munisipaliteite wat uitsluitlik betrokke is by of verband hou met:-

(i) paaie, behalwe munisipale paaie;

(ii) ambulansdienste;

(iii) gesondheidsdienste, behalwe munisipale gesondheidsdienste;

(iv) rampbestuur;

(v) behuising;

(vi) biblioteke;

(vii) museums;

(viii) watertoevoerstelsels, behalwe drinkbare watertoevoerstelsels;

(ix) natuur- en omgewingsbewaring, insluitende kusbeheer, omgewingsopvoeding, dierebeheer en beheer oor binnelandse waters, en

(x) verkeer en wetstoepassing,

na die Plaaslike Munisipaliteit oorgeplaas word ingevolge artikels 12(2), (3) en (4) en die proses uiteengesit in artikels 12A en 16B van hierdie Bylaag;

(b) enige personeellid, bate, las en rekord van die afgeskafte munisipaliteite wat nie verband hou met 'n funksie genoem in artikel 84(1) van die Munisipale Strukturewet of paragraaf (a) nie, sal met inagneming van die effektiewe datum oorgedra word, ingevolge die beginsels en proses in artikels 12, 12A, 16A en 16B van hierdie Bylaag uiteengesit, na die Plaaslike Munisipaliteit wat die funksie waarby dit betrokke is sal verrig.

(artikel 16C ingevoeg by PK.675/2000)

Oorplasing van personeel, bates, laste en rekords met betrekking tot munisipale diensleweringsooreenkomste

16D.(1)Ondanks enige andersluidende bepaling van enige munisipale diensleweringsooreenkoms wat deur 'n afgeskafte munisipaliteit aangegaan is en ingevolge waarvan daardie afgeskafte munisipaliteit die diensverskaffer is, moet alle personeel, bates, laste en rekords van die afgeskafte munisipaliteite in ooreenstemming met die bepalings van hierdie Bylaag oorgeplaas word.

(2) Die Provinsiale Minister moet bepaal watter munisipaliteit ingevolge enige munisipale diensleweringsooreenkoms wat 'n afgeskafte munisipaliteit aangegaan het ingevolge waarvan daardie afgeskafte munisipaliteit die diensverskaffer is, die regsopvolger sal wees, en kan die Plaaslike Munisipaliteit of die Distriksmunisipaliteit gelas om enige tussentydse diensleweringsreëlings ingevolge artikel 19 van hierdie Bylae te implementeer en te administreer ten einde deurlopende dienslewering ingevolge so 'n ooreenkoms te verseker.

(3) Vir die tydperk vanaf die effektiewe datum tot die datum waarop die Provinsiale Minister 'n beslissing ingevolge subartikel (3) doen, is die Plaaslike Munisipaliteit die regsopvolger van die afgeskafte munisipaliteite met betrekking tot enige munisipale diensleweringsooreenkoms in subartikel (1) bedoel in ooreenstemming met die bepalings van artikel 19.

(artikel 16D ingevoeg deur PK. 675/2000)

Versuim om sekere bepalings van hierdie Bylaag te implementeer

16E. Indien die tussentydse munisipale bestuurder of enige ander persoon wat 'n taak moet verrig soos in artikel 12A of artikel 16B uiteengesit, versuim of weier om dit te doen binne die tydperke in daardie artikels bepaal, kan die Provinsiale Minister enige persoon benoem om sodanige take te verrig, in welke geval die Plaaslike Munisipaliteit of die Distriksmunisipaliteit verplig is om ten volle met sodanige persoon saam te werk.

(artikel 16E ingevoeg deur PK. 675/2000)

Oorgangsbepalings met betrekking tot Verordeninge en Besluite

17.(1) Enige verordening wat onmiddellik voor die effektiewe datum in die gebied van 'n afgeskafte munisipaliteit van krag is, sal met ingang van die effektiewe datum en hangende die hersiening en rasionalisering daarvan ingevolge artikel 15 van die Munisipale Strukturewet ten volle van krag bly in die gebied waarvoor dit afgekondig is, behoudens enige wysiging of herroeping deur die Plaaslike Munisipaliteit.

(2) Tensy onbestaanbaar met die sinsverband of duidelik ontoepaslik, moet 'n verwysing in so 'n verordening na:-

(a) 'n afgeskafte munisipaliteit of sy voorganger, uitgelê word as sou dit 'n verwysing na die Plaaslike Munisipaliteit wees, en

(b) 'n struktuur of funksionaris van 'n afgeskafte munisipaliteit uitgelê word as sou dit 'n verwysing na die ooreenstemmende struktuur of funksionaris van die Plaaslike Munisipaliteit wees.

(3) Behoudens die bepalings van hierdie Bylaag en nieteenstaande die afskaffing van die afgeskafte plaaslike munisipaliteite, sal enige:-

(a) besluit geneem;

(b) kennisgewing, sertifikaat of ander dokument uitgereik;

(c) opdrag, goedkeuring, verlof of magtiging gegee of verleen;

(d) vrystelling, lisensie of permit verleen of uitgereik;

(e) aanstelling gedoen;

(f) werknemer benoem;

(g) ooreenkoms of kontrak aangegaan;

(h) delegasie van bevoegdhede aan 'n werknemer verleen;

(i) belastings, tariewe of heffings gehef of opgelê;

(j) reservering van grond gedoen; en

(k) ander handeling verrig of ding gedoen,

deur 'n afgeskafte munisipaliteit, behoudens die bepalings van hierdie Bylaag geag word deur die Plaaslike Munisipaliteit geneem, uitgereik, gegee, gedoen, benoem, aangegaan, verleen, geheg, opgelê of verrig te gewees het, hangende die hersiening en rasionalisering daarvan, ingevolge artikel 15 van die Munisipale Strukturewet.

(4) Behoudens artikel 20, 21, 22 en 23 van hierdie Bylaag, sal enige persoon wat op die effektiewe datum 'n bevoegdheid uitoefen of 'n plig of funksie verrig uit hoofde van die amp wat hy of sy beklee of uit hoofde van 'n delegasie van bevoegdheid waarmee die afgeskafte munisipaliteit hom of haar beklee het, voortgaan om daardie bevoegdheid uit te oefen of daardie plig of funksie te verrig totdat die Plaaslike Munisipaliteit die teendeel besluit.

(5) Vir die toepassing van die Bylaag van die Regulasie aangaande die Verklaring van Vredesbeamptes wat ingevolge artikel 334 van die Strafproseswet, 1977 (Wet 51 van 1977) gemaak is, sal enige wetstoepassingsbeampte wat deur 'n afgeskafte munisipaliteit aangestel is, na die effektiewe datum geag word deur die Plaaslike Munisipaliteit aangestel te gewees het vir die regsgebied van die Plaaslike Munisipaliteit.

(6) Enige statutêre plan wat in die regsgebied van die afgeskafte munisipaliteite van krag of in werking is, sal van krag of in werking bly ten opsigte van die gebied waarop dit bedoel was om van toepassing te wees, totdat dit deur die Plaaslike Munisipaliteit gewysig, verander of herroep word.

Finansiële Aangeleenthede

18.(1) Met ingang van die effektiewe datum sal die bestaande begrotings van die afgeskafte munisipaliteite tot 30 Junie 2001 die begroting van die Plaaslike Munisipaliteit uitmaak, en intermunisipale begrotingsoorplasings sal voorduur vir die 2000/2001 finansiële jaar.

(2) Ondanks die bepalings van subartikel (1) mag die Plaaslike Munisipaliteit:-

(a) die bestaande begrotings aanpas, of

(b) besluit om sy rekeninge te sluit en opnuut vir die res van die finansiële jaar te begroot;

mits enige so 'n begroting ooreenkomstig tersaaklike wetgewing aangepas of opgestel en goedgekeur word, na gelang van die geval.

(3) Voor die aanvang van die 2001/2002 finansiële jaar moet die Plaaslike Munisipaliteit oorweeg om finansiële bestuursplanne en –beleide aan te neem betreffende:-

(a) maatreëls, insluitende intermunisipale begrotingsoorplasings, om inkomste stabiliteit vir die periode na die 2000/2001 finansiële jaar te verseker;

(b) mediumtermynuitgawe;

(c) gelykmaking van tariefstrukture;

(d) die opstel van 'n nuwe algemene waardasierol vir die Plaaslike Munisipaliteit en die ingebruikneming van billike eiendomsbelatings;

(e) die ingebruikneming van gekonsolideerde rekeninglewering skemas;

(f) die konsolidasie van finansiële rekeningkundige stelsels en begrotingstelsels;

(g) kredietbeheer, en

(h) verkryging.

Administratiewe oorgangsreëlings

19.(1) Met ingang van die effektiewe datum tot die datum waarop alle personeel, bates, laste en rekords finaal toegewys is ingevolge die bepalings van hierdie Bylaag, of sodanige alternatiewe datum as wat die Provinsiale Minister bepaal, is die Plaaslike Munisipaliteit:-

(a) verplig om met alle personeel, bates, laste en rekords:-

(i) wat tydelik geplaas is ingevolge artikel 12A(1);

(ii) wat tydelik oorgedra is ingevolge artikel 16B(1), en

(iii) wat voorlopig toegewys is ingevolge artikels 12A(3) en 16B(3),

in die uiterste goeie trou te behandel met inagneming van die belange van die Distriksmunisipaliteit;

(b) sonder om afbreuk te maak aan die algemene aard van subartikel (1) en behoudens artikel 12(2), mag nie, met verwysing na paragrawe (i) en (vii) hieronder sonder die vooraf skriftelike goedkeuring van die

Provinsiale Minister welke goedkeuring voorwaardelik mag wees, en met verwysing na paragrawe (ii), (iii), (iv), (v), (vi) en (viii) hieronder sonder die vooraf skriftelike goedkeuring van die Plaaslike Munisipaliteit, welke goedkeuring nie onredelik geweier mag word nie, geen verandering aan die dienstaat wat tydelik ingevolge artikel 12A(1) geplaas is, of voorlopig toegewys is ingevolge artikel 12A(3), maak of teweeg bring nie deur:-

(i) enige nuwe poste te skep of te vul;

(ii) enige vakatures te vul;

(iii) die hergradering of opskaling van enige poste te inisieer of te implementeer;

(iv) enige personeellid te bevorder;

(v) enige permanente funksies of pligte aan personeel op te dra, uitgesonderd op 'n tydelike grondslag;

(vi) behoudens enige wet, bestaande kollektiewe ooreenkoms of dienskontrak:-

(aa) die goedkeuring en implementering van enige toelae of waarnemingstoelae;

(bb) die implementering van enige verhoging van salarisse of lone;

(vii) enige permanente verandering aan personeelstrukture en organisasiestrukture te implementeer, en

(viii) enige kollektiewe ooreenkoms aan te gaan, uitgesonderd 'n kollektiewe ooreenkoms wat in die Bedingingsraad onderhandel en aangegaan is, wat die Distriksmunisipaliteit sal bind ten opsigte van enige aangeleentheid wat in hierdie subartikel genoem word;

(c) sonder om afbreuk te maak aan die algemene aard van subartikel (1), mag, sonder die vooraf skriftelike goedkeuring van die Distriksmunisipaliteit, welke goedkeuring nie onredelik geweier mag word nie, geen besluit neem of implementeer nie met betrekking tot enige bates, laste of rekords oorgedra ingevolge artikel 16B(1) of wat tydelik toegewys is ingevolge artikel 16B(3), wat daartoe sal lei dat sodanige munisipaliteit:-

(i) roerende of onroerende bates verkoop of verhuur ter waarde van meer as R20 000 (twintig duisend rand), uitgesonderd as ingevolge bestaande kontraktuele reëlings; met dien verstande dat hierdie bepaling nie van toepassing is nie op die beskikking oor onroerende eiendom ooreenkomstig 'n goedgekeurde behuisingskema ingevolge die Behuisingswet, 1997 (Wet 107 van 1997);

(ii) roerende of onroerende bates koop ter waarde van meer as R20 000 (twintig duisend rand), uitgesonderd as ingevolge bestaande kontraktuele reëlings;

(iii) nuwe kontrakte met 'n termyn van langer as een jaar sluit;

(iv) kontrakte vir 'n termyn van langer as drie maande hernu;

(v) inligtingstegnologiestelsels, insluitende programmatuur en apparatuur, verkry, en

(vi) gebruik maak van:-

(aa) statutêre fondse, hetsy vir regstreekse kapitaal- of ander besteding of om besteding te finansier deur interne lenings aan te gaan vir ander doeleindes as vir verbonde en noodsaaklike infrastruktuurprojekte wat in die 2000/2001-begroting goedgekeur is;

(bb) trustfondse (wat nie 'n raad se eie rekenings insluit nie) vir enige ander doel as dié waarvoor die fondse gehou word;

(cc) reserwefondse, reserwekapitaal of reserwevoorsienings vir 'n ander doel as vir noodsaaklike begrote instandhouding van infrastruktuur, nie-begrote noodinstandhouding van infrastruktuur wat nie uit die bedryfsbegroting gefinansier kan word nie of vir die afskryf van slegte skulde, en

(dd) enige statutêre trust, reserwe of voorsiening wat nie kontant befonds word nie, uitgesonderd vir die afskryf van slegte skulde;

met dien verstande dat hierdie subartikel nie in 'n noodgeval van toepassing is nie, en

(d) mag geen besluit neem of implementeer nie wat daartoe sal lei dat die Plaaslike Munisipaliteit sy goedgekeurde kapitaal- of bedryfsbegroting vir die 2000/2001 finansiële jaar sal oorskry.

(2) Indien enige geskil met betrekking tot die bepalings van subartikel (1) tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit ontstaan, moet sodanige geskil na die Provinsiale Minister verwys word vir beslissing deur die Provinsiale Minister of sy benoemde in ooreenstemming met prosedures wat deur die Provinsiale Minister bepaal word, en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(3) Enige kontrak wat aangegaan word in stryd met die bepalings van subartikel (1) of (2) is van nul en gener waarde.

(artikel 19 is vervang deur PK.675/2000)

Aanstelling van Waarnemende Beamptes

20. Voor die aanvang van die effektiewe datum, moet die Provinsiale Minister na die oorweging van enige aanbevelings deur die Distrikstransformasieforum, en waar toepaslik vir die Plaaslike Munisipaliteit, enige persoon in enige posisie wat ingevolge relevante wetgewing benodig word, aanstel, welke aanstelling in 'n waarnemende hoedanigheid sal wees, en wie die amp op die effektiewe datum moet aanvaar en dit moet beklee totdat die Plaaslike Munisipaliteit sy eie aanstellings gedoen het ingevolge die relevante wetgewing.

Aanstelling van Tussentydse Munisipale Bestuurder

21.(1) Voor die aanvang van die effektiewe datum, moet die Provinsiale Minister na die oorweging van enige aanbevelings deur die Distrikstransformasieforum, 'n tussentydse munisipale bestuurder aanstel wat die amp by aanstelling aanvaar en dit beklee totdat die Plaaslike Munisipaliteit sy eie munisipale bestuurder of waarnemende munisipale bestuurder aangestel het.

(2) Die pligte van die tussentydse munisipale bestuurder sal, onderworpe aan voorskrifte of besluite tot die teendeel wat deur die Plaaslike Munisipaliteit aangeneem is, soos volg wees:-

(a) om die eerste vergadering van die Raad van die Plaaslike Munisipaliteit ingevolge artikel 29(2) van die Munisipale Strukturewet byeen te roep;

(b) om op die eerste vergadering van die Raad van die Plaaslike Munisipaliteit voor te sit totdat die speaker verkies word;

(c) om na die effektiewe datum, as die hoof van administrasie en hoofrekenpligte beampte van die Plaaslike Munisipaliteit op te tree, totdat die Plaaslike Munisipaliteit sy eie munisipale bestuurder of waarnemende munisipale bestuurder aangestel het;

(d) om na die effektiewe datum, alle pligte wat deur die HUB van 'n munisipaliteit ingevolge betrokke wetgewing verrig moet word, te verrig;

(e) om verantwoordelikheid te aanvaar vir die bewerkstelliging van die oorplasing van alle personeel, bates, laste en administratiewe en ander rekords na die Plaaslike Munisipaliteit;

(f) om sodanige persone aan te stel wat nodig is om sy of haar verpligtinge ingevolge hierdie Bylaag na te kom;

(g) om alle redelike stappe te doen om te verseker dat diensleweringskontinuïteit na die effektiewe datum gehandhaaf word;

(h) om tussentydse finansiële beheermeganismes vir die Plaaslike Munisipaliteit in te stel;

(i) om tussentydse verslagdoeningskanale en delegasies vir die Plaaslike Munisipaliteit in te stel;

(j) om dienskontrakte, agentskapsreëlings en diensleweringsooreenkomste te hersien en aan te beveel;

(k) om enige tussentydse diensleweringsreëlings tussen die Plaaslike Munisipaliteite en die Distriksmunisipaliteit asook tussen die Plaaslike Munisipaliteit en ander plaaslike munisipaliteite binne die gebied van die Distriksmunisipaliteit in werking te stel;

(l) delegeer enige van sy of haar magte of pligte aan enige werknemer van die Plaaslike Munisipaliteit en wysig of herroep enige sodanige delegasie, en

(m) om in die periode voor die effektiewe datum, voor te berei vir die uitvoering van die pligte uiteengesit in paragrawe (a) tot (l).

(3) Voor die effektiewe datum, moet die HUB's met die tussentydse munisipale bestuurder saamwerk ten aansien van al die aangeleenthede wat verbandhou met die instel van die Plaaslike Munisipaliteit.

(4) Met ingang van die effektiewe datum, handel die HUB's onder die leiding van, en doen hulle verantwoording aan, die tussentydse munisipale bestuurder, en het die tussentydse munisipale bestuurder al die magte van die HUB's.

Tussentydse Munisipale Assistentbestuurders

22. Die Provinsiale Minister mag, na die oorweging van enige aanbeveling deur die Distrikstransformasieforum, enige aantal tussentydse assistente, vir die tussentydse munisipale bestuurder aanstel, wat hul ampte by aanstelling

aanvaar en dit beklee totdat die Plaaslike Munisipaliteit die aanstellings bevestig of beëindig het.

Senior Bestuurspan

23. Enige tussentydse assistente wat vir die tussentydse munisipale bestuurder aangestel is, sal saam met die tussentydse munisipale bestuurder die senior bestuurspan van die Plaaslike Munisipaliteit uitmaak, wat toesig moet hou oor die implementering van die instelling van die Plaaslike Munisipaliteit.

Aanstellings

24. Enige persoon ingevolge artikel 21 of 22 aangestel sal, behoudens die bepalings van artikel 12 van hierdie Bylaag, 'n werknemer van 'n afgeskafte munisipaliteit wees en sal sy of haar pligte op 'n gesekondeerde grondslag verrig.

Eerste Vergadering van die Raad van die Plaaslike Munisipaliteit

25.(1) Die tussentydse munisipale bestuurder moet minstens drie dae voor die eerste vergadering van die Raad van die Plaaslike Munisipaliteit, 'n kennisgewing aan elke raadslid by sy of haar woonplek of 'n ander plek wat deur die betrokke raadslid bepaal is, stuur waarin die plek, datum en tyd van die eerste vergadering gespesifiseer word en wat die agenda bevat; met dien verstande dat die tussentydse munisipale bestuurder, as dit in sy of haar opinie nodig is, die eerste vergadering met 'n korter kennisgewing mag belê.

(2) Behoudens enige verordening wat van krag is, maar onderhewig aan die bepalings van die Munisipale Strukturewet, is die reëls en orders vir die eerste vergadering van die Raad van die Plaaslike Munisipaliteit die reëls en orders soos uiteengesit in Provinsiale Kennisgewing 411/1988, soos afgekondig in Provinsiale Koerant No. 4532 van 20 Mei 1988, met die nodige wysigings soos vereis deur die konteks, welke reels van krag sal bly totdat reëls en orders aangeneem word deur die Raad van die Plaaslike Munisipaliteit.

(subartikel (2) gewysig deur PK.675/2000 en PK. 117/2008)

(3) Die vergaderplek vir die eerste vergadering van die Raad van die Plaaslike Munisipaliteit sal in Stellenbosch wees.

(subartikel (3) gewysig deur PK.675/2000)

(4) Die agenda van die eerste vergadering sal soos volg wees:-

(a) die verkiesing van die speaker;

(b) of die Plaaslike Munisipaliteit die instelling van 'n uitvoerende komitee verlang, en indien wel, die bepaling van 'n stelsel van verteenwoordiging vir die verkiesing van die uitvoerende komitee;

(c) die verkiesing van raadslede om op die uitvoerende komitee te dien;

(d) die verkiesing van die burgemeester vanuit die geledere van die uitvoerende komitee;

(e) die verkiesing van die onderburgemeester, waarvoor goedkeuring deur die Provinsiale Minister verleen word, vanuit die geledere van die uitvoerende komitee, en

(f) enige ander sake deur die tussentydse munisipale bestuurder bepaal en in die agenda uiteengesit.

Toepassing van hierdie Kennisgewing

25A. Indien enige konflik rakende die aangeleenthede wat in hierdie Kennisgewing hanteer word sou ontstaan tussen hierdie kennisgewing en die bepalings van enige artikel 84(3)-kennisgewing afgekondig deur die Nasionale Minister of enige artikel 18-kennisgewing afgekondig deur die Provinsiale Minister, geniet die bepalings van die artikel 84(3)-kennisgewing of artikel 18-kennisgewing, na gelang van die geval, voorrang.

(artikel 25A ingevoeg deur PK.675/2000)

Uitvoerende Onderburgemeester

25B. Goedkeuring word verleen ingevolge artikel 55 van die Munisipale Strukture Wet, soos gewysig, vir die verkiesing van 'n uitvoerende onderburgemeester.

(artikel 25B ingevoeg deur PK.184/2003)

Kort titel en Inwerkingstreding

26. Hierdie Kennisgewing heet die Munisipaliteit Stellenbosch (WCO24) Instellingskennisgewing en tree in werking op die datum van publikasie.

ITEM 4

App 2

STELLENBOSCH MUNICIPALITY ESTABLISHMENT NOTICE (PN NO 8505 DATED 15 OCTOBER 2021, P/N 118/2021)

Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF WESTERN CAPE

Provincial Gazette

8505

Friday, 15 October 2021

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PROVINSIE WES-KAAP

Provinsiale Koerant

8505

Vrydag, 15 Oktober 2021

As 'n Nuusblad by die Poskantoor Geregistreer

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INHOUD

*(*Herdrukke is verkrygbaar by Kamer M12, Provinsiale Wetgewing-gebou, Waalstraat 7, Kaapstad 8001.)*

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PROVINCIAL NOTICE

P.N. 118/2021 15 October 2021

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998

(ACT 117 OF 1998)

THE STELLENBOSCH MUNICIPALITY (WCO24) ESTABLISHMENT NINTH AMENDMENT NOTICE

In terms of section 16 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), I hereby further amend the Stellenbosch Municipality (WCO24) Establishment Notice, Provincial Notice 489/2000 published in the Provincial Gazette No. 5590 dated 22 September 2000 (the principal Notice) as set out in the Schedule.

In this notice "principal Notice" means the Stellenbosch Municipality (WCO24) Establishment Notice, Provincial Notice 489/2000 published in the Provincial Gazette No. 5590 dated 22 September 2000, as amended by Provincial Notice 675/2000 published in the Provincial Gazette Extraordinary No. 5642 dated 4 December 2000, Provincial Notice 456/2002 published in the Provincial Gazette Extraordinary No. 5968 dated 19 December 2002, Provincial Notice 184/2003 published in the Provincial Gazette Extraordinary No. 6020 dated 28 May 2003, Provincial Notice 11/2006 published in the Provincial Gazette Extraordinary No. 6333 dated 3 January 2006, Provincial Notice 117/2008 published in the Provincial Gazette No. 6511 dated 28 March 2008, Provincial Notice 55/2011 published in the Provincial Gazette No. 6852 dated 25 February 2011, Provincial Notice 283/2014 published in the Provincial Gazette No. 7320 dated 24 October 2014, Provincial Notice 261/2015 published in the Provincial Gazette No. 7460 dated 31 July 2015 and Provincial Notice 114/2016 published in the Provincial Gazette Extraordinary No. 7597 dated 8 April 2016.

Dated this 12th day of October 2021.

AW BREDELL,
PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

SCHEDULE

Amendment of the Schedule of the principal Notice

1. **Section 2.(1) of the principal Notice is amended by the substitution for subsection (1) of the following subsection:-**

"2.(1) On 3 March 2000 the Municipal Demarcation Board, acting in terms of section 21 of the Municipal Demarcation Act, determined the boundaries of the Municipality, as reflected in the map appearing in Provincial Notice 69/2000 published in the Provincial Gazette Extraordinary No. 5431 of 3 March 2000 (A copy of the map is republished in Annexure "1" to this Schedule) and amended by Provincial Notice 478/2000 published in the Provincial Gazette Extraordinary No. 5587 of 18 September 2000 and Provincial Notice 258/2002 published in the Provincial Gazette Extraordinary No. 5922 dated 15 August 2002 and Provincial Notice 339/2013 published in the Provincial Gazette Extraordinary No. 7185 of 15 October 2013 read with Provincial Notice 417/2013 published in the Provincial Gazette Extraordinary No. 7209 of 10 December 2013, Provincial Notice 248/2013 published in the Provincial Gazette Extraordinary No. 7156 of 8 August 2013, Provincial Notice 1/2014 published in the Provincial Gazette No. 7217 dated 10 January 2014, Provincial Notice 63/2014 published in the Provincial Gazette No. 7236 dated 7 March 2014 and Provincial Notice 159/2014 published in the Provincial Gazette No. 7277 dated 13 June 2014 and Provincial Notice 657/2018 published in the Provincial Gazette No. 7968 dated 10 August 2018 read with Provincial Notice 124/2018 published in the Provincial Gazette Extraordinary No. 7987 dated 4 October 2018, Provincial Notice 91/2018 published in the Provincial Gazette Extraordinary No. 7942 dated 15 June 2018 and Provincial Notice 166/2018 published in the Provincial Gazette No. 8024 dated 14 December 2018.".

2. **Section 8. of the principal Notice is amended by the substitution of the following section:-**

"8.(1) The Municipal Council of the Local Municipality has 45 (forty–five) councillors, as determined by the Provincial Minister in Provincial Notice 85/2019 published in the Provincial Gazette Extraordinary No. 8137 dated 7 August 2019, of which 23 (twenty- three) are ward councillors and 22 (twenty-two) are proportionally elected councillors.

(2) The Local Municipality has 23 (twenty-three) wards.".

3. **Short title and commencement**

This Notice is called the Stellenbosch Municipality (WCO24) Establishment Ninth Amendment Notice and has effect from the date of the next general election of municipal councils.

PROVINSIALE KENNISGEWING

P.K. 118/2021 15 Oktober 2021

WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998

(WET 117 VAN 1998)

DIE STELLENBOSCH MUNISIPALITEIT (WCO24) INSTELLING NEGENDE WYSIGINGSKENNISGEWING

In terme van artikel 16 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), wysig ek hierby verder die Stellenbosch Munisipaliteit (WCO24) Instellingskennisgewing, Provinsiale Kennisgewing 489/2000 gepubliseer in die Provinsiale Koerant Nr. 5590 van 22 September 2000 (die hoofkennisgewing) soos uiteengesit in die Bylaag.

In hierdie kennisgewing beteken "hoofkennisgewing" die Stellenbosch Munisipaliteit (WCO24) Instellingskennisgewing, Provinsiale Kennisgewing 489/2000 gepubliseer in die Provinsiale Koerant Nr. 5590 van 22 September 2000, soos gewysig deur Provinsiale Kennisgewing 675/2000 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5642 van 4 Desember 2000, Provinsiale Kennisgewing 456/2002 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5968 van 19 Desember 2002, Provinsiale Kennisgewing 184/2003 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6020 van 28 Mei 2003, Provinsiale Kennisgewing 11/2006 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6333 van 3 Januarie 2006, Provinsiale Kennisgewing 117/2008 gepubliseer in die Provinsiale Koerant Nr. 6511 van 28 Maart 2008, Provinsiale Kennisgewing 55/2011 gepubliseer in die Provinsiale Koerant Nr. 6852 van 25 Februarie 2011, Provinsiale Kennisgewing 283/2014 gepubliseer in die Provinsiale Koerant Nr. 7320 van 24 Oktober 2014, Provinsiale Kennisgewing 261/2015 gepubliseer in die Provinsiale Koerant Nr. 7460 van 31 Julie 2015 en Provinsiale Kennisgewing 114/2016 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 7597 van 8 April 2016.

Gedateer op hierdie 12de dag van Oktober 2021.

AW BREDELL,
PROVINSIALE MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING

BYLAAG

Wysiging van die Bylaag tot die hoofkennisgewing

1. Artikel 2.(1) van die hoofkennisgewing word gewysig deur die vervanging van subartikel (1) deur die volgende subartikel:-

"2.(1) Op 3 Maart 2000 het die Munisipale Afbakeningsraad, wat ingevolge artikel 21 van die Munisipale Afbakeningswet handel, die grense van die Munisipaliteit bepaal, soos aangetoon op die kaart wat voorkom in Provinsiale Kennisgewing 69/2000 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5431 van 3 Maart 2000 ('n kopie word herpubliseer in Aanhangsel "1" tot die Bylaag) en gewysig deur Provinsiale Kennisgewing 478/2000 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5587 van 18 September 2000 en Provinsiale Kennisgewing 258/2002 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5922 van 15 Augustus 2002 en Provinsiale Kennisgewing 339/2013 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 7185 van 15 Oktober 2013 gelees met Provinsiale Kennisgewing 417/2013 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 7209 van 10 Desember 2013, Provinsiale Kennisgewing 248/2013 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 7156 van 8 Augustus 2013, Provinsiale Kennisgewing 1/2014 gepubliseer in die Provinsiale Koerant Nr. 7217 van 10 Januarie 2014, Provinsiale Kennisgewing 63/2014 gepubliseer in die Provinsiale Koerant Nr. 7236 van 7 Maart 2014 en Provinsiale Kennisgewing 159/2014 gepubliseer in die Provinsiale Koerant Nr. 7277 van 13 Junie 2014 en Provinsiale Kennisgewing 657/2018 gepubliseer in die Provinsiale Koerant Nr. 7968 van 10 Augustus 2018 gelees met Provinsiale Kennisgewing 124/2018 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 7987 van 4 Oktober 2018, Provinsiale Kennisgewing 91/2018 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 7942 van 15 Junie 2018 en Provinsiale Kennisgewing 166/2018 gepubliseer in die Provinsiale Koerant Nr. 8024 van 14 Desember 2018.".

2. Artikel 8. van die hoofkennisgewing word gewysig deur die vervanging met die volgende subartikel:-

"8.(1) Die Munisipale Raad van die Distriksmunisipaliteit het 45 (vyf-en-veertig) raadslede, soos bepaal deur die Provinsiale Minister in Provinsiale Kennisgewing 85/2019 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 8137 van 7 Augustus 2019, van wie 23 (drie-en-twintig) wykraadslede is en 22 (twee-en-twintig) proporsioneel verkose raadslede is.

(2) Die Plaaslike Munisipaliteit het 23 (drie-en-twintig) wyke.".

3. Korttitel en inwerkingstreding

Hierdie Kennisgewing word die Stellenbosch Munisipaliteit (WCO24) Instelling Negende Wysigingskennisgewing genoem en tree in werking vanaf die datum van die volgende algemene verkiesing van munisipale rade.

ISAZISO SEPHONDO

I.S. 118/2021 15 Oktobha 2021

URHULUMENTE WENGINGQI: MUNICIPAL STRUCTURES ACT, 1998 (UMTHETHO 117 KA 1998)

UKUMISELA ISAZISO SOLUNGISO LWESITHOBA KUMASIPALA (WCO24)

STELLENBOSCH

NgokweCandelo 16 loMthetho woRhulumente beNgingqi: Municipal Structures Act, 1998 (Act 117 of 1998), ndizisa ezinye izilungiso kwiSaziso soMgaqo-nkqubo kaMasipala Stellenbosch (WCO24), iSaziso sePhondo esingu489/2000 esapapashwa kwiGazethi yePhondo enguNo. 5590 yomhla wama-22 kaSeptemba 2000 (iSaziso esiyintloko) njengoko sicaciswe kuLudwe lweNkqubo.

Kwesi saziso iSaziso esiyintloko sithetha iSaziso sokuSekwa kukaMasipala Stellenbosch (WCO24) iSaziso sePhondo esingu 489/2000 esapapashwa kwiGazethi yePhondo engu No. 5590 yomhla wama-22 Septemba 2000, eyalungiswa kwiSaziso sePhondo esingu-675/2000 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 5642 yomhla wesi-4 kaDisemba 2000, iSaziso sePhondo esingu456/2002 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 5968 yomhla we-19 kaDisemba 2002, iSaziso sePhondo esingu184/2003 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 6020 yomhla wama-28 kaMeyi 2003, kwiSaziso sePhondo esingu11/2006 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 6333 yomhla wesi-3 kaJanuwari 2006, iSaziso sePhondo esingu117/2008 esapapashwa kwiGazethi yePhondo enguNo. 6511 yomhla wama-28 kaMatshi 2008, iSaziso sePhondo esingu55/2011 esapapashwa kwiGazethi yePhondo enguNo. 6852 yomhla wama-25 kaFebhuwari 2011, neSaziso sePhondo esingu283/2014 esapapashwa kwiGazethi yePhondo enguNo. 7320 yomhla wama-24 kaOktobha 2014, iSaziso sePhondo esingu261/2015 esapapashwa kwiGazethi yePhondo enguNo.7460 yomhla wama-31 kaJulayi 2015 neSaziso sePhondo esingu114/2016 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 7597 yomhla wesi-8 ka-Apreli 2016.

Ngalo mhla we 12 Oktobha 2021.

AW BREDELL,
UMPHATHISWA WEPHONDO WORHULUMENTE WENGINGQI, IMICIMBI YOKUSINGQONGILEYO NOCWANGCISO LOPHUHLISO

ULUDWE LWENKQUBO

Ulungiso loLudwe lweNkqubo lweSaziso esiyintloko

1. ICandelo 2.(1) leSaziso esiyintloko liyalungiswa ngokufakela eli candelwana lilandelayo endaweni yecandelwana (1):—

"2.(1) Ngomhla wesi-3 kaMatshi 2000 iBhodi yokuCandwa kooMasipala, isebenza ngokweCandelo lama-21 lweMunicipal Structures Act, imisele uMasipala weNgingqi imida njengoko kubonakala kwimephu evelayo kwiSaziso sePhondo esingu69/2000 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 5431 yomhla wesi-3 kaMatshi 2000 (ikopi yemephu ipapashwe ngokutsha kwisiHlomelo "1" solu Ludwe lweNkqubo) yaza yalungiswa kwiSaziso sePhondo esingu478/2000 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 5587 yomhla we-18 kaSeptemba 2000 neSaziso sePhondo esingu258/2002 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 5922 yomhla we-15 ka-Agasti 2002, neSaziso sePhondo esingu339/2013 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 7185 yomhla we-15 ka-Oktobha 2013 esafundwa kunye neSaziso sePhondo esingu417/2013 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 7209 yomhla we-10 kaDisemba 2013, iSaziso sePhondo esingu248/2013 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 7156 yomhla wesi-8 ka-Agasti 2013, iSaziso sePhondo esingu1/2014 esapapashwa kwiGazethi yePhondo enguNo. 7217 yomhla we-10 kaJanuwari 2014, iSaziso sePhondo esingu63/2014 esapapashwa kwiGazethi yePhondo enguNo. 7236 yomhla wesi-7 kaMatshi 2014 neSaziso sePhondo esingu159/2014 esapapashwa kwiGazethi yePhondo enguNo. 7277 yomhla we-13 kaJuni 2014 neSaziso sePhondo esingu657/2018 esapapashwa kwiGazethi yePhondo enguNo. 7968 yomhla we10 ka-Agasti 2018 esafundwa kunye neSaziso sePhondo esingu124/2018 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 7987 yomhla wesi-4 ka-Oktobha 2018, iSaziso sePhondo esingu91/2018 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 7942 yomhla we-15 kaJuni 2018 nakwiSaziso sePhondo esingu166/2018 esapapashwa kwiGazethi yePhondo enguNo. 8024 yomhla we-14 kaDisemba 2018.".

2. ICandelo 8. leSaziso esiyintloko liyalungiswa ngokufakela eli candelwana lilandelayo:—

"8.(1) IBhunga likaMasipala kuMasipala weNgingqi linooceba abangama-45 (amashumi amane anesihlanu), njengoko kumiselwe nguMphathiswa wePhondo kwiSaziso sePhondo esingu85/2019 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 8137 yomhla wesi-7 ka-Agasti 2019, kubo abangama-23 (amashumi amabini anantathu) ngooceba beewodi kwaye abangama-22 (amashumi amabini anesixhenxe) bamele ngokulinganayo.

(2) UMasipala weNgingqi uneewodi ezingama-23 (amashumi amabini anantathu).".

3. Isihloko esifinyeziweyo nokuqalisa

Esi Saziso sibizwa ngokuba siSaziso soLungiso lweSithoba sokuSekwa kukaMasipala Stellenbosch (WCO24) kwaye sisebenza ukususela kumhla wonyulo jikelele olulandelayo lwamabhunga oomasipala.

APPENDIX 3

Western Cape Government • Wes-Kaapse Regering

PROVINCE OF WESTERN CAPE

Provincial Gazette

7460

Friday, 31 July 2015

PROVINSIE WES-KAAP

Provinsiale Koerant

7460

Vrydag, 31 Julie 2015

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INHOUD

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PROVINCIAL NOTICES

The following Provincial Notices are published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Ezi zaziso zilandelayo zipapashelwe ukunika ulwazi ngokubanzi.

ADV. B.GERBER,
UMLAWULI-JIKELELE

iSakhiwo sePhondo,
Wale Street,
eKapa.

P.N. 261/2015

31 July 2015

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (ACT 117 OF 1998)

THE STELLENBOSCH MUNICIPALITY (WCO24) ESTABLISHMENT SEVENTH AMENDMENT NOTICE

In terms of section 16 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), I hereby further amend the Stellenbosch Municipality (WCO24) Establishment Notice, Provincial Notice 489/2000 published in Provincial Gazette 5590 dated 22 September 2000 (the principal Notice) as set out in the Schedule.

In this notice "principal Notice" means the Stellenbosch Municipality (WCO24) Establishment Notice, Provincial Notice 489/2000 published in Provincial Gazette 5590 dated 22 September 2000, as amended by Provincial Notice 675/2000 published in the Provincial Gazette Extraordinary No. 5642 dated 4 December 2000, Provincial Notice 456/2002 published in the Provincial Gazette Extraordinary No. 5968 dated 19 December 2002, Provincial Notice 184/2003 published in the Provincial Gazette Extraordinary No. 6020 dated 28 May 2003, Provincial Notice 11/2006 published in the Provincial Gazette Extraordinary No.6333 dated 3 January 2006, Provincial Notice 117/2008 published in the Provincial Gazette 6511 dated 28 March 2008, Provincial Notice 55/2011 published in the Provincial Gazette No. 6852 dated 25 February 2011 and Provincial Notice 283/2014 published in the Provincial Gazette No. 7320 dated 24 October 2014.

Dated this 21st day of July 2015.

AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

SCHEDULE

Amendment of the Schedule of the principal Notice

1. **Section 9 of the principal Notice is amended by the substitution of the following subsection:**

"Full-time Councillors

9. The Local Municipality may designate the following councillors as full-time councillors:—

(a) the executive mayor;

(b) the members of the mayoral committee;

(c) the speaker;

(d) a single whip appointed for Council, and

(e) Chairperson of Committee established in terms of section 79 (MPAC)."

2. **Short title and commencement**

This Notice is called the Stellenbosch Municipality (WCO24) Establishment Seventh Amendment Notice and comes into operation on the date of publication.

P.K. 261/2015

31 Julie 2015

WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998 (WET 117 VAN 1998)

DIE MUNISIPALITEIT STELLENBOSCH (WCO24) INSTELLINGSKENNISGEWING SEWENDE WYSIGINGSKENNISGEWING

In terme van artikel 16 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), wysig ek hierby verder die Munisipaliteit Stellenbosch (WCO24) Instellingskennisgewing, Provinsiale Kennisgewing 489/2000 gepubliseer in Provinsiale Koerant 5590 van 22 September 2000 (die hoofkennisgewing) soos uiteengesit in die Bylaag.

In hierdie kennisgewing beteken "hoofkennisgewing" die Munisipaliteit Stellenbosch (WCO24) Instellingskennisgewing, Provinsiale Kennisgewing 489/2000 gepubliseer in Provinsiale Koerant 5590 van 22 September 2000, soos gewysig deur Provinsiale Kennisgewing 675/2000 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5642 van 4 Desember 2000, Provinsiale Kennisgewing 456/2002 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5968 van 19 Desember 2002, Provinsiale Kennisgewing 184/2003 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6020 van 28 Mei 2003, Provinsiale Kennisgewing 11/2006 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6333 van 3 Januarie 2006, Provinsiale Kennisgewing 117/2008 gepubliseer in die Provinsiale Koerant Nr. 6511 van 28 Maart 2008, Provinsiale Kennisgewing 55/2011 gepubliseer in die Provinsiale Koerant Nr. 6852 van 25 Februarie 2011 en Provinsiale Kennisgewing 283/2014 gepubliseer in die Provinsiale Koerant Nr.7320 van 24 Oktober 2014.

Gedateer op hierdie 21ste dag van Julie 2015.

AW BREDELL, PROVINISALE MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING

BYLAAG

Wysiging van die Bylaag tot die hoofkennisgewing.

1. **Artikel 9 van die hoofkennisgewing word gewysig deur die vervanging deur die volgende subartikel:**

"Voltydse Raadslede

9. Die Plaaslike Munisipaliteit mag die volgende raadslede as voltydse raadslede aanwys:
   (a) die uitvoerende burgermeester;
   (b) lede van die burgermeesterskomitee;
   (c) die speaker;
   (d) 'n enkele sweep aangewys vir die Raad, en
   (e) Voorsitter van Komitee ingestel ingevolge artikel 79 ('MPAC')."

2. **Korttitel en inwerkingtreding**

Hierdie Kennisgewing word die Munisipaliteit Stellenbosch (WCO24) Instellingskennisgewing Sewende Wysigingskennisgewing genoem en tree in werking op die datum van publikasie.

I.S. 261/2015

31 kweyeKhala 2015

UMTHETHO OYILOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (UMTHETHO 117 KA-1998)

ISAZISO SESIXHENXE SOLUNGISO SEZICWANGCISO-ZIKHUNDLA U MASIPALA WASESTELLENBOSCH (WCO24)

Ngokwemiqathango yecandelo 16 loMthetho oyiLocal Government: Municipal Structures Act, 1998 (uMthetho 117 ka-1998), apha ke ndenza eziinye izilungiso kwiSaziso esiyiStellenbosch Municipality (WCO24) Establishment Notice, iSaziso sePhondo esinguNomb. 489/2000 esapapashwa kwiGazethi yePhondo enguNomb. 5590 yomhla wama-22 Septemba 2000 (iSaziso satanci) njengoko kucaciswa kwiShedyuli.

Kwesi saziso "iSaziso satanci" sibhekisele kwiSaziso esiyiStellenbosch Municipality (WCO24) Establishment Notice, iSaziso sePhondo esinguNomb. 489/2000 esapapashwa kwiGazethi yePhondo enguNomb. 5590 yomhla wama-22 Septemba 2000, njengoko senziwa izilungiso ngeSaziso sePhondo esinguNomb. 675/2000 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 5642 yomhla we-4 Disemba 2000, iSaziso sePhondo esinguNomb. 456/2002 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 5968 yomhla we-19 Disemba 2002, iSaziso sePhondo esinguNomb. 184/2003 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 6020 yomhla wama- 28 Meyi 2003, iSaziso sePhondo esinguNomb. 11/2006 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 6333 yomhla we-3 Januwari 2006 neSaziso sePhondo esinguNomb. 117/2008 esapapashwa kwiGazethi yePhondo enguNomb. 6511 yomhla wama-28 Matshi 2008 yePhondo esinguNomb. 55/2011 esapapashwa kwiGazethi yePhondo enguNomb 6852 yomhla wama-25 kuFebhuwari 2011 neSaziso sePhondo esinguNomb. 283/2014 esapapashwa kwiGazethi yePhondo enguNomb 7320 yomhla wama-24 kuOktobha 2014.

Ngalo mhla wama-21 ku uJulayi 2015.

AW BREDELL, UMPHATHISWA WEPHONDO WOLAWULO LWEEDOLOPHU NEZITHILI, IMICIMBI YOKUSINGQONGILEYO NOCWANGCISO LOPHUHLISO

ISHEDULI

Izilungiso kwiShedyuli yeSaziso satanci

1. **ICandelo 9 leShedyuli leSaziso esiyintloko siyalungiswa ngokufakela eli candelo lilandelayo endaweni yecandelo 9:**

"OoCeba abasebenza isigxina

9. Umasipala weSithili angamisela aba ceba balandelayo njengooceba besigxina
   (a) Usodolophu wesigqeba solawulo;
   (b) Amalungu ecandelo lekomiti yosodolophu;
   (c) nosomlomo;
   (d) Umbhexeshi omnye onyulelewe iBhunga, kunye
   (e) Usihlalo wekomiti eyasekwa ngokwecandelo 79."

2. **Isihloko esifutshane nomhla wokuqalisa**

Saziso sibizwa ngokuba nguMasipala waseStellenbosch (WCO24) esisekiweyo ngokwesilungiso seSixhenxe kwaye siya kuqalisa ukusebenza ngomhla esiya kupapashwa ngaso.

5.	ELECTION OF THE SPEAKER

5.1	ELECTION PROCESS

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 15 November 2021**

THE MUNICIPAL MANAGER CONDUCTS ELECTION AND HANDS OVER CHAIR TO SPEAKER AFTER ELECTION PROCESS IS CONCLUDED

1. SUBJECT: ELECTION OF THE SPEAKER

2. PURPOSE

To provide for the election process of the Speaker.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

In terms of Section 36 of the Local Government: Municipal Structures Act, 117/98:-

- Each municipal Council must have a chairperson who will be called the Speaker;
- At its first sitting after its election, a municipal Council must elect its Speaker from among the Councillors;
- The Municipal Manager of the municipality or, if the Municipal Manager is not available, a person designated by the MEC for local government in the province, presides over the election of a Speaker;
- The procedure set out in Schedule 3 of the Structures Act applies to the election of a Speaker; and
- A Councillor may not hold office as Speaker and Mayor at the same time.

In terms of Section 38 of the said Act, the Speaker is elected for a term ending when the next Council is declared elected, subject thereto that a Speaker vacates office during a term if that person, in terms of Section 39-

- resigns as Speaker;
- is removed from office by a resolution of Council; or
- ceases to be a Councillor.

5. RECOMMENDATION

that Council elects a Speaker from among the Councillors in terms of the procedure set out in Schedule 3 of the Municipal Structures Act (*supra*).

6. DISCUSSION

6.1 Election Procedure

Schedule 3 of the said Act, which deals with the election of municipal office bearers, reads as follows:

"***Application***

1. The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker.

Nominations

2. The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.

Formal requirements

3.(1) A nomination must be made on the form determined by the municipal manager.

(2) The form on which a nomination is made must be signed by two members of the municipal council.

(3) A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.

Announcement of names of candidates

4. At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.

Single candidate

5. If only one candidate is nominated, the person presiding must declare that candidate elected.

Election procedure

6. If more than one candidate is nominated-

(a) a vote must be taken at the meeting by secret ballot;

(b) each councillor present at the meeting may cast one vote; and

(c) the person presiding must declare elected the candidate who receives a majority of the votes.

Elimination procedure

7.(1) If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with item 6. This procedure must be repeated until a candidate receives a majority of the votes.

(2) When applying subitem (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.

Further meetings

8.(1) If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.

(2) If a further meeting is held in terms of subitem (1), the procedure in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.

(3) If at the further meeting held in terms of subitem (1) only two candidates are nominated or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place."

Hereto attached as **APPENDIX 1** is the prescribed form for the nomination of the Speaker. Copies of the form, as well as ballot papers, will be available at the meeting.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*10 November 2021*

HAVING CONCLUDED THE ELECTION OF THE SPEAKER, THE MUNICIPAL MANAGER NOW HANDS OVER THE CHAIR TO THE DULY ELECTED SPEAKER OF THE STELLENBOSCH MUNICIPAL COUNCIL.

5.2	**ACCEPTANCE SPEECH BY THE NEWLY ELECTED SPEAKER**

5.3	**POLITICAL PARTIES' RESPONSES**

An opportunity is afforded the political parties to offer brief responses.

ITEM 5

NOMINATION FORM:
ELECTION OF THE SPEAKER

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

NOMINATION FORM:

ELECTION OF THE SPEAKER

We, the undersigned, hereby nominate the following person:

FULL NAME OF NOMINEE: .....

Signed at Stellenbosch this ..... day of .....2021.

Name of Mover

Nominator 1: Name: .....

Signature: .....

Seconder: Name: .....

Signature: .....

I, ...(full name) .....(ID number)

the undersigned, hereby accept the nomination / do not accept the nomination*

Signed at Stellenbosch this ..... day of .....2021.

.....

SIGNATURE OF NOMINEE

*delete the part that is not applicable

In terms of Section 3(1) of Schedule 3 of the Structures Act

6.	MATTERS FOR CONSIDERATION

6.1	RULES OF ORDER

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 15 November 2021**

1. SUBJECT: RULES OF ORDER

2. PURPOSE OF REPORT

To inform Council of the Rules of Order that will apply at the first and subsequent meetings of Council and its Committees, until amended by Council.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

As provided for in Section 160(6) of the Constitution of The Republic of South Africa, a municipal council may make by-laws which prescribe rules and orders for –

(a) its internal arrangements;

(b) its business and proceedings; and

(c) the procedures, powers and functions of its committees.

Such a set of Rules of Order, which governs the way meetings are to be conducted within a municipality, must be formally adopted by Council.

The existing Rules of Order Regulating the Conduct of Council and Council Committee Meetings of The Stellenbosch Municipality is **distributed as APPENDIX 1**.

5. RECOMMENDATION

that the existing Rules of Order as set out in **APPENDIX 1** be used as the Rules of Order applicable to the Stellenbosch Municipality's Council and Council Committee meetings until amended.

6. DISCUSSION

Council approved new Rules of Order in 2019, which was published on 2 August 2019.

When the General Disaster was declared due to Covid-19, the meeting was conducted on an on-line platform Teams. This process was dealt with in terms of the Disaster Management Act.

The only in person meetings that takes place is when an election of an Office Bearer need to take place. The Council meetings is also live streamed.

The process worked well, saves money and time, as Councillors do not have to come to a meeting with the inherent risks attached to it. Given that Covid-19 will be with us going forward, it is suggested that the Rules of Order be amended to make provision for meetings through a virtual platform with certain meetings per year to take place in person.

Due to cost containment measures and Covid-19 regulations food is no longer provided at Council meetings.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*10 November 2021*

ITEM 6.1

RULES OF ORDER

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

STANDING RULES AND ORDER FOR THE MEETINGS OF THE COUNCIL AND ITS COMMITTEES

February 2019

Date approved by Council: 24 JULY 2019

MUNICIPAL NOTICE

The Municipal Council of Stellenbosch Municipality adopted the following bylaw at its meeting held on **24 July 2019** under section 165 (2) of the Constitution of the Republic of South Africa 1996, read with section 31 (2) of the Local Government: Municipal Structures Act 117 of 1998, and hereby publishes the bylaws under section 13 (a) of the Local Government: Municipal Systems Act 32 of 2000 to come into effect on the date of publication of this Notice in the *Provincial Gazette*.

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

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1. **Application of the rules**

1.1 The rules of order contained in this Notice apply to all meetings of the Municipal Council and any committee of the Municipal Council, as well as any other committee of councillors established within the Municipality, unless the terms of reference for a specific structure explicitly exclude the application of these rules for such structure.

1.2 The aim of the rules are to allow free, open and constructive debate during meetings; to promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of the time allocated to meetings.

1.3 The rules are meant to create the opportunity for councillors serving in Council structures to air their views on any matter of public importance.

1.4 The rules of order apply to:

1.4.1 all councillors;
1.4.2 all officials of the Municipality; and
1.4.3 all members of the public present in the Council chamber or precinct.

2. **Definitions**

In these rules, the following terms and phrases have the meaning assigned to them below:

Code of Conduct – the Code of Conduct for councillors as set out in Schedule 1 of the Systems Act;

committee – any committee established in the Municipal structure, including but not limited to committees established under sections 79 and 80 of the Structures Act;

Constitution – the Constitution of the Republic of South Africa 1996;

Council – the Municipal Council of Stellenbosch Municipality;

councillor – a member of the Municipal Council;

day – a day that is not a public holiday, Saturday or Sunday; for the purposes of calculating a period of days, the first day is excluded and the last is included;

Executive Mayor – the Executive Mayor of the Municipality as elected under section 55 of the Structures Act;

in committee – the part of a meeting of the Municipal Council during which the meeting is closed to members of the public and press, and to such municipal officials as determined by the speaker – excluding the Municipal Manager – because of the nature of the business being transacted;

Mayoral Committee – the committee appointed by the Executive Mayor under section 60 of the Structures Act;

member – a councillor serving on the Municipal Council of the Municipality;

motion – a matter submitted by a member in accordance with rule 26 below;

Municipality – Stellenbosch Municipality;

point of order – a point raised by a councillor during a Council meeting that relates to a matter of procedure only, as provided for in the rules of order;

precinct – the area defined by the chair at the meeting concerned;

privilege – the right to freedom of speech for councillors at Council and committee meetings, subject to the rules of order or any ruling by the speaker under such rules; as well as the right not to be held liable for civil or criminal proceedings for anything said or submitted to the Council or Committee or produced by such bodies;

procedural motion – a matter raised by a member at a meeting in accordance with rule 26;

report – any item included in the agenda for consideration by the Council or a committee;

senior managers – the person appointed by the Council as the Municipal Manager as well as all managers directly accountable to the Municipal Manager, as approved under the official organisational structure of the Municipality;

Sergeant-at-arms – a person in the full-time employment of the Municipality, who is charged to assist the speaker in maintaining order at Council meetings and who may be assisted by such staff members as the speaker may direct;

single whip – the person elected as the single whip of the Council;

speaker – the person as elected under section 36 of the Structures Act;

special meeting – any additional Council meeting called by the speaker by the powers vested in the speaker;

Structures Act – the Local Government: Municipal Structures Act 117 of 1998;

Systems Act – the Local Government: Municipal Systems Act 32 of 2000;

urgent special meeting – a special meeting related to an urgent matter under rule 8.

venue – the place or location where a meeting is held, including any public gallery;

whip – a member of the Municipal Council, one whip appointed by each political party represented on the Council, to perform the function set out in rule 9.

3. **Council meetings open to the public**

3.1 The Municipal Council must conduct its business in an open manner, and every meeting of the Council and all its committees must be open to the public, provided that this rule will not apply when an open meeting would be unreasonable having regard to the nature of the business being transacted under section 20(1)(*a*) and (*b*) of the Systems Act.

3.2 The Council will convene "in committee" when discussing any of the following matters:

3.2.1 a trade secret or confidential commercial information of any supplier of the Municipality or any person rendering a service to the Municipality;

3.2.2 personal and private information of any councillor or Municipal employee;

3.2.3 the Municipality's intention to purchase or acquire land or buildings;

3.2.4 the price that the Municipality may offer for the purchase or acquisition of land or buildings;

3.2.5 any report regarding legal proceedings that the Municipality is involved in, or that it is contemplating to institute or defend;

3.2.6 disciplinary proceedings or proposed disciplinary proceedings against any Municipal employee;

3.2.7 any matter of which disclosure is forbidden by legislation; and

3.2.8 the minutes of previous in-committee discussions.

3.3 A councillor may, when an agenda item – other than a matter referred to in 3.2 above and provided that it not be a matter that is required by law to be dealt with at an open meeting – is put to order, propose (with motivation) that the matter be dealt with further in committee. The speaker's ruling in this regard is final and no further discussion will be allowed.

4. **Council meetings**

The Council must hold an ordinary meeting for the transaction of business at least once every three months.

5. **Special Council meetings**

5.1 The speaker may, at any time and of his/her own accord, call a special Council meeting; provided that no such special meeting may take place unless all councillors have received notice of at least 48 hours before the date and time set for the meeting.

5.2 The speaker must, upon written request of a majority of the councillors, call a special Council meeting; provided that no such special meeting may take place unless all councillors have received notice of at least 48 hours before the date and time set for the meeting.

5.3 Should the speaker fail or refuse to call a special meeting when requested in accordance with 5.2 above, the Municipal Manager must call the special meeting for the date set out in the written request, and at a venue and time determined by the Municipal Manager.

5.4 The speaker may, at any time and of his/her own accord, call an urgent Council meeting; provided that no such urgent meeting may take place unless all councillors have received notice of at least 24 hours before the date and time set for the meeting.

6. **Serving of notices**

The Municipality must distribute a notice to each councillor to attend a meeting, specifying the business proposed to be transacted and signed by the Speaker or the Municipal Manager as contemplated in rule 5 above, by electronic mail to the address provided by the councillor concerned as their official email address. The following time frames are to be followed:

6.1 at least 72 hours before any ordinary Council meeting; or

6.2 at least 48 hours before any special meeting.

Further,

6.3 24 hours before any urgent special Council meeting, a notice to attend the meeting, specifying the business proposed to be transacted and signed by the speaker or the Municipal Manager as contemplated in rule 5 above, must be distributed by electronic mail to the address provided by each councillor as their official email address.

Further,

6.4 when a matter related to a by-law must be considered, notice of the item must be given at least seven (7) days before the matter is to be considered.

6.5 Hard copies will be made available only upon request and with the approval of the speaker under exceptional circumstances. Councillors who make such requests must pay the printing costs and must collect the document personally.

7. **Non-serving of notices**

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

8. **Urgent matters**

8.1 No business may be transacted at a meeting of the Council or any Council committee other than that specified in the relevant agenda, except any matters that the chair concerned may consider urgent and only after the chair has ruled the matter to be urgent.

8.2 The Municipal Manager may raise matters for decision by the Council that, in the Manager's discretion, are urgent. A matter will be deemed urgent if the required decision would prejudice the Council, its operations or both should it be delayed.

8.3 The speaker or chair at a meeting must determine an appropriate time when the Municipal Manager may raise urgent matters, as well as the time available for discussing them, provided that the speaker may rule that the matter is not urgent as defined in 8.2 above.

9. **Conduct at meetings**

The speaker or the chair at a meeting must:

9.1 maintain order during the proceedings;

9.2 ensure that the Code of Conduct for Councillors be adhered to during the meeting;

9.3 ensure that the meeting be conducted in accordance with these rules;

9.4 ensure that members conduct themselves in a dignified and orderly manner during the meeting;

9.5 ensure that members of the public attending meetings be seated in areas designated for that purpose;

9.6 ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the speaker or chair at the meeting;

9.7 ensure that any councillor or member of the public refusing to comply with the ruling of the speaker or chair leave the meeting; and

9.8 ensure that the whip of each political party represented in the Municipal Council, as well as the single whip of Council, maintain discipline during the meeting.

10. **Interpretation of the rules**

10.1 The ruling of the speaker or the chair at a meeting regarding the application and interpretation of the rules, as well as other procedural matters not dealt with in these rules, is final and binding; provided that the speaker or chair may be required to furnish reasons for a ruling.

10.2 Any ruling made by the speaker or chair must be done with due regard for the provisions of the Constitution, national and provincial legislation, municipal by-laws and policies (including these rules), the rule of law and the rules of natural justice.

11. **Quorum and acts of Council**

11.1 A majority of the councillors must be present at a Council meeting before any matter may be considered or put to the vote.

11.2 Should there be no quorum for a meeting, the meeting must be suspended for no more than 20 minutes. If, at the end of the stated time, there is still no quorum, the speaker or chair may suspend the meeting for a period that they deem fit and thereafter adjourn the meeting to reconvene on another date and at another time and/or venue.

12. **Decisions and voting**

12.1 Subject to 12.3 below, all matters must be decided by a majority of councillors present at the meeting.

12.2 Before a formal vote is taken on any matter before the Council, the speaker must indicate that voting is due to take place, whereafter no member or other person may be allowed to enter or leave the venue.

12.3 Any matter referred to in section 160(2) of the Constitution is to be decided by a majority of the councillors.

12.4 Should there be an equality of votes on any matter, the speaker of chair may exercise a casting vote in addition to that particular councillor's deliberative vote; provided that the casting of such vote fall within the ambit of the powers duly delegated to the relevant committee, and provided that – for the matters listed in section 160(2) of the Constitution – there is no provision for a casting vote.

12.5 Should the speaker or chair ask the meeting whether it is in agreement with the recommendations before them and should no member present raise an objection, such recommendations are adopted without being put to the vote formally.

12.6 In the event of there being opposition to a recommendation, the decision is taken by means of voting – either by show of hands or, if requested and if approved by the speaker, by way of secret ballot.

12.7 The single whip counts the votes and declares the result of the decisions to the chair.

12.8 In the event of a secret ballot, the Municipal Manager must hand each councillor a ballot paper bearing the official mark or logo of the Municipal Council and clearly depicting the options to be voted for.

12.9 The Municipal Manager must collect all ballot papers and count them in the presence of a representative of each party represented on the Council or committee and present at such meeting.

12.10 Upon receiving the results, the speaker or chair declares the motion carried or lost, which must be recorded in the minutes.

12.11 The number of votes cast must be recorded, along with the general result. The outcome of the voting will be announced by the speaker.

12.12 Members may abstain from voting without leaving the chamber.

12.13 Members may request that their support/dissent/abstention be recorded in the minutes.

13. **Disclosure of interest and removals**

A councillor or other member of a meeting:

13.1 must disclose to the meeting any direct personal or private business interest that they themselves, or their spouse, partner or business associate or close family member, may have in any matter before the Council or the committee;

13.2 must withdraw from the proceedings until the matter has been concluded; unless the meeting decides by resolution that the person's direct or indirect interest in the matter is trivial or irrelevant;

13.3 who, or whose spouse, partner or business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the Municipality, must disclose full particulars of the benefit of which the person is aware at the first meeting at which it is possible for them to make such disclosure.

Regarding the above, this provision –

13.4 does not apply to an interest or benefit that a councillor or other member, or their spouse, partner or business associate or close family member, has or has acquired in common with other residents and ratepayers of the Municipal area.

Further,

13.5 when a councillor or other member of a committee or a member of the public has been asked to leave a Council meeting, they will not be allowed to return to that meeting or any in-committee session at that meeting. This includes any adjournment of a Council meeting where the speaker and chair concerned have requested a member or committee member or member of the public to leave the meeting and precinct.

14. **Walkout**

Should a councillor or group of councillors leave any meeting in protest, and the remaining councillors constitute a quorum, the business of the meeting proceeds as usual.

15. **Count-out**

Should, during any sitting of the Council or any Council committee, the attention of the speaker or chair be called to the number of members present, he/she must count them and, should it be found that no quorum is present, the matter must be dealt with in accordance with rule 11 above.

16. **Adjourned meetings**

The Council or a Council committee may adjourn a meeting to any date or hour, but may not proceed to transact any business at such adjourned meeting, except such as was set out in the notice for the meeting that has so been adjourned.

17. **Notice of adjourned meetings**

When a meeting is adjourned, notice of the adjourning must be sent to each Council or committee member, specifying the time, date and place of the adjourned meeting; except under the circumstances contemplated in 34 below.

18. **Chair at meetings**

18.1 The speaker – or, in the speaker's absence, the acting speaker – serves as chair at all Council meetings. An acting speaker may be elected by the majority of councillors present at any Council meeting where the speaker is not present.

18.2 The Executive Mayor chairs meetings of the Mayoral Committee and, in the Executive Mayor's absence, the Deputy Executive Mayor; and, should the Deputy Executive Mayor also be unavailable, any other councillor appointed by a majority Mayoral Committee members in attendance.

18.3 The Executive Mayor must appoint a chair to serve at meetings of the portfolio committees (section 80 of the Structures Act).

18.4 The person so appointed by Council must chair Council committee meetings; provided that, where no such person was nominated, the members present may elect their own chair.

19. **Agenda**

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

19.1 The speaker or chair may, after considering a duly motivated request, change the order of agenda items.

19.2 The speaker or chair may, after considering a duly motivated request, direct that a matter be moved between the "in-committee" and open-meeting sections of the agenda.

20. **Order of business at Council meetings**

The order of business of an ordinary Council meeting is as follows:

1. Opening and welcome
2. Mayoral address
3. Communications by the speaker
4. Communications by the Municipal Manager
5. Disclosure of interests
6. Applications for leave of absence
7. Approval of the minutes of the previous meeting
8. Statutory matters
9. Report by the Municipal Manager on outstanding resolutions
10. Items for noting:
- **10.1 Report(s) by the Executive Mayor**
- **10.2 Report(s) by the speaker**
- **10.3 Report(s) by the Municipal Manager**

11. Items for consideration from the Executive Mayor or Mayoral Committee:
- **11.1 Community and Protection Services**
- **11.2 Corporate Services**
- **11.3 Financial Services**
- **11.4 Human Settlements**
- **11.5 Infrastructure Services**
- **11.6 Planning and Economic Development Services**
- **11.7 Rural Management and Tourism**
- **11.8 Youth, Sports and Culture**
- **11.9 Executive Mayor**

12. Consideration of items, reports, communications, petitions and applications submitted via the Office of the Municipal Manager
13. Municipal Public Accounts Committee (MPAC)
14. Reports by the Municipal Manager

15. Consideration of notices of questions and notices of motions received by the speaker

16. Consideration of urgent motions

17. Urgent matters submitted by the Municipal Manager

18. Reports by the speaker

19. Matters to be considered in-committee

21. **Leave of absence and attendance**

21.1 All councillors must punctually attend and remain in attendance for the full duration of each meeting of Council or one of its committees, unless leave of absence has been granted or a matter serves before the meeting in which a councillor or committee member or their spouse, partner or business associate or close family member has any direct or indirect personal or private business interest and such councillor or committee member is required to withdraw under item 3(b) of the Code of Conduct.

21.2 Applications for leave of absence from any Council or committee meeting must be submitted to the single whip for approval by the speaker or the relevant chair. The application must be in writing and signed by the member applying for leave.

21.3 For any meeting other than an urgent special meeting, all applications for leave must be submitted at least 12 hours before the starting time of the meeting. In case of an urgent special meeting, the single whip must receive the application an hour before the meeting. In the case of extenuating circumstances, an application must be submitted as soon as is reasonably possible.

21.4 The speaker or chair may grant leave at their sole discretion, and the speaker or chair is at liberty to reject an application for leave of absence; except when such request is accompanied by a medical certificate prescribing a member's being absent. A medical certificate that is not attached to a request for absence must be submitted within three (3) working days after the meeting and must be dated at least on the date of the meeting.

22. **Minutes to be kept and approved**

22.1 Minutes of the proceedings of every meeting of the Council and its committees must be recorded electronically or otherwise and kept for that purpose by the Director: Corporate Services. The Municipal Manager is responsible for the accuracy of the minutes, and every set of minutes must be approved at the next ordinary meeting.

22.2 Minutes of the proceedings of every Council or committee meeting must be recorded, typed and printed and, once approved, signed by the chair at the next ensuing ordinary meeting. Minutes must be bound and kept secure.

22.3 The Municipal Manager must ensure that the minutes reflect the names of the members who attended the meeting, those who were absent and those who had been granted leave of absence.

23. **No discussion on minutes at approval stage**

Any motion or discussion during the approval of the minutes is limited to its accuracy.

24. **Motions**

24.1 No matter may be brought before a meeting by any member except upon a notice of motion, which must be submitted in writing on a form prescribed for such purpose and signed by the member giving the notice as well as a member seconding it.

24.2 All notices of motion must be submitted to the speaker or chair ten (10) days before the meeting concerned.

24.3 All notices of motion must be dated and numbered as received by the Municipal Manager, and are entered on the agenda paper in the order in which they have been received; save and except that notices of amendment to motions must be entered immediately after the notice of motion that they relate to, irrespective of the time at which the notice has been received.

24.4 Subject to rule 37, no member may enter more than two notices of motion on the same agenda.

24.5 Before any notice of motion may be placed on the agenda, it must be submitted to the Municipal Manager, who must obtain the written technical input from the various heads of department of the Municipality, if so required; and who, should the Manager be of the opinion that the motion would be *ultra vires* existing legislation, must ensure that the member concerned be so informed. The notice giver does have the right to appeal to a committee comprising the speaker, Executive Mayor and single whip of the Council, who will review the matter on the papers alone and decide whether or not such notice of motion should be included in the agenda.

24.5.1 A motion lapses if the member who submitted it is absent at the meeting where the motion is to be debated. The motion concerned must be resubmitted.

24.5.2 The member who submitted a motion must introduce it at the meeting and has the right to deliver a reply.

24.5.3 No motion will be considered that intends to rescind or amend a resolution passed by the Council in the preceding three months, or that has the same purport as a motion that was rejected in the three preceding months.

21.1 When a motion is introduced, it must be read out together with the number allocated to it and the name of the mover.

24.6 The speaker or chair must ascertain which motions are unopposed; these must be passed without debate. Thereafter the opposed motions will be called in accordance with the order of the agenda.

24.7 A motion affecting the making or amending of a by-law must be submitted to the speaker for a report before the Council may pass a resolution on it.

24.8 The speaker may disallow a motion that:

24.9.1 may lead to discussion of a matter already dealt with on the agenda;

24.9.2 addresses a matter on which the Council has no jurisdiction;

24.9.3 addresses a matter on which a decision of a judicial or quasi-judicial body is pending;

24.9.4 has not been seconded;

24.9.5 if passed, would contradict existing law; or

24.9.6 is frivolous

24.9 The mover may withdraw a motion or amendment with the consent of the seconder.

24.10 The speaker or chair may call upon any mover of an amendment to a motion to reduce the same to writing and sign it, and to hand it to the Municipal Manager to read it for the meeting's adoption or rejection. Except upon the recommendation of the committee to which the Council has delegated powers or duties to deal with the particular subject matter, no resolution passed at any Council meeting may be revoked or altered at any subsequent meeting, unless notice of a motion to amend or revoke has been submitted as contemplated in section 24.

25. **Amendments to recommendations**

25.1 An amendment that is moved:

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

25.1.2 must be reduced to writing, signed by the mover and seconder, and handed to the speaker; and

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

25.2 A member who has moved an amendment may speak thereon for no longer than three (3) minutes, but the seconder will not be allowed to speak thereon, and all amendments that have been moved must be put to the vote once the debate upon such recommendation, motion or proposal has been closed.

25.3 More than one amendment may be moved to a recommendation, motion or proposal and, subject to rule 24.9, all amendments that have been moved must be put to the vote once the debate upon such recommendation, motion or proposal has been closed.

25.4 No member may move more than one amendment to a recommendation, motion or proposal.

25.5 If the Mayor or member of the Mayoral Committee or chair of a committee or the mover of the original motion wishes to address the Council on any amendment moved to such recommendation, motion or proposal, they may do so only during their reply.

25.6 The debate is closed after the Mayor or member or chair has delivered their reply.

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

25.8 The speaker must state each amendment to a recommendation, motion or proposal clearly to the meeting before it is put to the vote.

25.9 If an amendment be carried, the amended recommendation, motion or proposal must take the place of the original recommendation, motion or proposal, in respect of which only further proposed amendments will be put to the vote; provided that, should the speaker be of the opinion that an amendment that has been carried renders another amendment unnecessary or pointless, may rule that such other amendment need not be put to the vote, in which case the latter amendment lapses.

26. **Precedence of the speaker**

26.1 Members at a sitting of the Council or a committee must have their heads uncovered; except for members in traditional, cultural or religious headdress.

26.2 Councillors must remain seated while speaking, addressing the speaker or chair at all times.

26.3 Whenever the speaker or chair speaks, any member speaking or offering to speak at that moment must be silent in order for the speaker to be audible and speak without interruption.

27. **Relevance**

Members who speak must confine their speech strictly to the motion or matter under discussion or to an explanation or a question of order.

28. **Members' right to speak**

Unless otherwise provided for in these rules, no member may speak more than once on any recommendation or amendment to a recommendation(s), motion or proposal; provided that the Executive Mayor or a member may reply in conclusion of a debate – even then confining their comments to previous speakers, without introducing any new matter into the debate.

29. **Mayoral address**

29.1 After the speaker has opened the meeting, but before any matters on the agenda are dealt with, the Executive Mayor may address the meeting on any matter, whether it be on the agenda or not, which he/she deems appropriate. No points of order or debate are allowed during the Mayoral address.

29.2 At the conclusion of the Mayoral address, the speaker may allow a maximum of ten (10) minutes for questions and answers arising from such address. The speaker must ensure that the time available be allocated proportionally to the political parties, and as agreed at the whips' meeting.

29.3 The Executive Mayor may reply to any questions envisaged in rule 29.2 above or, if so directed by the Executive Mayor, by any other member of the Mayoral Committee.

30. **Debate management**

30.1 The speaker determines the time allocated to each political party.

30.2 At least 24 hours before the meeting, the whip of each political party represented on the Municipal Council must provide the speaker or chair with a list indicating which agenda items are to be debated.

30.3 At least 12 hours before the meeting, the whip of each political party represented on the Municipal Council must provide the speaker or chair with a list indicating which members will speak on which agenda items.

30.4 The speaker determines the time allocated per item, and informs the whips of the speaking time allowed each member included in the list, based on the principle in 30.1 above.

30.5 Each political party or interest group represented on the Municipal Council has the right to speak on each agenda item.

31. **Length of speeches**

31.1 No speech may be longer than three (3) minutes without the speaker's consent. This allotted time excludes consecutive translation time required.

31.2 The speaker or the chair will be entitled at any time to set, limit or extend reasonable time limits for discussion and/or decision-making regarding any item or group of items on the relevant agenda.

32. **Disorderly conduct by councillors and the chair's function**

32.1 Should members at any meeting conduct themselves improperly, behave unseemly or persistently obstruct business to be transacted at that meeting, challenge a ruling by the speaker or chair, or decline to withdraw an expression when required to do so by the speaker or the chair, indulge in tedious repetition or unbecoming language, or commit any breach of these rules, the speaker or chair may rule those members to be out of order and may direct them to conduct themselves properly and, if they have been speaking, to cease such speech immediately.

32.2 Should members persistently disregard directions by the speaker or chair, the latter may declare those members to be out of order and direct them to retire from the venue for the remainder of that meeting and, if necessary, may cause them to be ejected from the venue. The speaker or chair will launch an investigation under the Code of Conduct regarding such behaviour.

32.3 Unless otherwise ruled, such members are excluded for the full duration of the meeting concerned, including the "in-committee" section of the meeting and any adjournment of that meeting.

32.4 Should members refuse to retire from the venue, the speaker or chair may request the Sergeant-at-arms to facilitate the removal of such members.

32.5 If this cannot be done in an orderly manner, the speaker or chair at the meeting may adjourn proceedings for no longer than 15 minutes to allow for the relevant members to retire or be ejected from the venue. If the members have not left or been ejected by the time that the meeting is to be resumed, it may be adjourned for another 10 minutes to resolve the situation.

32.6 After a second adjournment the speaker or chair may rule that the meeting will re-convene at another venue and time, and that any members ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The Council's Sergeant-at-arms must ensure that such members do not, indeed, enter the alternative venue.

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

Any persons other than members who misconduct themselves, behave unseemly or interrupt the proceedings of the Council or any Council committee at any meeting must, should the speaker or chair so direct, leave the venue or be removed from it. Should such persons refuse to leave, the Sergeant-at-arms is responsible for removing them from the venue. The speaker or the chair may exclude such persons from further admittance to the venue or the meeting for a period as the speaker or chair may deem fit.

34. **Points of order and personal explanations**

34.1 All members, whether they have addressed the Council on the matter under debate or not, may raise a point of order at any time and must specify the rule upon which they raise it after having been acknowledged by the speaker or chair.

34.2 All members who have addressed a meeting on the matter under discussion may raise a point of personal explanation in order to clarify any misunderstanding or incorrect interpretation of their input.

34.3 No point of order or personal explanation constitutes a speech and, therefore, will not affect any members' right to speak on a particular item; provided that they must be limited to one (1) minute speaking on the point of order or personal explanation.

34.4 Any members contemplated in rule 34.1 and 34.2 must be heard, and the member speaking at the time as well as all other members must remain silent until the speaker or chair has ruled on the matter.

34.5 The ruling by the speaker or chair on a point of order or on the admissibility of a point of personal explanation is final and will not be open to discussion.

34.6 Members who persist in raising a point of order or of personal explanation after the speaker of chair has made a ruling are subject to rule 32.4 above.

35. **Questions**

35.1 All members may submit a question requiring a written reply from any political office bearer, the Municipal Manager or Senior Manager of the Municipality concerning any matter related to the Municipality's effectively performing its functions and to its exercising its powers; provided that a written notice of such question must be submitted to the speaker or chair and the Municipal Manager at least 10 days before the Council or committee meeting, and the political office bearer and the Municipal Manager must ensure that the members concerned receive a written reply at the meeting.

35.2 If, after questions have been replied to, members should consider a reply to be unclear or satisfactory, they may request a follow-up question in writing with the permission of the speaker or chair.

35.3 All questions duly given notice of and all responses submitted must be recorded in the minutes.

35.4 Each member may raise/file/petition only two (2) motions or two (2) questions, or one (1) question and one (1) motion, per meeting.

35.5 Members may not submit a question or motion that is substantially the same as a motion or question raised in the previous three months; the speaker or chair has sole discretion to make a ruling regarding the substance of a motion or question.

36. **Terms of reference of subcommittees**

Upon the appointment of any subcommittee of Council, the Council must specify the terms of reference of such subcommittee and determine the number of member required for a quorum.

37. **Extension or restriction of powers by the Council**

The Council may at any time extend, withdraw or modify the duties and powers of a committee or subcommittee appointed under section 79 of the Structures Act.

38. **Minutes of executive committee, Mayoral Committee, and Council committees and subcommittees**

38.1 Every committee must keep minutes of its proceedings and cause the same to be duly stored by the Director: Corporate Services. This provision applies to the Mayoral Committee, too, except when it is specifically exempted from this duty by a resolution by the Council in view of the sensitivity, confidentiality or other nature of the subject matter of a particular meeting; and provided that the final resolution or recommendation be duly recorded in writing.

38.2 At every ordinary meeting of a committee, the minutes of the previous meeting will be taken as read, with a view to approving it; provided that a copy of such minutes be attached to the agenda and have been sent to each member of the committee beforehand.

38.3 No discussion will be allowed regarding the minutes, except as to its accuracy, save at portfolio committee meetings – and even then at the sole discretion of the chair.

39. **Inspection of minutes**

39.1 Once approved, the minutes of recent Council meetings must be posted on the Municipality's website for perusal.

39.2 Hard copies of minutes and historical minutes may be inspected, but access must be applied for as per the Municipality's policy regarding PAIA (Promotion of Access to Information Act 2 of 2000), and may attract an administration fee.

40. **Non-attendance by committee members**

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

40.2 Members of Council or a committee who fail to attend a meeting of the relevant body without leave of absence having been granted as contemplated in rule 21 above may incur a fine of 10% of their monthly salary.

40.3 A committee consisting of the speaker, the single whip and two other party whips chosen on a rotational basis must investigate before a fine is imposed under rule 40.2, and report to Council on the transgression contemplated by rule 40.2 read with rule 21.

41. **Council members attending meetings of committees of which they are not members**

41.1 Members of the Municipal Council may attend the meeting of any committee of which they are not a member. In all such instances, the Council members are granted observer status and thus may not participate or vote at such meetings.

41.2 The provisions of rule 41.1 do not apply to the Municipal Public Accounts Committee (MPAC). Mayoral Committee members may be requested to attend MPAC meetings, and the notice must specify the matters on which the Mayoral Committee member is expected to address the MPAC.

41.3 Mayoral Committee members who have been requested to attend an MPAC meeting may request that the Municipal Manager – or a senior manager, with the Municipal Manager's permission – accompany them to such MPAC meeting; however, they may not instruct such official to appear before and address the MPAC on their behalf.

42. **Information to be obtained from the Municipal Manager or heads of department**

Subject to the provisions of rule 38 above, Council members who wish to obtain from any Municipal official information about the Municipality's administrative work – which information is not accessible to the general public – must address their enquiries firstly to the Municipal Manager in writing; in the event of the Municipal Manager refusing such request, the Council member concerned may submit a PAIA application.

43. **Information to the media: in-committee discussions**

43.1 The Executive Mayor or, in his/her absence, the Deputy Executive Mayor and the Municipal Manager – or their delegated representative according to their discretion – may supply, upon application to them by any registered newspaper, radio station, television service or internet publisher, information and reports relating to the Municipality's work to such media or their representatives.

43.2 In view of the Municipal Manager or the Executive Mayor being the authorised channel through which the media may receive information and reports, Council and committee members must refrain from providing the media with documents or information that they have received for the purposes of discussion by the Council or committee; on the understanding that this clause is not be construed as abrogating councillors' individual constitutional right to make press statements that reflect their personal or political views, not those of the Council; and provided, further, that no in-committee discussion may be conveyed to the public or media except by the Executive Mayor or Municipal Manager.

43.3 Committee chairs must liaise with the Executive Mayor and Municipal Manager for the publication of any information relating to the committee concerned; if approved, the Municipal Manager will arrange for the publication of the relevant information.

44. **Legal defence and indemnification of members and officers of the Council**

The Council (as per the delegations) may determine the circumstances in which it will undertake the defence of or pay the legal costs or the total costs and the amount in respect of any legal proceedings, whether civil or criminal, that a councillor or an official may have against any person, body, organisation or institution arising from the councillor's or official's capacity as a Municipal official.

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

The speaker may, within the framework of the Municipality's approved operational budget and subject to its supply chain management policy, refer any matter pertaining to the Council and its proceedings for legal advice.

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

46.1 All persons and institutions who make use of the facilities must respect and adhere to the decorum of the Council chamber as the official seat of Municipal governance at all times.

46.2 The following activities, conducted by whosoever, are strictly prohibited within the confines of the Council chamber or a meeting venue of the Council or its committees:

46.2.1 being in possession of a cellular telephone that is not in silent mode;

46.2.2 speaking on a cellular phone during a meeting; and

46.2.3 consuming any food or drink, excluding water provided at the meeting or bottled water.

46.3 The use of the Council chamber by any persons or institutions other than a recognised committee, body of or person in the employ of the Municipality is subject to approval by the speaker, and at all times dependent on the venue's availability as regards the Council's calendar of use and the purpose for which it is requested. Applications for use must be submitted in writing to the speaker, who will confer with the Director: Corporate Services about making the venue available and send a written reply.

47. **Sanctions and offences**

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

47.1 a fine as determined by Council from time to time for the categories of offences as approved by Council by resolution from time to time;

47.2 suspension from attending Council or committee meetings as the Council may determine, for such a period as the Council may determine by resolution from time to time for the categories of offences as determined by Council.

48. **Dress code**

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

48.2 Notwithstanding the provisions of any resolution passed in accordance with rule 48.1, no councillor will be allowed to wear to any meeting any clothing or accessory that displays party-political paraphernalia or any clothing that may offend a party or person.

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6.2	ELECTION OF THE EXECUTIVE MAYOR

6.2.1	ELECTION PROCESS

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 10 November 2021**

1. SUBJECT: ELECTION OF THE EXECUTIVE MAYOR

2. PURPOSE

To elect the Executive Mayor.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

In terms of the Stellenbosch Municipality (WCO24) Establishment Notice, read with the subsequent amendment notices, Stellenbosch Municipality is a municipality with a mayoral executive system combined with a ward participatory system.

Section 55(1)(c) of the Municipal Structures Act states that:-

"If a Municipal Council chooses to have an Executive Mayor, it must elect an Executive Mayor, from among its members at a meeting that must be held within 14 days after the Council's election". The procedures set out in Schedule 3 of the Municipal Structures Act apply to the election of an Executive Mayor.

5. RECOMMENDATION

that Council elects an Executive Mayor in terms of the procedures set out in Schedule 3 of the Municipal Structures Act (*supra*).

6. DISCUSSION

6.1 ELECTION PROCEDURE

The election procedure is set out in Schedule 3 of the Structures Act.

6.2 *SCHEDULE 3*

Election of municipal office-bearers

Application

1. *The procedure set out in this Schedule applies whenever a municipal Council meets to elect a Speaker, an Executive Mayor, a Deputy Executive Mayor, a Mayor or Deputy Mayor.*

Nominations

2. *The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.*

Formal requirements

3. (1) *A nomination must be made on the form determined by the Municipal Manager.*

(2) *The form on which a nomination is made must be signed by two members of the Municipal Council.*

(3) *A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.*

Announcement of names of candidates

4. *At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate*

Single candidate

5. *If only one candidate is nominated, the person presiding must declare that candidate elected.*

Election procedure

6. *If more than one candidate is nominated –*

(a) *a vote must be taken at the meeting by secret ballot;*

(b) *each Councillor present at the meeting may cast one vote; and*

(c) *the person presiding must declare elected the candidate who receives a majority of the votes.*

Elimination procedure

7. (1) *If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with Item 6. This procedure must be repeated until a candidate receives a majority of the votes.*

(2) *When applying subitem (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.*

Further meetings

8. (1) *If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.*

(2) If a further meeting is held in terms of subitem (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.

(3) If at the further meeting held in terms of subitem (1) only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place."

In terms of Item 3(1) of Schedule 3, a nomination must be made on a form determined by the Municipal Manager. A pro-forma form for the nomination of an Executive Mayor is attached as **APPENDIX 1.** Ballot papers will be available at the meeting.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*10 November 2021*

6.2.2	**ACCEPTANCE SPEECH BY THE NEWLY ELECTED EXECUTIVE MAYOR**

6.2.3	**POLITICAL PARTIES' RESPONSES**

An opportunity is afforded the political parties to offer brief responses.

ITEM 6.2

NOMINATION FORM:
ELECTION OF EXECUTIVE MAYOR

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

NOMINATION FORM:

ELECTION OF THE EXECUTIVE MAYOR

We, the undersigned, hereby nominate the following person:

FULL NAME OF NOMINEE: .....

Signed at Stellenbosch this ..... day of .....2021.

Name of Mover

Nominator 1: Name: .....

Signature: .....

Seconder: Name: .....

Signature: .....

I, ...(full name) .....(ID number)

the undersigned, hereby accept the nomination / do not accept the nomination*

Signed at Stellenbosch this ..... day of .....2021.

.....

SIGNATURE OF NOMINEE

*delete the part that is not applicable

In terms of Section 3(1) of Schedule 3 of the Structures Act

6.3	ELECTION OF THE DEPUTY EXECUTIVE MAYOR

6.3.1	ELECTION PROCESS

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 15 November 2021**

1. SUBJECT: ELECTION OF THE DEPUTY EXECUTIVE MAYOR

2. PURPOSE

To elect the Executive Deputy Mayor.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

If a Municipal Council chooses to have an Executive Mayor, it must, in terms of Section 55(1)(c) of the Municipal Structures Act, elect an Executive Mayor and, if the MEC for Local Government in the province so approves, also a Deputy Executive Mayor, from among its members at a meeting that must be held within 14 days after the Council's election, or within 14 days after the date with effect from which the type of the municipality has been changed.

Attached as **APPENDIX 2** is the Provincial Gazette: no. 7460, dated 31 July 2015, confirming the designation of the above as full-time councillors.

With reference to the status of the Deputy Executive Mayor, Section 60(2) of the Municipal Structures Act, 117 of 1998, states that "*the mayoral committee must consist of the deputy executive mayor (if any) and as many councillors as may be necessary for effective and efficient government, provided that no more than 20 per cent of the councillors or 10 councillors, whichever is the least, are appointed.*"

Hence, by virtue of section 60(2) of the Municipal Structures Act, a Deputy Executive Mayor must form part of the mayoral committee, if one is elected. Therefore, based on this legal provision, read with Item 9(b) of the Establishment Notice of Stellenbosch Municipality, the Deputy Executive Mayor of Stellenbosch Municipality is a full-time councillor as he/she is a member of the mayoral committee.

In terms of Section 4 of the Section 16 Amendment Notice, Stellenbosch Municipality is authorised to elect a Deputy Executive Mayor.

The procedures set out in Schedule 3 of the Municipal Structures Act apply to the election of a Deputy Executive Mayor.

5. RECOMMENDATION

that Council elects a Deputy Executive Mayor in terms of the procedures set out in Schedule 3 of the Municipal Structures Act (*supra*).

6. DISCUSSION

6.1 ELECTION PROCEDURE

"SCHEDULE 3

Election of municipal office-bearers

Application

1. The procedure set out in this Schedule applies whenever a municipal Council meets to elect a Speaker, an Executive Mayor, a Deputy Executive Mayor, a Mayor or Deputy Mayor.

Nominations

2. The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.

Formal requirements

3. (1) A nomination must be made on the form determined by the Municipal Manager.

(2) The form on which a nomination is made must be signed by two members of the Municipal Council.

(3) A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.

Announcement of names of candidates

4. At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.

Single candidate

5. If only one candidate is nominated, the person presiding must declare that candidate elected.

Election procedure

6. If more than one candidate is nominated –

(a) a vote must be taken at the meeting by secret ballot;

(b) each Councillor present at the meeting may cast one vote; and

(c) the person presiding must declare elected the candidate who receives a majority of the votes

Elimination procedure

7. (1) If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further

vote taken on the remaining candidates in accordance with Item 6. This procedure must be repeated until a candidate receives a majority of the votes.

(2) When applying subitem (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.

Further meetings

8. (1) If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.

(2) If a further meeting is held in terms of subitem (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.

(3) If at the further meeting held in terms of subitem (1) only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place."

In terms of Item 3(1) of Schedule 3, a nomination must be made on a form determined by the Municipal Manager. A pro-forma form for the nomination of a Deputy Executive Mayor is attached as **APPENDIX 1.** Ballot papers will be available at the meeting.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*15 November 2021*

6.3.2	**ACCEPTANCE SPEECH BY THE NEWLY ELECTED DEPUTY EXECUTIVE MAYOR**

6.3.3	**POLITICAL PARTIES' RESPONSES**

An opportunity is afforded the political parties to offer brief responses.

ITEM 6.3

App 1

NOMINATION FORM:
ELECTION OF DEPUTY EXECUTIVE MAYOR

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

NOMINATION FORM:

ELECTION OF THE DEPUTY EXECUTIVE MAYOR

We, the undersigned, hereby nominate the following person:

FULL NAME OF NOMINEE: .....

Signed at Stellenbosch this ..... day of .....2021.

Name of Mover

Nominator 1: Name: .....

Signature: .....

Seconder: Name: .....

Signature: .....

I, ...(full name) .....(ID number)

the undersigned, hereby accept the nomination / do not accept the nomination*

Signed at Stellenbosch this ..... day of .....2021.

.....

SIGNATURE OF NOMINEE

*delete the part that is not applicable

In terms of Section 3(1) of Schedule 3 of the Structures Act

ITEM 6.3

App 2

Western Cape Government • Wes-Kaapse Regering

PROVINCE OF WESTERN CAPE

Provincial Gazette

7460

Friday, 31 July 2015

PROVINSIE WES-KAAP

Provinsiale Koerant

7460

Vrydag, 31 Julie 2015

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INHOUD

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Nr. Bladsy

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Hessequa Munisipaliteit: Vergunningsgebruik 1624
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(Vervolg op bladsy 1672)

PROVINCIAL NOTICES

The following Provincial Notices are published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Ezi zaziso zilandelayo zipapashelwe ukunika ulwazi ngokubanzi.

ADV. B.GERBER,
UMLAWULI-JIKELELE

iSakhiwo sePhondo,
Wale Street,
eKapa.

P.N. 261/2015

31 July 2015

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (ACT 117 OF 1998)

THE STELLENBOSCH MUNICIPALITY (WCO24) ESTABLISHMENT SEVENTH AMENDMENT NOTICE

In terms of section 16 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), I hereby further amend the Stellenbosch Municipality (WCO24) Establishment Notice, Provincial Notice 489/2000 published in Provincial Gazette 5590 dated 22 September 2000 (the principal Notice) as set out in the Schedule.

In this notice "principal Notice" means the Stellenbosch Municipality (WCO24) Establishment Notice, Provincial Notice 489/2000 published in Provincial Gazette 5590 dated 22 September 2000, as amended by Provincial Notice 675/2000 published in the Provincial Gazette Extraordinary No. 5642 dated 4 December 2000, Provincial Notice 456/2002 published in the Provincial Gazette Extraordinary No. 5968 dated 19 December 2002, Provincial Notice 184/2003 published in the Provincial Gazette Extraordinary No. 6020 dated 28 May 2003, Provincial Notice 11/2006 published in the Provincial Gazette Extraordinary No.6333 dated 3 January 2006, Provincial Notice 117/2008 published in the Provincial Gazette 6511 dated 28 March 2008, Provincial Notice 55/2011 published in the Provincial Gazette No. 6852 dated 25 February 2011 and Provincial Notice 283/2014 published in the Provincial Gazette No. 7320 dated 24 October 2014.

Dated this 21st day of July 2015.

AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

SCHEDULE

Amendment of the Schedule of the principal Notice

1. Section 9 of the principal Notice is amended by the substitution of the following subsection:

"Full-time Councillors

9. The Local Municipality may designate the following councillors as full-time councillors:—

(a) the executive mayor;

(b) the members of the mayoral committee;

(c) the speaker;

(d) a single whip appointed for Council, and

(e) Chairperson of Committee established in terms of section 79 (MPAC)."

2. Short title and commencement

This Notice is called the Stellenbosch Municipality (WCO24) Establishment Seventh Amendment Notice and comes into operation on the date of publication.

P.K. 261/2015

31 Julie 2015

WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998 (WET 117 VAN 1998)

DIE MUNISIPALITEIT STELLENBOSCH (WCO24) INSTELLINGSKENNISGEWING SEWENDE WYSIGINGSKENNISGEWING

In terme van artikel 16 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), wysig ek hierby verder die Munisipaliteit Stellenbosch (WCO24) Instellingskennisgewing, Provinsiale Kennisgewing 489/2000 gepubliseer in Provinsiale Koerant 5590 van 22 September 2000 (die hoofkennisgewing) soos uiteengesit in die Bylaag.

In hierdie kennisgewing beteken "hoofkennisgewing" die Munisipaliteit Stellenbosch (WCO24) Instellingskennisgewing, Provinsiale Kennisgewing 489/2000 gepubliseer in Provinsiale Koerant 5590 van 22 September 2000, soos gewysig deur Provinsiale Kennisgewing 675/2000 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5642 van 4 Desember 2000, Provinsiale Kennisgewing 456/2002 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5968 van 19 Desember 2002, Provinsiale Kennisgewing 184/2003 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6020 van 28 Mei 2003, Provinsiale Kennisgewing 11/2006 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6333 van 3 Januarie 2006, Provinsiale Kennisgewing 117/2008 gepubliseer in die Provinsiale Koerant Nr. 6511 van 28 Maart 2008, Provinsiale Kennisgewing 55/2011 gepubliseer in die Provinsiale Koerant Nr. 6852 van 25 Februarie 2011 en Provinsiale Kennisgewing 283/2014 gepubliseer in die Provinsiale Koerant Nr.7320 van 24 Oktober 2014.

Gedateer op hierdie 21ste dag van Julie 2015.

AW BREDELL, PROVINISALE MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING

BYLAAG

Wysiging van die Bylaag tot die hoofkennisgewing.

1. **Artikel 9 van die hoofkennisgewing word gewysig deur die vervanging deur die volgende subartikel:**

"Voltydse Raadslede

9. Die Plaaslike Munisipaliteit mag die volgende raadslede as voltydse raadslede aanwys:
   (a) die uitvoerende burgermeester;
   (b) lede van die burgermeesterskomitee;
   (c) die speaker;
   (d) 'n enkele sweep aangewys vir die Raad, en
   (e) Voorsitter van Komitee ingestel ingevolge artikel 79 ('MPAC')."

2. **Korttitel en inwerkingtreding**

Hierdie Kennisgewing word die Munisipaliteit Stellenbosch (WCO24) Instellingskennisgewing Sewende Wysigingskennisgewing genoem en tree in werking op die datum van publikasie.

I.S. 261/2015

31 kweyeKhala 2015

UMTHETHO OYILOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (UMTHETHO 117 KA-1998)

ISAZISO SESIXHENXE SOLUNGISO SEZICWANGCISO-ZIKHUNDLA U MASIPALA WASESTELLENBOSCH (WCO24)

Ngokwemiqathango yecandelo 16 loMthetho oyiLocal Government: Municipal Structures Act, 1998 (uMthetho 117 ka-1998), apha ke ndenza eziinye izilungiso kwiSaziso esiyiStellenbosch Municipality (WCO24) Establishment Notice, iSaziso sePhondo esinguNomb. 489/2000 esapapashwa kwiGazethi yePhondo enguNomb. 5590 yomhla wama-22 Septemba 2000 (iSaziso satanci) njengoko kucaciswa kwiShedyuli.

Kwesi saziso "iSaziso satanci" sibhekisele kwiSaziso esiyiStellenbosch Municipality (WCO24) Establishment Notice, iSaziso sePhondo esinguNomb. 489/2000 esapapashwa kwiGazethi yePhondo enguNomb. 5590 yomhla wama-22 Septemba 2000, njengoko senziwa izilungiso ngeSaziso sePhondo esinguNomb. 675/2000 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 5642 yomhla we-4 Disemba 2000, iSaziso sePhondo esinguNomb. 456/2002 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 5968 yomhla we-19 Disemba 2002, iSaziso sePhondo esinguNomb. 184/2003 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 6020 yomhla wama- 28 Meyi 2003, iSaziso sePhondo esinguNomb. 11/2006 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 6333 yomhla we-3 Januwari 2006 neSaziso sePhondo esinguNomb. 117/2008 esapapashwa kwiGazethi yePhondo enguNomb. 6511 yomhla wama-28 Matshi 2008 yePhondo esinguNomb. 55/2011 esapapashwa kwiGazethi yePhondo enguNomb 6852 yomhla wama-25 kuFebhuwari 2011 neSaziso sePhondo esinguNomb. 283/2014 esapapashwa kwiGazethi yePhondo enguNomb 7320 yomhla wama-24 kuOktobha 2014.

Ngalo mhla wama-21 ku uJulayi 2015.

AW BREDELL, UMPHATHISWA WEPHONDO WOLAWULO LWEEDOLOPHU NEZITHILI, IMICIMBI YOKUSINGQONGILEYO NOCWANGCISO LOPHUHLISO

ISHEDULI

Izilungiso kwiShedyuli yeSaziso satanci

1. **ICandelo 9 leShedyuli leSaziso esiyintloko siyalungiswa ngokufakela eli candelo lilandelayo endaweni yecandelo 9:**

"OoCeba abasebenza isigxina

9. Umasipala weSithili angamisela aba ceba balandelayo njengooceba besigxina
   (a) Usodolophu wesigqeba solawulo;
   (b) Amalungu ecandelo lekomiti yosodolophu;
   (c) nosomlomo;
   (d) Umbhexeshi omnye onyulelewe iBhunga, kunye
   (e) Usihlalo wekomiti eyasekwa ngokwecandelo 79."

2. **Isihloko esifutshane nomhla wokuqalisa**

Saziso sibizwa ngokuba nguMasipala waseStellenbosch (WCO24) esisekiweyo ngokwesilungiso seSixhenxe kwaye siya kuqalisa ukusebenza ngomhla esiya kupapashwa ngaso.

6.4	APPOINTMENT OF FULL-TIME COUNCILLORS

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 15 November 2021**

1. SUBJECT: APPOINTMENT OF FULL-TIME COUNCILLORS

2. PURPOSE

To designate the full-time Councillors.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

In terms of Section 12 of the Structures Act, the MEC for Local Government in a Province, by notice in the Provincial Gazette, must establish a municipality in each municipal area which the Demarcation Board demarcates in the province in terms of the Demarcation Act.

Such establishment notice must, *inter alia*, specify:-

- the type of municipality that is established;
- the number of Councillors as determined in terms of Section 20; and
- which Councillors of the municipality (if any) may be designated as full-time in terms of Section 18.

A Proclamation Notice, published by the Minister for Co-operative Governance and Traditional Affairs, on 14 December 2011, in the Government Gazette no. 34868, attached as **APPENDIX 1**, states that "The member of the Executive Council of a Province responsible for local government may determine that councillors who have been elected or appointed to any of the following offices in a municipal council, may be designated as full-time:

- The Speaker;
- The Executive Mayor;
- The Deputy Executive Mayor;
- A member of a Mayoral Committee;
- Chairperson of a committee established in terms of Section 79 in a municipality with 40 or more Councillors;
- A single Whip appointed for Council in municipalities with 40 or more councillors."[1]

In terms of Section 18(4) of the Municipal Structures Act, Act 117/1998 a municipality has the power to designate Councillors determined by the MEC for Local Government as full-time.

[1] Note selective quotation, based on applicability.

5. RECOMMENDATION

that the following Councillors as determined by the MEC be designated by Council as full-time Councillors:-

- the Executive Mayor;
- the members of the Mayoral Committee (including the Deputy Executive Mayor);
- the Speaker;
- the Single Whip; and
- the Chairperson of MPAC (Municipal Public Accounts Committee).

6. DISCUSSION

6.1 Background

In terms of Section 16 of the Structures Act, the MEC for Local Government in a Province, by notice in the Provincial Gazette, may amend a Section 12 notice to, *inter alia,*

- change the municipality from its existing type to another type;
- specify which Councillors of the municipality (if any) may be designated as full-time in terms of Section 18; and
- alter the number of Councillors.

6.2 SECTION 12 NOTICE

In terms of the Stellenbosch Municipality (WCO24) Establishment Notice, read with the subsequent amendment notices:-

(a) Stellenbosch Municipality is a municipality with a mayoral executive system combined with a ward participatory system (type of municipality), as provided for in Section 9 (d) of the Municipal Structures Act;

(b) Stellenbosch Municipality may designate the following Councillors as full-time Councillors:-

- the Executive Mayor;
- the members of the Mayoral Committee;
- the Speaker;
- the Council Whip; and
- the Chairperson of MPAC (Municipal Public Accounts Committee).

Attached as **APPENDIX 2** is the Provincial Gazette: no. 7460, dated 31 July 2015, confirming the designation of the above as full-time councillors.

With reference to the status of the Deputy Executive Mayor, Section 60(2) of the Municipal Structures Act, 117 of 1998, states that *"the mayoral committee must consist of the deputy executive mayor (if any) and as many councillors as may be necessary for effective and efficient government, provided that no more than 20 per cent of the councillors or 10 councillors, whichever is the least, are appointed."*

Hence, by virtue of section 60(2) of the Municipal Structures Act, a Deputy Executive Mayor must form part of the mayoral committee, if one is elected. Therefore, based on this legal provision, read with Item 9(b) of the Establishment Notice of Stellenbosch Municipality, the Deputy Executive Mayor of Stellenbosch Municipality is a full-time councillor as he/she is a member of the mayoral committee.

6.3 CODE OF CONDUCT

In terms of Item 8 of the Code of Conduct for Councillors, a councillor who is full-time may not undertake any other paid work, except with the consent of a municipal council, which consent shall not unreasonably be withheld.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*10 November 2021*

ITEM 6.4

App 1

APPOINTMENT OF FULL-TIME COUNCILLORS:

GOVERNMENT GAZETTE NO 34868
DATED 14 DEC 2011

GENERAL NOTICE

NOTICE 904 OF 2011

DEPARTMENT OF COOPERATIVE GOVERNANCE

POLICY FRAMEWORK FOR THE DESIGNATION OF FULL-TIME COUNCILLORS

The Minister for Cooperative Governance and Traditional Affairs has, under section 18(4) of the *Local Government: Municipal Structures Act,* 1998 (Act No. 117 of 1998), and after consulting the MEC's for local government, determined the policy framework for the designation of full-time councillors, as set out in the Schedule.

SCHEDULE

The member of the Executive Council of a province responsible for local government may determine that councillors who have been elected or appointed to any of the following offices in a municipal council, may be designated as full-time:

CATEGORY A MUNICIPALITIES

- ☐ Speaker;
- ☐ Executive Mayor;
- ☐ Mayor;
- ☐ Deputy Executive Mayor;
- ☐ Deputy Mayor;
- ☐ A member of an Executive Committee other than the Mayor and Deputy Mayor;
- ☐ A member of a Mayoral Committee;
- ☐ Chairperson of a Sub-Council;
- ☐ Chairperson of a Committee established in terms of section 79; and
- ☐ A single whip appointed for council.

CATEGORY B MUNICIPALITIES

- ☐ Speaker;
- ☐ Executive Mayor;
- ☐ Mayor;
- ☐ Deputy Executive Mayor;
- ☐ Deputy Mayor;
- ☐ A member of an Executive Committee other than the Mayor and Deputy Mayor;
- ☐ A member of a Mayoral Committee;
- ☐ Chairperson of a Committee established in terms of section 79 in municipalities with 40 or more councillors; and
- ☐ A single whip appointed for council in municipalities with 40 or more councillors.

CATEGORY C MUNICIPALITIES

- ☐ Speaker;
- ☐ Executive Mayor;
- ☐ Mayor;
- ☐ Deputy Executive Mayor;
- ☐ Deputy Mayor;
- ☐ A member of an Executive Committee other than the Mayor and Deputy Mayor;
- ☐ A member of a Mayoral Committee;
- ☐ Chairperson of a Committee established in terms of section 79 in municipalities with 40 or more councillors; and
- ☐ A single whip appointed for council in municipalities with 40 or more councillors.

ITEM 6.4

App 2

APPOINTMENT OF FULL-TIME COUNCILLORS:

PROVINCIAL GAZETTE NO 7460 DATED 31 JULY 2015

Western Cape Government • Wes-Kaapse Regering

PROVINCE OF WESTERN CAPE

Provincial Gazette

7460

Friday, 31 July 2015

PROVINSIE WES-KAAP

Provinsiale Koerant

7460

Vrydag, 31 Julie 2015

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

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INHOUD

*(*Herdrukke is verkrygbaar by 16de Vloer, Atterbury House, Riebeekstraat 9, Kaapstad 8001.)*

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(Vervolg op bladsy 1672)

PROVINCIAL NOTICES

The following Provincial Notices are published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Ezi zaziso zilandelayo zipapashelwe ukunika ulwazi ngokubanzi.

ADV. B.GERBER,
UMLAWULI-JIKELELE

iSakhiwo sePhondo,
Wale Street,
eKapa.

P.N. 261/2015 31 July 2015

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (ACT 117 OF 1998)

THE STELLENBOSCH MUNICIPALITY (WCO24) ESTABLISHMENT SEVENTH AMENDMENT NOTICE

In terms of section 16 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), I hereby further amend the Stellenbosch Municipality (WCO24) Establishment Notice, Provincial Notice 489/2000 published in Provincial Gazette 5590 dated 22 September 2000 (the principal Notice) as set out in the Schedule.

In this notice "principal Notice" means the Stellenbosch Municipality (WCO24) Establishment Notice, Provincial Notice 489/2000 published in Provincial Gazette 5590 dated 22 September 2000, as amended by Provincial Notice 675/2000 published in the Provincial Gazette Extraordinary No. 5642 dated 4 December 2000, Provincial Notice 456/2002 published in the Provincial Gazette Extraordinary No. 5968 dated 19 December 2002, Provincial Notice 184/2003 published in the Provincial Gazette Extraordinary No. 6020 dated 28 May 2003, Provincial Notice 11/2006 published in the Provincial Gazette Extraordinary No.6333 dated 3 January 2006, Provincial Notice 117/2008 published in the Provincial Gazette 6511 dated 28 March 2008, Provincial Notice 55/2011 published in the Provincial Gazette No. 6852 dated 25 February 2011 and Provincial Notice 283/2014 published in the Provincial Gazette No. 7320 dated 24 October 2014.

Dated this 21st day of July 2015.

AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

SCHEDULE

Amendment of the Schedule of the principal Notice

1. Section 9 of the principal Notice is amended by the substitution of the following subsection:

"Full-time Councillors

9. The Local Municipality may designate the following councillors as full-time councillors:—

(a) the executive mayor;

(b) the members of the mayoral committee;

(c) the speaker;

(d) a single whip appointed for Council, and

(e) Chairperson of Committee established in terms of section 79 (MPAC)."

2. Short title and commencement

This Notice is called the Stellenbosch Municipality (WCO24) Establishment Seventh Amendment Notice and comes into operation on the date of publication.

P.K. 261/2015 31 Julie 2015

WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998 (WET 117 VAN 1998)

DIE MUNISIPALITEIT STELLENBOSCH (WCO24) INSTELLINGSKENNISGEWING SEWENDE WYSIGINGSKENNISGEWING

In terme van artikel 16 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), wysig ek hierby verder die Munisipaliteit Stellenbosch (WCO24) Instellingskennisgewing, Provinsiale Kennisgewing 489/2000 gepubliseer in Provinsiale Koerant 5590 van 22 September 2000 (die hoofkennisgewing) soos uiteengesit in die Bylaag.

In hierdie kennisgewing beteken "hoofkennisgewing" die Munisipaliteit Stellenbosch (WCO24) Instellingskennisgewing, Provinsiale Kennisgewing 489/2000 gepubliseer in Provinsiale Koerant 5590 van 22 September 2000, soos gewysig deur Provinsiale Kennisgewing 675/2000 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5642 van 4 Desember 2000, Provinsiale Kennisgewing 456/2002 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5968 van 19 Desember 2002, Provinsiale Kennisgewing 184/2003 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6020 van 28 Mei 2003, Provinsiale Kennisgewing 11/2006 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6333 van 3 Januarie 2006, Provinsiale Kennisgewing 117/2008 gepubliseer in die Provinsiale Koerant Nr. 6511 van 28 Maart 2008, Provinsiale Kennisgewing 55/2011 gepubliseer in die Provinsiale Koerant Nr. 6852 van 25 Februarie 2011 en Provinsiale Kennisgewing 283/2014 gepubliseer in die Provinsiale Koerant Nr.7320 van 24 Oktober 2014.

Gedateer op hierdie 21ste dag van Julie 2015.

AW BREDELL, PROVINISALE MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING

BYLAAG

Wysiging van die Bylaag tot die hoofkennisgewing.

1. **Artikel 9 van die hoofkennisgewing word gewysig deur die vervanging deur die volgende subartikel:**

"Voltydse Raadslede

9. Die Plaaslike Munisipaliteit mag die volgende raadslede as voltydse raadslede aanwys:
   (a) die uitvoerende burgermeester;
   (b) lede van die burgermeesterskomitee;
   (c) die speaker;
   (d) 'n enkele sweep aangewys vir die Raad, en
   (e) Voorsitter van Komitee ingestel ingevolge artikel 79 ('MPAC')."

2. **Korttitel en inwerkingtreding**

Hierdie Kennisgewing word die Munisipaliteit Stellenbosch (WCO24) Instellingskennisgewing Sewende Wysigingskennisgewing genoem en tree in werking op die datum van publikasie.

I.S. 261/2015 31 kweyeKhala 2015

UMTHETHO OYILOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (UMTHETHO 117 KA-1998)

ISAZISO SESIXHENXE SOLUNGISO SEZICWANGCISO-ZIKHUNDLA U MASIPALA WASESTELLENBOSCH (WCO24)

Ngokwemiqathango yecandelo 16 loMthetho oyiLocal Government: Municipal Structures Act, 1998 (uMthetho 117 ka-1998), apha ke ndenza ezinye izilungiso kwiSaziso esiyiStellenbosch Municipality (WCO24) Establishment Notice, iSaziso sePhondo esinguNomb. 489/2000 esapapashwa kwiGazethi yePhondo enguNomb. 5590 yomhla wama-22 Septemba 2000 (iSaziso satanci) njengoko kucaciswa kwiShedyuli.

Kwesi saziso "iSaziso satanci" sibhekisele kwiSaziso esiyiStellenbosch Municipality (WCO24) Establishment Notice, iSaziso sePhondo esinguNomb. 489/2000 esapapashwa kwiGazethi yePhondo enguNomb. 5590 yomhla wama-22 Septemba 2000, njengoko senziwa izilungiso ngeSaziso sePhondo esinguNomb. 675/2000 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 5642 yomhla we-4 Disemba 2000, iSaziso sePhondo esinguNomb. 456/2002 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 5968 yomhla we-19 Disemba 2002, iSaziso sePhondo esinguNomb. 184/2003 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 6020 yomhla wama- 28 Meyi 2003, iSaziso sePhondo esinguNomb. 11/2006 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 6333 yomhla we-3 Januwari 2006 neSaziso sePhondo esinguNomb. 117/2008 esapapashwa kwiGazethi yePhondo enguNomb. 6511 yomhla wama-28 Matshi 2008 yePhondo esinguNomb. 55/2011 esapapashwa kwiGazethi yePhondo enguNomb 6852 yomhla wama-25 kuFebhuwari 2011 neSaziso sePhondo esinguNomb. 283/2014 esapapashwa kwiGazethi yePhondo enguNomb 7320 yomhla wama-24 kuOktobha 2014.

Ngalo mhla wama-21 ku uJulayi 2015.

AW BREDELL, UMPHATHISWA WEPHONDO WOLAWULO LWEEDOLOPHU NEZITHILI, IMICIMBI YOKUSINGQONGILEYO NOCWANGCISO LOPHUHLISO

ISHEDULI

Izilungiso kwiShedyuli yeSaziso satanci

1. **ICandelo 9 leShedyuli leSaziso esiyintloko siyalungiswa ngokufakela eli candelo lilandelayo endaweni yecandelo 9:**

"OoCeba abasebenza isigxina

9. Umasipala weSithili angamisela aba ceba balandelayo njengooceba besigxina
   (a) Usodolophu wesigqeba solawulo;
   (b) Amalungu ecandelo lekomiti yosodolophu;
   (c) nosomlomo;
   (d) Umbhexeshi omnye onyulelewe iBhunga, kunye
   (e) Usihlalo wekomiti eyasekwa ngokwecandelo 79."

2. **Isihloko esifutshane nomhla wokuqalisa**

Saziso sibizwa ngokuba nguMasipala waseStellenbosch (WCO24) esisekiweyo ngokwesilungiso seSixhenxe kwaye siya kuqalisa ukusebenza ngomhla esiya kupapashwa ngaso.

6.5	ELECTION OF COUNCIL WHIP FOR STELLENBOSCH COUNCIL

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 15 November 2021**

1. SUBJECT: ELECTION OF COUNCIL WHIP FOR STELLENBOSCH COUNCIL

2. PURPOSE

To elect a whip for Council as provided for in Section 41A of the Local Government Municipal Structures Act (as amended on 5 November 2021).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Proclamation Notice was published by the Minister for Co-operative Governance and Traditional Affairs, on 14 December 2011, in the Government Gazette no. 34868. In terms of said notice "The member of the Executive Council of a Province responsible for local government may determine that councillors who have been elected or appointed to any of the following offices in a municipal council, may be designated as full-time:

- The Speaker;
- The Executive Mayor;
- The Deputy Executive Mayor;
- A member of a Mayoral Committee;
- Chairperson of a committee established in terms of Section 79 in a municipality with 40 or more Councillors;
- A single Whip appointed for Council in municipalities with 40 or more councillors."[2]

This provision has subsequently been supplemented by Section 41A in the Local Government Structures Act as amended on 4 November 2021 **(APPENDIX 1)**.

5. RECOMMENDATION

that a Council Whip for Stellenbosch Municipal Council be elected.

6. DISCUSSION

6.1 Background

Stellenbosch Municipal Council had sent a request to the Office of the MEC for Local Government for the appointment of a Single Whip. The MEC had responded and provided the requisite approval for the appointment of a single whip.

This provision has subsequently been supplemented by Section 41A in the Local Government Structures Act as amended from 5 November 2021.

[2] Note selective quotation, based on applicability.

ITEM 6.5

Appendix 1

(i) must ensure the effectiveness of the committees of the municipal council established in terms of section 79;

[Para. *(i)* added by s. 18 *(b)* of Act 3 of 2021 (wef 1 November 2021).]

(j) is responsible for the ethics and accountability of the municipal council; and

[Para. *(j)* added by s. 18 *(b)* of Act 3 of 2021 (wef 1 November 2021).]

(k) must ensure the effectiveness and functionality of ward committees and the public participation processes.

[Para. *(k)* added by s. 18 *(b)* of Act 3 of 2021 (wef 1 November 2021).]

38 Term of office of speakers

The speaker of a municipal council is elected for a term ending, subject to section 39, when the next council is declared elected.

39 Vacation of office

The speaker of a municipal council vacates office during a term if that person-

(a) resigns as speaker;

(b) is removed from office; or

(c) ceases to be a councillor.

40 Removal from office

A municipal council by resolution may remove its speaker from office. Prior notice of an intention to move a motion for the removal of the speaker must be given.

41 Acting speakers

If the speaker of a municipal council is absent or not available to perform the functions of speaker, or during a vacancy, the council must elect another councillor to act as speaker.

Part 3
Whips of municipal councils (ss 41A-41F)

[Part 3 inserted by s. 19 of Act 3 of 2021 (wef 1 November 2021).]

41A Election of whip

(1) Each municipal council may elect a whip for the council who is also a municipal office bearer as set out in Schedule 3.

(2) At its first sitting after its election, or when necessary to fill a vacancy, a municipal council may elect its whip from among the councillors.

(3) The speaker of the municipality presides over the election of the whip.

(4) The procedure set out in Schedule 3 applies to the election of the whip.

(5) A councillor may not hold office as whip, speaker, mayor or executive mayor at the same time.

[S. 41A inserted by s. 19 of Act 3 of 2021 (wef 1 November 2021).]

41B Functions of whip

The whip of a municipal council-

(a) liaises with the different political parties to ensure representation in council and council committees;

(b) maintains sound relations between the various political parties;

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(c) informs the whips of all parties on important matters on the council agenda;

(d) assists the speaker to count votes in the council meeting;

(e) facilitates the interaction between the executive and legislative oversight structures in the municipality; and

(f) resolves disputes between the speaker, mayor or executive mayor, or members of the mayoral committee.

[S. 41B inserted by s. 19 of Act 3 of 2021 (wef 1 November 2021).]

41C Term of office of whip

The whip of a municipal council is elected for a term ending, subject to section 41D, when the next council is declared elected.

[S. 41C inserted by s. 19 of Act 3 of 2021 (wef 1 November 2021).]

41D Vacation of office

The whip of a municipal council vacates office during a term if that person-

(a) resigns as whip;

(b) is removed from office; or

(c) ceases to be a councillor.

[S. 41D inserted by s. 19 of Act 3 of 2021 (wef 1 November 2021).]

41E Removal from office

(1) A municipal council may remove, by resolution, the whip from office.

(2) Prior written notice of an intention to move a motion for the removal of the whip must be given.

[S. 41E inserted by s. 19 of Act 3 of 2021 (wef 1 November 2021).]

41F Acting whips

If the whip of a municipal council is absent or not available to perform the functions of whip, or during a vacancy, the council must elect another councillor to act as whip.

[S. 41F inserted by s. 19 of Act 3 of 2021 (wef 1 November 2021).]

CHAPTER 4
INTERNAL STRUCTURES AND FUNCTIONARIES (ss 42-82)

Part 1
Executive committees (ss 42-53)

42 Only municipalities of certain types may establish executive committees

(1) Only municipalities of the types mentioned in sections 8 *(a)*, *(b)*, *(c)* and *(d)*, 9 *(a)* and *(b)* and 10 *(a)* may establish an executive committee.

(2) If a municipality of a type referred to in subsection (1) chooses to establish an executive committee, the provisions of this Part apply.

43 Composition of executive committees

(1) *(a)* If the council of a municipality establishes an executive committee, it must determine a number of councillors necessary for effective and efficient government, provided that no more than 20 per cent of the councillors (fractions to be disregarded) or 10 councillors, whichever is the least, are determined.

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ITEM 6.5

Appendix 2

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

NOMINATION FORM:

ELECTION OF COUNCIL WHIP

We, the undersigned, hereby nominate the following person:

FULL NAME OF NOMINEE: .....

Signed at Stellenbosch this ..... day of .....2021.

Name of Mover

Nominator 1: Name: .....

Signature: .....

Seconder: Name: .....

Signature: .....

I, ...(full name) .....(ID number)

the undersigned, hereby accept the nomination / do not accept the nomination*

Signed at Stellenbosch this ..... day of .....2021.

.....

SIGNATURE OF NOMINEE

*delete the part that is not applicable

In terms of Section 3(1) of Schedule 3 of the Structures Act

6.6	ELECTION OF REPRESENTATIVES TO CAPE WINELANDS DISTRICT COUNCIL

Collaborator No:
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: Council: 15 November 2021

1. SUBJECT: ELECTION OF REPRESENTATIVES TO CAPE WINELANDS DISTRICT COUNCIL

TO BE CONDUCTED BY THE INDEPENDENT ELECTORAL COMMISSION: THE MUNICIPAL ELECTORAL OFFICER (MEO)

2. PURPOSE

To elect the Councillors that represent Stellenbosch Municipality on the Cape Winelands District Council.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Sixty percent of the members of a District Council are representatives of local Councils and district management areas within its area of jurisdiction. District management area representatives are elected by voters from that area on voting day. Representatives from local Councils are however elected by the Councils themselves from amongst their members.

The election must be conducted by the Chief Electoral Officer who has delegated this task to the Municipal Electoral Officer (MEO) of every local municipality as provided for in Schedule 2 of the Local Government: Municipal Structures Act.

Every MEO for a local municipality must therefore at a meeting of the Council of that municipality (as soon as possible but within fourteen days after its election) conduct the election of that Council's representatives to the District Council in terms of Part 2 of Schedule 2 of the Local Government: Municipal Structures Act, which reads as follows:

Stellenbosch Municipality must elect 6 members to represent the Municipality on the Cape Winelands District Council as per the establishment notice.

5. RECOMMENDATION

that Council elects 6 representatives to the Cape Winelands District Council in terms of the procedure set out in Part 2 of Schedule 2 of the Municipal Structures Act (*supra*).

6. DISCUSSION

6.1 Background

"*Allocation and election of representatives of local Councils and district management areas to district Councils.*

Schedule 2 Section 16

Electing local Councils' representatives to district Councils

(1) The Chief Electoral Officer must manage the election of representatives of a local Council to the district Council.

(2) If a local Council has been awarded one seat-

(a) any Councillor may nominate a candidate;

(b) each Councillor has one vote; and

(c) the candidate who receives the most votes is elected.

(3) If the Council has been awarded more than one seat, the Council must elect that number of members according to proportional representation as set out in items 17 to 22.

17. Candidates lists

(1) Every party or independent Ward Council may submit a candidates' list containing the names of Councillors, accompanied by a written acceptance by each listed candidate.

[Subitem (1) substituted by Section 31(1) of Act 51 of 2002].

(2) A party or independent Ward Councillor may not submit more than one list.

[Subitem (2) substituted by Section 31(1) of Act 51 of 2002].

(3) The candidates' names must appear on the list in order of preference, starting with the first in order of preference and ending with the last.

(4) The name of a Councillor may appear on one list only.

(5) Every party or independent Ward Councillor must seek to ensure that fifty percent of the candidates on the candidates list are women and that women and men candidates are evenly distributed through the list.

[Subitem (5) amended by Section 31(c) of Act 51 of 2002].

18. Number of votes

Each Councillor casts one vote for one list only.

19. Determining the quota

In a local Council, the quota of votes for a seat to the district Council must be determined in accordance with the following formula (fractions to be disregarded)-

$$\frac{A}{B}+1$$

Where-

A represent the number of members of the local Council; and

B represents the number of seats that the local Council has been awarded on the district Council in accordance with Item 15.

20. Allocating seats

(1) The number of votes cast in favour of each list must be divided by the quota of votes for a seat and the result is the number of seats allocated to that list.

(2)(a) If the calculation in subitem (1) gives a surplus, that surplus must compete with other similar surpluses of any other lists, and any seat or seats not allocated under subitem (1) must be awarded in sequence of the highest surplus.

(b) If the surplus on one list is equal to the surplus on any other list, the seat or seats must be awarded in sequence of the highest number of votes cast for those lists.

[Paragraph (b) added by Section 32 of Act 51 of 2002].

21. Selecting names from the list

The Chief Electoral Officer, in accordance with the order of preference on a list, must select the number of candidates from the list that is equal to the number of seats allocated to that list.

22. Insufficient lists

In the case of a list containing fewer names than the number of seats allocated to that list, the corresponding provisions of Item 10 must be applied to the extent that that item can be applied.

23. Filling of vacancies

If a Councillor elected from a candidates' list ceases to hold office or the list has become exhausted, the corresponding provisions of Item 11 must be applied to the extent that that item can be applied.

24. Electing members representing a district management area

The Councillors representing a district management area must be elected in accordance with the proportional electoral system set out in Part 1 of the Schedule."

The MEO must arrange with the Municipal Manager of the local municipality for a meeting of the newly elected Council to be called for the purpose of the election of representatives.

6.2 NUMBER OF REPRESENTATIVES TO BE ELECTED

Section 12 of the Local Government: Municipal Structures Act 1998, requires the MEC to specify in the notice establishing the municipality the number of representatives to be elected by each local Council to serve as representatives on the District Council. The MEO works on the number of representatives specified in the section 12 notices.

A copy of the tenth Establishment Amendment Notice (published in the Provincial Gazette No. 8505, promulgated on 2021-10-12) pertaining to the Cape Winelands District Municipality, is attached as **APPENDIX 1**.

In terms of this amendment notice:

- Cape Winelands District Municipality has 41 Councillors, of which
  - 17 proportionally represent the parties contesting the election; and
  - 24 directly represent the Local Municipalities, of which 6 directly represent Stellenbosch Municipality.

6.3 ELECTION OF REPRESENTATIVES

Where a local Council has more than one representative in the District Council, every party or independent Ward Councillor may submit one candidates' list containing the names of Councillors in order of preference. Every list must be accompanied by a written acceptance by each listed candidate. A Councillor's name may appear on one list only.

In the election, each Councillor may cast one vote for one list only.

The number of votes cast for each list is divided by a prescribed quota of votes for a seat and the result indicates the number of seats allocated to that list. From every list to which seats have been allocated, the number of candidates in order of preference is then selected and they are the local Council's representatives on the District Council.

In the case of a list containing fewer names than the number of seats allocated to that list, the corresponding provisions of item 10 of Schedule 2 of the Municipal Structures Act must be applied to the extent that the item can be applied.

6.4 ELECTION PROCEDURE

The following procedure is suggested:

- the quota of votes for a seat is determined beforehand. (The number of Councillors on the local Council divided by the number of seats that Council has on the District Council, plus one);
- on the day prior to the meeting for the election, the venue for the meeting is visited and prepared for the election by-
  - determining a voting route for Councillors to leave their seats from one side of the venue, approach a table where their names are marked off on a list of Council members and they are given a ballot paper, then move to a next table where a pencil is available for them to mark their ballot paper and a ballot box in which they place their marked ballot papers and move back to their seats from the other side of the venue;
- on the day of the meeting, the purpose of the election and the procedures thereof are explained to the Councillors;
- the Councillors are then given adequate time to prepare their nomination documents and the meeting is adjourned for that purpose; and
- on the resumption of the meeting nominations by the submission of lists on the appropriate form are called for and received by the MEO.

The relevant nomination forms and ballot papers will be available at the meeting.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*10 November 2021*

ITEM 6.6

TENTH ESTABLISHMENT AMENDMENT NOTICE PUBLISHED IN THE PROVINCIAL GAZETTE NO 8505 DATED 15 OCTOBER 2021

PROVINCIAL NOTICE

P.N. 125/2021 15 October 2021

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998

(ACT 117 OF 1998)

THE CAPE WINELANDS DISTRICT MUNICIPALITY (DC2) ESTABLISHMENT TENTH AMENDMENT NOTICE

In terms of section 16 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), I further amend the Cape Winelands District Municipality (DC2) Establishment Notice, Provincial Notice 486/2000 published in the Provincial Gazette Extraordinary No. 5590 dated 22 September 2000 (the principal Notice), as set out in the Schedule.

In this notice "principal Notice" means the Cape Winelands District Municipality (DC2) Establishment Notice, Provincial Notice 486/2000 published in the Provincial Gazette Extraordinary No. 5590 dated 22 September 2000, as amended by Provincial Notice 672/2000 published in the Provincial Gazette Extraordinary No. 5642 dated 4 December 2000, Provincial Notice 453/2002 published in the Provincial Gazette Extraordinary No. 5968 dated 19 December 2002, Provincial Notice 181/2003 published in the Provincial Gazette Extraordinary No. 6020 dated 28 May 2003, Provincial Notice 162/2004 published in the Provincial Gazette No.6160 dated 20 August 2004, Provincial Notice 8/2006 published in the Provincial Gazette Extraordinary No. 6333 dated 3 January 2006, Provincial Notice 91/2006 published in the Provincial Gazette Extraordinary No. 6346 dated 28 February 2006, Provincial Notice 114/2008 published in the Provincial Gazette No. 6511 dated 28 March 2008, Provincial Notice 53/2011 published in the Provincial Gazette Extraordinary No.6852 dated 25 February 2011, Provincial Notice 287/2011 published in the Provincial Gazette No. 6918 dated 21 October 2011 and Provincial Notice 111/2016 published in the Provincial Gazette Extraordinary No. 7597 dated 8 April 2016.

Dated this 12th day of October 2021.

AW BREDELL,
PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

SCHEDULE

Amendment of the Schedule of the principal Notice

1. Section 2.(1) of the principal Notice is amended by the substitution for subsection (1) of the following subsection:-

"2.(1) On 3 March 2000 the Municipal Demarcation Board, acting in terms of section 21 of the Municipal Demarcation Act, determined the boundaries of the Municipality, as reflected in the map appearing in Provincial Notice 69/2000 published in Provincial Gazette Extraordinary No. 5431 dated 3 March 2000 (a copy of the map is republished in Annexure "1A" to this Schedule) and amended by Provincial Notice 165/2000 published in the Provincial Gazette Extraordinary No. 5469 dated 5 May 2000, Provincial Notice 522/2000 published in the Provincial Gazette Extraordinary No. 5597 dated 29 September 2000, Provincial Notice 258/2002 published in the Provincial Gazette Extraordinary No. 5922 dated 15 August 2002, Provincial Notice 163/2008 published in Provincial Gazette No. 6518 dated 29 April 2008 read with Provincial Notice 263/2008 published in the Provincial Gazette No. 6547 dated 31 July 2008 and Provincial Notice 339/2013 published in the Provincial Gazette Extraordinary No. 7185 of 15 October 2013 read with Provincial Notice 417/2013 published in the Provincial Gazette Extraordinary No. 7209 of 10 December 2013, Provincial Notice 248/2013 published in the Provincial Gazette Extraordinary No. 7156 of 8 August 2013, Provincial Notice 1/2014 published in Provincial Gazette No. 7217 dated 10 January 2014, Provincial Notice 63/2014 published in the Provincial Gazette No. 7236 dated 7 March 2014, Provincial Notice 159/2014 published in the Provincial Gazette No. 7277 dated 13 June 2014 and Provincial Notice 657/2018 published in Provincial Gazette No. 7968 dated 10 August 2018 read with Provincial Notice 124/2018 published in Provincial Gazette Extraordinary No. 7987 dated 4 October 2018, Provincial Notice 91/2018 published in Provincial Gazette Extraordinary No. 7942 dated 15 June 2018 and Provincial Notice 166/2018 published in the Provincial Gazette No. 8024 dated 14 December 2018.".

2. Section 8. of the principal Notice is amended by the substitution of the following section:-

"8. The Municipal Council of the District Municipality has 41 (forty-one) councillors, as determined by the Provincial Minister in Provincial Notice 85/2019 published in the Provincial Gazette Extraordinary No. 8137 dated 7 August 2019, of whom:—

(a) 17 (seventeen) proportionally represent the parties contesting the election in the District Municipality in terms of section 23(1)(a) of the Municipal Structures Act;

(b) 24 (twenty-four) directly represent the Local Municipalities in terms of section 23(1)(b) of the Municipal Structures Act, of whom:—

(i) 3 (three) directly represent the Witzenberg Municipality (WCO22);

(ii) 8 (eight) directly represent the Drakenstein Municipality (WCO23);

(iii) 6 (six) directly represent the Stellenbosch Municipality (WCO24);

(iv) 5 (five) directly represent the Breede Valley Municipality (WCO25), and

(v) 2 (two) directly represent the Langeberg Municipality (WCO26).".

3. Short title and commencement

This Notice is called the Cape Winelands District Municipality (DC2) Establishment Tenth Amendment Notice and has effect from the date of the next general election of municipal councils.

ISAZISO SEPHONDO

I.S. 125/2021 15 Oktobha 2021

URHULUMENTE WENGINGQI: MUNICIPAL STRUCTURES ACT, 1998 (UMTHETHO 117 KA 1998)

UKUMISELA ISAZISO SOLUNGISO LWESHUMI KUMASIPALA WESITHILI

(DC2) CAPE WINELANDS

Ngokwecandelo 16 loMthetho woRhulumente beNgingqi: Municipal Structures Act, 1998 (Act 117 of 1998), Sizisa ezinye izilungiso kwiSaziso soMgaqo-nkqubo kaMasipala Cape Winelands (DC2), iSaziso sePhondo esingu486/2000 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo eyiNo. 5590 yomhla wama-22 kaSeptemba 2000 (iSaziso esiyintloko) njengoko sicaciswe kuLudwe lweNkqubo.

Kwesi saziso iSaziso esiyintloko sithetha iSaziso sokuSekwa koMasipala waseCape Winelands (DC2), iSaziso sePhondo esingu 486/2000 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo engu No. 5590 yomhla wama-22 Septemba 2000, eyalungiswa kwiSaziso sePhondo esingu-672/2000 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNo. 5642 yomhla wesi-4 kaDisemba 2000, iSaziso sePhondo 453/2002 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo No. 5968 yomhla we-19 kaDisemba 2002, iSaziso sePhondo 181/2003 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo No. 6020 yomhla wama-28 kaMeyi 2003, kwiSaziso sePhondo 162/2004 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo No. 6160 yomhla wama-20 ka-Agasti 2004, iSaziso sePhondo 8/2006 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo No. 6333 yomhla wesi-3 kaJanuwari 2006, iSaziso sePhondo 91/2006 esapapashwa kwiGazethi yePhondo eYongezelelweyo No. 6346 yomhla wama-28 kaFebuwari 2006, iSaziso sePhondo esingu-114/2008 esapapashwa kwiGazethi yePhondo enguNombolo 6511 yomhla wama-28 kaMatshi 2008 ,iSaziso sePhondo esingu-53/2011 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo No. 6852 yomhla wesi-8 25 kaFebuwari 201, iSaziso sePhondo esapapashwa kwiGazethi yePhondo No 6918 yomhla wama-21 kaOktobha 2011 neSaziso sePhondo No 111/2016 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo No 7596 yomhla wama-28 ka-Apreli 2016.

Ngalo mhla we 12 Oktobha 2021.

AW BREDELL,
UMPHATHISWA WEPHONDO WORHULUMENTE WENGINGQI, IMICIMBI YOKUSINGQONGILEYO NOCWANGCISO LOPHUHLISO

ULUDWE LWENKQUBO

Ulungiso loLudwe lweNkqubo lweSaziso esiyintloko

1. **Icandelo 2.(1) leSaziso esiyintloko liyalungiswa ngokufakela eli candelwana lilandelayo endaweni yecandelwana (1):—**

"2.(1) Ngomhla wesi-3 kaMatshi 2000 iBhodi yokuCandwa kooMasipala, isebenza ngokweCandelo lama-21 loMthetho wokuCandwa kooMasipala, imisele uMasipala weSithili imida njengoko kubonakala kwimephu evelayo kwiSaziso sePhondo esingu69/2000 esapapashwa kwiGazethi eyoNgezelelweyo yePhondo No. 5431 yomhla wesi-3 kaMatshi 2000 (ikopi yemephu ipapashwe ngokutsha kwisiHlomelo "1A" solu Ludwe lweNkqubo) yaza yalungiswa kwiSaziso sePhondo 165/2000 esapapashwa kwiGazethi yePhondo eYongezelelweyo No. 5469 yomhla wesi-5 kaMeyi 2000, iSaziso sePhondo 522/2000 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo No. 5597 yomhla wama-29 kaSeptemba 2000, iSaziso sePhondo 258/2002 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo No. 5922 yomhla we-15 kaAgasti 2002, ISaziso sePhondo 163/2008 esapapashwa kwiGazethi yePhondo No. 6518 yomhla wama-29 kaApreli 2008, eyafundwa kunye neSaziso sePhondo 263/2008 esapapashwa kwiGazethi yePhondo No. 6547 yomhla wama-31 ka-Julayi 2008 neSaziso sePhondo 339/2013 esapapashwa kwiGazethi yePhondo eyoNgezelelwayo No.7185 yomhla we-15 kaOktobha 2013, esafundwa kunye neSaziso sePhondo 417/2013 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo No. 7209 yomhla we-10 ka-Disemba 2013, iSaziso sePhondo 248/2013 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo No. 7156 yomhla wesi-8 kaAgasti 2013, iSaziso sePhondo 1/2014 esapapashwa kwiGazethi yePhondo No. 7217 yomhla we-10 ka-Januwari 2014, iSaziso sePhondo 63/2014 esapapashwa kwiGazethi yePhondo No. 7236 yomhla wesi-7 kaMatshi 2014, iSaziso sePhondo 159/2014 esapapashwa kwiGazethi yePhondo No. 7277 yomhla we-13 kaJuni 2014 nakwiSaziso sePhondo 657/2018 esapapashwa kwiGazethi yePhondo No. 7968 yomhla we-10 kaAgasti 2018 esafundwa kunye neSaziso sePhondo u-124/2018 esapapashwa kwiGazethi yePhondo eyoNgezelelwayo No. 7987 yomhla wesi-4 ka-Oktobha 2018, iSaziso sePhondo u91/2018 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo No. 7942 yomhla we-15 ka-Juni 2018, neSaziso sePhondo 166/2018 esapapashwa kwiGazethi yePhondo No. 7942 yomhla we-15 kaJuni 2018 neSaziso sePhondo 166/2018 esapapashwa kwiGazethi yePhondo No. 8024 yomhla we-14 kaDisemba 2018. "

2. **Icandelo 8. leSaziso esiyintloko liyalungiswa ngokufakela eli candelwana lilandelayo:—**

"8. IBhunga likaMasipala kuMasipala weSithili linooceba abangama-41 (abangamashumi amane ananye), njengoko kumiselwe nguMphathiswa wePhondo kwiSaziso sePhondo 85/2019 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo No. 8137 yomhla wesi-7 ka-Agasti 2019, kubo:—

(a) abali-17 (abalishumi elinesixhenxe) bamele ngokulinganayo amaqela akhuphisana kunyulo lukaMasipala weNqingqi ngokweCandelo 23 (1)(a) leMunicipal Structures Act;

(b) abangama-24 (amashumi amabini anane) bamele ngqo ooMasipala beNgingqi ngokweCandelo 23 (1) *(b)* loMthetho wamaSebe ooMasipala, kubo:

(i) abayi-3 (abathathu) bamele ngqo uMasipala Witzenberg (WCO22);

(ii) abayi-8 (abasibhozo) bamele ngqo uMasipala Drakenstein (WCO23);

(iii) abayi-6 (abathandathu) bamele ngqo uMasipala Stellenbosch (WCO24);

(iv) abayi-5 (abahlanu) bamele ngqo uMasipala Breede Valley (WC025) kwaye

(v) abayi-2 (ababini) bamele ngqo uMasipala Langeberg (WC026).".

3. **Isihloko esifinyeziweyo nokuqalisa**

Esi Saziso sibizwa ngokuba siSaziso soLungiso lweShumi sokuSekwa kukaMasipala Cape Winelands (DC2) kwaye sisebenza ukususela kumhla wonyulo jikelele olulandelayo lwamabhunga oomasipala.

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REPRESENTATIVES ON CAPE WINELANDS DISTRICT COUNCIL

CANDIDATE LISTS:

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

6.7	STRUCTURING OF COUNCIL: ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES)

Collaborator No:
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: Council: 15 November 2021

1. SUBJECT: STRUCTURING OF COUNCIL: ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES)

2. PURPOSE

For Council to determine which Section 80 Committees must be established and to determine the representation on these committees.

3. DELEGATED AUTHORITY

Council establish the committees and appoints the members, whilst the Executive Mayor appoints the Chairpersons.

4. EXECUTIVE SUMMARY

In terms of Section 80 of the Structures Act, if a municipality has an Executive Mayor, it may appoint Committees of Councillors to assist the Executive Mayor.

Such Committees may not in number exceed the number of members of the Executive Committee (9).

The Executive Mayor, *inter alia:-*

- appoints a Chairperson for each Committee; and
- may delegate any powers and duties of the Executive Mayor to the Committee.

Such Committee(s) must report to the Executive Mayor in accordance with the directions of the Executive Mayor.

5. RECOMMENDATIONS

(a) that the establishment of Section 80 portfolio committees be approved in principle;

(b) that Council establish the following Section 80 Portfolio Committees with its functional areas:

- Financial Services;
- Safety and Security
- Infrastructure Services;
- Corporate Services;
- Human Settlements;
- Planning, Local Economic Development and Tourism
- Rural Management
- Youth, Sport and Culture
- Parks, Open Spaces and Environment

6.8	STRUCTURING OF COUNCIL: ESTABLISHMENT OF SECTION 79 COMMITTEES / STATUTORY COMMITTEES

6.8.1	CURRENT STATUS OF STATUTORY COMMITTEE: THE AUDIT AND PERFORMANCE AUDIT COMMITTEE

Collaborator No:
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: Council: 15 November 2021

1. SUBJECT: CURRENT STATUS OF STATUTORY COMMITTEE: THE AUDIT AND PERFORMANCE AUDIT COMMITTEE

2. PURPOSE OF REPORT

To inform Council of the functions and purpose, as well as the current composition, of the Audit and Performance Audit Committee.

3. DELEGATED AUTHORITY

Council

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 Stellenbosch Municipality's Audit and Performance Audit Committee

The council-appointed members currently serving on the Municipality's Audit and Performance Audit Committee are:

Audit Committee Member	Term expires on:
Dr NL Mortimer (Chairperson)	28 February 2022 (Term 2)
Mr VJ Botto	30 August 2023 (Term 2)
Mr TW Lesihla	30 August 2023 (Term 2)
Ms J Williams	31 March 2022 (Term 1)

5. RECOMMENDATIONS

(a) that cognisance be taken of the current composition of the Audit and Performance Audit Committee of Stellenbosch Municipality; and

(b) that Council notes the Terms of Reference of the Audit and Performance Audit Committee as outlined in the approved Charter.

6. DISCUSSION

6.1 Background

In terms of Section 166 (2) (a) the Audit and Performance Audit Committee must provide advice on matters relating to:

- internal financial control and internal audit;
- risk management;
- accounting policies;
- the adequacy, reliability and accuracy of financial reporting and information;
- performance management;
- effective governance;
- performance evaluation;
- compliance with the MFMA; and
- any issues referred to it by the Council.

The Audit and Performance Audit Committee will also review the annual financial statements in order to advise Council whether its finances are being managed efficiently and effectively. The Audit and Performance Audit Committee may respond to Council on issues raised by the Auditor–General in the audit report and carry out investigations into the financial affairs of the municipality if requested to do so by Council.

6.2 Applicable Legislation

- Section 166 of the Local Government: Municipal Finance Management Act (MFMA) 56 of 2003;
- National Treasury MFMA Circular No 65
- Section 14 of the Local Government: Municipal Planning and Performance Management Regulations, 2001.

6.3 Functioning of the Audit and Performance Audit Committee

In order to execute its responsibilities effectively, the Audit and Performance Audit Committee will have access to the financial records and all other relevant information of the municipality.

The Committee must have a minimum of three and a maximum of five members who must be appointed by Council. Audit and Performance Audit Committee members may only serve for 2 x 3 year terms. Stellenbosch's Audit and Performance Audit Committee currently consists of four (4) members. The Audit and Performance Audit Committee is a politically neutral body. The terms of reference for the Audit and Performance Audit Committee is clearly outlined in the Audit and Performance Audit Committee Charter (attached as **APPENDIX 1**) as approved by Council in November 2020.

The Audit and Performance Audit Committee should according to the Municipal Planning and Performance Management Regulations include at least one (1) performance management expert as the Audit and Performance Audit Committee of Stellenbosch Municipality performs the dual role of Audit and Performance Audit Committee.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*10 November 2021*

ITEM 6.8.1

AUDIT AND PERFORMANCE AUDIT COMMITTEE CHARTER

(TERMS OF REFERENCE ADOPTED NOVEMBER 2020)

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Audit and Performance Audit Committee Charter

(Terms of Reference)

25 November 2020

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1 OBJECTIVES

1.1 The objectives of the Audit and Performance Audit Committee are to:

1.1.1 Assist the Council in discharging its duties relating to the safeguarding of Council's assets;

1.1.2 Develop and oversee the operation of an adequate system and internal controls and control processes;

1.1.3 Oversee the preparation of accurate financial reporting and statements in compliance with all applicable legal requirements, corporate governance and accounting standards;

1.1.4 Provide support to the Council on the risk profile and risk management of the Council; and

1.1.5 Ensure that there is an internal audit function in place and that the roles of the internal and external audit functions are co-ordinated.

1.2 The membership, resources, responsibilities and authorities (composition, functions and operation) of the Audit and Performance Audit Committee to perform its role effectively is stipulated in these terms of reference, which may be amended by Council in consultation with the Audit and Performance Audit Committee Chairperson as and when required.

1.3 The Audit and Performance Audit Committee is constituted in terms of the requirements of King IV and sound corporate governance practices and operates within that frame- work (King IV has however not been formally adopted by Council).

2 MEMBERSHIP

2.1 The Audit and Performance Audit Committee is Statutory Committee of Council and therefore Council should determine its composition.

2.2 The recommended composition is that the Audit and Performance Audit Committee shall consist of at least 3 (three) and not more than 5 (five)

independent audit specialists and/or professionals, who have a working knowledge of one or more of the fields of business, finance, legal, engineering, information technology, governance, auditing and/or performance management.

2.3 To ensure efficiency and transparency the Chairperson and other members shall be appointed by Council at a Council meeting.

2.4 Members shall be appointed for a term of 3 (three) years and, if re-appointed may only serve for one further 3 (three) year term. The terms of appointment of the members appointed in the first year will vary to ensure continuity of expertise in the future.

2.5 When a member of the Audit and Performance Audit Committee cannot for any reason continue as a member he / she shall be forthwith replaced by Council. Such a replacement may either be for the balance of the period that the member being replaced would have served for, or a full 3 (three) year period. This shall be at the discretion of the Council on the recommendation of the Municipal Manager in conjunction with the Chief Audit Executive.

2.6 The Audit and Performance Audit Committee members shall declare any conflict of interest that may arise and remove themselves from any proceedings and/or discussions in relation to the matter giving rise to that conflict.

2.7 An agenda with all supporting documents (meeting pack) shall be circulated, at least seven days prior to each meeting, to the members and invitees of the Audit and Performance Audit Committee.

3 RESPONSIBILITIES AND DUTIES OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE

3.1 The Audit and Performance Audit Committee will be responsible for the oversight of internal controls, financial reporting and compliance with regulatory matters, mainly make recommendations to the Management.

3.2 The committee must perform the following responsibilities:

3.2.1 Review the effectiveness of the councils system of internal controls and risk management;

3.2.2 Review the financial reporting;

3.2.3 Review the draft annual financial statements and draft annual performance report before submission to AGSA and recommend submission;

3.2.4 Provide advice on IT governance, controls, access, safeguarding of information in the municipality;

3.2.5 Review the Internal Audit function;

3.2.6 Review the Auditor General's report;

3.2.7 Review the Council's compliance with legislation and regulation;

3.2.8 Review the Compliance with the Council's Code of Conduct and ethics;

3.2.9 Performance Management;

3.2.10 Specific expertise may be required from within or outside the municipality from time to time, to assist the Internal Audit Activity and Audit and Performance Audit Committee to formulate recommendations on systems and controls. The committee may have to advise on the appropriateness of disaster recovery and continuity plans supporting IT risks, regular testing and evaluation of plans, systems and processes; and

3.2.11 Other Responsibilities as determined by legislation and by Council from time to time.

3.3 The Audit and Performance Audit Committee shall advise Council, political office bearers, the accounting officer and management of the municipality on the matters pertaining to the duties listed above in accordance with section 166 of the Local Government: Municipal Finance Management Act 56 of 2003 (MFMA).

3.4 **INTERNAL CONTROL**

The Audit and Performance Audit Committee shall:

3.4.1 Review whether management has implemented internal controls and business risk management as well as getting assurance from management that all employees have an understanding of their roles in executing these controls effectively;

3.4.2 Review whether management implemented internal controls, as recommended by internal and external auditors;

3.4.3 Review management's control of Council assets and the efficient and effective utilisation thereof; and

3.4.4 Review whether management has an efficient risk management policy in place as well as the necessary and appropriate personnel to implement same.

3.5 **FINANCIAL, GENERAL**

The Audit and Performance Audit Committee shall:

3.5.1 Review any activity of the Council, with the full co-operation of all employees as requested by the members of the Committee;

3.5.2 Obtain the services of professionals if necessary to assist the Committee in the executing of its responsibilities; and

3.5.3 Discuss with management the Council's major financial risk exposures and the steps management has taken to monitor and control such exposures, including proposed future requirements

3.6 **FINANCIAL STATEMENTS**

The Audit and Performance Audit Committee shall

3.6.1 Review and discuss with management and the Auditor General the annual audited financial statements and the results of the audit;

3.6.2 Review significant accounting and reporting issues and understand their impact on the financial statements. These issues include:

3.6.2.1 Complex or unusual transactions and highly judgmental areas;

3.6.2.2 Major issues regarding accounting principles and financial statement presentations, including any significant changes in the Council's selection or application of accounting principles;

3.6.2.3 The effect of regulatory and accounting initiatives, as well as off-balance sheet structures, on the financial statements of Council;

3.6.2.4 Review analyses prepared by management and/or the independent auditor setting forth significant financial reporting issues and judgments made in connection with the preparation of the financial statements, including analyses of the effects of alternative GRAP methods on the financial statements;

3.6.2.5 Review with management and the external auditors the results of the audit, including any difficulties encountered. This review will include any restrictions on the scope of the independent auditor's activities or on access to requested information, and any significant disagreements with management;

3.6.2.6 Discuss the annual audited financial statements with management and the external auditors; and

3.6.2.7 Review disclosures made by Municipal Manager and Chief Financial Officer about significant deficiencies in the design or operation of internal controls or any fraud that involves management or other employees who have a significant role in the Council's internal controls.

3.7 **INTERNAL AUDIT**

The Audit and Performance Audit Committee shall:

3.7.1 Review and approve the three year rolling internal audit plan, annual audit plan and charters of the Internal Audit Department and ensure that the audit plan makes provision for effectively addressing the risk areas;

3.7.2 All changes to the annual internal audit plan are to be submitted to the Audit and Performance Audit Committee for approval;

3.7.3 Review the activities and organisational structure of the internal audit department and ensure that there are no unjustified restrictions or limitations and that they have independence;

3.7.4 Review all audit reports by the Internal Auditors and determine whether management acted on recommendations that are made;

3.7.5 Determine whether the Internal Audit function is adequately resourced and has appropriate standing in the Municipality, and concur with the Municipal Manager in the appointment, replacement, reassignment or dismissal of the Chief Audit Executive;

3.7.6 Ensure that that Internal Audit function is subject to an independent quality review every 5 (five) years and complies with The Institute of Internal Auditors' International Standards for the Professional Practice of Internal Auditing;

3.7.7 Determine whether the Internal Auditors have an effective relationship with the Auditor General's staff;

3.7.8 Review significant differences of opinion between management and the Internal Audit function;

3.7.9 Review and evaluate the performance of the Internal Audit function and the Chief Audit Executive;

3.7.10 Review the independence and objectivity of the Chief Audit Executive; and

3.7.11 Meet with the Chief Audit Executive to discuss confidential matters.

3.7.12 The Chief Audit Executive shall have unrestricted access to the chairperson or any other member of the Audit and Performance Audit Committee as required.

3.7.13 The Chief Audit Executive must ensure that sufficient funds are budgeted for the activities of the Audit and Performance Audit Committee.

3.8 **AUDITOR GENERAL**

The Audit and Performance Audit Committee shall:

3.8.1 Review the Auditor General's proposed audit scope and approach and ensure that no unjustified restrictions or limitations are placed on the scope;

3.8.2 Make suggestions as to risk areas that the audit can address;

3.8.3 Identify key matters arising in the current year's audit report and satisfy themselves that these are properly followed up by management;

3.8.4 Consider whether any significant ventures, investments or operations should be subjected to an independent audit;

3.8.5 Ensure the independence of the Auditor General;

3.8.6 Ensure direct access by the Auditor General to the Audit and Performance Audit Committee, the Chairperson of the Audit and Performance Audit Committee and the Municipal Manager;

3.8.7 Review reports of significant findings and recommendations made by the Auditor General, and management's response and follow-up actions to these reports;

3.8.8 Review draft unaudited annual financial statements, annual performance report and Auditor General's audit report, prior to submission to Council for approval; and

3.8.9 Meet with the Auditor General to discuss confidential matters.

3.9 COMPLIANCE WITH LAWS AND REGULATIONS

The Audit and Performance Audit Committee shall:

3.9.1 Review the effectiveness of the system for monitoring compliance with laws and regulations and the result of management's investigation and follow up of any fraudulent acts (including disciplinary actions);

3.9.2 Ensure that all regulatory compliance matters have been considered in the preparation of the financial statements; and

3.9.3 The Committee will have the responsibility to discuss legal matters with management that may have a material impact on the financial statements or the Council's compliance policies.

3.10 COMPLIANCE WITH CODES OF CONDUCT AND ETHICS

The Audit and Performance Audit Committee shall:

3.10.1 Advice the Municipal Manager and Speaker in ensuring that all councillors and staff are aware of the codes of conduct;

3.10.2 Review the process for monitoring compliance with the codes of conduct; and

3.10.3 Monitor the ethical conduct of the Council, executive and senior officials.

3.11 **PERFORMANCE MANAGEMENT**

The Audit and Performance Audit Committee shall:

3.11.1 Review Council's performance management system, focusing on the key performance indicators and targets set by Council; and

3.11.2 Review reports from the Auditor General's audit and Internal Audit reports in respect of Performance Management and make recommendations to Council.

3.12 **OTHER RESPONSIBILITIES**

3.12.1 The Committee will have the power to investigate any matter, internal controls, fraud, misconduct and conflict of interest, brought to its attention within the scope of its duties, with the power to obtain outside advice or expertise if necessary.

3.12.2 The Audit and Performance Audit Committee will review and reassess the adequacy of this Charter and report annually to Council any recommended changes for its (Council's) approval, if necessary.

3.12.3 The Audit and Performance Audit Committee will annually review the Audit and Performance Audit Committee's own performance and present such review to the Council.

3.12.4 The Audit and Performance Audit Committee shall, with the approval of the Council and at the Council's expense, to the extent it deems necessary or appropriate, obtain the services of special independent legal, accounting or other consultants to advise the Audit and Performance Audit Committee in fulfilling its obligations.

3.12.5 The Audit and Performance Audit Committee shall have:

3.12.5.1 Direct access to the Chief Audit Executive;

3.12.5.2 Direct access to Council;

3.12.5.3 Access to the office of the Executive Mayor; and

3.12.5.4 Access to the office of the Municipal Manager.

3.12.6 Combined Assurance

3.12.6.1 The Audit and Performance Audit Committee is responsible for ensuring that the combined assurance model introduced by King IV is applied to provide a coordinated approach to all assurance activities.

3.12.6.2 In particular to King IV, the Audit and Performance Audit Committee:

3.12.6.2.1 Will ensure that the combined assurance received is appropriate to address all the significant risks facing the Council; and

3.12.6.2.2 Will monitor the relationship between external service providers and the Council.

3.12.6.3 The Audit and Performance Audit Committee is an integral component of the risk management process and shall oversee:

3.12.6.3.1 Financial reporting risks;

3.12.6.3.2 Internal financial controls;

3.12.6.3.3 Fraud risks as it relates financial reporting;

3.12.6.3.4 IT risks as it relates to financial reporting; and

3.12.6.3.5 Compliance risks

4 REPORTING

4.1 The Audit and Performance Audit Committee must submit quarterly reports to Council for information.

4.2 The Committee must report annually to the Council, summarising the activities, recommendations and decisions, which can be included in the annual statements.

4.3 The chairperson of the Audit and Performance Audit Committee or his/her nominee shall attend the Council meeting when the report is presented to answer questions concerning matters falling within the ambit of the Audit and Performance Audit Committee.

5 MEETINGS

5.1 Council's Committee Secretariat Department or such other department as responsible for the function determined by the Council, will supply secretarial support to the Audit and Performance Audit Committee, including the preparation and distribution of all agendas and minutes of meetings.

5.2 The Audit and Performance Audit Committee shall meet as often as the Chairperson determines, but not less frequently than 4 (four) times during each a financial year.

5.3 The Municipal Manager, Chief Financial Officer and the Chief Audit Executive are obliged to attend all meetings of the Audit and Performance Audit Committee, provided that the Chairperson of the Audit and Performance Audit Committee may excuse any of these non-members from the meeting.

5.4 Other members of management may at the discretion of the Chairperson of the Audit and Performance Audit Committee be invited to attend Audit and Performance Audit Committee meetings, and shall be obliged to attend.

5.5 As necessary or desirable, the Audit and Performance Audit Committee may invite such other persons, including a representative from the office of the Auditor General to attend a meeting of the Audit and Performance Audit Committee, as it deems necessary and appropriate.

5.6 The Chairperson of the Audit and Performance Audit Committee shall convene all meetings of the Audit and Performance Audit Committee.

5.7 The Chairperson and the Chief Audit Executive shall be responsible to compile the agendas. An electronic or written agenda (meeting pack) for each meeting should be sent to all persons who are to attend the meeting in advance, not less than seven days prior to the date of the Audit and Performance Audit Committee meeting, along with any other relevant

information or documentation for allowing adequate preparation to contribute to a more effective meeting.

5.8 Any member of the Audit and Performance Audit Committee may add items to the agenda at least 8 (eight) working days prior to the date of the Audit and Performance Audit Committee meeting. Such items shall be provided to the Chairperson or the Chief Audit Executive.

5.9 Special meetings of the Audit and Performance Audit Committee may be convened with the Chairperson's approval. Any member of the Audit and Performance Audit Committee, the Internal or External Auditors may request a special meeting if they consider that one is necessary.

5.10 3 (Three) members will form a quorum, and if the chairperson is absent, the members that are present, shall elect 1 (one) of those members present to serve as chairperson for that meeting.

5.11 If there is no quorum the meeting will be adjourned to a new date and time as determined by the Chairperson, not exceeding 2 (two) weeks.

5.12 The members of the Audit and Performance Audit Committee as appointed by Council, and excluding the management of the Municipality, are the only persons with voting rights. Voting shall be by a show of hands unless decided by all members that it be by ballot. The Chairperson shall have a casting vote in the event that the votes are tied.

5.13 If a member wishes to dissent or protest against a decision he or she may request that it is recorded in the minutes.

6 PROCEEDINGS

6.1 Unless varied by these terms of reference, meetings and proceedings of the Committee will be governed by the Municipality's Rules of Order as adopted by Council or any other municipal guidelines regulating the meetings and proceedings of committees as adopted by Council from time to time.

6.2 The minutes of meetings shall be reviewed and approved by the members of the Committee at the following meeting of the Audit and Performance Audit Committee.

7 AUTHORITY OF THE COMMITTEE AND RESOURCES AVAILABLE TO IT

The Audit and Performance Audit Committee, in carrying out its tasks under these terms of reference:

7.1 Is authorised to investigate any activity within its terms of reference;

7.2 May, at the discretion of the Audit and Performance Audit Committee, require other employees of the municipality to attend its meetings or any part(s) of its meetings;

7.3 May consult with and seek any information it requires from any employee, and all employees shall be required to co-operate with any request made by the Audit and Performance Audit Committee in the course of its duties. Such requests shall be directed to the Chairperson of the Audit and Performance Audit Committee or the Chief Audit Executive;

7.4 Shall meet with external auditors without any officials / politicians in attendance at least once a year; and

7.5 Shall meet with the internal auditors without any officials / politicians in attendance at least once year.

8 **REMUNERATION**

8.1 Remuneration shall be on the basis of a fixed rate per meeting. This rate will include all preparation time utilised by members for meetings. The rate per meeting for ordinary members is R5 000, 00 (five thousand Rand) per meeting and R6 000, 00 (six thousand Rand) per meeting for the Chairperson of the Committee. Remuneration will be reviewed on an annual basis effective 1 July every year.

8.2 Travel cost will be paid for members travelling outside of the Greater Stellenbosch in line with the Municipality's Travel and Subsistence Policy.

8.3 Remuneration will be in accordance with the above tariff as approved by the Council.

8.4 The effectiveness of the Audit and Performance Audit Committee will be monitored by Council, annually.

Executive Mayor : .....

Initials and Surname : GMM van Deventer

Date: : 25/11/2020

Chairperson: Audit and Performance Audit Committee.....

Initials and Surname : Dr NL Mortimer

Date : 25/11/2020

Municipal Manager : .....

Initials and Surname : G Mettler

Date : 25/11/2020

6.8.2	ESTABLISHMENT OF A DISCIPLINARY COMMITTEE

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 15 November 2021**

1. SUBJECT: ESTABLISHMENT OF A DISCIPLINARY COMMITTEE

2. PURPOSE OF REPORT

For Council to establish a Disciplinary Committee for the Stellenbosch Council.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

By virtue of the termination of the 2016-2021 Council's term of office, the former 7-member Disciplinary Committee has also dissolved. It is prudent for the newly elected Council to establish a Disciplinary Committee to assist in the discipline of Councillors by conducting disciplinary hearings and to make recommendations to Council in terms of its findings.

5. RECOMMENDATIONS

(a) that Council appoints Councillors to serve on the Disciplinary Committee;

(b) that Council appoints a Chairperson for the Disciplinary Committee; and

(c) that it be noted that the Chairperson is not a full-time Councillor on the basis of his/her chairpersonship of this Committee.

6. DISCUSSION AND BACKGROUND

6.1 Section 79 Committees

In terms of Section 79 of the Structures Act, a municipal council may establish one or more Committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers, and appoint the members of such Committee(s) from among its members.

If Council wishes to establish such Committees, it:-

1. must determine the functions of such Committees;
2. may delegate duties and powers to it in terms of Section 59 of the Systems Act;
3. must appoint the Chairperson(s); and
4. may authorise a Committee to co-opt advisory members who are not members of the Council, within the limits determined by Council.

The proposed Disciplinary Committee is to be a committee established in terms of Section 79 of the Structures Act. As such, the provisions of Section 79 referred to above are applicable, namely: that the municipal council determines the functions of the Disciplinary Committee and may delegate powers and duties to it, that Council appoints the members of the Disciplinary Committee, and that Council must also appoint the Disciplinary Committee's Chairperson.

Section 79(2) further provides that Council may authorise a committee to co-opt advisory members who are not members of the council within the limits determined by the council, may remove a member of a committee at any time, and may determine a committee's procedure.

6.2 Composition of Committees

Section 33 of the Structures Act stipulates that, with the establishment of committees, cognisance must be taken of the extent of the functions and powers of the municipality, as well as the need for the delegation of those functions and powers in order to ensure efficiency and effectiveness in their performance.

In terms of Section 160(8) of the Constitution of the Republic of South Africa, members of a municipal Council are entitled to participate in its proceedings and those of its Committees in a manner that, *inter alia:-*

(a) allows parties and interests reflected within the Council to be fairly represented; and

(b) is consistent with democracy.

Furthermore, attention is drawn to the fact that in terms of the Stellenbosch Municipality (WCO24) Establishment Notice, read with the Provincial Gazette: 7460, 31 July 2015, the following office bearers are designated as full-time councillors:-

- the Executive Mayor;
- the members of the Mayoral Committee (including the Deputy Executive Mayor)
- the Speaker;
- the Council Whip; and
- the Chairperson of MPAC (Municipal Public Accounts Committee).

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	*10 November 2021*

6.8.3	ESTABLISHMENT OF A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) AND OVERSIGHT COMMITTEE

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 15 November 2021**

1. SUBJECT: ESTABLISHMENT OF A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) AND OVERSIGHT COMMITTEE

2. PURPOSE OF REPORT

For Council to establish a Municipal Public Accounts Committee (MPAC) and Oversight Committee.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The former Council had established an 8-member Municipal Public Accounts Committee (MPAC), which was fully functional.

By virtue of the termination of the 2016-2021 Council's term of office, the former MPAC has also dissolved. Council is obliged to establish a MPAC that also acts as an oversight committee to exercise oversight over the executive obligations of council.

In terms of Section 79 of the Structures Act, a municipal council may establish one or more Committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers, and appoint the members of such Committee(s) from among its members.

5. RECOMMENDATIONS

(a) that Council establishes a Municipal Public Accounts Committee (MPAC) in accordance with Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and as per the "Guideline for Establishment of Municipal Public Accounts Committees" issued by the Department of Cooperative Governance (CoGTA) and National Treasury;

(b) that the function of an oversight committee in relation to the Annual Report be incorporated into the roles and responsibilities of MPAC;

(c) that Council determines the amount of Councillors and their secundi to serve on the Municipal Public Accounts Committee (MPAC), based on the following principles:

(i) Membership of MPAC may consist of up to 11 Councillors selected from all parties represented in Council;

(ii) MPAC must be represented by a wide range of experience and expertise available in Council and should reflect the various political parties represented in Council;

(iii) The Executive Mayor, Deputy Executive Mayor, Speaker, Whip or a member of the Mayoral Committee be excluded from membership of MPAC;

(d) that Council elects a Chairperson for the Municipal Public Accounts Committee (MPAC); and

(e) that the Chairperson of this Committee be designated as a full-time Councillor.

6. DISCUSSION AND BACKGROUND

6.1 Section 79 Committees

An MPAC is generally a committee of Council established in terms of Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

6.2 SCOPE OF MPAC OPERATIONS

The establishment, overarching purpose, function and Terms of Reference of the Municipal Public Accounts Committee are defined in the SALGA Guideline for the Establishment of MPACs (March 2012) **attached as APPENDIX 1.**

Notwithstanding what is contained in the above, the following specific Terms of Reference are highlighted:

1. MPAC shall not be responsible for policy formulation;
2. MPAC is authorised to co-opt members of the public with expertise in specific fields to assist and advise the Committee when deliberating before it, as and when necessary, taking note of the fact that such non-elected members shall enjoy no status in Council and will have no voting rights in any political structure of Council;
3. MPAC may engage directly with the public and consider public comments when received and will be entitled to request documents or evidence from the Accounting Officer;
4. MPAC shall have permanent referral of documents relating to:
   (i) In-Year reports of Stellenbosch Municipality;
   (ii) Financial statements of Stellenbosch Municipality as part of its oversight process;
   (iii) Audit opinion, reports and recommendations from the Audit Committee;
   (iv) Information relating to compliance in terms of Section 128 and Section 133 of the Local Government: Municipal Finance Management Act, 2003 (MFMA);
   (v) Information in respect of any disciplinary action taken in terms of the MFMA where it relates to an item that is currently serving or has served before it;
   (vi) Any other audit report of Stellenbosch Municipality; and
   (vii) Performance information of Stellenbosch Municipality;
5. MPAC shall consider and evaluate the content of the Annual Report and make recommendations to Council when adopting an Oversight Report on the Annual Report;

6. In order to assist with the conclusion of matters that may not have been finalized, information relating to past recommendations made on the Annual Report, information relating to current in-year reports including quarterly, mid-year and Annual Reports, shall be reviewed by MPAC;
7. MPAC shall examine the financial statements and audit reports of Stellenbosch Municipality, and in doing so, consider improvements from previous statements and reports and evaluate the extent to which the Audit Committee's and the Auditor-General's recommendations have been implemented;
8. MPAC shall promote good governance, transparency and accountability on the use of municipal resources;
9. MPAC shall recommend or undertake any investigation in its area of responsibility, after reviewing any investigation report already undertaken by Stellenbosch Municipality or the Audit Committee;
10. MPAC shall request the support of both the internal and external auditors in an advisory capacity when necessary;
11. MPAC shall conduct investigations into unauthorized, irregular and/or fruitless and wasteful expenditure in accordance with Section 32(2)(a)(ii) of the MFMA and Regulation 74 of the Municipal Budget and Reporting Regulations;
12. MPAC shall perform any other functions within its area of responsibility assigned to it through a resolution of Council; and
13. The Rules of Order of Stellenbosch Council shall be applicable to all meetings of MPAC.

6.3 PROCEDURE FOR THE APPOINTMENT OF MPAC MEMBERS AND MPAC CHAIRPERSON

6.3.1 Membership of MPAC

The previous MPAC membership (8 members) was determined along the following principles:

1. Membership of MPAC may consist of up to 11 Councillors selected from all parties represented in Council. Council must determine the amount of members;
2. MPAC must be represented by a wide range of experience and expertise available in Council and should reflect the various political parties represented in Council;
3. The Executive Mayor, Deputy Executive Mayor, Speaker, Whip or a member of the Mayoral Committee must be excluded from membership of MPAC; and
4. Secundi for the members of MPAC may be designated by Council.

6.4 Chairperson of MPAC

As per the amended Stellenbosch Establishment Notice, published in the Government Gazette 7460 on 31 July 2015 (P.N. 261/2015), the Chairperson of MPAC is a designated full-time Councillor.

Accordingly, at the 33rd Council Meeting held on 2015-08-25, Council resolved that the position of the Chairperson of MPAC be that of a full-time Councillor with effect from 31 July 2015.

Due to the fact that no other equivalent procedure has been promulgated in terms of relevant legislation, Council could opt to use any appropriate procedure to determine the appointment of the MPAC Chairperson, or alternatively, Council could decide to use the procedures set out in Schedule 3 of the Municipal Structures Act (see below) during the election of the Chairperson for MPAC.

The Chairperson can be from the ruling or an opposition party at the choice of the Municipal Council.

6.5 *MSA Schedule 3* Election Procedure

"SCHEDULE 3

Application

1. The procedure set out in this Schedule applies whenever a municipal Council meets to elect a Speaker, an Executive Mayor, a Deputy Executive Mayor, a Mayor or Deputy Mayor.

Nominations

2. The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.

Formal requirements

3. (i) A nomination must be made on the form determined by the Municipal Manager.

(ii) The form on which a nomination is made must be signed by two members of the Municipal Council.

(iii) A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.

Announcement of names of candidates

4. At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.

Single candidate

5. If only one candidate is nominated, the person presiding must declare that candidate elected.

Election procedure

6. If more than one candidate is nominated –

(a) a vote must be taken at the meeting by secret ballot;

(b) each Councillor present at the meeting may cast one vote; and

(c) the person presiding must declare elected the candidate who receives a majority of the votes.

Elimination procedure

7. (i) If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with Item 6. This procedure must be repeated until a candidate receives a majority of the votes.

(ii) When applying sub item (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.

Further meetings

8. (i) If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.

(ii) If a further meeting is held in terms of sub item (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.

(iii) If at the further meeting held in terms of sub item (1) only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place."

In terms of Item 3(1) of Schedule 3, a nomination must be made on a form determined by the Municipal Manager. The nomination form will be distributed in Council.

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	*10 November 2021*

ITEM 6.8.3

ESTABLISHMENT OF A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) AND OVERSIGHT COMMITTEE

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SALGA
South African Local Government Association

March 2012

MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)

Practical Guide

Enhancing oversight in the Municipality

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ENHANCING OVERSIGHT IN MUNICIPALITIES

A PRACTICAL GUIDE

1. INTRODUCTION

One of the strategic objectives of the Local Government Turnaround Strategy is to build clean, effective, efficient, responsive and accountable local government. While governance systems and structures are operational in municipalities, its quality and effectiveness is sometimes questionable.

Oversight is a concept that refers primarily to the crucial role of legislatures in reviewing and monitoring the actions of the executive organs of government. The executive in carrying out its tasks, whether by implementing legislation or policy, acquires considerable power (the ability to influence or determine a person's conduct). A condition of the exercise of that power in a constitutional democracy is that the administration or executive is checked by being held accountable to an organ distinct from it (the legislature). This notion is inherent in the concept of the separation of powers, which simultaneously provides for checks and balances on the exercise of executive power, making the executive more accountable to an elected legislature.

While our Constitution gives expression to the principle of separation of powers by recognising the functional independence of the three branches of government (executive, legislature and judiciary), at local government level, however, a municipal council is vested with both legislative and executive authority. Subsequent legislation, in particular the Local Government: Municipal Finance Management Act, 2003, requires a certain level of oversight by the municipality over the executive authority. This entails amongst others, the annual report which includes the financial statements, the SDBIP, and also the performance of the municipal manager and other section 57 employees.

Since there is no neat distinction between the 'executive' and 'legislative' arms of council as it were, effective and proper oversight of the 'executive' at local level thus requires members of Council to fully understand the justifications and rationale behind accountable government and the purpose it serves. The oversight role is often seen as that of opposition parties alone, designed to police and expose maladministration and corruption. Such a view is limited and deficient. Oversight and accountability helps to ensure that the executive implements programmes and plans in a way consistent with policy, legislation and the dictates of the Constitution.

The Local Government: Municipal Structures Act, 1998, provides that a municipality, taking into account the extent of its functions and powers, the need for delegation and the resources available, may establish committees. Clearly, a municipality has substantial discretion on how to structure its committee system. Importantly, the manner in which a municipality uses that discretion can have consequences for the capacity of the council to hold the executive to account, which directly affects the quality of the governance in the municipality and ultimately the sustainability of such a municipality. The important role of committees in assisting the Council (section 79 committees) and Executive Committee or Executive Mayor (section 80 committees) to perform their functions effectively should thus be clearly understood and utilised for that purpose, so as to ensure good governance in the municipality.

Section 129 of the Municipal Finance Management Act requires a municipality to prepare an oversight report over the annual report and to publish the same. However, no further formal oversight requirements are contained in the legislation. Section 129(4) of the MFMA only provides for the issuance of guidance on the manner in which municipal councils should consider annual reports and conduct public hearings, and the functioning and composition of any public accounts or oversight committees established by the council to assist it to consider an annual report.

Section 79 of the Municipal Structures Act provides for committees of the Council reporting directly to the council, in accordance with the terms of reference of such committees are developed by the councils. Such committees, because of its direct reporting lines to the full council, are best suited to do oversight in the municipality, not only in terms of the oversight report referred to above, but general oversight over both the administrative and executive arms of the municipality.

It is against this background that SALGA, as well as National Treasury and DCOG, are promoting the establishment and effective functioning of Municipal Public Accounts Committees (MPACs). This guide is intended to supplement the guidelines on establishment of MPACs issued jointly by National Treasury and the Department of Cooperative Governance in August 2011, after consultation with SALGA. In particular it focuses on internal oversight as well as the establishment and effective functioning of MPACs, its terms of reference and delegations.

The document was approved by the SALGA NEC in March 2012.

2. INTERNAL OVERSIGHT

Internal oversight of the municipal administration is done by the internal Audit Division and the Audit Committee.

2.1 Internal Audit Unit

Section 165 of the Local Government: Municipal Finance Management Act, 2003, (hereinafter referred to as the MFMA) requires each municipality to have an internal audit unit. As the municipal manager is the accounting officer of the municipality, the internal audit unit is best situated in the office of the municipal manager. The internal audit unit must:

2.1.1 prepare a risk-based audit plan and an internal audit program for each financial year;

2.1.2 advise the accounting officer and report to the audit committee on the implementation of the internal audit plan and matters relating to

- internal audit;
- internal controls;
- accounting procedures and practices;
- risk and risk management;
- performance management;
- loss control; and
- compliance with the MFMA, the annual Division of Revenue Act and any other applicable legislation; and

2.1.3 perform such other duties as may be assigned to it by the accounting officer.

The annual audit plan and internal audit program needs to be submitted to the municipal council for approval. As indicated, the internal audit unit reports to the audit committee on the implementation of its plan and program, but the audit committee only makes recommendations to the municipal council as there is no enforcement mechanism.

In addition to the statutory requirements set out above, internal audit should also ensure that the King III report as far as it relates to local government is implemented in the municipality. The actual implementation will be a cross cutting responsibility in the administration, but the implementation plan and monitoring thereof must rest with internal audit, as it is also interlinked with the internal controls, risk management as well as performance management.

2.2 **Audit Committee**

Section 166 of the MFMA requires each municipality to have an audit committee. The audit committee is an independent advisory body which must:

2.2.1 advise the municipal council, the political office-bearers, the accounting officer and the management staff of the municipality, or the board of directors, the accounting officer and the management staff of a municipal entity, on matters relating to

- internal financial control and internal audits;
- risk management;
- accounting policies;
- the adequacy, reliability and accuracy of financial reporting and information;
- performance management;
- effective governance;
- compliance with the MFMA, the annual Division of Revenue Act and any other applicable legislation;
- performance evaluation; and
- any other issues referred to it by the municipality or municipal entity.

2.2.2 review the annual financial statements to provide the council of the municipality or, in the case of a municipal entity, the council of the parent municipality and the board of directors of the entity, with an authoritative and credible view of the financial position of the municipality or municipal entity, its efficiency and effectiveness and its overall level of compliance with the MFMA, the annual Division of Revenue Act and any other applicable legislation;

2.2.3 respond to the municipal council on any issues raised by the Auditor-General in the audit report;

2.2.4 carry out such investigations into the financial affairs of the municipality or municipal entity as the council of the municipality, or in the case of a municipal entity, the council of the parent municipality or the board of directors of the entity, may request; and

2.2.5 perform such other functions as may be prescribed.

The members of an audit committee are appointed by the municipal council of the municipality (in the case of a municipal entity, by the council of the parent municipality). It consists of at least three persons with appropriate experience, of whom the majority may not be in the employ of the municipality or municipal entity, as the case may be; and one of the members who is not in the employ of the municipality or municipal entity, must be appointed as the chairperson of the committee. No councillor may be a member of an audit committee.

The committee is a committee of the municipal council, as contemplated in section 79 of the Local Government: Municipal Structures Act, 1998 (hereinafter referred to as the Structures Act), but none of its members are councilors, contrary to the normal nature of a section 79 committee. The committee also advises and makes recommendations to the municipal council, but does not have any executive functions or enforcement powers.

However, the aforesaid does not detract from the requirement of the committee to specifically interrogate the following financial and governance aspects in the municipality:

- internal financial controls in the municipality;
- identification of strategic risks in the municipality;
- the establishment and updating of a municipal risk register;
- management and mitigation of risks contained in the risk register;
- accounting policies in the municipality;
- the frequency, accuracy and reliability of financial reporting by the municipality and where applicable, municipal entities;
- the performance management system of the municipality;
- the implementation and effectiveness of the performance management system;
- evaluation of the actual performance of the municipality;
- compliance with legislation;
- effective governance in the municipality;
- review of the annual financial statements;
- financial position of the municipality;
- the municipal response to the A-G report;
- loss control; and
- implementation of the King III principles.

The view of the audit committee on these matters provides the municipality with an objective and expert view which should guide the municipal council and executive. The development of strategies to address these aspects rests with the internal audit unit. The audit committee therefore casts an expert eye on the strategies developed by the internal audit section and the implementation thereof by the municipality as a whole.

3. EXECUTIVE OVERSIGHT

Municipal Public Accounts Committee (MPAC): Appointment and Legal Framework

Within the context of this guide, it refers to oversight of the 'executive" of the municipality by council structures. The MPAC is a committee of the municipal council, appointed in accordance with section 79 of the Structures Act. It is also important to note that in metros and large category B municipalities it is, due to the number of councillors, easier to appoint section 79 oversight committees to provide oversight over the functions of the section 80 committees. Many of the smaller municipalities do not have enough councillors to appoint such section 79 committees and can only appoint one oversight committee tasked with the complete oversight role, but focusing mainly on compliance with the provisions of the Local Government: Municipal Finance Management Act, 2003.

Nevertheless, municipalities are encouraged to establish MPACs as far as is possible and practical. As a section 79 committee, the following principles will apply:

- the municipal council must resolve to establish a MPAC by way of a council resolution;
- the municipal council must determine the functions of the committee and agree on the terms of reference for the committee;
- the municipal council must delegate functions to the MPAC in accordance with the terms of reference of the committee;
- the municipal council may determine the procedure of the committee or allow it to determine its own procedure;
- the municipal council appoints the members of the MPAC from amongst the councilllors;
- section 160(8) of the Constitution applies to the committee and therefore its composition must be such that it allows parties and interests reflected within the Council to be fairly represented in the MPAC;
- the municipal council appoints the chairperson of the MPAC;
- the municipal council may dissolve the MPAC at any time;
- the municipal council may remove any member of the committee at any time;
- the municipal council may allow the MPAC to co-opt advisory members who are not members of the council, within the limits determined by the council;
- the meetings of the MPAC should, as far as is possible and practical, be open to the public in accordance with section 160(7) of the Constitution;
- the municipal administration must ensure that adequate financial and human resources are made available to support the functions of the MPAC;
- meetings of the MPAC should be provided for and included in the annual calendar of the council; and
- the MPAC reports directly to the municipal council and the chairperson of the MPAC liaise directly with the Speaker on the inclusion of reports of the MPAC in the council agenda.

What follows is a three-part guide to the establishment and effective functioning of MPACs, its terms of reference and delegations.

Part 1
Guidelines for the establishment, appointment and general functioning of MPACs:

1. Establishment of the MPAC

A report needs to be submitted to the municipal council that recommends the establishment of the MPAC. The report also needs to include all the aspects dealt with above, and which will be further unpacked below. The resolution passed by the municipal council must be clear on all powers and functions of the committee in order to prevent disputes in this regard. Disputes must be referred to the municipal council for resolution.

2. Functions and terms of reference of the committee

The main purpose of the MPAC is to exercise oversight over the executive functionaries of council and to ensure good governance in the municipality. This will include oversight over municipal entities. In order for the MPAC to fulfill this oversight role, it needs to be provided with the necessary information and documentation to interrogate the actions of the executive. Part 2 below provides generic terms of reference for the MPAC.

3. Delegation of functions to the MPAC

Functions must be formally delegated to the MPAC in accordance with the provisions of section 59 of the Local Government: Municipal Systems Act, 2000 (hereinafter referred to as the Systems Act). The delegations must be included as part of the System of Delegations of the Municipality. It should be noted that with regard to the delegations to the MPAC, the municipality should not allow for a review of the decisions of the MPAC by the Exco or Executive Mayor in accordance with section 59(3)(b) of the Systems Act, as the purpose of the MPAC is to do oversight of the executive. The delegations to the MPAC should specifically exclude the said powers to the executive of the municipality.

The requirement to report on the delegated authorities by the MPAC can be included as part of the quarterly report submitted to the council by the MPAC. The delegations required in this regard are further alluded to in Part 3 below.

4. The procedures and rules of order of the committee

Due to the nature of the committee, it is proposed that the municipal council determines the procedures of the committee with its establishment, provided that the committee may make recommendations to the council on possible amendments to be approved by the council once the activities of the MPAC commences. Such an arrangement will allow the MPAC to operate efficiently form its appointment and not having to spend time on the development of procedures.

5. Appoint of the members of the MPAC

There is no prescription on the number of members elected to serve on the MPAC committee. The municipality must determine the number of members that will be appointed, taking into account the number of councillors in the municipality and the fact that no office bearers/ executive councillors in the municipality may serve on the committee. It is ideal that the members be appointed for the term of the council, to ensure

continuity across financial years. However, this is subject to the right of the council to remove committee members by way of council resolution.

The National Treasury and DCOG guidelines propose maximum numbers of committee members but municipalities are not required to follow the guideline and a smaller number can also be appointed, provided that section 160(8) of the Constitution apply to the composition of the committee, which requires that the membership of the committee must be such that it allows parties and interests reflected within the Council to be fairly represented in the MPAC.

Once the number of MPAC members are agreed upon, the actual appointment can take place. The number of members as well as the names of the councillors appointed as members must be specified in the council resolution. The councillors appointed to the committee should have a wide range of experience and expertise in order to enable the committee to exercise it oversight function optimally.

6. Appointment of the chairperson of the MPAC

The chairperson of the MPAC must be appointed in terms of a council resolution. The chairperson may not be an office bearer/ executive councillor in the municipality. The chairperson of the MPAC should be an experienced councillor, due to the important role to be played by the MPAC in the council. The chairperson can be from the ruling or an opposition party, at the choice of the municipal council.

7. Co-opting of advisory members to the MPAC

The council must indicate whether it will allow the MPAC to co-opt advisory members, which are not councillors, but based on their expertise. This will be informed by the experience and capacity of members appointed to the MPAC. In the event where such co-option is allowed, the council has to prescribe the number of members that may be co-opted, the expertise required, the manner of co-option as well as the payment of a stipend to such co-opted members.

8. Meetings of the MPAC should be open to the public

Section 160(7) of the Constitution provides that a municipal council must conduct its business in an open manner, and may close its sittings, or those of its committees, only when it is reasonable to do so having regard to the nature of the business being transacted. As a principle, the meetings of the MPAC should be open to the public and the rules and procedures of the committee should specify in which instances the meeting can be closed to the public.

9. Availability of resources for the MPAC

The municipal administration must ensure that adequate financial and human resources are made available to support the functions of the MPAC. As the MPAC is a formal committee of the council, dedicated administrative as well as committee staff members must be made available to assist it in its functions. Formal agendas and minutes of meetings need to be prepared by committee staff under the guidance of the chairperson. Administrative staff should also assist committee members and the necessary infrastructure must to be provided to the MPAC as well as all the finances required to fulfill its obligations.

10. Minutes and Agendas

Agendas of meetings need to be delivered to members in advance in order for them ample time to prepare for the meeting. Documents produced in the municipality that need to be submitted to the MPAC in terms of its terms of reference, must be submitted to the committee staff as soon as it is finalised in order to include it in the MPAC agenda for the next meeting.

11. Meetings of the MPAC

The MPAC needs to meet at least 4 times per annum, each such meeting to be held prior to the quarterly meeting of the municipal council (where applicable) or before the council meeting schedules for the month in which the MPAC meets, to allow ample time to include the report of the MPAC in the agenda for each council meeting. Meeting dates should be set and should be included in the annual calendar of meetings.

12 Reporting

The MPAC reports directly to the municipal council and the chairperson of the MPAC must liaise directly with the speaker on the inclusion of reports of the MPAC in the council agenda. As the MAPC is a committee of the council, its reports are submitted directly to the council without being submitted to the Exco or Mayoral Committee. The chairperson of the MPAC liaises directly with the speaker on the inclusion of its report in the council agenda, and the committee staff ensures that the documentation is physically included in the agenda of the council meeting.

Part 2
Terms of reference for the MPAC

1. The MPAC must interrogate the following financial aspects addressed in the Municipal Finance Management Act:

1.1 **Unforeseen and unavoidable expenditure** (Section 29)

- any unforeseen and unavoidable expenditure incurred must be reported to the MPAC;
- proof of the necessary appropriation in an adjustment budget;
- the MPAC must consider the expenditure and make recommendations to the council; and
- where the necessary adjustment budget has not been prepared, the MPAC must report same to the council.

1.2 **Unauthorized, irregular or fruitless and wasteful expenditure** (Section 32)

- any unauthorized, irregular or fruitless and wasteful expenditure by the council, the executive mayor / mayor, executive committee or any political office bearer of the municipality must also be reported to the MPAC;
- the municipal manager must report to the MPAC on all steps taken to either authorize or certify the payment or to recover or write off the expenditure;

- the municipal manager must report on whether any criminal action was instituted in this regard; and
- the MPAC must report to the council on the appropriateness of the any criminal or civil steps taken and report where no further action was taken and why.

1.3 **The quarterly report of the mayor on the implementation of the budget and the state of affairs of the municipality / SDBIP** (Section 52(d))

- a copy of the quarterly report of the mayor on the implementation of the budget and the state of affairs of the municipality must be submitted to the MPAC;
- where the report is not submitted to the MPAC within 30 days after the end of the quarter, the MPAC must report this to the council;
- where the report is submitted, it must be interrogated and recommendations must be made to the council;
- the MPAC must ensure that the mayor attend to the necessary amendments to the SDBIP and submit the necessary report to the council with proposals for the adjustment budget, and where this is not done by the mayor, report it to the council;
- the MPAC must report any matter of concern regarding the report of the mayor to the council.

1.4 **Monthly budget statements** (Section 71)

- the monthly budget statement submitted to the mayor must be submitted to the MPAC;
- the MPAC must interrogate the statement and report any matter of concern on the statement to the council.

1.5 **Mid-year budget and performance assessment** (Section 72)

- the mid-year budget and performance assessment report submitted to the mayor must be submitted to the MPAC;
- the MPAC must interrogate the assessment and submit its comments on the assessment to the council.

1.6 **Mid-year budget and performance assessment of municipal entities** (Section 88)

- the mid-year budget and performance assessment report submitted by the municipal entity needs to be submitted to the MPAC;
- the MPAC needs to interrogate the report and report matters of concern to the council;
- where the report has not been received or not published, it must be reported to the council.

1.7 **Disclosures concerning councillors, directors and officials** (Section 124)

- as part of its interrogation of the annual financial statements, the MPAC must ensure that the necessary disclosures were made in the financial statements, including:

- salaries, allowances and benefits of political office bearers and councilors of the municipality;
- arrears owed by individual councilors by the municipality for more than 90 days;
- salaries, allowances and benefits of the municipal manager, CFO and senior managers;
- salaries, allowances and benefits of the board of directors of municipal entities
- the salaries, allowances and benefits of the chief executive officer and senior managers of municipal entities;

1.8 **Submission and auditing of annual financial statements** (Section 126)

- copies of the financial statements submitted to the A-G must be submitted to the MPAC as well as the financial statements of any municipal entity under the control of the municipality as well as proof of submission thereof to the A-G;
- where the MPAC has not been provided with the financial statements or with proof that it has been submitted to the A-G it must be reported to the council.

1.9 **Submission of the annual report** (Section 127)

- the annual report must be submitted to the MPAC no later than two weeks after the date required for submission to the council;
- where the annual report is not submitted to the council as required, the MPAC must be provided with a copy of the written explanations of the mayor as submitted to the council;
- where neither the annual report nor the explanation has been submitted, the MPAC must report same to the council;
- the MPAC must monitor that the annual report has been submitted to the A-G, as well as the provincial government departments required and has been published for comment; and
- the MPAC must also monitor that all municipal entities have complied with the said requirements.

1.10 **Oversight report on the annual report** (Section 129)

- the MPAC must consider the annual report and prepare a draft oversight report to be submitted to the council for purposes of adopting the oversight report;
- in preparing the draft oversight report, the MPAC must consider all representations in connection with the annual report received from the local community;
- the meeting of the MPAC considering the annual report must be open to the public and members of the local community must be allowed to make representations in connection with the annual report at the meeting;
- National Treasury Circular 32 provides guidance on the preparation of the oversight report and a copy is attached as Annexure "A" hereto. Reference to the oversight committee must be read as the MPAC.

1.11 **Issues raised by the Auditor-General in audit reports** (Section 131)

- the MPAC must be provided with the report prepared to address issues raised by the A-G;
- where the report is submitted, MPAC should interrogate same and make recommendations to the

council; and

- where the report has not been submitted, MPAC should report this to the council.

1.12 **Audit Committee** (Section 166)

- the MPAC must ensure that the municipality at all times have an operational audit committee;
- all reports received from the audit committee need to be submitted to the MPAC to assist it in its functions and to capacitate the MPAC;
- where no audit committee has been appointed or where the audit committee is not operative, the MPAC must report this to the council.

1.13 **Disciplinary action instituted in terms of the MFMA**

- all disciplinary processes instituted for the contravention of the MFMA must be reported to the MPAC;
- MPAC must monitor that all matters are brought to conclusion;
- MPAC must report to council where matters are not dealt with effectively and timeously.

2. The MPAC must interrogate the following aspects addressed in the Municipal Systems Act.

2.1 **Review of the IDP post elections** (Section 25)

- MPAC must monitor whether the Executive mayor / Exco initiate the review of the IDP posts elections;
- Where the review is not done, the MPAC must report same to the council.

2.2 **Annual review of the IDP** (Section 34)

- MPAC must monitor whether the Executive mayor / Exco initiate the annual review of the IDP;
- Where the review is not done, the MPAC must report same to the council.

2.3 **Performance management plan** (Section 39)

- MPAC must monitor whether the annual performance plan is being prepared;
- Where the plan is not prepared, the MPAC must report same to the council.

2.4 **Monitoring that the annual budget is informed by the IDP** (Regulation 6 of the Local Government: Municipal Planning and Performance Management Regulations)

- MPAC must review the draft annual budget and ensure that it is informed by the IDP adopted by the municipal council; but
- Where the draft annual budget is not aligned with the IDP, the MPAC must report same to the municipal council.

2.5 **Monitoring that all declaration of interest forms are completed by councillors on an annual basis** (Section 54 read with Item 7 of Schedule 1)

- MPAC must monitor whether all councillors have completed their declaration of interest forms and update it annually;
- Where declaration of interest forms have not be completed or updated same must be reported to the municipal council.

3. The MPAC must prepare an annual work plan for approval by the municipal council prior to start of the financial year.

PART 3
Delegations to the MPAC

The following responsibilities are to be delegated to the MPAC in terms of the provisions of section 59 of the Systems Act:

1. The authority to interrogate the following documents and to make recommendations to the municipal council in accordance with the terms of reference of the committee:

1.1 Unforeseen and unavoidable expenditure;
1.2 Unauthorised, irregular or fruitless and wasteful expenditure;
1.3 SDBIP;
1.4 Monthly budget statements;
1.5 Mid-year budget and performance assessment;
1.6 Mid-year budget and performance assessment of municipal entities;
1.7 Disclosures concerning councillors, directors and officials;
1.8 Annual financial statements;
1.9 Annual report;
1.10 Issues raised by the A-G in the audit reports;
1.11 The appointment of the audit committee;
1.12 Disciplinary steps instituted in terms of the MFMA;
1.13 The review of the IDP post elections;
1.14 The annual review of the IDP;
1.15 Performance management plan;
1.16 The draft annual budget with reference to the approved IDP; and
1.17 Declaration of interest forms submitted by councillors.

2 The authority to consider all presentations made by the community on the annual report and the authority to have interviews with members of the community to obtain input on the annual report, as

well as the authority to prepare the draft oversight report over the annual report.

3. The authority to instruct any member of the executive or the municipal manager to attend the meeting of the MPAC to address matters specified by the MPAC and to provide the MPAC with copies of documents to be dealt with by the committee in terms of its terms of reference.

4. The authority to instruct any member of the board or the CEO of a municipal entity to attend the meeting of the MPAC to address matters specified by the MPAC and to provide the MPAC with copies of documents to be dealt with by the committee in terms of its terms of reference.

5. The authority to obtain legal, technical and other specialised assistance required to exercise its functions and duties within the budget approved for the committee and subject to the supply chain management policy where applicable.

4. CONCLUSION

The functionality of the internal governance arrangements in a municipality is to a large extent determined by the effectiveness of its committee system and oversight in the municipality. Accountability and oversight can be most effective if recognised by those in power as promoting accountability and good governance, which in turn are there to enhance performance, effectiveness and efficiency of service delivery. Seen in this light the oversight function complements rather than hampers the effective delivery of services, which is the ultimate aim.

The establishment and effectiveness of MPACs is thus critical for this purpose. Municipalities must ensure that members of oversight committees are continually empowered with the necessary skills, knowledge and information needed to execute the oversight function effectively so as to enhance good governance and ultimately the performance of the municipality, in accordance with the constitutional vision of local government being a developmentally orientated sphere. SALGA will undertake continuous training and coordinate information-sharing sessions periodically for the benefit of our members.

6.8.4	ESTABLISHMENT OF A RULES COMMITTEE

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 15 November 2021**

1. SUBJECT: ESTABLISHMENT OF A RULES COMMITTEE

2. PURPOSE OF REPORT

For Council to establish a Rules Committee for the Stellenbosch Council.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

By virtue of the termination of the 2016-2021 Council's term of office, the former Rules Committee has also dissolved. It is prudent for the newly elected Council to establish a multi-party Rules Committee to be responsible for developing Rules of Order and amendments thereto, and to recommend same to Council for adoption.

The former Council had established an 8-member multi-party Rules Committee, with The Speaker serving as its Chairperson.

5. RECOMMENDATIONS

(a) that Council appoints Councillors to serve on the Rules Committee;

(b) that Council appoints a Chairperson for the Rules Committee; and

(c) that it be noted that the Chairperson of this Committee is not a full-time Councillor flowing from the Chairmanship of this Committee.

6. BACKGROUND

6.1 Section 79 Committees

In terms of Section 79 of the Structures Act, a municipal council may establish one or more Committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers, and appoint the Committee members from among its members.

If Council wishes to establish such Committees, it:-

1. must determine the functions of such Committees;

2. may delegate duties and powers to it in terms of Section 59 of the Systems Act;

3. must appoint the Chairperson(s); and

4. may authorise a Committee to co-opt advisory members who are not members of the Council, within the limits determined by Council.

The proposed Rules Committee is to be a committee established in terms of Section 79 of the Structures Act. As such, the provisions of Section 79 referred to above are applicable, namely: that the municipal council determines the functions of the Rules Committee and may delegate powers and duties to it, that Council appoints the members of the Rules Committee, and that Council must also appoint the Rules Committee's Chairperson.

Section 79(2) further provides that Council may authorise a committee to co-opt advisory members who are not members of the council within the limits determined by the council, may remove a member of a committee at any time, and may determine a committee's procedure.

6.2 Composition of Committees

Section 33 of the Structures Act stipulates that, with the establishment of committees, cognisance must be taken of the extent of the functions and powers of the municipality, as well as the need for the delegation of those functions and powers in order to ensure efficiency and effectiveness in their performance.

In terms of Section 160(8) of the Constitution of the Republic of South Africa, members of a municipal Council are entitled to participate in its proceedings and those of its Committees in a manner that, *inter alia:-*

(a) allows parties and interests reflected within the Council to be fairly represented; and

(b) is consistent with democracy.

Furthermore, attention is drawn to the fact that in terms of the Stellenbosch Municipality (WCO24) Establishment Notice, read with the Provincial Gazette: 7460, 31 July 2015, only the following office bearers are designated as full-time councillors:-

- the Executive Mayor;
- the members of the Mayoral Committee;
- the Speaker;
- the Single Whip; and
- the Chairperson of MPAC (Municipal Public Accounts Committee).

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
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E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*10 November 2021*

6.8.5	ESTABLISHMENT OF THE DISCIPLINARY BOARD

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 15 November 2021**

1. SUBJECT: ESTABLISHMENT OF THE DISCIPLINARY BOARD

2. PURPOSE

For Council to establish the Disciplinary Board in line with Stellenbosch Municipality's implementation of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings

To appoint the Disciplinary Board and the Designated Official as per the regulation.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The above-mentioned regulation R430 Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings hereto attached as **APPENDIX 1** for your information and attention and has been enforceable with effect from 1 July 2014.

5. RECOMMENDATIONS

(a) that Council establishes the Disciplinary Board in line with these regulations and that the board consists of:-

(i) a member of the Audit Committee as elected by the Audit Committee;

(ii) a representative from Provincial Treasury as nominated by Province; and;

(iii) one or more person/s as determined by the Municipal Manager in line with subsection 4 of the regulations; and

(b) that Council designates the Municipal Manager as the designated official to whom reports on alleged financial offences against Councillors should go.

6. DISCUSSION / CONTENTS

6.1 Background

In order to give effect to these regulations Stellenbosch municipality needs to:

(a) Establish a disciplinary board and its functioning in terms of regulation 4 of these regulations;

(b) Identify the designated official to whom reports on alleged financial offences against councillors should go to;

(c) Ensure that any allegation of financial misconduct be reported in terms of these regulations.

6.2 Applicable Legislation

Section 4 of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings states that:

" ***Establishment of disciplinary board and its functioning***

4. (1) *A municipal council or board of directors of a municipal entity must establish a disciplinary board to investigate allegations of financial misconduct in the municipality or municipal entity, and to monitor the institution of disciplinary proceedings against an alleged transgressor.*

(2) *A disciplinary board is an independent advisory body that assists the council or the board of directors with the investigation of allegations of financial misconduct, and provide recommendations on further steps to be taken regarding disciplinary proceedings, or any other relevant steps to be taken.*

(3) *A disciplinary board must consist of maximum five members appointed on a part-time basis by the council or board of directors for a period not exceeding three years, in accordance with a process as determined by the municipal council or board of directors.*

(4) *A member of a disciplinary board must-*

(a) be a natural person;

(b) be a citizen or permanent resident of the Republic and resident in the province where the municipality is situated; and

(c) not be disqualified under sub-regulation (5).

(5) *The following persons are disqualified from membership of a disciplinary board:*

(a) a person who has been convicted of an offence in terms of this regulation or any other legislation;

(b) a person who, whether in the Republic or elsewhere, has been convicted of theft, fraud, forgery, the uttering of a forged document or any offence of which dishonesty is an element;

(c) a person who has at any time been removed from any office of trust on account of misconduct or dishonesty;

(d) an accounting officer of a municipality or municipal entity;

(e) a political office-bearer or a member of a board of directors; and

(f) a person who is an office-bearer in a political party.

(6) *A disciplinary board may consist of-*

(a) the head of the internal audit unit within the municipality or municipal entity or representative of an organisation performing internal audit functions for the municipality or municipal entity if the internal audit function is outsourced;

(b) one member of the Audit Committee of the municipality or municipalentity;

(c) a senior manager from the legal division in the municipality or municipal entity;

(d) a representative of the National Treasury or the provincial treasury; and

(e) any other person as may be determined by the municipal council or board of directors of a municipal entity.

(7) *If an official referred to in sub-regulation (6)(a) or (c) is implicated in the financial misconduct, the municipality or municipal entity may co-opt a senior manager in another unit, who does not have a conflict of interest.*

(8) *If a municipality or municipal entity does not have sufficient capacity to establish a disciplinary board, a disciplinary board established by a district municipality or an equivalent provincial or national structure established for a similar purpose may, with approval of the district municipality or provincial or national structure, be used as a disciplinary board for the municipality or municipal entity."*

6.3 Financial Implications

The Municipality budgets on an annual basis for the remuneration of Disciplinary Board Members

6.4 Legal Implications

MFMA R430 Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings

6.5 Staff Implications

No additional staff implications.

6.6 Previous / Relevant Council Resolutions

2017-05-08

6.7 Risk Implications

Addressed in the item.

6.8 Comments from Senior Management

No comments required.

FOR FURTHER DETAILS CONTACT:

NAME	Faiz Hoosain
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DIRECTORATE	***Municipal Manager***
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REPORT DATE	***5 November 2021***

ITEM 6.8.5

ESTABLISHMENT OF THE DISCIPLINARY BOARD

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT NOTICE

NATIONAL TREASURY

CORRECTION NOTICE

In Ordinary (National) Government Gazette No. 37682, of 30 May 2014, Government Notice No. 425 is hereby withdrawn and replaced with the following:

No. R. 430 **30 May 2014**

LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003

MUNICIPAL REGULATIONS ON FINANCIAL MISCONDUCT PROCEDURES AND CRIMINAL PROCEEDINGS

The Minister of Finance has, in terms of sections 168 and 175, of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), and acting with the concurrence of the Minister of Cooperative Governance and Traditional Affairs, made the regulations as set out in the Schedule.

SCHEDULE

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CHAPTER 1
INTERPRETATION

Definitions

1. In these Regulations, a word or expression to which a meaning has been assigned in the Act has the same meaning as in the Act, unless the context indicates otherwise, and–

"Act" means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

"designated official" means the official identified in a municipality or municipal entity to receive reports of allegations of financial offences against councillors or members of the board of directors of municipal entities;

"disciplinary board" means a disciplinary board established in terms of regulation 4(1) or a disciplinary board of a district municipality or provincial structure referred to in regulation 4(8);

"financial misconduct" means any act of financial misconduct referred to in-

(a) section 171 of the Act committed by an official of a municipality; or
(b) section 172 of the Act committed by an official of a municipal entity;

"financial offence" means any offence referred to in section 173 of the Act committed by-

(a) an official of a municipality or municipal entity;
(b) a councillor of a municipality;
(c) a member of the board of directors of a municipal entity; or
(d) any other person;

"investigator" means the board, treasury, person or team conducting a full investigation in terms of regulation 5(4).

CHAPTER 2
FINANCIAL MISCONDUCT PROCEDURES

Application of Chapter

2. This Chapter applies to alleged financial misconduct.

Reporting of allegations of financial misconduct

3. (1) Any person must report an allegation of financial misconduct against–

(a) the accounting officer, a senior manager or the chief financial officer of a municipality, to the municipal council of the municipality, the provincial treasury and the national treasury;
(b) an official of a municipality other than its accounting officer, to that accounting officer;
(c) the accounting officer of a municipal entity, to the chairperson of the board of directors, the mayor and the accounting officer of the entity's parent municipality;

(d) an official of a municipal entity other than its accounting officer, to that accounting officer.

(2) The mayor, the accounting officer or chairperson of the board of directors, as the case may be, must table an allegation referred to in sub-regulation (1) before the municipal council or, board of directors in the case of municipal entities, not later than seven days after receipt thereof or at the next sitting of the council or the board of directors.

(3) The person to whom an allegation of financial misconduct has been reported in terms of sub-regulation (1) must ensure that the report is treated in a confidential manner.

(4) This regulation must not be read as preventing a person from laying a criminal charge with the South African Police Service against any councillor, member of the board of directors of a municipal entity, or official of a municipality or municipal entity in relation to any conduct that may constitute an offence in terms of Part 2 of Chapter 15 of the Act.

(5) An official against whom an allegation of financial misconduct is made must be given an opportunity to make written representation to the municipality or municipal entity as to why he or she should not be suspended, within seven days of being notified of the allegation.

Establishment of disciplinary board and its functioning

4. (1) A municipal council or board of directors of a municipal entity must establish a disciplinary board to investigate allegations of financial misconduct in the municipality or municipal entity, and to monitor the institution of disciplinary proceedings against an alleged transgressor.

(2) A disciplinary board is an independent advisory body that assists the council or the board of directors with the investigation of allegations of financial misconduct, and provide recommendations on further steps to be taken regarding disciplinary proceedings, or any other relevant steps to be taken.

(3) A disciplinary board must consist of maximum five members appointed on a part- time basis by the council or board of directors for a period not exceeding three years, in accordance with a process as determined by the municipal council or board of directors.

(4) A member of a disciplinary board must-

(a) be a natural person;

(b) be a citizen or permanent resident of the Republic and resident in the province where the municipality is situated; and

(c) not be disqualified under sub-regulation (5).

(5) The following persons are disqualified from membership of a disciplinary board:

(a) a person who has been convicted of an offence in terms of this regulation or any other legislation;

(b) a person who, whether in the Republic or elsewhere, has been convicted of theft, fraud, forgery, the uttering of a forged document or any offence of which dishonesty is an element;
(c) a person who has at any time been removed from any office of trust on account of misconduct or dishonesty;
(d) an accounting officer of a municipality or municipal entity;
(e) a political office-bearer or a member of a board of directors; and
(f) a person who is an office-bearer in a political party.

(6) A disciplinary board may consist of-
(a) the head of the internal audit unit within the municipality or municipal entity or representative of an organisation performing internal audit functions for the municipality or municipal entity if the internal audit function is outsourced;
(b) one member of the Audit Committee of the municipality or municipal entity;
(c) a senior manager from the legal division in the municipality or municipal entity;
(d) a representative of the National Treasury or the provincial treasury; and
(e) any other person as may be determined by the municipal council or board of directors of a municipal entity.

(7) If an official referred to in sub-regulation (6)(a) or (c) is implicated in the financial misconduct, the municipality or municipal entity may co-opt a senior manager in another unit, who does not have a conflict of interest.

(8) If a municipality or municipal entity does not have sufficient capacity to establish a disciplinary board, a disciplinary board established by a district municipality or an equivalent provincial or national structure established for a similar purpose may, with approval of the district municipality or provincial or national structure, be used as a disciplinary board for the municipality or municipal entity.

Preliminary investigation of allegations of financial misconduct

5. (1) On receiving a report in terms of regulation 3(1), if the municipal council, board of directors or accounting officer of the municipality or municipal entity, is satisfied that there is reasonable cause to believe that an act of financial misconduct has been committed, it must within seven days refer the matter to the disciplinary board to conduct a preliminary investigation into the allegation as envisaged in terms of section 171(4)(a) or 172(3)(a) of the Act.

(2) A disciplinary board must conduct a preliminary investigation to determine whether or not the allegation is founded and make a recommendation to the council or board of directors as to whether sufficient grounds exists to warrant a full investigation into the allegation.

(3) If, during a preliminary investigation, the disciplinary board determines that the allegation is frivolous, vexatious, speculative or obviously unfounded, the investigation must be terminated.

(4) If the disciplinary board determines that the allegation is founded, a full investigation must be conducted by–
(a) the disciplinary board;
(b) the provincial treasury or the National Treasury, but only if the conditions specified in regulation 19 apply; or

(c) where the cost, the seniority of the alleged transgressor and the seriousness or sensitivity of investigating the alleged financial misconduct, warrants such a step, by–

(i) a person appointed by the council or board of directors who has appropriate specialist expertise and who is not an official of the municipality or municipal entity; or

(ii) an independent team of investigators appointed by the council or the board of directors;

in accordance with the applicable supply chain management prescripts.

(5) A team of investigators appointed in terms of sub-regulation (4)(c)(ii) may include–

(a) a person, other than an official of the municipality or municipal entity, with appropriate specialist expertise, designated by the municipal council or the board of directors; or

(b) an official of the department responsible for local government in the relevant province, designated by the department; or

(c) an official of the provincial treasury or the National Treasury, designated by the relevant treasury.

(6) The investigator or investigating team appointed in terms of sub-regulation (4)(c) must, within a period of 30 days of the appointment, submit a report with recommendations to the mayor or accounting officer as may be appropriate.

Investigation of allegation of financial misconduct and submission of reports

6. (1) A municipality or municipal entity must develop terms of reference for an investigation, in terms of regulation 5, within seven days of receipt of a referral from a disciplinary board for approval by the council or the board of directors.

(2) If the council or the board of directors has not acted on the recommendation by the disciplinary board that the financial misconduct is founded and sufficient grounds exist to warrant a full investigation into the allegation, the disciplinary board may request the provincial treasury or the National Treasury for assistance and a possible intervention in terms of regulation 19.

(3) After completion of a full investigation, the investigator must–

(a) compile a report on the investigation;

(b) submit its report to the mayor or the chairperson of the board of directors and the accounting officer together with its findings and recommendations, if applicable, regarding disciplinary steps that should be taken against the alleged transgressor; and

(c) immediately inform the speaker of the council of the submission of the report referred to in paragraph (b), and also submit a copy of the report to the provincial treasury and the National Treasury.

(4) The mayor, speaker, accounting officer or the chairperson of the board of directors must table the report of the investigation referred to in sub-

regulation (3)(b) in the council or the board of directors at the first sitting after the report is finalised.

(5) If the report that is tabled in the council or the board is amended, the person tabling the report must provide written reasons for the amendments to the council or the board.

(6) If the findings or recommendations of the report referred to in sub-regulation (3)(b) are rejected by the council or the board, reasons for the rejection must be provided to the investigator within five days of the rejection.

(7) Where the recommendations of the report referred to in sub-regulation (3)(b) regarding disciplinary steps against the alleged transgressor are not implemented, the investigator must notify the provincial treasury and the National Treasury for a possible intervention in terms of regulation 19.

(8) If the investigator recommends that disciplinary proceedings be instituted against the alleged transgressor the council or board of directors must by way of resolution institute the disciplinary proceedings-

(a) in the case of a senior manager, in accordance with the Local Government: Disciplinary Codes and Procedures for Senior Managers Regulations made in terms of the Municipal Systems Act; or
(b) in the case of an official who is not a senior manager, in accordance with the applicable collective bargaining agreement concluded in the bargaining council established for municipalities and municipal entities.

(9) Where the alleged transgressor is found guilty of financial misconduct after the disciplinary proceedings, he or she may not be re-employed in any municipality for a period of ten years as provided in section 57A(3) of the Municipal Systems Act.

Purpose of investigations

7. An investigation in terms of regulations 5 and 6 must establish–

(a) whether the allegation of financial misconduct has any substance; and
(b) if it has substance, whether sufficient grounds exist for instituting disciplinary proceedings against the alleged transgressor.

CHAPTER 3
CRIMINAL PROCEEDINGS

Application of Chapter

8. This Chapter applies to alleged financial offences.

Reporting of allegations of financial offences

9. (1) Any person may report an allegation of a financial offence against–

(a) a councillor of a municipality, to the designated official, the Minister of Finance and the MEC for finance;

(b) the speaker of a municipality, to the mayor of the municipality;

(c) a member of the board of directors of a municipal entity, to the designated official or, if the designated official is implicated, to the mayor and the accounting officer of the entity's parent municipality.

(2) An allegation referred to in sub-regulation (1)(a) or (b) must be dealt with in terms of the Code of Conduct for Councillors in Schedule 1 to the Municipal Systems Act.

(3) An allegation referred to in sub-regulation 1(c) must be dealt with in terms of the Code of Conduct for directors and members of staff of municipal entities in section 93L of the Municipal Systems Act.

Reporting of alleged financial offence to South African Police Service

10. (1) Where a financial offence has been committed by any person referred to in section 173 of the Act, the accounting officer or, if the accounting officer is involved, the municipal council or board of directors of the municipal entity, as the case may be, must report the alleged financial offence to the South African Police Service.

(2) If there is a likelihood of further financial loss for a municipality or municipal entity as a result of a financial offence, the accounting officer, council or board of directors must report the matter without delay to the South African Police Service and not await the completion of any investigation referred to in regulations 5 and 6 related to the financial offence.

(3) Where a financial offence is successfully prosecuted, the judgment must be reported to the National Treasury, together with full details of the convicted person, the name of the municipality where the offence was committed and the sanction that was imposed.

Allegations of financial offences not amounting to breaches of Code of Conduct for Councillors

11. (1) The designated official must, on receipt of a report of alleged financial offence referred to in section 173(4) or (5) of the Act by a councillor–

(a) authorise an investigation of the facts and circumstances of the alleged financial offence; and

(b) give that councillor an opportunity to make, within five days, a written submission with regard to the alleged financial offence.

(2) As soon as the designated official has complied with sub-regulation (1), the designated official must submit a report, within five days of completing the investigation, on the outcome of the investigation to the municipal council.

(3) The designated official must ensure that the public has access to the report referred to in sub-regulation (2).

(4) The designated official must, within five days of submitting the report to council, submit the report on the outcome of the investigation to–

(a) the MEC for finance in the province;
(b) the MEC for local government in the province;
(c) Minister of Finance, and
(d) Minister responsible for local government.

Allegations of financial offences not amounting to breaches of Code of Conduct for members of the board of directors of municipal entities

12. (1) The designated official must, on receipt of a report of alleged financial offence referred to in section 173(5) of the Act by a member of the board of directors or any other person referred to in that section–

(a) authorise an investigation of the facts and circumstances of the alleged financial offence; and
(b) give that member of the board of directors or other person the opportunity to make, within five days, a written submission with regard to the alleged financial offence.

(2) As soon as the designated official has complied with sub-regulation (1), the designated official must, within five days of completing the investigation, submit a report on the outcome of the investigation to the board of directors.

(3) The designated official must ensure that the public has access to the report referred to in sub-regulation (2).

(4) The designated official must, within five days of submission to the board of directors, furnish a report on the outcome of the investigation to–

(a) the board of directors;
(b) the municipal council of the entity's parent municipality;
(c) the MEC for finance in the province;
(d) the MEC for local government in the province;
(e) the Minister of Finance; and
(f) the Minister responsible for local government

CHAPTER 4

GENERAL

Application of Chapter

13. This Chapter applies to alleged financial misconduct and financial offences.

Preparation of information document on alleged financial misconduct and financial offences

14. (1) The municipality or municipal entity must prepare an information document on any alleged financial misconduct or financial offence stating–

(a) the name and position of the person against whom the allegation was made;
(b) a summary of the facts and circumstances of the alleged financial misconduct or financial offence, including the monetary value involved;
(c) any disciplinary steps taken or to be taken against the person concerned, or if no disciplinary steps have been or are to be taken, the reasons for that decision;
(d) in the case of a financial offence, the case number issued by the South African Police Service; and
(e) any steps taken or to be taken to recover any unauthorised, irregular or fruitless and wasteful expenditure incurred as a result of the alleged financial misconduct or financial offence in terms of section 32 of the Act.

(2) The municipality or municipal entity must within five days of finalising the information document submit it, together with any investigation report compiled in terms of regulation 5 and 6 to–

(a) the mayor of the municipality;
(b) the accounting officer of the parent municipality;
(c) the chairperson of the board of directors;
(d) the MEC for local government in the province;
(e) the national department responsible for local government;
(f) the provincial treasury;
(g) the National Treasury; and
(h) the Auditor-General;

Tabling of information document in municipal council or board of directors of municipal entities

15. (1) The mayor of a municipality or the chairperson of the board of directors must table the information document submitted in terms of regulation 14(2) in the municipal council or the board of directors at the first meeting of the council or the board of directors after receipt of the document.

(2) Any resolutions taken by the municipal council or the board of directors relating to the information document referred to in sub-regulation (1) must be reported to the provincial treasury and the national treasury.

(3) If the mayor, the accounting officer or the chairperson of the board of directors, as the case may be, is of the view that the alleged financial misconduct or financial offence may have a significant impact on the finances of the municipality, and that the funds need to be recovered from the alleged transgressor concerned, the mayor must request the speaker of the municipal council to convene a special meeting of the council to discuss the recoverability of the funds in accordance with section 32 of the Act.

Reports on disciplinary proceedings and criminal charges

16. (1) The municipality or municipal entity must report to the institutions referred to in regulation 14(2) (a) to (h)–

(a) any decision to institute or not to institute disciplinary proceedings against the person who allegedly committed a financial misconduct;
(b) the reasons for the decision;
(c) the outcome where disciplinary proceedings have been instituted; and
(d) whether a charge has been laid against the person concerned with the South African Police Service, if the alleged financial misconduct constitutes a financial offence in terms of section 173 of the Act.

(2) Municipalities and municipal entities must report on all suspensions, disciplinary or criminal proceedings instituted in cases of financial misconduct in their annual reports.

Procedures for confidential reporting financial misconduct and financial offence

17. (1) A municipality must–

(a) establish reporting procedures for persons to report allegations of financial misconduct and financial offences on a confidential basis; and
(b) make public the reporting procedures in accordance with section 21(1)(a) and (b) of the Municipal Systems Act.

(2) A parent municipality together with its municipal entity, must establish reporting procedures to allow persons to report allegations of financial misconduct and financial offence on a confidential basis and the municipal entity must make the reporting procedures public.

(3) When establishing reporting procedures in terms of sub-regulation (1) or (2), a municipality or municipal entity must take into account its financial and administrative capacity.

Protection of officials reporting allegations of financial misconduct and financial offence

18. The Protected Disclosures Act 2000 (Act No. 26 of 2000) applies to an official who makes a report or disclosure against a political office-bearer, a member of the board or an official who is alleged to have committed financial misconduct or a financial offence.

Interventions by treasury

19. If a municipality, designated official or municipal entity fails to investigate an allegation of financial misconduct or financial offence, the provincial treasury or the National Treasury may direct that the allegation be investigated.

Transitional arrangements

20. Any disciplinary process instituted before the commencement of these Regulations and not yet completed–

(a) must be finalised in terms of the prescripts applicable at the time when the process was instituted; or

(b) may, by agreement in writing between the affected official, political office-bearer or director of the municipal entity and the municipal council or board of directors, be finalised in terms of these Regulations.

Short title and commencement

21. These Regulations are called the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings and takes effect on 1 July 2014.

NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS

As the mandated government security printer, providing world class security products and services, Government Printing Works has adopted some of the highly innovative technologies to best serve its customers and stakeholders. In line with this task, Government Printing Works has implemented a new telephony system to ensure most effective communication and accessibility. As a result of this development, our telephone numbers will change with effect from 3 February 2014, starting with the Pretoria offices.

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6.8.6	ESTABLISHMENT OF APPEAL COMMITTEE (SECTION 62: SYSTEMS ACT)

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 15 November 2021**

1. SUBJECT: ESTABLISHMENT OF APPEAL COMMITTEE (SECTION 62: SYSTEMS ACT)

2. PURPOSE OF REPORT

For Council to establish an Appeal Committee in terms of Section 62 of the Municipal Systems Act.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

By virtue of the termination of the 2016-2021 Council's term of office, the former Council Appeal Committee has dissolved, which now necessitates the establishment of a new Appeal Committee. During the previous term, 7 (seven) Councillors were appointed to serve on the Council Appeal Committee, with the Speaker appointed as Chairperson.

5. RECOMMENDED

(a) that Council establish an Appeals Committee;

(b) that Council determines the amount of Councillors that will serve on the Appeals Committee (Section 62);

(c) that Council appoints the Councillors to serve on the Council Appeal Committee;

(d) that Council appoints a Chairperson for the Council Appeal Committee; and

(e) that the Chairperson not be a full-time Councillor.

6. LEGAL FRAMEWORK

6.1 MUNICIPAL SYSTEMS ACT, Section 62 APPEALS

In the case of Stellenbosch Municipality which comprises of more than 14 councillors, MSA Section 62(4)(c)(ii) is applicable, which states: *"when the appeal is against a decision taken by a political structure or political office bearer, a committee of councillors who were not involved in the decision and appointed by the municipal council for this purpose is the appeal authority…".*

6.2 Section 79 Committees

In terms of Section 79 of the Structures Act, a municipal council may establish one or more Committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers, and appoint the members of such Committee(s) from among its members.

If Council wishes to establish such Committees, it:-

1. must determine the functions of such Committees;
2. may delegate duties and powers to it in terms of Section 59 of the Systems Act;
3. must appoint the Chairperson(s); and
4. may authorise a Committee to co-opt advisory members who are not members of the Council, within the limits determined by Council.

The Council Appeal Committee is established as per the provisions of Section 79 of the Structures Act. As such, the municipal council determines the functions of the Council Appeal Committee and may delegate powers and duties to it, and Council appoints the members as well as the Chairperson of the Council Appeal Committee.

6.3 Composition of Committees

Section 33 of the Structures Act stipulates that, with the establishment of committees, cognisance must be taken of the extent of the functions and powers of the municipality, as well as the need for the delegation of those functions and powers in order to ensure efficiency and effectiveness in their performance.

In terms of Section 160(8) of the Constitution of the Republic of South Africa, members of a municipal Council are entitled to participate in its proceedings and those of its Committees in a manner that, *inter alia:-*

(a) allows parties and interests reflected within the Council to be fairly represented; and

(b) is consistent with democracy.

Furthermore, attention is drawn to the fact that in terms of the Stellenbosch Municipality (WCO24) Establishment Notice, read with the Provincial Gazette: 7460, 31 July 2015, only the following office bearers are designated as full-time councillors:-

- the Executive Mayor;
- the members of the Mayoral Committee;
- the Speaker;
- the Single Whip; and
- the Chairperson of MPAC (Municipal Public Accounts Committee).

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*3 November 2021*

6.9	APPOINTMENT OF REPRESENTATIVES ON SALGA – WESTERN CAPE

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 10 November 2021**

1. SUBJECT: APPOINTMENT OF REPRESENTATIVES ON SALGA – WESTERN CAPE

2. PURPOSE OF REPORT

For Council to appoint representatives and secundi to serve on the various SALGA Provincial Working Groups.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

As prescribed in the SALGA Constitution, Provincial and National Conferences must be held within 60 and 90 days after elections respectively.

The Council must nominate representatives to attend the Provincial and National Conferences, as well as appoint representatives to serve on the various SALGA provincial working groups.

The following are the SALGA Working Groups on which a nominated councillor from Stellenbosch Municipality served:

	SALGA Provincial Working Groups
1	Economic Development and Planning
2	Municipal Finance
3	Community Development
4	Human Resource Development and Collective Bargaining
5	Municipal Infrastructure and Related Services [which includes] – • Climate Change, Environmental Affairs and Sustainability • Municipal Infrastructure Planning • Municipal Trading Services
6	Governance, Intergovernmental and International Relations

5. RECOMMENDED

that Council appoints a representative and secundi for each of the various SALGA Provincial Working Groups.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*3 November 2021*

6.10	APPOINTMENT OF COUNCILLORS TO SERVE ON THE LOCAL LABOUR FORUM

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 10 November 2021**

1. SUBJECT: APPOINTMENT OF COUNCILLORS TO SERVE ON THE LOCAL LABOUR FORUM

2. PURPOSE OF REPORT

For Council to consider the appointment of Councillors to serve on the Local Labor Forum.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The termination of the 2016-2021 Council's term of office necessitates the appointment of Councillors to represent the Employer on the Local Labour Forum.

As per the SALGBC Main Collective Agreement, the Employer representatives shall consist of at least 2 (two) Councillors and Management.

During the previous term of office, 5 (five) Councillors were appointed to serve on the Local Labour Forum.

The Local Labour Forum consists of a total number of 12 members per party (employer/employee).

Employer = 12 members
SAMWU = 6 members
IMATU = 6 members

5. RECOMMENDATION

(a) that Council determines the amount of Councillors to serve on the Local Labour Forum;

(b) that Council appoints the Councillors to serve on the Local Labour Forum.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*3 November 2021*

6.11	APPOINTMENT OF COUNCILLORS TO SERVE ON EXTERNAL BODIES

Collaborator No:
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: Council: 10 November 2021

1. SUBJECT: APPOINTMENT OF COUNCILLORS TO SERVE ON EXTERNAL BODIES

2. PURPOSE OF REPORT

For Council to consider the appointment of Representatives of Council to serve on external bodies.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The table below indicates the various external bodies where the former Council was represented:

BODY/INSTITUTE	Number of Council Reps
Jan Marais Nature Reserve Advisory Committee	1
Mont Rochelle Nature Reserve Advisory Committee	2
Pension Fund and Retirement Fund	1
Stellenbosch Tourism and Information Bureau	2
Stellenbosch Museum Trustee	1
Franschhoek Museum	1
Franschhoek Valley Tourism	2
Community Police Forum Stellenbosch	3
Community Police Forum Kayamandi	3
Community Police Forum Franschhoek	2
Community Police Forum Klapmuts	2
Community Police Forum Cloetesville	2
Community Police Forum Groot Drankenstein	1
SWOKK (Stellenbosch Welsyns en Ontwikkelings-koordinerings Kommitee)	3
FREMCO Trust	3
Hospital Board	1
University Board	1
Winelands Water Utilisation Association	1
Dilbeeck Trust Committee	3

5. RECOMMENDATION

that Council appoints representatives to serve on the external bodies.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*3 November 2021*

6.12	ADOPTION OF SYSTEM OF DELEGATIONS

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 12 November 2021**

1. SUBJECT: ADOPTION OF SYSTEM OF DELEGATIONS

2. PURPOSE

Council must adopt a System of Delegations.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

In terms of Section 59 of the Local Government: Municipal Systems Act, Act 32/2000, a municipal council must develop a system of delegations that will maximize administrative and operation efficiency and provide for adequate checks and balances, and, in accordance with such system may:-

(a) delegate appropriate powers, excluding a power mentioned in Section 160(2) of the Constitution and the power to set tariffs, to decide to enter into a service delivery agreement in terms of Section 76(b) and to approve or amend the municipality's IDP, to any of the municipality's political structures, political office bearers, councillors, or staff members;

(b) instruct any such political structure, political office bearer, councillor, or staff member to perform any of the municipality's duties; and

(c) withdraw any delegation or instruction.

A copy of Council's current approved System of Delegations is attached as **APPENDIX 1.**

5. RECOMMENDATION

(a) that Council adopts the existing System of Delegations until it is reviewed; and

(b) that the Delegations be reviewed before 2022-06-30.

6. DISCUSSION

In terms of Section 59(2)(f), such System of Delegations must be reviewed when a new Council is elected.

In terms of Section 65, whenever it becomes necessary in terms of Section 59(2)(f)(supra) to review a municipality's delegations, the Municipal Manager must submit to Council:-

(a) a report on the existing delegations issued in terms of section 59; and

(b) recommendations on any changes to the existing delegations which the Municipal Manager may consider necessary.

If the municipality has an Executive Committee or Executive Mayor, the Municipal Manager must submit such report and any recommendations to the Council through the Executive Committee or Executive Mayor.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*3 November 2021*

ITEM 6.12

ADOPTION OF THE APPROVED SYSTEM OF DELEGATION DATED 2019-09-25

STELLENBOSCH MUNICIPALITY

REGISTER OF DELEGATIONS

STELLENBOSCH

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Document Review and Approval

Previous Updates and Approvals

	Reviewer	Date of Amendment	Council Adoption Date
1.	Council	New	25 September 2019
2.			
3.			
4.			
5.			
6.			
7.			
8.			

PART 1

DEFINITIONS AND ABBREVIATIONS

"accounting officer" means the person appointed as Accounting Officer (Municipal Manager) of the municipality or a person acting in that position;

"Authorised employee" means the person as contemplated in Section 68 (a) the Stellenbosch Land Use Planning Bylaw of 2015

"CFO" means Chief Financial Officer

"CIDB" means the Construction Industry Development Board Act, 2000;

"Competent person" means the person responsible for machinery as per the general machinery regulations in terms of Occupational Health and Safety Act, Act 85 of 1993, as amended.

"Constitution" means the Constitution of the Republic of South Africa, 1996;

"CR" means a resolution taken by council or by the executive mayor in consultation with the executive mayoral committee;

"delegation", as defined in the various legislation referred to in this system of delegations where applicable – Structures and Systems Acts "in relation to a duty, includes an instruction to perform a duty, and "delegate" has a corresponding meaning.

MFMA " in relation to a duty, includes an instruction or request to perform or to assist in performing the duty"

"delegating authority"

(a) in relation to a delegation of a power or duty by a municipal council, means the municipal council; or
(b) in relation to a sub-delegation of a power or duty by another political structure, or by a political office bearer, councillor or staff member of a municipality, means that political structure, political office bearer, councillor or staff member;

"designation" means a power designated to the Executive Mayor to be performed together with the members of the mayoral committee as envisaged in section 60(3) of the Structures Act;

"DMA" means the Disaster Management Act, 2002; "EPA" means the Engineering Professions Act, 2000; "ERA" means the Electricity Regulations Act, 2006;

"Executive Authority", in relation to a municipality, means the municipality's executive authority envisaged in

section 156 of the constitution, read with section 11 of the Systems Act;

"Executive Mayor" (EM) means a person elected in terms of section 55 of the Structures Act and in whom the executive leadership of the municipality is vested

"FBSA" means the Fire Brigade Services Act, 1987;

"HA" means the National Heritage Resources Act, 1999;

"HSCM" means Head Supply Chain Management

"LSA" means the Land Survey Act, 1997;

"LUPA": Western Cape Land Use Planning Act, 2014, Act 3 of 2014;

"LUPO" means the Land Use Planning Ordinance, 1985;

"MATR" means the Municipal Asset Transfer Regulations Gazette number 31346, 22 August 2008

"MTO" means Manager Treasury Office

"MCA" means the Magistrate's Court Act, 1944;

"MFMA" means the Local Government: Municipal Finance Management Act, 2003;

"Municipal Manager" (MM) means a person appointed in terms of section 82 of the Structures Act; (Note section 56A of Systems Act declared unconstitutional)

"NBRBSA" means National Building Regulations and Building Standards Act, 1977;

"NBR" means the National Building Regulations; "NEA" means the National Energy Act, 2008;

"NEMA" means the National Environmental Management Act, 1998;

"NEMWA" means the National Environmental Management Waste Act, 2008; "NWA" means the National Water Act, 1998;

"OHASA" means the Occupational Health and Safety Act 85, 1993;

"PAIA" means the Promotion of Access to Information Act, 2 of 2000;

"PRA" means the Municipal Property Rates Act, 2004;

"political office bearer" means the speaker, executive mayor, deputy executive mayor as referred to in the Structures Act;

"political structure", in relation to a municipality, means the council of the municipality or any committee or other collective structure of a municipality elected, designated or appointed in terms of a specific provision of the Structures Act;

"RTA" means the National Road Traffic Act, Act 93 0f 1996;

"Speaker" means the person elected in terms of section 36 of the Structures Act;

"SPLUMA" means the Spatial Planning and Land Use Management Act, 2013, Act 16 of 2013;

"STA" means the Sectional Titles Act, 1986;

"Stellenbosch Land Use Planning Bylaw (SLUPB)" means the bylaw contemplated in section 156(1) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

"Structures Act" means the Local Government: Municipal Structures Act,

1998; "Systems Act" means the Local Government: Municipal Systems Act,

2000; "WSA" means the Water Services Act, 1997

PART 1 (...continues)

LEGAL FRAMEWORK

Legislation that bears relevance to a system of delegations is the following:

Legislation	Provision	Outline of Provision
Constitution	Section 151(2) Section 238	The executive and legislative authority of a municipality is vested in its Municipal Council.
Systems Act	Section 59	59. **Delegations.** —(1) A municipal council must develop a system of delegation that will maximise administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with that system, may— (a) delegate appropriate powers, excluding a power mentioned in section 160 (2) of the Constitution and the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76 (*b*) and to approve or amend the municipality's integrated development plan, to any of the municipality's other political structures, political office bearers, councillors, or staff members; (b) instruct any such political structure, political office bearer, councillor, or staff member to perform any of the municipality's duties; and (c) withdraw any delegation or instruction. (2) A delegation or instruction in terms of subsection (1)— (a) must not conflict with the Constitution, this Act or the Municipal Structures Act; (b) must be in writing; (c) is subject to any limitations, conditions and directions the municipal council may impose; (d) may include the power to sub-delegate a delegated power; (e) does not divest the council of the responsibility concerning the exercise of the power or the performance of the duty; and (f) must be reviewed when a new council is elected or, if it is a district council, elected and appointed. (3) The municipal council— (a) in accordance with procedures in its rules and orders, may, or at the request in writing of at least one quarter of the councillors, must, review any decision taken by such a political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction, and either confirm, vary or revoke the decision subject to any rights that may have accrued to a person; and (b) may require its executive committee or executive mayor to review any decision taken by such a political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction.

Legislation	Provision	Outline of Provision
		(4) Any delegation or sub-delegation to a staff member of a power conferred on a Accounting Officer (Municipal Manager) must be approved by the municipal council in accordance with the system of delegation referred to in subsection (1).
Systems Act	Section 60	60. **Certain delegations restricted to executive committees or executive mayors.**—(1) The following powers may, within a policy framework determined by the municipal council, be delegated to an executive committee or executive mayor only: (a) decisions to expropriate immovable property or rights in or to immovable property; and (b) the determination or alteration of the remuneration, benefits or other conditions of service of the Accounting Officer (Municipal Manager) or managers directly responsible to the Accounting Officer (Municipal manager). (2) The council may only delegate to the Accounting Officer (Municipal Manager) the power to make decisions on investments on behalf of the municipality within the municipality's investment policy contemplated in section 13 (2) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).
Systems Act	Section 61	61. **Referral of matters to delegating authorities for decision.**—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 to dispose of matters falling within the area of responsibility of that political structure, political office bearer, councillor or staff member may, or must if instructed to do so by the relevant delegating authority, refer a matter before the political structure, political office bearer, councillor or staff member to the relevant delegating authority for a decision.
Systems Act	Section 62	**62. Appeals.**—(1) A person whose rights are affected by a decision taken by a political structure, political office bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by a delegating authority to the political structure, political office bearer, councillor or staff member, may appeal against that decision by giving written notice of the appeal and reasons to the Accounting Officer (Municipal Manager) within 21 days of the date of the notification of the decision. (2) The Accounting Officer (Municipal Manager) must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4). (3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision. (4) When the appeal is against a decision taken by— (a) a staff member other than the Municipal Manager), the Accounting

Legislation	Provision	Outline of Provision
		Officer (Municipal Manager) is the appeal authority; (b) the Accounting Officer (Municipal Manager), the executive committee or executive mayor is the appeal authority, or, if the municipality does not have an executive committee or executive mayor, the council of the municipality is the appeal authority; or (c) a political structure or political office bearer, or a councillor— (i) the municipal council is the appeal authority where the council comprises less than 15 councillors; or (ii) a committee of councillors who were not involved in the decision and appointed by the municipal council for this purpose is the appeal authority where the council comprises more than 14 councillors. (5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period. (6) The provisions of this section do not detract from any appropriate appeal procedure provided for in any other applicable law.
Systems Act	Section 63	**63. Duty to report to delegating authorities.**—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.
Systems Act	Section 64	**64. Withdrawal, amendment or lapsing of delegation or sub-delegation.**—The withdrawal, amendment or lapsing of a delegation or sub-delegation does not invalidate anything done as a consequence of a decision taken in terms of that delegation or sub-delegation.
Systems Act	Section 65	**65. Review of delegations.**—(1) Whenever it becomes necessary in terms of section 59 (2) (f) to review a municipality's delegations, the Accounting Officer (Municipal Manager) must submit to the council— (a) a report on the existing delegations issued in terms of section 59 by the council and other delegating authorities of the municipality; and (b) recommendations on any changes to the existing delegations which the Accounting Officer (Municipal Manager) may consider necessary. (2) If the municipality has an executive committee or executive mayor, the Accounting Officer (Municipal Manager) must submit the report and any recommendations to the municipal council through the executive committee or executive mayor.
		59. Delegations of mayoral powers and duties.—(1) The powers and duties assigned in terms of this Act to the mayor of a municipality, may— (a) in the case of a municipality which has an executive mayor referred to in section 55 of the Municipal Structures Act, be delegated by the

Legislation	Provision	Outline of Provision
MFMA	Section 59	executive mayor in terms of section 60 (1) of that Act to another member of the municipality's mayoral committee; (b) in the case of a municipality which has an executive committee referred to in section 43 of that Act, be delegated by the council of the municipality to another member of the executive committee; or (c) in the case of a municipality which has designated a councillor in terms of section 57 (1) of this Act, be delegated by the council to any other councillor. (2) A delegation in terms of subsection (1)— (a) must be in writing; (b) is subject to any limitations or conditions that the executive mayor or council, as the case may be, may impose; and (c) does not divest the mayor of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty. (3) The mayor may confirm, vary or revoke any decision taken in consequence of a delegation in terms of this section, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

Legislation	Provision	Outline of Provision
MFMA	Section 79	**79. Delegations.**—(1) The accounting officer of a municipality— (a) must, for the proper application of this Act in the municipality's administration, develop an appropriate system of delegation that will both maximise administrative and operational efficiency and provide adequate checks and balances in the municipality's financial administration; (b) may, in accordance with that system, delegate to a member of the municipality's top management referred to in section 77 or any other official of the municipality— (i) any of the powers or duties assigned to an accounting officer in terms of this Act; or (ii) any powers or duties reasonably necessary to assist the accounting officer in complying with a duty which requires the accounting officer to take reasonable or appropriate steps to ensure the achievement of the aims of a specific provision of this Act; and (c) must regularly review delegations issued in terms of paragraph (*b*) and, if necessary, amend or withdraw any of those delegations. (2) The accounting officer may not delegate to any political structure or political office-bearer of the municipality any of the powers or duties assigned to accounting officers in terms of this Act. (3) A delegation in terms of subsection (1)— (a) must be in writing; (b) is subject to such limitations and conditions as the accounting officer may impose in a specific case; (c) may either be to a specific individual or to the holder of a specific post in the municipality; (d) may, in the case of a delegation to a member of the municipality's top management in terms of subsection (1) (*b*), authorise that member to sub-delegate the delegated power or duty to an official or the holder of a specific post in that member's area of responsibility; and (e) does not divest the accounting officer of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty. (4) The accounting officer may confirm, vary or revoke any decision taken in consequence of a delegation or sub-delegation in terms of this section, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

PART 1 (...continues)

PRINCIPLES AND GENERAL CONDITIONS OF DELEGATION

1. In terms of the Systems Act a Municipal Council must develop a system of delegation that will maximise administrative and operational efficiency and provide for adequate checks and balances. In terms of this system of delegation the Municipal Council may instruct any political structure, political office bearer, councillor, or staff member to perform any of the municipality's duties and withdraw any delegation or instruction.

2. A delegation or instruction in terms of the system of delegation must not conflict with the Constitution or the Systems Act or Structures Act. The Constitution empowers a Municipal Council to make by-laws, which prescribe rules and orders for the powers and functions of its Committees, and further prescribes those functions which may not be delegated by Council.

3. All delegations must therefore ensure that the Council retains all legislative powers and those executive powers which may not be lawfully delegated. See in this regard specifically section 160(2) of the Constitution and section 59(1) (a) of the Systems Act, as set out under Part 1 of this document.

4. The Council may exercise no power and perform no function beyond that conferred to it by law and the Executive may not exercise its authority contrary to any policy approved by Council. Powers and functions must furthermore be performed in such a manner to comply with Council's Integrated Development Plan, by-laws and budget.

5. All delegations must be aimed at empowering the relevant executives to perform their functions effectively, taking into account the different levels of decision making.

6. The functions allocated to Council's Executive, as may be approved by Council from time to time, will form the basis for the allocation of delegations of executive decision making power.

7. Delegations may be subject to limitations, conditions and directions the as approved by the Municipal Council.

8. The delegations and instructions in terms of the system of delegation do not divest the Municipal Council of the responsibility concerning the exercise of the power or the performance of the duty.

9. The Council, in accordance with procedures in its rules and orders, may - or at the request in writing of at least one quarter of the councillors, must -
   a. review any decision taken by a political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction, and either confirm, vary or revoke the decision subject to any rights that may have accrued to a person; and
   b. may require its executive mayor to review any decision taken by such a political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction.

10. All delegations, and all other decisions affecting the rights of others, must be in writing.

11. Where powers or functions are delegated or sub-delegated by the Executive Mayor in terms of the delegation register, he/she has given such delegations due consideration and approves of same.

12. The Accounting Officer (Municipal Manager) is authorised to sub-delegate any of his/her powers to the most effective level.

13. The Accounting Officer (Municipal Manager) is authorised to delegate the statutory powers and when it is done it will be reported to council

14. All delegations and sub-delegations must be recorded in the delegation register, which must be kept updated at all times by the Accounting Officer (Municipal manager).

15. All delegates that have delegations from Council must report delegated decisions at least quarterly to Council.

16. Delegations that originate from the Accounting Officer (Municipal Manager) or Executive Mayor must report their delegated decisions at such required intervals as required by the Accounting Officer (Municipal Manager) and Executive Mayor.

17. Any delegation is also exercised by the person who acts in that post.

18. The exercising of a power must comply with all applicable legislation and instructions issued in relation thereto. In the case of personnel matters, agreements entered into in the Bargaining Council are included.

19. The person or institution who delegates, may at any time instruct the delegate not to carry out a matter in terms of his delegated authority, but to submit it to the delegating official/institution for consideration and finalization.

20. A delegate can exercise or perform any power, function or duty delegated to him, through delegating any power or function to any official under his control.

21. When funds are not available, expenditure may not be incurred when exercising delegated powers.

22. Any person whose rights are affected by a decision taken by a political structure, political office bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by delegating authority to the political structure, political office bearer, councillor or staff member may appeal against that decision by giving written notice of the appeal and reasons to the Accounting Officer (Municipal Manager). The process as indicated in section 62 if the Systems Act must be followed. The person's whose rights are affected must be informed of their rights of appeal.

23. Any delegation may be revoked in writing by the delegating authority at any time, subject to any vested rights.

24. All delegations are replaced by the delegations contained in these delegations unless specifically

stated otherwise.

25. When delegations contained in this register conflict with any decision taken by council or its committees, the delegations herein shall enjoy preference.

26. The delegations contained herein are to be read in conjunction with Council's Role Clarification in terms of section 53 of the Systems Act, which defines the specific role and area of responsibility of each political structure and political office bearer of the municipality and of the Accounting Officer (Municipal Manager).

27. Current delegations taken up in the Rules of Order Bylaw, other bylaws and Policies not addressed or taken up in the register will remain in force and effect until such time as reviewed and revised and will then be added administratively to this register.

28. The post titles referred to in this register may change when evaluation of posts take place. Changes to post names will be affected in the register and reported to Council after evaluations took place.

The objectives of a delegation system are to:

1. ensure administrative and operational effectiveness;
2. make adequate provision for control mechanisms (so-called checks and balances);
3. delegate decision making powers to the most effective level in the administration;
4. as far as practically possible, involve employees in managerial decisions;
5. create a climate of collective responsibility for job performance;
6. clearly allocate duties for the management of administrative components, systems and mechanisms;
7. clearly define the responsibilities of every political structure and political office-bearer;
8. articulate the relationship between political structures, political office-bearers and the administration and to clear applicable lines for reporting and responsibilities.

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PART 2

POLITICAL DELEGATIONS

"political delegations" encompass delegations that relate to powers, duties or functions assigned to or conferred on the municipal council or any political office-bearer in terms of legislation.

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
CONSTITUTION						
C1	Section 160(2), Constitution (See also sections 75 and 75A of the Systems Act)	(a) the passing of by-laws; (b) the approval of budgets; (c) the imposition of rates and other taxes, levies and duties and (d) the raising of loans	Council	N/A		May not be delegated
STRUCTURES ACT						
C2	Section 19(2), Structures Act	Must annually review – (a) the needs of the community; (b) its priorities to meet those needs; (c) its processes for involving the community; (d) its organizational and delivery mechanisms for meeting the needs of the community; and (e) its overall performance in achieving its objectives	Council	Executive Mayor		Accounting Officer (Municipal Manager)/ All Directors/heads of departments/
C3	Section 19(3), Structures Act	Must develop mechanisms to consult the community and community organizations in performing its functions and exercising its powers	Council	Executive Mayor		
C4	Sections 36(2) and 55(1), Structures Act	Council elects the Speaker of the Council, Executive Mayor and Deputy Executive Mayor	Council	N/A		
C5	Section 78, Structures Act	Council may dissolve ward committees	Council	N/A		
C6	Section 80(1)-(4), Structures	Appointment of section 80 committees	Council	N/A		

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
	Act					
C7	Section 4(2)(a) to 4(2)(j), Systems Act	(a) Exercise executive and legislative authority and use resources in the best interest of local community (b) Provide democratic and accountable government (c) Encourage community involvement (d) Ensure services are provided in a financially and environmentally sustainable manner (e) Consult local community (f) Give equitable access to services (g) Promote and undertake development (h) Promote gender equity (i) Promote safe and healthy environment Contribute to the progressive realisation of fundamental rights	Council	Executive Mayor		MM and All Directors/ heads of departments
C8	Section 25(1), Systems Act	Must adopt integrated development plan	Council	N/A		Read with section 59(1)(a)(iii), Systems Act – See item 21 below
C9	Section 25(4), Systems Act	Must give notice to public of adoption of integrated development plan and where copies or extracts are available, and publicise a summary of the plan	Council	Accounting Officer (Municipal Manager)	Senior Manager: Governance	

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
C10	Section 36, Systems Act	Ensure that affairs of municipality are consistent with integrated development plan	Council	Executive Mayor		MM/Senior Manager: Governance
C11	Section 38, Systems Act	Establish a performance management system	Council	Executive Mayor		Accounting Officer (Municipal Manager)/ Senior Manager: Governance
C12	Section 40, Systems Act	Establish mechanisms to monitor and review the performance management system (evaluates progress against the key performance indicators prescribed in terms of section 43)	Council	Executive Mayor		All Directors/heads of department / Senior Manager: Governance
C13	Section 42, Systems Act	Involve the local community in the development, implementation and review of the performance management system and allow the community to participate in the setting of key performance indicators and performance targets for the municipality	Council	Executive Mayor		MM and Senior Manager: Governance
C14	Section 44, Systems Act	Determine the manner in which the key performance indicators and performance targets must be made known both internally and to general public	Council	Executive Mayor		MM and Senior Manager: Governance
C15	Section 46, Systems Act	Prepare a performance report for financial year	Council	Executive Mayor		MM and Senior Manager: Governance/All Directors/

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POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
C16	Section 53(1), Systems Act	*Develop* a system for defining the role and area of responsibility of each political structure and political office bearer of the municipality and of the Accounting Officer (Municipal Manager)	Council	Executive Mayor		MM and Director : Strategic and Corporate
C17	Section 53(1), Systems Act	*Approve* the system defining the role and area of responsibility of each political structure and office bearer of the municipality and of the Accounting Officer (Municipal Manager)	Council	N/A		
C18	Section 82 of Structures Act (117/98)	Appoint an Accounting Officer (Municipal Manager) as head of the administration or an acting Accounting Officer (Municipal Manager) under circumstances and for a period as prescribed (not exceeding 3 months)	Council	N/A		Section 54 A repealed by Constitutional court judgement in 2019
C19	Section 56(1)(a)(i), Systems Act	Appoint, after consultation with the Accounting Officer (Municipal manager), managers directly accountable to the Accounting Officer (Municipal manager)	Council	N/A		Refer MSA Amendment Act 7/2011
C19.1	Section 56(1)(a)(ii), Systems Act	Appoint, after consultation with the Accounting Officer (Municipal manager), an acting manager directly accountable to the Accounting Officer (Municipal Manager) under circumstances and for a period as prescribed (not exceeding 3 months)	Council	N/A		
C19.2	Section 57	To exercise the rights and obligations of council in terms of the employment	Council	Executive Mayor		

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		contract of the Municipal Manager and manager reporting directly to the Municipal Manager				
C20	Section 59(1), Systems Act	Develop a system of delegation that will maximize administrative and operational efficiency and provide for adequate checks and balances	Council	Accounting Officer (Municipal Manager)		Director: Corporate Services
C21	Section 59(1), Systems Act	Approve system of delegations	Council	N/A		
C22	Section 59(1)(a), Systems Act	The power to – (i) set tariffs, (adoption and implementation of a tariff policy in terms of sections 74 and 75) (ii) decide to enter into a service delivery agreement in terms of section 76(b) of the Structures Act, and approve or amend the municipality's integrated development plan	Council	N/A		May not delegate (Also see item 8 above)
C23	Section 59(2)(f), Systems Act	When a new council is elected and appointed, *review* the system of delegation	Council	Accounting Officer(Municipal Manager)		Director: Corporate Services
C24	Section 59(2)(f), Systems Act	When a new council is elected and appointed, *approve* the system of delegation	Council	N/A		
C25	Section 60(1)(a), Systems Act	Within a policy framework determined by council, decide about the expropriation of immovable property or rights in or to immovable property	Council	Executive Mayor (may only delegate to him/her)		
C26	Section 60(1)(b), Systems Act	Within a policy framework determined by the Minister, alter the remuneration, benefits or other	Council	Executive Mayor (may only delegate to		Read with the Regulations on the Appointment of Senior

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POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		conditions of service of the Accounting Officer (Municipal Manager) or managers directly responsible to him/her		him/her)		Managers
C27	Section 60(2), Systems Act	Decision to make investments on behalf of the municipality	Council	Accounting Officer (Municipal Manager) (may be delegated to him/her only)		Read with the Council Investment Policy
C28	Section 66(1)(a), Systems Act	Approve a staff establishment for the municipality	Council	N/A		Accounting Officer (Municipal Manager) to develop and submit to council
C29	Section 67, Systems Act	*Develop* systems and procedures to ensure fair, efficient, effective and transparent personnel administration	Council	Accounting Officer (Municipal Manager)		Director: Corporate Services
C30	Section 67, Systems Act	*Adopt* systems and procedures to ensure fair, efficient, effective and transparent personnel administration	Council	Executive Mayor in consultation with Executive Mayoral Committee		
C31	Section 68, Systems Act	Build capacity of human resources in accordance with the provisions of the Skills Development Act, 1998	Council	Accounting Officer (Municipal Manager)		All Directors/ heads of departments
C32	Section 77, Systems Act	Review mechanisms to provide service delivery	Council	Executive Mayor		MM and All Directors/heads of departments
C33	Section 81, Systems Act	Regulate, monitor and assess service delivery when using a service provider to ensure proper municipal service is delivered	Council	Accounting Officer (Municipal Manager)		All Directors/ heads of departments / heads of sections
C34	Section 95(a) and (b), Systems Act	Establish a sound customer management system with mechanisms for users and ratepayers to give feedback	Council	Accounting Officer(Municipal Manager)		Director Corporate Services/All heads of departments /

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
C35	Section 95(c) to (i), Systems Act	Provide proper facilities for payment of rates and other taxes	Council	Accounting Officer(Municipal Manager)		Chief Financial Officer (CFO) / head of relevant section
C36	Section 96(a), Systems Act	Collect all money which is due and payable to it	Council	Accounting Officer (Municipal Manager)		Chief Financial Officer (CFO) / head of relevant section
C37	Section 96(b), Systems Act	Adopt a credit control and debt collection policy	Council	N/A		CFO
C38	Section 96(b), Systems Act	Maintain and implement the credit control policy	Council	Accounting Officer (Municipal Manager)		Chief Financial Officer (CFO)
C39	Section 109A, Systems Act	To provide legal representation for a Councillor, the Accounting Officer (Municipal Manager) or manager directly accountable to the Accounting Officer (Municipal Manager) and staff members (a) where legal proceedings have been instituted against the Councillor or staff member as a result of any Act or omission by the Councillor or official in the exercise of his or her powers or the performance of his or her duties; or (b) where a Councillor or staff member has been summoned to attend any inquest or inquiry arising from the exercise of his or her powers or the performance of his or her duties	Council	EM – insofar as it relates to a councillor and after having considered a recommendation from the MM, or where the MM is involved, recommendation from the CFO. MM –Insofar it relates to all other staff and the EM		With assistance of Director Corporate Services In as far as it relates to the EM after input from the Speaker has been considered.
C40	Section 109(2), Systems Act	Compromise or compound any action or proceedings and submit to arbitration any matter other than a matter involving a decision on its status, powers or	Council	Accounting Officer (Municipal Manager)		

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		duties or the validity of its actions and by-laws				
MUNICIPAL FINANCE MANAGEMENT ACT (MFMA)						
C41	Section 7(1), MFMA	Deciding to open a bank account for the municipality	Council	Accounting Officer(Municipal Manager)	Chief Financial Officer	
C42	Section 7(1), MFMA	Deciding at which bank/banks to open a bank account	Council	Accounting Officer(Municipal Manager)	Chief Financial Officer	Subject to section 8(2) of the MFMA
C43	Section 7(1), MFMA	Deciding to close a bank account	Council	Accounting Officer(Municipal Manager)	Chief Financial Officer	Section 10(1)(B) of the MFMA
C44	Section 7(2), MFMA	Determining into which bank account money collected or received by the municipality must be deposited	Council	Accounting Officer(Municipal Manager)	Chief Financial Officer	See section 48(2)(d) of the MFMA
C45	Section 8(1), MFMA	Designating a bank account of the municipality as the municipality's primary bank account	Council	Accounting Officer(Municipal Manager)	Chief Financial Officer	Section 62(2) of the MFMA
C46	Section 8(3), MFMA	Determining the reasonable steps to be taken to ensure that the prescribed money received is paid into the municipality's primary bank account	Council	Accounting Officer(Municipal Manager)	Chief Financial Officer	Section 62(2) of the MFMA
C47	Section 8(4), MFMA	Entering into an agreement with other parent municipalities , as to which municipality's primary bank account to use for the purpose of receiving allocations from organs of state to the municipal entity concerned	Council		Chief Financial Officer	
C48	Section 12(2), MFMA	Deciding to open a separate bank account in the name of the municipality for the purpose of a relief, charitable, trust or other fund	Council			Chief Financial Officer Section 12(1) of the MFMA

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POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
C49	Section 13(2), MFMA	Establishing an appropriate and effective cash management and investment policy for the municipality	Council (must approve the policies for implementation by the Accounting Officer and Senior Management)			MM/CFO
C50	Section 14(2) of the MFMA (read with section 90, MFMA)	Deciding to transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset	Council			
C51	Section 14(2)(1), MFMA	Deciding, at a meeting open to the public and on reasonable grounds, that an asset of the municipality is not needed to provide the minimum level of basic municipal services	Council			
C52	Section 14(2)(b), MFMA	Considering the fair market value of an asset to be disposed of and the economic and community value to be received in exchange for an asset to be disposed of	Council			Read with Regulation 11 of the MTAR
C53	Section 14(4), MFMA	Determining the value of movable assets in respect of which the Accounting Officer (Municipal Manager) may determine – (a) whether an asset to be disposed of is not needed to provide the minimum level of basic municipal services; and determining the fair market value of such asset and the economic and community value to be received in exchange for the asset	Council	Accounting Officer(Municipal Manager)		A council may delegate to the accounting officer its power to make the determinations referred to in subsection (2)(a) & (b) i.r.o. movable capital assets below a value determined by the council. Read with Asset Management Policy.

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
C54	Section 16(1), MFMA	Approval of annual budget	Council	N/A		See also (1) section 160(2)(b), read with section 160(3)(b) of the Constitution; (2) section 24(1), MFMA; (3) section 30(5), Structures Act; and section 25(1), MFMA
C55	Section 16(3), MFMA	Deciding whether money for capital expenditure for a period not exceeding three financial years may be appropriated in an annual budget	Council			A separate appropriation must be made for each financial year
C56	Section 19(1)(b), MFMA	Approving a capital project, including its total cost	Council	N/A		
C57	Section 19(1)(d), MFMA	Considering the sources of funding of a capital project	Council	Accounting Officer(Municipal Manager)	Chief Financial Officer	
C58	Section 19(2), MFMA	Considering, i.r.o. a capital project, the projected cost covering all financial years until the project is operational and the future operational costs and revenue on the project, including municipal tax and tariff implications	Council	N/A		
C59	Section 19(3), MFMA	Deciding to approve capital projects below the prescribed value individually or as part of a consolidated capital	Council	N/A		

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		programme				
C60	Section 23(1), MFMA	Receiving and considering the views of the communities and organs of state received in connection with the budget	Council	N/A		
C61	Section 23(2), MFMA	Deciding to give the mayor an opportunity to respond to any submissions received in connection with the budget from communities and organs of state	Council	N/A		
C62	Section 28(1), MFMA	Deciding to revise an approved budget by way of an adjustments budget	Council	N/A		
C63	Section 32(2), MFMA	Deciding to recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure (see exceptions)	Council	N/A		Except, in the case of unauthorised expenditure, if the amount of the expenditure is authorised in an adjustments budget Is certified by the council, after investigation by a council committee, as irrecoverable and written off by the council Irregular or fruitless and wasteful expenditure is, after investigation by a council

POWERS/DUTIES CONFERRED ON COUNCIL						
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						committee, certified as irrecoverable and written off by council
C64	Section 32(2), MFMA	Determining the amount of unauthorised, irregular or fruitless and wasteful expenditure to be recovered, written off or provided for in an adjustments budget	Council	MPAC		
C65	Section 32(2), MFMA	Identifying the identity of the person who is liable for unauthorised, irregular or fruitless and wasteful expenditure	Council	MPAC		Accounting officer in terms of Section 62(1)(e)
C66	Section 32(2), MFMA	Appointing a committee to investigate any suspected or reported unauthorised, irregular or wasteful expenditure	Council			I.t.o. the judgments of the courts in The Democratic Alliance and another v Amos Masondo and another and Democratic Alliance and Another v Amos Masondo NO and the Minister of Provincial and Local Government (CC) a mayoral committee was found not to be a committee of a municipal council. The council may therefore not

POWERS/DUTIES CONFERRED ON COUNCIL						
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						appoint the mayoral committee to perform such an Investigation MPAC serve this function currently
C67	Section 32(7), MFMA	Determining whether an alleged irregular expenditure incurred by the Accounting Officer (Municipal Manager) constitutes a criminal offence	Council			
C68		Reporting alleged irregular expenditure incurred by the Accounting Officer (Municipal Manager) that constitutes a criminal offence and alleged theft and fraud perpetrated by the Accounting Officer (Municipal Manager) to the SAPS	Council	Executive Mayor		
C69	Section 33(1), MFMA	Deciding to enter into a contract which will impose financial obligations on the municipality beyond a financial year	Council			
C70	Section 34(1), MFMA	Entering into an agreement with the national or provincial government to assist the municipality to build its capacity for efficient, effective and transparent financial management	Council	Accounting Officer(Municipal Manager)		
C71	Section 34(3)(a), MFMA	Considering the results of the provincial government's monitoring of the municipality	Council	Accounting Officer(Municipal Manager)		
C72	Section 34(3)(b), MFMA	Considering a notification of the provincial government of any emerging	Council	Executive Mayor		

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		or impending financial problems in the municipality				
C73	Section 37(1)(a), MFMA	Determining the steps the municipality must take to promote co-operative government with the national and provincial spheres of government and other municipalities in the municipality's fiscal and financial relations	Council	Accounting Officer(Municipal Manager)	Senior Manager Governance	
C74	Section 38(2), MFMA	Considering a notice received from the National Treasury of its intention to stop the transfer of funds to the municipality	Council	Executive Mayor		
C75	Section 39(3), MFMA	Determining the deputation that will appear before a committee of Parliament considering the approval or renewal of a decision of the National Treasury to stop the transfer of funds to the municipality	Council	Executive Mayor		
		Determining the case that will be presented to a committee of Parliament considering the approval or renewal of a decision of the National Treasury to stop the transfer of funds to the Municipality	Council	Executive Mayor		
C76	Section 45(1), MFMA	Deciding whether to incur short term debt	Council	N/A		I.t.o. section 60(2) of the Constitution the council may not delegate the raising of loans. A decision to raise a loan must be taken by the council with a supporting vote of a

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
						majority of its members i.t.o. section 160(3)(b) of the Constitution.
C77	Section 45(2)(a), MFMA	Approving any short term debt agreement	Council	N/A		
C78	Section 46(1), MFMA	Deciding whether to incur long term debt	Council	N/A		Read with section 160(2) & 160(3)(b) of the Constitution, as well as section 30(5) of the Structures Act
C79	Section 46(2)(a)	Approving any long term debt agreement	Council	N/A		
C80	Section 48(1), MFMA	Deciding whether to provide security for any of the municipality's debt obligations, debt obligations of a municipal entity under its sole control and contractual obligations of the municipality undertaken in connection with capital expenditure by other persons on property, plant or equipment to be used by the municipality or such other person	Council	N/A		
C81	Section 48(2), MFMA	Deciding the form/nature of security to be provided for any of the municipality's debt obligations, debt obligations of a municipal entity under its sole control and contractual obligations of the municipality undertaken in connection with capital expenditure by other persons on	Council	N/A		

POWERS/DUTIES CONFERRED ON COUNCIL						
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		property, plant or equipment to be used by the municipality or such other person				
C82	Section 48(3)(a), MFMA	Deciding whether an asset or right that has been hypothecated in any manner as security is necessary for providing the minimum level of basic municipal services	Council	N/A		
C83	Section 48(3)(b), MFMA	Deciding, if an asset or right that has been hypothecated in any manner as security is necessary for providing the minimum level of basic municipal services, the manner in which the availability of the asset or right will be protected	Council	N/A		
C84	Section 50, MFMA	Deciding to issue a guarantee for any commitment or debt of any organ of state, person or municipal entity under the sole or shared control of the Municipality	Council	N/A		
C85	Section 64(2)(g), MFMA	Deciding to grant exemptions from charging interest on any arrears owing to the municipality in accordance with the municipality's budget-related Policies	Council	Accounting Officer(Municipal Manager)		Refer Credit Control and Debt Collection Policy
C86	Section 83(2), MFMA	Determining the resources or opportunities to be made available for the training of officials to meet the prescribed financial management competency levels	Council	Accounting Officer(Municipal Manager)	Director Corporate Services	
C87	Section 84(1)(a),	Determining precisely the function or service that a municipal entity would	Council	Accounting Officer(Municipal		

POWERS/DUTIES CONFERRED ON COUNCIL						
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	MFMA	perform on behalf of the Municipality when considering the establishment of, or participation in, a municipal entity		Manager)		
C88	Section 84(2)(b)(i), MFMA	Considering an assessment of the impact of the shifting of a function or service to a municipal entity on the municipality's staff, assets and liabilities when considering the establishment of, or participation in, a municipal entity	Council	Accounting Officer(Municipal Manager)		
C89	Section 84(2)(b)(ii), MFMA	Considering the comments or representations received from the local community, organised labour and other interested persons in respect of the municipality's intention to establish and/or participate in a municipal entity	Council	N/A		
C90	Section 84(2)(b)(ii), MFMA	Considering the comments or representations received from the local community, organised labour and other interested persons in respect of the municipality's intention to establish and/or participate in a municipal entity	Council	N/A		
C90.1	Section 84(2)(b)(iii), MFMA	Considering the views and recommendations of the National Treasury and the provincial treasury, the national and provincial departments responsible for local government and the MEC responsible for local government i.r.o. the municipality's intention to establish and/or	Council	N/A		

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		participate in a municipal entity				
C91	Section 111, MFMA	Developing and implementing a supply chain management policy for the municipality	Council	Accounting Officer(Municipal Manager)	Chief Financial Officer	Subject to the content requirements i.t.o. section 112(1) of the MFMA / Also refer delegations i.t.o. Supply Chain Policy
C92	Section 113(1), MFMA	Deciding whether to consider an unsolicited bid received outside the municipality's normal bidding process	Council			
C93	Section 116(3), MFMA	Considering the reasons for the proposed amendment of a contract or agreement and any representation that may have been received regarding the proposed amendment of a contract or an agreement procured through the supply chain management policy of the municipality and deciding whether to consent to the amendment of the contract or agreement	Council			Advertise to community first and then table reasons in council
C93.1	Section 116(3), MFMA	Considering the reasons for the proposed amendment of a contract or agreement and any representation that may have been received regarding the proposed amendment of a contract or an agreement procured through the supply chain management policy of a municipal entity of which the municipality is a parent municipality and deciding whether to	Council	Accounting Officer(Municipal Manager)		In consultation

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		consent to the amendment of a contract or agreement				
C94	Section 119(2), MFMA	Determining the resources or opportunities to be made available for the training of officials involved in the implementation of the supply chain management policy of the municipality to meet the prescribed competency levels	Council	Accounting Officer(Municipal Manager)		In consultation with Director: Corporate Services
C95	Section 120(1), MFMA	Deciding to enter into a public private partnership agreement	Council	N/A		
C96	Section 120(1)(a), MFMA	Determining whether a proposed public private partnership agreement will provide value for money to the municipality	Council	N/A		
C97	Section 120(1)(b), MFMA	Determining whether a public private partnership agreement will be affordable for the municipality	Council	N/A		
C98	Section 120(1)(c), MFMA	Determining whether a proposed public private partnership agreement will transfer appropriate technical, operational and financial risk to the private party	Council	N/A		
C99	Section 120(4), MFMA	Deciding to conduct a feasibility study before a public private partnership is concluded	Council	Accounting Officer(Municipal Manager)		
C100	Section 120(5), MFMA	Determining whether to apply for the national government's assistance in carrying out and assessing a feasibility	Council	N/A		

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		study regarding a proposed public private partnership				
C101	Section 121(1), MFMA	Preparing an annual report for the municipality	Council	Accounting Officer(Municipal Manager)		Senior Manager: Governance
C102	Section 121(4)(f), MFMA	Determining any additional information to be contained in the annual report of a municipal entity of which the municipality is a parent municipality	Council	Accounting Officer(Municipal Manager)		All Directors/Senior Manager: Governance
C103	Section 126(2)(a), MFMA	Receiving the financial statements of municipal entity over which the Municipality has sole control or effective control (if it is a private company)	Council	Accounting Officer(Municipal Manager)		
C104	Section 126(4), MFMA	Receiving a report outlining the reasons for the delay from the Auditor-General if she/he is unable to complete an audit within three months after submission of the municipality's annual financial statements and any consolidated annual financial statements of the municipality and of a municipal entity over which the municipality has sole control or effective control (if it is a private company)	Council	N/A		
C105	Section 129(1), MFMA	Considering the annual report of the municipality and of any municipal entity under the municipality's sole or shared control; and adopting an oversight report containing the council's comments on the annual report(s)	Council	N/A		

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
C106	Section 129(5), MFMA	Deciding whether to adopt guidelines issued by the National Treasury on the manner in which councils should consider annual reports and conduct public hearings and the functioning and composition of any public accounts or oversight committees established by a council to assist it to consider an annual report	Council	N/A		
C107	Section 133(c)(i), MFMA	Deciding whether to request the Speaker or another councillor to investigate the reasons for the failure of the Accounting Officer (Municipal Manager) or of the accounting officer of a municipal entity under the municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the council; and Receiving the report of the appointed councillor	Council	N/A		
C108	Section 133(c)(ii), MFMA	Determining the appropriate steps to be taken to ensure that the financial statements are submitted to the Auditor- General or that the annual report, including the financial statements and the audit report on those statements, is tabled in the Council, as the case	Council	N/A		

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		may be				
C109	Section 133(c)(iii), MFMA	Deciding whether disciplinary steps should be taken against the Accounting Officer (Municipal Manager) or any other person(s) for failing to submit annual financial statements to the Auditor-General or for the failure to table the audit report on those statements to Council, as the case may be	Council	N/A		
C110	Section 135(3), MFMA	Considering whether the municipality is, or is likely to, encounter a serious financial problem in meeting its financial commitments	Council	Executive Mayor		
C111	Section 135(3)(a), MFMA	Determining the manner of seeking solutions to any serious financial problem in meeting its financial commitments experienced or anticipated by the municipality; Defining the solutions to be implemented to solve or avoid any serious financial problem in meeting its financial commitments experienced or anticipated by the municipality	Council	Executive Mayor		
C112	Section 135(3)(b), MFMA	Informing the MEC responsible for local government and the MEC responsible for finance of any serious financial problem in meeting its financial commitments experienced or anticipated by the municipality	Council	Executive Mayor		
C113	Section 135(3)(c),	Notifying organised local government of any serious financial	Council	Executive Mayor		

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
	MFMA	problem in meeting its financial commitments experienced or anticipated by the municipality				
C114	Section 137(2), MFMA	Receiving an assessment of the seriousness of the financial problem in the Municipality, the determination of the provincial executive whether the financial problem experienced by the municipality, singly or in combination with other problems, is sufficiently serious or sustained that the municipality would benefit from a financial recovery plan and the request to a suitably qualified person to prepare and submit a financial recovery plan for the municipality	Council	Executive Mayor*		* must be tabled at the next council meeting
C115	Section 137 (3) of MFMA	Receiving a copy of the Municipal Financial Recovery Service's determination of the reasons for the crisis in the municipality's financial affairs and assessment of the municipality's financial state	Council	Executive Mayor		Accounting Officer to assist
C116	Section 141(3)(a) & 144(2), MFMA	Participating in consultation with the person or body appointed to prepare a financial recovery plan or an amendment of such plan for the Municipality.	Council	Accounting Officer(Municipal Manager)		CFO
C117	Section 141(3)(c) & 144(2), MFMA	Commenting on a draft financial recovery plan or on an amendment to such plan for the municipality	Council	Accounting Officer(Municipal Manager)		CFO to assist

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POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
C118	Section 143(3)(a), MFMA	Receiving an approved financial recovery plan for the municipality	Council	Executive Mayor*		* must be tabled at the next council meeting CFO
C119	Section 145(1)(a) & 146(1)(a), MFMA	Implementing an approved financial recovery plan for the municipality	Council	Accounting Officer(Municipal Manager)		CFO
C1120	Section 145(1)(b), MFMA	Reporting monthly to the MEC for local government on the implementation of the approved financial recovery plan for the municipality	Council	Accounting Officer(Municipal Manager)		CFO
C121	Section 147(1)(b), MFMA	Receiving progress reports and a final report on any intervention from the MEC for local government or the MEC responsible for finance	Council	Executive Mayor*		* must be tabled at the next council meeting
C122	Section 148(1)(b)(i), MFMA	Declaring the municipality's willingness to fulfil the executive obligation in terms of legislation or the Constitution that gave rise to any discretionary intervention in the municipality	Council	N/A		
C123	Section 148(3)(a), MFMA	Receiving a notification that an intervention in the municipality has ended	Council	Executive Mayor		Accounting Officer (Municipal Manager) to place before Council with an item
C124	Section 152(1), MFMA	Deciding to apply to the High Court for an order to stay all legal proceedings, including the execution of legal process by persons claiming money from the municipality if the municipality is unable to meet its financial commitments	Council	Accounting Officer (Municipal Manager)		CFO/Director Corporate Services

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POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
C125	Section 153(1)(a), MFMA	Deciding to apply to the High Court for an order to stay, for a period not exceeding 90 days at a time, all legal proceedings, including the execution of legal process, by persons claiming money from the municipality	Council	Accounting Officer (Municipal Manager)		CFO/Director Corporate Services
C126	Section 153(1)(b), MFMA	Deciding to apply to the High Court for an order to suspend the municipality's financial obligations to creditors, or any portion of those obligations, until the municipality can meet those obligations	Council	Accounting Officer (Municipal Manager)		CFO/Director Corporate Services
C127	Section 153(1)(c), MFMA	Deciding to apply to the High Court for an order to terminate the municipality's financial obligations to creditors, and to settle claims in accordance with a distribution scheme referred to in section 155 of the MFMA	Council	Accounting Officer (Municipal Manager)		CFO/Director Corporate Services
C128	Section 165(1), MFMA	Deciding whether to establish an internal audit unit or to outsource the internal audit function	Council			
C129	Section 166(1) & 166(6), MFMA	Deciding whether to establish an internal audit committee for – (a) the municipality only; or (b) the municipality and the local municipalities within the district municipal area; or the municipality and any municipal entity under its sole control.	Council			
C130	Section 166(2)(d), MFMA	Requesting the audit committee to investigate the financial affairs of the municipality or a municipal entity of which the municipality is a parent	Council	Executive Mayor		

POWERS/DUTIES CONFERRED ON COUNCIL						
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C131	Section 166(4), MFMA	Determining the number of members of the audit committee; Determining the nature of the appropriate experience that persons should possess to be considered for appointment as a member of the audit committee	Council			
C132	Section 166(5), MFMA	Appointing the members of the audit committee of the municipality and of a municipal entity of which the municipality is a parent municipality; Appointing from amongst the members of an audit committee who is not in the employ of the municipality or municipal entity a chairperson	Council			
C133	Section 168(3), MFMA	Considering any guidelines issued by the Minister of Finance in terms of section 168(1) of the MFMA	Council	Accounting Officer(Municipal Manager)		
C134	Section 171(4)(a), MFMA	Investigating any allegations of financial misconduct against the Accounting Officer (Municipal manager), the Chief Financial Officer, a senior manager or other official of the municipality unless those allegations are frivolous, vexatious, speculative or obviously unfounded; Deciding whether an allegation of financial misconduct against the Accounting Officer (Municipal	Council			Read with the Regulations on Financial Misconduct Procedures promulgated under the MFMA and the Regulations on Disciplinary procedures against Senior Managers

POWERS/DUTIES CONFERRED ON COUNCIL						
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		manager), the Chief Financial Officer, a senior manager or other official of the municipality is frivolous, vexatious, speculative or obviously unfounded				promulgated under the Systems Act.
C135	Section 171(4)(b), MFMA	Deciding whether an investigation of an allegation of financial misconduct against the Accounting Officer (Municipal manager), the Chief Financial Officer, a senior manager or other official of the municipality revealed anything that warrants the institution of disciplinary proceedings	Council			Read with the Relations on Financial Misconduct Procedures promulgated under the MFMA and the Regulations on Disciplinary procedures against Senior Managers promulgated under the Systems Act.
C136	Section 176(2), MFMA	Deciding to recover from a political office-bearer or official of the municipality any loss or damage suffered by it because of the deliberate or negligent unlawful actions of that political office-bearer or official when performing function of office.	Council			
C137	Section 178(2)(a), MFMA	Submitting to the National Treasury a list of all corporate entities in which the municipality or a municipal entity under its sole or shared control has an interest	Council	Accounting Officer(Municipal Manager)		
C138	Section 178(2)(b), MFMA	Submitting to the National Treasury a list of all public private partnerships to which the municipality is a party, with a value of more than one million Rand in	Council	Accounting Officer(Municipal Manager)		

POWERS/DUTIES CONFERRED ON COUNCIL						
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		total or per annum				
C139	Section 178(2)(c), MFMA	Submitting to the National Treasury a list of all other types of contracts of the municipality for a period beyond 1 January 2007 and with a value of more than one million Rand in total or per annum	Council	Accounting Officer(Municipal Manager)		
DISASTER MANAGEMENT ACT, (DMA), 57 OF 2002						
C140	Section 51(1), DMA	May establish a municipal disaster management advice forum	Council	Accounting Officer(Municipal Manager)		Director: Community and Protection Services
C141	Section 53(1), DMA	Prepare disaster management plan which must, inter alia, form part of the Integrated Development Plan	Council	Accounting Officer(Municipal Manager)		Director: Community and Protection Services
C142	Section 55, DMA	Declare a local state of disaster if warranted by provisions of Act	Council	Executive Mayor		
FIRE BRIGADE SERVICES ACT (FBSA) Act 99 of 1987						
C143	Section 3, FBSA	Establishment of a fire brigade service	Council			
C144	Section 6A, FBSA	Establishment of a fire brigade service reserve force	Council	Accounting Officer (Municipal Manager)	Director: Community and Protection Services	
C145	Section 10, FBSA	To *determine fees* for the usage of firefighting services	Council	N/A		Read with section 160(2), Constitution
C146	Section 12, FBSA	To enter into agreement with other controlling bodies	Council	Accounting Officer(Municipal Manager)		
C147	Section 16, FBSA	The power to adopt by-laws relating to fire-fighting services	Council	N/A		

POWERS/DUTIES CONFERRED ON COUNCIL						
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MAGISTRATE'S COURT ACT (MCA) Act 32 of 1944 as amended						
C148	Section 15(2), MCA	Appoint personnel as authorized officers for the serving of process of the Court and all other documents	Council	Accounting Officer(Municipal Manager)		Director: Corporate Services
MUNICIPAL PROPERTY RATES ACT (MPRA) Act 6 of 2004						
C140	Section 3, MPRA	To adopt a policy consistent with the MPRA on the levying of rates on rateable property in the municipality	Council	N/A		Chief Financial Officer to table annually along with budget
PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) Act 2 of 2000						
C141	Part 4, section 74, PAIA	Appeal authority for the consideration of appeals lodged against a decision taken i.t.o. delegated powers by any of the deputy information officers of the municipality	Council	Municipal Manager		
OCCUPATIONAL HEALTH AND SAFETY ACT (OHASA) Act 85 of 1993						
C142	Section 8(1), OHASA	Ensure that the Municipality adheres to all the provisions of the Occupational Health and Safety Act and the regulations promulgated in terms thereof, and for this purpose bestowed with overall power to execute matters to which the Act pertains	Council	Accounting Officer(Municipal Manager)		Director: Corporate Services
C143	Section 17(1), OHASA	Appoint safety representatives for departments in consultation with	Council	Accounting Officer(Municipal		Director: Corporate

POWERS/DUTIES CONFERRED ON COUNCIL						
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		respective Heads of Departments		Manager)		Services
C144	Section 19(1), OHASA	Consider establishment of health and safety committees	Council	Accounting Officer(Municipal Manager)		Director Infrastructure Services/Director Corporate Services
ROAD TRAFFIC ACT (RTA) Act 93 of 1996						
C145	Section 80A, RTA	Power to make by-laws relating to matters listed in subsections (a) – (r)	Council	N/A		
MUNICIPAL STRUCTURES ACT (117 of 1998) – COUNCIL						
C146	Section 33, Structures Act	Establishing of committees of Council	Council	N/A		

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POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
MUNICIPAL STRUCTURES ACT (117 of 1998) – EXECUTIVE MAYOR						
EM1	Section 56(1), Structures Act	Receives reports from committees of the municipal council and forward these reports together with a recommendation to the council when the matter cannot be disposed of by the Executive Mayor in terms of his/her delegated powers	Executive Mayor	N/A		
EM2	Section 56(2)(a), Structures Act	Identify the needs of the municipality	Executive Mayor			All Directors/heads of departments / Senior Manager: Governance
EM3	Section 56(2)(b), Structures Act	Review and evaluate those needs in order of priority	Executive Mayor			All Directors/heads of departments / Senior Manager: Governance
EM4	Section 56(2)(c), Structures Act	Recommend to the council strategies, programmes and services to address priority needs through the integrated development plan, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans	Executive Mayor			All Directors and Senior Manager Governance
EM5	Section 56(2)(d), Structures Act	Recommend or determine the best way, including partnership and other approaches to deliver those strategies, programmes and services to the maximum benefit of the community	Executive Mayor			All Directors and Senior Manager Governance
EM6	Section 56(3)(a),	Identify and develop criteria to evaluate progress in the implementation of	Executive Mayor			All Directors /Senior

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
	Structures Act	strategies, programmes and services (including key performance indicators)				Manager Governance and All heads of departments
EM7	Section 56(3)(c), Structures Act	Review performance in order to improve efficiency of municipality, credit control and revenue and debt collection services and implementation of by-laws	Executive Mayor	N/A		
EM8	Section 56(3)(d), Structures Act	Monitor management of the municipality's administration in accordance with policy directions from municipal council	Executive Mayor			After consultation with members of the Mayoral Committee
EM9	Section 56(3)(d), Structures Act	Oversee provision of services in sustainable manner	Executive Mayor			After consultation with members of the Mayoral Committee
EM10	Section 56(3)(g), Structures Act	Report annually on the involvement of communities and community organizations in the affairs of the municipality	Executive Mayor			After consultation with members of the Mayoral Committee
EM11	Section 56(4), Structures Act	Perform a ceremonial role as the municipal council may determine	Executive Mayor	N/A		
EM12	Section 56(5), Structures Act	Report to council at such intervals as the latter may determine on decision taken	Executive Mayor	N/A		
EM13	Section 60(1)(a), Structures Act	Appoint a mayoral committee from among the councillors to assist the Executive Mayor	Executive Mayor	N/A		

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POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
EM14	Section 60(1)(b), Structures Act	Delegate specific responsibilities to each member of the mayoral committee	Executive Mayor	N/A		
EM15	Section 60(1)(c), Structures Act	Determine the functional area for each portfolio of the members of the mayoral committee	Executive Mayor	N/A		
EM16	Section 60(1)(d), Structures Act	May dismiss a member of the mayoral Committee	Executive Mayor	N/A		
EM17	Section 80(3)(a), Structures Act	Appoint a chairperson for each committee from the mayoral committee	Executive Mayor	N/A		
EM18	Section 80(3)(b) and (c), Structures Act	May delegate any powers and duties of the Executive Mayor to the committee, but is not divested of the responsibility concerning the exercise of the power or the performance of a duty	Executive Mayor	N/A		
EM19	Section 80(3)(d), Structures Act	May vary of revoke any decision taken by the committee, subject to vested rights	Executive Mayor	N/A		
EM20	Section 30, Systems Act	In respect of the integrated development plan: (i) manage the drafting of the Strategic goals	Executive Mayor			
EM21	Section 30, Systems Act	In respect of the integrated development plan: (ii) assign responsibilities in this regard	Executive Mayor			

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		to the Accounting Officer (Municipal manager)				
EM22	Section 30, Systems Act	In respect of the integrated development plan: (iii) submits the draft plan to the council and make recommendations	Executive Mayor			
EM23	Section 39, Systems Act	In respect of the performance management system: (i) manage the development of the municipality's performance management system	Executive Mayor			
EM24	Section 39, Systems Act	In respect of the performance management system: (ii) assign responsibilities in this regard to the Accounting Officer (Municipal manager)	Executive Mayor			
EM25	Section 39, Systems Act	In respect of the performance management system: (iii) submit the proposed system to the municipal council and make recommendations to council	Executive Mayor			
EM26	Section 62(4)(b), Systems Act	Deal with appeal against decision made by Accounting Officer (Municipal manager)	Executive Mayor			
EM27	Section 99, Systems Act	Oversee and monitor: (i) the implementation and enforcement of a	Executive Mayor			

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		municipality's credit control and debt collection policy and by-laws enacted in terms of section 98				
EM28	Section 99, Systems Act	Oversee and monitor (iii) the performance of the Accounting Officer (Municipal Manager) in implementing the credit control and debt collection policy and by-laws	Executive Mayor	N/A		
EM29	Section 99, Systems Act	When necessary evaluate or review the policy and any by-laws or the implementation of the policy and any by-laws, in order to improve efficiency of its credit control and debt collection mechanisms, processes and procedures	Executive Mayor			Chief Financial Officer
EM30	Section 99, Systems Act	At such intervals as may be determined by council report to a meeting of Council	Executive Mayor	N/A		
MUNICIPAL FINANCE MANAGEMENT ACT 56 OF 2003 (MFMA) – EXECUTIVE MAYOR						
EM31	Section 12(1), MFMA	Deciding to set-up a relief, charitable, trust or other fund of whatever	Executive Mayor			Chief Financial Officer

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		description				
EM32	Section 16(2), MFMA	Tabling the annual budget at a council meeting	Executive Mayor			The annual budget must be tabled at least 90 days before 1 July each year. The work output on the annual budget is managed by the Accounting Officer.
EM33	Section 21(1)(a), MFMA	Coordinating the processes of preparing the annual budget and reviewing the municipality's integrated development plan and budget-related policies.	Executive Mayor			All Directors/ heads of departments to assist
EM34	Section 21(1)(b), MFMA	Tabling in the council a time schedule outlining key deadlines for the preparation, tabling and approval of the annual budget, the annual review of the integrated development plan and the municipality's budget-related policies, the tabling and adoption of any amendments to the integrated development plan and the budget-related policies and any consultative processes forming part of the processes	Executive Mayor			At least 10 months before 1 July each year Senior Manager: Governance
EM35	Section 21(2)(b), MFMA	Implementing the reasonable steps to be taken to review the municipality's integrated development plan	Executive Mayor			Senior Manager: Governance/ Manager: IDP/PM/IGR

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POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
EM36	Section 21(2)(d), MFMA	Determining the manner and timing of consultation of the local municipalities within the municipal area, the provincial treasury and such other organs of state as may be prescribed with regard to the municipality's annual budget.	Executive Mayor			Chief Financial Officer/Senior Manager Governance
EM37	Section 21(2)(e), MFMA	Providing information relating to the budget that may be requested by the National Treasury and any other organ of state.	Executive Mayor			Subject to any limitations that may be prescribed i.r.o. organs of state other than the National Treasury
EM38	Section 25(3), MFMA	Complying with section 55 of the MFMA if the municipality has not approved an annual budget, including revenue- raising measures necessary to give effect to the budget, by 1 July of any year.	Executive Mayor			Immediately report the matter to the MEC responsible for local government
EM39	Section 26(4)), MFMA	Obtaining the MEC responsible for finance's approval to withdraw funds from the municipality's bank accounts, if a budget has not been approved on or before 1 July of each year.	Executive Mayor			
EM40	Section 27(1), MFMA	Determining the likelihood of the municipality not being able to comply with the MFMA or other legislation relating to the tabling or approval of an annual budget or compulsory consultation processes; Informing the MEC responsible for	Executive Mayor			

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		finance of any impending non-compliance by the municipality of any provisions of the MFMA or any other legislation pertaining to the tabling or approval of an annual budget or compulsory consultation process.				
EM41	Section 27(2), MFMA	Decision to apply to the MEC responsible for finance to extend any time limit or deadline with regard to the preparation and approval of the annual budget; Applying to the MEC responsible for finance to extend any time limit or deadline with regard to the preparation and approval of the annual budget	Executive Mayor			
EM42	Section 27(3), MFMA	Informing the council, the MEC responsible for finance and the National Treasury, in writing, of any actual non- compliance by the municipality of a provision of Chapter 4 of the MFMA and any remedial or corrective measures the municipality intends to implement to avoid a recurrence of such non-compliance	Executive Mayor			
EM43	Section 28(4), MFMA	Tabling an adjustments budget in the council	Executive Mayor			

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POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
EM44	Section 29(1), MFMA	Decision to authorise unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances	Executive Mayor			
EM45	Section 29(2)(c), MFMA	Reporting to the council regarding the authorisation of unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances	Executive Mayor			Such report must be made to the council at the first council meeting next ensuing after the authorisation was given
EM46	Section 31(d), MFMA	Giving written approval for exceeding the amount appropriated i.r.o. a capital programme	Executive Mayor			
EM47	Section 52(a), MFMA	Decision on the nature and extent of, and manner in which political guidance over the fiscal and financial affairs of the municipality will be provided	Executive Mayor			
EM48	Section 52(b), MFMA	Decision on the monitoring and oversight mechanisms to be applied to the exercise by the Accounting Officer (Municipal Manager) and the chief financial officer of their powers, functions and duties i.t.o. the MFMA	Executive Mayor			

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POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
EM49	Section 52(c), MFMA	Decision on the reasonable steps to be taken to ensure that the municipality performs its constitutional and statutory functions within the limits of the municipality's approved budget	Executive Mayor			
EM50	Section 52(d), MFMA	Submitting to the council, within 30 days of the end of each quarter, a report on the implementation of the budget and the financial state of affairs of the municipality	Executive Mayor			Chief Financial Officer
EM51	Section 53(1)(a), MFMA	Decision on the nature and extent of, and manner in which political guidance is to be given over the budget process and the priorities that must guide the preparation of a budget	Executive Mayor			
EM52	Section 53(1)(b), MFMA	Decision on the steps to be taken to co- ordinate the annual revision of the integrated development plan and the preparation of the annual budget; Determining how the integrated development plan is to be taken into account or revised for the purposes of the budget	Executive Mayor			Chief Financial Officer (i.r.o. budget) / Senior Manager: Governance (i.r.o. IDP)
EM53	Section 53(1)(c)(i), MFMA	Determining the reasonable steps to be taken to ensure that the municipality approves its annual budget before the start of the budget year.	Executive Mayor			

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
EM54	Section 53(1)(c)(ii), MFMA	Determining the reasonable steps to be taken to ensure he/she approves the municipality's service delivery and budget implementation plan.	Executive Mayor			
EM55	Section 53(1)(c)(iii), MFMA	Determining the reasonable steps to be taken to ensure that the annual performance agreements for the Accounting Officer (Municipal Manager) and all senior managers comply with the MFMA, are linked to the measurable performance objectives approved with the budget and to the service delivery and budget implementation plan and are concluded in accordance with section 57(2) of the Systems Act.	Executive Mayor			
EM56	Section 53(2), MFMA	Reporting to the council and the MEC responsible for finance any delay in the tabling of an annual budget, the approval of the service delivery an budget implementation plan or the signing of the annual performance agreements.	Executive Mayor			

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
EM57	Section 53(3)(a), MFMA	Ensuring that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, contained in the service delivery an budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budge implementation plan	Executive Mayor			
EM58	Section 53(3)(b), MFMA	Ensuring that the performance agreements of the Accounting Officer (Municipal manager), senior managers and any other categories of officials as may be prescribed, are made public no later than 14 days after the approval of the municipality's service delivery an budget implementation plan; Submission of the annual performance agreements of the Accounting Officer (Municipal manager), senior managers and any other categories of officials as may be prescribed, to the council and the MEC responsible for local Government	Executive Mayor			
EM59	Section 54(1)(a), MFMA	Making arrangements for the receipt of a monthly statement on the state of the municipality's budget and a mid-	Executive Mayor			The statement regarding the municipality's budget must be submitted not later than 10 working

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POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		year corporate performance assessment report				days after the end of each month
			Executive Mayor			The mid-year performance assessment report must be submitted not later than 25 January of each year
			Executive Mayor			The mid-year corporate performance assessment report must be submitted to the council not later than 31 January
EM60	Section 54(1)(b), MFMA	Determining the procedures, including reports required to check whether the municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan	Executive Mayor			
EM61	Section 54(1)(c), MFMA	Determining whether it is necessary to make any revisions to the service delivery and budget implementation plan	Executive Mayor			Revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
						approval of an adjustments budget
EM62	Section 54(1)(d), MFMA	Determining the instructions to be given to the Accounting Officer (Municipal Manager) to ensure that the budget is implemented in accordance with the service delivery and budget implementation plan and that spending of funds and revenue collection proceed in accordance with the budget	Executive Mayor			If the municipality faces any serious financial problems, the Executive Mayor must promptly respond to and initiate any remedial or corrective steps proposed by the Accounting Officer (Municipal Manager) to deal with such problems, which may include steps to reduce spending when revenue is anticipated to be less than projected in the municipality's approved budget, the tabling of an adjustments budget or steps i.t.o. Chapter 13 of the MFMA and alert the council and the MEC for Local Government of those problems.
EM63	Section 54(1)(e),	Considering whether the municipality faces any financial problems including	Executive Mayor			

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
	MFMA	any emerging or impending financial problems				
EM64	Section 54(3), MFMA	Making public any revisions of the service delivery and budget implementation plan	Executive Mayor			
EM65	Section 55, MFMA	Immediately report to the MEC for local government if the municipality has not approved an annual budget by 1 July of any year or if the municipality encounters a serious financial problem	Executive Mayor			
EM66	Section 56, MFMA	Providing guidance to the municipality to exercise its rights and powers over any municipal entity in which the municipality has sole or shared control	Executive Mayor			
EM67	Section 59(1)(a), MFMA	Deciding to delegate the powers and duties assigned to the executive mayor i.t.o. the MFMA to another member of the executive mayoral committee	Executive Mayor	N/A		May only be delegated to another member of the mayoral committee. Delegation must be in writing and does not divest the executive mayor of his/her responsibility concerning the exercise of the delegated power or the performance of the delegated duty.
EM68	Section 59(1), MFMA	Determining the conditions and limitations of any delegation by the Executive Mayor	Executive Mayor	N/A		

POWERS/DUTIES CONFERRED ON COUNCIL						
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EM69	Section 59(3), MFMA	Deciding to confirm, vary or revoke any decision taken in consequence of a delegation by the Executive Mayor	Executive Mayor	N/A		No variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision
EM70	Section 87(3), MFMA	Tabling the proposed budget of a municipal entity of which the municipality is the parent municipality in the council	Executive Mayor			Together with the municipality's budget for the relevant financial year
EM71	Section 87(6), MFMA	Considering an application by the board of directors of a municipal entity of which the municipality is the parent municipality to revise the budget of the municipal entity	Executive Mayor			
EM72	Section 87(9), MFMA	Tabling the budget or adjusted budget and any adjustments budget of a municipal entity of which the municipality is the parent municipality at the next council meeting	Executive Mayor			
EM73	Section 102(1), MFMA	Receiving a report of the board of directors of a municipal entity of which the municipality is the parent municipality any irregular expenditure or any fruitless and wasteful expenditure incurred by, or on behalf of, tat municipal entity	Executive Mayor			
		Receiving a report of the accounting officer of a municipal entity of which				

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
EM74	Section 103, MFMA	the municipality is the parent municipality regarding any interference by a councillor outside that councillor's assigned duties, in the financial affairs of the municipal entity, or the responsibilities of the board of directors of the municipal entity	Executive Mayor			
EM75	Section 127(2), MFMA	Tabling in the council the municipality's annual report of any municipal entity under the municipality's sole or shared control	Executive Mayor			Senior Manager : Governance
EM76	Section 127(3)(a), MFMA	Submitting to the council a written explanation setting out the reasons for any delay in tabling the municipality's annual report and the annual report of any municipal entity under the municipality sole or shared control	Executive Mayor			Senior Manager : Governance
EM77	Section 130(1), MFMA	Determining the reasonable time period to be allowed during a council meeting at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken for the discussion of any written submissions received from the local community or organs of state on the annual report and for members of the local community or any organs of state to address the Municipal Council	Executive Mayor			

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
EM78	Section 131(1), MFMA	Ensuring that the municipality addresses all the issues raised in an audit report	Executive Mayor			Accounting officer in collaboration with Directors, Chief Financial Officer and Chief Audit Executive
EM79	Section 133(1)(a), MFMA	Tabling in the council a written explanation setting out the reasons for the failure of the Accounting Officer (Municipal Manager) or of the accounting officer of a municipal entity under the municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the municipality or a municipal entity in the council	Executive Mayor			
EM80	Section 136(1)(a), MFMA	Participating in consultations with the MEC for local government regarding a serious financial problem in the municipality	Executive Mayor			
EM81	Section 137(1)(d), MFMA	Participating in consultations with the MEC for local government regarding the municipality's co-operation in resolving any financial problem, and if applicable, implementing the financial recovery plan	Executive Mayor			
EM82	Section 139(1)(b), MFMA	Participating in consultations with the MEC for local government regarding the municipality's co-operation in implementing the recovery plan, including the approval of a budget and legislative measures giving effect to the	Executive Mayor			

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POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		recovery plan				
EM83	Section 139(2), MFMA	Receiving a request made by the provincial executive to the Municipal Financial Recovery Service to determine the reasons for the crisis in the municipality's financial affairs, to assess the municipality's financial state and to prepare an appropriate recovery plan for the municipality	Executive Mayor			
EM84	Section 166(2), MFMA	Receiving reports of the audit committee	Executive Mayor			
MUNICIPAL ASSET TRANSFER REGULATIONS (GNR 878 in GG 31346 dates 22 August 2008) – EXECUTIVE MAYOR						
EM 85	Chapter 2 and chapter 4	Approval of lease agreements of Council properties for a period shorter than 10 years and a contract value of less than R5 million. Includes session of such agreements to other parties within the original contract period.	Council	Executive Mayor		In consultation with the Executive Mayoral Committee
MUNICIPAL STRUCTURES ACT (117 of 1998) – SPEAKER						
S1	Section 37(a), Structures Act	Presides at meetings of the Council	Speaker	N/A		(When the speaker is absent, the Accounting Officer (Municipal Manager) must preside for

POWERS/DUTIES CONFERRED ON COUNCIL						
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						council elect an acting speaker)
S2	Section 37(c), Structures Act	Ensure that the council meets at least quarterly	Speaker	N/A		
S3	Section 37(d), Structures Act	Maintain order during meetings	Speaker	N/A		
S4	Section 37(e), Structures Act	Ensure compliance in the council and council committees with the Code of Conduct	Speaker	N/A		
S5	Section 37(f), Structures Act	Ensure that council meetings are conducted in accordance with the rules and orders of the council	Speaker	N/A		
S6	Section 73	To oversee the establishment and co-ordination of ward committees in terms of Council policy including monitoring the performance of ward committees	Council	Speaker		After consultation with the administration
S7	Section 78	To make recommendations to Council in respect of the dissolution of ward committees	Council	Speaker		After consultation with the Accounting Officer
MUNICIPAL SYSTEMS ACT, Act 32 0f 2000, CODE OF CONDUCT - SPEAKER						
S8	Section 109A MSA	To provide input to the Accounting officer decide on the provision of legal services for the EM	Speaker [1]			
S9	Schedule 1	Responsibility to investigate an alleged breach of the Code of Conduct by a councillor and to report on same to	Speaker	N/A		

[1] See also section 109A above

POWERS/DUTIES CONFERRED ON COUNCIL						
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		council				
S10	Schedule 1	Appoint a person to assist speaker with the investigation into the facts and circumstances of an alleged breach of the code of conduct	Accounting Officer (Municipal Manager)			After consultation with the Speaker
S11	Schedule 1	Report a councillor who has not attended three (3) consecutive meetings as required to disciplinary committee	Speaker			
S12	Schedule 1	Refer a matter in which there is a reasonable suspicion that the Code of Conduct has been breached to either Council or a committee appointed by council for investigation and recommendation on action to be taken if found guilty	Speaker			Read with terms of reference of Disciplinary Committee
S13	Section 5(a) of Schedule 2	Ensure Municipal Manager and Managers directly accountable declare their interests	Speaker			
MUNICIPAL FINANCE MANAGEMENT ACT (MFMA), ACT 56 of 2003 – SPEAKER						
S14	Section 130, MFMA	Ensure public access to council meetings where the annual financial report is discussed	Speaker	N/A		
RULES OF ORDER BYLAW (2019) [2] - SPEAKER						
S15	Rules of Order – rule 5.1	Call a special Council meeting	Speaker	N/A		
S16	Rules of Order – rule 9.1	Maintain order during the proceedings	Speaker	N/A		

[2] Not all delegations approved by council as indicated in the Bylaw has been taken up herein. Those not taken up is intact and will be added administratively if necessary

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
S17	Rules of Order – rule 9.2	Ensure that the Code of Conduct for Councillors be adhered to during the meeting	Speaker	N/A		
S18	Rules of Order – rule 9.2	Ensure that the meeting be conducted in accordance with the rules of order	Speaker	N/A		
S19	Rules of Order – rule 9.6	Ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the speaker or chair at the meeting	Speaker	N/A		
S20	Rules of Order – rule 9.7	Ensure that any councillor or member of the public refusing to comply with the ruling of the speaker or chair leave the meeting	Speaker	N/A		
S21	Rules of Order – rule 9.8	Ensure that the whip of each political party represented in the Municipal Council, as well as the single whip of Council, maintain discipline during the meeting.	Speaker	N/A		
S22	Rules of Order – rule 11.2	The Speaker or chair may suspend the meeting for a period that they deem fit and thereafter adjourn the meeting to reconvene on another date and at another time and/or venue.	Speaker	N/A		
S23	Rules of Order – rule 21.4	The speaker or chair may grant leave at their sole discretion, and the speaker or chair is at liberty to reject an application for leave of absence				
S24	Rules of Order – rule 32.2	May order disorderly members to be removed from Council	Speaker	N/A		
S25	Rules of Order – rule 45	The speaker may, within the framework of the Municipality's approved operational budget and subject to its supply chain management policy, refer any matter pertaining to the Council	Speaker	N/A		

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		and its proceedings for legal advice.				
S26	Rules of Order – Rule 30	To compile a speakers list for meetings of Council, after consultation with the other whips, in which times for speakers are allocated to determine the order in which speakers may be permitted to address the Council o any item which is to be debated; and submit the list of scheduled speakers to the Speaker, the Executive Mayor and all party whips.	Council	Speaker		
S27	Rule 40.3	A committee consisting of the speaker, the single whip and two other party whips chosen on a rotational basis must investigate before a fine is imposed under rule 40.2, and report to Council on the transgression contemplated by rule 40.2 read with rule 21.	Council	Speaker, Single Whip, 2 other whips		
RULES OF ORDER BYLAW (2019) [3] SINGLE WHIP						
SW1	Rules of Order – rule 21	To receive leave of absence from Councillors for meetings of Council and its committees in accordance with the rules of Order and provide it to the Speaker	Council	Single Whip		
SW2	Rules of Order – rule 21	To monitor the attendance of Councillors at meetings of Council and its committees	Council	Single Whip		

[3] Not all delegations approved by council as indicated in the Bylaw has been taken up herein. Those not taken up is intact and will be added administratively if necessary

POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
SW3	Rules of Order – rule 9.8	Ensure that the whip of each political party represented in the Municipal Council, as well as the single whip of Council maintain discipline during the meeting.	Single Whip	N/A		
SW4	Rules of Order – rule 12.7	The single whip counts the votes and declares the result of the decisions to the chair.	Single Whip	N/A		
SW5	Rule 40.3	A committee consisting of the speaker, the single whip and two other party whips chosen on a rotational basis must investigate before a fine is imposed under rule 40.2, and report to Council on the transgression contemplated by Rule 40.2 read with rule 21.	Council	Speaker, Single Whip, 2 other whips		

DELEGATIONS IN THE RULES OF ORDER (2019) NOT TAKEN UP IN HERE ARE IN TACT AS APPROVED BY COUNCIL.
OTHER CURRENT DELEGATIONS NOT TAKEN UP IN THIS REGISTER DUE TO THE POLICIES AND BYLAWS BEING UNDER REVIEW, REMAINS IN FORCE UNTIL REVIEWED. THE CHANGES TO THE REGISTER WILL BE AFFECTED THE REVIEW POLICIES AND BYLAWS HAVE BEEN APPROVED BY COUNCIL.



DRAFT 3

ADMINISTRATIVE DELEGATIONS

"Administrative delegations" encompass delegations that relate to powers, duties or functions assigned to or conferred on:

- political structures and/or political office-bearers in terms of municipal policy, resolution, procedures, etc. relating to the activities of such structures and/or office-bearers
- the accounting officer, i.e. Accounting Officer (Municipal Manager) and/or other municipal employees in terms of legislation, municipal policies, resolutions, procedures, directives, guidelines, etc.

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
MUNICIPAL STRUCTURES ACT, 32 OF 2000 _ MUNICIPAL MANAGER						
MM1	Section 29(2), Structures Act	Call first meeting of council	Accounting Officer(Municipal Manager)			
MM2	Section 36(3), Structures Act	Presides over election of speaker	Accounting Officer(Municipal Manager)			
MUNICIPAL SYSTEMS ACT – MUNICIPAL MANAGER						
MM3	Section 15, Systems Act	Compilation and maintaining of municipal code	Council	Accounting Officer(Municipal Manager)	Senior Manager: Administrative Support Services	After consultation with Director: Corporate Services
MM4	Section 19, Systems Act	Notice to public of time, date and venue of ordinary meeting of council and special or urgent meeting of council – except when time constraints make it impossible	Accounting Officer(Municipal Manager)	Director: Corporate Services	Manager: Secretariat/Committee Services	After consultation with Director: Corporate Services
MM5	Section 21B, Systems Act	If affordable, establish own website	Accounting Officer(Municipal Manager)	Senior Manager: Governance	Manager: Communication	In consultation with Senior Manager: Governance and Director Corporate Services (ICT)
MM6	Section 55(1)(a), Systems Act	Form and develop an economical, effective and accountable administration	Accounting Officer(Municipal Manager)	All Directors		All heads of departments/sections
MM7	Section 55(1)(c), Systems Act	Implement integrated development plan and monitor progress thereof	Accounting Officer(Municipal	All Directors		All heads of departments/sections

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
			Manager)			
MM8	Section 55(1)(d), Systems Act	Manage provision of service to local community	Accounting Officer(Municipal Manager)	All Directors		All heads of departments/sections
MM9	Section 55(1)(e), Systems Act	Appoint staff in accordance with staff establishment	Accounting Officer(Municipal Manager)	Director: Corporate Services		In consultation with applicable Directors
MM10	Section 55(1)(f)-(h), Systems Act	Manage staff / Maintain staff discipline / Promote sound labour relations	Accounting Officer(Municipal Manager)	All Directors		All heads of departments/sections
MM11	Section 55(1)(i), Systems Act	Advise political structures and political office bearers	Accounting Officer(Municipal Manager)	All Directors		All heads of departments/sections
MM12	Section 55(1)(j), Systems Act	Manage communications between municipality's administration and its political structures and political office bearers	Accounting Officer(Municipal Manager)			
MM13	Section 55(1)(k), Systems Act	Carry out decisions of the political structures and political office bearers of the municipality	Accounting Officer(Municipal Manager)	All Directors		All heads of departments/sections/all employees
MM14	Section 55(1)(l), Systems Act	Administer and implement municipality's by-laws and other legislation	Accounting Officer(Municipal Manager)	All Directors		All heads of departments/sections
MM15	Section 55(1)(n)-(o), Systems Act	Facilitate participation by the local community / Develop and maintain a system to assess community satisfaction with municipal services	Accounting Officer(Municipal Manager)	All Directors		All heads of departments/sections
MM16	Section 55(1)(p), Systems Act	Implement national and provincial legislation	Accounting Officer(Municipal Manager)	All Directors		All heads of departments/sections
MM17	Section 62(2), Systems Act	Submit appeal to appropriate appeal authority	Accounting Officer(Municipal	Director: Corporate Services	Manager: Secretariat/	

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
			Manager)		Committee Services	
MM18	Section 62(4)(a), Systems Act	Deal with appeal against decision of other staff member	Accounting Officer(Municipal Manager)			See also APP below
MM19	Section 65(1)(a), Systems Act	Submit report to council on existing delegations	Accounting Officer(Municipal Manager)			Read with section 59(2)(f), Systems Act/ Senior Manager; Governance to co-ordinate
MM20	Section 65(1)(b), Systems Act	Make recommendations on possible changes	Accounting Officer(Municipal Manager)	All Directors		
MM21	Section 66(1)(b), Systems Act	Approve a staff establishment for the municipality	Accounting Officer(Municipal Manager)			Section 66 was amended by the Amendment Act of 2011 subsequently declared invalid BY the CONCOURT in 2019.
MM22	Section 66(1)(b), Systems Act	Provide job descriptions for each post on the staff establishment	Accounting Officer(Municipal Manager)	All Directors		All heads of departments/sections
MM23	Section 66(1)(c), Systems Act	Attach remuneration and other conditions of service to those posts	Accounting Officer(Municipal Manager)	Director: Corporate Services		In consultation with all Directors and in line with Council policy
MM24	Section 66(1)(d), Systems Act	Establish mechanism to evaluate staff establishment / Review staff establishment and the remuneration and conditions of service if necessary	Accounting Officer(Municipal Manager)	Director: Corporate Services		In consultation with all Directors and in line with Council policy and applicable collective agreements

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
MM25	Section 67(4), Systems Act	Ensure staff members and trade unions have access to systems and procedures in respect of personnel administration	Accounting Officer(Municipal Manager)	Director: Corporate Services	Senior Manager: Human Resource Services	In consultation with Director Corporate Services
MM26	Section 68(1), Systems Act	Built capacity of human resources in terms of the Skills Development Act, 1989	Accounting Officer(Municipal Manager)	Director: Corporate Services	Senior Manager: Human Resource Services	In consultation with all Directors and in line with Council policy and applicable collective agreements
MM27	Section 70, Systems Act	Provide and communicate code of conduct to staff and where necessary to local community	Accounting Officer(Municipal Manager)	Director: Corporate Services	Senior Manager: Human Resource Services	All heads of departments/sections
MM28	Section 100(a), Systems Act	Implement and enforce municipality's credit control and debt collection policy and by-laws	Accounting Officer (Municipal Manager)	Chief Financial Officer	Senior Manager Revenue and Expenditure	
MM29	Section 100(b), Systems Act	Establish effective mechanisms, processes and procedures to collect monies due and payable to the municipality	Accounting Officer(Municipal Manager)	Chief Financial Officer	Senior Manager Revenue and Expenditure	
MM30	Section 117, Systems Act	Keep records and documents of municipality in custody	Accounting Officer(Municipal Manager)	Director: Corporate Services	Manager: Registry & Office Auxiliary Services	All heads of departments/sections
MM31	Schedule 2, Systems Act	Power to grant permission for the disclosure of privileged or confidential information as defined in Code of Conduct	Accounting Officer(Municipal Manager)			
MUNICIPAL FINANCE MANAGEMENT ACT (MFMA) - MUNICIPAL MANAGER						

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
MM32	Section 7(1), MFMA	Opening and maintaining at least one bank account	Accounting Officer(Municipal Manager)	Chief Financial Officer		
MM33	Section 7(2), MFMA	Prompt payment of money received into bank account(s)	Accounting Officer(Municipal Manager)	Chief Financial Officer	Senior Manager Revenue and Expenditure	In consultation with CFO
MM34	Section 8(5), MFMA	Submission of the municipality's primary bank account details, and any impending change thereof	Accounting Officer(Municipal Manager)	Chief Financial Officer	Senior Manager: Financial Management Services	
MM35	Section 9(a), MFMA	Submission of the prescribed details regarding any new bank accounts opened for the municipality	Accounting Officer(Municipal Manager)	Chief Financial Officer	Senior Manager Financial Management Services	
MM36	Section 9(b), MFMA	Submission of the details of the municipality's bank accounts annually before the start of a financial year	Accounting Officer(Municipal Manager)	Chief Financial Officer	Senior Manager Financial Management Services	
MM37	Section 10(1)(a), MFMA	Administration of the municipality's bank accounts	Accounting Officer(Municipal Manager)	Chief Financial Officer		With assistance of Manager: Financial Statements and Reporting
MM38	Section 10(2), MFMA	Enforcing compliance with sections 7, 8 and 11 of the MFMA	Accounting Officer (Municipal Manager)	Chief Financial Officer		No further sub-delegation permitted

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
MM39	Section 11(1), MFMA	Written authorisation to senior financial official to withdraw or authorise the withdrawal of money from the municipality's bank account for the purpose outlined i.t.o. section 11, MFMA	Accounting Officer(Municipal Manager)	Chief Financial Officer (must be issued with written authorisation by the Accounting Officer)		The Accounting Officer must issue written authorisation to any other senior financial official to implement section 11. See Financial Transactions below.
MM40	Section 11(4)(a), MFMA	Preparation of a quarterly consolidated report of all withdrawals made in terms of section 11(1)(b) to (j) of the MFMA from the municipality's bank accounts;	Accounting Officer(Municipal Manager)	Chief Financial Officer		
MM41	Section 11(4)(a), MFMA	Tabling of a quarterly consolidated report of all withdrawals made in terms of section 11 (1)(b) to (j) of the MFMA from the municipality's bank accounts in the Municipal Council	Accounting Officer(Municipal Manager)	Chief Financial Officer		
MM42	Section 11(4)(b), MFMA	Submission of quarterly consolidated report of all withdrawals made in terms of section 11 (1)(b) to (j) of the MFMA to the provincial treasury and the Auditor-General	Accounting Officer(Municipal Manager)	Chief Financial Officer		No further sub-delegation permitted
MM43	Section 12(4), MFMA	Issuing written authority to withdraw money without appropriation in terms of an approved budget from a bank account opened for the purpose of relief, charitable, trust or other fund.	Accounting Officer(Municipal Manager)	Chief Financial Officer		With assistance from the Senior Manager: Financial Statements, compliance and reporting
MM44	Section 22, MFMA	Making the annual budget public, inviting the community to submit representations in connection therewith and submitting the annual budget to the national and provincial treasuries and affected municipalities	Accounting Officer(Municipal Manager)	Chief Financial Officer		With assistance from Senior Manager Governance

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
MM45	Section 24(3), MFMA	Submission of the approved annual budget to the National Treasury and the provincial treasury	Accounting Officer(Municipal Manager)	Chief Financial Officer		
MM46	Section 31(c), MFMA	Issuing a certificate specifying that actual revenue for the financial year concerned is expected to exceed budgeted revenue and that sufficient funds are available for exceeding the amount appropriated for a specific capital programme without incurring further borrowing beyond the annual budget limit	Accounting Officer(Municipal Manager)	Chief Financial Officer		
MM47	Section 32(3)	Deciding whether a decision taken by the Council or the Executive Mayor is likely to result, if it is implemented, in unauthorised, irregular or fruitless and wasteful expenditure	Accounting Officer(Municipal Manager)			
MM47A	Section 32(3)	Instructing an authorised employee not to implement a decision taken by the Council or the Executive Mayor that is likely to result, if it is implemented, in unauthorised, irregular or fruitless and wasteful expenditure	Accounting Officer(Municipal Manager)			
MM47B	Section 32(3)	Informing the Council or the Executive Mayor that a decision taken by the Council or the Executive Mayor is likely to result, if it is implemented, in unauthorised, irregular or fruitless and wasteful expenditure	Accounting Officer(Municipal Manager)			Chief Financial Officer (CFO) to assist

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
MM48	Section 32(4), MFMA	Informing the Executive Mayor, the MEC for local government and the Auditor- General, in writing, of any unauthorised, irregular or fruitless and wasteful expenditure incurred by the municipality, whether any person is responsible or under investigation for such unauthorised, irregular or fruitless and wasteful expenditure and the steps that have been taken to recover or rectify such expenditure and to prevent a recurrence of such expenditure.	Accounting Officer(Municipal Manager)			With assistance Chief Financial Officer / Chief Audit Executive
MM49	Section 32(6), MFMA	Reporting alleged irregular expenditure that constitutes a criminal offence and alleged theft and fraud which occurred in the Municipality to the SAPS.	Chief Financial Officer / Chief Audit Executive	Chief Audit Executive		Also refer Fraud Policy
MM50	Section 33(1)(a), MFMA	Make public a draft contract (that will impose financial obligations beyond the three years covered in the budget) and information statement summarising the municipality's obligations and invite comments from the public; Solicit recommendations from National and Provincial Treasury and the National department responsible for local government, and if necessary, other relevant national departments	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM51	Section 37(2), MFMA	Determining the projected amount of any allocation proposed to be transferred to another municipality during each of the next three financial years and notifying the	Accounting Officer (Municipal Manager)	Chief Financial Officer		In consultation with Accounting Officer

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
		receiving municipality thereof.				
MM52	Section 45(2)(b), MFMA	Signing a debt agreement or other document which creates or acknowledges any short term debt	Accounting Officer (Municipal Manager)			
MM53	Section 46(2)(b), MFMA	Signing a debt agreement or other document which creates or acknowledges any long-term debt	Accounting Officer (Municipal Manager)			
MM54	Section 61(1)(b), MFMA	Deciding the timing and manner of disclosing to the Municipal Council and the Executive Mayor all material facts which are available or reasonably discoverable, and which in any way might influence the decisions or actions of the Municipal Council or the Executive Mayor.	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM55	Section 62(1)(a), MFMA	Deciding the reasonable steps to be taken to ensure that that the resources of the Municipality are used effectively, efficiently and economically	Accounting Officer (Municipal Manager)	All Directors		All heads of departments/sections to assist
MM56	Section 62(1)(b), MFMA	Deciding the reasonable steps to be taken to ensure that that full and proper records of the Municipality's financial affairs are kept in accordance with any prescribed norms and standards	Accounting Officer (Municipal Manager)	Chief Financial Officer		

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MM57	Section 62(1)(c)(i), MFMA	Deciding the reasonable steps to be taken to ensure that the municipality has and maintains effective, efficient and transparent systems of financial and risk management and internal control	Accounting Officer (Municipal Manager)	Chief Financial Officer and all heads of departments		All senior financial managers& other sectional heads
MM58	Section 62(1)(c)(ii), MFMA	Deciding the reasonable steps to be taken to ensure that the municipality has and maintains effective, efficient and transparent systems of internal audit operating in accordance with any prescribed norms and standards	Accounting Officer (Municipal Manager)	Chief Financial Officer and all heads of departments		All senior financial managers& other sectional heads
MM59	Section 62(1)(d), MFMA	Deciding the reasonable steps to be taken to ensure that unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented	Accounting Officer (Municipal Manager)	Chief Financial Officer and Chief Audit Executive		All Directors, Senior managers& other sectional heads of all directorates to comply
MM60	Section 62(1)(e), MFMA	Deciding the reasonable steps to be taken to ensure that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the municipality who has allegedly committed an act of financial misconduct or an offence in terms of Chapter 15 of the MFMA	Accounting Officer (Municipal Manager)	Chief Financial Officer and all Directors		Director: Corporate Services /Chief Audit Executive
MM61	Section 62(1)(f)(i), MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a tariff policy referred to in section 74 of the Municipal Systems Act	Accounting Officer (Municipal Manager)	Chief Financial Officer		

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
MM62	Section 62(1)(f)(ii), MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a rates policy as required in terms of section 3 of the Local Government: Municipal Property Rates Act, 2004	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM63	Section 62(1)(f)(iii), MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a credit control and debt collection policy referred to in section 96(b) of the Municipal Systems Act	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM64	Section 62(1)(f)(iv), MFMA	Deciding the reasonable steps to be taken to ensure that that the Municipality has and implements a supply chain management policy in accordance with Chapter 11 of the MFMA	Accounting Officer (Municipal Manager)	Chief Financial Officer and all heads of departments		
MM65	Section 63(1), MFMA	Responsible for the management of assets and liabilities of municipality	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM66	Section 63(2)(a), MFMA	Deciding the reasonable steps to be taken to ensure that the municipality has and maintains a management, accounting and information system that accounts for the assets and liabilities of the Municipality	Accounting Officer (Municipal Manager)			Chief Financial Officer / Senior Manager: ICT, / Chief Internal Audit
		Deciding the reasonable steps to be	Accounting Officer			Chief Financial Officer / Senior Manager: ICT, /

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MM67	Section 63(2)(b), MFMA	taken to ensure that the municipality's assets and liabilities are valued in accordance with standards of generally recognised accounting practice	(Municipal Manager)	Chief Financial Officer		Chief Internal Audit to assist
MM68	Section 63(2)(c), MFMA	Deciding the reasonable steps to be taken to ensure that the municipality has and maintains a system of internal control of assets and liabilities, including an asset and liabilities register, as may be prescribed	Accounting Officer (Municipal Manager)	Chief Financial Officer		Chief Financial Officer / Senior Manager: ICT, / Chief Internal Audit to assist
MM69	Section 64(2)(a), MFMA	Deciding the reasonable steps to be taken to ensure that the municipality has effective revenue collection systems consistent with section 95 of the Municipal Systems Act and the municipality's credit control and debt collection policy	Accounting Officer (Municipal Manager)	Chief Financial Officer	Senior Manager Revenue and Expenditure *	*After consultation with CFO Chief Financial Officer / Senior Manager: ICT, / Chief Internal Audit to assist
MM70	Section 64(2)(b), MFMA	Deciding the reasonable steps to be taken to ensure that revenue due to the municipality is calculated on a monthly basis	Accounting Officer (Municipal Manager)	Chief Financial Officer	Senior Manager Revenue and Expenditure *	*After consultation with CFO Chief Financial Officer / Senior Manager: ICT, / Chief Internal Audit to assist
MM71	Section 64(2)(c), MFMA	Deciding the reasonable steps to be taken to ensure that accounts for regional services council levies and charges for municipal services are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are uneconomical	Accounting Officer (Municipal Manager)	Chief Financial Officer	Senior Manager Revenue and Expenditure *	*After consultation with CFO Chief Financial Officer / Senior Manager: ICT, / Chief Internal Audit to assist

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
MM72	Section 64(2)(d), MFMA	Deciding the reasonable steps to be taken to ensure that all money received is promptly deposited in accordance with the MFMA into the Municipality's primary and other bank accounts	Accounting Officer (Municipal Manager)	Chief Financial Officer	Senior Manager Revenue and Expenditure *	*After consultation with CFO Chief Financial Officer / Senior Manager: ICT, / Chief Internal Audit to assist
MM73	Section 64(2)(e), MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system which recognises revenue when it is earned and accounts for debtors and for receipts of revenue	Accounting Officer (Municipal Manager)	Chief Financial Officer	Senior Manager Revenue and Expenditure *	*After consultation with CFO Chief Financial Officer / Senior Manager: ICT, / Chief Internal Audit to assist
MM74	Section 64(2)(f), MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control in respect of debtors and revenue	Accounting Officer (Municipal Manager)	Chief Financial Officer / Chief Audit Executive	Senior Manager Revenue and Expenditure *	*After consultation with CFO Chief Financial Officer / Senior Manager: ICT, / Chief Internal Audit to assist
MM75	Section 64(2)(g), MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality charges interest on arrears, except where the Council has granted exemptions in accordance with its	Accounting Officer (Municipal Manager)	Chief Financial Officer / Chief Audit Executive	Senior Manager Revenue and Expenditure *	*After consultation with CFO Chief Financial Officer / Senior Manager: ICT, / Chief Internal Audit to assist

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
		budget-related policies and within a prescribed framework				
MM76	Section 64(2)(h), MFMA	Deciding the reasonable steps to be taken to ensure that all revenue received by the Municipality, including revenue received by any collecting agent on its behalf, is reconciled at least on a weekly basis	Accounting Officer (Municipal Manager)	Chief Financial Officer	Senior Manager Revenue and Expenditure *	*After consultation with CFO Chief Financial Officer / Senior Manager: ICT, / Chief Internal Audit to assist
MM77	Section 64(3), MFMA	Informing the National Treasury of any payments due by an organ of state to the Municipality in respect of municipal tax or for municipal services, if such payments are regularly in arrears for periods of more than 30 days.	Accounting Officer (Municipal Manager)	Chief Financial Officer	Head: Income and Senior Manager: Financial Statements, compliance and reporting I	In consultation with CFO
MM78	Section 64(4)(a), MFMA	Deciding the reasonable steps to be taken to ensure that any funds collected by the Municipality on behalf of another organ of state is transferred to that organ of state at least on a weekly basis	Accounting Officer (Municipal Manager)	Chief Financial Officer	Senior Manager Revenue and Expenditure *	*After consultation with CFO Chief Financial Officer / Senior Manager: ICT, / Chief Internal Audit to assist
MM79	Section 64(4)(b), MFMA	Deciding the reasonable steps to be taken to ensure that funds collected by the Municipality on behalf of another organ of state are not used for purposes of the Municipality	Accounting Officer (Municipal Manager)	Chief Financial Officer	Senior Manager Revenue and Expenditure *	*After consultation with CFO Chief Financial Officer / Senior Manager: ICT, / Chief Internal Audit to assist

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MM80	Section 65(2)(a), MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains an effective system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds	Accounting Officer (Municipal Manager)	Chief Financial Officer	Senior Manager Revenue and Expenditure *	*After consultation with CFO Chief Financial Officer / Senior Manager: ICT, / Chief Internal Audit to assist
MM81	Section 65(2)(b), MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system which recognises expenditure when it is incurred and that accounts for creditors of, and payments made by, the Municipality	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM82	Section 65(2)(c), MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control in respect of creditors and payments	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM83	Section 65(2)(d), MFMA	Deciding the reasonable steps to be taken to ensure that payments by the Municipality are made directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed and either electronically or by way of non-transferable cheques	Accounting Officer (Municipal Manager)	Chief Financial Officer		

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
MM84	Section 66, MFMA	Reporting to the Council on all expenditure incurred by the Municipality on staff salaries, wages, allowances and benefits, and in a manner that discloses such expenditure per type of expenditure; Determining whether an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction, - (d) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and has in respect of previous similar transfers complied with all the requirements of section 67(1) of the MFMA	Accounting Officer (Municipal Manager)	Chief Financial Officer	Senior Manager Revenue and Expenditure *	*After consultation with CFO Chief Financial Officer / Senior Manager: ICT, / Chief Internal Audit to assist
MM85	Section 67(1), MFMA	Entering into an agreement with an organisation or body outside any sphere of government to whom funds of the municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM86	Section 67(2), MFMA	Obtaining the approval of the provincial treasury to transfer funds of the Municipality to an organisation or body outside any sphere of government otherwise than in compliance with a commercial or	Accounting Officer (Municipal Manager)	Chief Financial Officer		

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
		other business transaction if there has been a failure by an organisation or body to comply with the requirements of section 67(1) of the MFMA in respect of a previous transfer				
MM87	Section 67(3), MFMA	Determining the appropriate mechanisms to ensure compliance by an organisation or body outside any sphere of government to whom funds of the Municipality was transferred otherwise than in compliance with a commercial or other business transaction with – (a) any agreement with the Municipality, (b) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement, (c) to report at least monthly to the Accounting Officer (Municipal Manager) on actual expenditure against such transfer and to submit its audited financial statements for its financial year to the Accounting Officer (Municipal Manager) promptly; (d) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and has in respect of previous similar	Accounting Officer (Municipal Manager)	Chief Financial Officer		

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
		transfers complied with all the requirements of section 67(1) of the MFMA				
MM88	Section 67(4), MFMA	Determining whether an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction is an organisation or body serving the poor or used by government as an agency to serve the poor	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM89	Section 68(a), MFMA	Assisting the Executive Mayor in performing the budgetary steps assigned to the Executive Mayor	Accounting Officer (Municipal Manager)	Chief Financial Officer and all heads of departments	Senior Manager: Financial management Services	All heads of sections
MM90	Section 68(b), MFMA	Determining the administrative support, resources and information required by the Executive Mayor to perform the budgetary steps assigned to the Executive Mayor available to him/her	Accounting Officer (Municipal Manager)	Chief Financial Officer and all heads of departments		
MM91	Section 69(1)(a), MFMA	Determining, in relation to implementing the Municipality's approved budget, the reasonable steps required to ensure that the spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated to be less than projected in the budget or in the service delivery and budget implementation plan	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM92	Section 69(1)(b), MFMA	Determining, in relation to implementing the Municipality's approved budget, the reasonable steps required to ensure that	Accounting Officer (Municipal Manager)	Chief Financial Officer		

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		revenue and expenditure are properly monitored				
MM93	Section 69(2), MFMA	Determining whether it is necessary to prepare an adjustments budget; Preparing an adjustments budget and submitting it to the Executive Mayor for consideration and tabling in the Council	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM94	Section 69(3)(a), MFMA	Preparing and submitting, within 14 days after the approval of the Municipality's annual budget, a draft service delivery and budget implementation plan for the budget year	Accounting Officer (Municipal Manager)	Chief Financial Officer / All heads of departments / Senior Manager: Strategic Services	Senior Manager: Financial management Services	
MM95	Section 69(3)(b), MFMA	Preparing and submitting, within 14 days after the approval of the Municipality's annual budget, drafts of the annual performance agreements as required in terms of section 57(1)(b) of the Municipal Systems Act for the Accounting Officer (Municipal Manager) and all senior managers	Accounting Officer (Municipal Manager)	Chief Financial Officer		Senior Manager: Governance/
MM96	Section 70(1), MFMA	Reporting in writing to the Municipal Council any impending shortfalls in budgeted revenue and overspending of the Municipality's budget and any steps taken to prevent or rectify such shortfalls or overspending	Accounting Officer (Municipal Manager)	Chief Financial Officer	Senior Manager: Financial management Services	All heads of sections to assist in compiling report
MM97	Section 70(2), MFMA	Informing the National Treasury that the Municipality's bank account or, if the Municipality has more than one bank account, the consolidated balance in those bank accounts, shows a net overdrawn position for a period exceeding a prescribed period	Accounting Officer (Municipal Manager)	Chief Financial Officer	Senior Manager: Financial management Services	

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MM98	Section 71(1), MFMA	Submitting to the Executive Mayor and the provincial treasury, within 10 working days after the end of each month, a statement in the prescribed format on the state of the municipality's budget	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM99	Section 71(5), MFMA	Submitting to the national or provincial organ of state or municipality which transferred an allocation during any particular month to the Municipality within 10 working days after the end of the month concerned a statement indicating the amount of any allocations received and actual expenditure on those allocations, excluding expenditure on its share of the local government equitable share and allocations exempted by the annual Division of Revenue Act from compliance with this requirement	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM100	Section 72(1)(a), MFMA	Performing an assessment of the Municipality's performance during the first half of each financial year	Accounting Officer (Municipal Manager)			Chief Financial Officer / All Directors / Senior Manager: Governance to assist
MM101	Section 72(3), MFMA	Determining whether it is necessary to recommend that an adjustments budget be considered and that revised projections for revenue and expenditure is necessary	Accounting Officer (Municipal Manager)	Chief Financial Officer and all heads of departments		
MM102	Section 73(a), MFMA	Informing the provincial treasury of any failure by the Municipal Council to adopt or implement a budget-related policy or a supply chain management policy	Accounting Officer (Municipal Manager)	Chief Financial Officer		

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MM103	Section 73(b), MFMA	Informing the provincial treasury of any non-compliance by a political structure or political office-bearer of the Municipality with a budget-related policy or the supply chain management policy	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM104	Section 74(1), MFMA	Submitting to the National Treasury, the provincial treasury, the department for local government and the Auditor- General such information, returns, documents, explanations and motivations as may be prescribed or as may be required	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM105	Section 74(2), MFMA	Reporting his/her inability to comply with any of the responsibilities in terms of the MFMA, together with reasons, to the Executive Mayor and the provincial treasury	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM106	Section 75(1), MFMA	Ensuring that the required documents are uploaded to, and available on, the Municipality's website within five days after its tabling in the Council or on the date on which it must be made public, whichever occurs first	Accounting Officer (Municipal Manager)	Chief Financial Officer / Senior Manager: Governance	Manager: Communications	Close consultation between relevant Directorates and Manager Communication
MM107	Section 77(1), MFMA	Deciding to designate any officials other than those listed in section 77(1)(a) to (c) of the MFMA as "top management"	Accounting Officer (Municipal Manager)			
MM108	Section 79(1)(a), MFMA	Developing an appropriate system of delegation that will both maximise administrative and operational efficiency and provide adequate checks and balances in the Municipality's financial administration	Accounting Officer (Municipal Manager)	Chief Financial Officer / All Directors		Read with Financial delegations

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		for the proper application of the MFMA				
MM109	Section 79(1)(b), MFMA	Delegating to a member of the Municipality's top management or any other official of the Municipality any of the powers or duties assigned to an accounting officer in terms of the MFMA or any powers or duties reasonably necessary to assist the accounting officer in complying with a duty which requires the accounting officer to take reasonable or appropriate steps to ensure the achievement of the aims of a specific provision of the MFMA	Accounting Officer (Municipal Manager)			Read with Financial delegations
MM110	Section 79(1)(c), MFMA	Regularly reviewing delegations issued to a member of the Municipality's top management or any other official of the Municipality and, if necessary, amending or withdrawing any of those delegations	Accounting Officer (Municipal Manager)			Read with Financial delegations
MM111	Section 79(2), MFMA	Reviewing and confirming, varying or revoking any decision taken in consequence of a delegation or sub-delegation in terms of the MFMA.	Accounting Officer (Municipal Manager)			Read with Financial delegations
MM112	Section 80(2)(b), MFMA	Allocating officials of the Municipality to the Chief Financial Officer (Budget and Treasury Office).	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM113	Section 84(1)(b), MFMA	Making an assessment of the impact of the shifting of a function or service to a municipal entity on the Municipality's staff, assets and liabilities when considering the establishment	Accounting Officer (Municipal Manager)	Chief Financial Officer / Relevant Director		

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		of, or participation in, a municipal entity				
MM114	Section 84(2)(a)(i)(aa), MFMA	Publishing an information statement regarding the Municipality's intention to establish and/or participate in a municipal entity	Accounting Officer (Municipal Manager)	Chief Financial Officer / Relevant Director		
MM115	Section 84(2)(a)(i)(bb), MFMA	Inviting the local community, organised labour and other interested persons to submit comments or representations in respect of the Municipality's intention to establish and/or participate in a municipal entity	Accounting Officer (Municipal Manager)	Chief Financial Officer / Relevant Directors		
MM116	Section 84(2)(a)(ii), MFMA	Soliciting the views and recommendations of the National Treasury and the provincial treasury, the national and provincial departments responsible for local government and the MEC responsible for local government in respect of the Municipality's intention to establish and/or participate in a municipal entity	Accounting Officer (Municipal Manager)	Chief Financial Officer / Relevant Director		
MM117	Section 86(2), MFMA	Submitting the information received from a municipal entity of which the Municipality is the parent municipality regarding the entity's bank account(s) to the Auditor-General, the National Treasury and the	Accounting Officer (Municipal Manager)	Chief Financial Officer		

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		provincial treasury				
MM118	Section 87(11), MFMA	Receiving a monthly statement in the prescribed format on the state of the budget of a municipal entity of which the Municipality is the parent municipality	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM119	Section 101(2), MFMA	Tabling a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality on any financial problems of the entity in the first Council meeting next ensuing	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM120	Section 102(1), MFMA	Receiving a report of the board of directors of a municipal entity of which the Municipality is the parent municipality any irregular expenditure or any fruitless and wasteful expenditure incurred by, or on behalf of, that municipal entity	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM121	Section 114(1), MFMA	Submitting a report containing the reasons for deviating from such recommendation to the Auditor-General, the provincial treasury and the National Treasury if a tender other than the one recommended in the normal course of implementing the supply chain management policy of the Municipality is approved	Accounting Officer (Municipal Manager)	Chief Financial Officer		

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MM122	Section 115(1)(a), MFMA	Implementing the Municipality's supply chain management policy	Accounting Officer (Municipal Manager)	All Directors	All senior managers/manager and officials with financial delegations	In accordance with policy
MM123	Section 115(1)(b), MFMA	Determining the reasonable steps that must be taken to ensure that proper mechanisms and separation of duties in the supply chain management system are in place to minimise the likelihood of fraud, corruption, favouritism and unfair and irregular practices	Accounting Officer (Municipal Manager)	Chief Financial Officer / All Directors		
MM124	Section 116(2)(a), MFMA	Determining the reasonable steps that must be taken to ensure that a contract or agreement procured through the supply chain management policy of the Municipality is properly enforced	Accounting Officer (Municipal Manager)	All Directors		All line departments
MM125	Section 116(2)(b), MFMA	Monitoring the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis	Accounting Officer (Municipal Manager)	Chief Financial Officer / Directors		
MM126	Section 116(2)(c), MFMA	Determining the capacity that needs to be established within the Municipality's administration to assist the Accounting Officer (Municipal Manager) to enforce the provisions of a contract or agreement between the Municipality and a contractor and to	Accounting Officer (Municipal Manager)	All Directors/ Senior Manager: Supply Chain Management		

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		monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis				
MM127	Section 116(2)(d), MFMA	Regularly report to the Municipal Council regarding the management of contracts and/or agreements and the performance of contractors	Accounting Officer (Municipal Manager)	Chief Financial Officer and Senior Manager Supply Chain		
MM128	Section 116(2)(d), MFMA	Determining the frequency/regularity of reports to be submitted to the Municipal Council regarding the management of contracts and/or agreements and the performance of contractors.	Accounting Officer (Municipal Manager)			Senior Manager: SCM
MM129	Section 116(3)(a), MFMA	Tabling the reasons for the proposed amendment of a contract or agreement procured through the supply chain management policy of the Municipality in the Council management policy of the Municipality in the Council	Council			First advertise before tabling reasons at council
MM130	Section 116(3)(b), MFMA	Giving the local community reasonable notice of the intention to amend a contract or agreement procured through the supply chain management policy of the Municipality and inviting the local community to submit representations to the Municipality	Council	Accounting Officer (Municipal Manager)		Collaboration between Manager Communication and Senior Manager Supply Chain Management

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MM131	Section 119, MFMA	Ensure officials dealing with supply chain management meet necessary competency requirements	Council	Accounting Officer (Municipal Manager)		
MM132	Section 120(6)(a), MFMA	Submitting the report on the feasibility study together with all other relevant documents to the Council for a decision, in principle, on whether the municipality should continue with the proposed public-private partnership	Accounting Officer (Municipal Manager)	CFO		Relevant Director/Manager Secretariat/Committee Services
MM133	Section 120(6)(b), MFMA	Making the particulars of the proposed public-private partnership, including the report on the feasibility study and inviting the local community and other interested persons to submit to the Municipality comments or representations in respect of the proposed public-private partnership at least 60 days prior to the meeting of the Municipal Council at which the matter is to be considered	Accounting Officer (Municipal Manager)	CFO		
MM134	Section 121(3)(e), MFMA	Performing an assessment of any arrears on municipal taxes and service charges for inclusion in the Municipality's annual report	Accounting Officer (Municipal Manager)	Chief Financial Officer	Senior Manager revenue and Expenditure	
	Section 121(3)(f),	Performing an assessment of the Municipality's performance against the measurable performance objectives referred to in section 17(3)(b) of the	Accounting Officer (Municipal Manager)	All Directors		

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MM135	MFMA	MFMA for revenue collection from each revenue source and for each vote in the Municipality's approved budget for the relevant financial year for inclusion in the Municipality's annual report				
MM136	Section 122(1)/ Section 126(1)(a), MFMA	Preparing annual financial statements which fairly presents the state of affairs of the Municipality, its performance against its budget, its management of revenue, expenditure, assets and liabilities, its business activities, its financial results, and its financial position as at the end of the financial year; Submitting the annual financial statements of the Municipality to the Auditor-General on or before 31 August of each year	Accounting Officer (Municipal Manager)	Chief Financial Officer	Senior Manager: Financial Management Services	To be assisted by all heads of divisions within Financial Services
MM137	Section 126(1)(b), MFMA	Preparing consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or over which it has effective control within the meaning of the Municipal Systems Act of a municipal entity which is a private company	Accounting Officer (Municipal Manager)	Chief Financial Officer	Senior Manager: Financial Management Services	
MM138	Section 127(5)(a), MFMA	Publishing the annual report and inviting the local community to submit representations in connection with the annual report	Accounting Officer (Municipal Manager)	Senior Manager: Governance		Office of the Speaker/Manager IDP/PM/IGR/Manager Communications
MM139	Section 127(5)(b), MFMA	Submitting the annual report to the Auditor-General, the provincial treasury and the provincial department responsible for local government	Accounting Officer (Municipal Manager)	Senior Manager Governance		
MM140	Section 129(2)(a), MFMA	Attending the meetings of the Municipal Council and its committees where the annual report is discussed	Accounting Officer (Municipal Manager)			All Directors/Senior Manager Governance/Manager

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		and responding to questions concerning the report				IDP/PM/IGR
MM141	Section 129(2)(b), MFMA	Submitting copies of the minutes of meetings of the Municipal Council and its committees where the annual report was discussed to the Auditor-General, the provincial treasury and the provincial department responsible for local government	Accounting Officer (Municipal Manager)	Chief Financial Officer / Senior Manager Governance		Manager IDP/Performance
MM142	Section 129(3), MFMA	Publishing the oversight report regarding the annual report	Accounting Officer (Municipal Manager)	Senior Manager: Governance		Manager Communication
MM143	Section 131(1), MFMA	Submit issues raised by Auditor-General in audit report promptly to executive mayor	Accounting Officer (Municipal Manager)	Chief Financial Officer		Assisted by Chief Audit Executive
MM144	Section 132(2), MFMA	Submission of the Municipality's annual report and oversight report and the annual report and oversight report of a municipal entity under the Municipality's sole or shared control to the provincial legislature	Accounting Officer (Municipal Manager)	Senior Manager: Governance		
MM145	Section 146(1)(c), MFMA	Reporting monthly to the MEC responsible for finance on the implementation of a financial recovery plan for the Municipality resulting from a mandatory provincial intervention	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM146	Section 153(1)(b), MFMA	Bringing an application in the High Court for an order to suspend the Municipality's financial obligations to creditors, or any portion of those obligations, until the Municipality can meet those obligations	Accounting Officer (Municipal Manager)			

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MM147	Section 153(3), MFMA	Giving notice of an application in the High Court for an order to suspend the Municipality's financial obligations to creditors, or any portion of those obligations, until the Municipality can meet those obligations	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM148	Section 164, MFMA	Ensure forbidden commercial activities are not followed	Accounting Officer (Municipal Manager)	All Directors		
MM149	Section 167(2)(a), MFMA	Recovering any amount paid or given in cash or in kind to a to a person as a political office-bearer or as a member of a political structure of the Municipality otherwise than in accordance with the framework of the Public Office-Bearers Act, 1998 (Act No. 20 of 1998), including any bonus, bursary, loan, advance or other benefit	Accounting Officer (Municipal Manager)	Chief Financial Officer		
MM150	Section 176(2), MFMA	Ensure recovery of loss or damage suffered by municipality because of deliberate or negligent unlawful action of official when performing a function of office	Accounting Officer (Municipal Manager)	All Directors		
MM151	Section 64 of MFMA	To consider, approve or refuse requests to reverse reconnection fees in deserving cases.	Council	Accounting Officer (Municipal Manager)	CFO	Credit Control and debt Collection policy
MM152	Section 65(2)(f), MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality complies with its tax, levy, duty, pension, medical aid, audit fees and other statutory commitments	Accounting Officer (Municipal Manager)	Chief Financial Officer	Senior Manager Revenue and Expenditure *	*After consultation with CFO Chief Financial Officer / Senior Manager: ICT, / Chief Internal Audit to assist

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MM53	Section 65(2)(g), MFMA	Deciding the reasonable steps to be taken to ensure that any dispute concerning payments due by the Municipality to another organ of state is disposed of in terms of legislation regulating disputes between organs of state	Accounting Officer (Municipal Manager)	Chief Financial Officer	Senior Manager Revenue and Expenditure *	*After consultation with CFO Chief Financial Officer / Senior Manager: ICT, / Chief Internal Audit to assist
MM154	Section 65(2)(h), MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality's available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework	Accounting Officer (Municipal Manager)	Chief Financial Officer	Senior Manager Financial Management Services *	*After consultation with *After consultation with CFO Chief Financial Officer / Senior Manager: ICT, / Chief Internal Audit to assist
MM155	Section 65(2)(i), MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality's supply chain management policy is implemented in a way that is fair, equitable, transparent, competitive and cost-effective	Accounting Officer (Municipal Manager)	Chief Financial Officer		Chief Financial Officer / Senior Manager: ICT, / Chief Internal Audit to assist
MM156	Section 65(2)(j), MFMA	Deciding the reasonable steps to be taken to ensure that all financial accounts of the Municipality are closed at the end of each month and reconciled with its records	Accounting Officer (Municipal Manager)	Chief Financial Officer	Senior Manager Financial Management Services *	*After consultation with CFO Chief Financial Officer / Senior Manager: ICT, / Chief Internal Audit to assist
PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) Act 2 of 2000 – MUNICIPAL MANAGER						

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MM157	Section 17, PAIA	To designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records	Council	Accounting Officer (Municipal Manager) (as information officer)		
MM158	Section 17, PAIA	To delegate a power or duty conferred or imposed on the information officer by the act to a deputy information officer	Accounting Officer (Municipal Manager)			Deputy information officers' powers and duties to be delegated in writing – see letters of appointment
MM159	Part 4: Chapter 1, PAIA	To receive and process appeals against the decision of an information officer to refuse a request for information; To determine whether an appeal are to be deferred until the fee is paid; To refer appeals to the relevant authority	Accounting Officer (Municipal Manager)	Director: Corporate Services		
ROAD TRAFFIC ACT (RTA), Act 93 of 1996 – MUNICIPAL MANAGER						
MM160	Section 3A(c), RTA	Appointment of inspector of licenses, i.e. examiner of vehicles, examiner of driving licences and traffic wardens	Accounting Officer (Municipal Manager)	Director: Community and Protection Services	Senior Manager Protection Services	
MM161	Section 3A(d), RTA	Appointment of traffic officers and reserve traffic officers	Accounting Officer (Municipal Manager)	Director: Community and Protection Services	Senior Manager: Protection Services	Designation as Traffic Officer
MM162	Sections 8 – 36, RTA	Handling all matters relating to drivers' licences: driver fitness, learner licences, instruction certificates, professional driving permits	Accounting Officer (Municipal Manager)	Director: Community and Protection Services	Senior Manager: Protection Services	In consultation with Manager Traffic and Law Enforcement and Chief Traffic Services
MM163	Sections 37 – 44, RTA	Handling all matters relating to vehicle fitness: requirements for roadworthiness. See to the prescribed conditions for a vehicle testing station.	Accounting Officer (Municipal Manager)	Director: Community and Protection Services	Senior Manager: Protection Services	In consultation with Manager Traffic and Law Enforcement and Chief Traffic Services

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REGULATIONS ON COST CONTAINMENT – MUNICIPAL MANAGER						
MM164	Regulations on cost containment	To authorise the usage of official vehicles by councillors and officials	Accounting Officer (Municipal Manager)			
MUNICIPAL ASSET TRANSFER REGULATIONS - MUNICIPAL MANAGER						
MM165	Regulation 34(1)(b) of MATR	Granting or right to use, control or manage municipal capital assets, subject to the considerations outlined in regulation 36 of MATR.	Council			
MM166	Regulation 35 (1) of MATR	The accounting officer must conduct a public participation process in connection with any proposed granting of a long-term right to use, control or manage a capital asset with a value in excess of 10 million	Council	Municipal Manager		
MM 166A		Acquisition of immovable property rights by way of a lease agreement or registration of a servitude	Council	Municipal Manager (in consultation with the Executive Mayor) Executive Mayor (in consultation with the Executive Mayoral Committee)		To the contract value of R5 Million To the contract value of between R5 million and below R10 million
MM 166B	Section 33	Approval of applications for temporary use of Council Property for Film Shoots; Sport gatherings; Religious gatherings; Circus; concerts; Festivals and other similar events for a period not exceeding 1 month.	Council	Municipal Manager	Relevant Director	In consultation with the Municipal Manager

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MM 166C	Section 33	Issuing of special power of attorney to 3rd parties to obtain permission on Council owned properties for example to apply for a building plan when erecting a cellphone tower or erecting a fence on council land.	Council	Accounting officer (Municipal Manager)		On recommendation from Director Corporate Services and in terms of Council Policy/Bylaw/legislation
MM 166D	Section 33	To approve wayleaves (cables; pipes; electronic communication network over council properties (under streets, road reserves, public open spaces)	Council	Accounting Officer (Municipal Manager)	May be delegated to relevant Director.	On recommendation from relevant Director and in terms of Council Policy/Bylaw/legislation.
ADMINISTRATIVE MATTERS						
MM167	CR 20/11/2002	To decide on the closing of offices on Easter Weekend, 24 and 31 December annually	Council	Accounting Officer (Municipal Manager)		
ADVERTISING, PUBLICITY AND MEDIA LIAISON						
AD1	General	Development and implementation of criteria for placement of advertisements and general notices in the media	Accounting Officer (Municipal Manager)	Senior Manager: Governance	Manager: Communication	After consultation with Accounting Officer (Municipal manager)
AD2	Communication Policy	To make media statements on all administrative matters on behalf of the municipality	Accounting Officer (Municipal Manager)in so far as it entails administrative matters Executive Mayor in so far as it entails political matters			Manager Communication in conjunction with relevant heads of departments Sub delegations in terms of Communications Policy

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AD3	General	To instruct or oversee placement of advertisement and/or municipal notices (e.g. tenders, town planning matters, vacancies, etc) in media in terms of relevant criteria	Accounting Officer (Municipal Manager)	All Directors within their functional areas		All Vacancies - Director Corporate Services In co-ordination with Manager Communications (website)
APPEALS						
APP 1	Section 62(4)(a) MSA	Serve as Appeals Authority in the case where the rights of an individual is affected as a result of a decision taken by a staff member other than the Accounting Officer (Municipal Manager)	Accounting Officer (Municipal Manager)			
APP 2	Section 62(4)(b)	Serve as Appeals Authority in the case where the rights of an individual is affected as a result of a decision taken by the Accounting Officer (Municipal Manager)	Executive Mayor			
APP3	Section 62 MSA	Administration of appeals received in terms of section 62 of Systems Act in accordance with appeal policy	Accounting Officer (Municipal Manager)	Senior Manager: Governance		Administration, research, facilitate investigation, appoint independent reviewer and processing of appeal supported by SM Governance
AAP4	Section 62 MSA	Appeal authority in the case of an appeal against a decision taken by a political structure, a political office-bearer or a Councillor	Appeal committee appointed by Council			Appointed by Council
BUILDING CONTROL						
National Building Regulations and Building Standards Act, 1997 (NBRBSA) Act 103 0f 1997 National Building Regulations (NBR)						
	Section 5	To exercise and perform the powers, duties or activities granted or assigned		Senior Manager: Development		

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
BC1	of NHRBSA (read in conjunction with (CR 26/11/2009)	by or under this act	Council	Management/ Manager Building Development Management		
BC2	Sections 4, 7(a) and (b), NHRBSA	To consider and approve building plans on recommendation by building control officer	Council	Senior Manager: Development Management/ Manager Building Development Management		
BC3	Section 15, NHRBSA & section 41, LUPO	To enter a building or land to execute functions i.t.o. NHRBSA	Council	Senior Manager: Development Management/ Manager Building Development Management	Building inspectors	
BC4	Section 2(4), NBRBSA	To comment on plans, specifications and certificate in respect of any building to be erected by or on behalf of the State	Council	Senior Manager: Development Management/ Manager Building Development Management		
BC5	Section 4(2)(2) NBRBSA	To prescribe the application form for the erection of any building and to require such particulars as may be required for the carrying out of the objects and purposes of this Act	Council	Senior Manager: Development Management/ Manager Building Development Management		
BC6	Section 7(1) NBRBSA	To, after having considered a recommendation by a building control officer, grant approval or refuse to grant approval for the erection of any building in respect of which plans and specifications have been drawn and submitted in terms of this Act	Council	Senior Manager: Development Management/ Manager Building Development Management		

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BC7	Section 7(4) NBRBSA	To extend the period of 12 months (as from the date on which approval was granted) for which an approval for the erection of any building is valid	Council	Director: Planning & Economic Development		
BC8	Section 7(6) NBRBSA	To grant provisional authorisation to an applicant to commence or proceed with the erection of a building, before approval has been considered and to impose such conditions as may be deemed fit	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC9	Section 10(1) NBRBSA	To prohibit or to grant approval subject to conditions, the erection of a building or earthwork that – * will not be in the interest of good health or hygiene; * will be unsightly or objectionable; * will probably or in fact be a nuisance to the occupiers of adjoining or neighbouring properties; * will probably or in fact derogate from the value of adjoining or neighbouring properties; * is being or is to be erected on a site which is subject to flooding does not drain properly or is filled up or covered with refuse or material impregnated with matter liable to decomposition	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC10	Section 11(1)NBRBSA	To, where for a period exceeding 3 months the erection of a building is not proceeded with, order the owner of such building to resume and to complete the erection thereof within a specified period.	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	

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BC11	Section 11(2) NBRBSA	To, where the owner of a building fails to proceed with the erection of a building as ordered, extend the period specified in the notice of satisfied it that the owner's failure was due to circumstances beyond his control	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC12	Section 11(3) NBRBSA	To, where the owner of a building fails to resume or to complete the erection of a building within the specified periods as ordered, order the owner to demolish such building and to remove the material, if of the opinion that such building is unsightly or dangerous to life or property or derogates from the value of adjoining or neighbouring properties	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC13	Section 11(4) NBRBSA	To, where the owner of a building fails to comply with an order to demolish such building and to remove the material, demolish such building and remove the material and recover the costs thereof from such owner	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC14	Section 12(1) NBRBSA	To order the owner of a building, land or earthwork, that is dilapidated or in a state of disrepair or is dangerous or is showing signs of becoming dangerous to life or property, to demolish, alter or secure such building in such manner that it will no longer be dilapidated or dangerous to life or property	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	

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BC15	Section 12(3) NBRBSA	To, where the condition of any building or the land on which a building was or is being or is to be erected or any earthwork is such that it is dangerous or is showing signs of becoming dangerous to life or property: * order the owner of such building, land or earthwork to at own risk instruct an architect or Registered person to investigate such condition and to report to the City on the nature and extent of the steps to be taken, in the opinion of such architect of registered person, in order to render such building, land or earthwork safe; * order that any activities be stopped or prohibit the performance of any activities which may increase the danger or hinder or obstruct the architect or registered person from properly carrying out the investigation; * require the architect or registered person to submit evidence of his or her competence to carry out such duties; * order the owner to instruct another architect or registered person to carry out the duties	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC16	Section 12(4)(5) NBRBSA	To, if deemed necessary for the safety of any person – * order the owner of any building to remove all persons occupying or working or being for any other purpose in such building there from, and to take care that no unauthorised person may enter such building;	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	

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		* order any person occupying or working or being for any other purpose in any building, to vacate such building; grant permission that such building may again be occupied or used				
BC17	Section 13(3) NBRBSA	To, where the building control refused to extend any period of 6 months allowed for a minor building work, consider such refusal and confirm such refusal or extend such period on such conditions as may be deemed fit	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC18	Section 14(1) NBRBSA	To issue or to refuses to issue a certificate of occupancy on completion of the erection of a building	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC19	Section 14(1A) NBRBSA	To grant permission to use a building before the issue of the certificate of occupancy, for such period on such conditions as may be deemed necessary, and to extend or alter such period and conditions	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC20	Section 18(1)	To permit a deviation or grant an exemption from any applicable national building regulation except a national building regulation regarding the strength and stability of buildings	Council	Senior Manager: Development Management/ Manager: Building Development Management		

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BC 21	Regulation A1(7)(a) NBR	To, before granting provisional authorisation for a temporary building, assess such building in relation to – * the intended use and life of the building; * the area in which it is to be erected; and the availability of suitable materials from which it may be constructed	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC22	Regulation A1(7)(d) NBR	To, where any building is intended to be used experimental, demonstration, testing or assessment purposes – * grant authority for the erection of such building and for the performance of any experiment, or for the demonstration, testing or assessment of such building; and * grant authority for the erection of such building where testing or assessment of the completed building is the only way to ascertain whether such building complies with the requirements of these regulations	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC23	Regulation A2(1) NBR	To require from any person intending to erect any building, plans and particulars of – * general structural arrangements; * general arrangements of artificial ventilation; * a fire protection plan; any required certificate; and any other particulars	Council	Senior Manager: Development Management/ Manager: Building Development Management		

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BC24	Regulation A3(1) NBR	To, upon request by a person who intends to erect a building – * examine any preliminary sketch plans of the building proposed to be erected and furnish comments on such plans or on any particular features thereof specified by such person; or furnish an opinion as to whether any material or method or form of construction intended to be used in the erection of such building will comply with these regulations	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC25	Regulation A3(2) NBR	To furnish reasons for the inability to accede to the request by a person who intends to erect a building	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC26	Regulation A4 NBR	To exercise the powers and duties regarding additional documents and information in respect of structural details and artificial ventilation as contemplated in the regulation	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC27	Regulation A5(3) NBR	To determine the number of additional paper copies of every plan, drawing or diagram that must accompany an application	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC28	Regulation A7 NBR	To exercise the Municipality's powers and duties regarding requirements of layout drawings as contemplated in the regulation	Council	Senior Manager: Development Management/ Manager: Building		

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				Development Management		
BC29	Regulation A8(4) NBR	To require the owner to submit – * drainage design calculations which shall clearly indicate the basis for such design; * an estimate of the composition and quantity of any industrial effluent proposed to be discharged into any sewer; and * where approval has been given in terms of the local authority's industrial effluent by-laws or regulations for the discharge into a sewer of industrial effluent from the site, plans and particulars and any drainage works and installations required by the local authority in terms of its conditions of approval for such discharge.	Council	Director Infrastructure		May be sub- delegated
BC30	Regulation A9(1) NBR	To require that an application in respect of the erection of any building, not being a dwelling house, be accompanied by a fire plan	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC31	Regulation A11(1) NBR	To require the owner, to at own cost, engage a professional land surveyor to identify boundary pegs or beacons and other relevant information where the location of any boundary to a site has not been accurately determined	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC32	Regulation A11(2)	To, where an owner fails to engage a professional land surveyor, engage a	Council	Senior Manager: Development		

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	NBR	professional land surveyor to establish and point out the location of such pegs or beacons, and recover such costs of such establishing and pointing out from such owner		Management/ Manager: Building Development Management	Building Inspectors	
BC33	Regulation A13(2) NBR	To test any material or component used or to be used in the erection of any building in order to determine whether such material or component complies with the requirements of these regulations	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC34	Regulation A13(3) NBR	To, if any material or component used in the erection of a building does not comply with these regulations, serve a notice on the person erecting such building, stating the respects in which such material or component does not comply and prohibiting such person from making further use of such material or component for the purpose for which it was or is to be used in the erection of such building	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC35	Regulation A13(5) NBR	To, if any material or component is tested and has failed to comply with these regulations, recover the cost of such test from the owner of the building concerned	Accounting Officer (Municipal manager)	Director: Planning & Economic Development	Chief Building Control Officer	
BC36	Regulations A13(6) NBR	To permit the use of any material or component, which is not permitted or prescribed by these regulations, for a particular purpose if such material or component is at least as suitable for that purpose as the material or component permitted or prescribed to be used by these	Council	Senior Manager: Development Management/ Manager: Building Development Management		

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		regulations				
BC37	NBR Regulation A15(3)	To serve a notice on an owner or other person requiring compliance with A15 pertaining to the installation and maintenance and operation of installations	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC38	NBR Regulation A15(4)	To, by notice in writing to the owner, order the evacuation of a building where the state of such equipment or installation will cause conditions which may be detrimental to the safety or health of the occupiers or users of such building	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC39	NBR Regulation A19(1)	To waive the requirement that the owner of any building must appoint and retain any person who is a professional engineer or other approved competent person to undertake responsibility for design and inspections	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC40	NBR Regulation A19(4)	To approve the form on which owner must report the appointment of a professional engineer or other approved competent person	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC41	NBR Regulation A22(1)	To prescribe the format of the notice in connection with the erection or demolition of any building	Council	Senior Manager: Development Management/ Manager: Building Development Management		

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BC42	NBR Regulation A22(3)	To approve trenches or excavations, within erven boundaries.	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC43	NBR Regulation A22(3)	To approve a drainage installation	Council	Senior Manager: Development Management/ Manager: Building Development Management		~~May be delegated to Sanitation Section of the Water Services Division~~
BC44	NBR Regulation A23(1)	To grant provisional authorisation to an applicant to proceed with the erection of a temporary building in accordance with any conditions or directions specified in such authorisation	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC45	NBR Regulation A23(2)	To require an applicant the erection of a temporary building to submit – * a statement of the period for which authorisation is required; * a site plan; * layout drawings; and any structural detail required to determine the structural safety of the proposed building	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC46	NBR Regulation A23(4)	To grant approval for one or more extensions of the period of authorisation of a temporary building and to require such information as may be necessary	Council	Senior Manager: Development Management/ Manager: Building		

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		to consider an application for extension		Development Management		
BC47	NBR Regulation A24(1)	To examine plans, specifications or other documents which accompanied or which are intended to accompany an application, to perform any tests that are considered necessary and inspect the site on which a building is to be erected, and issue a report in connection therewith	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC48	NBR Regulation A25(2)	To serve a notice calling upon a person who contravenes a provision of regulation A25(1) to forthwith cease such contravention	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC49	NBR Regulation A25(6)	To serve a notice on any person contemplated in Section 4(4) of the Act or sub regulation (4) of (5), ordering such person forthwith to stop the erection of a building concerned or to comply with such approval	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC50	NBR Regulation A25(7)	To serve a notice on the owner of any building contemplated in sub regulation (4) or (5) ordering such owner to rectify or demolish the building in question by a date specified in the notice	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC51	NBR Regulation A25(9)	To serve a notice on the owner of a building where such building is being or has been erected and a contravention of these regulations, other than those	Council	Senior Manager: Development Management/ Manager: Building	Building Inspectors	

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		referred to in sub regulation (4) or (5) has been committed, specifying a date by which such owner shall have complied with the regulations, citing the regulations contravened and specifying the steps to be taken in order to comply with the regulations		Development Management		
BC52	NBR Regulation A25(10)	To serve a notice on the owner of a building that is being or has been erected without the prior approval contemplated in Section 4(1) of the Act to obtain the approval in writing as required by the Act by the date specified in the notice	Council	Manager: Building Development Management / Building Inspectors		
BC53	NBR Regulation E1(1)(2)	To grant permission to demolish a building and to impose any condition or requirements for the safety, health and convenience of the public, and for the safety of any other building or installation, which may be affected by such demolition	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC54	NBR Regulation E1(4)	To serve a notice on any person involved in the demolition of a building to make the site safe, and on failure to do so, carry out the necessary work and recover the cost thereof from such person	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC55	NBR Regulation E3	To prohibit the use of any method to be applied in the demolition of any building where such method will create or cause to create any danger to any person or other building or property, and to give reasons for such	Council	Senior Manager: Development Management/ Manager: Building Development Management		

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		prohibition				
BC56	NBR Regulation F1(1)	To require that the owner of a site, where danger or serious inconvenience to the public may ensure from the demolition or erection of a building, erect a fence, hoarding or barricade to prevent the public from entering such site and to protect them from the activities on such site	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC57	NBR Regulation F1(4)	To permit any person, undertaking any work of erection or demolition on a site, to encroach upon or over any street or public place abutting such site and to impose conditions with regard to the safety and convenience of persons using such street or public place	Council	Senior Manager: Development Management/ Manager: Building Development Management		Excluding Encroaching over a street – Director Infrastructure
BC58	NBR Regulation F1(5)	To impose conditions to safeguard the interests of the general public, during the erection or demolition of any building	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC59	NBR Regulation F2(1)	To require the owner of a building to pay a deposit or give security to cover the costs of the repair of any damage to municipal property which may be caused by the demolition or erection of any building and to appropriate the amount of the deposit or security towards the costs of repairing damage	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
		To, in the absence of a deposit or security, demand from the owner of a	Council			

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BC60	NBR Regulation F2(3)	building to pay the cost of the repair of any damage to municipal property which may be caused by the demolition or erection of any building and upon failure to recover such cost from the owner in a court of competent jurisdiction		Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC61	NBR Regulation F3(1)	To inform an applicant of any suspected unstable sub-soils or unstable slopes in the area in which a site, upon which a building is to be erected	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC62	NBR Regulation F3(2)	To require an owner to engage a professional engineer or other approved competent person to prepare measures for any differential movements or other effects which could be detrimental to a building	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC63	NBR Regulation F6(1)	To consider whether any activity, in the course of any building, demolition or excavation work or any machine, machinery, engine, apparatus, tool or contrivance, unreasonably disturb or interfere with the amenity of the neighbourhood	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	

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BC64	NBR Regulation F7(1)	To, where any work carried out in connection with the erection of any building is not in accordance with the provisions of these regulations or any approval or authority granted there under, order the owner of such building- * to supply satisfactory proof that such work is in accordance with such provision, approval or authority; or * to cause such work to be cut into, laid open or demolished; or to cause a test of such work to be carried out	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC65	NBR Regulation F7(2)	To, where the actions of the owner is still not compliant, order the owner to take such steps as may be necessary to ensure that there is such compliance, or to order the owner to cause such work to be cut into, laid open or demolished	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC66	NBR Regulation F7(3)	To give authority to proceed with work, in connection with the erection of any building, upon being satisfied with the work cut into, laid open or demolished	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	

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BC67	NBR Regulation F8(1)(2)	To order the owner of a site to remove rubble, rubbish, other debris or combustible waste material or to order such removal and recover the costs thereof from the owner	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC68	NBR Regulation F9(1)	To order the owner or person erecting or demolishing any building to remove any surplus material and matter arising from such erection or demolition from the site and from any other land or public street or public place affected by such material or matter during or after the completion of such erection or demolition	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC69	NBR Regulation F10(2)	To require an owner or person carrying out or performing work in connection with the erection or the demolition of any building, to erect on the site of such work such temporary builder's sheds as may be necessary	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC70	NBR Regulation F10(4)	To, where a shed is not constructed, located or maintained in terms of this regulation, order the owner or person to move, reconstruct or repair or improve the condition of such shed, or if the use thereof is being made other than that	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	

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		permitted, to cease such un-permitted use				
BC71	NBR Regulation F11(1)	To approve that sanitary facilities for personnel employed on or in connection with the erection or demolition of any building not be provided on the site but at some other place	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC72	NBR Regulation F11(1)	To, where sanitary facilities for personnel employed on or in connection with the erection or demolition of any building have not been provided, order the cessation of such work until the required facilities have been provided, and, should such order not be complied with, to install such facilities and recover the costs of such installation from the owner of the site	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC73	NBR Regulation G1(3)	To grant authority for any excavation, where the safety or stability of any property or service is likely to be impaired by such excavation or where the depth, at any point, of such excavation is likely to be more than 3 m	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC74	NBR Regulation O(3)	To grant approval for the installation of any artificial ventilation system in any building	Council	Senior Manager: Development	Building Inspectors	

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				Management/ Manager: Building Development Management		
BC75	NBR Regulation P1(1)	To prescribe a location and level for the connection of a sewer for the drainage of a building within the boundaries of erven	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	
BC76	NBR Regulation P1(2)	To order the owner of any existing building to make a sewer connection within a prescribed period	Council	Chief Building Control Officer/ Building Inspectors		
BC77	NBR Regulation P1(4)	To, where the owner of a building fails to comply with an order to do so, lay, alter or extend any drain, alter or extend such drain and recover the costs thereof from the owner	Council	Chief Building Control Officer/ Building Inspectors		
BC78	NBR Regulation P2(2)	To require a rational design, where the size or complexity of a drainage installation in any building so requires, to furnish reasons for such necessity and to require such owner to submit for approval plans and particulars of a complete drainage installation based on such design	Council	Chief Building Control Officer/ Building Inspectors		May be delegated to Sanitation Section of the Water Services Division
BC79	NBR Regulation P3(3)	To order the owner of any site to, at own cost, execute any precautionary measures to prevent objectionable sewage discharge to enter any	Council	Chief Building Control Officer/ Building		May be delegated to Sanitation Section of the Water Services Division

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		stormwater drain, stormwater sewer or watercourse, any river, stream or natural watercourse or any street or other site		Inspectors		
BC80	NBR Regulation P3(4)	To permit the discharge of water from a swimming pool, fountain or reservoir onto any public street or public place, or onto any site other than onto the site upon which such swimming pool, fountain or reservoir is situated	Council	Chief Building Control Officer/ Building Inspectors		May be delegated to Sanitation Section of the Water Services Division
BC81	NBR Regulation P6(1)	To permit any person to interfere with any sewer or connecting sewer or to break into or interfere with any part of a drainage installation for the purpose of repair and maintenance	Council	Senior Manager: Development Management/ Manager: Building Development Management		May be delegated to Sanitation Section of the Water Services Division
BC82	NBR Regulation P7(3)	To inspect, test and pass any drainage installation as complying with these regulations	Council	Senior Manager: Development Management/ Manager: Building Development Management	Building Inspectors	May be delegated to Sanitation Section of the Water Services Division
BC83	NBR Regulation Q1	To permit other means of sewage disposal where waterborne sewage disposal is not available	Council	Senior Manager: Development Management/ Manager: Building Development Management		In consultation with the Director Infrastructure Services May be delegated to Sanitation Section of the Water Services Division

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BC84	NBR Regulation Q2	To permit the construction of any pit latrine	Council	Senior Manager: Development Management/ Manager: Building Development Management Management		In consultation with the Director Infrastructure Service May be delegated to Sanitation Section of the Water Services Division
BC85	NBR Regulation R1(3)	To require a rational design where the conditions or any site so requires; to furnish reasons for such necessity and to require such owner to submit for approval plans and particulars of a complete storm water control and disposal installation for such site and for any building erected thereon, based on such design	Council	Senior Manager: Development Management/ Manager: Building Development Management		In consultation with the Director Infrastructure Service
BC86	NBR Regulation T1(2)	To, where compliance with the relevant SABS code would not comply with the general fire protection requirements, order the owner of the building to submit for approval a rational design	Council	Senior Manager: Development Management/ Manager: Building Development Management		
BC87	NBR Regulation U2	To approve the access of a refuse storage area from any street, for the purpose of removing the refuse	Council	Senior Manager: Development Management/ Manager: Building Development Management		

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
BC88	NBR Regulation W1	To, subject to any conditions considered necessary, allow a fire installation to be connected to – * a source of supply other than a communication pipe; or a source of non-potable water where such water is not to be used for domestic or any other purpose	Council	Senior Manager: Development Management/ Manager: Building Development Management		May be delegated to Senior Manager: Waste Management
BC89	NBR Regulation W2	To permit that water may be taken from a supply system for use in any fire installation and to impose conditions	Council	Senior Manager: Development Management/ Manager: Building Development Management		May be delegated to Senior Manager: Waste Management
BC90	NBR Regulation W3	To require the provision of isolating valves to control the flow of water to a fire installation, and to such points within the installation	Council	Senior Manager: Development Management/ Manager: Building Development Management		May be delegated to Senior Manager: Waste Management
VIREMENTATION POLICY						
VRP 1	Paragraph 6f	Virementation of capital funds within a vote	Council	Accounting Officer (Municipal Manager)	CFO	
VRP 2	Paragraph 6f	Virementation of operational funds within a vote	Council	Accounting Officer (Municipal Manager)	CFO	May be further sub-delegated to Senior Manager: Financial Management Services
MUNICIPAL PROPERTY RATES ACT, ACT 6 OF 2004 PROPERTY RATES POLICY (VALUATIONS)						

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
VAL 1	Section 23 MPRA	To draw up, maintain and regularly update a register in respect of properties situated within the municipal area and to ensure that it is open for inspection by the public and to display it on the official website.	Council	CFO	Senior Manager: Expenditure and Revenue	
VAL 2	Section 31(1) MPRA	Determine a date for a general valuation	Council	CFO	Senior Manager: Expenditure and Revenue	
VAL 3	Section 31(1)+(3) MPRA	Designate an official or a person in private practice as its municipal valuer and issue such person an identity card in the prescribed format subject to SCM.	Council	CFO	Senior Manager: Expenditure and Revenue	
VAL 4	Section 49(2) MPRA	To publish the notice and valuation roll on the Council's official website.	Council	CFO	Senior Manager: Expenditure and Revenue	may be sub-delegated to Asst Accountant Valuations (AA-VAL
VAL 5	Section 55(2) MPRA	To, where has adjustments have been made to a valuation roll that affects the rates payable on a property, reprocess the rates payable as per sub-section 55(2)(b).	Council	CFO	Senior Manager: Expenditure and Revenue	may be sub-delegated to Asst Accountant Valuations (AA-VAL)
VAL 6	Section 12(2) MPRA	Review the amount in the Rand of the current rates in line with the annual budget for the next financial year.	Council	CFO	Senior Manager: Expenditure and Revenue	
VAL 7	Section 14(3) MPRA	Publish Council resolution levying rates in the libraries and on the Website and advertise in the media the same notice	Municipal Manager	CFO	Senior Manager: Expenditure and Revenue	
VAL 8	Section 14(2) MPRA	To annually publish within 60 days of the Council resolution levying rates in the Provincial Gazette.	Council	CFO	Senior Manager: Expenditure and Revenue	and may be sub-delegated to Head: Revenue

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VAL 9	Section 15(3)+(4) MPRA	To annually table in Council a – (a) list of all exemptions, rebates and reductions granted during the previous financial year; and (b) statement reflecting the income foregone during the previous financial year by way of such exemptions, rebates and reductions.	Council	CFO		
VAL 10	Section 22 MPRA	To determine the parameters and provisions of a proposed special rating area	Council	CFO		
VAL 11	Section 26(3) MPRA	To determine the special circumstances for the deferment of a rate payment	Council	CFO		CFO to table recommendations
VAL 12	Section 27 MPRA	Furnishing of accounts as per specific layout regulations	Council	CFO		
VAL 13	Section 33(4) MPRA	To withdraw the designation of a person as its municipal valuer on the grounds of misconduct, incapacity or incompetence, non-compliance with a provision of the MPRA, under-performance or breach of contract.	Council	CFO		
VAL 14	Section 35(1) MPRA	To designate officials of the Municipality or persons in private practice as assistant municipal valuers to assist the valuer of the Municipality.	Council	CFO		
VAL 15	Section 35(2) MPRA	To permit the municipal valuer to designate persons in private practice as assistant municipal valuers to assist the municipal valuer with the performance of any of his/her functions if the municipal valuer is not an official.	Council	CFO		
VAL 16	Section 35(4) MPRA	To issue to the person designated as an assistant municipal valuer an identity	Council	CFO	Senior Manager: Expenditure and	and may be sub-delegated to Asst

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		card.			Revenue	Accountant Valuations (AA-VAL)
VAL 17	Section 35(5) MPRA	To withdraw the designation of a person designated as assistant municipal valuer on the grounds of misconduct, incapacity, incompetence, non-compliance with a provision of the MPRA, under-performance or breach of any of the terms or conditions of the designation.	Council	CFO		
VAL 18	Section 36(1) + (2) MPRA	Designate officials or persons as data-collectors to assist the valuer	Council	Municipal manager		
VAL 19	Section 36(4) MPRA	To issue to the person designated as a data-collector an identity card in the prescribed format containing a photograph of that person.	Council	CFO	Senior Manager: Expenditure and Revenue	
VAL 20	Section 36(5) MPRA	To request a municipal valuer to withdraw the designation by the municipal valuer of a person as a data-collector.	Council	CFO		
VAL 21	Section 36(5) MPRA	To withdraw the designation of a person as a data-collector	Council	CFO		
VAL 22	Section 40(1) MPRA	Receive certified copies of the prescribed declaration by the valuer or assistant valuer	Council	Municipal manager		
VAL 23	Section 41(2) MPRA	To issue to the person, authorised by the municipal valuer to enter any property that must be valued, an identity card in the prescribed format containing a photograph of that person.	Council	CFO	Senior Manager: Expenditure and Revenue	may be sub-delegated to Asst Accountant Valuations (AA-VAL)

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VAL 24	Section 43(5) MPRA	To designate a special valuer to perform a valuation which a municipal valuer or assistant municipal valuer may not perform, i.e. in cases where that valuer, or any spouse, parent, child, partner or business associate of the valuer, has a personal or private business interest.	Council	CFO		
VAL 25	Section 49(1) MPRA	To, on receipt of the certified valuation roll from the valuer– (a) publish a notice stating that the roll is open for public inspection and inviting objections; (b) disseminate the substance of the notice to the local community; and (c) serve, on every owner of property listed in the valuation roll a copy of the notice together with an extract of the valuation roll pertaining to that owner's property.	Council	CFO	Senior Manager: Expenditure and Revenue	may be sub-delegated to Head Revenue
VAL 26	Section 50(1) MPRA	To receive objections against any matter reflected in, or omitted from, the roll.	Council	CFO	Senior Manager: Expenditure and Revenue	may be sub-delegated to Asst Accountant Valuations (AA-VAL
VAL 27	Section 50(3) MPRA	To assist an objector to lodge an objection if that objector is unable to read or write.	Council	CFO	Senior Manager: Expenditure and Revenue	may be sub-delegated to Asst Accountant Valuations (AA-VAL
VAL 28	Section 50(4) MPRA	To lodge an objection with the Municipal Manager concerning any matter reflected in or omitted from the roll.	Council	CFO	Senior Manager: Expenditure and Revenue	may be sub-delegated to Asst Accountant

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						Valuations (AA-VAL
VAL 29	Section 50(4) MPRA	Inform Council of any matter reflected in, or omitted from, the roll that affects the interests of the municipality.	Municipal manager			
VAL 30	Section 50(5) MPRA	To submit all objections to the municipal valuer for decision and disposal.	Council	CFO	Senior Manager: Expenditure and Revenue	may be sub-delegated to Asst Accountant Valuations (AA-VAL
VAL 31	Section 54(1) MPRA	To lodge an appeal with the Municipal Manager against a decision of a municipal value in terms of section 51 of the MPRA	Council	CFO	Senior Manager: Expenditure and Revenue	may be sub-delegated to Asst Accountant Valuations (AA-VAL
VAL 32	Section 54(1) +(3) MPRA	To receive appeals to an appeal board against a decision of a municipal valuer. and to forward such appeals to the chairperson of the Valuation Appeal Board.	Council	CFO	Senior Manager: Expenditure and Revenue	may be sub-delegated to Asst Accountant Valuations (AA-VAL
VAL 33	Section 15(1) MPRA	To approve applications for a rates rebate in terms of the Rates Policy	Council	CFO	Senior Manager: Expenditure and Revenue	may be sub-delegated to Asst Accountant Valuations (AA-VAL
VAL 34	Section 66(1) MPRA	To provide an appeal board with the necessary office accommodation and other administrative assistance, including staff.	Council	CFO	Senior Manager: Expenditure and Revenue	may be sub-delegated to Asst Accountant Valuations (AA-VAL
Val 35	Sections 61(3) and 66(2) MPRA	Remunerate members of the Appeal Board	Council	CFO		

Municipal By-Laws and Polices

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
OUTDOOR ADVERTISING AND SIGNAGE (*By-Law currently under review*)[4]						
OAS1	Stellenbosch Municipal Zoning Scheme By-Law Sec 261(a)	To approve adverts or signs	Director: Planning & Economic Development	Senior Manager: Development Planning	Senior: Heritage Planner	
OAS2	Stellenbosch Municipality: Land Use Planning By-Law Sec 42 (1)	To require the submission of any or all of the applicable studies or assessment (environmental, traffic or heritage impact) i.r.o. applications received	Director: Planning & Economic Development	Senior Manager: Development Planning	Senior Heritage Planner	
OAS3	Stellenbosch Municipality: Land Use Planning By-Law Sec 44 (1)	To decide if public participation process is required	Director: Planning and Economic Development	Senior Manager: Development Planning	Senior Heritage Planner	
OAS4	Stellenbosch Municipal Zoning Scheme By-Law Sec 261	To determine fees for signage	Council			
OAS5	Stellenbosch Municipal Zoning Scheme By-Law Sec 261	To determine minimum standards for specific sign types	Director: Planning and Economic Development	Senior Manager: Development Planning	Senior Heritage Planner	
OAS6	Stellenbosch Municipal Zoning Scheme By-Law Sec 261	To approve illuminated signs	Director: Planning and Economic Development	Senior Manager: Development Planning	Senior Heritage Planner	

[4] New delegations will be approved with by-law and will replace delegations contained herein.

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OAS7	Road Traffic Act 93/1996 Section 57	To approve signs within road reserve	Council	Municipal Manager	Director Infrastructure	May be delegated to Senior Manager: Transport, Roads, Stormwater & Traffic Engineering
OAS8	Stellenbosch Municipal Zoning Scheme By-Law Sec 261	To decrease minimum distances in areas of minimum control and other areas of control	Director: Planning and Economic Development	Senior Manager: Development Planning		Traffic impact assessment required In consultation with the Director Infrastructure Services
OAS9	Stellenbosch Municipal Zoning Scheme By-Law Sec 261	To consider applications and determine conditions where necessary	Director: Planning & Economic Development	Senior Manager: Development Planning	Senior Heritage Planner	
OAS10	Stellenbosch Municipal Zoning Scheme By-Law	To withdraw or amend conditions	Director: Planning and Economic Development	Senior Manager: Development Planning	Senior Heritage Planner	Upon proper written notice
OAS11	Stellenbosch Municipal Zoning Scheme By-Law Sec 261	To extend the 12 month period after approval of application	Director: Planning and Economic Development	Senior Manager: Development Planning	Senior Heritage Planner	
OAS12	Stellenbosch Municipal Zoning Scheme By-Law Sec 261	To notify applicant of decision to approve or refuse application	Director: Planning and Economic Development	Senior Manager: Development Planning	Senior Heritage Planner	May be delegated
OAS13	Stellenbosch Municipal Zoning Scheme By-Law	To accept notice of appeal	Municipal Manager	Director: Corporate Services	Manager: Secretariat & Records Services	

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OAS14	Stellenbosch Municipal Zoning Scheme By-Law Sec 261	To order the removal of signs	Director: Planning and Economic Development	Senior Manager: Development Planning / Manager Spatial Planning	Senior Heritage Planner	
OAS15	Stellenbosch Municipal Zoning Scheme By-Law Sec 261	To approve the erection of signs on municipal land	Director: Planning and Economic Development	Senior Manager: Development Planning / Manager Spatial Planning	Senior Heritage Planner	
OAS16	Western cape noise control regulations pn7141 dated 20/06/2013 sec 2 and 3 (a) and (b)	To enter into any premise, at a reasonable time, for the purposes or carrying out any inspection necessary for the proper administration and enforcement of the provisions of this by-law	Director: Planning and Economic Development/ Senior Manager Protection Services	Senior Manager: Development Management / Manager Land Use Management/ Manager Traffic and Law Enforcement	~~Law Enforcement Chief~~ Land Use Inspectors /Town Planners /Senior heritage Planner	
OAS17	Stellenbosch Municipal Zoning Scheme By-Law Sec 261	To notify a person to remove or alter a sign	Director: Planning and Economic Development	Senior Manager: Development Planning / senior Heritage Planner		
OAS18	Stellenbosch Municipal Zoning Scheme By-Law Sec 261	To withdraw or vary a notice	Director: Planning and Economic Development	Senior Manager: Development Planning / senior Heritage Planner		
OAS19	Stellenbosch Municipal Zoning Scheme By-Law Sec 261	To decide if a sign must be removed or altered	Director: Planning and Economic Development	Senior Manager: Development Planning / senior Heritage Planner		

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OAS20	Stellenbosch Municipal Zoning Scheme By-Law Sec 261	To recover costs for removal or alteration of signs	Director: Planning and Economic Development	Senior Manager: Development Planning / senior Heritage Planner		
OAS21	Stellenbosch Municipal Zoning Scheme By-Law Sec 261	To authorise the removal of a sign without notice where sign endangers life or property	Director: Planning and Economic Development	Senior Manager: Development Planning / senior Heritage Planner		
OAS22	Stellenbosch Municipal Zoning Scheme By-Law Sec 261	To dispose of removed signs	Director: Planning and Economic Development	Senior Manager: Development Planning /senior Heritage Planner		Subject to court order
OAS23	Stellenbosch Municipal Zoning Scheme By-Law Sec 249	To establish liaison forums	Accounting Officer (Municipal manager)	Director: Planning and Economic Development		
OAS24	National Heritage Resource Act 25 of 1999 Sec 26(1)(d)	Exercising for and on behalf of the municipality all powers, duties and functions necessary to fulfil this function (e.g. consideration and approval of applications)	Director: Planning and Economic Development	Senior Manager: Development Planning	Senior Heritage Planner/Heritage Officer	
AIR QUALITY						
AQ1	Section 14, NEM:AQA (39 of 2004)	To designate an employee of the municipality as air quality officer to be responsible for co- ordinate matters pertaining to air quality management, and to request the MEC responsible for environment to designate official as environmental	Municipal Manager	Director Community and Protection services	Senior Manager Community services	Senior Environmental planner

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		management inspectors i.t.o. NEMA				
AQ2	Section 14, NEM:AQA (39 of 2004)	To perform the powers and functions of the air quality officer	Municipal Manager	Director Community and Protection Services	Senior Manager Community Services	Senior Environmental planner
AQ3	Section 14, NEM:AQA (39 of 2004)	To perform, as designated environmental management inspectors, those powers and functions as set out in sections 31Gto 31L of NEMA	Municipal Manager	Director Community and Protection Services	Senior Manager Community Services	
AQ4	Section 11, NEM:AQA (39 of 2004)	To determine local emission standards	Municipal Manager			
AQ5	NEM:AQA (39 of 2004)	To enter into an agreement with other organs of state or organisations to achieve optimal service delivery	Municipal Manager	Director Community and Protection Services		
AQ6	Stellenbosch Municipality: Air Quality By-Law, 2019	To grant exemption from provisions of by-law	Council	Municipal Manager	Director Community and Protection Services	
AQ7	Section 14, NEM:AQA (39 of 2004)	Exercising for and on behalf of the municipality all powers, duties and functions necessary to ensure enforcement of and compliance with by-law	Municipal Manager	Director Community and Protection Services	Senior Manager Protection Services	In consultation with Manager Traffic and law Enforcement
BY-LAW RELATING TO THE CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC						
LIQ1	Trading hours by-law pn7553 dated	To determine trading days and hours for on consumption / To determine hours for off	Council			

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	15/01/2016 sec 4 and 5	consumption				
LIQ2	Liquor trading hours by-law pn7553 dated 15/01/2016 sec	To recommend a deviation from the trading hours i.t.o. the by-law where the Liquor Authority refers an application for a special events license or a temporary license i.to. section 48 of the Liquor Act	Municipal Manager			In consultation with applicable directorates
LIQ3	SEC 334 (1)(a) of the CRIMINAL PROCEDURE ACT 51 OF 1977	To appoint any official to implement and enforce the provisions of the by-law	Municipal Manager	Director Community and Protection Services	Senior Manager Protection Services	Designation
LIQ4	Liquor trading hours by-law	To determine the definition or category of any licensed premises type where a definition or category is uncertain or difficult to determine (for purposes of determining the applicable trading hours)	Director: Planning and Economic Development	Senior Manager: Development Management/ Manager: Land Use Management	Town Planners	
LIQ5	Section 9	To consider and approve applications for extended trading hours i.t.o. section 9	Council			In consultation with both external and internal role- players as per by-law
LIQ6	Liquor trading hours by-law	To lodge representations against the automatic renewal of a liquor license	Accounting Officer (Municipal Manager)			

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CREDIT CONTROL AND DEBT COLLECTION						
REV 1	Irrecoverable Debts Policy, Section 3	To write off bad debt	Council	EM - Up to an amount of R100 000 per case (subject to Council's Policy). CFO up to an amount of R20 000 per case (subject to Council's Policy) Manager Treasury Office (MTO) - up to an amount of R10 000 Manager Human Resources- up to an amount of R5 000 (subject to Council Policy).		NOTE: The above amounts, where applicable, exclude accrued interest on the debt as determined by the MTO. SUBJECT to policy
REV 2	Credit Control and debt collection Bylaw, Section 6	To grant authorisation for the disconnection of electricity supply to the premises of any consumer as the result of non-payment by such a consumer of his/her account.	Council	CFO	Manager Treasury Office	may be delegated to the Snr Clerk Credit Control & Debt Collection (SC-CC

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REV 3	Water Services Bylaw, Part 4, Section 75	To grant authorization to reduce water flow to 200 liters per day as a result of non-payment by the consumer and to exercise discretion in so far as the postponement of payment is concerned and to waive of the prescribed re-connection fees in deserving case.	Council	Engineer		may be delegated to the Snr Clerk Credit Control & Debt Collection (SC-CC)
REV 4	Credit Control and debt Collection policy, Section 2.1 Credit Control and Debt Collection Bylaw, Section 6.1.	To give instruction for the total disconnecting of water on request of the consumer (consumer / tenant / lessee) in respect of vacant properties or in cases where no consumer has applied for or entered into a service agreement with Council since the previous consumer vacated the premises	Council	CFO		may be delegated to the Snr Clerk Credit Control & Debt Collection (SC-CC)
REV 5	Credit Control and debt Collection Policy, Section 2.1. Credit Control and Debt Collection Bylaw, Section 9.5	To give instructions to Council's attorneys or contractor in respect of debt collection to collect monies owing to Council and to take all necessary steps in accordance with Council's Credit Control Policy to collect the monies	Council	CFO		may be delegated to the Asst Accountant Credit Control & Debt Collection (AA-CC)
REV 6	Credit Control and debt Collection policy, Section 3. Credit Control and Debt Collection	To determine the terms and conditions for payment of outstanding monies owing to Council and to sign all documentation in that regard	Council	CFO		may be delegated to the Asst Accountant Credit Control & Debt Collection (AA-CC)

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	Bylaw, Section 9.12.					
REV 7	Credit Control and debt Collection Policy, Section3. Credit Control and Debt Collection Bylaw, Section 9.12.	To exercise discretion and to consider, approve or refuse applications for extension of any payments due to Council	Council	CF O		May be delegated to Head Revenue.
REV 08	Credit Control and debt Collection Bylaw, Section 9.	To institute a claim against any insolvent or deceased estate or against a company in liquidation, for any monies owing to the Council, and to conduct any action which a creditor is normally entitled.	Council	CFO	MTO	may be sub-delegated to Senior Accountant: Credit Control and Debt Collection (SA-CC)
REV 09	Credit Control and debt Collection policy	To, if convinced that the delay in payment of an account is not due to the conduct of a certain government department, write back all interest on such a government or provincial account	Council	CFO,		On condition that a report to such an extent has to be submitted to MAYCO.
REV 10	Credit Control and debt Collection policy, Section 3. Credit Control and Debt Collection Bylaw, Section 9.12.	To consider and approve arrangements for the settlement of arrears	Council	CFO		may be delegated to the Asst. Accountant Credit Control & Debt Collection (AA-CC)
REV 11	Credit Control and debt Collection	To recover the following costs in instances where such costs are incurred by or on behalf of the	Council	CFO,		may be delegated to the Asst. Accountant

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	policy, Section 13. Credit Control and Debt Collection Bylaw, Section 7.18.	Municipality, (a) cost and administration fees where payments, made to the Municipality by negotiable instruments, are dishonoured by banks when presented for payment; (b) legal and administration costs, including attorney and client costs, and tracing fees incurred in the recovery of debts; (c) any collection of commission.				Credit Control & Debt Collection (AA-CC)
REV 12	Credit Control and debt Collection policy, Section 2.1. Credit Control and Debt Collection Bylaw, Section 9.5.	To recover debt and to initiate legal action for the recovery of debt and exercising all other powers	Council	MTO		may be delegated to the Asst Accountant Credit Control & Debt Collection (AA-CC)
REV 13	Credit Control and debt Collection Bylaw, Section 9.9.	To attach the rental or any other payments due to debtors who are in arrears with their Municipal accounts	Council	MM	CFO	
REV 14	Credit Control and debt Collection policy, Section 3(i).	To deduct any outstanding amount from a Councillor's remuneration or from a staff members' salary	Council	MM	CFO	
REV 15	MFMA, Section 64(1).	Take all reasonable steps to ensure -	Council	CFO		

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		that the Municipality has effective revenue collection systems consistent with S 95 of the Municipal Systems Act and the Municipality's credit control and debt collection policy/By-Law;			MTO	
		that revenue due to the Municipality is calculated on a monthly basis;			MTO	
		that accounts for municipal tax and charges for municipal services are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are uneconomical;			MTO	
		that all money received is promptly deposited in accordance with this Act into the Municipality's primary and other bank accounts;			MTO	
		that the Municipality has and maintains a management, accounting and information system which:- (i) recognises revenue when it is earned; (ii) accounts for debtors; and (iii) accounts for receipts of			MTO	

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		revenue. that the Municipality has and maintains a system of internal control in respect of debtors and revenue, as may be prescribed; that the Municipality charges interest on arrears, except where the Council has granted exemptions in accordance with its budget-related policies and within a prescribed framework; and ensure that all revenue received by the Municipality, including revenue received by any collecting agent on its behalf, is reconciled at least on a weekly basis.		CFO	MTO	
REV 16	MFMA, Section 64(3)	Inform the National Treasury of any payments due by an organ of state to the Municipality in respect of municipal tax or for municipal services, if such payments are regularly in arrears for periods of more than 30 days.	Council	CFO DIR – Protection and community Services Insofar as it relates to motor vehicle registrations		
REV 17	MFMA, Section 64(4).	Take all reasonable steps to ensure - that any funds collected by the Municipality on behalf of another organ of state is transferred to that organ of state at least on a weekly basis; and that such funds are not used for purposes of the Municipality.	Council	CFO In relation to the organisation as a whole.		

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PARKING BY-LAW						
PM1	Section 3J(1) (a) and 3J (1) (c) Act 93 of 1996 National Road Traffic Act	To direct or regulate traffic in cases of emergency on areas of land which the public or persons are entitled or allowed to use as a parking place	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	Traffic and Law Enforcement Chief Law Enforcement/Traffic Officers	Law Enforcement / Traffic Officers
PM2	Section 152(2) and (5) and Part B of Schedule 5 of the Constitution of Republic of South Africa.	To manage parking and collect fees related thereto	Director Community and Protection Service in collaboration with CFO and Director Infrastructure Service	Senior Manager Protection Services	Manger Law enforcement and Traffic Services	In consultation with Traffic Chief
PM3	Chapter 11 (s110-120) of the MFMA	To appoint a service provider to manage parking and to collect fees related thereto	Council	Municipal Manager		May be Sub delegated
PM4	Section 57(1) (3) (a) Act 93 of 1996	To grant written approval for the erection or placement of signs or notices indicating that parking is reserved for a person or a class of persons	Council	Director Community and Protection Services	Senior Manager: Protection Services	
PM5	Municipal Bylaw 5 July 2013	To issue work zone parking permits	Council	Director Community and Protection Services	Senior Manager: Protection Services	
PM6	Municipal Parking Policy dated 1997-06-17 Municipal Bylaw 5 July 2013	To issue municipal works parking permit	Council	Director Community and Protection Services	Senior Manager: Protection Services	

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
PM7	Regulation 284-Regulation 291 of National Road Traffic Act Regulation, 2000 r/w Section 58(1) and Section 89(1) NRTA 93/1996.	To reserve and designate areas for the disabled and other groups	Council	Director Community and Protection Services	Senior Manager: Protection Services	
PM8	Municipal Bylaw 5 July 2013	To issue resident parking permits	Council	Director Community and Protection Services	Senior Manager: Protection Services	Manager Traffic and Law Enforcement Services
PM9	Municipal Bylaw 5 July 2013	To issue temporary parking permits	Senior Manager: Protection Services	Manager Traffic and Law Enforcement Services	Traffic Chief	
PM10	Regulation 320(1) and (2) , of National Road Traffic Regulations of Act 93 of 1996	To instruct the removal of abandoned vehicles	Senior Manager: Protection Services	Manager Traffic and Law Enforcement Services	Traffic Chief	
PM11	Regulation 320(3) (a) and (b) NRTR 200, NRTA, 93 of 1996.	To obtain a court order for the sale of abandoned vehicles	Senior Manager: Protection Services	Manager Traffic and Law Enforcement Services	Traffic Chief	
PM12	Municipal By-Law and NLTA 5/2009	To set aside temporary taxi parking facilities	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	Traffic Chief	Must be done in collaboration with Senior Manager: Roads, Transport and Stormwater
PM13	This was dealt with as it must					

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
	happen via tender process					
PM14	Section 59 1 (b) of the Municipal Systems Act 32 of 2000	To implement and administer the by-law and to delegate responsibilities in writing to a competent official	Director: Community and Protection Services	Senior Manager Protection Services	Manager: Traffic and law Enforcement Services	Read with PM18 below
PM15	Criminal Procedures Act, Act 51 of 1977	To issue and serve notices of compliance	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	Traffic and Law Enforcement Chiefs	Read with PM18 below
PM16	Parking By-Law, 2013	To close, when necessary, any parking space or parking ground	Municipal Manager	Director: Community and Protection Services	Senior Manager Protection Services	
PM17	Parking By-law,2013	To grant written exemption from any provision of the by- law, and to determine conditions related to same	Council	Municipal Manager		
PM18	Section 59 1 (b) of the Municipal Systems Act 32 of 2000	Exercising for and on behalf of the municipality all powers, duties and functions necessary to ensure enforcement of and compliance with by-law	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	Law Enforcement/Traffic Officers	
PUBLIC AMENITIES						
PAM1	Access Control Legislation	To grant written consent to bring a firearm into or have a firearm in possession in a public amenity	Council	Director: Community and Protection Services Accounting Officer (Municipal manager)	Senior Manager Protection Services	Manager: Traffic and law Enforcement Services

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
PAM2	MFMA	To determine prescribed fees payable	Council	Accounting Officer (Municipal manager)	Director: Community and Protection Services	As part of budget process
PAM3	BY-LAW RELATING TO PLANTATIONS, PLAY PARKS, GARDENS, RECREATION FACILITIES, NATURE RESERVES AND PUBLIC OPEN SPACES.	To grant approval and to determine conditions for camping in a camping area for a period exceeding three months in any period of twelve months	Council	Municipal Manager	Director: Community and Protection Services	Senior Manager Community Services
PAM4	BY-LAW RELATING TO PLANTATIONS, PLAY PARKS, GARDENS, RECREATION FACILITIES, NATURE RESERVES AND PUBLIC OPEN SPACES.	To determine rules and conditions, in addition to any provisions in the by-law, for the use of camping sites / caravan parks and for display in/at the camping area / caravan park	Council	Municipal Manager	Director Community and Protection Services	In consultation with Senior Manager Community services
PAM4	BY-LAW RELATING TO PLANTATIONS, PLAY PARKS, GARDENS, RECREATION FACILITIES, NATURE RESERVES AND PUBLIC OPEN SPACES.	To determine rules and conditions, in addition to any provisions in the by-law, for the use of swimming pools	Council	Municipal Manager	Director Community and Protection Services	In consultation with Senior Manager Community services

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PAM5	BY-LAW RELATING TO	Exercising for and on behalf of the municipality all powers, duties and functions necessary to ensure enforcement of and compliance with by-law	Council	Municipal Manager	Director Community and Protection Services	In consultation with Senior Manager Protection services
PAM6	PLANTATIONS, PLAY PARKS,	To enter into a written agreement regarding the co-operative development, co-operative management or regulation of human activities of/within a public amenity	Council	Municipal Manager	Director Community and Protection Services	In consultation with Senior Manager Community services
PAM7	Section 59 of MSA	To decide to take steps to abate or remove nuisance an to recover cost	Director: Community and Protection Services	Senior Manager Protection Services	Manager Traffic and Law Enforcement	Depending on the nature of the nuisance
PAM8	Section 59 of MSA	To determine fees for impoundment	Council			
PAM9	Section 59 of MSA	To enter into a service level agreement with District Municipality	Council	Municipal Manager	Director Community and Protection Services	
PAM10	Section 59 of MSA	To give effect to provisions of a service level agreement with District Municipality	Council	Accounting Officer (Municipal manager)		
PAM11	Section 59 of MSA	Exercising for and on behalf of the municipality all powers, duties and functions necessary to ensure enforcement of and compliance with by-law, including serving of documents, right of entry and inspection, removing the cause or source of the nuisance and the seizure and impoundment of dogs	Director Community and Protection Services	Senior Manager Protection Services	Manger Traffic and Law Enforcement Services Head: Traffic/Law Enforcement Services	Traffic and Law Enf Chiefs in consultation with Senior Manager Community Services

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
PAM12	Section 59 of MSA	To exempt any person and class of persons from any by- law requirements and imposing any other appropriate requirements	Council	Municipal Manager	Director Community and Protection Services	In consultation with Senior Manager Community services and Senior Manager Protection Services
PAM13	Section 59 of MSA	To establish liaison forums in community	`Municipal Manager	Director: Community and Protection Services	Senior Manger Community Services	
STREETS BY-LAW DATED 4 June 2010						
SB1	Streets By-Law (2010) S2(a)	To grant written permission for the making, construction, reconstruction or alteration of a street or sidewalk	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Roads & Stormwater	
SB2	Streets By-Law (2010) S2(b)/3	To grant written permission for the construction of a veranda, stoep, steps or other projection or erect a post in a street or public place	Director: Planning and Economic Development	Manager: Building Development Management	Chief Building Inspector	IN consultation with Manager: Transport, Roads, Stormwater & Traffic Engineering
SB3	Streets By-Law (2010) S4	To grant written permission for the display, advertising or offering for sale of any motor vehicle, motorbike, boat, vessel, caravan, trailer or other vehicle in or on a street or public place	Director: Planning and Economic Development	Senior Heritage Planner		
SB4	Streets By-Law (2010) S 4	To grant permission for the display of any advertisement, placard, poster or bill in a street or public place	Regulated in terms of By-law relating to the Display of Posters and Banners			
SB5	Streets By-Law (2010) S6	To grant permission for the planting, removal, pruning or cutting down f any tree or shrub in a road, street or public space	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater, Traffic Engineering		In consultation with Manager Community Services
SB6	Streets By-Law (2010) S6	To order by notice in writing the owner or occupier of any property to prune or remove any tree or				In consultation with Manager Community Services

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		other growth which interferes with overhead wires or is a source of annoyance, damage, danger or inconvenience to persons using a street	Director :Infrastructure Services	Senior Manager: Transport, Roads, Stormwater, Traffic Engineering		
SB7	Streets By-Law (2010) S5	To grant written permission for objects as per s 8(a) to be dumped or placed in a street or public place	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater, Traffic Engineering	Manager: Roads & Stormwater	
SB8	Streets By-Law (2010) S2	To permit by agreement encroachment on municipal property or the erection or maintenance of a veranda, balcony, sign, or similar structure which projects in or over any street or public place	Director: Planning and Economic Development	Senior Manager: Development Management		
SB9	Streets By-Law (2010) S18	Granting permission for money to be collected in a street or public place	Regulated in terms of Street Collections by-law			
SB10	Streets By-Law (2010) S18	Granting permission to distribute a handbill or similar advertising material in any street or public place or place on/in any vehicle	Director: Corporate Services	Manager: Secretariat & Records Services		
SB11	Streets By-Law (2010) S26	Granting permission for the setting up or use of any street or public place for any circus, whirligig, roundabout or other side-show/device/tent	Director: Infrastructure Services/Director Community Services when in relation to sport amenities			
SB12	Streets By-Law (2010) S30	To grant permission for the closing or barricading of streets or restricting access thereto	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater, Traffic Engineering	Manager Roads &Stormwater	
SB13	Streets By-Law (2010)	To grant permission for the discharging of water, except	Director: Infrastructure Services	Senior Manager: Transport, Roads,	Manager Roads & Stormwater	

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		storm water, on or across a public road		Stormwater, Traffic Engineering		
SB14	Streets By-Law (2010) S24	To prescribe by notice in writing the owner of any premises to display a number allocated to such premises on the premises	Director: Infrastructure Services			
SB15	Streets By-Law (2010)	To grant permission for the holding of or participation in a procession or gathering in a street, or dancing/ singing or playing a musical instrument or doing something which is likely to cause a disruption or obstruction of traffic in any street	Council	Senior Manager Protection Services	Manager Traffic and Law Enforcement	Consultation with Chief Law Enforcement
SB16	Streets By-Law (2010)	To grant written exemption from any provision of the by-law, and to determine conditions related to same	Council	Accounting Officer (Municipal Manager)		
SB16	Streets By-Law (2010)	Exercising for and on behalf of the municipality all powers, duties and functions necessary to ensure enforcement of and compliance with by-law	Council	Accounting Officer (Municipal Manager)		
STORM WATER MANAGEMENT						
SW1	FUNCTIONAL AREA	To grant written consent for things other than storm water to be discharged, placed or permitted to enter into the storm water system	Director: Infrastructure Services	Senior Manager: Transport, Roads , Stormwater & Traffic Engineering	Manager; Roads & Stormwater	
SW2	FUNCTIONAL AREA	Power to enter upon any premises of any portion thereof to carry out inspections or tests to determine the status of a storm water system	Director: Infrastructure Services	Senior Manager: Transport, Roads , Stormwater & Traffic	Manager; Roads & Stormwater	

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
				Engineering		
SW3	FUNCTIONAL AREA	To instruct by written notice any property owner to retain storm water generated or accumulated on such property or to lay a storm water drain pipe or gutter	Director: Infrastructure Services	Senior Manager: Transport, Roads , Stormwater & Traffic Engineering	Manager; Roads & Stormwater	
SW4	FUNCTIONAL AREA	To grant written exemption from any provision of the by- law, and to determine conditions related to same	Accounting Officer (Municipal manager)			
WALLS AND FENCES						
WAF1	Section 59 of MSA	To grant written permission for the erection of walls or fences of any nature on any boundary	Council	Senior Manager: Development Management/ Manager: Building Development Management		
WAF2	Section 59 of MSA	To refuse permission and to furnish reasons in writing for the refusal	Council	Senior Manager: Development Management/ Manager: Building Development Management		
WAF3	Section 59 of MSA	To grant written permission for a fence for which consent has been granted i.t.o. this by-law to be demolished, interfered with or damaged	Council	Senior Manager: Development Management/ Manager: Building Development Management		
WAF4	Section 59 of MSA	To issue owner or occupier with notice to take action when a wall or fence needs to be erected or repaired, or where the height of a wall or fence at	Council	Senior Manager: Development Management/ Manager: Building Development		

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		a street corner needs to be reduced		Management		
WAF5	Section 59 of MSA	To issue compliance notices	Council	Senior Manager: Development Management/ Manager: Building Development Management		
WAF6	Section 59 of MSA	To decide on steps to be taken where owner fails to comply with notice	Council	Senior Manager: Development Management/ Manager: Building Development Management		
WAF7	Section 59 of MSA	To decide on the disposal of material after demolition, and to deduct costs from the proceeds of materials disposed of	Council	Manager: Building Development Management		
WAF9	Section 59 of MSA	To grant written exemption from any provision of the by- law, and to determine conditions related to same	Council	Accounting Officer (Municipal manager)		
WAF10	Section 59 of MSA	To establish community liaison forums w.r.t. matters dealt with in by-law	Council	Director: Planning and Economic Development		
WATER SERVICES BYLAW 2017						
WSB01	Definition of "Municipality"	Authorize the Municipal Manager to act on behalf of the municipality when the word "municipality" is used within the Water Services By Law and to allow the Municipality Manager to Sub Delegate where	Council	Accounting Officer (Municipal Manager)		

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		applicable				
WSB02	Section 68	Concluding a Water Services Agreement with a customer	Director: Infrastructure Services	Senior Manager: Water & Waste water Services	Manager: Water Reticulation Manager; Wastewater Treatment Manager; Water Treatment	
WSB03	Section 75(1)	Authorization of Restriction or discontinuance of a Water Service	Director: Infrastructure Services	Senior Manager: Water & Waste water Services	Manager: Water Reticulation Manager; Wastewater Treatment Manager; Water Treatment	
WSB04	Section 75(2)	Authorization to disconnect Sanitation Services	Director: Infrastructure Services	Senior Manager: Water & Waste water Services	Manager: Water Reticulation Manager; Wastewater Treatment Manager; Water Treatment	
WSB05	Section 76	Determining levels of services	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		
WSB06	Section 77	Authorization to install a water connection pipe	Director: Infrastructure Services	Senior Manager: Water & Waste water Services	Manager: Water Reticulation Manager; Wastewater Treatment Manager; Water Treatment	
WSB07	Section 80	Disconnection of a connection pipe at termination of an agreement or requested by the enforcement of the Credit Control and Debt Collection By Laws	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	Manager: Water Reticulation Manager; Wastewater Treatment Manager; Water Treatment	
WSB08	Section 82	Authorize a test to determine the pressure of the water supply system	Director: Infrastructure	Senior Manager: Water & Wastewater	Manager: Water Reticulation	

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		at a premises	Services	Services	Manager; Wastewater Treatment Manager; Water Treatment	
WSB09	Section 84(1)	Determination of Water Restrictions	Accounting Officer (Municipal Manager)			
WSB10	Section 84(2)	Determination of areas to be restricted of water consumption	Accounting Officer (Municipal Manager)	Director: Infrastructure Services		
WSB11	Section 84(3)	Issue instructions to water user to restrict the use of water or to disconnect and restore the connection of a water supply	Accounting Officer (Municipal Manager)	Director: Infrastructure Services		
WSB12	Section 86(2)	Specify the maximum pressure at which water will be supplied from water supply system	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	Manager: Water Reticulation Manager; Wastewater Treatment Manager; Water Treatment	
WSB13	Section 85(4)	Authorization to interrupt a water supply during an emergency	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		
WSB14	Section 85(5)	Authorization to restrict a water supply due to the adverse effect on the system by a consumer	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		
WSB15	Section 86(1)	Providing Water measuring devices	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	Manager: Water Reticulation Manager; Wastewater Treatment Manager; Water Treatment	
WSB16	Section 86(2)	Regularly measuring the water quantities consumed by a measuring device	Accounting Officer (Municipal Manager)	Chief Financial Officer		
WSB17	Section 86(7)	Authorize: the disconnecting of a measuring device and associated equipment; or to break a seal; or to	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	Manager: Water Reticulation Manager;	

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		interfere with measuring device and associated equipment			Wastewater Treatment Manager; Water Treatment	
WSB18	Section 78(8)	Increase the size of a meter at the cost of the customer	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	Manager: Water Reticulation Manager; Wastewater Treatment Manager; Water Treatment	
WSB19	Section 78(9)	Determine whether a group of units is top measured separately or as a group	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB20	Section 87(2)	Estimate the quantity of water used by a Consumer who bypassed the meter as per Section 87(3)	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB21	Section 87(6)	Determining a fixed cost for a group of customers, based on an estimated consumption, supplied without the use of a meter	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		
WSB22	Section 88(1)	Instructing the installation of a water meter to ascertain the quantity of water used.	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB23	Section 89(2)	Consider a request for granting a rebate in the case of a burst pipe, geyser burst or underground leak	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		
WSB24	Section 89(4)	Determine the volume of water that has leaked within a premises	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	Manager: Water Reticulation Manager; Wastewater Treatment Manager; Water Treatment	
WSB25	Section 90(1)	Requiring a Customer to undertake a water audit	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB26	Section 91	Granting approval of Installation Work	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
WSB27	Section 92	Authorizing persons to perform stated functions	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB28	Section 93(3)	Providing consent to work on water sections of pipe between a meter, installed outside an erf boundary, and the erf boundary	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB29	Section 95(1)	Authorization of the use pipes and fittings not included in the Schedule of Approved Pipes & Fittings	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	Manager: Water Reticulation Manager; Wastewater Treatment Manager; Water Treatment	
WSB30	Section 95(2)	Impose further conditions over and above the Schedule	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB31	Section 98	Authorization to provide communal standpipes	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	Manager: Water Reticulation Manager; Wastewater Treatment Manager; Water Treatment	
WSB32	Section 99	Authorize the use of Fire Hydrants to be used as a temporary supply together with the provision of a dedicated water meter	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	Manager: Water Reticulation Manager; Wastewater Treatment Manager; Water Treatment	
WSB33	Section 100	Grant permission to drill boreholes upon requirements of Section 100	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	Manager: Water Reticulation Manager; Wastewater Treatment Manager; Water Treatment	
WSB34	Section 101	Grant or permission to connect a fire extinguishing installation to a municipal water main or to instruct	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		the disconnection of such a system				
WSB35	Section 106	To authorize the installation or removal of a meter for use for a fire extinguishing system	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		
WSB36	Section 110(2)	Determine whether an owner must connect to the municipal sanitation system	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		
WSB37	Section 111(3)	Authorize the installation of, or the approval of an installed sanitation installation	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		
WSB38	Section 117(1)	Determine the % amount of discharged coupled with the use of water for erven where the amount payable is excessive.	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB39	Section 118(2)	Determine whether industrial effluent must be connected to a sewer	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB40	Section 118(6)	Conclude an agreement with a person discharging effluent to establish alternative methods of assessing the quantity and tempo of discharge	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB41	Section 119	Determining the reduction measured quantity of effluent discharged	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB42	Section 121(1)	Prescribing the discharge point and depth of a sewer connection.	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB43	Section 125(1)	Determining the soil conditions to be provided for drains	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		
WSB44	Section 126(5)	Determining where a blockage occurred on a sewer pipe to indicate whether the owner or municipality is at fault	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
WSB45	Section 127	Indicating when and where grease traps must be installed	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB46	Section 128(1)	Indicating when effluent contains unacceptable, grease oil, fat of inorganic solid matter and that the process is to make use of settling tanks	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB47	Section 128(2)	Deciding that a disconnected drainage installation must be destroyed	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB48	Section 128(3)	Issuing a Certificate indicating that a disconnection has been successfully completed	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		
WSB49	Section 128(4)	Instructing that disconnected sewer be sealed at the cost of the owner	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		
WSB50	Section 129(1)	Approve application for mechanical appliance for lifting sewage	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		
WSB51	Section 130	Concluding and approving an agreement with an owner to provide an on-site sanitation system	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		
WSB52	Section 131	Authorizing the use of a VIP Latrine	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB53	Section 132	Authorize the use of a septic tank	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB54	Section 133	Authorize the use of a French drain	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB55	Section 134	Authorize the use of a Conservancy tank	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB56	Section 137	Authorize the discharge of industrial effluent	Accounting Officer	Director: Infrastructure Services	Senior Manager: Water & Wastewater	

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
			(Municipal Manager)		Services	
WSB57	Section 138	Withdrawing approval to discharge industrial effluent	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB58	Section 139	Determine quality standards for disposal of industrial effluent	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB59	Section 140	Determining conditions for the discharge of industrial effluent	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB60	Section 141	Authorizing the acceptance of sewage delivered by road haulage	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		
WSB61	Section 143	Withdrawing the permission for delivery of sewage by road haulage	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		
WSB62	Section 145	Approval of connections to the drainage installation from farm animal premises	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB63	Section 146	Approval of connections to the drainage installation from mechanical food-waste or other disposal units	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB64	Section 147	Approval of Installation Work	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB65	Section 148	Authorizing the installation work to be performed by person who is not a plumber	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB66	Section 149	Approval to use material not listed on the schedule of approved pipes and fittings	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		
WSB67	Section 150	Approving drainage installation tests	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		

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WSB68	Section 152	Controlling and accepting registering of Water Services Intermediaries	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB69	Section 154(3)	Authorizing intervention of the cases where the municipality a cause to intervene	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB70	Section 156(3)	Authorize the recovery of costs associated with damage from illegal operation as per Sections (156(1)&(2))	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB71	Section 158(4)	Issue a notice to prohibit the use of unacceptable equipment water or sanitation equipment	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB72	Section 159(3)	Issue a notice to prohibit the flushing of rainwater into stormwater systems	Accounting Officer (Municipal Manager)	Director: Infrastructure Services		
WSB73	Section 159(6)	Recovering costs from any person who discharges unauthorized or illegal effluent	Accounting Officer (Municipal Manager)	Director: Infrastructure Services		
WSB74	Section 163(2)	Consent to use water from a source other than the municipal water supply system	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		
WSB75	Section 164(1)	Approving of onsite Sanitation Services not connected to the Municipal System	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		
WSB76	Section 165	Power to serve compliance notices	Accounting Officer (Municipal Manager)	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services	
WSB77	Section 176	To grant written exemption from any provision of the by-law, and to determine conditions related to same	Director: Infrastructure Services)			
WSB78	Section 180(2)	Authorization to store water supplied by the Municipality within a tank.	Director: Infrastructure Services	Senior Manager: Water & Wastewater Services		
WSB79	Section 180(4)	Authorization of water installations to a boiler, steam kettle or apparatus for	Director: Infrastructure Services	Senior Manager: Water & Wastewater		

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		generating steam, gas producer, gas engine or oil engine etc.		Services		
CEMETRIES						
CEM1	Section 28, NEMA	To take actions to prevent pollution or degradation of the environment. Establishment of cemeteries will require environmental authorization (EIA)	Municipal Manager	Director: Community and Protection Services	Senior Manager: Community Services Technical Services	Assistance from Senior Environmental Planner
CEM2	Section 19, National Water Act	Responsibility to ensure, while operating cemeteries, that operations will not result in pollution of a water resource	Municipal Manager	Director: Community and Protection Services	Senior Manager: Community Services Technical Services	Assistance from Senior Environmental Planner
CEM3	National Heritage Resources Act, 1999	The municipality to obtain the required permits from HWC and SAHRA for grave exhumations and alterations to existing cemeteries. New cemeteries require a Phase 1 Heritage Assessment, which can be part of the EIA	Municipal Manager	Director: Community and Protection Services	Senior Manager: Community Services	Director: Planning and Economic Development
CEM4	OHASA	The municipality to protect the health and safety of cemetery staff who are exposed to health and safety risks	Municipal Manager	Director: Community and Protection Services	Senior Manager: Community Services	Director: Planning and Economic Development
CEM5	Circular C/195 dated 30/01/1995	Delegation of Cemetery Responsibility to Local Authorities	Council	Municipal Manager	Director Community and Protection services	In consultation with relevant directors

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CEM6	Section 164, Sections Council Ordinance, 18/1976	Directive to Local Authorities to establish cemeteries	Council	Municipal Manager	Director community and protection services	In consultation with relevant directors
CEM7	Section 165, Sections Council Ordinance, 18/1976; Section 164, Municipal Ordinance, 20/1975	Taking over of cemeteries and matters incidental thereto	Council	Municipal Manager	Senior Manager: Community Services	In consultation with relevant directors
CEM8	Section 168/1, Sections Council Ordinance, 18/1976 Section 167/1, Municipal Ordinance, 20/1974	Issuing of directive to close any cemetery or portion thereof	Council	Municipal Manager	Senior Manager: Community Services	In consultation with relevant directors
CEM9	Section 163, Municipal Ordinance, 20/1974	Directive to Local Authorities to establish cemeteries	Council	Municipal Manager		In consultation with relevant directors
CEM10	Exhumations Ordinance, 12/1980	Directive regarding exhumations/internments	Municipal Manager	Director community and protection services		
CEM11	LUPO, 15/1985	Definition and zoning allocation for cemeteries, application and approval process for land use change to facilitate the cemetery land use authorisation	Council	Municipal Manager	Director: Planning and Economic Development	In consultation with Director: Infrastructure Services and Director Community and Protection Services and Senior Town Planner

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COMMUNICATION – COMMUNICATION POLICY 2018						
COM1	Communication policies	Development and review of communication policies and action plans to ensure effective communication with both external and internal target groups	Accounting Officer (Municipal Manager))	Senior manager Governance		Manager Communication After consultation with relevant role players, i.e. councillors, senior management
COM2	Communication policies	To oversee and monitor the implementation of communication policies, strategies and actions plans in accordance with communication policies	Accounting Officer (Municipal Manager)	Senior Manager Governance		To be assisted by all relevant employees i.t.o. policies – see applicable policies
COM3	Social Media Policy	To manage social media accounts, i.e. to manage social media account content	Accounting Officer (Municipal Manager)	Senior Manager Governance	Manager Communication	
COMMUNITY DEVELOPMENT						
CD1	Section 152(c), Constitution	To promote social and economic development	Municipal Manager	Director Community and Protection Services	Manger Community Development	
CD2	Section 152(e), Constitution	To encourage the involvement of community organisations in matters of local government	Municipal Manager	Director Community and Protection Services	Manger Community Development	
CD3	Section 153(a), Constitution	To meet basic needs of the community as well as to promote social and economic development	Municipal Manager	Director Community and Protection Services	Manger Community Development	
CD4	Addendum 4B, Constitution	To oversee functions elating to childcare facilities	Municipal Manager	Director Community and Protection Services	Manger Community Development	May be delegated to relevant Director
CD5		To compile and implement policy relating to social development	Municipal Manager	Director Community and Protection	Manger Community Development	

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				Services		
CD6	Economic Development Strategy	To implement economic development strategy including Early Childhood Development, linking poor with economic sector and poverty reduction	Municipal Manager	Director Community and Protection Services	Manger Community Development	
CONTRACT MANAGEMENT						
CM1	General provisions	Authority to enter into and sign contracts on the municipality's behalf	Council	Accounting Officer (Municipal Manager) and/or Director: Corporate Services		
CM2	General provisions	To accept/reject guarantees/securities on behalf of contractors	Council	Relevant Director		
CM3	General provisions	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)	Accounting Officer (Municipal Manager)	Senior Manager: Supply Chain Management		
CM4	General provisions	Authority to communicate tenders awarded by tender award committee (BAC)	Accounting Officer (Municipal Manager)	CFO	Manager Supply Chain	
CM5	General provisions	Authority to enter into and sign formal contracts on the municipality's behalf	Accounting Officer (Municipal Manager)	Director: Corporate Services		
CM6	General provisions	Safekeeping and maintenance of contracts/securities	Accounting Officer (Municipal Manager)	Director: Corporate Services		May be sub delegated
CM7	General provisions	Monitoring expiring of contracts and lapsing of securities	Accounting Officer (Municipal Manager)	Applicable Director:		May be sub delegated
	General provisions	Maintenance of register of non-		Manager: Supply Chain Management		

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CM9		performing contractors	Accounting Officer (Municipal Manager)			
CM10	Circular 62	To authorise the adjustment or expansion of a contract as a matter of sheer necessity, limited to 15% of the original approved contract amount and subject to the conditions per the resolution	Accounting Officer (Municipal Manager)	BAC		
CIVIC AND CEREMONIAL DUTIES						
CL1	Section 59 (1) of MSA and section 56 (4) of Structures Act	To host, welcome, receive and interview VIP's, dignitaries, representatives and delegations from international and national governments, agencies, public interest groups, etc.	Council	Executive Mayor		
CL2	Section 59 (1) of Systems Act	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.	Council	Executive Mayor		Including removal and recall of such appointments/ nominations
CL3	General	To confer the freedom of the municipality on a person or institution	Council			

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CL4	Section 59(1) of MSA	To present a medal, memento, address or other commemorative token to any person or body for – (a) commemorating a public event of local, national or international importance; (b) outstanding community service; (c) performing an act of bravery; (d) a meritorious achievement; long or outstanding service in the municipality	Council	Executive Mayor		In consultation with executive mayoral committee
CL5	Section 59(1) of MSA	To send a wreath or other floral tribute on the occasion of the death of any person or to send a token of sympathy on the occasion of the serious illness of any person	Executive Mayor	Accounting Officer (Municipal Manager)		
CL6	Section 59(1) of MSA	To perform his/her ceremonial functions or to appoint any member of council to perform such ceremonial functions on his/her behalf	Executive Mayor Executive Mayor			
DECISION-MAKING ON URGENT MATTERS AND WHILST COUNCIL IS IN RECESS						
CL7	Section 59 (1) of Systems Act	To authorise and decide on conduct in the case of emergencies, where losses may be suffered or the lives of residents are at stake	Council	Executive Mayor		
CL8	Section 59 (1) of Systems Act	To exercise any power of the Council and/or its political structures as well as designated powers during	Council	Executive Mayor		

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		recess of Council				
FINANCIAL AID, GRANTS, CHARITY AND RELIEF						
CL9	Section 12(1), MFMA	To establish relief, charitable, trusts or other funds in the municipality's name as provided for in terms of section 12(1)	Council	Accounting Officer (Municipal Manager)	CFO	
CL10	Section 59(1) of MSA	To make donations which are within council's powers and functions, to deserving cases, subject to council policy	Council	Executive Mayor		
CL10	General	To determine the headquarters and regional offices of the municipality	Council			
CL11	Section 59(1) of MSA	To approve the use of office space by political office bearers, political structures, political parties and staff	Council	Accounting Officer (Municipal Manager)		Where necessary, with the assistance of heads of department
DISASTER MANAGEMENT ACT, Act 57 of 2002						
DM1	57)(Section 44 and 55 of the Disaster act)	To exercise the powers as contained In legislation	Director community and Protection	Senior Manager Protection Services	Manager Fire and Disaster Services Snr Disaster Coordinator	In consultation with Disaster Coordinator
DM2	(Section 55 (2a)) of Disaster act	Grant permission for the hiring of any equipment as well as the activating of equipment and resources of other Directorate units in order to perform reconnaissance in events of emergencies or disasters	Director community and Protection	Senior Manger Protection Services	Manager Fire and Disaster Services	In consultation with Disaster Coordinator
DM3	(Section 55 (2a) of the Disaster act)	To grant permission for the utilization of any Municipal facilities during an emergency	Director community and Protection	Senior Manger Protection Services	Manager Fire and Disaster Services	In consultation with Property management

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DM4	(Section 55 (2d) of Disaster act)	To grant approval for the erection of temporary accommodation at various facilities within the jurisdictional area of the Municipality in event of emergency or disaster	Director community and Protection	Senior Manger Protection Services	Manager Fire and Disaster Services	In consultation with property management
DM5	Section 55 (2k) of Disaster act)	To serve notices, directives, early warnings and/or other documentation to Councillors and communities regarding safety and prevention of disaster	Director community and Protection	Senior Manger Protection Services Manager fire Services and disaster management	Manager Fire and Disaster Services	In consultation with Disaster Coordinator and Law Enforcement
DM6	In terms of Councils emergency meal provision policy	To purchase food stuffs or emergency meals	Director community and Protection	Senior Manger Protection Services	Manager Fire and Disaster Services Snr Disaster Coordinator	
DM7	Protection of councilors policy	Provide emergency housing for Councillors and their immediate family who reside within the Councillor's house	Director community and Protection	Senior Manger Protection Services	Manager Fire and Disaster Services	
DM8	Fire Safety bylaw	Issuing of notices to property owners re the clearing of their premises in terms of the relevant	Director community and Protection	Senior Manger Protection Services	Manager Fire and Disaster Services	
FIRE SERVICES ACT, ACT 99 OF 1987						

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
FS 1	(i.t.o the Fire services act and Structures act)	To manage the Fire Service in terms of relevant legislation and service agreement in conjunction with the Cape Winelands District Municipality.	Municipal Manager	Senior Manager Protection Services	Manager fire Services and disaster management	
FS2	(i.t.o mutual aid agreement	To request assistance from other fire departments and to authorise such departments to operate in municipal area in cases of emergency	Municipal Manager	Director Community & Protection Services	Senior Manager Protection Services	
FS3	(Hazardous substances act 15 of 1973)	The exercise of all powers conferred upon the Municipality by –legislation relating to fire hazards in built-up areas and to enforce the provisions of the Regulations governing the conveyance of hazardous substances by road tankers; and Fire Brigade Services Act 99 of 1987	Municipal Manager	Senior Manager Protection Services	Manger Fire and Disaster Services	
FS4	Mutual aid agreement	In cases of emergency to order the fire brigade to act outside the Municipal area in terms of approved Memorandum of Agreement	Municipal Manager	Director Community & Protection Services	Senior Manager Protection Services	
FS5	(Section 9 (6) of the Fire services act)	To give notice by means of a newspaper advertisement that goods placed in safe storage, must be claimed within a specified time	Municipal Manager	Senior Manager Protection Services	Manager fire Services and disaster management	
FS6	(Section 12 of the Fire services act)	To grant authority for the utilization of the fire service outside the area of jurisdiction of the Province	Council	Municipal Manager		
FS7	(Section 18 of the Fire services act)	To take all necessary steps on behalf of and at the cost of an owner who failed to comply with the directions in regard to the utilisation and storage of hazardous substances and safety	Municipal Manager	Senior Manager Protection Services	Manager fire Services and disaster management	Manager Fire Services

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		precautions				
FS8	(Section 6A of the Fire Services act)	To appoint a person(s) as a member(s) of the Fire Brigade Reserve Force.	Municipal Manager	Director community and Protection	Senior Manager Protection Services	
ELECTRICITY: SUPPLY, MAINTENANCE AND DISTRIBUTION –ACTS AND BY-LAWS						
	Engineering Professions Act, Act 46 2000 (EPA)					
EL1	Section 18(2)	To accept responsibility for and to direct, manage, execute and supervise the electrical engineering work reserved by or under this act	Director: Infrastructure Services as Registered Professional Engineer by Engineering Council of South Africa (ECSA)		Any other person qualified to do Electrical Engineering work related to the category of work	
	Electricity Regulations Act, Act 4 2006 (as amended) (ERA)[5]					
EL2	Section 11, ERA	To apply for license issued by National Energy Regulator of South Africa (NERSA) to enable distribution of and trading with electricity	Council as Licensee and Organ of State	Accounting Officer (Municipal manager)		
EL3	Section 15, ERA	To allocate resources to ensure compliance with distribution license conditions	Council as Licensee and Organ of State	Accounting Officer (Municipal manager)		
EL4	Section 16, ERA	To allocate resources to ensure compliance with tariff principles	Council as Licensee and Organ of State	Accounting Officer (Municipal manager)		
	National Rationalized	To allocate resources to ensure	Council as Licensee and			

[5] Note: In terms of this Act Council as Licensee to distribute and trade electricity is deemed liable for damage or injury inflicted as a result of electricity distribution and must prove the contrary in civil proceedings (refer section 26). In addition, in terms of 19(4) a NERSA tribunal may rule on contravention of this Act and may impose a penalty of R2 000 000 or 10% of annual turnover (whichever is higher) per day.

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EL5	Specification. Electricity Supply: Quality of Service NRS 047	compliance with license conditions re quality of service	Organ of State	Accounting Officer (Municipal manager)		Senior Manager: Operations, Maintenance & Construction
EL6	Electricity Supply Quality of Supply NRS 048	To allocate resources to ensure compliance with license conditions re quality of supply	Council as Licensee and Organ of State	Accounting Officer (Municipal manager)		Senior Manager: Technical Services
EL7	Code of Practice for Electricity Metering NRS 057	To allocate resources to ensure compliance with license conditions re electricity metering	Council as Licensee and Organ of State	Accounting Officer (Municipal manager)		Senior Manager: Technical Services
EL8	Electricity Regulations for compulsory Norms and Standards R773	To allocate resources to ensure compliance with license conditions re compulsory norms and standards	Council as Licensee and Organ of State	Accounting Officer (Municipal manager)		Senior Manager: Technical Services
EL9	Electricity Pricing Policy 750 2008	To allocate resources to ensure compliance with license conditions re electricity pricing	Council as Licensee and Organ of State	Accounting Officer (Municipal manager)		Senior Manager: Technical Services
EL10		To comply with Regulations and enforcement of energy efficiency measures promulgated i.t.o. this Act	Council as Organ of State	Accounting Officer (Municipal manager)		
ELECTRICITY SUPPLY BY-LAWS 30 JANUARY 2017						
EL11	Section 2(2) of Electricity Supply By-Law (ESB)	To permit the supply or retail wheeling of electricity through its network	Director: Infrastructure Service	Senior Manager: Electrical Services		
EI12	Section 2(4)	To permit co-generation of electricity	Director: Infrastructure Service	Senior Manager: Electrical Services		

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EI13	Section 2(5)	To prohibit the surplus generation of electricity	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL14	Section 3(1)	To conclude an Electricity Supply Agreement	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL15	Section 3(3)	To conclude an Electricity Generation Agreement	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL16	Section 4	To Serve a notice ito the ESB	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL17	Section 8	To issue or withdraw a way leave application	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL18	Section 10	To authorize a staff member, co to gain access to any property for the purpose of conducting inspection, tests or maintenance works	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL19	Section 13	To authorize the disconnection of electricity to property where such electricity is used unsafely or improperly	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL20	Section 18	To authorize a person to resell electricity to another person or persons and to determine condition of sale of such electricity	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL21	Section 19(1)	To authorize the disconnection of electricity upon misuse, tampering or non-payment of any fees.	Director: Infrastructure Service	Senior Manager: Electrical Services		EL21
EL22	Section 19(2)	To authorize the limitation of a electricity supply due to any contravention Section 18(1) of the ESB	Director: Infrastructure Service	Senior Manager: Electrical Services		

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EL23	Section 19(4)	To authorize the removal of and electricity installation due to a repeated illegal re-connection	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL24	Section 23	To authorize an official to seal electricity meters or protective devices as well as to remove these seals	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL25	Section 24(2)	To authorize the disconnection of electricity, supply due tampering with a meter, or metering equipment or service connection	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL26	Section 25(3)	To instruct the owner or occupier of a house to which an electricity supply connection is given, to cut trees interfering with such electricity supply	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL27	Section 25(4)	To authorize the removal of anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy from the electricity distribution system	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL28	Section 30	To authorize the connection or removal of any temporary supplies	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL29	Section 32(1)	To authorize the reduction of load during peak times or emergencies	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL30	Section 32(4)	To authorize the installation of any load control devices within the premises of a customer	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL31	Section 34(1)	To authorize the provision of accommodation of substation or switching rooms	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL32	Section 37(5)	To permit the use of an alternate electricity supply	Director: Infrastructure Service	Senior Manager: Electrical Services		

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EL33	Section 37(6)	To authorize the disconnection of the main supply if the alternate supply is not operated within the Grid Connection Code for Renewable Power Plants	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL34	Section 38	To authorize the issuing of circular letters	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL35	Section 44(5)	To determine whether an electricity supply should be underground or overhead	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL36	Section 44(6)	To instruct a customer to replace an overhead connection with an underground cable	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL37	Section 44(9)	To authorize more than one connection to registered erf	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL38	Section 45(1)	To instruct a customer to provide metering accommodation	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL39	Section 45(5)	To instruct a customer to move a meter accommodation to a new position if the old one has become unsuitable	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL40	Section 48(3)	To instruct a customer to install the necessary equipment to filter out any undue interference	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL41	Section 50(1)	To instruct a Customer to maintain his power factor to the limits set by Section 50(1)	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL42	Section 52(4)	To determine whether a block of shops, flats, tenant houses or similar buildings may be metered individually or as a group	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL43	Section 56(1)	To determine whether smart meters are to be introduced to a premises	Director: Infrastructure Service	Senior Manager: Electrical Services		

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EL44	Section 57(2)	To authorize an official, inspect, test or connect a supply	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL45	Section 60(1)	To determine and publish norms, standards and guidelines to save energy	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL46	Section 61	To authorize the connections to Backyard Dwellings	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL47	Section 62	To authorize the calculation of Development Contributions to a development or upgraded electricity supply	Director: Infrastructure Service	Senior Manager: Electrical Services		
EL48	Section 63(2)	To authorize the granting, altering, canceling or refusing of any exemption	Municipal Manager	Director: Infrastructure Service		
FINANCIAL FUNCTIONS - POLICIES AND DEPARTMENTAL REGULATIONS						
EL49		To approve payment of electricity accounts	Chief Financial Officer (CFO)	Director: Infrastructure Services	Senior Manager: Electrical Services	
EL50		To approve progress and final payments to contractors executing projects and suppliers upon delivery of materials or rendering of services	Chief Financial Officer (CFO)	Director: Infrastructure Services	Senior Manager: Electrical Services	
EL51		To determine diverse electricity services tariffs	Chief Financial Officer (CFO)	Director: Infrastructure Services	Senior Manager: Electrical Services	Subject to approval by Council
EL52		To determine electricity tariff structures and annual tariff adjustments	Chief Financial Officer (CFO)	Director: Infrastructure Services	Senior Manager: Electrical Services	Subject to approval by Council
E53		To determine and approve quotations for non-standard electricity services applications	Director: Infrastructure Services			

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EL54		To determine actual electricity bulk services contributions and fixed capital contributions as well as conditions with respect to development applications.	Director: Infrastructure Services			Also refer Development Policies below
EL55	Maintenance Policy and Procedures	To ensure compliance with license conditions and departmental maintenance policy	Director: Infrastructure Services	Senior Manager: Electrical Services	Manager: Operations & Maintenance	Superintendents
EL56	General Regulations re Operating of Municipal Electrical Power Systems	To ensure compliance, evaluation and updating of General Regulations re Operating of Municipal Electrical Power Systems	Director: Infrastructure Services	Senior Manager: Electrical Services	Manager: Operations & Maintenance	Superintendents
ENVIRONMENTAL AND PUBLIC HEALTH-RELATED MATTERS						
ENV1	Occupational Health and safety Act	To approve applications for usage of gas canons i.t.o. approved directives	Director: Community and Protection Services			
FINANCIAL MATTERS						
	Municipal Finance Management Act (MFMA) – *also see Policies below*					
MFM01	Section 118 MFMA	To issue and sign clearance certificates upon payment of the relevant monies or receipt of an undertaking form the transferring attorney on record, that all outstanding monies will be paid on date of transfer.	Council	Municipal Manager	CFO	
MFM02	Item 12(A) and item 10 of Schedule 2 of	To enter into an agreement with the Councillor or staff member who has	Council	Municipal Manager	CFO	

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	the MSA	consented that outstanding amounts due to the Municipality in respect of service charges, housing and property lease debts may be deducted from his or her salary, and to inform the Speaker in regard to Councillors.				
AUDIT, FINANCIAL OVERSIGHT AND RISK MANAGEMENT						
	Fraud Prevention and Anti-Corruption Strategy					
FP1	Sections 171 to 175, MFMA	To investigate allegations of financial misconduct and to institute disciplinary proceedings	Council*	Accounting Officer (Municipal Manager)	Senior Manager Governance & Chief Risk Officer	
FP2	Section 34 of the Prevention and Combating of Corrupt Activities Act, 12 of 2004	To report incidents of corruption, theft and fraud	Accounting Officer (Municipal Manager)	All heads of departments / Manager: Internal Audit		All reported incidents by Governance and Chief Risk Office
	Internal Audit Strategy and Work Procedures					
IA1	Sections 165 & 166, MFMA	To establish an internal audit unit and audit committee to provide an oversight role on the systems of internal control, risk management and governance	Council			
IA2	Sections 165 & 166, MFMA	To perform those duties and functions assigned by the relevant legislation or by the accounting officer	Accounting Officer (Municipal manager)	Audit committee / Chief Audit Executive		

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Risk Management Policy						
RM1	Section 62(1)(c), MFMA and Risk Management Policy, 2018	To maintain effective, efficient and transparent systems of financial and risk management and internal control	Accounting Officer (Municipal manager)	All directors / Snr. Manager Governance/Chief Risk Officer		Chief Risk Officer
RM2	Risk Management Policy, 2018	Implementation of an integrated risk management framework at all levels within the municipality.	Accounting Officer (Municipal Manager)	Senior Manager Governance and Chief Risk Officer	All heads of departments, responsible managers/supervisors	
RM3	Risk Management Policy, 2018	Embed a culture of Enterprise Risk Management throughout the municipality performance	Accounting Officer (Municipal Manager)	Senior Manager Governance and Chief Risk Officer		
RM4	Risk Management Policy, 2018	To provide an independent, objective assurance to Council and the Audit Committee on the effectiveness of risk management, and to assist in bringing about a systematic, disciplined approach to evaluate and improve the effectiveness of the entire system of risk management and provide recommendations for improvement where necessary	Council	Chief Audit Executive		
FINANCE RELATED						
Credit Control and Debt Collection Policy (CCP)						
CC1	Credit Control and Debt Collection Policy	To institute criminal prosecution if sufficient proof is available of • tampering, damaging, breaking, meddling or removing of any appliance or equipment which				

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		had been installed to measure, provide or restrict the supply of services, • uses or gains access to services without approval of municipality • obstructs or hinders any municipal councillor/official in execution of duties under by-law or policy • unlawfully uses or interferes with equipment or consumption of services supplied • fails to comply with notices in terms of by-law or policy • refuses a municipal official access to premises gives false information regarding supply of services or with application for indigent subsidy	Accounting Officer (Municipal manager)			After consultation with relevant heads of departments
Supply Chain Management						
SC1	MFMA – SECTION 14	To authorise the disposal of redundant or obsolete of movable capital assets provided that, in respect of capital assets above a value of R200 000, a recommendation from the Supply Chain Management Bid Adjudication Committee must be obtained.	Council	EM - Up to an amount of R5million in consultation with Mayoral Committee MM - Up to an amount of R2million in consultation with CFO CFO up to an amount of R1million of carrying value per disposal event in consultation with Senior Manager		Designated NOTE: All amounts reflected are inclusive of VAT

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				Financial Management Services		
SC2	3(2)(c)	Report any deviation from the guideline standard to the National Treasury and relevant provincial treasury	Council	Accounting Officer	Snr Manager SCM	
SC3	4(1)	To exercise all supply chain management powers and duties and to take decisions on all procurement of goods and services subject to the Municipal supply chain management regulations and council's SCM policy.	Council	Accounting Officer	Chief Financial Officer	
SC4	3(2)(c)	Report any deviation from the guideline standard to the National Treasury and relevant provincial treasury	Council	Snr Manager SCM		
SC5	4(1)	To exercise all supply chain management powers and duties and to take decisions on all procurement of goods and services subject to the Municipal supply chain management regulations and council's SCM policy.	Council	Accounting Officer	Chief Financial Officer	
SC6	5 (2)(a)	Make a final award above R 10million (VAT incl)	Council	Accounting Officer		May not be sub-delegated
SC6	5(2)(b)	Make a final award above R 200 000 (VAT incl) but not exceeding R 10 million (VAT incl).	Council	Accounting Officer	Bid Adjudication Committee	

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SC7	5(2)(c)	Make a final award not exceeding R200 000 (VAT included).	Council	Accounting Officer	CFO, Senior Manager: SCM; Senior Accountant: Demand Management, Acquisition and Logistics and Senior Accountant: Tender and Contracts Administration	
SC8	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.	Council	Accounting Officer	Chief Financial Officer	
SC9	6(2)(a)(iii)	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)	Council	Accounting Officer	Chief Financial Officer	
SC10	7(1)	Establish a supply chain management unit.	Council	Accounting Officer	CFO	
SC11	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		

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SC12	14(1)(a)(ii)	Invite prospective providers of goods and services at least once a year through newspaper commonly circulating locally and the website of the municipality	Accounting Officer			
SC13	17(c)	Approve the recorded reasons for not obtaining at least three written price quotations for a transaction value for goods and services between R 10,000 – R200, 000.	Accounting Officer	Chief Financial Officer	CFO, Senior Manager: SCM; Senior Accountant: Demand Management, Acquisition and Logistics and Senior Accountant: Tender and Contracts administration	
SC14	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	Council	Accounting Officer	Bid Specifications Committee	
SC15	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	Accounting Officer	BAC	Senior Manager SCM	

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		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.				
SC16	26(1)(b)	Appoint the members of the bid specification, evaluation and adjudication committees, taking into account Section 117 of the MFMA.	Council	Accounting Officer		
SC17	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.	Council	Accounting Officer		
SC18	27(2)(g)	Approve specifications compiled by the bid specification committee prior to publication of the invitation for bids.	Council	Accounting Officer	Bid Specifications Committee..	
SC19	28(1)(b)	Evaluate each bidder's ability to execute the contract.	Council	Accounting Officer	Bid Evaluation Committee	
SC20	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)	Council	Accounting Officer	Bid Adjudication Committee	
SC21	29(1)(b)(i)	For bids above R10 million, the bid adjudication committee will make	Council	Bid Adjudication Committee		

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		recommendation to the Municipal Manager to make the final award.				
SC22	29(1)(b)(ii)	Make another recommendation to the accounting officer on how to proceed with the relevant procurement.	Council	Bid Adjudication Committee		
SC23	29(3)	Appoint the chairperson of the bid adjudication committee.	Council	Accounting Officer		
SC24	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.	Council	Accounting Officer	Bid Adjudication Committee	
SC25	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.	Council	Accounting Officer	Bid Adjudication Committee	

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SC26	31(2)	Enter into a written agreement to regulate the services rendered by, and the payments made to, SITA.	Council	Accounting Officer		
SC27	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 of the municipality; and (d) that other organ of state and the provider have consented to such procurement in writing	Council	Accounting Officer	BAC	
SC28	35(1)	Procure consulting services above the value of R200 000 (VAT incl) provided that any Treasury guidelines in respect of consulting services, cost containment regulations or CIDB guidelines in respect of services related to the build environment and construction works are taken into account when such procurements are made	Council	Accounting Officer	Bid Adjudication Committee	

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SC29	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 for zoos; or v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes		Accounting Officer		
SC30	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.	Council	Accounting Officer		
SC31	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;		Accounting Officer		

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		(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.				
SC32	35(1)	Procure consulting services above the value of R200 000 (VAT incl) provided that any Treasury guidelines in respect of consulting services, cost containment regulations 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	
SC33	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;		Accounting Officer		

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		(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 for zoos; or (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes				
SC34	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.	Council	Accounting Officer		
SC35	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	Council	Accounting Officer		

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		(d) the reasons for not going through the normal bidding processes are found to be sound by the accounting officer.				
SC36	37(5)	Consider and may award the bid or make recommendations to the accounting officer depending on the delegations to the adjudication committee.	Council	Accounting Officer	Bid Adjudication Committee	
SC37	37(7)	When considering an unsolicited bid, take into account where considering an unsolicited bid – (i) any comments submitted by the public; and (ii) any written comments and recommendations of the National Treasury or the relevant provincial treasury.	Council	Accounting Officer		
SC38	38(1)(b)	Investigate any allegations against an official or other role player of fraud, corruption, favouritism, 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.	Council	Accounting Officer	Senior Manager: Governance	

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SC39	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.	Council	Accounting Officer	Bid Adjudication Committee	
SC40	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.	Council	Accounting Officer	Bid Adjudication Committee	
SC41	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	Council	Accounting Officer		

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		execution of the contract that benefited that person.				
SC42	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 wilfully 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).	Council	Accounting Officer	Bid Adjudication Committee	
SC43	40(2)	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	Council	Accounting Officer		

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		(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				
SC44	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; 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; 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; 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;	Council	Accounting Officer		

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		All fees, charges, rates, tariffs, scales of fees or other charges relating to the letting of immovable property are annually reviewed Ensure that where assets are traded in for other assets, the highest possible trade-in is negotiated				
SC45	40(2)(d)	Ensure that where assets are traded in for other assets, the highest possible trade-in is negotiated		Accounting Officer		
SC46	42	Establish and implement an internal monitoring system in order to determine, on a retrospective analysis, whether the authorised supply chain management processes were followed and whether the objectives of this policy were achieved.	Accounting Officer	Chief Financial Officer	Senior Manager: SCM	
SC50	53(1)SCM POLICY	Contract having budgetary implications beyond three financial years cannot be entered into unless the requirements of section 33 of the MFMA have been fully complied with.	Council	Accounting Officer		
SC51	54(1)SCM POLICY	Any increase and/or extension in the approved contract sum that may become necessary as a result of exceptional circumstances during the contract period must be approved prior to implementation.	Council	Accounting Officer	Bid Adjudication Committee	
SC52	54(5) SCM POLICY	Any unapproved increase in the contract sum must be reported in	Council	Accounting Officer		

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		writing requesting condonation for of such unapproved increase.				
SC53	General accounting for Council assets	To manage and certify the annual stocktaking of Council's assets.	Council	Accounting Officer	SC101	
Tariff Policy (TP)						
TP1	Municipal Systems Act Section 74	To provide for categories of consumers i.t.o. the by-law and to differentiate between different categories of consumers, debtors, service providers, services, service standards, geographical areas and other matters, based on any of the elements listed in subsection 3(3) of the by-law	Council			As part of annual budget process
ENVIRONMENTAL MANAGEMENT ACT						
EMA1	Section 14(3), EMA	Appointment as air quality officer to co-ordinate matters pertaining to air quality management and to perform the duties or exercise the powers assigned or delegated in terms of the EMA	Municipal Manager			
HEALTH AND SAFETY						
		To ensure compliance with the act and regulations and to	Accounting Officer			Manager:

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OH1	Section 16, OHASA	accept responsibility for safety of employees and the public with respect to all work and facilities covered by or under this act	(Municipal Manager) (as Chief Executive Officer)	All heads of departments		Environmental & Occupational Health to oversee All sectional heads to assist
OH2	Section 24, OHASA	To report defined incidents or accidents to Department of Labour	Accounting Officer (Municipal Manager) (as Chief Executive Officer	All heads of departments		Manager: Environmental & Occupational Health to oversee All sectional heads to assist
OH3	Regulations R533, General Machinery Regulations 2(5)c GMR R1521	To appoint a competent person with Government Certificate of Competency as Electrical Engineer responsible for machinery used for distribution of electricity with 30 minute integrated maximum demand exceeding 10 000kVA. Competent person i.t.o. definition 1c,d to be a graduate engineer with minimum two years' experience or certificated Engineer.	Accounting Officer (Municipal Manager) as Employer or User of Plant and Machinery	Director: Infrastructure Services		Senior Manager: Technical Services Senior Manager: operations, Maintenance & Construction
OH4	General Machinery Regulations 2	To supervise machinery used for distribution of electricity with 30 minute maximum demand exceeding 10 000 kVA	Director: Infrastructure Services as designated competent person			Director: Infrastructure Services as designated competent person

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OH5	Electrical Machinery Regulations EMR R1593	To ensure compliance w.r.t. municipal electricity distribution system	Director: Infrastructure Services as designated competent person	Senior Manager: Electrical Services	Manager: Maintenance & Operations	Director: Infrastructure Services as designated competent person
OH6	Driven Machinery Regulations DMR R1301	To ensure compliance w.r.t. driven machinery used by electricity department	Director: Infrastructure Services as designated competent person	Senior Manager: Electrical Services	Manager: Operations, Maintenance	Superintendents (Operations, Maintenance & Construction)
OH7	General Safety Regulations GSR R1601	To ensure compliance w.r.t. General Safety Regulations in electricity department	Director: Infrastructure Services as designated competent person	Senior Manager: Electrical Services	Manager: Maintenance & operations	Superintendents (Operations, Maintenance & Construction)
OH8	Vessels under Pressure Regulations VPR R1702	To ensure compliance w.r.t. Vessels under Pressure Regulations in electricity department	Director: Infrastructure Services designated competent person	Senior Manager: Electrical Services	Manager: Operations, Maintenance	Superintendents (Operations, Maintenance & Construction)
OH9	Construction Regulations 2003	To ensure compliance w.r.t. construction work carried out by the electricity department	Director: Infrastructure Services as designated competent person	Senior Manager: Electrical Services	Manager: Operations, Maintenance	Superintendents (Operations, Maintenance & Construction)
OH10	Electrical Installation Regulations EIR R31975	To ensure compliance w.r.t. municipal electrical installations	Director: Infrastructure Services as designated competent person	Senior Manager: Electrical Services	Manager: Operations, Maintenance	Superintendents (Operations, Maintenance & Construction)

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OH11	Electrical Installation Regulations EIR R6	To ensure that new electrical installations are not connected and energized prior to inspection and testing by a registered person and issuing of a Certificate of Compliance (COC)	Director: Infrastructure Services as designated competent person	Senior Manager: Electrical Services	Manager: Operations, Maintenance	Superintendents (Operations, Maintenance & Construction)
OH12	South African National Standard Code of Practice for Wiring of Premises SANS 10142-2009	To ensure compliance w.r.t. municipal electrical installations (All municipal buildings and facilities covered by SANS 10142-2009)	Director: Infrastructure Services as designated competent person	Senior Manager: Electrical Services	Manager: Operations, Maintenance	Superintendents (Operations, Maintenance & Construction)
OH13		To ensure compliance w.r.t. municipal electricity distribution system	Director: Infrastructure Services as designated competent person	Senior Manager: Electrical Services	Manager: Operations, Maintenance	Superintendents (Operations, Maintenance & Construction)
HERITAGE MATTERS						
	National Heritage Resources Act, Act 25 of 1999 (HA)					
HE1	Section 8(6), HA	To apply for assessment of municipality's competence to perform functions	Accounting Officer (Municipal manager)	Director: Planning and Economic Development		
HE2	Sections 8, 25, 26(1), HA	To perform any general responsibility, duty or function assigned, deemed	Accounting Officer (Municipal manager)	Director: Planning and Economic Development	Senior Manager: Development Planning	

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		or delegated to a competent Local Authority				
HE3	Sections 4 – 10, HA	To manage heritage resources (policy, identify resources, assess and grade, perform local responsibilities, database)	Accounting Officer (Municipal manager)	Director: Planning and Economic Development	Senior Manager: Development Planning	
HE4	Section 27, HA	To follow the procedure for formal protection of heritage sites, comment on declarations proposed by SAHRA or Province, regulations pertaining to heritage sites and to make agreements with site owners	Accounting Officer (Municipal manager)	Director: Planning and Economic Development	Senior Manager: Development Planning	
HE5	Section 28, HA	To make recommendations regarding provision in By-laws or zoning scheme for managing Protected Areas	Accounting Officer (Municipal manager)	Director: Planning and Economic Development	Senior Manager: Development Planning	
HE6	Section 29, HA	To provisionally protect places considered conservation-worthy or threatened, public notices	Accounting Officer (Municipal manager)	Director: Planning and Economic Development	Senior Manager: Development Planning/ Manager Spatial Planning	
HE7	Section 30, HA	To compile heritage inventory to assist in compiling municipality's part of the Provincial Heritage Register, and follow application assessment requirements	Accounting Officer (Municipal manager)	Director: Planning and Economic Development	Senior Manager: Development Planning / Senior Heritage Planner	
HE8	Section 31, HA	To recommend on the designation of Heritage Areas, to protect places of environmental or cultural interest and to require/consider approval or refusal of consent for alteration or development in the area and to perform powers in Heritage Areas	Accounting Officer (Municipal manager)	Director: Planning and Economic Development	Senior Manager: Development Planning / Senior Heritage Planner	

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HE9	Section 34, HA	To, subject to competency being granted, deal with structures older than 60 years and apply for exemptions of areas or categories	Accounting Officer (Municipal manager)	Director: Planning and Economic Development	Senior Manager: Development Planning / Senior Heritage Planner	
HE10	Section 38, HA	To notify developers of requirement for Heritage Impact Assessment (HIA), follow consideration procedures for HIA's, comment on HIA's, authorise HIA in cases where evaluation of impact can be dealt with in an application made i.t.o. LUPO, Zoning Scheme Regulations or other relevant laws	Accounting Officer (Municipal manager)	Director: Planning and Economic Development	Senior Manager: Development Planning / Senior Heritage Planner	
HE11	Section 39, HA	To inform of destruction of listed heritage place	Accounting Officer (Municipal manager)	Director: Planning and Economic Development	Senior Manager: Development Planning Senior Heritage Planner	
HE12	Section 42, HA	To negotiate heritage agreements	Accounting Officer (Municipal manager)	Director: Planning and Economic Development	Senior Manager: Development Planning / Senior Heritage Planner	
HE13	Section 43, HA	To recommend on the provision of incentives in By-law or planning scheme	Accounting Officer (Municipal manager)	Director: Planning and Economic Development	Senior Manager: Development Planning / Senior Heritage Planner	
HE14	Section 44, HA	To promote presentation and use of heritage resources	Director: Planning and Economic Development	Senior Manager: Development Planning	Senior Heritage Planner	
HE15	Section 45, HA	To serve notices for compulsory repair and maintenance of heritage resources	Director: Planning and Economic Development	Senior Manager: Development Planning	Senior Heritage Planner	
HE16	Section 48, HA	To deal with the manner in which application is to be made for any permit or other requirement and make stipulations and conditions	Director: Planning and Economic Development	Senior Manager: Development Planning	Senior Heritage Planner	

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HE17	Section 49, HA	To appeal against decisions	Accounting Officer (Municipal manager)			
HE18	Section 50, HA	To perform all functions of appointed Heritage Inspector	Director: Development Services	Senior Manager: Development Planning	Senior Heritage Planner	
HE19	Section 51, HA	To lay charges and make submissions for offences	Director: Planning and Economic Development	Senior Manager: Development Planning	Senior Heritage Planner	
HE20	Section 54, HA	To recommend to Council on the formulation of By-laws for heritage resources	Accounting Officer (Municipal manager)	Director: Planning and Economic Development		
HE21	Section 55, HA	To assist and cooperate with heritage bodies	Director: Planning and Economic Development	Senior Manager: Development Planning	Senior Heritage Planner	
HE22	Section 58, HA	To provide for the protection of conservation areas under previous National Monuments Act, or perform other transitional powers	Accounting Officer (Municipal manager)	Director: Planning and Economic Development		
Housing Act, Act 107 of 1997						
HO1	Housing Act, 1997	To oversee compilation of housing contracts with Department of Human Settlements and other stakeholders	Accounting Officer (Municipal manager)	Director: Planning and Economic Development	Senior Manager: Human Settlements	
HO2		To authorise (1) allocation of municipal rental housing units (2) evictions i.t.o. lease agreements and to oversee compilation of housing waiting-list and undertaking of socio-economic surveys, subject to certain criteria and discretionary powers to depart from such criteria	Director: Planning and Economic Development	Senior Manager: Human Settlements	Manager: Housing Administration	
HO3	National Housing Code 2009	Allocation of Municipal rental units, the subsequent conclusion of rental agreements and the execution of such agreements in the area of	Director : Planning and Economic Development	Senior Manager: Human Settlements	Manager: Housing Administration	

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		jurisdiction of the Stellenbosch Municipality.				
HO4	Housing Act 107 of 1997	To allocate subsidy scheme dwellings on the terms and conditions determined by Council.	Director : Planning and Economic Development	Senior Manager: Human Settlements	Manager: Housing Administration	
HO5	Housing Act 107 of 1997	To execute in general all the activities and duties of the Council in terms of the Housing Act 107 of 1997, the Housing Code, the Municipal Housing Strategy and the IDP, in order to promote the right to have access to adequate housing is realized on a progressive basis.	Director : Planning and Economic Development	Senior Manager: Human Settlements	Manager: Housing Development	
HO6	Rental agreements: Rental housing	Compilation/signing of rental agreements	Accounting Officer (Municipal manager)	Director Planning and Economic Development (in as far as Rental Housing)		
Local Government: Disciplinary Regulations for Senior Managers, General Notice 344 dated 21 April 2011						
LR 1	Regulation 4	To institute disciplinary proceedings in accordance with Disciplinary Code (regulations) i.r.o. a senior manager	Council			
LR2	Regulation 6	To suspend a senior manager on full pay where the circumstances in para 6(1)(a) prevail	Council			
LR 3	Regulation 7	To deal with cases of less serious misconduct i.t.o. the Disciplinary Code	Mayor* Accounting Officer (Municipal manager)**			* where Accounting Officer (Municipal Manager) is concerned ** i.r.o. managers

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
						directly accountable to him/her
LR 4	Regulation 11	Power to request the Commission for conciliation Mediation and Arbitration to conduct a pre-dismissal arbitration	Council			
LR 5	Para 16	To deal with substandard performance of senior managers	Mayor* Accounting Officer (Municipal manager)**			* where Accounting Officer (Municipal Manager) is concerned ** i.r.o. managers directly accountable to him/her
GENERAL HUMAN RESOURCES [6]						
HR 1	MSA	Granting approval to staff to serve on outside bodies	Accounting Officer			Directors to make recommendations for staff in their directorates
HR2	Conditions of Service (SALGBC)	To dispose of all powers and functions of Council in line with HR policies	Municipal Manager			May be delegated
EMPLOYMENT EQUITY						
EEP1	Employment Equity Act	To accept responsibility for the implementation and monitoring of the employment equity process	Accounting Officer (Municipal manager)			Senior Manager HR and all Directors
EEP2	Employment Equity Act	To keep and maintain copies of all relevant employment equity documents for perusal by employees of the municipality	Accounting Officer (Municipal Manager)	Director corporate Services	Senior Manager: Human Resources	

[6] Delegation approved by council with the approval of Human Resources policy automatically forms part of these delegations and will be taken up in the delegations.

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
EEP3	Employment Equity Act	To compile a report detailing the progress with the implementation of employment equity, with specific LEGISLATIVE MANDATE to achievement of numerical goals, every six months	Accounting Officer (Municipal Manager)	Director corporate Services	Senior Manager: Human Resources	
Outside/Private work policy (OWP)						
OW1		Authority to approve applications by employees to perform remunerated work outside the employment contract with the municipality	Accounting Officer (Municipal manager)	Director Corporate Services		Heads of departments/ Senior Manager: Human Resource Services to make recommendations, subject to policy criteria
OW2		To keep and maintain a register of employees who performs remunerated work outside his/her official duties	Accounting Officer (Municipal Manager)	Director corporate Services	Senior Manager: Human Resources	
Provision of protective and safety apparel to employees (PPSA)						
UP1	Occupational health and Safety Act	Responsible for ensuring strict and consistent application of act	Accounting Officer (Municipal Manager)	All Directors		
UP2	Occupational health and safety act	Power to approve amendments to the annexures with regard to Protective and Safety Equipment provided to Employees	Accounting Officer (Municipal Manager)	Director Infrastructure Services		In consultation with directors and Senior manager HR
Training and related matters						
TR1	Skills Development Act /MSA	To authorise attendance of training courses, meetings or information sessions of staff	Accounting Officer (Municipal manager)	Senior Manager HR		Subject to budgetary provisions and in consultation with

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						Directors
TR2	Skills development Act	To prepare and implement skills plan and report on training	Accounting Officer (Municipal manager)	Senior Manager HR		In consultation with Director Corporate Services
RECRUITMENT AND SELECTION [7]						
RS 1	MSA	Appointment of staff below Directors reporting Directly to Municipal Manager	Municipal Manager as far as it refers to the managers reporting to the section 56 managers.	Director Corporate Services as far as it refers to all other staff below the managers reporting to the section 56 managers		In line with principles in recruitment and selection policy
LEGAL MATTERS[8]						
LEG1	General	To institute and defend any legal processes/proceedings and claims by or against council, either in the magistrate or the high court, including the initiation, dealing with or settlement of such on behalf of the council	Council	Accounting Officer (Municipal manager)		In consultation with the Executive Mayor(EM) Director: Corporate Services to assist)
LEG 2	Section 41of Constitution	To institute or defend any matter in any court against an organ of state where all reasonable steps in terms of the principles of co-operative governance have failed	Council	Accounting Officer (Municipal manager)		In consultation with the Executive Mayor(EM) Director: Corporate Services to assist)
LEG3	General	To appoint attorneys and counsel in legal matter	Council	Accounting Officer (Municipal manager)	Director: Corporate Services	In consultation with Accounting Officer (Municipal manager)

[7] After approval of recruitment and selection policy currently under review the delegations approved therein will be taken up in the delegation register

[8] Also see 'Contracts' above as well as Credit Control and Debt Collection Policy for delegations i.r.o. legal proceedings related to debt collection issues.

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LEG4	General	Entering appearance and authorising the defending of all matters.	Council	Accounting Officer (Municipal manager)	Director: Corporate Services	In consultation with Accounting Officer (Municipal manager/EM
LEG5	General	Authorising the briefing of counsel/attorney to obtain legal opinion in any matter.	Council	Accounting Officer (Municipal manager)	Director: Corporate Services	In consultation with Accounting Officer (Municipal manager)
LEG 6	General	To settle any action out of court including arbitrations, mediations and debt collection where court action shave been instituted/defended	Council	Accounting officer where the settlement is below R1 000 000 EM where the settlement is above R1 000 000 after considering advice from the Accounting Officer		In consultation with the EM CFO and DCS to assist
LEG 7	General	To sign all documents and to authorise any person to attest to an affidavit on behalf of the Municipality as required for any legal proceedings as required from time to time	Council	Accounting officer		May be sub-delegated
LEG 8	General	To lay criminal charges or authorise any official to lay criminal charges in respect of any criminal act perpetrated by any employee or councillor or by any person perpetrated against the municipality, an employee or councillor.	Council	Accounting Officer (Municipal manager)	Director: Corporate Services	In consultation with Accounting Officer (Municipal manager) Where it involves actions by or against a councillor after consultation with the Speaker
LEG9	General	To conduct any necessary action in any matter instituted by or against the municipality, including the signature of the prescribed powers	Council	Accounting Officer (Municipal manager)	Director: Corporate Services	In consultation with Accounting Officer

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		of attorney, affidavits and other documents in order to finalise the matter				(Municipal manager)
LEG10		To institute and defend legal proceedings and to apply, where necessary, for relevant court orders i.t.o. building legislation transgressions, illegal squatting, erection & demolishment of buildings	Council	Accounting Officer (Municipal manager)	Director: Corporate Services	In consultation with building control section
LEG11		To make affidavits i.t.o. legal proceedings where non-compliance with building legislation is concerned	Accounting Officer (Municipal Manager) *	Director: Planning and Economic Development	Senior Manager: Land Use Management	*may be sub-delegated
LEG 12	General	To authorise forensic investigations in relation to any alleged fraud, corruption or criminal activity, maladministration and or negligence on the part of any employee, Councillor, agent, contractor, supplier or service provider	Council	Executive Mayor in so fat as it relates to Councillors Municipal Manager as far as it relates to all other		Chief Audit Executive to assist
LEG 13	General	To pursue, facilitate and/or represent the Municipality in respect of any appropriate, criminal, civil and/or related proceedings	Council	Executive Mayor as far as it relates to Councillors Municipal Manager as far as it relates to all other		May be delegated to any Director where relevant
LEG 14	General	To appear before a notary to execute any document or appoint any other person to appear before the notary on behalf of the municipality, including the power to sign any documents relating thereto	Council	Accounting Officer		May be delegated

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LEG 15	Section 126 and 127 of Municipal Ordinance 20/1974	Approval of an encroachment onto municipal owned land or public spaces	Council	Accounting officer (Municipal Manager)		On recommendation from Director Corporate Services In terms of Council Policy/Framework.
LEG 16		To exercise the rights and obligations of the Municipality as Lessor or lessee in respect of agreements of lease, servitudes and other legal instruments.	Council	Accounting officer (Municipal Manager)		On recommendation from Director Corporate Services and in terms of Council Policy/Bylaw/legislation
LEG 17		To approve applications for the placement of posters and banners on municipal properties	Council	Accounting officer (Municipal Manager)		On recommendation from the relevant Director and in terms of Council Policy/Bylaw/legislation
LEG 18		To approve applications for fund raising – street and house collections	Council	Accounting officer (Municipal Manager)	May be sub delegated to relevant Director	On recommendation from the relevant Director and in terms of Council Policy/Bylaw/legislation
LEG 19		To enter into agreements where approvals were granted to acquire rights from or to 3rd parties	Council	Accounting officer (Municipal Manager)	May be sub delegated to Director Corporate Services	
LIBRARIES						
LIB1		To consider and approve applications for library membership i.t.o. council resolution and to recover, where necessary, the applicable subscription fees	Council	Director: Community and Protection Services	Senior Manager: Community Services	Manager" Library Services
LIB2		To issue demand letters i.t.o. outstanding library material i.t.o. council resolution and to ensure	Council	Director: Community and Protection	Senior Manager: Community Services	Manager" Library Services

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		that money owed are debited against consumer accounts		Services		
LIB3	General Tariffs Policy 2019 -20	To levy and recover applicable fines and sundries i.t.o. council resolution and tariff lists	Council	Director: Community and Protection Services	Manager Library Services	In consultation with Senior Librarians
LIB4	General Library in house rules reviewed 2019	To disapprove membership applications where applicants owe monies/fines to other libraries	Council	Director: Community and Protection Services	Manager" Library Services	In consultation with Senior Librarians
LIB 5	Section 67(5.2)	To compile and submit on council's behalf business plans i.t.o. conditional grant funding	Council	Director: Community and Protection Services	Senior Manager: Community Services	Manager" Library Services
LIB 6	Western Cape Provincial Libraries Asset Management and Collection Development Policies 2019	To purchase printed, digital and audio-visual library resources i t o provincial guidelines	Municipal Manager	Director Community and Protection Services	Manager Library Services	In consultation with Senior Librarians
LICENCES. PERMITS AND CONCESSIONS						
LPC1		To grant permissions for the erection of show house signage boards & direction indicators on municipal and private property	Accounting Officer (Municipal manager)	Director: Planning and Economic Development	Senior Heritage Planner	
LPC2	Branding Policy	To consider and grant approval for usage of municipal logo	Accounting Officer (Municipal Manager)			*May be sub – delegated
LPC3	GATHERINGS ACT 205 OF 1993 EVENTS BY-LAW	To approve marches, processions, fun-runs, races, etc in municipal area i.t.o. applicable legislation and	Municipal Manger	Director: Community and Protection Services	Senior Manager: Protection Services	In consultation where

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	PN7564 DATED 12/02/2016	policy directives				necessary with the Manager: Traffic and Law Enforcement Services
LPC4		To permit usage and/or temporary closing of streets and public places for fund-raising or other activities	Municipal Manager	Director: Community and Protection Services	Senior Manager: Protection Services	In consultation where necessary with Director: Infrastructure Services
LPC5		To grant permission for the display of posters and/or banners i.t.o. applicable by-law or policy directives	Director Infrastructure services	PIET SMIT NORMALLY DEALS WITH THIS		to be delegated in new Poster bylaw
LPC6		To issue a trade licence which is properly applied for to businesses on behalf of the licensing authority and to determine the applicable conditions	Council (as licensing authority)	Director: Planning and Economic Development	Manager LED	
MUNICIPAL LAW ENFORCEMENT						
	Traffic and Traffic Related Matters					
MP1	Fire Arms Control Act, 2000 [Regulation 98(2)]	Issuing of fire arm permits	Municipal Manager	Director Community and protection Services	Senior Manager Protection Services	
MP2	Fire Arms Control Act,2000 [Regulation 95 to 101]	Additional responsibilities in terms of the Act	Municipal Manager	Director Community and protection Services	Senior Manger Protection Services	
MP3		To suspend, under special conditions, the levying of fees for services rendered by Traffic officials during public events	Council	Municipal Manager	Director: Community and Protection Services	

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MP4	AM NOT AWARE OF ANY BYLAW ALLOWING THIS. THE BYLAW PROHIBITS LOADHAILING	To authorise applications for public broadcasting with loudhailer	municipal manger	Director: Community and Protection Services	Senior Manager Protection Services	
MP5	Section 15(2)(b), Magistrate's Court Act, 1944	To authorise in writing a person in the employ of another public body to serve processes of the court within the municipal boundaries of the municipality	Municipal Manager		Public Prosecutor	In consultation with the Director: Community and Protection Services & Manager: Traffic and Law Enforcement Service
MP6	National Road Traffic Act	Issuing of appointment certificates to all members of the Traffic and Law Enforcement Service	Municipal Manager	Director: Community and protection Services	Senior Manager Protection Services	
Municipal Public Facilities						
MPF1	General	To oversee the maintenance of all municipal public facilities within the municipal area and to report on how any shortcomings and irregularities are to be remedied	All heads of departments	All heads of sections		
Sports Grounds and Recreation Facilities						
MPF2	Section 59 of MSA	To permit the temporary closing of municipal swimming-pools for public usage, and the use of pools by schools and swimming clubs at a fee determined by council	Municipal manager	Director: Community and Protection Services		
MPF3	White Paper on Sport, Priority ONE	To develop a policy framework for the governance of sport at local level that is in concert with the national and provincial sport and recreation policy To make sport and recreation accessible to all people in the local	Municipal Manger	Director: Community and Protection Services	Senior Manager: Community Services	

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		area To create the infrastructure required for the delivery of sport and recreation				
MPF4	White Paper on Sport, Priority ONE	To make sport and recreation accessible to all people in the local area	municipal manger	Director: Community and Protection Services	Senior Manager: Community Services	
MPF5	White Paper on Sport, Priority ONE	To create the infrastructure required for the delivery of sport and recreation	Municipal manager	Director: Community and Protection Services	Senior Manager: Community Services	
MPF6	White Paper on Sport, Priority TWO	To create multi-purpose indoor/outdoor facilities that are community centred, with schools, clubs and recreation organisations as target	Council	Municipal Manager	Senior Manager: Community Services	
Town Halls, Community Halls and Library Activity Halls						
MPF7	Section 59 of MSA	Administration of the leasing of town and community halls i.t.o. relevant policy, including inter alia, the granting of special rebates in terms thereof, and the discretion to deviate within reason	Municipal Manager	Director: Community and Protection Services	Senior Manager: Community Services	
MPF8	Section 59 of MSA	Application/execution of policy and discretionary powers to deviate within reason	Municipal Manager	Director: Community and Protection Services	Senior Manager: Community Services	
MPF9	Section 59 of MSA	To approve applications for usage of municipal commonage for church services, in terms of policy directives	Municipal Manager	Director: Community and Protection Services	Senior Manager: Community Services	
MPF10	MFMA	To reimburse deposits for leasing of halls	Municipal Manager	Director: Community and Protection	Senior Manager: Community Services	

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				Services		
PROPERTY RATES I.T.O. PROPERTY RATES ACT, 2004 (PRA)						
	Resolutions Levying Rates					
PRA1	Section 14(2), PRA	To publish the council resolution levying rates in the Provincial Gazette	Accounting Officer (Municipal manager)	Director: Corporate Services	Manager: Secretariat & Records Services	
	Register of Properties					
PRA2	Section 23, PRA	To draw up, maintain and regularly update a register in respect of properties situated within the municipal area and to ensure that it is open for inspection by the public and to display it on the official website	Accounting Officer (Municipal manager)	CFO		Assisted by appointed municipal valuer
	Municipal Valuers and Data-Collectors					
PRA3	Section 33(1), PRA	To designate (either one of its officials or a person in private practice) as its municipal valuer	Accounting Officer (Municipal manager)			On recommendation by the Tender Adjudication Committee
PRA4	Section 33(1), PRA	To issue to the person so designated an identity card	Accounting Officer (Municipal manager)	CFO		
PRA5	Section 33(4) & 33(5), PRA	To withdraw the designation of a person as its municipal valuer on the grounds of misconduct, incapacity or incompetence, non-compliance with a provision of the PRA, under-performance or breach of contract	Accounting Officer (Municipal manager)			

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PRA6	Section 35(4), PRA	To issue to the person designated as an assistant municipal valuer an identity card	Accounting Officer (Municipal manager)	CFO		
PRA7	Section 36(4), PRA	To issue to the person designated as a data-collector an identity card in the prescribed format containing a photograph of that person	Accounting Officer (Municipal manager)	CFO		
PRA8	Section 36(5), PRA	To withdraw the designation by the Accounting Officer (Municipal Manager) of a person as a data-collector	Accounting Officer (Municipal manager)	CFO		
PRA9	Section 41(2), PRA	To issue to the person, authorised by the municipal valuer to enter any property that must be valued, an identity card in the prescribed format containing a photograph of that person	Accounting Officer (Municipal manager)			
PRA10	Section 66(1), PRA	To provide an appeal board with the necessary office accommodation and other administrative assistance, including staff	Accounting Officer (Municipal manager)			
PRA11	Section 4(2), PRA	To display the draft rates policy at municipal offices and libraries and on the official website; to advertise in the media a notice and invite comments and representations	Accounting Officer (Municipal manager)	Director: Corporate Services	Manager: Secretariat & Records Services	
PRA12	Section 14(3), PRA	To display the resolution to levy rates at the municipality's head and satellite offices and libraries; and on the official website; to advertise in the media a notice stating that a resolution levying a rate on property has been passed by the council; and is available for public inspection	Accounting Officer (Municipal manager)	Director: Corporate Services	Manager: Secretariat & Records Services	
		To annually table in council, a * list of all exemptions, rebates				

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PRA13	Section 15(3), PRA	and reductions granted during the previous financial year; and statement reflecting the income foregone during the previous financial year by way of such exemptions, rebates and reductions, exclusions and the phasing-in discount granted	Accounting Officer (Municipal manager)	Chief Financial Officer (CFO)	Head: Income	
PRA14	Section 35(1), PRA	To designate officials of the municipality or persons in private practice as assistant municipal valuers to assist the valuer of the municipality	Accounting Officer (Municipal manager)			
PRA15	Section 35(2), PRA	To permit the municipal valuer to designate persons in private practice as assistant municipal valuers to assist the municipal valuer with the performance of any of his/her functions if the municipal valuer is not an official	Accounting Officer (Municipal manager)			
PRA16	Section 36(5), PRA	To request a municipal valuer to withdraw the designation by the municipal valuer of a person as a data-collector	Accounting Officer (Municipal manager)			
PRA17	Section 43(5), PRA	To designate a special valuer to perform a valuation which a municipal valuer or assistant municipal valuer may not perform, i.e. in cases where that valuer, or any spouse, parent, child, partner or business associate of the valuer, has a personal or private business interest	Accounting Officer (Municipal manager)			
PRA18	Section 49(1), PRA	To, on receipt of the certified valuation roll from the valuer – * publish a notice stating that the	Accounting Officer (Municipal manager)			Assisted by Corporate Services & Financial Services Directorate

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		roll is open for public inspection and inviting objection; * disseminate the substance of the notice to the local community; and * serve on every owner of property listed in the valuation roll a copy of the notice together with an extract of the valuation roll pertaining to that owner's property publish the roll on the official website				
PRA19	Section 50(1), PRA	To receive objections against any matter reflected in, or omitted from, the roll	Accounting Officer (Municipal manager)			
PRA20	Section 50(3), PRA	To assist an objector to lodge an objection if that objector is unable to read or write	Accounting Officer (Municipal manager)			
PRA21	Section 50(5), PRA	To submit all objections to the municipal valuer for decision and disposal	Accounting Officer (Municipal manager)			
PRA22	Section 52(1), PRA	To, if a municipal valuer adjusts the valuation of a property by more than 10 per cent upwards or downwards, submit to the valuation appeal board the municipal valuer 's decision, the reasons for the decision and all relevant documentation, for review	Accounting Officer (Municipal manager)			
PRA23	Section 54(1), PRA	To receive appeals to an appeal board against a decision of a municipal valuer, and to forward such appeals to the chairperson of the appeal board	Accounting Officer (Municipal manager)			
		To, if an adjustment in the valuation of a property affects the amount				

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PRA24	Section 55(2), PRA	due for rates payable on that property – * calculate the amount actually paid since the effective date and the amount payable in terms of the adjustment since the effective date; and recover from, or repay to, the person liable for the payment of the rate the difference plus interest at a prescribed rate	Accounting Officer (Municipal manager)	Chief Financial Officer (CFO)	Head: Income	
PRA25	Section 55(3), PRA	To, where an addition has been made to a valuation roll, recover from the person liable for the payment of the rate the amount due for rates payable plus interest	Accounting Officer (Municipal manager)	Chief Financial Officer (CFO)	Head: Income	
RECORDS MANAGEMENT						
RM1	Section 9(5)(a) & Part 4, Provincial Archives Act, 2005 / CR 10/09/2008	Control and management of municipal records in terms of paragraph 8 of council's records management policy & paragraph 1 of council's registration procedure manual	Accounting officer	Manager: Secretariat & Records Services (Records Manager - N Brand w.e.f. 01/10/2008)		All employees to assist as per the roles and responsibilities in para 7 of records management policy
RM2	Para 1.2, Registration procedure manual	Responsible for - supervising the execution of all registry procedures i.t.o. para 2.1 to 2.8 of manual - training and direct supervision of registry staff all tasks as per para 3.1 to 5.8 of manual	Manager: Secretariat & Records Services (Records Manager)	Administrator: Records & Archives		With the assistance of registry staff
ROADS AND STORMWATER						
RS1	Section 7(2), Roads Ordinance (19/1976)	To construct and maintain public roads where the municipality is the	Council	Director: Infrastructure Services	Senior Manager: Transport, Roads,	

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		road authority			Stormwater & Traffic engineering	
RS2	Section 8(1), Roads Ordinance (19/1976)	To undertake work on public roads (by agreement with another road authority)	Council	Director: Civil Engineering Services	Senior Manager: Transport, Roads, Stormwater & Traffic engineering	Other road authorities (PAWC, SANRAL, etc.)
RS3	Section 207(1), Local Government Laws Amendment Act (15/2002)	To recover costs/expenses due to council related to work done by directorate Infrastructure Services services	Council	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater & Traffic engineering	Chief Financial Officer (CFO)
RS4	Section 139(1)(a), Local Government Laws Amendment Act (15/2002)	To provide, establish and maintain storm water systems within the municipal area	Council	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater & Traffic Engineering	Department Water Affairs
RS5	Section 139(1)(e), Local Government Laws Amendment Act (15/2002)	To direct drained storm water into any natural water course	Council	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater & Traffic Engineering	Department Water Affairs
RS6	Section 10(a) & (b), Road Ordinance 19/1976	To erect and maintain direction signposts and distance indicators	Council	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater & Traffic Engineering	
RS7	Section 12(a), Road Ordinance 19/1976	To regulate walls, hedges and vegetation at road corners	Council	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater & Traffic Engineering	In consultation with other road authorities
RS8	Section 13(a) & (b), Road Ordinance 19/1976	To erect gates across public roads	Council	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater & Traffic Engineering	

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RS9	Section 14(1) & 14(2)(a)&(b), Road Ordinance 19/1976	To remove gates across public roads	Council	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater & Traffic Engineering	In consultation with other road authorities
RS10	Section 15(1)-15(4), Road Ordinance 19/1976	To construct and close motor by-passes	Council	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater & Traffic Engineering	In consultation with other road authorities
RS11	Section 18(1) – 18(3), Road Ordinance 19/1976	To regulate access to and exit from certain public roads	Council	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater & Traffic Engineering	In consultation with other road authorities
RS12	Section 19, Road Ordinance 19/1976	To manage the temporary closing and diversion of public roads	Council	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater & Traffic Engineering	In consultation with other road authorities
RS13	Section 20, Road Ordinance 19/1976	To indicate the closing of public roads	Council	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater & Traffic Engineering	In consultation with other road authorities
RS14	Section 28, Road Ordinance 19/1976	To permit inspection of property for any purpose	Council	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater & Traffic Engineering	
RS15	Section 8, Advertising of Roads and Ribbon Development Act (43/1986)	To regulate the depositing or leaving of certain articles or materials near public roads outside the urban area	Council	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater & Traffic Engineering	In consultation with other road authorities
RS16	Explosives Act (15/2003)	To grant or reject applications to use explosives or to do blasting and to determine conditions	Council	Accounting Officer (Municipal manager)	Director: Infrastructure Services	In consultation with other road authorities

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
RS17	Section 2, By-law relating to streets (PN 5859 dd 19/04/2002)	To determine whether any tree or vegetation has a detrimental influence on municipal services, causes a nuisance, discomfort or danger and to decide whether such vegetation should be removed	Council	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater & Traffic Engineering	
RS18	Sections 5 & 6, By-law relating to streets (PN 5859 dd 19/04/2002)	To accept an application to construct a sidewalk in a street reserve	Council	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater & Traffic Engineering	Chief Financial Officer (CFO)
RS19	Sections 5 & 6, By-law relating to streets (PN 5859 dd 19/04/2002)	To approve, to make an excavation, dig a pit, trench or hole in the street	Council	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater & Traffic Engineering	
RS20	Sections 5 & 6, By-law relating to streets (PN 5859 dd 19/04/2002)	To authorise legally approved weed-killers or poisons in any street reserve	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater & Traffic Engineering	Manager: Roads & Stormwater	
SEWERAGE SERVICES						
SS1	Water Services Act & National Water Act	To exercise all powers conferred upon the municipality by applicable legislation relating to sanitation and waste water treatment works	Council	Accounting Officer (Municipal manager)	Director: Infrastructure Services	Senior Manager: Technical Services
SS2	Section 5/1, Provincial Gazette 16/1998	To remove any obstruction from the drainage system, for which a service charge shall be paid to council when the obstruction was on private land	Council	Senior Manager: Water Operations	Superintendent: Sewer Operations	
SS3	Section 19, Provincial Gazette 1982/1998	To deal with pollution prevention and in particular where pollution of water resources occur or may occur as activities on land	Council	Accounting Officer (Municipal manager)	Director: Infrastructure Services	Manager: Wastewater

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
TOWN PLANNING AND RELATED MATTERS						
General Town Planning						
Gen Town Planning		Approval of amusement licences in terms of policy directives	Director: Planning and Economic Development	Manager: Land use management		
Gen Town Planning		To consider and approve the waiving of additional building plan fees under the conditions stipulated in the resolution	Council	Director: Planning and Economic Development		Subject to motivation by owner and comments by Building Control division / to be reported regularly to executive mayoral committee
LUPO Ordinance 15 of 1985 and SLUPBL						
LUP1	Sections 14 , 16, 18 of LUPO	To consider and administer applications and grant a use right by way of rezoning in terms of section 16 or 18 where the lawful use right of land cannot be determined in relation to land in terms of section 14 of "LUPO".	Council	Manager: Land Use Management (to administer all applications and make decisions where no objections were received Director: Planning and Economic Development (where no substantive objections were received) Executive Mayor where substantive objections were		Only regarding applications prior to 01/12/2015

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
				received		
LUP2	Section 15 of LUPO	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 scheme regulations concerned in terms of section 15 of "LUPO".	Council	Manager: Land Use Management (to administer all applications and make decisions where no objections were received) Director: Planning and Economic Development (where no substantive objections were received) Executive Mayor where substantive objections were received		Only regarding applications prior to 01/12/2015
LUP3	Section 16 of LUPO	To consider and administer applications and grant or refuse an application by an owner of land for the rezoning thereof in terms of section 16 of "LUPO".	Council	Manager: Land Use Management (to administer all applications and make decisions where no objections were received) Director: Planning and Economic Development (where no substantive objections were received)		Only regarding applications prior to 01/12/2015

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ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
				Executive Mayor where substantive objections were received		
LUP4	Section 25 of LUPO	To consider and administer applications and grant or refuse an application for the subdivision of land in relation to land in terms of section 25 of "LUPO". This delegation is limited to the subdivision of an erf into not more than two erven.	Council	Manager: Land Use Management (to administer all applications and make decisions where no objections were received) Director: Planning and Economic Development (where no substantive objections were received) Executive Mayor where substantive objections were received		Only regarding applications prior to 01/12/2015
LUP5	Section 42 of LUPO	To impose conditions when granting an authorisation, exemption or application under LUPO, in terms of section 42 of LUPO.	Council	Manager: Land Use Management (to administer all applications and make decisions where no objections were received) Director: Planning and Economic Development (where no substantive		Only regarding applications prior to 01/12/2015

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
				objections were received) Executive Mayor where substantive objections were received		
LUP6	Section 42 of LUPO	To consider and administer applications and approve Precinct Plans, Site Development Plans and amendments thereto arising out of agreements entered into in terms of the SATS Act.	Council	Accounting Officer (Municipal manager)	Director: Planning and Economic Development	
LUP7	Section 42 of LUPO	To consider and make recommendations to the Council on the naming and renaming of streets.	Council	Executive Mayor		
LUP8	Western Cape Gambling and Racing Act 1996 (Act 4 of 1996).	To comment on applications in terms of the Western Cape Gambling and Racing Act 1996 (Act 4 of 1996).	Council	Manager Land Use Management/ Principal Planner	Senior Town Planner	
LUP9	Section 19 of national Liquor Act, Act 27 of 1989	To comment on applications for liquor licenses.	Council	Manager Land Use Management/ Principal Planner	Senior Town Planner	
LUP10	Section 37(2) of the Land Survey Act,	To amend or cancel - subdivision diagrams; general plans; road	Council	Director: Planning and Economic Development	Manager: Land Use Management	

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	1997 (Act No. 8 of 1997)	widening diagrams; public open space; road closures; and servitudes; in terms of section 37(2) of the Land Survey Act, 1997 (Act No. 8 of 1997)				
CHAPTER II SPATIAL PLANNING						
LUP11	Stellenbosch Municipality: Land Use Planning By-Law Sec3(2)(a)	Publish a notice regarding the SDF process in accordance with section 28(3) and 29 of the Municipal Systems Act	Council	Director: Planning and Economic Development	Manager: Spatial Planning	
LUP12	Stellenbosch Municipality: Land Use Planning By-Law Sec3(2)(b)	Inform the Provincial Minister in writing of the intention, process and decision by Council	Council	Director: Planning and Economic Development	Manager: Spatial Planning	
LUP13	Stellenbosch Municipality: Land Use Planning By-Law Sec3(2)(c)	Register relevant stakeholders	Council	Director: Planning and Economic Development	Manager: Spatial Planning	
LUP14	Stellenbosch Municipality: Land Use Planning By-Law Sec 4	Establish a project committee	Council	Municipal Manager	Director: Planning and Economic Development	
LUP15	Stellenbosch Municipality: Land Use Planning By-Law Sec 5	Invite written nominations for representatives to serve on the intergovernmental steering committee	Council	Director: Planning and Economic Development	Manager: Spatial Planning	
LUP16	Stellenbosch Municipality: Land Use Planning By-Law	Compilation of a draft status quo report and submission to intergovernmental steering	Council	Director: Planning and Economic Development	Manager: Spatial Planning	

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
	Sec 6(1)	committee				
LUP17	Stellenbosch Municipality: Land Use Planning By-Law Sec 6(2)	Project committee to finalise status quo report and submit it to Council for adoption	Council	Director: Planning and Economic Development	Manager: Spatial Planning	
LUP18	Stellenbosch Municipality: Land Use Planning By-Law Sec 6(4), and 6(5)	Project committee to finalise first draft of municipal spatial development framework or amendment and submit it to the Council to approve publication for public comment in accordance with the process adopted in terms of sections 28 and 29 of the Municipal Systems Act.	Council	Director: Planning and Economic Development	Manager: Spatial Planning	
LUP19	Stellenbosch Municipality: Land Use Planning By-Law Sec 6	Consideration by intergovernmental steering committee, project committee final draft municipal spatial development framework or amendment submitted to the Council for adoption	Council	Director: Planning and Economic Development	Manager: Spatial Planning	
LUP20	Stellenbosch Municipality: Land Use Planning By-Law Sec 9	Within 14 days of Council's decision give notice of its decision in the media and the Provincial Gazette	Council	Director: Planning and Economic Development	Manager: Spatial Planning	
LUP21	Stellenbosch Municipality: Land Use Planning By-Law Sec 7	Administer the compilation or amendment of a municipal spatial development framework	Council	Director: Planning and Economic Development	Senior Manager: Development Planning/ Manager: Spatial Planning	
LUP22	Stellenbosch Municipality: Land Use Planning By-Law Sec 9	Propose a local spatial development framework for a specific geographical area in a part of the municipal area to Council.	Council	Director: Planning and Economic Development	Senior Manager: Development Planning/ Manager: Spatial Planning	
LUP23	Stellenbosch Municipality: Land Use Planning By-Law Sec 10	Administration of the compilation, amendment or review of a local spatial development framework	Council	Municipal Manager	Director: Planning and Economic Development	Senior Manager: Development Planning/ Manager: Spatial Planning

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LUP24	Stellenbosch Municipality: Land Use Planning By-Law Sec 12	Administration of the conversion of a structure plan to a local spatial development framework	Council	Director: Planning and Economic Development	Senior Manager: Development Planning/ Manager: Spatial Planning	
LUP25	Stellenbosch Municipality: Land Use Planning By-Law Sec 15 (6)	Conduct land development application processes or any activity contemplated in subsection (2), for a decision by the Tribunal in accordance with this Chapter and Chapter IV.	Council	Director: Planning and Economic Development	Senior Manager: Development Planning/ Manager: Spatial Planning	
LUP26	Stellenbosch Municipality: Land Use Planning By-Law Sec 17	Decision to rezone land of which the municipality is not the owner	Council	Director: Planning and Economic Development	Senior Manager: Development Planning/ Manager: Spatial Planning	
LUP27	Sections 12 and 13 of the Municipal Systems Act	create an overlay zone in compliance with sections 12 and 13 of the Municipal Systems Act.	Council	Director: Planning and Economic Development	Senior Manager Development Management Manager: Land use Management	
LUP28	Stellenbosch Municipality: Land Use Planning By-Law Sec 13	If a rezoning approval lapses, the zoning applicable to the land before the approval of the rezoning applies or, where no zoning existed before the approval of the rezoning, determine a zoning in terms of section 13.	Authorised Employee/ Municipal Planning Tribunal			

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LUP29	Stellenbosch Municipality: Land Use Planning By-Law Sec 19(2)	Development parameters for consent use	Council	Director: Planning and Economic Development	Senior Manager Development Management	
LUP30	Stellenbosch Municipality: Land Use Planning By-Law Sec 19(3)	May approve permanently or for a period specified in the conditions of approval imposed in terms of section 66.	Authorised Employee/ Municipal Planning Tribunal			
LUP31	Stellenbosch Municipality: Land Use Planning By-Law Sec 20(6))	To issue a certificate on written request by the applicant to confirm that all conditions of the approved subdivision have been met	Director: Planning and Economic Development	Manager Land Use Management	Principal Planner/ Senior Town Planner/ Town Planner	Provided that the applicant submitted proof of same
LUP32	Stellenbosch Municipality: Land Use Planning By-Law Sec 20(4)	Impose appropriate conditions in terms of section 66 relating to engineering services for an approval of a subdivision.	Director: Planning and Economic Development	Manager: Land Use Management in consultation with the Director Infrastructure Services	Principal Planner/ Senior Town Planner/ Town Planner	
LUP33	Stellenbosch Municipality: Land Use Planning By-Law Sec 26	Closure of public places	Council	Authorised Employee/ Municipal Planning Tribunal		As categorized by Council from time to time in terms of section 69 (1) of the By-Law, 2015 and sections 11 and 12 of the Western Cape Land Use Planning Act, 2014 and section 35(3) and 47(2) of the Spatial Planning and Land Use Management Act, 2013
	Stellenbosch Municipality: Land	Administer claim against the Municipality for loss or damage	Council	Municipal Manager		

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LUP34	Use Planning By-Law Sec 26	suffered due to wrongdoing when it permanently closed a public place				
LUP35	Stellenbosch Municipality: Land Use Planning By-Law Sec 37	Meet with the authorised employee and, where applicable, with employees of other relevant organs of state for a pre-application consultation and relevant guidelines	Director: Planning and Economic Development	Senior Manager: Development Planning/ Manager: Spatial Planning	Principal Planner/ Senior Town Planner/ Town Planner	
LUP36	Stellenbosch Municipality: Land Use Planning By-Law Sec 40	May refuse to accept an application	Director: Planning and Economic Development	Senior Manager: Development Management/ Manager: Land Use Management	Principal Planner	
LUP37	Stellenbosch Municipality: Land Use Planning By-Law Sec 42	Notify the applicant in writing of any information or documents it requires in addition to the requirements contemplated in section 38.	Director: Planning and Economic Development	Senior Manager: Development Management/ Manager: Land Use Management	Administrative Officer	
LUP38	Stellenbosch Municipality: Land Use Planning By-Law Sec 42	Director must consider the application without the information or documents and notify the applicant accordingly.	Director: Planning and Economic Development	Senior Manager: Development Management/ Manager: Land Use Management	Administrative Officer	
LUP39	Stellenbosch Municipality: Land Use Planning By-Law Sec 41	To cause notice of an application to be given to every municipal department and organs of state that has an interest in such application, and to request their comment	Director: Planning and Economic Development	Senior Manager: Development Management/ Manager: Land Use Management	Administrative Officer	
LUP40	Stellenbosch Municipality: Land Use Planning By-Law	Where an amendment to an application is material, to give notice of same to all municipal departments	Director: Planning and Economic Development	Senior Manager: Development Management/	Principal Planner	

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	Sec 52	and organs of state and who commented on the application, and request comments to be submitted		Manager: Land Use Management		
LUP41	Stellenbosch Municipality: Land Use Planning By-Law Sec 53	To require further public notice i.t.o. section 53	Director: Planning and Economic Development	Senior Manager: Development Management/ Manager: Land Use Management	Principal Planner	
LUP42	Section 63 of Stellenbosch municipality Land Use Planning By-Law, 2015	To condone, on good cause shown, an error in a procedure	Council	Director: Planning and Economic Development		Provide condor have a adverse unreas prejudi
LUP43	Stellenbosch Municipality: Land Use Planning By-Law Sec 57(1)	If decision is delegated to an authorised employee to decide on the application within 60 days	Council	Authorised Employee		
LUP44	Stellenbosch Municipality: Land Use Planning By-Law Sec 57(2)	If decision is not delegated to an authorised employee and no integrated process in terms of another law is being followed, the Tribunal must decide on the application within 120 days	Council	Municipal Planning Tribunal		
LUP45	Stellenbosch Municipality: Land Use Planning By-Law Sec (3)(a)	May extend the period in exceptional circumstances if interested person applied for intervener status	Authorised Employee/ Municipal Planning Tribunal			
LUP46	Stellenbosch Municipality: Land Use Planning By-Law	May extend the period in the case of the Tribunal, if an oral hearing is to be held.	Municipal Planning Tribunal			

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	Sec (3) (b)					
LUP47		May extend the period in the case of the Tribunal, if an oral hearing is to be held.	Municipal Planning Tribunal			
LUP48	Stellenbosch Municipality: Land Use Planning By-Law Section 59	Enter land or a building to conduct an inspection for the purpose of obtaining information and take appropriate action or to assess an application	Director: Planning and Economic Development	Senior Manager: Development Management/ Senior Manager: Development Planning/ Manager: Land Use Management/ Manager Spatial Planning	Principal Planner/ Senior Town Planner/ Town Planner/ Senior Land Use Inspector/ Land Use Inspector	
LUP49	Stellenbosch Municipality: Land Use Planning By-Law Section 15 (6)	To make a decision in accordance with Chapter III and IV when the Municipality conducts land development or an activity contemplated in subsection 15(6)	Municipal Planning Tribunal			May not be sub delegated to an official
LUP50	Stellenbosch Municipality: Land Use Planning By-Law Section 60	May in respect of an application contemplated in section 15 (2) deal with the application, including imposition of conditions	Authorised Employee/ Municipal Planning Tribunal			As categorized by Council from time to time in terms of section 69 (1) of the By-Law, 2015 and sections 11 and 12 of the Western Cape Land Use Planning Act, 2014 and section 35(3) and 47(2) of the Spatial Planning and Land Use Management Act, 2013
LUP51	Stellenbosch Municipality: Land Use Planning By-Law Section 61 (1)	Notify the applicant and any person whose rights are affected by the decision of the decision, the reasons for the decision and their right to appeal, if applicable.	Director: Planning and Economic Development	Senior Manager: Development Management/ Manager: Land Use Management	Administrative Officer	

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LUP52	Stellenbosch Municipality: Land Use Planning By-Law Section 65 (1)	The Municipality must have regard to certain criteria as stipulated in section 65(1) when considering a land use application	Authorised Employee/ Municipal Planning Tribunal			As categorized by Council from time to time in terms of section 69 (1) of the By-Law, 2015 and sections 11 and 12 of the Western Cape Land Use Planning Act, 2014 and section 35(3) and 47(2) of the Spatial Planning and Land Use Management Act, 2013
LUP53	Stellenbosch Municipality: Land Use Planning By-Law Section 65(2)	Where required in terms of applicable development parameters or conditions of approval, the Municipality must approve a site development plan if the site development plan complies to certain criteria as stipulated in section 65(2) of the SLUPBL	Director: Planning and Economic Development	Senior Manager: Development Management/ Manager: Land Use Management		
LUP54	Stellenbosch Municipality: Land Use Planning By-Law Section 66 (4)	To determine a proportional contribution to municipal public expenditure in accordance with section 83(7) and any other applicable provincial norms and standards	Council			
LUP55	Stellenbosch Municipality: Land Use Planning By-Law Section 67	To approve an extension of a validity period imposed i.t.o. a condition of approval	Authorised Employee/ Municipal Planning Tribunal			Subject to the categorization of land use applications as determined by Council.

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LUP56	Stellenbosch Municipality: Land Use Planning By-Law Section 26. (6)	Without complying with Chapter IV, temporarily close a public place	Accounting Officer (Municipal Manager)			
LUP57	Stellenbosch Municipality: Land Use Planning By-Law Section 72. (1)	The members of the Tribunal referred to in section 71(1)(b) may be appointed by the Council only after the Accounting Officer (Municipal Manager) has —	Council			
LUP58	Stellenbosch Municipality: Land Use Planning By-Law Section 72. (1)	extend written invitations and publish notice in newspaper for nominations	Municipal Manager	Director: Planning and Economic development/ Senior Manager; Development Management/ Manager: Land Use Management	Senior Administrative Officer-MPT	
LUP59	Stellenbosch Municipality: Land Use Planning By-Law Section 72. (2)	Prepare invitation for nominations	Municipal Manager	Director: Planning and Economic development/ Senior Manager; Development Management/ Manager: Land Use Management	Senior Administrative Officer MPT	
LUP60	Stellenbosch Municipality: Land Use Planning By-Law Section 72. (7)	Convene an evaluation panel to evaluate nominations that comply with this section and determine terms of reference of the evaluation panel	Municipal Manager	Director: Planning and Economic development/ Senior Manager; Development Management/ Manager: Land Use Management	Senior Administrative Officer MPT	
LUP61	Stellenbosch Municipality: Land Use Planning By-Law Section 72. (11)	Take all actions for confirming appointments and commencing activities	Municipal Manager	Director: Planning and Economic development/ Senior Manager;	Senior Administrative Officer MPT	

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				Development Management/ Manager: Land Use Management		
LUP62	Stellenbosch Municipality: Land Use Planning By-Law Section 77 (1)	Appoint or designate an employee as the Administrator and other staff for the Tribunal contemplated in section 70(1)(a) in terms of the Municipal Systems Act.	Municipal Manager			
LUP63	Stellenbosch Municipality: Land Use Planning By-Law Section 79	To act as Appeal Authority in respect of decisions of the Tribunal or an authorised employee contemplated in section 68(a) or (b) and a failure to decide on an application as contemplated in section 58.	Executive Mayor			79(5). When the Appeal Authority considers an appeal, it must have regard to- a. the provisions of section 65(1), read with the necessary changes; and b. the comments of the Provincial Minister contemplated in section 52 of the Land Use Planning Act.
LUP64	Stellenbosch Municipality: Land Use Planning By-Law Section 81 (10).	.The Appeal Authority may appoint a technical adviser to advise or assist it with regard to a matter forming part of the appeal.	Council	Municipal Manager		
LUP65	Stellenbosch Municipality: Land Use Planning By-Law Section 81 (12)	To draft a report assessing an appeal and to submit it to the Appeals Authority within the timeframes provided in the SLUPBL	Municipal Manager	Director: Planning and Economic development/ Senior Manager; Development Management/ Manager: Land use	Principal Planner	

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				management		
LUP66	Stellenbosch Municipality: Land Use Planning By-Law Section 80	To designate an employee to executive administrative actions in respect of appeals in terms of the SBLUPB	Municipal Manager	Director: Planning and Economic development/ Senior Manager; Development Management/ Manager: Land Use Management	Senior Administrative Officer MPT	
LUP67	Stellenbosch Municipality: Land Use Planning By-Law Section 82 (3)	If the Municipality is not the provider of an engineering service, the applicant must prove that adequate arrangements have been made with the relevant service provider for the provision of that service.	Municipal Manager	Directors: Planning and Economic Development/ Infrastructure Services		
LUP68	Stellenbosch Municipality: Land Use Planning By-Law Section 82 (4)	The Municipality may enter into a written agreement with an applicant to provide services	Municipal Manager	Director Infrastructure Services		
LUP69		Exercising for and on behalf of the municipality all powers, duties and functions necessary to ensure enforcement of and compliance with SBLUPB	Director: Planning and Economic Development	Senior Manager; Development Management/ Manager: Land Use Management	Principal Planner/ Senior Town Planner/ Town Planner/ Senior Land Use Inspector/ Land Use Inspector	
LUP70	Section 89(2)	89(2) The Municipality may suspend, confirm, vary or withdraw a compliance notice or any part of the compliance notice and must specify the period within which the person to whom the compliance notice is addressed must comply with any part of the compliance notice that is confirmed or varied	Accounting Officer (Municipal manager)	Director Planning and Economic Development		

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LUP71	Section 91(1)	91(1) To issue a certificate when satisfied that the owner or occupier of any land or premises has complied with a compliance notice	Director: Planning and Economic Development	Manager: Land Use Management	Senior Land Use Inspector	
LUP72	Stellenbosch Municipality: Land Use Planning By-Law Section 82 (4)	Must annually propose fines and contravention penalties to be imposed in the enforcement of the By-law	Council	Director: Planning and Economic Development		
LUP73	Section 87(2)(b)	To determine the amount of the contravention penalty payable 30 days after approval of the land use application	Director: Planning and Economic Development	Manager: Land Use Management	Principal Planner	According to the penalty rate as determined by Council annually for the contravention penalty formula
LUP74	Section 87(2)(b)	87(2)(b) To determine the amount of the contravention penalty payable 30 days after approval of the land use application	Director: Planning and Economic Development	Senior Manager; Development Management/ Manager: Land Use Management	Principal Planner/ Senior Town Planner	According to the penalty rate as determined by Council annually for the contravention penalty formula
LUP75	of section 12(2) of the "Spatial Data Infrastructure Act	To ensure that metadata for spatial information is available to users by making metadata available to the Department of Land Affairs in the prescribed manner for inclusion in the electronic metadata catalogue in terms of section 12(2) of the "Spatial Data Infrastructure Act".	Director: Planning and Economic Development	Senior Manager: Development Planning	GIS Officer	
LUP76	14(2) of the "Spatial Data Infrastructure Act".	To be accountable for the integrity of unmodified spatial information in terms of section 14(2) of the "Spatial Data Infrastructure Act".	Director: Planning and Economic Development	Senior Manager: Development Planning	GIS Officer	
LUP77	14(3) of the "Spatial Data Infrastructure	To provide (a) the information in a prescribed manner and (b) the	Director: Planning and Economic Development	Senior Manager: Development	GIS Officer	

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ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
	Act".	relevant metadata together with the spatial information when supplying information, in terms of section 14(3) of the "Spatial Data Infrastructure Act".		Planning		
LUP78	16 (2) of the "Spatial Data Infrastructure Act	To ensure regular updating of base data sets in accordance with the provisions of the Act in terms of section 16 (2) of the "Spatial Data Infrastructure Act".	Director: Planning and Economic Development	Senior Manager: Development Planning	GIS Officer	
LUP79	section 17 (3) of the "Spatial Data Infrastructure Act	To report on data quality by responding in the prescribed time and manner, to the user after receiving the report on that deficiency in terms of section 17 (3) of the "Spatial Data Infrastructure Act".	Director: Planning and Economic Development	Senior Manager: Development Planning	GIS Officer	
LUP80	section 18(a) of the "Spatial Data Infrastructure Act	To take reasonable steps to effect adequate and appropriate security against the loss of spatial information unauthorized or unlawful access to and modification or disclosure of that spatial information in terms of section 18(a) of the "Spatial Data Infrastructure Act".	Director: Planning and Economic Development			
LUP81	18(b) of the "Spatial Data Infrastructure Act	To ensure the protection of the copyright of the state and other interested parties in spatial information in terms of section 18(b) of the "Spatial Data Infrastructure Act".	Director: Planning and Economic Development			
LUP82	18(b) of the "Spatial Data Infrastructure Act	To position, create and maintain a Town Survey Mark Reference System in terms of the "Land Survey Act, 1997 (Act 8 of 1997).	Director: Planning and Economic Development	Senior Manager; Development Management	GIS Officer	

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LUP83	Land Survey Act, 1997 (Act 8 of 1997	To regulate and manage the erection of structures near building restriction roads outside the urban area in terms of Section 9 of the "Advertising on Roads and Ribbon Development Act".	Accounting Officer (Municipal manager)	Director: Planning and Economic Development/ Director Infrastructure		
LUP84	Section 9 of the Advertising on Roads and Ribbon Development Act	To implement the requirements in terms of the said By-Law.	Director: Planning and Economic Development	Senior Manager; Development Management	Principal Planner/ Senior Town Planner/ Town Planner	
LUP85	In terms of the By-law Relating to the Erection of Boundary Walls and Fences and the Control of Materials Used Therefor.	To grant a waiver from compliance with the By-law Relating to the Erection of Boundary Walls and Fences and the Control of Materials Used Therefor or relax any provisions thereof in special circumstances pertaining to a particular case.	Municipal Manager			As per Council Resolution Item 7.3.6 dated 29 November 2017.
LUP86	Performing functions in terms of the "LUPO" "SPLUMA" "LUPA" "SLUPB" and "Zoning Schemes"	To comment on an application where the use, activity or departure may have a detrimental impact on any environmental or heritage resources, and/or to call for an impact assessment to be conducted by an independent environmental assessment practitioner, for consideration by the municipality of the desirability thereof or migratory conditions to be imposed.	Council	Director: Planning and Economic Development	Senior Manager; Development Management/ Senior Manager: Development Planning	
LUP87	Performing functions in terms of the "LUPO" "SPLUMA" "LUPA" "SLUPB" and "Zoning Schemes"	To enforce compliance with environmental and heritage conditions imposed in terms of "LUPO/SPLUMA/LUPA/SLUPB" or to enforce the environmental or heritage provisions incorporated into a zoning scheme including taking steps to rectify and recover	Council	Director: Planning and Economic Development	Senior Manager; Development Management/ Senior Manager: Development Planning	

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		costs and to enter a property for investigation of environmental and heritage matters.				
LUP88	Performing functions in terms of the "LUPO" "SPLUMA" "LUPA" "SLUPB" and "Zoning Schemes"	To identify and recommend environmental and heritage resources in a zoning scheme, imposition of conditions, performing power or duty in terms of a condition imposed in terms of LUPO/SPLUMA/LUPA/SLUPB.	Council	Director: Planning and Economic Development	Senior Manager; Development Management/ Senior Manager: Development Planning	
LUP89	Performing functions in terms of the "LUPO" "SPLUMA" "LUPA" "SLUPB" and "Zoning Schemes"	To request additional information or documentation in any application, which may include an independent impact assessment, and which may be necessary to consider the potential detrimental impact of a proposal on environmental or heritage resources.	Council	Director: Planning and Economic Development	Senior Manager; Development Management/ Senior Manager: Development Planning	
LUP90	Actions in terms of Sections 11 and 22 of the Western Cape Land Use Planning Act 2014 and Section 35(3) and 47(2) of the Spatial Planning and Land Use Management Act, 2013	Approval / amendment of Spatial Development Framework	Council			
LUP91	Actions in terms of Sections 11 and 22 of the Western Cape Land Use Planning Act 2014 and Section 35(3) and 47(2) of the Spatial	Approval / amendment of Zoning Scheme	Council			

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
	Planning and Land Use Management Act, 2013					
LUP92	Actions in terms of Sections 11 and 22 of the Western Cape Land Use Planning Act 2014 and Section 35(3) and 47(2) of the Spatial Planning and Land Use Management Act, 2013	Approval / amendment of an Overlay Zone for the zoning scheme 15(2)(j)	Council			
LUP93	Actions in terms of Sections 11 and 22 of the Western Cape Land Use Planning Act 2014 and Section 35(3) and 47(2) of the Spatial Planning and Land Use Management Act, 2013	Title Deed Relaxations in terms of the Title Deed, to enable minor departure applications SPLUMA 47(2)	Council	Director Planning and Economic Development		As per Council Resolution Item 7.3.3 dated 25 January 2017.
LUP94	Actions in terms of Sections 11 and 22 of the Western Cape Land Use Planning Act 2014 and Section 35(3) and 47(2) of the Spatial Planning and Land Use Management Act, 2013	Categorisation of applications	Council			
LUP95	Actions in terms of Sections 11 and 22 of the Western Cape Land Use Planning	To ensure that any application (which involves substantial changes to or intensification in land use or development) is accompanied by	Council	Director Planning and Economic Development	Senior Manager; Development Management/ Manager: Land Use	

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
	Act 2014 and Section 35(3) and 47(2) of the Spatial Planning and Land Use Management Act, 2013	the required Impact Assessments, if any, as well as sufficient other information when forwarded to the relevant Planning Authority			Management	
LUP96	Section 64 (1)	64(1) To exempt in writing and subject to section 60 of the Land Use Planning Act a development from compliance with a provision of the by-law, or in an emergency situation authorise that a development may depart from any of the provisions of this by-law	Council	Executive Mayor		If the Provincial Minister grants an exemption or authorisation to deviate from a provision of the Land Use Planning Act to the Municipality in terms of section 60 of the Land Use Planning Act, the Municipality is exempted from or authorised to deviate from any provision in this By-law
LUP97	Section 33 of the BLUPBL	To cause a notice of an application in terms of the SBLUPB to be served as required	Director: Planning and Economic Development	Senior Manager; Development Management/ Manager: Land Use Management	Administrative Officer	
LUP98	Section 33(7) of the BLUPBL	33(7). To cause the publication of a notice of the decision to amend, suspend or remove a restrictive condition in the Provincial Gazette and to notify the Registrar of same	Director: Planning and Economic Development	Senior Manager; Development Management/ Manager: Land Use Management	Administrative Officer	
LUP99	Section 24 of the BLUPBL	24. To issue a certificate that a subdivision or consolidation is exempted from the application procedures as stipulated in the SLUPBL	Council	Director: Planning and Economic Development		
LUP100	Performing functions in terms of the	To issue Zoning certificates	Director Planning and Economic Development	Senior Manager; Development	Principal Planner/ Senior Town Planner/	

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
	"LUPO" "SPLUMA" "LUPA" "SLUPB" and "Zoning Schemes"			Management/ Manager: Land Use Management	Town Planner	
LUP101	Performing functions in terms of the "LUPO" "SPLUMA" "LUPA" "SLUPB" and "Zoning Schemes"	To comment on Building Plans	Director Planning and Economic Development	Senior Manager; Development Management/ Manager: Land Use Management	Principal Planner/ Senior Town Planner/ Town Planner	
LUP102	Performing functions in terms of the "LUPO" "SPLUMA" "LUPA" "SLUPB" and "Zoning Schemes"	To comment on Event applications	Director Planning and Economic Development	Senior Manager; Development Management/ Manager: Land Use Management	Principal Planner/ Senior Town Planner/ Town Planner	
LUP103	Section 28(3) of the BLUPBL	To confirm whether all conditions of approval have been complied for in order for a certificate to transfer a land unit as contemplated in section 28 (3) be issued	Director Planning and Economic Development	Senior Manager; Development Management/ Manager: Land Use Management	Principal Planner/ Senior Town Planner	
LUP104	Section 28(3) of the BLUPBL	To issue a certificate to transfer a land unit as contemplated in section 28 (3)	Director: Planning and Economic Development	Senior Manager; Development Management/ Manager: Land Use Management	Senior Administrative Officer	
LUP105	Actions in terms of Sections 11 and 22 of the Western Cape Land Use Planning Act 2014 and Section 35(3) and 47(2) of the Spatial Planning and Land Use Management Act, 2013	To amend the zoning map and where applicable the register when a Land Use Application contemplated in section 15 is approved	Director: Planning and Economic Development	Senior Manager; Development Management/ Manager: Land Use Management	Senior Administrative Officer	
LUP106	Actions in terms of Sections 11 and 22 of the Western Cape	To sign all outgoing correspondence with regards to general procedures for Land Use	Director Planning and Economic Development	Senior Manager; Development Management/	Senior Administrative Officer	

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
	Land Use Planning Act 2014 and Section 35(3) and 47(2) of the Spatial Planning and Land Use Management Act, 2013	Applications and Decision Letters		Manager: Land Use Management		
LUP107	Actions in terms of Sections 11 and 22 of the Western Cape Land Use Planning Act 2014 and Section 35(3) and 47(2) of the Spatial Planning and Land Use Management Act, 2013	To give comments on encroachment applications to construct a veranda, stoep, steps or other projection or erect a post in a street or public place.	Director Planning and Economic Development	Senior Manager; Development Management/ Manager: Land Use Management	Principal Planner/ Senior Town Planner/ Town Planner	
INTEGRATING ZONING SCHEME BYLAW 2019						
LUP 108	Consideration in terms of Section 60 of the Stellenbosch Land Use Planning By-law for land use applications submitted in terms of section 15(2)(a)- (f) and 15(2)(n and o) where no objections have been received	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	Authorised employee			
	Consideration in terms of Section 60	To consider and administer applications and approve	Authorised employee			

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
LUP 109	of the Stellenbosch Land Use Planning By-law for land use applications submitted in terms of section 15(2)(g to m) and 15(2)(p to s) where no objections have been received	applications for an alteration of the land use restrictions applicable to a particular zone in terms of the Stellenbosch Planning By-law, October 2015				
LUP 110	Consideration in terms of Section 60 of the Stellenbosch Land Use Planning By-law for land use applications submitted in terms of section 15(2)(a to f) and 15(2)(n and o) where objections have been received	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	Municipal Planning Tribunal			
LUP 111	Consideration in terms of Section 60 of the Stellenbosch Land Use Planning By-law for land use applications submitted in terms of section 15(2)(6)	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	Municipal Planning Tribunal			
NEMA – ACT 107 of 1998 ENVIRONMENTAL AUTHORISATIONS						
NEM 1	Section 24K & L of the "*NEMA*".	To apply for concurrence and/or status as competent authority responsible for granting	Council	Executive Mayor	Municipal Manager	

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		environmental authorizations in respect of listed activities in terms of section 24K & L of the "*NEMA*".				
NEM 2	of section 43(1) of the "*NEMA: Biodiversity Act*".	To consider and submit biodiversity management plans to the Minister for approval, for (a) an ecosystem, (b) an indigenous species, (c) a migratory species in terms of section 43(1) of the "*NEMA: Biodiversity Act*".	Municipal manager	Director Community and Protection Services	Senior Manager Community services	
NEM 3	section 49 of the "*NEM: Biodiversity Act*".	To consider a report on the monitoring of the conservation status of biodiversity and report to the Minister (if required by the Minister) in terms of section 49 of the "*NEM: Biodiversity Act*".	Municipal manager	Director Community and Protection Services	Senior Manager Community services	
NEM 4	section 24 of NEMA	Comment on applications for activities listed in terms of section 24 of NEMA	Municipal manager	Director Community and Protection services	Senior Manager Community services	
NEM 5	Chapter 7 of NEMA	Report and deal with transgressions and matters in terms of Chapter 7 of NEMA	Director Community and Protection Services	Senior Manager Community services		
NEM6	S 11 of the Road Ordinance 19 / 1976	To instruct the owner or occupant of property to remove / trim a tree or any growth that may cause an inconvenience, danger or discomfort to any person using such road, failing which, it may be removed / trimmed at the expense of the owner / occupant	Municipal manager	Director Community and Protection Services	Senior Manager Community services	In consultation with Director Infrastructure
NEM7		To instruct the owner of grounds to reduce the height of any trees, bushes, murals, walls or fences, that is deemed necessary for the safety of pedestrians	Municipal manager	Director Community and Protection services	Senior Manager: Community Services and Senior Manger Protection Services	In conjunction with manager environmental services and manager Traffic and Law Enforcement

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
WARD COMMITTEES						
WC1	Rules relating to the Establishment and Functioning of Ward Committees	To implement, administer and monitor the rules relating to the establishment and functioning of ward committees	Accounting Officer (Municipal manager)	Director: Corporate Services	Manager: Support Staff	Oversight by Speaker and EM
WC2	Rules relating to the Establishment and Functioning of Ward Committees	To preside over meetings of ward committees and to ensure compliance with rules	Ward councillors			Assisted by ward support officials
WC3	Rules relating to the Establishment and Functioning of Ward Committees (rule 4(4))	To appoint a proportionally elected councillor or member of the ward committee to chair any extraordinary public meeting, ordinary public meeting or ward committee meeting when the ward councillor is not available to chair	Ward Councillor			
WC4	Rules relating to the Establishment and Functioning of Ward Committees [rule 27]	Referral of unsolved disputes/grievances to council	Council	Speaker		
WASTE MANAGEMENT - NATIONAL ENVIRONMENTAL MANAGEMENT WASTE ACT, 2008 (NEMWA)						
WM1	Section 7 – 9, NEMWA	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	Council	Director: Infrastructure Services	Senior Manager; Waste Management	
WM2	Section 17.1, NEMWA	To initiate and implement recycling and other waste minimisation initiatives	Council	Director: Infrastructure Services	Senior Manager; Waste Management	

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
WM3	Section 10(3), NEMWA	To be responsible for coordinating matters pertaining to waste management in the municipality	Council	Director: Infrastructure Services	Senior Manager; Waste Management	
WM4	Section 10(3) NEMWA	Designation of Waste Manager	Council	Accounting Officer (Municipal manager)		
WM5	Section 11(4) NEMWA	Submit integrated waste management plan (IWMP) to MEC for endorsement	Accounting Officer (Municipal manager)	Director: Infrastructure Services		
WATER SERVICES: WATER SERVICES ACT, ACT 108 1997 (WSA) & NATIONAL WATER ACT, ACT 36 OF 1998 (NWA)						
WS1	Section 11, WSA	To exercise all powers conferred upon the Municipality by applicable legislation relating to the supply of water and matters incidental thereto	Council	Director: Infrastructure Services	Senior Manager Water and Wastewater Services	As far as Water Services Authority is concerned
WS2	Section 19, WSA	To approve agreements for the supply of water to consumers i.t.o. the act	Council	Accounting Officer (Municipal manager)	Director: Infrastructure Services	In consultation with relevant directors
WS3	Section 2, NWA	To ensure that the nation's water resources are protected, used, developed, conserved, managed and controlled	Council	Director: Infrastructure Services	Senior Manager: Water and Wastewater Services	In consultation with the Water Monitoring Committee
WS4	Section 3, WSA	To ensure that reasonable measures are taken to realize the right everyone has of access to basic water supply; To provide in the municipality's water services development plan, for measures to realise the right everyone has of access to basic water supply	Council	Director: Infrastructure Services	Senior Manager: Water and Wastewater Services	

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
WS5	Section 4, WSA	To set conditions for the provision of water services	Council	Accounting Officer (Municipal manager)	Director: Infrastructure Services	Review by-laws of Water and Sanitation
WS6	Section 6, WSA	To authorise any person to use water services from a source other than a water services provider	Council	Accounting Officer (Municipal manager)	Director: Infrastructure Services	Department Water Affairs
WS7	Section 7, WSA	To authorise any person to obtain water for industrial use from a source other than a water services provider	Council	Accounting Officer (Municipal manager)	Director: Infrastructure Services	Department Water Affairs
WS8	Section 9, WSA	To ensure compliance with the standards prescribed	Council	Director: Civil Engineering Services	Senior Manager: Water Services	Review by-laws
WS9	Section 11, WSA	To progressively ensure that the duty to all consumers or potential consumers in the municipal area are fulfilled, to ensure efficient, affordable, economical and sustainable access to water services	Council	Accounting Officer (Municipal manager)	Director: Infrastructure Services	Water conservation and Demand Management - Zone-metering Metering of reservoirs
WS10	Section 11, WSA	To, in emergency situations, take reasonable steps to provide basic water supply	Council	Accounting Officer (Municipal manager)	Director: Infrastructure Services	
WS11	Section 12, WSA	To prepare draft water services development plan as part of the process of preparing any integrated development plan	Council	Accounting Officer (Municipal manager)	Director: Infrastructure Services	
WS12	Section 14, WSA	To ensure that – * reasonable steps are taken to bring the draft water services development plan to the notice of consumers, potential consumers, industrial users and water services institutions within the municipal area; * public comment thereon is invited; * copies of the draft water	Council	Accounting Officer (Municipal manager)		Strategic process: Director: Corporate Services

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		services development plan are sent to the Minister, Province and all neighbouring water services authorities				
WS13	Section 14, WSA	To ensure that the draft water services development plan is – * available for inspection at the offices of the municipality; obtainable against payment of a nominal fee	Council	Accounting Officer (Municipal manager)	Director: Infrastructure Services	
WS14	Section 15, WSA	To consider all comments received and to adopt a development plan	Council	Accounting Officer (Municipal manager)	Director: Infrastructure Services	
WS15	Section 15, WSA	To supply a copy of a development plan to the Minister, the Minister for Provincial Affairs and Constitutional Development, Province and all neighbouring water services authorities	Council	Accounting Officer (Municipal manager)		
WS16	Section 15, WSA	To ensure that the approved water services development plan is obtainable against payment of a nominal fee, as required	Council	Accounting Officer (Municipal manager)	Director: Infrastructure Services	
WS17	Section 18, WSA	To report on the implementation of a development plan to the Minister, the Minister for Provincial Affairs and Constitutional Development, Province and SALGA and to make summary thereof available for inspection at the offices of the municipality	Council	Accounting Officer (Municipal manager)	Director: Infrastructure Services	
WS18	Section 22, WSA	To authorise a person to operate as a water services provider	Council	Accounting Officer (Municipal manager)	Director: Infrastructure Services	
		To prescribe additional minimum standards i.r.o. the quality, quantity				

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
WS19	Section 22, WSA	and sustainability of water services provided by a water services intermediary	Council	Accounting Officer (Municipal manager)	Director: Infrastructure Services	
WS20	Section 26, WSA	To, if a water services intermediary fails to perform its functions effectively, direct such intermediary to rectify its failure and to exercise all the necessary powers and functions	Council	Accounting Officer (Municipal manager)		
WS21	Section 27, WSA	To monitor the performance of water services providers and water services intermediaries within the municipal area	Council	Accounting Officer (Municipal manager)	Director: Infrastructure Services	
WS22	Section 13, NWA	Once the class of a water resource and the resource quality objectives have been determined, to ensure compliance with same by the authority when exercising any power or duty	Council	Director: Infrastructure Services	Senior Manager: Water Services	
WS23	Section 19, NWA	To take responsibility for the prevention of pollution of water resources in particular the situation where pollution occurs or might occur as a result of activities on land	Council	Director: Infrastructure Services	Senior Manager: Water Services	
WS24	Section 19, NWA	To recover all reasonable cost from the person responsible for the pollution	Council	Accounting Officer (Municipal manager)	Director: Infrastructure Services	Senior Manager; Water and Wastewater Services
WS25	Sections 37 & 38, NWA	To regulate controlling activities such as irrigation using waste or water containing waste and aquifer recharge – identified in the Act as a controlled activity	Council Council	Director: Infrastructure Services	Senior Manager; Water and Wastewater Services	Water Monitoring Committee
WS26	Section 118, NWA	To take measures aimed at improving the safety of new and existing dams with a safety risk so as to reduce the potential for harm to the public, damage to property or	Council	Director: Infrastructure Services	Senior Manager; Water and Wastewater Services	ECSA registered professional person (Act 114 of 1990)

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
		to resource quality				
WS27	Section 26 NWA	To determine a fee for the connection to the water mains and collect the fee prior to the installation of the connection	Council	Director: Infrastructure Services	Senior Manager; Water and wastewater Services	Chief Financial Officer (CFO)
WS28	Section 26 NWA	To determine a fee and appropriate procedures for the testing of a water meter of which the consumer is of the opinion that the volume registration mechanism is faulty and to collect the fee prior to testing the water meter	Council	Director: Infrastructure Services	Senior Manager; Water and Wastewater Services	Chief Financial Officer (CFO)
WS29	Section 26 NWA	To recover any costs or losses incurred for damages to the water meter installation on the premises occupied by the consumer	Council	Director: Infrastructure Services	Senior Manager; Water and Wastewater Services	
WS30	Section 26 NWA	To take measures to ensure that no permanent fixtures are made illegally to communal stand pipes and public taps	Council	Director: Infrastructure Services	Senior Manager; Water and waste Services	
WEBSITE PLACEMENT - STATUTORY REQUIREMENTS FOR PLACEMENT OF INFORMATION ON MUNICIPAL WEBSITE						
WPP01	Section 75 of the MFMA	Delegation of responsibilities and listing of documents to be placed on website	Accounting officer	Senior Manager Governance	Manager Communication	
WPP02	Communication Policy 2018	Responsible for maintenance and regular updating of website	Accounting officer	Senior Manager Governance	Manager Communication	
WPP03	Communication Policy 2018	Oversee management of website and annual revision thereof placement and removal of information	Accounting Officer	Senior Manager Governance	Manager Communication	
WPP04	Communication Policy 2018	Ensure placement of all relevant information on website	All Directors	Senior Manager Governance	Manager Communication	To be assisted by all heads of various sections

6.13	ESTABLISHMENT OF WARD COMMITTEES

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 15 November 2021**

1. SUBJECT: ESTABLISHMENT OF WARD COMMITTEES

2. PURPOSE

To submit to Council a report requesting the establishment of ward committees

3. DELEGATED AUTHORITY

Council is the decision-making authority.

4. EXECUTIVE SUMMARY

In terms of Stellenbosch Municipality's Establishment Notice (as amended), it is a municipality with a mayoral executive system combined with a ward participatory system.

Section 73 of the Local Government Municipal Structures Act stipulates:

"(1) A metropolitan or local council must establish a ward committee for each ward in the municipality within 120 days after the election of the municipal council, in accordance with section 22."; and

"(1A) (a) If a metropolitan or local council is unable to establish a ward committee or ward committees in accordance with subsection (1), the speaker must, prior to the expiry of the 120 days after the elections, in writing and on good cause shown, request the MEC, responsible for local government in the province concerned, for an extension.

(b) The MEC must respond to the request referred to in subsection (1)(a) within 14 days of receipt detailing the reasons for granting or refusing the extension".

Council is therefore requested to commission the Speaker to establish ward committees for all 23 wards.

5. RECOMMENDATIONS

(a) that Council notes that in terms of Section 73 of the Municipal Structures Act, Ward Committees must be established for each ward;

(b) that Council designates the Speaker to facilitate the establishment of Ward Committees in line with the provisions and stipulations of the Municipal Structures Act and Council's policy for the establishment of Ward Committees taking into consideration Covid-19 protocol as outlined in paragraphs 22(3) and 30(4) of the Council's Policy and Procedures for Ward Committees;

(c) that a hybrid model (geographic and sector model) be implemented;

(d) that ward councillors be commissioned to determine the geographic areas/blocks of their wards where applicable;

(e) that the Office of the Speaker be informed in respect of the geograhical blocks/areas by not later than 30 November 2021;

(f) that Council consider the amendments proposed in Clauses 20 and 25 of the Policy and Procedures for Ward Committees; and

(g) that the Speaker reports back to Council on the establishment of the Ward Committees within a period of 4 (four) months.

6. DISCUSSION / CONTENTS

6.1 Background

Establishment of Ward Committees and its composition

In terms of section 73 of the Local Government Municipal Structures Act,

"(1) A metropolitan or local council must establish a ward committee for each ward in the municipality within 120 days after the election of the municipal council, in accordance with section 22."; and

"(1A) (a) If a metropolitan or local council is unable to establish a ward committee or ward committees in accordance with subsection (1), the speaker must, prior to the expiry of the 120 days after the elections, in writing and on good cause shown, request the MEC, responsible for local government in the province concerned, for an extension.

(b) The MEC must respond to the request referred to in subsection (1)(a) within 14 days of receipt detailing the reasons for granting or refusing the extension".

(2) *A ward committee consists of*

(a) the councillor representing that ward in the council who must also be the chairperson of the committee: and

(b) not more than 10 other persons.

Rules regulating election procedure, membership and frequency of meeting and term of office

(3) A metro or local council must make rules regulating—

(a) the procedure to elect the subsection (2)(b) members of a ward committee, taking into account the need—

(i) for women to be equitably represented in a ward committee; and

(ii) for a diversity of interests in the ward to be represented.

(b) the circumstances under which those members must vacate office; and

(c) the frequency of meetings of ward committees.

(4) A metro or local council may make administrative arrangements to enable ward committees to perform their functions and exercise their powers effectively.

In terms of section 75 of the Structures Act a Ward Committee is elected for a term determined by the local Council.

Stellenbosch Municipality has approved a policy dealing with the establishment of Ward Committees as well as the matters mentioned above.

During the previous term, Ward Committees were operational in all 22 wards. However, Ward Committees cease to exist at the end of each term.

Taking into account that Stellenbosch Municipality (in terms of its Establishment Notice, as amended) is a Municipality with a Mayoral Executive System combined with a Ward Participatory System and read with section 9, new Ward Committees will have to be established in all 23 wards.

During the previous term and especially during the Covid disaster declaration several issues were experienced especially in relation to the holding of such an amount of meetings and the payments of out of pocket expenses associated with the attendance of meetings. This neccessaitated certain changes as reflected in the attached amended policy

Attached as **APPENDIX 1** is an amended Policy and Procedures for Ward Committees indicating the proposed changes in Clauses 20 and 25. The proposed changes emanate from amongst other challenges experienced during previous years including Covid-19 protocols.

6.2 Financial Implications

Budgetary provision will be made in the 2021/2022 Budget for the establishment of ward committees.

6.3 Legal Implications

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

6.4 Staff Implications

Council appoints a ward administrator for every ward committee as admin support to the ward committee and ward councillor. Their appointments ar elinked to the term of the ward councillor and they are part of the staff structure of council.

6.5 Risk Implications

The risks are addressed by the report.

6.6 Comments from Senior Management

No comments were requested.

APPENDIX

Appendix 1 : Amended Ward Committee Policy

ITEM 6.13

ESTABLISHMENT OF WARD COMMITTEES

Stellenbosch Municipality

Policy and Procedures For Ward Committees

Revised Policy adopted by Council on 24 April 2019

Revised and adopted by Council:

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Policy and Procedures for Ward Committees

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

Preamble

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

WHEREAS Stellenbosch Municipality is a municipality with an Executive Mayoral System combined with a ward participatory system as set out in Section 9(d) of the Municipal Structures Act;

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

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

Definitions

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

"the Act" means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"election officer" means the person in charge of the election of ward committee members at an election meeting, which person shall be an official of the municipality or an impartial person appointed by the municipality for this purpose;

"geographical area" means a portion of the ward to be served by a ward committee member or more than one ward committee member eg a block of streets

"nominee" means a person, nominated in terms of Clause 5 for election to the Ward Committee by a registered voter residing in that ward;

"out of pocket expenses" means the payment of out of pocket expenses to members of ward committees in respect of participation by ward committee members in the activities of the ward committees as contemplated in Clause 73(5)(c) of the Act; , **"resident"** means a resident of the ward for which the ward committee was established;

CHAPTER 1
ESTABLISHMENT AND ELECTION

1. Establishment

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

2. Status of ward committees

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

(2) A ward committee:

(a) is an advisory body;

(b) is a representative structure of the ward;

(c) is an independent committee of the community in a ward;

(d) is impartial and perform its functions without fear, favour or prejudice;

(e) is not politically orientated;

(f) as a representative structure of the community is accountable to the community; and

(g) is an integrative umbrella body responsible for coordination of ward developmental initiatives, promotion of accountability and social cohesion.

3. Composition of ward committees

(1) A ward committee will comprise of the ward councillor representing that ward in the Council and not more than 10 other persons elected according to Clauses 6 to 10.

(2) Gender equity and diversity of interests will be pursued by the election officer. This will be done by drawing the attention of the voters at the start of an election meeting to the importance of –

(a) striving for an equal representation of men and women on a ward committee;

(b) having representatives for different communities within the ward on the ward committee in the case of a geographical representation system.

(3) The municipality shall appoint ward administrators to fulfil the administrative and /or secretarial duties of the ward committee.

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

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

(6) The observers mentioned in Sub-Clause (5) above will have no voting rights during ward Committee meetings.

4. Decision on type of ward committee

(1) When a new ward committee is to be established, the municipality must determine beforehand whether the particular ward warrants a single election following the geographical representation system taking into account the diversity of communities as well as the geography of that ward.

(2) The Administration of the Municipality, after consultation with ward councillors, is to recommend to council what type of election system to be used for each ward.

(3) In the case of a geographical representation system the municipality, in consultation with the ward councillors, must determine beforehand how many ward committee members will be representing each geographical area, taking into consideration the pro-rata numbers of registered voters in each voting district.

(4) The ward councillor must determine the number of the geographical blocks for the ward taking into consideration the distribution of registered voters in the area.

5. Nomination

(1) Before the municipality calls for nominations for a general election of ward committees, an information campaign must be undertaken to inform the public and councillors on all aspects of the election.

(2) In the case of a geographical representation system, only nominations in respect of and made by a registered individual residing in the particular geographical area will be valid.

(3) The municipality must –

(a) Publish a call for nominations for candidates at least 45 days before close of nominations for ward committee elections in one or more of the local newspapers in the Stellenbosch Municipal area; and

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

(5) A nomination must be accompanied by –

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

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

6. Election criteria

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

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

(b) may not be a member of the Stellenbosch Town Council;

(c) may not be in the full-time employment of the Stellenbosch Municipality;

(d) may not be in arrears to the Municipality for rates and service charges for a period of more than 3 months on and after the date of nomination;

(e) may not be someone who, after February 1997, have been convicted of an offence and sentenced to imprisonment without the option of a fine for a period of not less than twelve months:

(f) may not be someone of unsound mind who have been declared so by a competent court; or

(g) may not be an unrehabilitated insolvent.

7. Election meeting

(1) Elections will be held according to the type of election system determined by council for each ward in terms of Clause 4 above.

(2) On determining the election meeting venue or venues in the case of separate meetings, the municipality must take into account, *inter alia:*

(a) the input of ward councillors concerned;

(b) distances for voters to travel;

(c) the needs of minority or vulnerable groups to be accommodated on the ward committee; and

(d) the existence or not of separate communities within the ward with dissimilar needs.

(3) After the nominations have closed, the municipality must –

(a) convene an election meeting for and within each ward after confirmation of the election date with the relevant ward councillor, and

(b) make public the date, time and place of a ward election meeting by way of official notice in local newspapers in all the official languages of the province; as well as other means of public communication as determined by council.

(4) Only residents who are registered voters in the ward concerned may attend and vote at the meeting. This does not exclude municipal officials and members of the media to attend the meeting without the right to vote.

(5) The ward election meeting is chaired by the election officer.

(6) Provision must be made for the illiterate, where applicable.

8. Election procedure

(1) The ward councillor, if present, may welcome the voters and the candidates and must then take a seat amongst those present at the meeting and refrain from any interference with the proceedings.

(2) The election officers will then take control of the voting process and explain the procedure to be followed.

(3) the nominees are –

(a) introduced by the election officer, and

(b) may then be allocated, on an even basis, time to address the meeting.

(4) After nominees were introduced, the election officer will call for a vote on the nominees within that geographical area.

(5) If only one person was nominated, the election officer must declare that person elected.

(6) The election officer must declare elected the nominee who receives a majority of the votes (50% plus one) cast.

(7) If no nominee receives a majority of the votes cast, a second vote is taken on the three nominees that received the highest number of votes in the first vote.

(8) If no nominee receives a majority of the votes cast in the second vote, a third vote is taken on the two nominees that received the highest number of votes in the second vote.

(9) If the two nominees have exactly the same number of votes after the process in Sub-Clause (8) above, the election officer will determine the elected person by the draw of lots.

(10) Once all vacancies have been filled, the election officer must indicate to those present their right to appeal.

(a) Any such appeal must be lodged with the Office of the Speaker within seven (7) days of the election.

(b) Appeals will be dealt with by an independent person appointed for this purpose by the Speaker and agreed to by the appellant. The findings of the independent person will be binding.

(11) The ward councillor may at this point in time take control of the meeting to thank everybody present, congratulate the successful candidates and to close the meeting; should he/she so wish.

9. Voting

(1) Each community member present may cast one vote for one nominee residing in his/her geographical area

(2) Voting shall be by ballot paper unless 75% or more of the voters decide to vote by show of hands. This may be determined for the meeting as a whole or for each geographical area separately.

(3) Where voting is done by show of hands, the nominees for each geographical area will leave the hall for the duration of the election with respect to that geographical area.

(4) The ward councillor may vote for a nominee in his/her geographical area. .

(5) The ward councillor may not before or during the election meeting influence or campaign for the election of ward committee members.

CHAPTER 2

TERMS OF OFFICE, VACANCIES AND DISSOLUTION

10. Term of office

(1) The term of office for a ward committee will run concurrently with that of the Council up to the day of the next municipal elections.

(2) Members of a ward committee will vacate office when a new Council is declared elected

(3) The vacation of office by the ward councillor does not affect the term of office of the 10 members elected in accordance with Clauses 5 to 9.

(4) A ward committee member may be re-elected, subject to the above sub-Clauses.

11. Dissolution

(1) The Council may, by notice addressed to the ward committee, dissolve the ward committee:

(a) when it fails to meet three consecutive times as per schedule of meetings;

(b) when a majority of members, in terms of a vote taken at a ward committee meeting, recommends to council that the committee be dissolved , or

(c) when maladministration, fraud, corruption or any serious malpractice has occurred or is occurring in a ward committee.

(2) The Council must give prior notice to the ward committee of the intention to dissolve a ward committee subject to a right to reply within 14 days.

12. Termination of membership

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

(a) resigns in writing;

(b) is no longer qualified, in terms of Clause 6 above, to be a member of a ward committee;

(c) is removed from office by the Speaker in terms of Clause 13; or

(d) dies.

13. Removal from office

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

(a) fails to attend three consecutive meetings without obtaining leave of absence from the ward committee;

(b) deliberately fails to adhere to meeting procedures or is guilty of gross misconduct during ward committee meetings;

(c) is involved in proven and malicious activities solely to undermine the authority of the Council or the ward councillor, or

(d) is engaged in corruption or deliberately fails to disclose material conflict of interest.

14. Filling of vacancies

(1) The Speaker must fill the vacancy by declaring as elected the person who received the second highest number of votes in the geographical area concerned during the election held in terms of Clause 8.

(2) If nobody can be declared elected in terms of sub-Clause (1) above, the ward committee may, by means of an information campaign in the respective geographical area, call for qualifying nominations from that area, consider the received nominations and by a majority vote of the members present, fill the vacancy through a process of co-option.

(3) The intention to fill a vacancy through a process of co-option must be placed on the ward committee's agenda beforehand, which agenda must be circulated to members at least 7 days before the meeting.

(4) Geographical representation of the member, who vacated his /her position, must be taken into account when filling a vacancy.

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

CHAPTER 3

POWERS AND FUNCTIONS AND CONDUCT OF MEMBERS

15. The role of the Speaker of Council

The Speaker of Council :

(1) is the patron/custodian of Ward Committees;

(2) must ensure that ward participatory structures are established in line with the set guidelines and applicable legislation;

(3) must in collaboration with Ward Councillors regulate and monitor the frequency of ward committee and community report back meetings;

(4) must through his/her office ensure functionality of ward committees;

(5) must ensure that the local government environment is conducive to active citizen participation in governance at local level;

(6) must ensure ongoing training and capacity building programmes; and

(7) set deadlines for submission of ward committee reports.

16. Powers and functions of ward committees

(1) A ward committee may make recommendations on any matter affecting its ward to the ward councillor, or through the ward councillor to the Council, the Mayoral Committee or to the Executive Mayor.

(2) The following functions and powers are delegated to ward committees by the Council in terms of Clause 59 of the Municipal Systems Act:

(a) to serve as an official specialised participatory structure in the municipality.

(b) to create formal unbiased communication channels as well as co-operative partnerships between the community and the Council. This will be achieved as follows:

(i) Advise and make recommendations to the ward councillor on matters and policy affecting the ward;

(ii) Assist the ward councillor in identifying challenges and needs of residents;

(iii) Disseminate information in the ward concerning municipal affairs such as the budget, integrated development planning, performance management system (PMS), service delivery options and municipal properties;

(iv) Receive queries and complaints from residents concerning municipal service delivery, communicate it to the ward councillor and through him/her to Council ;

(v) Ensure constructive and harmonious interaction between the municipality and community through the use and co-ordination of ward residents meetings and other community development forums; and

(vi) Interact with other forums and organisations on matters affecting the ward.

(c) To serve as a mobilising agent for community action within the ward. This may be achieved as follows:

(i) Attend to all matters that affect and benefit the community;

(ii) Act in the best interest of the community; and

(iii) Ensure the active participation of the community in –

(aa) service payment campaigns;

(bb) the integrated development planning process;

(cc) the municipality's budgetary process;

(dd) decisions about the provision of municipal services, and

(ee) decisions about by-laws;

(d) No executive powers will be delegated to ward committee members;

(e) A ward committee majority may express dissatisfaction to the Speaker in writing on the non-performance of a ward councillor.

17. Subcommittees

(1) A ward committee may establish one or more subcommittees necessary for the performance of its functions and involve organisations more broadly.

(2) A ward committee must –

(a) appoint the members of such a sub-committee;

(b) appoint the chairperson of such a sub-committee from amongst its members, and

(c) determine the function of such a sub-committee.

(3) The ward committee and sub-committees may meet together as a ward forum for major discussions.

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

18. Conduct of members

A member of the ward committee:

(a) Must perform the functions of the committee in good faith and without fear, favour or prejudice.

(b) May not use the position or privileges of a member for private gain, or to improperly benefit another person.

(c) May not act in any other way that compromises the credibility, impartiality, independence or integrity of the committee.

(d) Must adopt the principle of accountability to the community and Council regardless of political affiliation.

(e) Must be accessible for the community and ensure that all role players can relate to the process and the issues at hand and are able to make their input into the processes of the committee.

(f) Must adopt the principle of transparency to promote openness, sincerity and honestly among all the role-players in a participative process and promote trust and respect for the integrity of each role-player and a commitment by all to the overriding objectives of the process in the interest of the common good.

(g) Must recognise diversity with empathy towards the differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation;

(h) Must consider all views and opinions in the process of community participation. Special effort should be made to include previously disadvantaged persons and groups, including women and youth in the activities of the ward committee.

(i) Must provide an apology with a valid reason to the chairperson of the committee or the Ward Administrator if a meeting cannot be attended.

CHAPTER 4
WARD COMMITTEE MEETINGS

19. Chairperson

(1) Subject to Clause 3(4) above, ward committee meetings are convened and chaired by the ward councillor.

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

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

(4) The chairperson determines when and where a ward committee meets, subject to Sub-Clause (5) below.

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

20. Purpose of ward committee meeting

(1) The purpose of the ward committee meetings is:

(a) for ward committee members to raise, formulate and table matters affecting the ward;

(b) for the ward councillor to report on –

(i) matters decided by the Council;

(ii) initiatives, information, campaigns and programmes of the Council,

(c) To discuss complaints received by ward committee members on municipal service delivery in the ward; and

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(d) To formulate views and action plans on the above matters.

Number of meetings

(2) Two (2) public meetings per calendar year with one meeting during the 1st half of the year and the other during the 2nd half of the year.

(3) Two (2) ward committee meetings per quarter

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21. Quorum and decisions

(1) 50% plus one of the serving ward committee members must be present before a vote may be taken on any matter.

(2) A ward committee shall endeavour to adopt its decisions on the basis of consensus.

(3) If consensus on any matter cannot be achieved, such matter may be determined by a supporting vote of at least the majority of the members with voting rights.

22. Procedures

(1) A ward committee with a supporting vote of the majority of its serving members may determine its own procedures subject to any directions of the chairperson.

(2) Meetings of a ward committee are normally open to the public.

(3) Due to the coronavirus pandemic, ward committees are encouraged to meet on a virtual platform to ensure compliance with the COVID-19 regulations. Where it is not possible for a ward committee to meet on a virtual platform, and the ward committee meetings must be held in the ward office or another hall or boardroom, there must be strict adherence to the following protocols at each ward committee meeting:

(a) the venue must be sanitised before and after the meeting, including furniture, surfaces, door handles, etc;
(b) ensure the venue is large enough to ensure the correct social / physical distancing;
(c) an attendance register must be completed by all attendees at the meeting;
(d) all attendees must wear a mask: no mask, no entry to the meeting;
(e) masks must be worn throughout the entire meeting;
(f) before the commencement of the meeting, attendees must sanitise their hands, have their temperature taken and complete the daily screening sheet for the respective meeting [screening sheet attached];
(g) the screening sheet must be electronically filed after each meeting.
(h) adherence to the two 1,5 – 2 metre social or physical distancing must be adhered to.
(i) if a ward committee member shows any symptoms or has flu-like symptoms, the person must stay at home.
(j) it is the duty of the ward councillor to ensure the protocols are at all times adhered to when meetings, including ward committee meetings are held.

23. Work programme

The Ward committee:

(a) Must submit a programme with specific outputs of work for one year to the office of the Speaker or other designated political functionary in July of each year;

(b) Must perform the functions as set out to achieve and indicated in the work programme -

(i) on own initiative;

(ii) on request by the ward councillor;

(iii) on request by the Speaker or other designated political functionary;

(iv) in accordance with priorities and reasonable time frames determined by the Speaker or other designated political functionary.

24. Administrative support

(1) The municipality must make administrative and secretarial arrangements to enable ward committees to perform their functions and exercise their powers effectively.

(2) The municipality may put in place conditions, such as periods of notice of meetings, ~~in order~~ to organise administrative and secretarial support to the ward committee.

(3) In the case where the Municipal Manager receives correspondence from a ward committee, he/she must give feedback to the ward councillor concerned (with a copy to the Executive Mayor) on the information or action required within 14 days of receipt of the correspondence.

(4) Ward committees are entitled by prior arrangement to the free use of venues in municipal buildings in order to hold official meetings.

25. Budget

(1) Members of ward committees will be reimbursed for out of pocket expenses as contemplated in Clause 25 (2) (a)~~(i)~~ below.

(2) The Municipality will annually budget for a stipend of R350 per month for a ward committee member to cover costs associated with the work of the ward committee member subject to the following:

(a) attending of meetings as per ward committee schedule of meetings;

(b) performing of functions as contemplated in Clause 16 above;

(c) the reimbursement amount of R1 050.00 will be paid at the end of each quarter to the ward committee members in person and not to organisations that he/she represents;

~~the reimbursement of~~

~~(a) Out of pocket expenses for members of ward committees in respect of their participation in ward committees subject to the following criteria as approved by Council on 20 June 2012 and revised by Council on 28 October 2015:~~

~~(i) that **fourteen (14)** ward committee meetings which will comprise of **one (1)** ward committee meetings every month and **one (1)** open public meeting every semester (every six (6) months) be identified and approved by the~~

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~~ward committee as paid meetings and that each serving member present at these meetings, be paid an out of pocket allowance of **R350.00 per meeting (R350 x 14 = R4900.00).** Payment of out of pocket allowances will be made quarterly;~~

~~(ii) the reimbursement amount will be paid to the ward committee members in person and not to organisations that he/she represents;~~

(d) that reimbursements ~~only~~ be paid on verification of attendance register of meetings ~~attended~~ and that reimbursements will only be electronically transferred to the bank account of the relevant ward committee member(s);

(e) that non-attendance of ward committee meetings and/or non-performance of functions as stipulated in Clause 16 above without a valid reason be reported to the Speaker

~~(iii)~~ (i) a ward committee member may be penalised up to an amount of 10 % of his/her monthly stipend for non-performance;

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

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26. Accountability

The ward councillor must -

(a) ensure that full and proper records are kept of the minutes of ward committee meetings.

(b) ensure that the committee's available resources are properly safeguarded and used in the most effective and efficient way.

(c) ensure that all statutory measures applicable to the committee are complied with.

(d) ensure that all recommendations and comments made by the ward committee are formalised and submitted to the Office of the Speaker or other designated political functionary for presentation to Council or conveyed timeously to the appropriate external decision -making authority.

(e) report a view adopted by the ward committee to the Council but may indicate his/her agreement with the view in the report.

(f) ensure the production of a progress report on major achievements and areas of failure, with reasons, within two months after the end of the financial year.

(g) submit the progress report to the Speaker or other designated political functionary for a review of the performance of the committee.

(h) implement any corrective measures to ensure effective and efficient performance of the committee as suggested by the Speaker or other designated political functionary.

27. Dispute resolution

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

(a) Every effort should be made to deal with disputes.

(b) When a dispute arises, the ward councillor should appoint a person or persons, the maximum being two, to attempt and resolve the dispute through mediation.

(c) If the attempt at mediation fails, the matter is then submitted to the ward councillor who should arbitrate, provided that the matter does not involve the councillor and the majority of the members of the committee.

(d) If the majority of committee members remain aggrieved, the matter should be taken to the Council through a channel decided upon by Council or through the Office of the Speaker or other designated political functionary. This should be avoided as far as possible.

CHAPTER 5

PUBLIC MEETINGS (WARD MEETINGS)

28. Chairperson

(1) Public meetings (ward meetings) are chaired by the ward councillor. A ward councillor may delegate in writing the chairing of the meeting to a proportional representation councillor or any member of the ward committee.

(2) The ward councillor in consultation with the ward committee determine when and where the meeting will be held, subject to Sub-Clause (3).

(3) A public meeting must be held at least twice per calendar year.

29. Purpose of ward/public meetings

Public meetings are mainly held in order -

(a) To register the concerns and inputs of the community relating~~with regard~~ to service delivery, general development of the community, disaster management and any other municipal concern the community may have; and

(b) To report back to the public on issues that affects it.

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30. Meeting arrangements

(1) If the committee decides to hold a public meeting it may publish a notice in a newspaper circulating in the area concerned, stating the time, date and place of the meeting and inviting the public to attend the meeting.

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(2) The scheduled date, time and place of the public meeting should be convenient ~~so as to~~ encourage the greatest number of people to attend. The venue -

(a) Must be in a well-known place;

(b) Must be easily accessible and where possible, also disabled-friendly; and

(c) Must be large enough to accommodate all people present.

(3) When the committee publishes a notice, it must convey, where appropriate, by electronic media or other appropriate means of communication, such as direct mail and posters or notices in key areas such as clinics, schools, bus stops and libraries, the contents of the notice in the area concerned.

(4) Due to the coronavirus pandemic, public meetings must adhere to the totals of people allowed per venue as per the level 1 regulations. At the meeting, there must be strict adherence to the following protocols:

(a) the venue must be sanitised before and after the meeting, including furniture, surfaces, door handles, etc;
(b) ensure the venue is large enough to ensure the correct social / physical distancing, as well as adherence to the number of persons allowed in a venue as per the level 1 regulations;
(c) an attendance register must be completed by all attendees at the meeting;
(d) all attendees must wear a mask: no mask, no entry to the meeting;
(e) masks must be worn throughout the entire meeting;
(f) before the commencement of the meeting, attendees must sanitise their hands, have their temperature taken and complete the daily screening sheet for the respective meeting [screening sheet attached];
(g) the screening sheet must be electronically filed after each meeting.
(h) adherence to the two 1,5 – 2 metre social or physical distancing must be adhered to.
(i) if a member of the public shows any symptoms or has flu-like symptoms, the person must stay at home.
(j) it is the duty of the ward councillor to ensure the protocols are at all times adhered to when meetings, including ward committee meetings are held.

(5) At the public meeting a representative of the committee must –

(a) explain the meeting procedures, such as adoption of agenda and time allowed for questions;

(b) explain the issues the committee has to consider, including any options open to the committee;

(c) allow members of the public attending the meeting to present their views on these issues;

(d) answer relevant questions;

(e) keep minutes of the meeting and inform the public that ward committee meeting and public meeting minutes are public

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documents, and that the community has access to these documents and may make copies at their own cost; and

(f) give feedback on previous issues, including reasons if there is a lack of progress.

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STELLENBOSCH
MUNICIPALITY • UMASIPALA • MUNICIPALITY

COVID-19 DAILY SCREENING FORM_____2020

EMPLOYEE DETAILS

Surname:
Name:
Staff No:

WORKPLACE:
SUPERVISOR DETAILS
Surname:
Name:
Designation:

Instructions for completion: Mark "Y" if symptom present and "N" if not. To be kept with attendance register.

DAY DATE	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
TEMPERATURE READING																	
Do you have any of the following symptoms																	
• Cough	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
• Shortnessof breath	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
• Sore throat	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
• Redness of eyes	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
• Additional symptoms	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
~~Does~~ any of your immediate family members have any of the symptoms	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
Have you or your immediate family travelled (funerals /gathering/ Sick person/visit doctor) during last 2 weeks	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
f response yes to above, please provide details																	

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DAY DATE	18	19	20	21	22	23	24	25	26	27	28	29	30	31
TEMPERATURE														
Do you have any of the following symptoms														
• Cough	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
• Shortness of breath	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
• Sore throat	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
• Redness of eyes	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
• Additional factors	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
Does any of your immediate family members have any of the symptoms	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
Have you or your immediate family travelled (funerals /gathering/ Sick person/visit doctor) during last 2 weeks	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
If response yes to above, please provide details	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N

NOTE: If response is yes to any of the questions the employee must be isolated and the Supervisor is to seek advice from your line manager before allowing the employee to enter the workplace or requested to return home or visit a doctor hospital.

6.14	SCHEDULE OF PROPOSED DATES FOR MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2022 CALENDAR YEAR

Collaborator No:
IDP KPA Ref No: Good Governance
Meeting Date: 15 November 2021

1. SUBJECT: SCHEDULE OF PROPOSED DATES FOR MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2022 CALENDAR YEAR

2. PURPOSE

To inform Council of the schedule of proposed dates for meetings of Council, Mayoral Committee, Standing Committees and other Committees of Council for the 2022 calendar year.

3. DELEGATED AUTHORITY

The Speaker determines the dates of Municipal Council meetings. Dates for other meetings are determined by the Speaker in consultation with the various chairpersons of the meetings. The Executive Mayor may determine dates for the Mayoral Committee.

4. EXECUTIVE SUMMARY

An annual schedule of proposed dates for meetings is compiled in the interest of good governance. Besides complying with legislated requirements, a schedule of proposed dates of meetings enables councillors to plan their events, engagements and community activities.

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

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

(a) ordinary meeting of the council; and

(b) special or urgent meeting of the council, except when time constraints make this impossible."

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

5. RECOMMENDATIONS

(a) that the schedule with the proposed dates for Council meetings, Mayoral Committee meetings, Standing Committees and other committees of Council for the 2022 calendar year (attached as **APPENDIX 1**), be noted;

(b) that Council determines that the notice to the public of the time, date and venue of said meetings, as provided for in Section 19 of the Local Government: Municipal Systems Act, 32 of 2000, must be given on the Municipal website and in a newspaper that circulates in the WC024; and

(c) that it be noted that the Speaker, as provided for in the Standing Rules and Order By-Law and the Systems Act, determines the dates of Council meetings and may call urgent- or special Council meetings over and above the proposed scheduled meetings and may vary dates in the schedule if and when needed.

6. DISCUSSION / CONTENT

6.1 Background

A municipality is required to enable the local community to participate in the affairs of the municipality. Sections 17 and 20 of the Local Government: Municipal Systems Act, 32 of 2000, refer to meetings of the municipal council and those of its committees as mechanisms that are open to the public to enable community participation.

As stipulated in Section 19 of the Local Government: Municipal Systems Act, 32 of 2000, *"the municipal manager of a municipality must give notice to the public, in a manner determined by the municipal council, of the time, date and venue of every -*

(a) ordinary meeting of the council; and

(b) special or urgent meeting of the council, except when time constraints make this impossible."

In line herewith, it is prudent to publish the entire year's schedule of meetings in order to facilitate effective planning and to foster community participation.

6.2 Discussion

The typical pattern used for setting up the monthly cycle of meeting dates is as follows: the Mayoral Committee meeting is on the second Wednesday of the month, and Council meets on the fourth Wednesday of the month. Section 79 and 80 committee meetings are also scheduled monthly as required.

Section 80 committees are established to assist the Executive Mayor in the daily performance and exercise of statutory and delegated functions and powers; therefore, the Section 80 committees will only meet after a referral has been made by the Executive Mayor to the relevant member of the Mayoral Committee for advice on the matter. Meeting dates are provisionally scheduled each month for all of the Section 80 committees although these may not necessarily convene on those dates or at all.

The schedule of proposed dates for meetings, attached as **APPENDIX 1**, indicates the proposed meeting dates and times of Council, the Mayoral Committee, Section 80 (Standing) Committees, and other Statutory Committees of Council. The bi-annual periods that Council will be in recess are also indicated on the schedule.

Notwithstanding the schedule of proposed dates for Council meetings, the Speaker may exercise the prerogative, as provided for in Rule 5 of the Standing Rules and Order By-Law, to also call urgent- or special Council meetings as and when required, which are not reflected in the schedule.

6.3 Financial Implications

Meetings are currently held on the virtual MS Teams platform, unless the election of an Office Bearer must be dealt with. Expenditure is dealt with in the approved budget.

6.4 Legal Implications

The recommendations in this report comply with Council's policies and all applicable legislation, notably the Local Government: Municipal Systems Act; and the Stellenbosch Municipality Rules and Order By-Law.

This item does not require public participation.

6.5 Staff Implications

This item has no staff implications for the municipality.

6.6 Previous / Relevant Council Resolutions

The Stellenbosch Council ordinarily approves the ensuing year's meeting schedule by November of each year.

6.7 Risk Implications

This item has no risk implications for the municipality.

6.8 Comments from Senior Management

6.8.1 Municipal Manager

The item and recommendations are supported.

ANNEXURE:

Appendix 1: Schedule of proposed dates for Council & Committee Meetings for 2022

NAME	*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	*3 November 2021*

ITEM 6.14

SCHEDULE OF PROPOSED DATES FOR MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2022 CALENDAR YEAR

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SCHEDULE OF PROPOSED DATES FOR COUNCIL & COMMITTEE MEETINGS FOR 2022

Tabled to Council:

DATE	DAY	MEETING	TIME
COUNCIL IN RECESS: TO BE DETERMINED			
JANUARY			
19 January	**Wednesday**	**Mayoral Committee**	10:00
26 January	**Wednesday**	**COUNCIL** ***Adjustments Budget; Section 52 Budget Report; Section/s 71 and 72 reporting; Draft Annual Report***	10:00
FEBRUARY			
01 February	Tuesday	Planning, Local Economic Development & Tourism	14:00
02 February	Wednesday	Human Settlements	10:00
02 February	Wednesday	Rural Management	12:00
02 February	Wednesday	Community and Protection Services	14:00
03 February	Thursday	Youth, Sports & Culture	10:00
03 February	Thursday	Infrastructure Services	14:00
07 February	Monday	Parks, Open Spaces and Environment	10:00
07 February	Monday	Corporate Services	15:00
08 February	Tuesday	Financial Services	14:00
09 February	**Wednesday**	**Mayoral Committee**	10:00
17 February	Thursday	Municipal Public Accounts Committee (MPAC)	10:00

DATE	DAY	MEETING	TIME
MARCH			
01 March	Tuesday	Planning, Local Economic Development & Tourism	14:00
02 March	Wednesday	Human Settlements	10:00
02 March	Wednesday	Rural Management	12:00
02 March	Wednesday	Community and Protection Services	14:00
03 March	Thursday	Youth, Sports & Culture	10:00
03 March	Thursday	Infrastructure Services	14:00
07 March	Monday	Parks, Open Spaces and Environment	10:00
07 March	Monday	Corporate Services	15:00
08 March	Tuesday	Financial Services	14:00
16 March	**Wednesday**	**Mayoral Committee**	10:00
17 March	Thursday	Municipal Public Accounts Committee (MPAC)	10:00
MONDAY 21 MARCH: HUMAN RIGHTS DAY			
30 March	**Wednesday**	**COUNCIL** ***Draft Budget, IDP and SDBIP***	10:00
APRIL			
FRIDAY 15 APRIL: GOOD FRIDAY // MONDAY 18 APRIL: FAMILY DAY			
05 April	Tuesday	Planning, Local Economic Development & Tourism	14:00
06 April	Wednesday	Human Settlements	10:00
06 April	Wednesday	Rural Management	12:00
06 April	Wednesday	Community and Protection Services	14:00
07 April	Thursday	Youth, Sports & Culture	10:00
07 April	Thursday	Infrastructure Services	14:00
11 April	Monday	Parks, Open Spaces and Environment	10:00
11 April	Monday	Corporate Services	15:00
12 April	Tuesday	Financial Services	14:00
13 April	**Wednesday**	**Mayoral Committee**	10:00
21 April	Thursday	Municipal Public Accounts Committee (MPAC)	10:00
WEDNESDAY 27 APRIL: FREEDOM DAY			
28 April	**Wednesday**	***COUNCIL***	10:00

DATE	DAY	MEETING	TIME
MAY			
SUNDAY 01 MAY: WORKERS' DAY			
03 May	Tuesday	Planning, Local Economic Development & Tourism	14:00
04 May	Wednesday	Human Settlements	10:00
04 May	Wednesday	Rural Management	12:00
04 May	Wednesday	Community and Protection Services	14:00
05 May	Thursday	Youth, Sports & Culture	10:00
05 May	Thursday	Infrastructure Services	14:00
09 May	Monday	Parks, Open Spaces and Environment	10:00
09 May	Monday	Corporate Services	15:00
10 May	Tuesday	Financial Services	15:00
11 May	**Wednesday**	**Mayoral Committee**	10:00
19 May	Thursday	Municipal Public Accounts Committee (MPAC)	10:00
25 May	**Wednesday**	**COUNCIL** ***Approval of budget and IDP and related documents***	10:00
JUNE			
01 June	Wednesday	Human Settlements	10:00
01 June	Wednesday	Rural Management	12:00
01 June	Wednesday	Community and Protection Services	14:00
02 June	Thursday	Youth, Sports & Culture	10:00
02 June	Thursday	Infrastructure Services	14:00
06 June	Monday	Parks, Open Spaces and Environment	10:00
06 June	Monday	Corporate Services	15:00
07 June	Tuesday	Financial Services	14:00
08 June	**Wednesday**	**Mayoral Committee**	**10:00**
THURSDAY 16 JUNE: YOUTH DAY			
17 June	Friday	Municipal Public Accounts Committee (MPAC)	10:00
COUNCIL IN RECESS: 20 JUNE 2022 – 15 JULY 2022			

DATE	DAY	MEETING	TIME
JULY			
20 July	**Wednesday**	**Mayoral Committee**	10:00
21 July	Thursday	Municipal Public Accounts Committee (MPAC)	10:00
27 July	**Wednesday**	**COUNCIL** ***Sec 52 Report on implementation of budget***	10:00
AUGUST			
02 August	Tuesday	Planning, Local Economic Development & Tourism	14:00
03 August	Wednesday	Human Settlements	10:00
03 August	Wednesday	Rural Management	12:00
03 August	Wednesday	Community and Protection Services	14:00
04 August	Thursday	Youth, Sport & Culture	10:00
04 August	Thursday	Infrastructure	14:00
TUESDAY 09 AUGUST WOMEN'S DAY			
17 August	**Wednesday**	**Mayoral Committee**	10:00
18 August	Thursday	Municipal Public Accounts Committee (MPAC)	10:00
24 August	**Wednesday**	**COUNCIL** ***Adjustments/Roll-over Budget and Budget/IDP time schedule (Process Plan)***	10:00
SEPTEMBER			
01 September	Thursday	Youth, Sports & Culture	10:00
01 September	Thursday	Infrastructure	14:00
05 September	Monday	Parks, Open Spaces and Environment	10:00
05 September	Monday	Corporate Services	15:00
06 September	Tuesday	Planning, Local Economic Development & Tourism	14:00
13 September	Tuesday	Financial Services	14:00
14 September	**Wednesday**	**Mayoral Committee**	**10:00**
22 September	Thursday	Municipal Public Accounts Committee (MPAC)	10:00
SATURDAY 24 SEPTEMBER: HERITAGE DAY			

DATE	DAY	MEETING	TIME
OCTOBER			
04 October	Tuesday	Planning, Local Economic Development & Tourism	14:00
05 October	Wednesday	Human Settlements	10:00
05 October	Wednesday	Rural Management	12:00
05 October	Wednesday	Community and Protection Services	14:00
06 October	Thursday	Youth, Sport & Culture	10:00
06 October	Thursday	Infrastructure Services	14:00
10 October	Monday	Parks, Open Spaces and Environment	10:00
10 October	Monday	Corporate Services	15:00
11 October	Tuesday	Financial Services	14:00
12 October	**Wednesday**	**Mayoral Committee**	10:00
20 October	Thursday	Municipal Public Accounts Committee (MPAC)	10:00
26 October	**Wednesday**	**COUNCIL** ***Quarterly report: (Sec 52) implementation***	10:00

DATE	DAY	MEETING	TIME
NOVEMBER			
01 November	Tuesday	Planning, Local Economic Development & Tourism	14:00
02 November	Wednesday	Human Settlements	10:00
02 November	Wednesday	Rural Management	12:00
02 November	Wednesday	Community and Protection Services	14:00
03 November	Thursday	Youth, Sports & Culture	10:00
03 November	Thursday	Infrastructure Services	14:00
07 November	Monday	Parks, Open Spaces and Environment	10:00
07 November	Monday	Corporate Services	15:00
08 November	Tuesday	Financial Services	14:00
09 November	**Wednesday**	**Mayoral Committee**	10:00
17 November	Thursday	Municipal Public Accounts Committee (MPAC)	10:00
23 November	**Wednesday**	**COUNCIL**	10:00

6.15	DISCLOSURE AND DECLARATION OF INTEREST

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 12 November 2021**

1. SUBJECT: DISCLOSURE AND DECLARATION OF INTEREST

2. PURPOSE

To bring to Councillors' attention that they must submit their financial interest within 60 days of being elected.

3. DELEGATED AUTHORITY

None

4. EXECUTIVE SUMMARY

In terms of Item 8 of the Code of Conduct for Councillors (Schedule 7 of the Local Government Structures Act (117/1998 as amended) Municipal Systems Act), a Councillor must:-

(a) disclose to the municipal Council, or to any Committee of which that Councillor is a member, any direct or indirect personal or private business interest that that Councillor, or any spouse, partner or business associate of that Councillor may have in any matter before the Council or the Committee; and

(b) withdraw from the proceedings of the Council or Committee when that matter is considered by the Council or Committee, unless the Council or Committee decides that the Councillor's direct or indirect interest in the matter is trivial or irrelevant.

A Councillor must also in terms of Item 6 of the Code, within 60 days after being elected as Councillor, declare in writing to the Municipal Manager the following interests held by that Councillor:-

(i) shares and securities in any company;
(ii) membership of any close corporation;
(iii) interest in any trust;
(iv) directorship;
(v) partnership;
(vi) other financial interests in any business undertaking;
(vii) employment and remuneration;
(viii) interest in property;
(ix) pension; and
(x) subsidies, grants and sponsorships by any organization.

Any change in the nature or detail of the financial interests of a Councillor must be declared in writing to the Municipal Manager annually.

Gifts received by a Councillor above a prescribed amount must also be declared.

The municipal Council must determine which of the financial interests referred to above must be made public, having regard to the need for confidentiality and the public interest for disclosure.

The Disclosure Form for Benefits and Interests is attached as **APPENDIX 1.**

5. RECOMMENDATION

(a) that cognisance be taken of the provisions, and effect be given to the requirements, as stipulated in Items 6 and 8 of the Code of Conduct for Councillors in respect of Disclosure and Declaration of Interest;

(b) that Councillors return the completed forms **(APPENDIX 1)** within 60 days from 9 November 2021 to the Office of the Municipal Manager.

APPENDIX

Appendix 1 : Declaration of financial interest form

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*3 November 2021*

ITEM 6.15

DISCLOSURE AND DECLARATION OF INTEREST

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Disclosure form for benefits and interests

I, the undersigned (Surname and Initials) _____

(Postal or Residential Address) _____

(Position Held) _____

(Name of Municipality) _____ DEPT: _____

Tel: _____ 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 employer timeously might lead to disciplinary steps taken against me. Completed forms to be handed in at Human Resource Department.

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

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 SIGNATURE OF SENIOR MANAGER

DATE: _____

PLACE: _____

CONFIDENTIAL

Council

Signature by Mayor or Designate: _____ Date: _____

6.16	AMENDED SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2022/23 AND THE DRAFT ONLINE PUBLIC PARTICIPATION MEETING SCHEDULE

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Date: **15 November 2021**

1. SUBJECT: AMENDED SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2022/23 AND THE DRAFT ONLINE PUBLIC PARTICIPATION MEETING SCHEDULE

2. PURPOSE

To table to Council for consideration and approval:

(a) The Amended Time Schedule / Process Plan 2022/23, attached as **ANNEXURE A.**

(b) The Draft Online Public Participation Meeting Schedule for November / December 2021, attached as **ANNEXURE B**.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The 2022/23 implementation year proves to be a very challenging and unique. With the Local Government Elections concluded and for the municipality to ensure that the development of the 5th Generation Integrated Development Plan (IDP) 2022 – 2027 is drafted successfully, it is important that the process be managed carefully to ensure compliance with legislation.

According to Section 25(1) of the Local Government Municipal System Act, 2000 (Act. No. 32 of 2000) (MSA), each municipal council must adopt an IDP after the start of its elected term within a prescribed period. An election represents the start of a 5 – year IDP development process. In this instance, it will be the 5th Generation IDP 2022 – 2027. Therefore, the municipality is under pressure with legislated time frames to develop the 5th Generation IDP 2022 – 2027, including its public participation processes. It is proposed that the analysis phase to be conducted from 29 November 2012 to 14 January 2022, to allow members of the community and stakeholders to provide inputs and comments. Councillors are requested to avail themselves during the online public participation process. Councillors should also review the online public participation schedule, and communicate any changes to the Municipal Manager for consideration.

Each municipality is legally required to adopt a time schedule listing key activities and deadlines 10 months before the start of the new financial year.

The Amended SDF / IDP / Budget Time Schedule 2022/23 endeavours to outline the key strategic activities and consultative processes that will contribute to the drafting of the 5th Generation IDP, Amendment of the Spatial Development Framework (SDF) and drafting Medium – Term Revenue Expenditure Framework to be implemented in the 2022/23 financial year.

The Amended SDF / IDP / Budget Time Schedule 2022/23 is, therefore, compiled in terms of Section 21(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No.56 of 2003) (MFMA), which states that "the mayor of a municipality must –

at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for –

(i) the preparation, tabling and approval of the annual budget;

(ii) the annual review of-

(aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and

(bb) the budget-related policies;

(iii) the tabling and adoption of any amendments to the integrated development plan and budget –related policies; and

(iv) any consultative processes forming part of the processes referred to in subparagrahps (i), (ii) and (iii)

The Amended SDF / IDP / Budget Time Schedule 2022/23 is also compiled in terms of Section 29 of the MSA.

Section 29(1) of the MSA further specifies that:

The process followed by a municipality to draft its integrated plan, including its consideration and adoption of the draft plan, must-

(a) be in accordance with a predetermined programme specifying timeframes for the different steps;

(b) through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for

(i) the local community to be consulted on its development needs and priorities;

(ii) the local community to participate in the drafting of the integrated development plan; and

(iii) organs of state, including traditional authorities and other role players to be identified and consulted on the drafting of the integrated development plan;

(c) provide for the identification of all plan and planning requirements binding on the municipality in terms of national and provincial legislation; and

(d) be consistent with any other matters that may be prescribed by regulation.

Council should take notice that the approved Integrated Development Plan (IDP) 2021/22 financial year has been included on the memory stick provided.

5. RECOMMENDATIONS

(a) that Council adopts the Amended SDF / IDP / Budget Time Schedule for 2022/23 for the compilation of the annual budget in terms of Section 21(1) of the MFMA and Section 29 of the MSA, to guide the development of the 5th Generation IDP 2022 - 2027, attached as **ANNEXURE A**;

(b) that Council approves the Draft Online Public Participation Meeting Schedule for 29 November – 10 December 2021, attached as **ANNEXURE B**;

(c) that Council approves the period for written comments to be received by the municipality on the development of the 5th Generation IDP 2022 -2077 to commence from 29 November 2021 to 12 January 2022; and

(d) that the Amended SDF / IDP / Budget Time Schedule / Process Plan for 2022/23 be placed on the official website of the Municipality, municipal notice boards and libraries, notifying the public and municipal stakeholders of the planned process.

6. DISCUSSION

6.1 Background

The SDF / IDP / Budget are inextricably linked with one another, and this link has been formalised through the promulgation of the MFMA.

The requirements for a Time Schedule are outlined in Section 21(1) of the MFMA and indicates:

The Mayor of a municipality must –

(a) coordinate the processes for preparing the annual budget and for reviewing the municipality's integrated development plan and budget-related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible;

(b) at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for–

(i) the preparation, tabling and approval of the annual budget;

(ii) the annual review of –

aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and

bb) the budget related policies.

(iii) the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and

(iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).

The new planning dispensation which includes the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013) (SPLUMA), the Western Cape Land Use Planning Act, 2014 (Act No.3 of 2014) and the Stellenbosch Municipal Planning By-law, 2015 imposes new requirements to compile or amend a municipal Spatial Development Framework (*m*SDF).

The Amended SDF / IDP / Budget Time Schedule 2022/23 also takes cognizance of the regulatory framework for the review, amendment and approval of the SDF, IDP, Budget and the annual Service Delivery and Budget Implementation Plan (SDBIP). The SDBIP is the implementation tool to give effect to those objectives and targets as indicated in the IDP and Budget. The importance of synchronising the timelines for the revision of the IDP and Annual Budget with those of the SDBIP, is captured in Section 41 of the MSA, which states that:

Section 41:

"(1) A municipality must in terms of its performance management system and in accordance with any regulations and guidelines that may be prescribed –

(a) set appropriate key performance indicators as a yardstick for measuring performance, including outcomes and impact, with regard to the municipality's development priorities and objectives set out in its integrated development plan".

Section 26(e) of the MSA refers to the Municipal SDF as a 'core component' of the municipal IDP and requires that the IDP reflect an mSDF, which must include the provision of basic guidelines for a land use management system for the municipality.

A municipal SDF (new and / or amended) has to follow a timeline set out in a process plan similar to the IDP Process Plan. Moreover, the SDF and IDP processes need to be aligned.

According to Section 25(1) of the MSA, each municipal council must adopt an IDP after the start of its elected term within a prescribed period. An election represents the start of a 5 – year IDP development process. In this instance, it will be the 5th Generation IDP. The MSA, Section 25(3) does allow the new municipal council to adopt the IDP of the preceding council, with or without amendments.

6.2 Financial Implications

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

6.3 Legal Implications

In accordance with Section 21(b) of the MFMA "the mayor of a municipality must –

at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for –

(i) the preparation, tabling and approval of the annual budget;

(ii) the annual review of-

(aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and

(bb) the budget-related policies;

(iii) the tabling and adoption of any amendments to the integrated development plan and budget –related policies; and

(iv) any consultative processes forming part of the processes referred to in subparagrahps (i), (ii) and (iii).

Section 29(1) of the MS further specifies that:

The process followed by a municipality to draft its integrated development plan, including its consideration and adoption of the draft plan, must –

(a) be in accordance with a predetermined programme specifying timeframes for the different steps;

(b) through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for

(iv) the local community to be consulted on its development needs and priorities;

(v) the local community to participate in the drafting of the integrated development plan; and

(vi) organs of state, including traditional authorities and other role players to be identified and consulted on the drafting of the integrated development plan;

(c) provide for the identification of all plan and planning requirements binding on the municipality in terms of national and provincial legislation; and

(d) be consistent with any other matters that may be prescribed by regulation.

Section 41 of the MSA also states that:

(1) A municipality must in terms of its performance management system and in accordance with any regulations and guidelines that may be prescribed –

(b) set appropriate key performance indicators as a yardstick for measuring performance, including outcomes and impact, with regard to the municipality's development priorities and objectives set out in its integrated development plan".

6.4 Staff Implications

This report has no additional staff implications to the municipality.

6.5 Risk Implication

This report has no direct risk implications for the municipality.

6.6 Previous / Relevant Council Resolutions

- Item 8.1 of the 37th Council Meeting held on 24 August 2020.
- Item 8.1 of the 45th Council Meeting held on 24 August 2021.

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

ANNEXURES

Annexure A: Amended SDF / IDP / Budget Time Schedule / Process Plan for 2022/23

Annexure B: Draft online Public Participation Meeting Schedule for November / December 2021

FOR FURTHER DETAILS CONTACT:

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DIRECTORATE	*Office of the Municipal Manager*
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REPORT DATE	*10 November 2021*

ANNEXURE A

STELLENBOSCH
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AMENDED SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN FOR 2022/23
(In accordance with Section 21(1)(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) and Section 29 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and the Regulations made under these Acts)

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
JULY 2021									
1	Make public the projections, targets and indicators as set out in the SDBIP 2021/22 **(no later than 14 days after the approval of the SDBIP)** and submit to National and Provincial Treasuries (no later than 10 days after the approval of the SDBIP)	MFMA - Sec 53(3)(a) MBRR - Reg 20(2)(b)					**03 July 2021**		**Manager: IDP/PMS/PP**
2	Make public the Performance Agreements 2021/22 of the Municipal Manager and Managers directly accountable to the Municipal Manager **(no later than 14 days after the approval of the SDBIP)**	MFMA - Section 53(3)(b):					**10 July 2021**		**Manager: IDP/PMS/PP**
3	Commence with the preparation of Roll-Over Budget for the 2021/22 Financial year	MFMA - Sec 28(2)(e) MBRR - Reg 23(5)				30 July 2021			Snr Manager: Financial Management Services
4	Submit Quarterly report for **period ending 30 June 2021** on implementation of the budget and financial state of affairs of the Municipality to Council	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 29						**28 July 2021**	**Snr Manager: Financial Management Services**
AUGUST 2021									
5	Place 4th Quarter Performance Report 2020/21 on website **(must be placed on the website not later than 5 days** after its tabling in the council or on the date on which it must be made public, which ever occurs first)	MFMA - Section 75 (2) MSA 21(b)					02 August 2021		Snr Manager: Financial Management Services
6	Submit 4th Quarter Performance Reports 2020/21 - SDBIP and Finance Performance Reports to National and Provincial Treasury	MPPMR - Reg 13						02 August 2021	Snr Manager: Financial Management Services
7	Departmental SDF/IDP/Budget Work Sessions to review and provide feedback on projects, key initiatives and programmes from the 2021/22 Community IDP Needs List and identified actions emanating from the 2020/21community engagement and sector plan analysis	Not Applicable	2 - 31 August 2021						Manager: IDP/PMS/PP together with All Departments

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ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
8	Executive Mayor and Mayoral Committee considers the 2021/22 Capital Roll-Over Budget	MFMA - Sec 28(2)(e) MBRR - Reg 23(5)				**18 August 2021**			**Chief Financial Officer**
9	Council considers the 2021/22 Capital Roll-Over Budget **(to be tabled before 25 August 2021)**	MFMA - Sec 28(2)(e) MBRR - Reg 23(5)				**24 August 2021**			**Chief Financial Officer**
10	Place 2021/22 Capital Roll-Over Budget on website **(must be placed on the website not later than 5 days after its tabling in the council or on the date on which it must be made public, which ever occurs first)**	MFMA - Sec 75(2) MSA - Sec 21(b)				27 August 2021			Snr Manager: Financial Management Services
11	Submit Annual Financial Statements (AFS) and Annual Performance Report (APR) 2020/21 to the Auditor - General for auditing **(the accounting officer of a municipality must prepare the annual financial statements of the municipality and within 2 months after the end of the financial year to which those statements relate, submit the statements to the Auditor - General for auditing)**	MFMA Sec 126 (1)(a) MSA - Sec 46 (1) (2)					**31 August 2021**	**31 August 2021**	**Chief Financial Officer Manager: IDP/PMS/PP**
SEPTEMBER 2021									
12	District IDP Managers Forum: Process Plan/ District Framework Consultation	MSA Section 24	1 September 2021						Manager: IDP/PMS/PP
13	Provincial IDP Managers' Forum	MSA Section 24	16 September 2021						Manager: IDP/PMS/PP
14	The Committee recommendations need to specify the request for the amendment of the MSDF and the intent to not establish a Intergovernmental Steering Committee for the purpose of amending the MSDF.	MSA Regulations - Chapter 2 Section 3(1); LUPA - Section 11(a) & (b); MPBL - Chapter 2 Section 3(1)		**29 September 2021**					**Manager: Development Planning**
15	Review of Long Terms Financial Plan	MSA Section 26(a)				1 September 2021 - January 2022			Chief Financial Officer

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ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
OCTOBER 2021									
16	District IDP Managers Forum: Process Plan/ District Framework Consultation Session	MSA Section 24	6 October 2021						Manager: IDP/PMS/PP
17	Departmental SDF/IDP/Budget Work Sessions to review the MSDF for incorporation within the draft status quo report.	Not Applicable		01 - 15 October 2021					Manager: Development Planning together with All Departments
18	Submit Quarterly report for **period ending 30 September 2021** on implementation of the budget and financial state of affairs of the Municipality to Council	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 28						**30 October 2021**	**Snr Manager: Financial Management Services**
19	Strategic Integrated Municipal Engagements (SIME)		30 October 2021						Manager: IDP/PMS/PP
20	The formulation of disaster strategies: Prevention and mitigation strategies, Vulnerability reduction strategies, Capacity building, Contingency building, Emergency preparedness.	DM Act, No 57 of 2002, Section 53(1) (a-d), Section 53(2)(a)			30 October 2021				Manager: Fire and Disaster
21	Operationalise disaster management in the municipality by means of identifying projects such as setting up the relevant structures.	DM Act, No 57 of 2002, Section 53(1) (a-d), Section 53(2)(a)			30 October 2021				Manager: Fire and Disaster

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
NOVEMBER 2021									
22	Submit 1st Quarter Performance Reports 2021/22 - SDBIP and Finance Performance Reports to National and Provincial Treasury	MFMA - Sec 75(2) MSA - Sec 21(b)						1 November 2021	Snr Manager: Financial Management Services
23	Place First Quarter Performance Report 2021/22 on website **(must be placed on the website not later than 5 days after its tabling in the council or on the date on which it must be made public, which ever occurs first)**	MFMA - Sec 75(2) MSA - Sec 21(b)						2 November 2021	Snr Manager: Financial Management Services
24	District IDP Managers Forum	MSA Section 24	6 November 2021						Manager: IDP/PMS/PP
25	Submit inputs for 2021/22 Operating and Capital Adjustments Budget to Manager: Budgeting and Costing	MFMA - Section 21 & 28				19 November 2021			All Directorates
26	The newly elected Council considers and confirm the process as adopted in August 2021 - SDF/IDP/Budget Process Plan (Time Schedule) for 2022/23 with or without amendments	MFMA - Sec 21(b) MSA - Sec 29	**15 November 2021**						**Manager: IDP/PMS/PP and Chief Financial Officer**
27	Identify all plans and planning requirements binding on the municipality in terms of national and provincial legislation	MSA - Sect 29(1)(c)	**29 November - 3 December 2021**						**Manager: IDP/PMS/PP**
28	Place advertisement to notify the public of the proposal to amend the MSDF. Provincial gazette, two local newspapers, website & notice boards	MSA - Sec 28(3); 29 MPBL - Chapter 2 Section 2(a)		30 November 2021					**Manager: Development Planning**
29	Submit the intention to amend the MSDF and the process to be followed in the amendment & confirm that the ISC process will not be undertaken.	MPBL - Chapter 2 Section 2(b)		30 November 2021					**Manager: Development Planning**
30	**SDF Amendment/IDP/ Budget consultative engagements** with the community and other stakeholders on their development needs and priorities.	MSA - Chapter 4 Sec 29(1)(b)(i)	**29 November - 10 December 2021**						**Manager: IDP/PMS/PP**

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ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
DECEMBER 2021									
31	District IDP Managers' Forum	MSA - Sec 24	3 December 2021						Manager: IDP/PMS/PP
32	District Public Participation Forum	MSA - Sec 24	8 December 2021						Manager: IDP/PMS/PP
33	Provincial IDP Managers' Forum	MSA - Sec 24	10 December 2021						Manager: IDP/PMS/PP
34	Capture and refine all community inputs from the needs analysis process and sector/s engagement	Not Applicable	13 December - 15 December 2021						Manager: IDP/PMS/PP & DP
35	Establishment of Project Committee & Terms of reference - MSDF	MPBL - Chapter 2 Section 4(1), (2) & Section 8(1)		15 December 2021					Manager: Development Planning
36	Submission of priority requests to sector departments and the district municipality	Not Applicable	16 December 2021						Manager: IDP/PMS/PP & DP
37	District Municipality (DM): Project alignment between the DM and Local Municipalities (LM's)	MSA - Sec 24	17 December 2021						Manager: IDP/PMS/PP
38	Design of disaster management projects:	DM Act, No 57 of 2002, Section 53(1) (a-d), Section 53(2)(a)			30 December 2021				Manager: Fire and Disaster

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
JANUARY 2022									
39	**Strategy Workshop 1:** Councillors, Mayco, Municipal Manager and Directors	MSA Section 56(2)(a)(b)	20 - 21 Jan 2022						**Municipal Manager**
40	District IDP Managers' Forum	MSA - Sec 24	5 January 2022						Manager: IDP/PMS/PP
41	MAYCO considers and adopts 2021/22 Adjustments Budget and Draft Revised SDBIP 2021/22	MFMA - Sec 28 MBRR - Part 4				**19 January 2022**	**19 January 2022**		**Snr Manager: Financial Management Services and Manager: IDP/PMS/PP**
42	District Public Participation Forum	MSA - Sec 24	20 January 2022						Manager: IDP/PMS/PP
43	Provincial IDP Managers' Forum	MSA - Sec 24	21 January 2022						Manager: IDP/PMS/PP
44	Directorates complete template for 2022 - 2025 Capital and Operational Budget for Budget Prioritisation	MSA Section 26(h)				21 January 2021			Snr Manager: Financial Management Services
45	Submit Mid-year Performance Assessment Report 2021/22 to Executive Mayor	MFMA - Sec 72					25 January 2022		Manager: IDP/PMS/PP
46	Submit Mid-year Budget Assessment Report 2021/22 to Executive Mayor	MFMA - Section 72(1)(b) MBRR - Reg 35				25 January 2022			Chief Financial Officer

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ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
47	Submit Mid-year Budget and Performance Report 2021/22 to Provincial Treasury, National Treasury and Department of Local Government by 25 January	MFMA - Section 72(1)(b) MBRR - Reg 35				25 January 2022			Manager: IDP/PMS/PP and Chief Financial Officer
48	Submit Quarterly report for period ending 31 December 2021 on implementation of the budget and financial state of affairs of the Municipality to Council	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 29						**26 January 2022**	**Chief Financial Officer and Manager: IDP/PMS/PP**
49	Submit Mid-year Budget and Performance Assessment Reports 2021/22 to Council	MFMA - Section 72(1)(b) MBRR - Reg 35				**26 January 2022**		**26 January 2022**	**Snr Manager: Financial Management Services**
50	Council considers the 2021/22 Adjustments Budget and Draft Revised TL SDBIP 2021/22	MFMA - Sec 28 MBRR - Part 4 MSA - Sec 28 & 29				**26 January 2022**			**Manager: IDP/PMS/PP and Snr Manager: Financial Management Services**
51	Council considers the Draft Annual Report 2020/21 before advertising it for public comment	MFMA - Sec 127						**26 January 2022**	**Manager: IDP/PMS/PP and Chief Financial Officer**
52	District Municipality submit the **5th Generation** Process Plan and District Framework to Mayco and Council	MFMA - Sec 127(5)(a) MSA - Sec 21A	**26 January 2022**						**Manager: IDP/PMS/PP**
53	**Strategy Workshop 2:** Mayco, Municipal Manager, Directors and Senior Managers/ Managers (prioritisation and determine and execute municipal strategy)	MSA Section 56(2)(a)(b)	27 - 28 January 2022						**Municipal Manager**
54	**Draft Process Plan for the new 5 Year IDP:** Consultation with the local community for a period of 21 days *(place an advertisment in the local newspaper and municipal website)*	MFMA - Sec 28 MBRR - Part 4 MSA - Sec 28 & 29	27 January 2022						Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
55	Make public the Mid-Year Budget and Performance Report 2021/22 in the local newspaper and on municipal website	MFMA - Section 75 (2) MSA - Sec 21(b)						31 January 2022	Chief Financial Officer and Manager: IDP/PMS/PP
56	Place SECOND Quarter Performance Report 2021/22 on website	MFMA - Section 75 (2) MSA - Sec 21(b)				**31 January 2022**			**Snr Manager: Financial Management Services**

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NO	ACTIVITY / TASK DESCRIPTION	LEGISLATIVE REQUIREMENTS	TARGET DATES IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	RESPONSIBLE OFFICIAL
	FEBRUARY 2022								
57	**Strategy Workshop 3:** Municipal Manager and Directors - to consolidate all strategic inputs and to formulate the first draft of the new strategy chapter.	Not Applicable	10 - 11 February 2022						Municipal Manager
58	Submit the Draft Annual Report 2020/21, within five (5) days via e-mail and hard copy to the National Treasury, the Western Cape Department of Local Government, the Western Cape Provincial Treasury and the Auditor General	MFMA - Section 127(5)(b)					03 February 2022		**Manager: IDP/PMS/PP**
59	Place advertisement in local newspapers to notify the public and other stakeholders to submit written comments on the Draft Annual Report 2020/21	MFMA - Sec 127(5)(a) MSA - Sec 21A					03 February 2022		Manager: IDP/PMS/PP
60	Advertise the approved Adjustments Budget 2021/22 and Revised SDBIP 2021/22 and submit budget and B Schedules to National Treasury and Provincial Treasury as required per legislation **(within 10 working days)**	MFMA - Sec 28(7) MSA - Sec 21A MBRR - Part 4				03 February 2022	03 February 2022		Snr Manager: Financial Management Services and Manager: IDP/PMS/PP
61	Table the draft Annual Report 2020/21 to the MPAC to considers and evaluates the content of the Annual Report 2020/21	MFMA 127 & 129 (1)					**09 February 2022**		**Manager: IDP/PMS/PP**
62	Public Hearing: Consultation on the draft Annual Report 2020/21 with the local community	MFMA - Sec 127(5) MFMA - Sec 127(6)					**14 February 2022**		**Manager: IDP/PMS/PP**
63	Complete tariff setting exercise for 2022/23	MFMA Section 71				15 February 2022			Snr Manager: Financial Management Services
64	Review current budget related policies and compile newly needed budget related policies	MFMA - Sec 21 MBRR - Part 3				15 February 2022			Snr Manager: Financial Management Services
65	Feedback from officials confirming internal arrangements if the content of the Annual Report 2020/21 are credible, reliable and accurate. (Modification to the report before tabling it to Council)	MFMA Sec 121 & 122					16 February 2022		Manager: IDP/PMS/PP
66	Submit **Final Process Plan** to Council for adoption	MSA - Sec 28	23 February 2022						Manager: IDP/PMS/PP
67	Annual (2020/21) Performance Assessments for the Municipal Manager and Managers directly accountable to the Municipal Manager	MPPMR - Reg 13 GN 21- 17/01/2014					**24 February 2022**		**Manager: IDP/PMS/PP**

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
68	Submit the adopted **5th Generation IDP Process Plan** to the MEC for Local Government and Provincial Treasury and the District Municipality	MSA - Sec 21, 21A, 28(3)	**25 February 2022**						**Manager: IDP/PMS/PP**
69	Place advertisement to notify the public of the approved **5th Generation IDP Process Plan** on the website, local newspapers and notice boards	MSA - Sec 21, 21A, 28(3)	**25 February 2022**						Manager: IDP/PMS/PP
70	Technical Integrated Municipal Engagements (TIME)	MSA - Chapter 5	25 February 2022						Municipal Manager
71	LG MTEC 2 - Provincial Sector Departments inform municipalities of provincial budgetary allocations	MSA - Chapter 5	25 February 2022						Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
72	Compilation of the Disaster Management Plan	DM Act, No 57 of 2002, Section 53 (1)(a-d) Section 53(2)(a))			28 February 2022				Manager: Fire and Disaster

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
73	PSC draft status quo report setting out an assessment of the existing levels of development and development challenges in the municipal area and submit it to Council for adoption.	MPBL - Chapter 2 Section 7(1)(a)		28 February 2022					Manager: Development Planning with Project Steering Committee (PSC)
MARCH 2022									
74	District IDP Managers' Forum	MSA - Sec 24	9 March 2022						Manager: IDP/PMS/PP
75	Provincial Public Participation Forum	MSA - Sec 24	11 March 2022						Manager: IDP/PMS/PP
76	District Public Participation Forum	MSA - Sec 24	24 March 2022						Manager: IDP/PMS/PP
77	District Municipality submit **Draft 5th Generation IDP** to Council	MFMA - Sec 16(2) MSA - Sec 25 (b)(c) MBRR - Part 3	**24 March 2022**						**Manager: IDP/PMS/PP**
78	Council considers Oversight Report and Annual Report 2020/21 for approval	MFMA - Sec 129					**30 March 2022**		**Manager: IDP/PMS/PP**
79	Review the Municipality's performance management system (PMS) - submit Revised Performance Management Policy to Council	MPPR - Reg 3(4)(b) & Reg 11(2)					30 March 2022		Manager: IDP/PMS/PP
80	Submission of the draft budget, tariffs, budget related policies and SDBIP (at least 90 days before the start of the budget year)	MFMA - Sec 16(2) MSA - Sec 25 (b)(c) MBRR - Part 3				**30 March 2022**	**30 March 2022**		**Manager: IDP/PMS/PP and Snr Manager: Financial Management Services**
81	Submission of the Draft **5th Generation IDP**, budget, tariffs, budget related policies and SDBIP (at least 90 days before the start of the budget year)	MFMA - Sec 16(2) MSA - Sec 25 (b)(c) MBRR - Part 3	**30 March 2022**			**30 March 2022**	**30 March 2022**		**Manager: IDP/PMS/PP and Snr Manager: Financial Management Services**

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
APRIL 2022									
82	Submit the budget to Department of Local Government, National and Provincial Treasury, prescribed national or provincial organs of state and to other municipalities affected by budget	MFMA - Sec 22(b) MBRR - Reg 20				01 April 2022			Snr Manager: Financial Management Services
83	Submit the **Draft 5th Generation IDP**, Draft SDBIP 2022/23 and Draft Budget to Department of Local Government, National and Provincial Treasury, prescribed national or provincial organs of state and to other municipalities affected by the IDP and budget	MFMA - Sec 22(b) MSA - Sec 29(3)(b) MSA - Sec 32(1) MBRR - Reg 20	05 April 2022	05 April 2022		01 April 2022			Manager: IDP/PMS/PP and Manager: Spatial Planning and Snr Manager: Financial Management Services & Manager:
84	Place advertisement for the Oversight Report and the Annual Report 2020/21 to be released for information which must be placed on the municipal website within **five (5) days** after it is approved	MFMA - Sec 129(3) MFMA - Sec 75 ©					04 April 2022		Manager: IDP/PMS/PP
85	Ensure that the Oversight Report and Annual Report 2020/21 are made available at all municipal offices and libraries for information	MFMA - Sec 129(3)					04 April 2022		Manager: IDP/PMS/PP
86	Advertise the Draft 5th Generation IDP, Draft SDBIP 2022/23, Draft Budget and other required documents and provide at least **21 days** for public comments and submissions	MFMA - Sec 22(a) MSA - Sec 21A MPPMR - Reg 15(3)	05 April 2022	05 April 2022		05 April 2022	05 April 2022		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
87	The district municipality launch a public participation process through a series of public hearings on the IDP and Budget	MFMA - Sec 22(a) MSA - Sec 21A MPPMR - Reg 15(3)	**05 - 29 April 2022**						**Manager: IDP/PMS/PP**
88	**Public Participation Process** to consult the Draft 5th Generation IDP, Draft SDBIP 2022/23 and Draft Budget	MFMA - Sec 22(a) MSA - Sec 21A MPPMR - Reg 15(3)	**05 - 29 April 2022**	**05 - 29 April 2022**		**05 - 29 April 2022**	**05 - 29 April 2022**		**Manager: IDP/PMS/PP and Snr Manager: Financial Management Services**
89	SDF status quo report adoption by Council	MSA Regulations - Chapter 2 section 3(6); LUPA - Section 13(1)(a);		**28 April 2022**					**Manager: Development Planning**

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ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
90	Submit Quarterly report for period ending 31 March 2022 on implementation of the budget and financial state of affairs of the Municipality to Council	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 29						**28 April 2022**	**Snr Manager: Financial Management Services**
91	Submit 3rd Quarter Performance Reports 2021/22 - SDBIP and Performance Reports to National and Provincial Treasury	MPPMR - Reg 13						29 April 2022	Snr Manager: Financial Management Services
MAY 2022									
92	Place 3rd Quarter Performance Report 2021/22 on website	MFMA - Sec 75(2) MSA - Sec 21(b)						03 May 2022	Manager: IDP/PMS/PP
93	MAYCO meeting to consider the 5th Generation IDP, Draft Budget and Draft SDBIP 2022/23 **(at least 30 days before the start of the budget year)**	MFMA - Sec 24	**11 May 2022**			**11 May 2022**	**11 May 2022**		**Manager: IDP/PMS/PP and Snr Manager: Financial Management Services**
94	SIME/ LG MTEC 3 IDP and Budget Assessments by Provincial Treasury and Department of Local Government	MSA Chapter 5 MFMA	31 May 2022			31 May 2022	31 May 2022		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
95	District Municipality adopt the 5th Generation IDP	MFMA - Sec 24	24 May 2022						**Manager: IDP/PMS/PP**
96	Council meeting to adopt 5th Generation IDP, Performance Management Measures and targets and the budget **(at least 30 days before the start of the budget year)**	MFMA - Sec 24	**25 May 2022**			**25 May 2022**	**25 May 2022**		**Manager: IDP/PMS/PP and Snr Manager: Financial Management Services**
97	SIME/ LG MTEC 3 IDP and Budget Assessments by Provincial Treasury and Department of Local Government	MSA Chapter 5 MFMA	31 May 2022			31 May 2022	31 May 2022		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services

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ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
JUNE 2022									
98	Place the 5th Generation IDP, multi-year budget, all budget-related documents and all budget-related policies on the website	MFMA - Sec 22 and 75 (1)(2) MSA - Sec 21A and 21B	03 June 2022			03 June 2022			Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
99	Place the multi-year budget, all budget-related documents and all budget-related policies on the website	MFMA - Sec 22 and 75 MSA - Sec 21A and 21B				03 June 2022			Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
100	Submit a copy of the approved 5th Generation IDP and Amended SDF to the MEC for LG **(within 10 days of the adoption of the plan)**	MSA - Section 32	09 June 2022						Manager: IDP/PMS/PP
101	Submit approved budget to National and Provincial Treasuries (both printed and electronic formats)	MFMA - Sec 24(3) MBRR - Reg 20				09 June 2022			Snr Manager: Financial Management Services
102	Give notice to the public of the adoption of the 5th Generation IDP and Budget (within 14 days of the adoption of the plan) and budget (within 10 working days)	MBRR - Reg 18 MSA - Sec 25(4)(a)(b) MFMA - Sec 75(1)	10 June 2022			10 June 2022			Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
103	Submit to the Executive Mayor the TL SDBIP 2022/23 **(no later than 14 days after the approval of an annual budget)**	MFMA - Sec 69(3)(a)					10 June 2022		Manager: IDP/PMS/PP
104	Executive Mayor takes all reasonable steps to ensure that the SDBIP is approved (within 28 days after approval of the budget)	MFMA - Sec 53(1)(c) (ii)					28 June 2022		Manager: IDP/PMS/PP

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ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING	
JULY 2022									
105	Make public the projections, targets and indicators as set out in the TL SDBIP **(no later than 14 days after the approval of the SDBIP)** and submit to National and Provincial Treasuries (no later than 10 working days after the approval of the SDBIP)	MFMA Section 53(3)(a MBRR Reg 19					10 July 2022		Manager: IDP/PMS/PP
106	Make public the performance agreements of the Municipal Manager and Managers directly accountable to the Municipal Manager **(no later than 14 days after the approval of the SDBIP)**	MFMA Section 53(3)(b)					10 July 2022		Manager: IDP/PMS/PP
107	SDF project team to draft the amendment to the MSDF and submit it to Council to approve the publication thereof for public comment and to request comment from the Provincial Minister and the District Municipality. **(minor amendments)**	MSA Regulations - Chapter 2 section 3(6); LUPA - Section 13(1)(a); MPBL - Chapter 2 Section 3(b) & 7(1)(b)		31 July 2022					Manager: Development Planning with Project Steering Committee (PSC)

ANNEXURE B

STELLENBOSCH
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DRAFT ONLINE PUBLIC PARTICIPATION MEETING SCHEDULE
29 November 2021 - 08 December 2021

The Stellenbosch Municipality encourages participatory democracy and invites all members of the public, in accordance with the approved Integrated Development Plan (IDP) Process Plan, to participate in the planning process of the **5th Generation Integrated Development Plan 2022 – 2027.**

Due to the health and safety concerns of the COVID-19 pandemic, members of the community are requested, where possible, to attend the meetings **online** through one of the links which will be made available on the municipal website and not to attend the physical meeting.

Members of the community and other interested and affected parties are encouraged to attend the **online public participation meeting** for their ward / area, as scheduled below. The links to the online public participation meetings will be made available on the municipality's website and on its social media platforms.

Members of the community who may not have access to data and or a device, and would like to attend the online public participation meeting, are encouraged to attend a venue closest to their place of residence. Unfortunately, due to the COVID-19 regulations, only **50% of the capacity of a hall** may be used. Members of the community are therefore required to indicate their interest to attend the meeting at one of the venues (as indicated below) by reserving their place. To reserve a place at a venue, please email the municipality at idp@stellenbosch.gov.za.

DRAFT ONLINE PUBLIC PARTICIPATION SCHEDULE: 29 NOVEMBER – 10 DECEMBER 2021

DATE AND TIME	WARDS	WARD COUNCILLORS	VENUE	Allowable venue capacity	TIMES
Monday, 29 November 2021	1	TBC	Groendal Community Hall	100 people	18:30 – 20:30
	2	TBC	La Motte Community Hall	100 people	18:30 – 20:30
Tuesday, 30 November 2021	3	TBC	Wemmershoek Community Hall	70 people	18:30 – 20:30
	4	TBC	Pniël Community Hall	50 people	18:30 – 20:30
			Kylemore Community Hall	90 people	18:30 – 20:30
Wednesday, 01 December 2021	5	TBC	Ida's Valley Market Square	50 people	18:30 – 20:30
	6	TBC			
	16	TBC	Eikestad Hall	150 People	18:30 – 20:30
	17	TBC			
Thursday, 02 December 2021	7, 8, 9, 10, 11, 22 and 23	TBC	Stellenbosch Town Hall	100 people	18:30 – 20:30
Monday, 06 December 2021	12	TBC	Kayamandi Legacy Hall	50 people	18:30 – 20:30
	15	TBC			
	13	TBC	Kayamandi Community Hall	50 People	18:30 – 20:30
	14	TBC			
Tuesday, 07 December 2021	18	TBC	Klapmuts Multipurpose Centre	90 People	18:30 – 20:30
	19	TBC	Bottelary Tennis Club	60 People	18:30 – 20:30
Wednesday, 08 December 2021	20	TBC	Vlottenburg Methodist Church	50 People	18:30 – 20:30
	21	TBC	Jamestown clubhouse	20 People	18:30 – 20:30
Friday, 10 December 2021	WCO24	**Sector Engagement**	**Live Stream from Stellenbosch Library Hall / Stellenbosch Town Hall**	**250 online participants**	**10:00 – 15:00**

Geraldine Mettler
Municipal Manager

6.17	RECRUITMENT AND SELECTION PROCESS: MUNICIPAL MANAGER

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 15 November 2021**

1. RECRUITMENT AND SELECTION PROCESS: MUNICIPAL MANAGER

2. PURPOSE OF REPORT

To inform Council of the progress made with the process to recruit a municipal Manager as the contract of Me Mettler comes to an end on 31 December 2021.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

The contract period for Ms Geraldine Mettler, Municipal Manager comes to an end on 31 December 2021. Council resolved on 29 September 2021 to approve the advertising of the post. The post was advertised in the Sunday Times **(Appendix 1)** with a closing date of 3 November 2021. The external consultant was appointed through a SCM process and will be driving the process. Shortlisting must be finalised 30 days after the closure. Council appointed a panel as is reflected in 6.6 below. The external consultant is currently compiling the long list. A date for the shortlisting and interviews must be determined.

5. RECOMMENDATIONS:

For consideration.

6. DISCUSSION / CONTENTS

6.1 Background

The contract period for Ms Geraldine Mettler, Municipal Manager comes to an end on 31 December 2021. Council approved the advertising of the post in September 2021 and the post was advertised with a closing date of 3 November 2021.

6.2 Discussion

The Regulations on the appointment and conditions of employment of Senior Managers was Gazetted on 17 January 2014. (Gazette No. 37245 dated 17 January 2014).

In terms of Section 7.1 when the post of a senior manager becomes vacant, or is due to become vacant, the administration must obtain approval from the municipal council for the filling of such post in its next council meeting or as soon as it is reasonably possible to do so.

In terms of Section 7.2 a vacant senior manager post may not be filled, unless:
(a) approval to fill the post has been granted by the municipal council; and
(b) the post has been budgeted for.

In terms of Section 8 no person may be appointed as a senior manager on a fixed term contract, on a permanent basis or on probation, to any post on the approved staff establishment of a municipality, unless he or she-

(a) Is a South African citizen or permanent resident; and
(b) Possesses the relevant competencies, qualifications, experience and knowledge set out in in the regulations.

An appointment may not take effect before the first day of the month following the month during which the municipal council approved the appointment.
In terms of Section 10 the municipal manager must, within 14 days of receipt of the approval referred to in regulation 7, ensure that the vacant post is advertised.

- A vacant senior manager post must be advertised in a newspaper circulating nationally and, in the province, where the municipality is located.
- An advertisement for a vacant senior manager post must specify the:
  (a) Job title;
  (b) Term of appointment;
  (c) Place to be stationed;
  (d) Annual total remuneration package;
  (e) Competency requirements of the post, including minimum qualifications and experience required;
  (f) Core functions;
  (g) Need for signing of an employment contract, a performance agreement and disclosure of financial interest;
  (h) The need to undergo security vetting;
  (i) Contact person;
  (j) Address where applications must be sent or delivered; and
  (k) Closing date which must be minimum 14 days from the date the advertisement appears in the newspaper and not more than 30 days after such date.

Cognisance must be taken of Section 12 which makes provision for the manner in which the selection panel must be constituted. Section 12(1) provides that :
"A municipal Council must appoint a selection panel to make recommendations for the appointment of candidates to vacant senior manager posts.
Section 12(2) provides that in deciding who to appoint to a selection panel, the following considerations must inform the decision:

(a) The nature of the post;
(b) The gender balance of the panel; and
(c) The skills, expertise, experience and availability of the persons to be involved.

Section 12 (3) provides that the selection panel for the appointment of a municipal manager must consist of at least three and not more than five members, constituted as follows :

(a) The mayor, who will be the chairperson, or his or her delegate;
(b) A councillor designated by the municipal council; and
(c) At least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

Furthermore Section 12(5) provides that a panel member must disclose any interest or relationship with shortlisted candidates during the shortlisting process and that such a panel member Section 12(6) a panel member must recuse himself or herself from the selection panel if-

(a) His or her spouse, partner, close family member or close friend has been shortlisted for the post;
(b) The panel member has some form of indebtedness to a short-listed candidate or visa versa; or
(c) He or she has any other conflict of interest.

The Regulations dictates in terms of section 7 that a panel member and staff member must sign a declaration of confidentiality to avert the disclosure of information to unauthorised persons.
The Regulations provides for strict time frames which must be adhered to with regard to the Screening of Candidates in terms of section 14 as well as the Interviewing process in terms of section 15. Due regard must be given to Section 17 which deals with the Resolution of the municipal council on appointment of senior managers and reporting as well as the re-employment of dismissed persons in terms of section 18.

The post was advertised and closed on 3 November 2021.

6.3. Financial Implications

The post is budgeted for and the salary is predetermined by legislation.

6.4 Legal Implications

Regulation on the Appointment and Conditions of Employment of Senior Manager. The recommendations comply with legislation.

6.5 Staff Implications

The filling of the post is vital for stability in the orginasation.

6.6 Previous / Relevant Council Resolutions:

SPECIAL COUNCIL MEETING: 2021-09-29: ITEM 9.2.1

RESOLVED (majority vote)

(a) that Council approves the advertising of the post of the Municipal Manager;

(b) that a selection panel be appointed as per the Regulations on the appointment and conditions of employment of Senior Managers which must consist of at least three but not more than five members, constituted as follows:

- the mayor, who will be the chairperson, or his or her delegate;
- the Portfolio Chairperson of Corporate Services; and
- the Chairperson of the Municipal Audit Committee.

(c) that an independent external consultant be appointed to assist with the recruitment and selection process.

Cllr G Cele (Ms) requested that her vote of dissent be minuted.

6.7 Risk Implications

The process of the recruitment and selection process has to be finalised to ensure stability and continuity within the organisation.

6.8 Comments from Senior Management:

The item was not circulated for comment.

APPENDICES:

Appendix 1: Advertisement that was placed in the news paper

Appendix 2: Council resolution 29 September 2021

FOR FURTHER DETAILS CONTACT:

NAME	Annalene De Beer
POSITION	Director Corporate Service
DIRECTORATE	Corporate services
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	annalenedebeer@stellenbosch.gov.za
REPORT DATE	11 November 2021

APPENDIX 1

STELLENBOSCH MUNICIPALITY

strives towards rendering a dynamic and effective service to the community under its jurisdiction. As an Employment Equity Employer, we currently offer the following vacancy to an appropriately qualified and experienced individual.

Municipal Manager

(Performance-based 5-year fixed-term contract)
(Fixed-term contract of employment, maximum of 5 years not exceeding a period ending one year after the 2026 Local Government Elections)

REMUNERATION PACKAGE: (R 1 277 473 - R1 698 573) As determined by the relevant Government Notice (25 March 2020) on Upper Limits of Total Remuneration Packages payable to Municipal Managers and Managers directly accountable to Municipal Managers, or as amended at the time of appointment. Negotiations with the preferred candidate outside the Upper Limits amount applicable is be subject to the Minister's (COCTA) approval .
The appointment will be made in compliance with the provisions of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).
Work Center: Plein Street, Stellenbosch
MINIMUM REQUIREMENTS: • Bachelor degree in Public Administration / Political Sciences / Social Sciences / Law or equivalent qualification (NQF Level 7) • Compliance with the minimum competency levels as prescribed by Government Gazette No. 29967 of 15 June 2007 • Candidates who are not in possession of the minimum competency certificate will be given an opportunity to obtain such certificate within 18 months of appointment, in accordance with Government Notice No. 91 of 3 February 2017, as promulgated in Government Gazette No. 40593 • A minimum of five (5) years' relevant experience at senior management level and proven successful institutional transformation within public or private sector In financial management, policy development and management, strategic planning and implementation, programme management, monitoring and evaluation, and reporting on service delivery • Must possess the Core Competencies as stipulated in Annexures A and B of the Regulations on Appointment and Conditions of Employment of Senior Managers, as set out in Government Gazette No. 37245, dated 17 January 2014 • Valid Code B driver's license.
Knowledge: • Advanced knowledge and understanding of relevant policy and legislation • Advanced understanding of institutional governance systems and performance management • Advanced understanding of council operations and system of delegation of powers • Good governance • Audit and risk management establishment and functionality Budget and finance management.
Personal attributes: • Integrity, honesty, maturity and courtesy • Diplomacy and commitment to providing progressive democratic and accountable government • Strategist and excellent corporate planner • Excellent communication and motivational skills • Advanced negotiation skills • Analytical thinker • Diversity management skills.
Key performance areas: • Carry out the duties of the Municipal Manager and Head of the Administration as contained in Section 57 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) • Integrate the municipality's Integrated Development Plan and monitor its progress in terms of implementation • Responsible for the formation and development of an economic, effective, efficient and accountable administration • Ensure the implementation of the performance management system as prescribed by the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) • Manage the municipality's administration in accordance with the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and other applicable legislation • Manage the provision of services to the local community in a sustainable and equitable manner • Appoint staff other than those referred to in terms of Section 56 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and ensure effective utilisation, training and discipline of staff • Provide sound and strategic advice to political structures and political office-bearers of the municipality • Manage communication between the municipality's administration and its political structures • Exercise any powers and duties delegated by the municipal council, or sub-delegated by other delegating authorities of the municipality, to the Municipal Manager • Ensure the implementation of national and provincial legislation applicable to the municipality • Responsible and accountable for all income and expenditure of the municipality, all assets, the discharge of all liabilities of the municipality and proper and diligent implementation of and compliance with national and provincial legislation applicable to the municipality.

NB: Stellenbosch Municipality is an Equal opportunity employer. Candidates from designated groups are encouraged to apply, including those living with disabilities. EE will be taken into account when candidates are considered. Shortlisted candidates will be subjected to competency assessments and security vetting. The successful candidate will be required to sign a fixed-term employment contract with the municipality, as well be subjected to performance assessment through a signed annual performance agreement and must disclose his/her financial interest.

Enquiries should be directed to the Human Resources Department: For attention Alexander Kannemeyer

Interested persons should complete the official application form which is available at the office of the Senior Manager: Human Resources, at 021 808 8056 or on the website at www.stellenbosch.gov.za

The detailed CV's must be attached to the application form, accompanied by originally certified true copies of qualification certificates, inclusive of a certified statement of Unit Standards obtained in relation to the Municipal Minimum Competency qualification, identity document and driver's license and submitted to the Stellenbosch Municipality,71 Plein Street, Stellenbosch, 7600 (in a sealed envelope clearly marked and for attention of the Senior Manager: Human Resources).

Please Note: NO Faxed, e-mailed, incomplete and or late applications will be considered.

AD2141028

Closing date: 3 November 2021 at 16h00

Should you not be contacted within 3 months of the closing date of the advertisement please consider your application unsuccessful. Council reserves the right not to make an appointment.

APPENDIX 2

9.2.1	RECRUITMENT AND SELECTION PROCESS: MUNICIPAL MANAGER

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **15 September 2021 and 29 September 2021**

1. SUBJECT: RECRUITMENT AND SELECTION PROCESS: MUNICIPAL MANAGER

2. PURPOSE OF REPORT

To inform Council that the contract of Me Mettler comes to an end on 31 December 2021. The post must be advertised as per the legislative provisions. Council must approve the advertising of the post and appoint a selection panel and a service provider to make recommendations for the appointment of a successful candidate for the Municipal Manager vacancy.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

The contract period for Ms Geraldine Mettler, Municipal Manager comes to an end on 31 December 2021. It is therefore critical to commence with the recruitment and selection process for Municipal Manager to ensure the post can be filled timeously.

SPECIAL COUNCIL MEETING: 2021-09-29: ITEM 9.2.1

RESOLVED (majority vote)

(a) that Council approves the advertising of the post of the Municipal Manager;

(b) that a selection panel be appointed as per the Regulations on the appointment and conditions of employment of Senior Managers which must consist of at least three but not more than five members, constituted as follows:

- the mayor, who will be the chairperson, or his or her delegate;
- the Portfolio Chairperson of Corporate Services; and
- the Chairperson of the Municipal Audit Committee.

(c) that an independent external consultant be appointed to assist with the recruitment and selection process.

Cllr G Cele (Ms) requested that her vote of dissent be minuted.

9.2.2	APPLICATION TO LEASE: PORTION OF ERF 4261 (DALSIG), STELLENBOSCH: CELLPHONE TOWER(S): ATLAS TOWERS AND ILANGA TECHNOLOGIES, ON BEHALF OF INVICTA TOWERS

Collaborator No:
IDP KPA Ref No: ***Good Governance***
Meeting Date: **15 September 2021 and 29 September 2021**

7.	MATTERS FOR NOTIFICATION

7.1	HAND-OVER REPORT TO THE NEW COUNCIL

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **15 November 2021**

1. SUBJECT: HAND-OVER REPORT TO THE NEW COUNCIL

2. PURPOSE

To submit to Council a consolidated Hand-over Report as required in terms of MFMA Circular 108 (8 March 2021) issued by National Treasury.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Municipal Manager in collaboration with the Chief Financial Officer and other Section 56 Managers are required to prepare a hand-over report that needs to be tabled at the first meeting of the newly elected council.

5. RECOMMENDATIONS

that cognisance be taken of the Hand-over Report as attached as **APPENDIX 1.**

6. DISCUSSION / CONTENT

6.1 Discussion

Section 3.2 of the MFMA Circular 108 (8 March 2021) issued by National Treasury contains guidelines in terms of the hand-over report for newly elected council. The aim is to provide the new councils important orientation information regarding the municipality, the state of its finances, service delivery and capital programme, as well as key issues that need to be addressed.

It is therefore proposed that the hand-over report should include:

- An overview of the demographic and socio-economic characteristics of the municipality;
- An overview of the organisational structure of the municipality, with the names and numbers of senior managers;
- An overview of key municipal policies that councillors need to be aware of and where they can obtain the full text of such policies;
- An overview of the municipality's financial health, with specific reference to:
  - Its cash and investments, and its funding of commitments (Table A8);
  - Cash coverage of normal operations (see supporting Table SA10);
  - Creditors outstanding for more than 30 days, along with reasons for delayed settlement;
  - Current collection levels and debtors outstanding for more than 30 days; and
  - Extent of existing loans and associated finance and redemption payments.

- The municipality's 2019/20 audit outcome and its strategy to address audit issues;
- An overview of the provision of basic services, including plans to address backlogs;
- An overview of the state of the municipality's assets, with particular reference to the asset management plan, and repairs and maintenance requirements;
- A list of the main infrastructure projects planned for the 2021/22 budget and MTREF;
- A list of key processes requiring council input over the next six months, e.g., revision of the IDP, approval of specific policies etc. and
- Any other information deemed to be important.

In addition to the hand-over report, each new councillor should be given the municipality's revised IDP, the adopted 2021/2022 MTREF budget, the mid-year budget and performance assessment report for 2020/21, and the latest monthly financial statement, and the annual report for 2019/20.

Given the above guidelines, a Consolidated Hand-over Report is attached and the following key documents are distributed separately (on a memory stick):

- Revised IDP 2021/22
- 2019/20 Annual Report
- Medium Term Revenue and Expenditure Framework Budget (MTREF) 2021/22
- Latest Annual Financial Statement
- Mid-year Budget and Performance Assessment Report 202/21

6.2 Financial Implications

As per approved budget.

6.3 Staff Implications

There are no additional staff implications.

6.4 Previous / Relevant Council Resolutions

None

6.5 Risk Implications

Risks are dealt with on a continuous basis.

6.6 Comments from Senior Management

The attached report contains the Senior Managers' inputs.

ANNEXURES

Appendix 1: Hand-over Report

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	2021-11-05

ITEM 7.1

HAND-OVER REPORT
TO THE NEW COUNCIL

STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

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Council Handover Report

2021







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FOREWORD AND WELCOME BY THE MUNICIPAL MANAGER

It gives me great pleasure as the Municipal Manager to welcome the new Stellenbosch Municipal Council for the 2021 – 2026 term of Council, and to present the newly elected Council with this handover report 2021.

As with any ending, comes new beginnings and opportunities. I hope that we will be able to take hands and work together to improve the lives of all our communities.

It is an honour to serve our residents and I wish you the best as you work towards creating a valley of opportunity and innovation that benefits all who call this valley home.

The previous term has not been without its challenges – from the horrible drought experienced in our region to the COVID-19 pandemic and the subsequent implementation of the lockdown regulations and levels. But we are a resilient organisation and a resilient council – who were able to overcome these challenges and adapt to new ways of life.

We witnessed some incredible achievements and service delivery milestones, but we know that there is still a lot that needs to be done. I urge you to familiarise yourself with the contents of this document, as well as the Integrated Development Plan (IDP) and Budget. These will provide you with vital information and statistics that will make your job as councillor easier.

I want to thank each councillor, from all parties represented in our council, for the work they have done in supporting the administration and providing oversight over all activities. The job of a councillor is often an ungrateful one and on behalf of my senior management team and the entire administration, I thank all councillors for their commitment and support.

Kind regards,

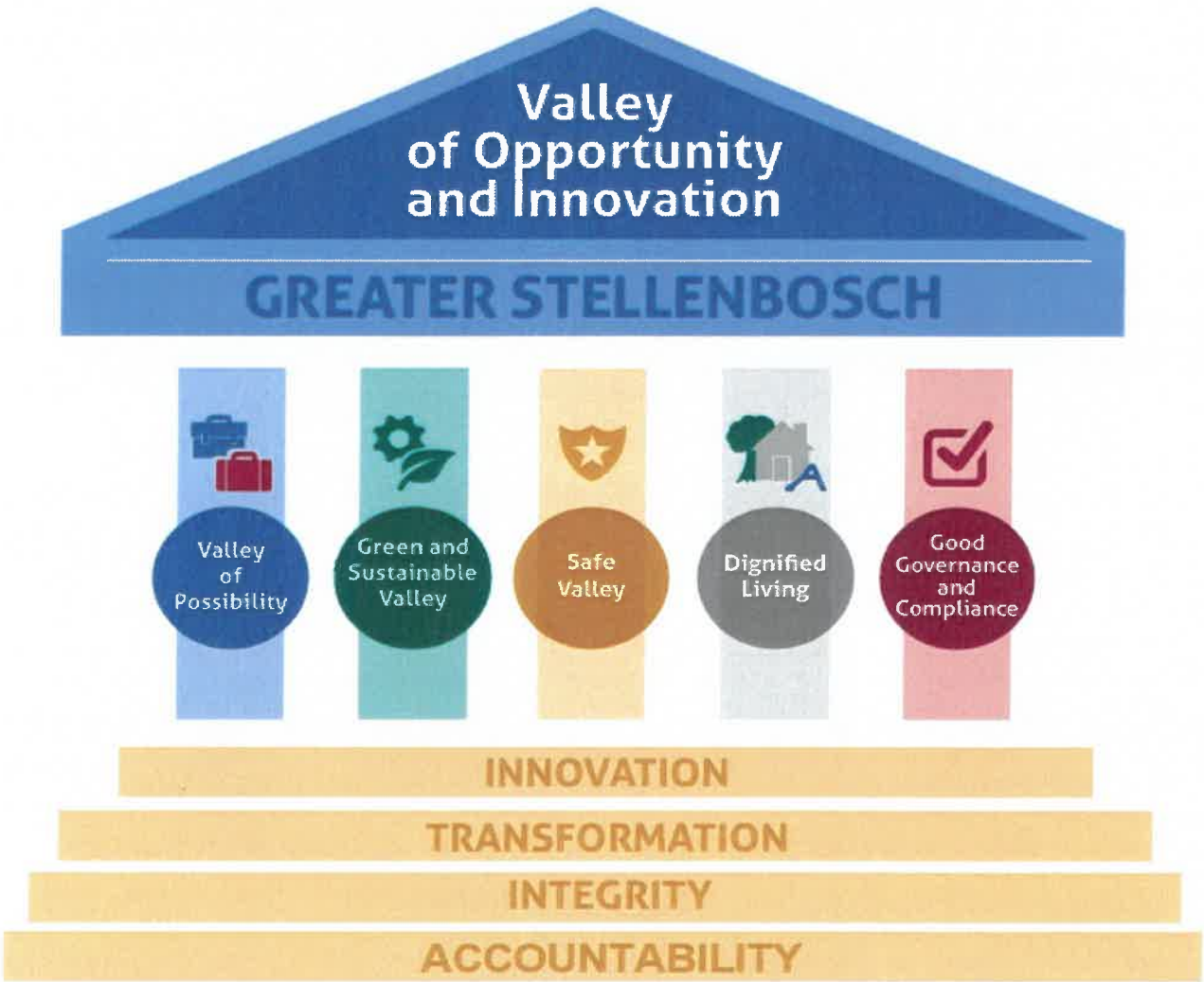
Geraldine Mettler
Municipal Manager

Chapter 1

MUNICIPAL GOVERNANCE

1.1 MUNICIPAL VISION AND STRATEGY

Figure 1: Overarching Strategy of Stellenbosch Municipality



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VISION

We describe the vision of where we want to be as a municipality and the Greater Stellenbosch area as the **"Valley of Opportunity and Innovation."**

MISSION

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.

VALUES

In all our work and engagements with the community and other stakeholders, we subscribe to the following values:

Integrity: As servants of the public, we undertake to perform the functions and operations of the municipality in an honest and ethical manner.

Accountability: As responsible public servants, we pledge to perform our duties in a manner that is open to oversight and public scrutiny. This commitment is shaped by our understanding to give an account of our actions to individuals, groups and organisations.

Transformation: We, as custodians of hope, will work tirelessly at transforming our municipality, communities and broader society by unlocking the endless possibilities that our valley holds and treasures. This commitment is shaped by our understanding of the historical, spatial, social and economic inequalities in our valley.

Innovation: We will continuously review our systems, procedures and processes to make them less bureaucratic and more responsive to customer needs. We will acknowledge and reward initiatives that show creativity and ingenuity.

1.2 THE ADMINISTRATION

The Municipal Manager is the Chief Accounting Officer of the municipality. The Municipal Manager is the head of the administration, and primarily has to serve as chief custodian of service delivery and implementation of political priorities. The Municipal Manager is assisted by the Management Team that reports directly to the Municipal Manager.

1.2.1 Municipal Manager, CFO and Directors



Geraldine Mettler
Municipal Manager



Anthony Barnes
Director: Planning and Economic Development



Annalene De Beer
Director: Corporate Services



Deon Louw
Director: Infrastructure Services



Kevin Carolus
Chief Financial Officer



Gary Boshoff
Director: Community and Protection Services

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1.2.2 Macro Organisational Structure



1.2.3 Municipal Policies

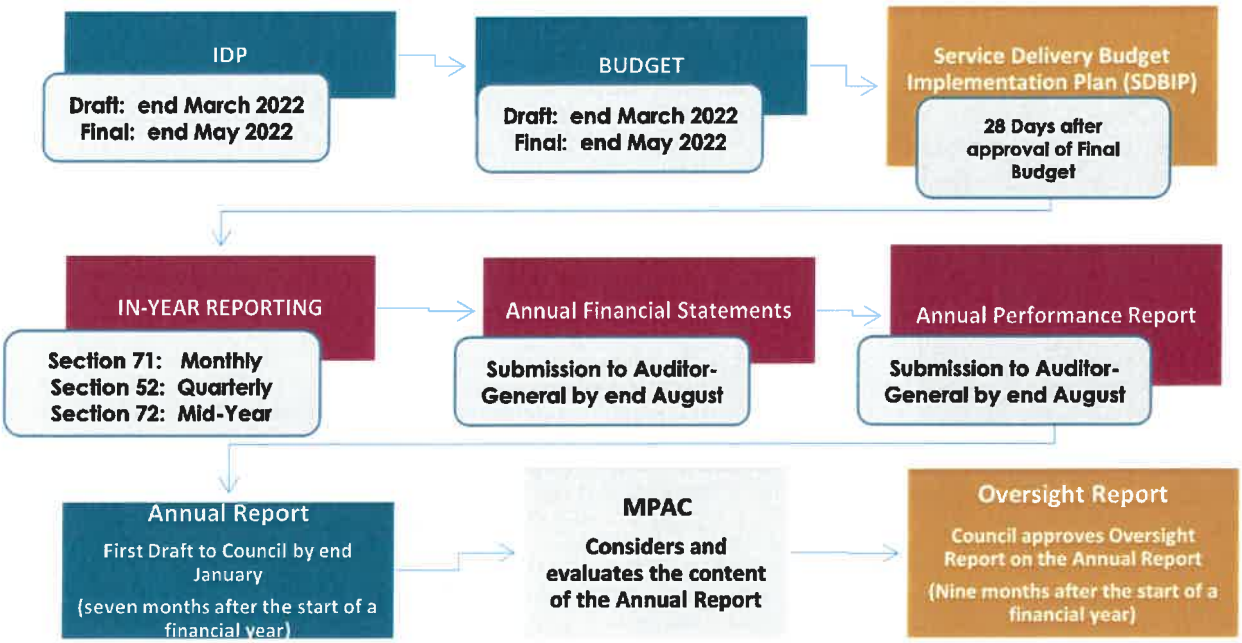
A full list of municipal policies and by-laws are attached hereto as **Annexures A** and **B**.

1.3 PERFORMANCE MANAGEMENT CYCLE IN THE MUNICIPALITY

Performance management is a process that measures the implementation of the organisation's strategy as captured within the Integrated Development Plan (IDP). It is also a management tool to plan, monitor, measure, and review performance indicators to ensure efficiency, effectiveness and the impact of service delivery by the municipality.

At local government level, performance management is institutionalised through the legislative requirements of the performance management process. Performance management provides the mechanism to measure whether targets are met in line with strategic goals as set by the organisation.

To ensure alignment between Council's strategic processes are adhered to, the municipal accountable cycle needs to be implemented:



1.4 KEY PROCESSES REQUIRING COUNCIL INPUT OVER THE NEXT SIX MONTHS

Table 1: Key processes requiring Council input/s

Directorate	Key Processes for consideration by Council
Office of the Municipal Manager	‡ Approval of the SDF / IDP / Budget Process Plan/ Time Schedule 2022 - 2027 for the drafting of the 5th Generation IDP 2022 – 2027; ‡ Approval of the Online IDP Public Participation Schedule for December 2021 and April 2022; ‡ Briefing sessions with ward councillors to finalise IDP Public Participation presentations; ‡ Project identification sessions with line departments to address the community needs identified in December 2021; ‡ Strategic Sessions MayCo, Council, Executive Management and Senior Mangers/ Manager; ‡ Ward based planning with ward committees; ‡ Submission of the draft 5th Generation Integrated Development Plan to Council in March 2022, for approval for public comment; ‡ Mid-year and Annual Evaluations of Section 57 Managers; ‡ Draft Top Layer and Departmental SDBIP 2022/23; ‡ Draft Strategic and Operational performance plans for S57/56 Managers; ‡ In-Year Reporting – Non-Financial Performance Reporting; ‡ Address audit action plan in terms of Pre-determined Objectives; ‡ Annual Report Processes – MPAC and Council; ‡ Debriefing sessions with MPAC and Directors; ‡ Annual Report Public Hearing; and ‡ MPAC Oversight Process to finalise the Annual Report.
Financial Services	‡ S72 report by 25 January 2022; ‡ S52 report by 25 January 2022; ‡ Audit report from the Auditor General; ‡ Borrowing tender 31 March 2022; ‡ Mid-year Adjustments budget to be approved by 25 February 2022; and ‡ Draft Budget and revised budget related policies to be considered for 2022/23-2024/25 MTREF
Corporate Services	‡ Appointment of a Municipal Manager; ‡ Review of Staff Establishment; ‡ Regulation 4 of the Regulations on Appointment and Conditions of Appointment of Senior Managers, states the following: • "(3) The municipal manager must review the municipality's staff establishment within 12 months in any of the following instances: • The election of a new council; ‡ Material changes to the functions of the municipality; ‡ The determination of new municipal boundaries." ‡ Regulation 4(6) further requires the municipal manager to table the reviewed staff establishment to council within 14 days of finalising it; ‡ Ward committee establishment and review of Ward Policy; ‡ Review of ward projects with ward Councillors to refine and finalise ward projects identified to be incorporated in the capital prioritisation model; ‡ Finalisation of Property Strategy; ‡ Review of the Rules of Order; ‡ Review of various Human Resources Policies; ‡ Review of all ICT Policies; ‡ Review of Disposal of Property Policy; ‡ Review of Agreement with Department of Justice in regard to the Municipal Court; and ‡ New Employment Equity Plan and Policy.
Infrastructure Services	‡ Cityworks – Esri configuration costs for 2021/22; ‡ Asset Unbundling – 2021/22 and Historical WIP; ‡ Data Cleansing – Refreshed and enhanced GIS data; ‡ Progress toward an Integrated Spatial Information System; ‡ The Development of an Integrated Asset Management Plan; ‡ Recalculation of the Development Charges Tariffs 2022-23. ‡ Upgrading of parking; ‡ Implement measures to counter electricity load shedding; ‡ Recalculating tariffs to accommodate home electricity generation; ‡ Updating Electricity Master Plans to accommodate Alternative Purchasing and Generation of Electricity; ‡ Improving traffic congestion; ‡ Creation of new landfill cell; ‡ Introduction of organic waste removal from material landfilled; ‡ Construction and commissioning of new water pipeline from City of Cape Town; and ‡ Final upgrading of all Waste Water Treatment Plants.

Directorate	Key Processes for consideration by Council
Planning and Economic Development	‡ Amendment of the Stellenbosch Municipality Spatial Development Framework; ‡ Compilation of the draft Stellenbosch Municipality Economic Development Strategy (Public Participation Process); ‡ Compilation of the Stellenbosch Municipality Informal Trading Bylaw (Public Participation Process); ‡ Preparation of the Adam Tas Corridor Local Spatial Development Framework (Public Participation Process); and ‡ Appointment and Establishment of the Conservation Advisory Committee in terms of Section 249 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019.
Community and Protection Services	‡ The way forward regarding the private erven in Mont Rochelle Nature Reserve; ‡ The way forward regarding the management of Van der Stel Sports facility; ‡ The way forward regarding the involvement of Mont Rochelle Advisory Board; ‡ Implementation of the Friends Groups for all municipal Nature Reserves; and ‡ Parking management within Stellenbosch; and ‡ AARTO implementation.

1.5 THE FOLLOWING POLICIES AND BY – LAWS REQUIRE COUNCIL INPUT IN THE NEXT SIX MONTHS

Table 2: Policies and by-laws requiring Council's input

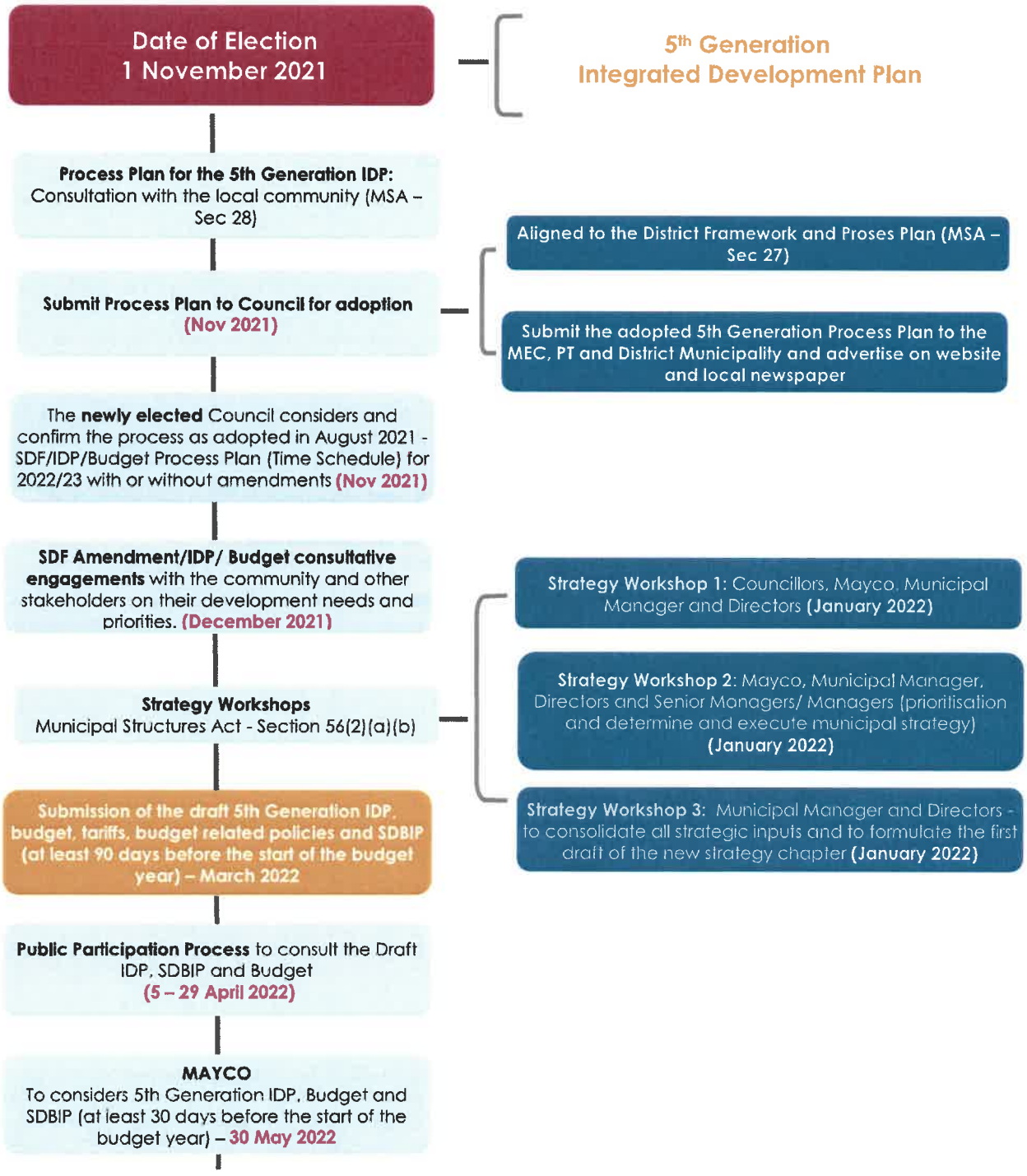
Directorate	Key Policies and By-laws for consideration by Council
Office of the Municipal Manager	‡ Draft Public Participation Policy. ‡ Draft Intergovernmental Relations Policy. ‡ Draft Performance Management Policy.
Financial Service	‡ None.
Corporate Services	‡ Employment Equity Plan. ‡ Updating and reviewing of HR policies. ‡ Recruitment and Selection. ‡ Overtime and Standby Policy. ‡ Staff Housing Policy. ‡ EAP Policy. ‡ OHS Policy. ‡ Sexual Harassment. ‡ All ICT Policies. ‡ Property Strategy. ‡ Rules or order review. ‡ Delegations review.
Infrastructure Services	‡ Preparation of a GIS Strategy, Technical Asset Management Policy and Immovable Asset Management Procedures Manual. ‡ Preparation of Asset Unbundling Policy for Immoveable Assets. ‡ Preparation of Fibre Optic Installers Policy.
Planning and Economic Development	‡ Destitute and Indigent Burial Management in Stellenbosch Municipality.
Community and Protection Service	‡ Review the ECD Policy.

1.6 ISSUES TO BE ADDRESSED I.R.T. OF THE 5TH GENERATION IDP 2022 – 2027

The strategic process of Council and Administration needs to be mapped and aligned to ensure the successful compilation of the Firth Generation Integrated Development Plan (IDP).

5th Generation IDP by the new Council: An IDP/Budget/SDF process plan will be submitted at the first Council meeting for approval

Table 3: Development of the 5th Generation Integrated Development Plan (IDP)



Council meeting to adopt SDF, 5th Generation IDP, Performance Management Measures and targets and the budget (at least 30 days before the start of the budget year)

Place the IDP, multi-year budget, all budget-related documents and all budget-related policies on the website and Submission to MEC, PT, DM

Chapter 2

SOCIO ECONOMIC PROFILE

2.1 DEMOGRAPHICS AND SOCIO – ECONOMIC CHARACTERISTICS

Below is map of the Stellenbosch Municipality area of jurisdiction

Figure 2: Stellenbosch Municipality area of jurisdiction

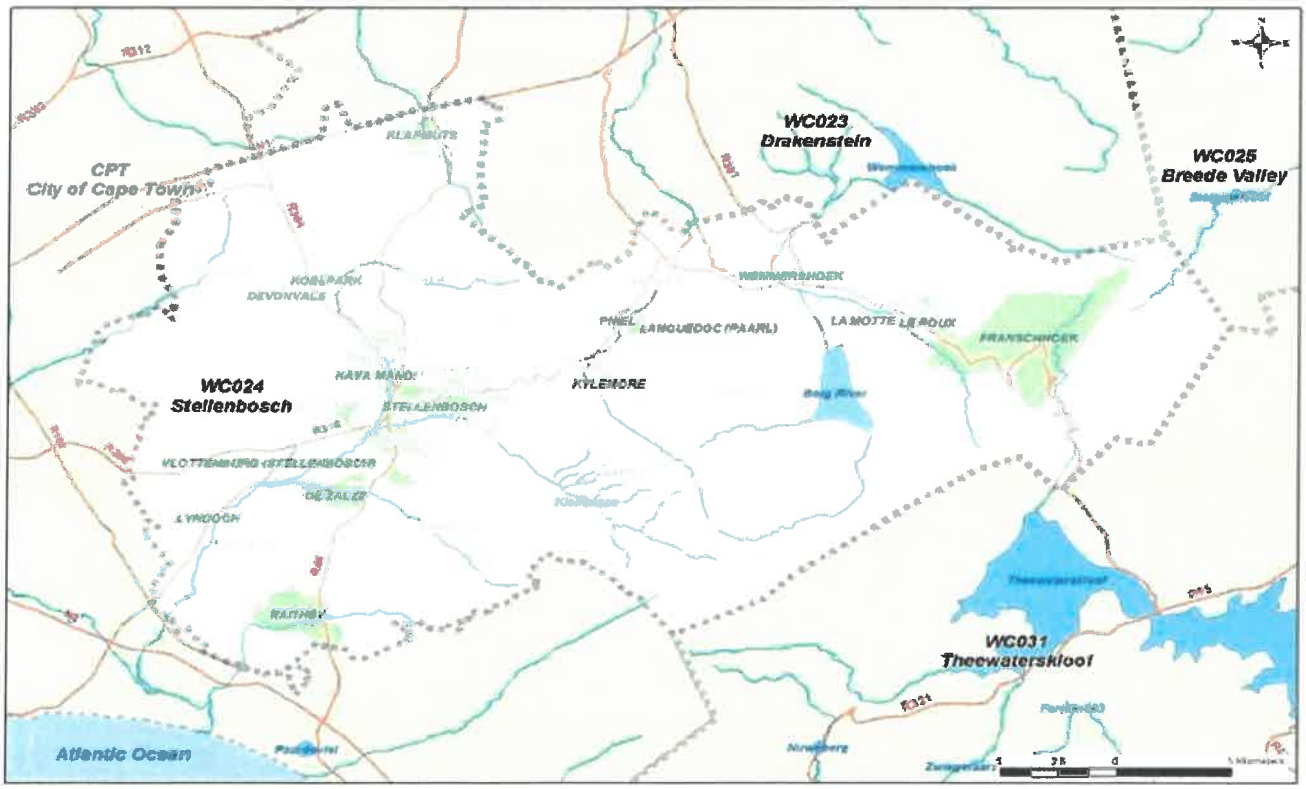


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Table 4: Stellenbosch at first glance

Demographics	2019	Population Estimates	2019
Population	**192 879**	Households	**52 374**

Education	2019	Poverty	2018
Matric Pass Rate	**85.0%**	Gini-Coefficient	**0.65**
Learner Retention Rate	**75.5%**	Human Development Index	**0.76**
Learner-Teacher Ratio	**26.6%**		

Health	2019		
Primary Health Care Facilities	Immunisation Rate	Maternal Mortality Ratio (per 100 000 live births)	Teenage Pregnancies – Delivery rate to women U/18
14	**55.1%**	**0.0**	**13.5%**

Safety and Security	Annual number of reported cases in 2019/20			
Residential Burglaries	DUI	Drug-related Crimes	Murder	Sexual Offences
1 242	**237**	**2 166**	**76**	**231**

Access to Basic Service Delivery	% households with access to basic services, 2019			
Water	Refuse Removal	Electricity	Sanitation	Housing
94.5%	**86.7%**	**92.4%**	**91.2%**	**73.4%**

Road Safety 2019/20		Labour, 2019	Socio-economic Risks	
Fatal Crashes	**34**	Unemployment (narrow definition)	**Risk 1**	Rising Unemployment
Road User Fatalities	**35**	**11.3%**	**Risk 2**	Informal Sector expansion
			Risk 3	Low skills base (Labour)

Largest 3 sectors			Contribution to GDP, 2018
Finance, insurance, real estate and business services	Wholesale and retail trade, catering and accommodation	Manufacturing	
21.6%	**20.7%**	**16.4%**	

Source: DLG 2020 Socio- Economic Profile- Stellenbosch Municipality

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2.1.1 Municipal Wards

The Municipality is currently structured into following **22 wards** based on the **2016 demarcation** and 2011 StatsSA.

Table 5: Municipal wards

Ward	Areas*
1	Franschhoek Town, Bo-Hoek Farms, Mooiwater, Robertsvlei
2	Langrug, La Motte, Dennegeur, Groendal
3	Lanquedoc, Wemmershoek to La Motte Wine Farm and Leopard Leap Wine Farm
4	Pniël, Kylemore, Johannesdal
5	The Ridge, Lindida, Ida's Valley (The Hydro in the direction of Ida's Valley and Omega Street to Jonkershoek), Simonsberg Nature Reserve, Hottentots – Holland Mountain Catchment Area, First and Second Waterfall
6	Ida's Valley (From Hector Street toward Bruckner De Villiers Primary School, Adendorff Street to the corner of Bloekom Avenue), From the mini-circle on the corner of Lindley Street, including the following streets, Moffat, Hahn, Weber, Tindall, Juffenburg, Kahler, Lückhoff, Rustenburg Road, Erasmussmith, Baker, Desch, Lelie, Sonneblom, Ou Helshoogte Road, to Lindley street, Botmaskop Road, Dahlia Street, and Speler Street. The farms include the following: (Nietvoorbij, Timberlea, Morgenhoff, Remhoogte, Muratie, Groenhof, Delheim, Kanonkop, Uitkyk, Peckham, De Balke (Laundry), Warwick, Glenally, Baben farm, Protea Hill Farm, Bon Esperance Farm, Knorhoek Wine Farm, Quoin Rock, Slaley Estate, Ashbourne on the Muldersvlei Rd, Laibach, Wiesenhof, Natte Valleij, Mitre Edge Wine Estate, Marianne Wine Estate, KleineLiebe – De Clapmuts Farm, Le Bonheur Estate)
7	Universiteits Oord (from the corner of Bosman Street to the Corner of Banghoek Rd up towards Cluver Rd at the Spar Complex), Simonwyk, Kolonieland, Uniepark, Mostertsdrift, Rozendal, Aanhou Wen, Karindal, Dr Malan, Jan Marais Nature Reserve, Jonkershoek Nature Reserve, Second Waterfall
8	Stellenbosch Central and university areas
9	Boundaries of the Eerste River, Die Laan, Bosman Street, Merriman Avenue, Bird Street, Mill Street, Piet Retief Street towards Eerste River, Dorp Street to toward the end of Piet Retief Street, Louw Street, Pastorie Rd, Helderberg Street, Krige, Herte, Skone Uitsig, Bird, Merriman, Bosman, Victoria, Neethling, Van Riebeeck, Drostdy, Helderberg Street, Crozier Rd, Coligny Street.
10	Borders of the ward are Merriman Avenue, Banghoek Rd, Cluver Rd into Helshoogte Rd into Langstreet Suid toward the R304 into Bird Street into Molteno Rd toward Jan Celliers Rd turning onto Ryneveld Street towards the corner of Merriman Avenue. The areas include: Tenantville, Lappan street to Lackay street, La Colline-Faure, Dr Malan Street to Irene Park, Conde Street, Mount Albert, Taylor, Voorplein to Kromriver, Municipal Flats (Lavanda, Aurora, Phyllaria, Molteno Avenue) to Paul Kruger Street and Banghoek Avenue
11	Boundaries of the ward are: Kridge Rd, Herte Street, Skone Uitsig Rd onto Alexander Street onto Du Toit Street toward Merriman Avenue towards Adam Tas Rd onto George Blake Street, Mark Street, Distillery Rd, Santhagen Rd, Swawel Avenue, Kanarie Rd, Tarentaal Rd, Bokmakierie Rd, Fisant Rd, Devon Valley Rd, Kiewiet Rd, Dagbreek Rd, Pelikaan Street, Patrys Rd, Hammerkop Rd, Loerie Rd, Muldersvlei Landgoed, and all areas in Onder Papegaaiberg and businesses
12	Kayamandi: Enkanini, Snake Valley, Watergang, Thubelitsha, New Watergang (106), Zone O (next to Enkanini), Chris Hani Drive, Municipal Flats (10TH and 13TH Street), School Crescent, Ekuphumleni, Siyahlala, Zone A and George Blake
13	Kayamandi: Mount Simon Drive, Sesibini Street, Maweto Rd, Hani Rd, Masitandance Rd, Mendi Rd, Manyano Rd, Lamla Rd, Makupula Rd, Bassi Rd, Mdala Street, Mjandana Street, Mputa Close.
14	Kayamandi: Zone I Setona Street), Zone O (lower part) Mgabadeli Crescent, Monde Crescent, Costa Land, Strong Yard, Zone M (8th Avenue)
15	Watergand, Thubelitsha, Luyolo Rd, Winnie Mandela Drive, Tata Mandela Drive, Vineyard Street, 14th Close, Retreat Street, Forest Drive, 10th Avenue, 11th Close, Vineyard Street turning onto Bassi Rd, 12th Close, School Crescent, Long Street, 4th Avenue, 5th Avenue, 6th Avenue, 7th Avenue, 8th Avenue,
16	The borders of the ward are the Tenant Rd, Long streets, Crombi Rd to end at in Gabriels Rd. Asalea Rd, 2nd Road, Noble Rd, Bailey Rd, Eike Street, Curry Street, Hoop Rd, Pansy Rd, West Rd, Laai Rd, Anthony Rd, Carriem Rd, Archilles Rd, Bergstedt Rd, Davidse Rd, Cupido Rd, Pearce Rd, Robyn Rd, Gonzalves Rd, Hercules Rd, Chippendale Rd, Afrika Rd, Arnolds Rd, September Rd, Jakaranda Street, Short Rd, Quarry Rd, Middle Rd, Primrose Street, Pine (Bo en Onder), North End, Vredelust, Gemsbok, Daffodil Single, Steps, Sylvia Street, Eiland Street, Last Street (White City), Frikkadel Dorp, September Street, Smarty Town and Weltevrede
17	A part of Cloetesville (Lakay Rd towards Langstraat -Suid Rd, Kloof Street, Fir Street, Fontein Rd, Williams R towards Gabriels Rd towards February Rd, Valentyn Rd, Pool Rd, Raziet Rd, Ortell Rd, Rhode Rd, King Rd, Hine Rd, Hendrikse Rd, Rhode Rd), as well as Welgevonden, Green Oaks, Stellita Park, Weltevrede, Welgevonden Estate (Red Oak Rd, Belladonna Street, Wildeklawer Welgevonden Boulevard, Olive Rd, Sonnedou Rd, Mountain Silver Rd, Silver Oak Rd, Froetang Rd, Katbos Rd, Everlasting, Fynbos Street, Sourfig Street, Scarlet Crescent, Pin Oak Street, Evergreen, Autumn Close, Nenta, Cherrywood, Candelabra, Froetang, Candelabra, Kouter, Protea Street,

Ward	Areas*
	Minaret, Gooseberry, Honeybush), Klein Welgevonden (La belle Vie, Chablis) and the Municipal Flats in Rhode, Kloof and Long Streets, Bertha Wines and Weltevreden Estate, 15 Weltevreden Estate,) The borders of the ward are the R44 Klapmuts road and Long streets.
18	From In The Vinyard Guest Cottages towards the N1 national road, Klapmuts and surrounding farms (The Purple Windmill, Arra Vineyards, Hidden Gems Wines, Gravel Junction Wine & Spirtis Company, Wine Estate Le Bonheur, Anura Vinyard, Dalewood Farms, Blueberry Bar, Klapmuts Transfer Station, Trophy SA, DKL Transport Pty, Welgelee Estate.
19	Mount Simon Estate (Koelenhof Rd), Tweespruit Estate, Nuutegvonden Estate (Nuutgevonder Rd), Smartie Town (Delta Rd, Charlie Rd, from February Rd into Lang Street towards Welgevonden Blvd , Melkhout Street, Kastaiinghout Street, Essenhout Street, Bergsipres Rd, Heuningboom Street, Waterboom Street, Charlie Rd), Weltevrede, De Novo towards Wallecedene Cemetry, Kromme Rhee Farm, Muldersvlei & surrounding farms (Lilypatrick Craft brewery, Strydom Vinyeards, Edgebaston Wines, Kleine Marie, L'Avenir Country Lodge, The Daisy Jones Bar at OMG, Deux Freres Wines, Simonsig Wine Estate, Wine Estate – JJ Wines, Wine Estate Hoopenburg, De Meye Wine Estate, Vorentoe Farm, Vrede Wines, Saggy Stone Winelands,Villiera Wines, Greendrop Farms, Giraffe House, Huckleberry Fish Farm, Joostenburg Vlakte, Lushof Guava Farm, M'hudi Wines, Craigmore Poultry Farm, Avondrust Farm, Bellevue Wine Estate, Groenland Wyne, Hazendal Winery, Zevenbosch Guest Villa, Bakwena Day Spa – Zevenwacht Wine Estate, Mooiplaas Wine Estate, Fort Simon Wine Estate, Eikenhof Estate, Goede Hoop Wine Estate, Koopmanskloof Winery, J.C. Le Roux),
20	Vlottenburg, Raithby, Lynedoch to Meerlust, Eikendal, Mooiberge, Faure, Digteby Estate,
21	Jamestown, Paradyskloof, De Zalze, Techno Park, Blaauwklippen, surrounding farms
22	Die Boord, Dalsig, Brandwacht, Krigeville, Libertas Farm
23	From the corner of Bird Street into Masitandane Rd into George Blake Street into Merriman Avenue, Skone Uitsig Rd into Mark Street, Herte Street, Krige Rd turning onto Eerste River turning onto Piet Retief Street crossing Dorp Street into Mill Street into Bird Street. From the corner of Birdstreet Street and Merriman Avenue. From the corner of Merriman Avenue onto Ryneveld Street the corner of Ryneveld Street to Jan Celliers Rd, Linton Rd, Planken Street, Bridge Street, Rand Rd, Industria Rd, John Costas Rd, Dennesig Street, Hofman Rd, Paul Kruger Rd, Borcherd Rd, Muller Rd, Drukkers Rd, Molteno Rd, Du Toit Street, Koetsier Street, Alexander Street, Mark Street, Blom Rd, Hamman Street.

Note: STATSSA is planning to do a census during February 2022. As a result of the latest census conducted in 2011 is outdated. Due the recent demarcation of certain wards within the Stellenbosch Municipal Area, the ward information will be updated with the Census 2022 results. Hence, the socio-economic information for the **new ward, **ward 23**, will be updated in accordance with the Census 2022 count.*

2.1.2 Population

The population of Stellenbosch is 192 879 people in 2020, ranking amongst the most populated municipal areas in the CWD. This total is expected to growth to 209 849 by 2024, equating to an average annual growth rate of 2.1 per cent.

Table 6: Age Cohorts and Dependency Ratio

Year	Children: 0 – 14 Years	Working Age: 15 – 65 Years	Aged: 65 +	Dependency Ratio
2020	43 095	139 312	10 472	38.5
2023	44 917	149 263	11 543	37.8
2026	46 390	154 594	12 758	38.3
Growth	+1.2%	+1.7%	+3.3%	-

The above table depicts Stellenbosch's population composition by age cohorts. These groupings are also expressed as a dependency ratio which in turn indicates who are part of the workforce (ages 15-64) and those, who are depending on them (children and senior citizens). A higher dependency ratio implies greater pressure on social systems and the delivery of basic services.

Between 2020 and 2026, the largest population growth was recorded in the 65+ aged cohort which grew at an annual average rate of 3.3 per cent. This predicted growth rate increases the dependency ratio towards 2026.

2.1.2.1 Sex Ratio

The overall sex ratio (SR) depicts the number of males per 100 females in the population. The data indicates that there are less males than females in the Stellenbosch municipal area with a ratio of 49 per cent (males) to 51 per cent (females). The SR for Stellenbosch increases slightly year on year towards 2024, which could be attributed to a wide range of factors such as an increase female mortality rates as well as the potential inflow of working males to the municipal area.

2.1.2.2 Age Cohorts

Between 2020 and 2026, the largest population growth projection was recorded in the 65+ aged cohort which grew at an annual average rate of 3.3 per cent. The dependency ratio however, decreases towards 2023, and increases towards 2026.

2.1.2.3 Household sizes

Household size refers to the number of people per household. The actual size of households remains steady at 3.7 from 2020 to 2024. Contributing factors to a stagnation in household size growth could include, but are not limited to, lower fertility rates, occurrences of divorce, ageing population, etc.

2.1.2.4 Population density

Amidst rapid urbanisation across the Western Cape, population density figures will aid public sector decision makers to mitigate environmental, individual health and service delivery risks. In 2020, the population density of the Cape Winelands District (CWD) was 44 persons per square kilometre.

In order of highest to lowest, the various local municipal areas in the CWD compare as follows:

- Stellenbosch 232 people/km2
- Drakenstein 189 people/km2
- Breede Valley 50 people/km2
- Langeberg 26 people/km2
- Witzenberg 14 people/km2

According to the above comparison, Stellenbosch has the highest densities in the Cape Winelands District. This is strongly aided by the policy position to ensure urban development occurs within the parameters of the urban edge as outlined in the municipal Spatial Development Framework (mSDF).

2.1.3 Education

Education and training improve access to employment opportunities and helps to sustain and accelerate overall development. Quality Education is the 4th Sustainable Development Goal, whilst the National Development Plan (NDP) emphasises the link between education and employment as well as the significant contribution it makes to the development of the capabilities and wellbeing of the population.

Early childhood development (ECD) is one of the priority areas of the South African government and remains a critical policy issue that the Department of Education aims to address. Early years in life are critical for acquisition of perception motor skills required for reading, writing and numeracy in later years.

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Table 7: Early Childhood Development – attendance levels

Early Childhood Development (ECD)

Ages	Stellenbosch Municipality	
1	Attending	26.4%
	Not Attending	73.6%
2	Attending	61.9%
	Not Attending	38.1%
3	Attending	72.9%
	Not Attending	27.1%
4	Attending	71.9%
	Not Attending	28.1%
5	Attending	50.6%
	Not Attending	49.4%

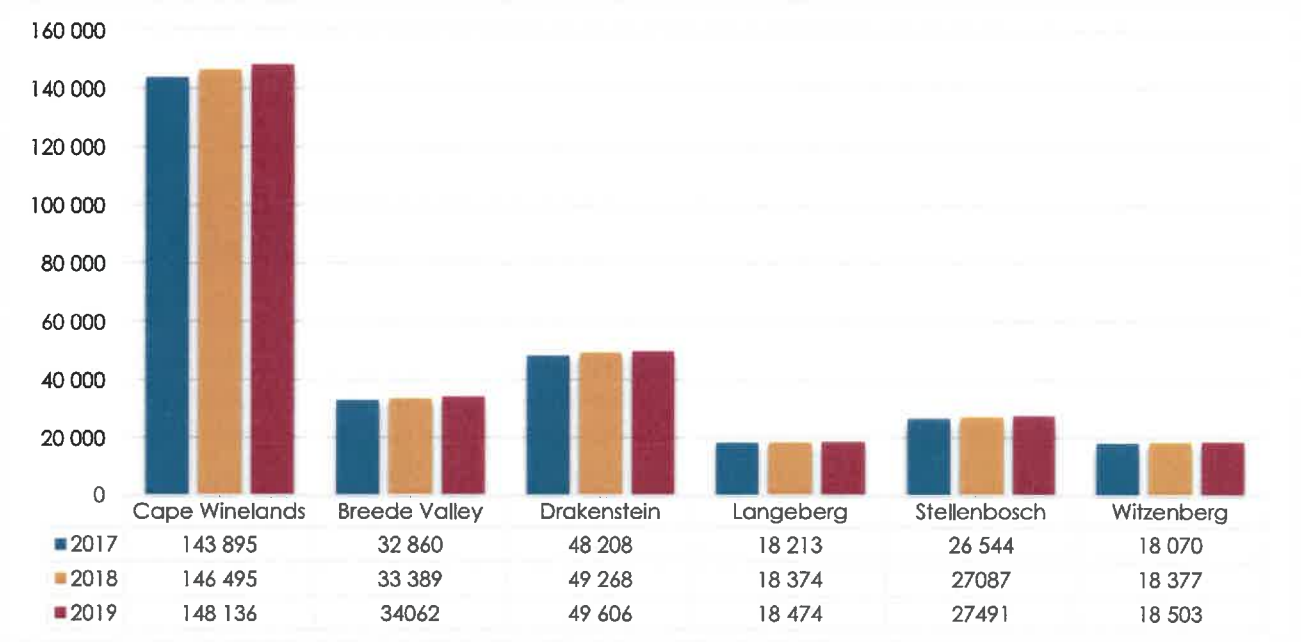
Source: Western Cape, Socio-Economic Profile 2018

Attendance of children between 1 and 2 years old at educational facilities fluctuates and is largely attributed to working parents in need of childcare. Attendance between 3 and 5 years old shows a promising increase of attendance at early childhood facilities, with attendance of 73% for age group 3 and 72% for age group 4. The results for age group 5 are 51% and comparable to other local municipalities. A number of children within this age group still remain home with a parent or guardian.

2.1.3.1 Learner enrolment, the learner-teacher ratio and learner retention rate

Learner enrolment in Stellenbosch increased from 27 087 enrolments in 2018 to 27 491 in 2019, an increase of 1.5 per cent. The learner-teacher ratio also reflected an increase from 28.5 in 2018 to 28.9 in 2019. The learner retention rate improved from 72.5 per cent in 2018 to 75.5 per cent in 2019. This could be attributed to a number of factors including improvement in the socio-economic context.

Figure 3: Learner enrolment



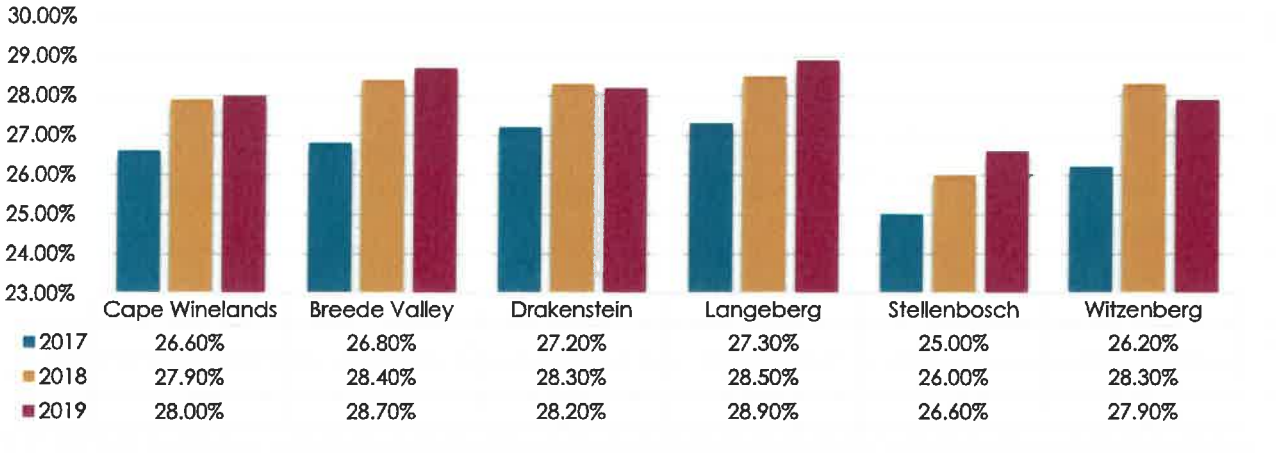
Source: Western Cape, Socio-Economic Profile 2020

It is commonly assumed that children receive less personalised attention in larger class environments and that high learner-teacher ratios are detrimental to improved educational outcomes. Factors influencing the learner-teacher ratio is the ability of schools to employ more educators when needed and the ability to collect fees.

The learner retention rate refers to the number of students that start Grade 12 as a percentage of the number of students that enrolled in Grade 10 two year prior. The inverse of the learner-retention rate is commonly referred to as the drop-out rate. Learner-retention rates are influenced by multiple social,

economic and psychological factors.

Figure 4: Learner-Teacher Ratio



	Cape Winelands	Breede Valley	Drakenstein	Langeberg	Stellenbosch	Witzenberg
2017	26.60%	26.80%	27.20%	27.30%	25.00%	26.20%
2018	27.90%	28.40%	28.30%	28.50%	26.00%	28.30%
2019	28.00%	28.70%	28.20%	28.90%	26.60%	27.90%

Source: Western Cape, Socio-Economic Profile 2020

Stellenbosch has the lowest learner-teacher ratio in the District, which bodes well for educational outcomes.

The learner retention rate refers to the number of students that start Grade 12 as a percentage of the number of students that enrolled in Grade 10 two year prior. The inverse of the learner-retention rate is commonly referred to as the drop-out rate. Learner-retention rates are influenced by multiple social, economic and psychological factors.



	Cape Winelands	Breede Valley	Drakenstein	Langeberg	Stellenbosch	Witzenberg
2017	69.20%	69.90%	71.20%	59.50%	74.40%	63.40%
2018	67.70%	64.70%	72.60%	56.30%	72.50%	62.50%
2019	69.40%	69.80%	72.40%	60.30%	75.50%	59.80%

Figure 5: Learner retention

Source: Western Cape, Socio-Economic Profile 2020

2.1.3.2 Number of schools and no-fee schools

In 2019, Stellenbosch had a total of 39 public ordinary schools, of which 25 are no-fee schools. In an effort to alleviate some of the funding challenges the Western Cape Department of Education (WCED) offered certain fee-paying schools to become no-fee schools. This means that almost two-thirds of the schools in Stellenbosch, 52 per cent, are registered with the Western Cape Department of Education as no-fee schools.

2.1.3.3 Schools with libraries and media centres

Schools with libraries and media centres has remained at 29 over the reference period, contributing to the overall quality of education in the area.

2.1.3.4 Schools with libraries

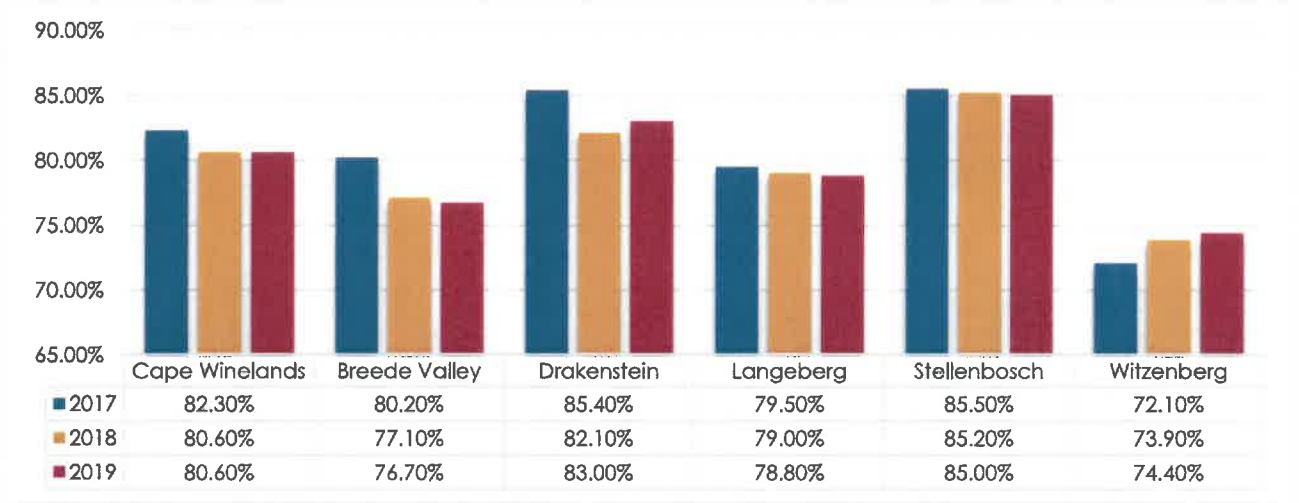
Schools with libraries and media centres has remained at 29 over the reference period, contributing to the overall quality of education in the area.

There was no change in the number of schools with libraries in the Stellenbosch area from 2016 to 2020. The availability of library facilities within schools contributes towards narrowing the academic attainment gap by allowing students access to information which in turn directly links to improved education outcomes.

2.1.3.5 Education Outcomes (Matric Pass Rates)

Education remains one of the key avenues through which the state is involved in the economy. In preparing individuals for future engagement in the labour market, policy choices and decisions in the sphere of education play a critical role in determining the extent to which future economic and poverty reduction plans can be realised. Stellenbosch's matric outcomes has declined slightly from 85.2 per cent in 2018 to 85.0 per cent in 2019.

Figure 6: Education Outcome



	Cape Winelands	Breede Valley	Drakenstein	Langeberg	Stellenbosch	Witzenberg
2017	82.30%	80.20%	85.40%	79.50%	85.50%	72.10%
2018	80.60%	77.10%	82.10%	79.00%	85.20%	73.90%
2019	80.60%	76.70%	83.00%	78.80%	85.00%	74.40%

Source: Western Cape, Socio-Economic Profile 2020

2.1.4 Health

According to the 2019 Inequality Trend Report by Statistics South Africa, 75.1 per cent of households in South Africa usually use public healthcare facilities when a household member gets ill compared to 24.9 per cent who used private healthcare facilities in 2017. This is associated with the low proportion of households with access to Medical Aid, 16.9 per cent for South Africa and 25 per cent for the Western Cape. In terms of healthcare facilities, Stellenbosch had 14 primary healthcare clinics (PHC) in 2019, which comprises of 8 fixed and 6 mobile clinics. In addition, there is a district hospital.

Area	PHC facilities (Fixed clinics, CHCs and CDCs)	Community Health Centres[1]	Community Day Centres[2]	Hospitals	Treatment Sites

[1] **Community Health Centre:** A facility that normally provides primary health care services, 24 hour maternity, accident and emergency services and beds where health care users can be observed for a maximum of 48 hours and which normally has a procedure room but not an operating theatre.

[2] **Community Day Centre:** A health facility that provides a comprehensive health care services during day hours, including mother and child health, chronic diseases care, women's health, HIV and TB care, men's health, acute services, physio therapy, mental health services and oral health care.

	Fixed	Non-fixed			District	Regional	ART Clinics	TB Clinics
Stellenbosch	7	6	0	1	1	0	8*	15*
Cape Winelands District	39	33	0	6	4	2	49*	100*

Table 8: Health care facilities

**Source: Western Cape, Socio-Economic Profile 2020*

2.1.4.1 Emergency Medical Services

Provision of more operational ambulances can provide greater coverage of emergency medical services. Stellenbosch has 3 ambulances per 10 000 inhabitants in 2019 which is above the district average of 2 ambulances per 10 000 people. It is worth noting that this number only refers to Provincial ambulances and excludes all private service providers.

2.1.4.2 HIV / AIDS / TB

Stellenbosch's total registered patients receiving antiretroviral therapy (ART) increased by 896 patients between 2018 and 2019. A total of 32 366 registered patients received antiretroviral treatment in the Cape Winelands District in 2019. Stellenbosch, at 6 960 patients, represent 21.5 per cent of the patients receiving ART in the Cape Winelands District. The number of new antiretroviral patients decreased from 637 to 538 in 2019.

Stellenbosch experienced an increase of in tuberculosis (TB) cases in 2019. 1 176 TB patients were registered in 2019 compared to 1 175 in 2018.

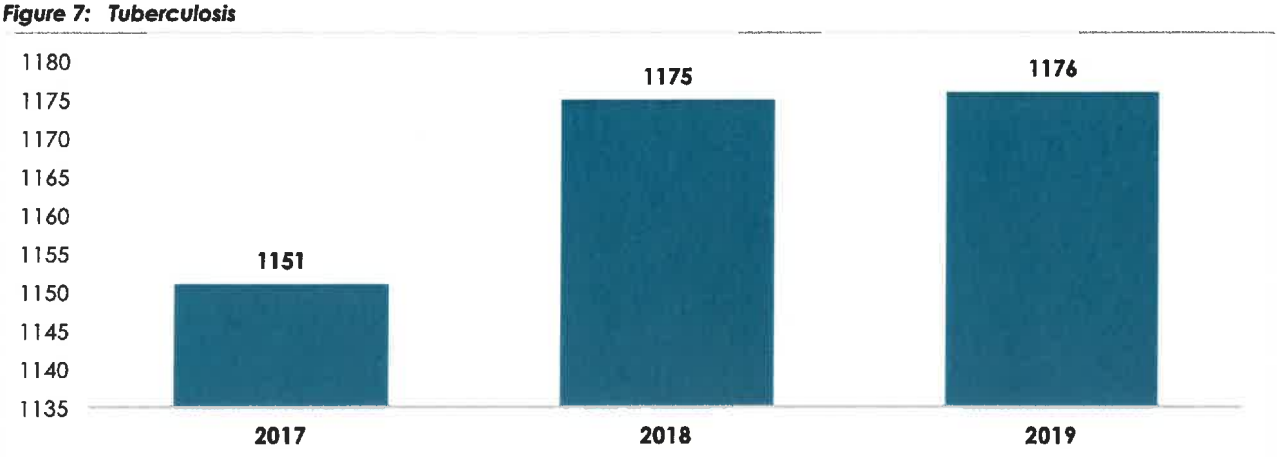
HIV / AIDS management is crucial given its implications for the labour force and the demand for healthcare services.

Table 9: HIV/AIDS Management

Area	Registered patients receiving ART		Number of new ART patients	
	2018	2019	2018	2019
Stellenbosch	6 064	6 960	637	538
Cape Winelands District	30 724	32 366	3 851	3 434

Source: Western Cape, Socio-Economic Profile 2020

Figure 7: Tuberculosis

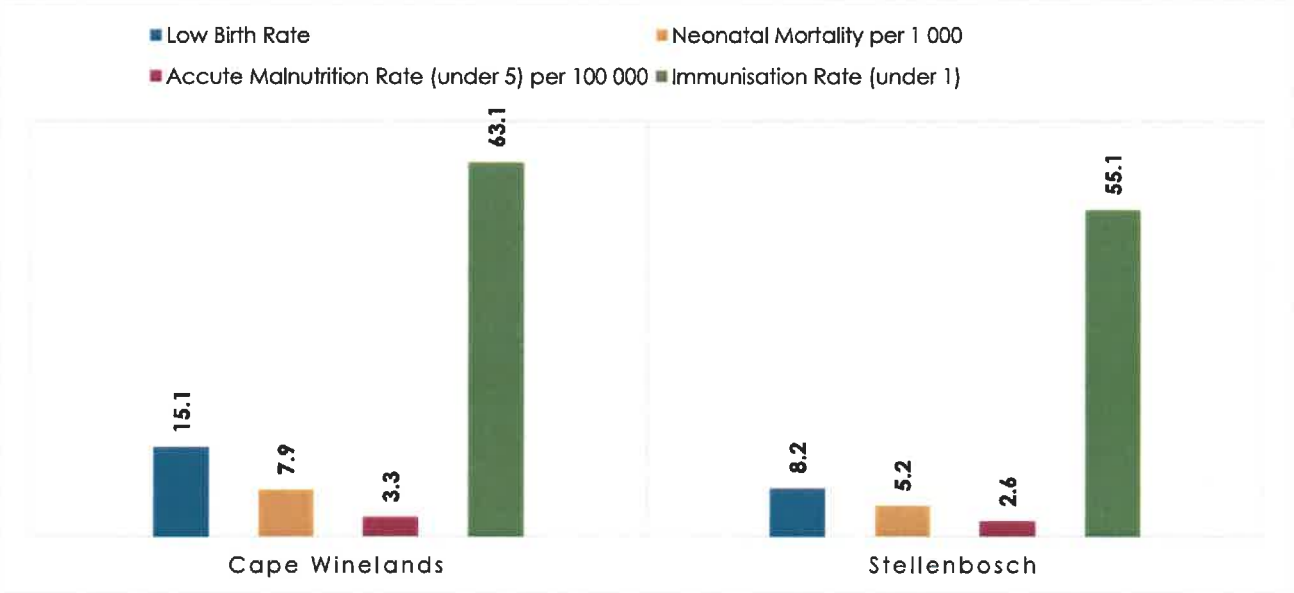


Source: Western Cape, Socio-Economic Profile 2020

2.1.4.3 Child Health

Immunisation rates in the Stellenbosch area is at 55.1 per cent in 2019 having decreased slightly from 55.2 per cent in 2018. In 2019, the number of malnourished children under five years (per 100 000) was 2.6, a slight decline from 2018. Neonatal mortality rate (NMR) (per 1 000 live births decreased from 6.6 in 2018 to 5.2 in 2019. The low-birth-weight indicator was recorded at 8.2, a decrease from 9.2 recorded in 2018.

Figure 8: Child Health



Source: Western Cape, Socio-Economic Profile 2020

2.1.4.4 Maternal Health

The maternal mortality rate in the Stellenbosch area is zero and Cape Winelands District is 42.7 deaths per 100 000 live births in 2019.

The delivery rate to women under 20 years in Stellenbosch and Cape Winelands District was recorded at 13.5 and 15.1 in 2019 per cent respectively.

The termination of pregnancy rate increased from 0.5 to 0.6 from 2018 to 2019 in the Stellenbosch area.

Table 10: Maternal Health

Area	Maternal Mortality Rate		Delivery rate to women under 20 years		Termination of pregnancy rate	
	2018	2019	2018	2019	2018	2019
Stellenbosch	66,5	0,0	13,6	13,5	0,5	0,6
Cape Winelands District	**95,5**	**42,7**	**14,2**	**15,1**	**0,7**	**0,8**

Source: Western Cape, Socio-Economic Profile 2020

2.2 ECONOMIC PROFILE

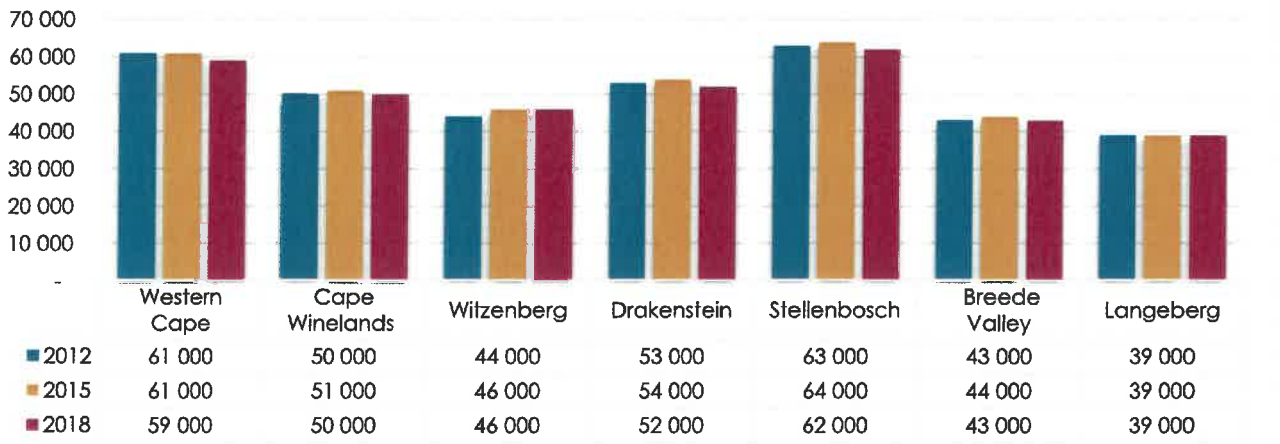
2.2.1 GDPR Per Capita

An increase in real GDPR per capita, i.e., GDPR per person, is experienced only if the real economic growth rate exceeds the population growth rate. Even though real GDP per capita reflects changes in the overall well-being of the population, not everyone within an economy will earn the same

amount of money as estimated by the real GDPR per capita indicator.

At R62 000 in 2018, Stellenbosch's real GDPR per capita is well above that of the Cape Winelands District's figure of R50 000 as well as that of the Western Cape.

Figure 9: GDPR Per Capita



	Western Cape	Cape Winelands	Witzenberg	Drakenstein	Stellenbosch	Breede Valley	Langeberg
2012	61 000	50 000	44 000	53 000	63 000	43 000	39 000
2015	61 000	51 000	46 000	54 000	64 000	44 000	39 000
2018	59 000	50 000	46 000	52 000	62 000	43 000	39 000

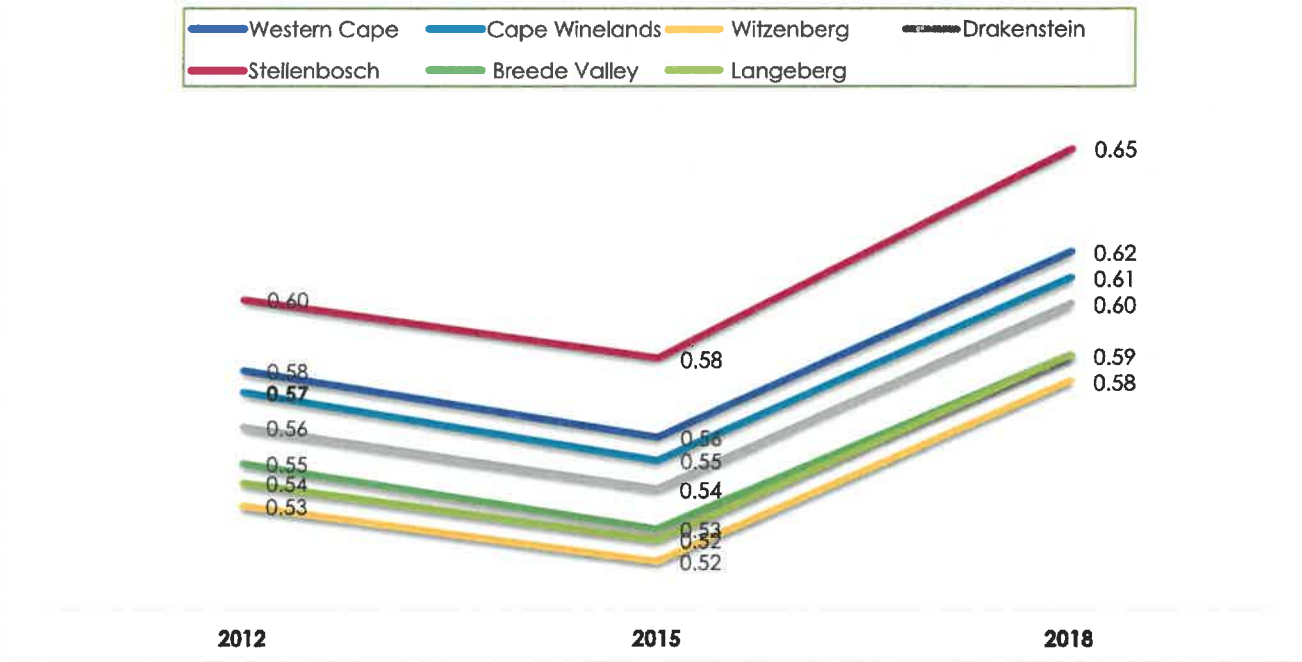
Source: Western Cape, Socio-Economic Profile 2020

2.2.2 Income Inequality

The National Development Plan (NDP) has set a target of reducing income inequality in South Africa from a Gini coefficient of 0.7 in 2010 to 0.6 by 2030. Income inequality has increased in Stellenbosch between 2012 (0.60) and 2018 (0.65) with the exception of 2012, when it dropped below 0.58.

Furthermore, income inequality levels were the highest in Stellenbosch for 2018 with a Gini coefficient of 0.60 when compared to neighboring municipalities across Cape Winelands District and the Western Cape. These disparities in income are certain to worsen across the ensuing MTREF given the potential aftereffects of the COVID-19 pandemic.

Figure 10: Income Inequality



Source: Western Cape, Socio-Economic Profile 2020

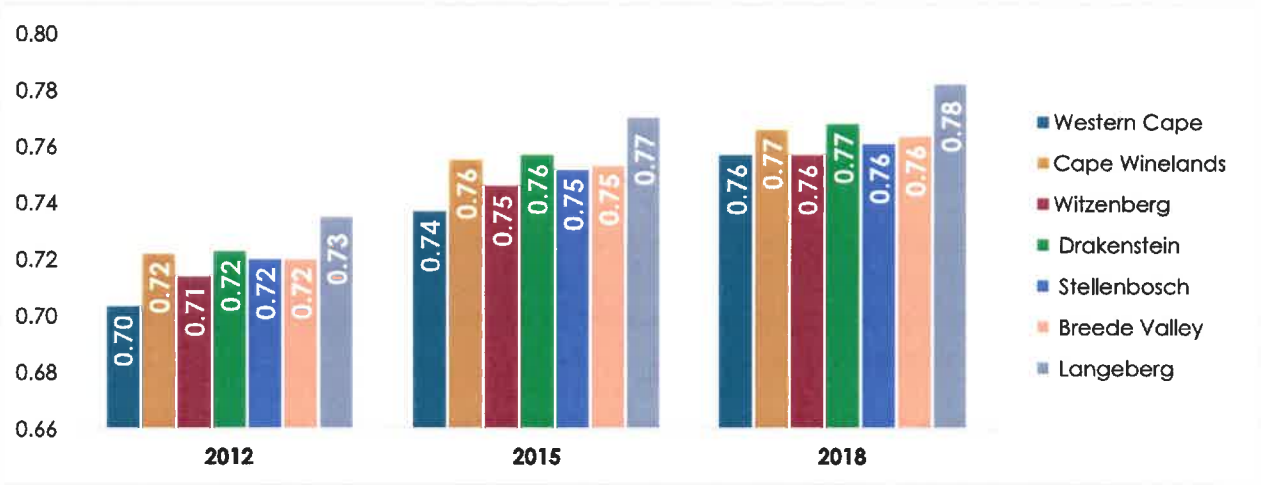
2.2.3 Human Development

The United Nations uses the Human Development Index (HDI) to assess the relative level of socio-economic development in countries. Indicators that measure human development are education, housing, access to basic services and health.

The HDI is a composite indicator reflecting education levels, health, and income. It is a measure of peoples' ability to live a long and healthy life, to communicate, participate in the community and to have sufficient means to be able to afford a decent living. The HDI is represented by a number between 0 and 1, where 1 indicates a high level of human development and 0 represents no human development.

There has been a general increase in the HDI in Stellenbosch from 0.72 in 2012 to 0.76 in 2018. The trend for the Cape Winelands District and the Western Cape in general has been similar between 2012 and 2018. Naturally, per capita income as per definition is expected to mimic the trend of HDI and this is clearly displayed in the graph above. In short, what this graph illustrates is that for the most part an increase in GDP per capita across a particular region is generally accompanied by an improvement in HDI levels with a short lag.

Figure 11: Human Development



Source: Western Cape, Socio-Economic Profile 2020

2.3 ECONOMY AND LABOUR MARKET PERFORMANCE

2.3.1 Sectoral Overview

In 2018, the economy of Stellenbosch was valued at R16.2 billion (current prices) and employed 78 701 people. Historical trends between 2014 and 2018 indicate that the municipal area realised an average annual growth rate of 1.4 per cent which can mostly be attributed to the tertiary sector that registered a positive annual growth rate of 2.1 per cent.

In terms of sectoral contribution, the wholesale and retail trade, catering and accommodation (R3.3 billion), finance, insurance, real estate and business services (R3.5 billion), and manufacturing (R2.7 billion) sectors were the main drivers that contributed to the positive growth in the local economy. These sectors are also estimated to have performed well in 2019, particularly the finance, insurance and real estate services and the wholesale and retail trade, catering and accommodation sectors, which are both estimated to have grown by 2.4 per cent. Employment creation in the wholesale and retail trade, catering and accommodation sector mirrored the high growth rate, with 400 new jobs created. In 2019, the transport, storage and communication sector were also an important source of job creation (169 jobs).

Despite its important role in the local economy, particularly as one of the main sources of employment, the agriculture, forestry and fishing sector experienced below-average performance between 2014 and 2018 and is estimated to have contracted by 8.9 per cent in 2019. This contraction led to the loss of 113 jobs. The agriculture, forestry and fishing sector are still recovering from the provincial drought.

2.3.2 Formal and Informal Employment

It is estimated that Stellenbosch's total labour force in 2019 amounted to 78 701 workers of which 56 601 (71.9 per cent) are in the formal sector while 22 100 (28.1 per cent) are informally employed.

Most of the labour force consisted of semi-skilled (43.8 per cent) and low-skilled (32.3 per cent) workers. The skilled category contributed 23.9 per cent to total formal employment and grew on average by 2.5 per cent, while the semi-skilled and low-skilled categories grew at 2.8 and 0.4 per cent respectively. Evidently, the demand for skilled labour is on the rise which implies the need to capacitate and empower low-skilled and semi-skilled workers.

2.3.3 Unemployment

Stellenbosch (11.3 per cent) has the second highest unemployment rate in the Cape Winelands District. It is also higher than the District average (11.3 per cent) but considerably lower that the Western Cape rate of 19.4 per cent. Stellenbosch's high unemployment rate is based on the narrow definition of unemployment i.e., the percentage of people that are able to work, but unable to find employment. The broad definition generally refers to people that are able to work, but not actively seeking employment.

Table 11: Economic Sector Overview

SECTOR	GDPR			Employment		
	R Million value 2018	Trend 2014 - 2018	Real GDPR growth 2019e	Number of jobs 2018	Average annual change 2014 - 2018	Net change 2019e
Primary Sector	**931,4**	**-1,0**	**-8,9**	**10 725**	**55**	**-113**
Agriculture, forestry and fishing	901,2	-1,1	-9,1	10 694	55	-111
Mining and quarrying	30,2	1,8	-2,6	31	0	-2
Secondary sector	**3 755,6**	**-0,3**	**-1,6**	**12 224**	**121**	**-443**
Manufacturing	2 651,6	-0,9	-1,5	7 965	-8	-138
Electricity, gas and water	234,3	-0,3	-1,9	156	3	-1
Construction	869,8	2,1	-1,9	4 103	126	-304
Tertiary sector	**11 489,0**	**2,1**	**1,4**	**55 752**	**1 304**	**449**
Wholesale and retail trade, catering and accommodation	3 344,9	2,4	0,9	20 460	603	400
Transport, storage and communication	1 782,3	3,9	1,5	3 432	95	169
Finance, insurance, real estate and business services	3 489,6	2,4	2,3	13 577	427	35
General government	1 770,1	0,1	0,7	7 925	62	124
Community, social and personal services	1 102,2	0,9	0,3	10 358	117	-279
Stellenbosch	16 176,0	1,4	0,1	78 701	1 480	-107

Source: Western Cape, Socio-Economic Profile 2020

Table 12: Skill Levels Formal employment

Skill Levels Formal employment	Skill Level Contribution 2018 (%)	Average growth (%)	Number of jobs	
			2018	2019
Skilled	23,9	2,5	13 495	13 719
Semi-skilled	43,8	2,8	24 673	25 127
Low-skilled	32,3	0,4	18 433	18 513
Total	100,0	2,0	56 601	57 359

Source: Western Cape, Socio-Economic Profile 2020

Table 13: Informal Employment

Informal Employment	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Number of informal jobs	22 703	20 515	20 431	20 545	21 736	22 101	23 474	21 672	22 615	22 100	21 235
% of Total Employment	33,3	31,2	30,6	29,9	30,5	30,6	30,7	28,4	29,0	28,1	27,0

Source: Western Cape, Socio-Economic Profile 2020

Table 14: Unemployment rates

Unemployment rates	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Drakenstein	11,2	12,6	12,9	12,6	12,2	12,6	11,6	12,6	13,2	13,1	14,2
Langeberg	5,1	6,1	6,3	6,2	5,9	6,2	5,4	6,1	6,4	6,5	7,2
Stellenbosch	8,2	9,4	9,7	9,6	9,3	9,6	8,9	9,9	10,3	10,3	11,3
Witzenberg	5,8	6,8	6,9	6,6	6,1	6,4	5,4	5,9	6,2	6,2	6,7
Breede Valley	8,6	9,9	10,1	9,8	9,4	9,7	8,6	9,5	9,9	9,9	10,7
Cape Winelands	8,4	9,7	9,9	9,7	9,2	9,6	8,6	9,5	9,9	9,9	10,7
Western Cape	14,2	15,5	15,7	15,8	15,7	16,0	16,1	17,3	18,1	18,0	19,4

Source: Western Cape, Socio-Economic Profile 2020

Chapter 3

HUMAN RESOURCES

Stellenbosch Municipality, as of 30 June 2021, employed 1 142 officials (excl. Councillors and excluding non-permanent positions), who individually and collectively contribute to the achievement of the municipality's objectives. The primary objective of Human Resource Management is to render an innovative HR service that addresses both skills development and an administrative function.

3.1 EMPLOYMENT EQUITY |

The Employment Equity Act (1998), Chapter 3, section 15 (1), states that affirmative action measures are measures designed to ensure that suitable qualified people from designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels in the workforce of a designated employer. The national performance indicator also refers to the "number of people from employment equity target groups employed in the three highest levels of management in compliance with a municipality's approved employment equity plan" The following table provides clarity on the employment equity status as at 30 September 2020.

Table 15: EE Targets / Actual by Racial Classification

	African			Coloured			Indian			White		
	Target June	Actual June	Target reached	Target June	Actual June	Target reached	Target June	Actual June	Target reached	Target June	Actual June	Target reached
2015/16	334	361	92.52%	497	676	73.52%	28	3	9.33%	83	111	74.77%
2016/17	334	368	90.76%	497	671	74.06%	23	5	4.60%	75	103	72.81%
2017/18	334	378	113%	497	671	74.06%	23	4	17%	75	110	146%
2018/19	334	372	111.4%	497	651	131%	23	4	17%	75	94	125.3%
2019/20	334	383	111.4%	497	680	137%	23	4	17%	75	96	128%
2020/21	334	395	118.3%	497	660	132.8%	23	4	17%	75	83	110.67%

Table 16: Targets / Actual by Gender Classification

	Male			Female			Disability		
	Target June	Actual June	Target reached	Target June	Actual June	Target reached	Target June	Actual June	Target reached
2015/16	425	783	54.27%	518	368	71.04%	0	0	n/a
2016/17	681	782	78.87%	670	363	54.18%	0	10	n/a
2017/18	681	785	115%	670	378	56%	10	10	100%
2018/19	681	750	110.1%	670	371	55.3%	10	10	100%
2019/20	681	760	111.6%	670	398	59.4%	10	10	100%
2020/21	681	737	108.22%	670	405	60.45%	10	10	100%

3.2 OCCUPATIONAL CATEGORIES - RACE

The table below categorises the number of employees by race within the occupational levels:

Table 17: Occupational Categories – Race

Occupational Levels	Male				Female				Total
	A	C	I	W	A	C	I	W	
Top Management and Councillors	4	15	0	7	5	11	0	7	**49**
Senior management	2	11	0	7	1	3	0	0	**24**
Professionally qualified and experienced specialists and mid-management	5	25	2	9	12	16	1	10	**80**
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	49	130	1	26	56	101	0	19	**382**
Semi-skilled and discretionary decision making	91	165	0	6	49	87	0	4	**402**
Unskilled and defined decision making	108	96	0	0	22	22	0	0	**248**
Total permanent	259	442	3	55	145	240	1	40	1 185
Non- permanent employees (incl. EPWP, Conditional Grants, Provincial Grants)	6	15	0	3	10	20	0	3	**57**
Grand total	265	457	3	57	155	260	2	43	1 242

3.3 DIRECTORATES BY RACE

The following table categorises the number of employees by race within the different Directorates:

Table 18: Directorate by race

Directorate	Male				Female				Total
	A	C	I	W	A	C	I	W	
Office of the Mayor	4	12	0	6	5	10	0	6	43
Office of the Municipal Manager	0	2	0	1	4	7	0	2	16
Financial Services	9	34	1	2	21	50	0	5	122
Planning and Economic Development	6	25	0	5	16	22	0	7	81
Corporate Services	8	25	1	2	13	22	0	5	76
Community and Protection Services	81	131	1	23	60	96	1	11	404
Infrastructure Services	138	227	0	15	26	33	0	4	443
Total permanent	246	456	3	54	145	240	1	40	1 185
Non-permanent (incl. EPWP, Conditional Grants, Provincial Grants)	6	15	0	3	10	20	0	3	57
Grand total	252	471	3	57	155	260	1	43	1 242

3.4 VACANCY RATE

The approved organogram for the municipality had **1 120** (funded) posts based on the 2017/18 financial year. On 1 July 2018 the approved organogram of 25th October 2017 was implemented which brought about a total post compliment of 1 873 posts and was further reviewed and revised with another 123 posts which made the total post compliment 1 996 posts on 27 February 2019. The actual positions filled in the 2020/21, financial year are indicated in the tables below by post level and by functional level. A total of 854 posts were vacant at the end of 2020/21, resulting in a vacancy rate of **42,78%.** Below is a table that indicates the vacancies within the municipality:

Table 19: Vacancy rate per post and functional level

Per Post Level		
Post level	Filled	Vacant
Top Management (MM and MSA section 57 Managers)	6	0
Senior Management	24	4
Middle management	80	21
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	382	255
Semi-skilled	402	334
Unskilled and defined decision making	248	240
Total	(Excluding Councillors) 1 142	854
Per Functional Level		
Functional area	**Filled**	**Vacant**
Office of the Mayor	43	0
Office of the Municipal Manager	16	9
Financial Services	122	55
Planning and Economic Development	81	52
Corporate	76	82
Community and Protection Services	404	214
Infrastructure Services	443	442
Total	(Including Councilors) 1185	854

3.5 TURNOVER RATE

A high turnover may be costly to a municipality and might negatively affect productivity, service delivery and institutional memory / organisational knowledge. Below is a table that shows the turnover rate in the municipality.

The table below indicates the turn-over rate over the last five years:

Table 20: Turn-over Rate

Financial year	Total no appointments at the end of each Financial Year	New appointments	Number of terminations during the year	Turn-over Rate
2015/16	1 110	136	71	6.4%
2016/17	1 144	100	36	3.14%
2017/18	1 120	42	69	6.16%
2018/19	1 121	55	39	3.47%
2019/20	1 158	60	51	4.40%
2020/21	1 142	48	61	5.34%

3.6 MANAGING THE MUNICIPAL WORKFORCE

Managing the municipal workforce refers to analysing and coordinating employee behaviour.

3.6.1 Injuries

An occupational injury is a personal injury, disease or death resulting from an occupational accident. Compensation claims for such occupational injuries are calculated according to the seriousness of the injury/disease and can be costly to a municipality. An occupational injury will influence the loss of man hours and therefore financial and productivity performance.

The injury rate shows an increase for the 2020/21 financial year from 92 employees in 2019/20 to 121 employees in the 2020/21 financial year. The table below indicates the total number of injuries within the different directorates:

Table 21: Injuries on duty

Directorates	2016/17	2017/18	2018/19	2019/20	2020/21
Office of the Municipal Manager	1	1	0	0	0
Financial Services	3	0	0	2	4
Planning and Economic Development Services	0	3	3	2	10
Corporate Services	1	1	1	7	9
Community and Protection Services	54	73	49	36	21
Infrastructure Services	64	42	32	42	77
Total	130	125	86	92	121

Injuries in the Operational Services are normally higher due to the nature of work and the constant handling of equipment and machinery.

3.6.2 Sick Leave

The number of days' sick leave taken by employees has service delivery and cost implications. The monitoring of sick leave identifies certain patterns or trends. Once these patterns are identified, corrective action can be taken.

The total number of employees that have taken sick leave during the 2020/21 financial year shows an increase of 4 300.52 working days when comparing it to the 2019/20 financial year.

The table below indicates the total number of sick leave days taken within the different directorates.

Table 22: Sick Leave as at 30 June 2021

Department	2016/17	2017/18	2018/19	2019/20	2020/21	2020/21 (%)
Office of the Municipal Manager	96	66	89	83.5	150	35.16
Financial Services	908.50	631	692	679	1351	41.52
Planning and Economic Development	501	267	393	425	671	31.06
Corporate Services	727	410	493	593.87	806.08	38.26
Community and Protection Services	2 726	1 562	2 958	1803.19	3598	33.40
Infrastructure Services	3 633	2 730	2 765	2646	3955	33.48
Total	9 046.50	6 110	7 754	6 230.56	10 531.08	34.49

Chapter 4

SERVICE DELIVERY

The Constitution stipulates that every citizen has the right to access to adequate housing and that the state must take reasonable legislative and other measures within its available resources to achieve the progressive realisation of this right. Access to housing also includes access to services such as potable water, basic sanitation, safe energy sources and refuse removal services, to ensure that households enjoy a decent standard of living.

This chapter considers to what extent this has been achieved by reflecting on the latest available information from Quantec Research for 2019. The latest official statistics was collected by Statistics South Africa for the 2016 Community Survey; the 2021 Census will provide the updated official statistics. The information on free basic services is obtained from Statistics South Africa's Non-Financial Census of Municipalities survey findings.

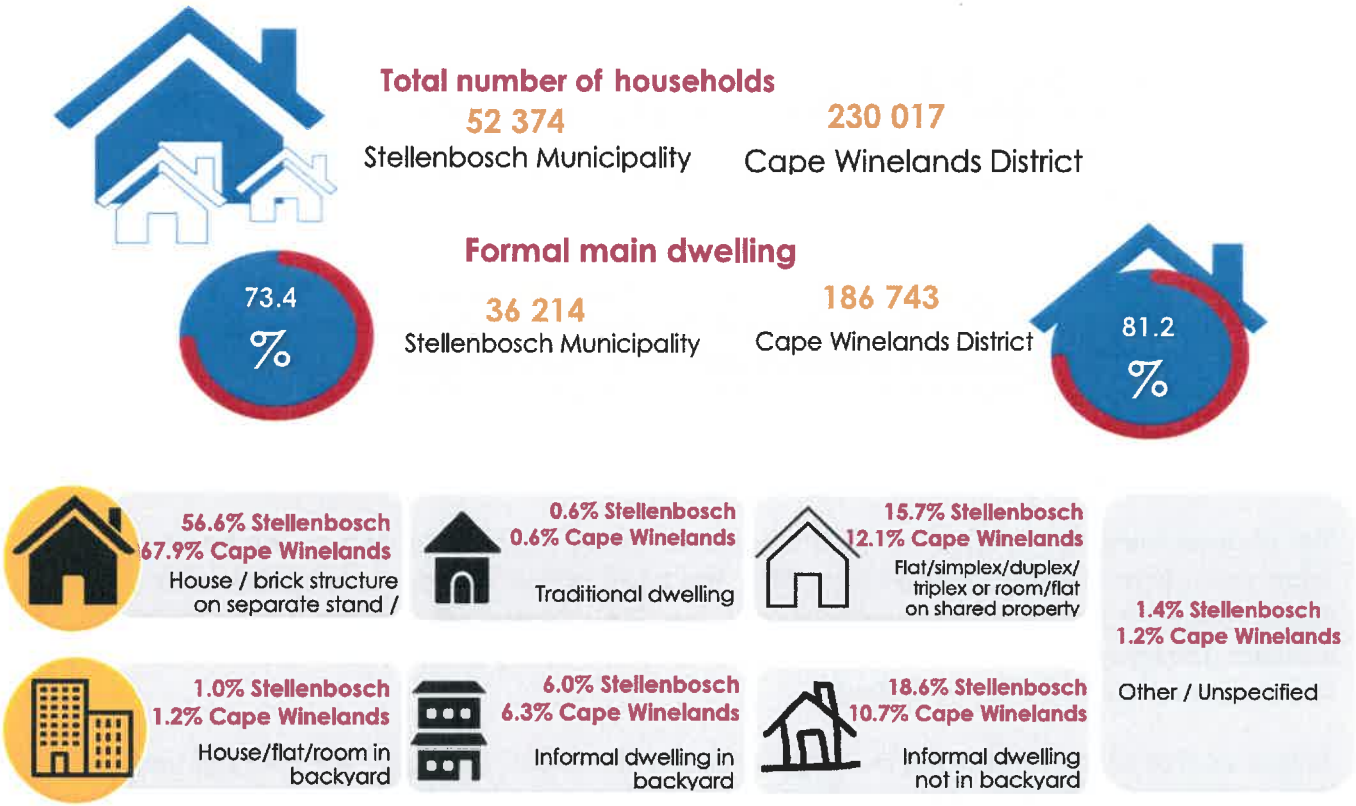
With a total of 52 374 households in the Stellenbosch municipal area, only 73.4 per cent had access to formal housing, the lowest access level when compared to the other municipalities in the Cape Winelands District area; the District average was 81.2 per cent. The area also had highest proportion of informal households in the District, a total of 24.5 per cent compared with the District average of 17.0 per cent.

Subsequently, service access levels were high in the area, with access to piped water inside / within 200m of the dwelling at 94.5 per cent, access to a flush or chemical toilet at 91.2 per cent, access to electricity (for lighting) at 92.4 per cent and the removal of refuse at least weekly by local authority at 86.7 per cent of households.

4.1 FREE BASIC SERVICE

Municipalities also provide a package of free basic services to households who are financially vulnerable and struggle to pay for services. The number of households receiving free basic services in the Stellenbosch municipal area has shown a generally increasing trend up to 2018. The stressed economic conditions are anticipated to exert pressure on household income levels, which is in turn likely to see the number of indigent households and the demand free basic services increase.

Figure 12: Total number of households



Source: Western Cape, Socio-Economic Profile 2020

4.2 PROJECTS / PROGRAMMES / INITIATIVES

The table below indicates projects / programmes / initiatives undertaken and included in the 2021 - 2022 Integrated Development Plan.

Table 23: Projects / Programmes / Initiatives

Portfolio	Project/s	Specific Initiatives	Rating	Progress to date
Planning, Local Economic Development and Tourism	Municipal Spatial Development Framework (mSDF) amendment and review	mSDF Amendments and full review.	☺	The amendment and review process include developing a strategy for monitoring the performance of the Stellenbosch Municipality's SDF. This process will hopefully commence in the 4th quarter of the 2020/21 financial year. A service provider has been appointed and commenced with the Compilation of Adam Tas Corridor (ATC) Local Spatial Development Framework (LSDF). The draft LSDF for the ATC is scheduled to be submitted to Council by 31 August 2021 for adoption. The DEAandDP (WCG), Stellenbosch Municipality and Drakenstein Municipality are currently engaging in a process to develop a concept regional plan for the greater Klapmuts Area. This concept plan will provide guidance on evaluating and promoting current and future land use applications / development within the area.
	Integrated zoning scheme	Development and implementation of Integrated zoning scheme	☺	Implemented November 2019.
	Innovative system to streamline and expedite building plan approvals	Implementation of an electronic building plan application solution	☺	BPAMS has been fully operational since 01 January 2021.
	Finalise land use management backlogs	Backlog applications	☺	Backlogs has been finalised in February 2021.
	Local Economic Development	Agricultural Land Plan adopted by Council	☺	A further ten (10) agricultural land parcels are currently being investigated to be advertised and allocated to emerging farmers. The final report on the additional agricultural land parcels is scheduled to be submitted to Council during February/March 2022.
		Develop a guiding document to link Small Medium and Micro Enterprises to SCM and open market opportunities. Update and implement the Preferential Procurement Policy.	😐	Regular seminars and workshops facilitated by the municipality and Private Sector Partners to establish a networking and mentoring system to ensure continued SMME development.
		LED Hubs identified and constructed	☺	The Victoria Hub has been launched and is currently operational. Erf 230, Franschhoek is currently awaiting the completion of the land use application. The Agricultural Hall in Stellenbosch is completed and currently operational.
		LED Hubs	☺	The Franschhoek Informal Trading Site was successfully implemented and opened by the Executive Mayor.

Portfolio	Project/s	Specific Initiatives	Rating	Progress to date
				Currently, the construction of the following markets has been completed and the request for traders have been advertised: • Klapmuts; • Cloetesville; • Groendal; and • Kayamandi. The Kayamandi Bridge West (Taxi Rank) Informal Trading Site is scheduled to be completed during the 2021/22 financial year, whilst the Jamestown Hub will be aligned with the Jamestown Housing Project.
		Informal Trading Sites identified and constructed	☺	Groendal Informal Trading Site construction completed during February 2021. Cloetesville Informal Trading Site construction completed April 2021 and the launch is scheduled October 2021.
		Audit of People on farms and back-yard dwellers	☺	Survey of backyard structures in Klapmuts is currently underway. Ida's Valley's survey was completed in the previous financial year.
Rural Management	Tourism Strategy	Electronic Tourism Boards (Stellenbosch CBD and Franschhoek)	😐	The draft Economic Development Strategy will be finalised and approved with the Amended MSDF and the 5th Generation IDP on 31 May 2022 and the Tourism Strategy will form part of this strategy.
	Adopted Rural Management Plan	Rural Management Plan adopted by Council by 30 June 2020	☺	The Plan was indeed adopted by Council in 2018. In drafting the plan, intense public participation was held on a precinct-by-precinct basis with land workers and workers. It is not at this stage envisaged that a general public participation process for the Rural Area Plan specifically will be held as the RAP was included as a resource document in drafting the now approved MSDF.
Integrated Human Settlements	Housing projects Upgrading of the Cloetesville flats Erf 7001, Cloetesville (known as "Soekmekaar) development	Annual review of the 5-year Housing Pipeline	☺	The review of the Housing Pipeline is scheduled to be tabled at the May 2021 Council meeting for consideration.
		Jamestown Housing (bulk sewer 408 opportunities)	😐	The urban edge has been amended as per the Stellenbosch Municipal Spatial Development Framework 2019, which includes extended portions of land for Jamestown. This resulted in the need to review the vision and development proposals for the area. To ensure a broad development view, the Call for Proposals which was being finalised, has been cancelled. The proposed housing development for Jamestown Phases 2 – 4 now includes the relevant Portion of the Remainder, Portion 3 and a broader Portion of Portion 7 of Farm No 527 Stellenbosch, in accordance with the approved urban edge. New tender specifications are in the process to be drawn up for advertisement to proceed with the development proposals for Jamestown Phases 2 – 4.
		Longlands Housing Subsidy implemented	😐	Approximately 90% of the internal services have been completed. Await a funding application approval for the top structures from the Provincial Department of Human Settlements (PDoHS). The PDoHS has made financial provision on their 2021/22 financial year budget to build top structures.

Portfolio	Project/s	Specific Initiatives	Rating	Progress to date
		Zone O re-blocking	☺	The funding application for the implementation of Zone O re-blocking (installation of civil services) was approved by PDoHS on 28 January 2021. The project is now in its implementation stage and the Department: Project Management Unit will oversee this project.
		Ida's Valley housing projects implemented	☺	Erf 11330 (Hillside) – The developer has completed 87 BNG houses for the low-income category and 113 GAP houses. All houses have been handed over and the contractor is currently busy with the snags in accordance with the retention period. Erf 9445 (Oak Tree Village) – A number of 166 GAP housing opportunities will be created on Erf 9445. The PDoHS has made provision on their 2021/22 financial year for the installation of internal services. Site handover has taken place in September 2021 and installation of internal services have commenced.
		Langrug upgrade	😐	Erf 3229 at Mooiwater was identified as a temporary decanting site to accommodate families impacted by the proposed rehabilitation of the dam wall at Langrug informal settlement. The tender for site rehabilitation on Erf 3229 was advertised and will close on 09 November 2021. Civil consultants are busy finalizing the detailed design for basic services. Town planning consultant have submitted a land use application to the land use management department to secure planning permission for the property, which the land use application was advertised for public comments in July 2021. The municipality is still engaging DEA&DP regarding the environmental authorisation for the proposed development. The municipality has submitted a land contamination study report to DEA&DP for further engagement regarding environmental authorisations on the property.
		Land for Housing Langrug Franschhoek identified	☺	Stellenbosch Municipality is currently engaged with the Housing Development Agency (HDA) to facilitate the transfer of land in La Motte to the local authority as well as obtaining the applicable land use development rights. An Implementation Protocol (IP) was completed by HDA to charter the way forward with regards to roles and responsibilities, funding and to obtain development rights.
		Klapmuts upgrade of informal settlement	😐	Phase 1 (187 units) and Phase 2 (76 units) of the project has been completed.
		Watergang Development	😐	As previously reported, the current cost estimates received from the consultant is much higher than anticipated. The financial impact of COVID-19 on the financial position of the Stellenbosch Municipality does not allow for this project to continue at present.

Portfolio	Project/s	Specific Initiatives	Rating	Progress to date
		Informal Settlement Strategy developed and implemented	☺	The Informal Settlement Strategy has been reviewed in order to align with development (proposals and projects) as identified through the Municipal IDP and mSDF.
		Develop and implement a housing pipeline.	😐	In accordance with the aims and objectives of the NDoHS and PDoHS, an assessment will be conducted to determine the impact of the reprioritisation of the Human Settlement Development Grant (Business Plan) on the future Housing Pipeline of Stellenbosch Municipality. It is therefore imperative that all current integrated housing development projects must take into consideration the new strategy as conveyed by the National Department of Human Settlements. The Housing Pipeline which was tabled before Council during May 2021 will has incorporate all the housing projects earmarked for the next 10 years, in a manner that conforms to the latest policy directive of NDoHS and PDoHS. An inclusionary Housing policy is being developed to ensure the delivery of more affordable housing in strategic locations. The Integrated Human Settlement Plan (IHSP) is in process to be aligned with the approved mSDF
		Upgrading of the Steps (Cloetesville)	😐	The project has commenced, and the contractor is on site. Approximately 35% of the units have been completed. The transfer of the units will be programmed to coincide with the rectification programme.
		GAP housing	😐	During the public participation process, it was determined that the preferred development should accommodate housing typologies that range from mid to high GAP to conform to the surrounding neighborhood. The proposed development aims to provide housing opportunities to those families that do not qualify for BNG housing due to their income but can be assisted with affordable GAP housing through the FLISP initiative. The Department: Housing Development has advertised a new tender to obtain development rights. Appointment of service provider is at a procurement stage. is currently in the process of formulating new specifications for a Tender / Call for Proposal.
	Kayamandi CBD upgrade	Upgrading of the Kayamandi Town Centre	😐	A funding application has been submitted to PDoHS during June 2020 and approved in May 2021. The planning layout has been approved by Council on 24 August 2020. A service provider is currently in the process to finalize all detailed planning and is in process of engaging with the Planning Section of the Stellenbosch Municipality and proceeding with further public participation processes. These planning applications will be submitted to obtain development rights.
Financial Services	Revenue enhancement	Klapmuts Development	😐	Notwithstanding the ongoing spatial planning initiatives, all land use management applications pertaining to Klapmuts are being duly processed. Stellenbosch Municipality is participating in an inter-governmental workgroup to

Portfolio	Project/s	Specific Initiatives	Rating	Progress to date
				coordinate and liaise on the development of the greater Klapmuts area.
		Revenue Enhancement Strategy implemented	☺	Completed - The Revenue Enhancement Strategy was implemented during the 2020/21 financial year. The municipality established a Debt Review Committee to closely monitor the progress with outstanding debt and deliberating on acceptable and reasonable arrangements for the settlements of arrear debts by all affected municipal debtors.
		Audit Management	☺	At the time of reporting the audit for the 2019/20 financial year was not completed. After finalization of the 2019/20 Audit, an Audit Action Plan will be compiled to address the audit findings identified during the audit. A service provider is appointed to assist with the review of the annual financial statements and annual performance report.
		PPP – Feasibility Study concluded	☺	The municipality acquired additional office space in the 2019/20 financial year and therefore no need to continue with the PPP process.
		Long Term Financial Plan developed and implemented	☺	The Long-Term Financial Plan is completed and forms part of the 10 Capital Expenditure Framework.
	Long term financial plan and expenditure framework	Nature Resource Programme implemented	☺	The first ever dedicated environmental sector plan, the Stellenbosch Environmental Management Framework (SEMF), for Stellenbosch Municipality was compiled and approved by Council during 2018. Relevant planning principles, environmental legislation, strategies and directives are included in the SEMF administered by the Department Community Services.
		Upgrade and maintenance of cemeteries	☺	Jamestown Cemetery: Fencing was repaired and additional pathway constructed. Kylemore Cemetery: Application submitted for consolidation and rezoning. On completion of the latter the cemetery will be developed complete with administration building.
Parks, Open Spaces and Environment	Beautification of the towns	Conserve natural resources, biodiversity and landscapes.	☺	The Department Community Services is in the process of compiling Environmental Management Plans (EMPs) for all the municipality's Nature Reserves and Nature Areas. The following EMPs have been completed and approved: Paradyskloof Nature Area (Stellenbosch). The following EMPs have been drafted: Jan Marais Nature Reserve (Stellenbosch); and Mont Rochelle Nature Reserve (Franschhoek). Ida's Valley / Botmaskop (Stellenbosch) The following EMP is up for review: Papegaaiberg Nature Reserve (Stellenbosch).
		Revise grass cutting cycle programme	☺	Main routes and town entrances are receiving bi-monthly cuts. The other areas are cut on a six-week cycle. A tender has been put in place for the cutting of grass.

Portfolio	Project/s	Specific Initiatives	Rating	Progress to date
		Urban forestry policy implemented	☺	A Tree Management Policy has been approved by Council in 2020 and has been implemented.
		Land for Cemeteries identified	😐	A project for the identification and the acquisition of the required environmental and land use authorisations for the development of a large-scale cemetery for Stellenbosch Municipality is nearing completion. Environmental Authorisation (ito the National Environmental Management Act, 107 of 1998) for the Culcatta Bos site (Erf 29, located near Koelenhof) was issued on 20 September 2019. 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 Authorisation (ito the National Water Act, 36 of 1998) on the water use Culcatta Bos' was received 7 July 2021.
		Develop and implement a biodiversity register.	😐	A biodiversity register is maintained through a Geographical Information System. This system will include CBA-, alien clearing-, air quality (fuel-burning appliances) and other data.
	Upgrades of parks	Netball courts upgraded	☺	Completed.
		Lanquedoc Sport: Change rooms and ablution facilities	☺	Completed.
Youth, Sport and Culture	Youth, Sport and Culture	Kayamandi Astroturf	😐	Project funds reallocated to address budget shortfall of the swimming pool upgrades and fencing projects. The remainder of the funds reallocated to engineering projects. The project will be considered for inclusion in the next MTREF.
		Security at sport grounds and facilities	😐	There is a security tender in place and all security shortcomings matters are reported to Law Enforcement.
		Sports Fields •Upgrade of Sport Facilities • Information Technology •Upgrade and Expansion of IT Infrastructure Platforms Human Settlements •New Community Halls Klapmuts	😐	There is a security tender in place and all security shortcomings matters are reported to Law Enforcement. An additional service provider that caters for armed security has been appointed to provide extra protection in high risk areas.
		Mayoral youth and skills programme	😐	Accredited skills training courses are completed annually. The programme consists of technical training, theoretical and soft skills training as well as practical work experience. Up to 50% of youth competing the courses were successful in obtaining employment or internships. In 2020-2021, The Mayoral Youth Skills Development Programme concluded accredited training in: 5 Star Table Attendant Training – 12 youth. Plumbing – 12 youth; General Building Maintenance – 13 youth; and

Portfolio	Project/s	Specific Initiatives	Rating	Progress to date
				Assistant Chef training – 13 youth Job Readiness in partnership with DSD focuses on CV writing and interviewing skills. In 2020-2021 38 youth has been reached and 19 Youth were reached through an entrepreneurship training course done in partnership with NYDA. Two unaccredited trainings were completed with youth from Franschhoek in Fire Awareness (23 youth) and life skills (37 youth)
		NMT transport and plan (Park and Ride) implemented	☺	NMT Master Plan and policy complete.
		Long Term Infrastructure Plan developed	☺	Stellenbosch Municipality first qualified for the 2019/20 Integrated Urban Development Grant (IUDG) and Intermediate City Municipality (ICM) programme. The business plan for the IUDG is a three-year capital programme aligned with a long-term (10-year) Capital Expenditure Framework (CEF) that incorporates planning for both social and engineering infrastructures. A CEF serves as a performance evaluation mechanism and as a rationale towards capital investment planning that provides business intelligence, data validation, programme and project synchronisation, and prioritisation. Thus far, Stellenbosch Municipality has implemented two iterations of the CEF namely 2019/20 and 2020/21, and both are available on the municipality's website. Roads Master Plan – complete. Stormwater Master Plan – complete. Comprehensive Integrated Transport Plan – complete.
		Update the Pavement Management Plan	😐	Maintenance, construction and implementation of standard paving are in process and on schedule. The municipality have introduced an updated Non-Motorised Master Plan which is currently being used by various bodies to tie into the Master Plan. A full section of the NMT walkway and cycle path has been completed next to the Somerset West/Strand R44 route and is now continuous from Dorp Street all the way to Webers Road in Jamestown. Currently Eerste River pedestrian ways are being negotiated along the Berg River within the Stellenbosch municipal area
Infrastructure Services	Non-motorised Transport Plan (Park and Ride)	Investment in bulk and connecting engineering infrastructure for development purposes.	😐	The municipality continuously budgets for provision and upgrading of services throughout the Stellenbosch Municipal area. Infrastructure Plans are drawn up for each Service such that all Master Plans coincide with Spatial Development Framework (SDF). The SDF has been concluded recently and currently services are bringing their Master Plans up to date
	Bulk Infrastructure	Finalising Skool Street	😐	The public participation processes are in progress.

Portfolio	Project/s	Specific Initiatives	Rating	Progress to date
				Implementation plan will be put in place on conclusion of the public participation process. The current Skool Street runs on top of the main City of Cape Town water line from the Theewaterskloof Dam. The street is being re-engineered to run next to the water line and to provide better access to buses, vehicles and pedestrian attending the schools and cemetery
	Long term infrastructure plan	Traffic Congestion Management (R44)	😐	Techno Park intersection with R44 complete Modification of median islands at Paradyskloof intersection complete. Traffic Signalisation Pilot Programme currently in operation. The municipality are working with the University of Stellenbosch to synchronising all of the traffic light intersection within Stellenbosch from a central station. By completion it is estimated that this synchronisation process will increase the vehicle times to drive through Stellenbosch, by 15%
	Standard paving for sidewalks in Franschhoek and Stellenbosch	Parking	😐	Planning, design, municipal legislative processes are in progress. It is estimated that the there is a shortage of parking to the tune of 9000 spaces. Various legislative processes have been concluded to determine what investment process will be needed to increase the parking spaces drastically. Council then opted to use internal resources to construct any single layer parking, but external resources to construct and manage multiple layer parking. Two sites were identified for multiple layer parking, Techno Park and Eikestad Mall Parking. The feasibility of these sites was tested and both found to be highly feasible. A process will now be launched to obtain Request for Proposals in order to obtain external parties to build and operate these parking areas
	Roads	Construction and upgrading of pedestrian and cycle paths.	😊	Implemented construction phase of pedestrian and cycle paths (R44 Jamestown) in terms of NMT Masterplan and Policy. As mentioned above, this process is steered by the NMT Master Plan and ensure that new once are built were needed and old once properly maintained.
		Safe walkway to the station (Lovers lane)	😐	NMT network has been assessed, proposals for widening and new sidewalks are being assessed. Process to be integrated with a large area of reconstruction. The so-called Adam Tas Corridor is planned, and this walkway must fit in with positioning and capacity created by the Corridor.
		Pavements and sidewalks	😐	Various sections complete, implementation of newly identified sections in progress. Pavement look and feel have been assessed and great care is taken to preserve the historical nature of Stellenbosch, but also ensuring that pavements and sidewalks are pedestrian safe as well as wheelchair safe. Great care is taken to ensure that Stellenbosch becomes a universally accessible area
		Re-surfacing parking areas	😐	The surfacing of initially identified parking areas are complete. Implementation

Portfolio	Project/s	Specific Initiatives	Rating	Progress to date
				subsequently identified parking areas to commence in May 2021. All current paved areas are in god surface condition, but parking areas are planned in such positions as to get the CBD a walk more drive less area.
		Signage	😐	Implementation in progress and on schedule. Various signage has been introduced. One contestable instance is the signage of mini-circles where the legal way of driving such a circle is that arrived first served process, where the public tends to allow all vehicles approaching from the right, the right of way.
		Street markings	😐	Implementation in process and on schedule. New plasticised paint will be tested which has a much longer life and good traction in wet weather
		Design and construct Bicycle parking facilities.	🙂	Bicycle parking facilities incorporated in the designs for new parking areas. The usage of bicycles has been tested in Stellenbosch and it is note that some 5% of movement is via bicycles. It is attempted to increase the public affinity bicycles and reduce the use of cars,
		Construct Bus and Taxi shelters.	🙂	Bus and Taxi shelters constructed as identified through CITP and IDP process. Taxis are the main public transport mechanism and various taxi ranks have been upgraded, as stated below
		Taxi Rank upgrade	😐	Implementation / construction phases in progress and on schedule.
		Lights / masts Onder-Papegaaiberg	😐	100% light fittings in Distillery Road have been replaced with LED fittings. 90% of the parks complete. Parks will be completed at the end of May 2021.
	Electricity	Enkanini Electrification	😐	Tender for the electrification of 1 000 units has been awarded. Site handed over to the contractor. Planning underway which include meetings with all stakeholders (Project manager and ward councillors etc.). It is the intention carry on with electrification of Enkanini until all inhabitants are provided with electricity
		Electricity take-over Pniël	🙂	Completed. Pniël was originally supply by Paarl Municipality and this continued with last amalgamation of municipalities in that Paarl was included into Drakenstein and continued with the electricity service of Pniel. Negotiations were launched with Drakenstein and the area was eventually taken over by Stellenbosch. The final part of this take-over will be the creation of a new intake substation from Eskom after which the supply from Drakenstein will be stopped
		Lighting sidewalks (Klapmuts)	😐	Klapmuts is an Eskom supply area. The municipality is in consultation with Eskom to take over the streetlights in Klapmuts. Klapmuts Old Paarl Road and Piet Retief Constantia Park was completed by the municipality.
		Implementation of Waste Minimisation Projects	😐	Door-to-door household recyclable collections and green waste shredding at the landfill in place in full at Enkanini. This process will be expanded to include all of our informal areas

Portfolio	Project/s	Specific Initiatives	Rating	Progress to date
		Electricity Energy Efficiency and Demand Side Management Integrated National Electrification Programme **Electricity Network**	😐	Electricity Network Kick off Processes by placing on Priority List. Recruit University of Stellenbosch and local CSIR as Partners and start viability study Finish Viability Assessment. Place amount on MTREF Budget. Design First Round Tariffs. Obtain buy in from NERSA, DMRE, COGTA and NT.
		Facilitate the use of green energy	😐	Initiating the investigation of generating green electricity with the intentions to stop Load Shedding. Concluding a MOU with University of Stellenbosch, CSIR and Western Cape Government. Continuing with green energy projects such as: 1. Fats, Oils and Grease (FOG) to Eco Diesel; 2. Landfill Site Methane mining; 3. Solar Roof Top Installation; and 4. Purchasing electricity from homeowners.
		Extension of landfill site	😐	The environmental authorisation has been received for the moving of the Eskom power lines. Eskom may proceed with this project which should take up to ±18 months to complete. The Waste Management License application is still in progress.
	Waste Management	Wastewater Treatment Works upgraded	😐	Stellenbosch WWTW Phase 2 completed. Klapmuts commencement date is in 2022. Pniël commenced March 2020. Completions planned for 2021/22. Wemmershoek / Franschhoek WWTW commencement from July 2020. The detail design and tender process for phase 1 is completed. Construction is starting in July 2021.
		Catchment pits, Kayamandi	😐	Modifications are completed. Structures are being fenced off currently. This was done to prevent highly polluted water entering the Plankenbrug river through contaminated stormwater. The current stormwater is now pumped to the wastewater treatment works and is treated as sewage.
		Solid Waste **Major Drop-offs: Construction-Franschhoek**	😐	This project will be reviewed in the new financial year 2021/22.
		Upgrade Sewer System	😐	Continuous projects until 2028. Consultant working on design phase on the project. Contractors to start working before June 2021.
	Water and Sanitation	Plankenbrug River Maintenance	😐	In Process – research in collaboration with stakeholders is an ongoing process.
		Pigs and the River, Onder-Papegaaiberg, Klapmuts	😐	The municipality is looking into possible measures to be implemented. The matter is not an Infrastructure Service competence and is looked into by Community Services
		Reposition Law Enforcement and Safety	😐	Policies to increase staff capacity has been submitted and approved. (Auxiliary officers and externally funded officers) Awaiting approval of implementation plans for these two projects.
		Establishment of a Land Invasion Unit	😐	This function is performed by on duty staff as the Law Enforcement Division does not have the capacity currently to establish a unit. The municipality is assisted by a service provider. The municipality also submitted a proposal to

Portfolio	Project/s	Specific Initiatives	Rating	Progress to date
				establish a Tactical Response Unit which will include focus on Land invasion and a 24-hour deployment. Awaiting approval.
		Water Services •Extension of WWTW: Stellenbosch •Relocation/ Upgrading main Water Supply line: Ida's Valley Storage Dams •Bulk Sewer Outfall: Jamestown •Bulk water supply Pipe Reservoir: Dwarsriver (Johannesdal / Kylemore / Pniël) •New Plankenburg: Main Sewer Outfall •Water Treatment Works: Paradyskloof •Water pipe replacement Ida's Valley Merriman Outfall Sewer	☺	The start of the current Council era was through the previous drought. A large project was launched such that the whole of Stellenbosch became completely self-sufficient in terms of borehole water should all other sources of water fail. Finalisation of phase 2 and design of tanker discharge facility. Relocation / Upgrade main water supply Ida's Valley – Ida's Valley: Hillside Village Housing Project completed. Bulk Sewer Outfall: Jamestown. Delay with 3 months due to the COVID – 19 pandemic. Bulk water supply Pipe Reservoir: Dwarsrivier (Johannesdal / Kylemore / Pniël) – Completed. New Plankenburg: Main Sewer Outfall –. Completed. Water Treatment Works: Paradyskloof – Completed – Waterpipe Replacement – Ongoing Completion June 2028. Close –out. Completed.
		Consolidation of Area Cleaning and Solid Waste	☺	The process has been completed but all vacancies have not been filled.
	Consolidation of Area Cleaning and Solid Waste	Turn Around Strategy for Traffic Services	☺	Proposals to increase staff capacity has been submitted. Increased Learners classes were implemented as well as Drivers Tests over identified weekends to accommodate students which cannot come during the week. Traffic App has been implemented which reduces the queuing time for drivers / learners' appointments as well as expanded on EFT for motor vehicle license renewals.
Community Development and Protection Services	Repositioning of the Protection Services: Land Invasion Unit	Prevention of Land invasions	😐	Proposal submitted for a Land Invasion / Tactical response Unit. To be tabled at the LLF.
	Security Camera Masterplan	Safety Cameras Stellenbosch CBD	☺	Cameras have been installed in the CBD, with replacements on an ongoing basis. This also forms part of a CCTV Camera Master Plan.
	CCTV in Stellenbosch CBD	Speed and safety cameras, Franschhoek	☺	Groendal CCTV has been completed, will be installing 1 camera at reservoir. 1 site in Franschhoek will be finalised in this financial year. LPR cameras at entry and exits coming from the pass and operational
	Turn around for traffic services	LPR Cameras (Cloetesville and Ida's Valley)	☺	Fir Street LPR completed. Lang street LPR and CCTV completed. CCTV cameras to be installed at Kloof and Lang street Flats and will be completed in 2021/22 financial year. Lilly Street in Ida's Valley LPR completed. CCTV completed inform of Luckhoff and Ida's Valley primary. Lindida Gratitude park CCTV in process. Gorridon and Helshoogte LPR to be completed 21/22 budget.

Portfolio	Project/s	Specific Initiatives	Rating	Progress to date
	Safety and Security	Cemetery Extension	😐	Environmental Impact Assessment proceeded on 2 sites, Louw's Bos (Stellenbosch) and Culcatta (Koelenhof). Environmental Authorisation (EA) (in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) [NEMA]) have been granted for both. An appeal, however, on the EA issued for Louw's Bos has been upheld by the Minster (DEADP). Expecting a decision on Water Use Licensing by DWS during 2021. Both proposals' Land Use application was approved by the Municipal Planning Tribunal during 2020.
		Street People Policy (Replace with Homeless People Policy) and By-Law SRA By-Law	😊	Stellenbosch Municipal Council approved the Street People Policy through which all Homeless People issues are being addressed. The By-Law deals with all issues resulting from deviant behavior on streets and public places and led to the Social Justice SOP through which persons are dealt with.
	Area cleaning	Operational Call Centre	😐	The Customer Care Interface implementation actively commenced in July 2020, where the 1st pilot department was consulted. The implementation of the 1st pilot started with the Department Urban Greening. The teething problem with the 1st pilot was resolved in December 2020 which allowed us to continue with other departments. In January 2021 the 2nd phase of the pilot commenced, which included the whole Directorate Infra Structure Services. The Directorate handles the bulk of complaints as they are responsible for most of the core services to residents. The teething problems in this department were much quicker dealt with. In February 2021, an engagement with the remaining Directorates were held which included Financial Services, the Planning and Economic Development and Community and Protections Services. In March 2021 a communication strategy will be implemented to make the public aware of the launch of the new Customer Care Interface deployed by the municipality to address all citizen enquiries or complaints. The municipality envisage the Customer Care Interface to reach full (internal and external customer engagement) implementation in April 2021.
	Street People	Street People Policy (Replace with Homeless People Policy) and By-Law SRA By-Law	😊	Stellenbosch Municipal Council approved the Street People Policy through which all Homeless People issues are being addressed. The By-Law deals with all issues resulting from deviant behavior on streets and public places and led to the Social Justice SOP through which persons are dealt with.
	Electronic Notice Boards	TV Systems	😐	TV screens not connected to the network. Additional budget needed to procure central control unit to display content. The latter previous unit was damaged by water leaks. Request for R200 000 will be requested on 2022/23 budget.

Portfolio	Project/s	Specific Initiatives	Rating	Progress to date
Corporate Services	Customer care initiative to become responsive to community concerns	HR Policies Review (Recruitment and Selection, Standby, Smoking, TASK, Essential User Scheme)	😐	TASK implementation policy approved in February 2020. Overtime policy approved in 2018. It included provisions on standby. A new Overtime and Standby policy consulted in LLF and will be presented to Council in 2022. Smoking policy approved in October 2017. Essential user car scheme revision at Provincial SALGBC. Consultations concluded, but not approved yet. The Recruitment and Selection Policy: New Recruitment and Selection Policy reviewed and discussed in LLF. Will be presented to Council in 2022.
		Organisational Re-Design	☺	A new organisational structure was approved in 2017. A review took place in February 2019 and further review currently under discussion. Organisational structure is a living document and needs constant review to ensure that it stays relevant. Further reviews under discussions with unions. To be completed in 2022.
		Review System of Delegations	☺	New System of Delegations approved in August 2019. Further review in 2020 approved. Delegations change from time-to-time as by-laws and policies are revised. System updated on yearly basis.
	Human Resources and Organisational Structure	Re-evaluation of staff job descriptions by the Regional TASK Committee	😐	In process. Thus far 323 job descriptions (JDs) have been submitted for evaluation out of a total possible staff compliment of 1 998. Not all post needs evaluation as a lot of posts are generic and, in that situation, only one JD will be evaluated covering several posts. The municipality will endeavor to have all outstanding JDs submitted for evaluation by 30 June 2021.
		Property and Facility Management – monitoring lease agreements and creating synergy between finance to ensure follow-up	☺	Municipal Manager requested a portfolio register of all Council properties to provide information on decisions of Council land per category. An interdepartmental team will work on the documents to be produced to Council by December 2021.

4.3 BASIC SERVICE PROVISION

Basic services are provided to formal, informal and indigent households and are summarised as follows:

Table 24: Basic service provision

Description	Water	Electricity	Sanitation	Refuse Removal
Total number of formal households with access to basic services	38 120	30 742	38 120	39 611
Total number of informal households with access to basic services on private and Eskom areas	1 087	10 298	1 087	9 699

602

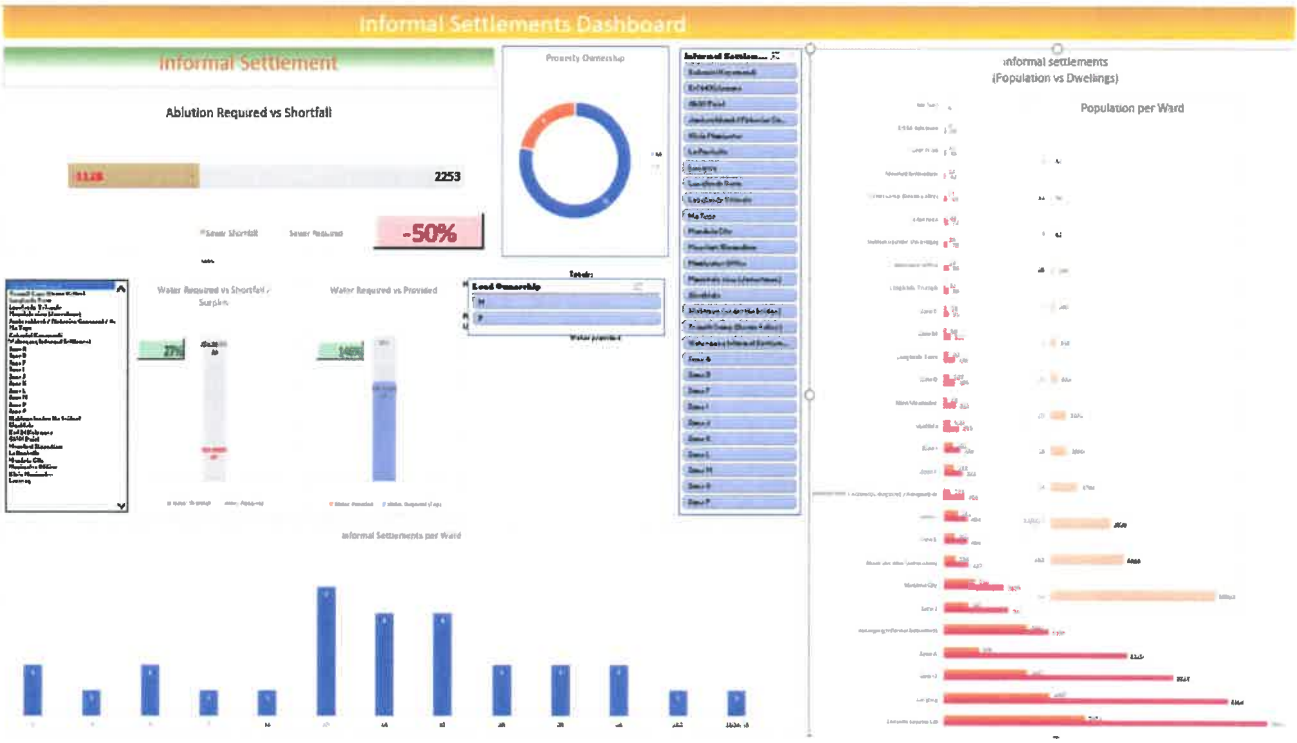
Description	Water	Electricity	Sanitation	Refuse Removal
Total number of indigent households with access to free basic services	7248 Level = 12 kl	10 298 Eskom 1& Level = 60 kWh	7 248 Level = to erven > 250m²	9 699 Level = once a week to erven> 250m²

4.4 PLANS TO ADDRESS BACKLOGS

4.4.1 Access to basic services

The municipality has made progress with addressing backlogs in general. To this effect the ratio of people having access to basic services has been reduce and this number (ratio) is much closer to the National standards for basic services. However, during the initial lockdown period of 2020 the province in general saw a major increase in the number of informal structures, in especially the Municipal informal areas and the backyards. Therefore, all existing plans had to be revised and same are included the approved housing pipeline (2021/22) and the Integrated Human Settlements Plan (currently under review). It must be emphasized that all figures were distorted by this event and in the 22/23 revision of the Housing Pipeline the impact of escalated land invasion will be revisited and address.

Figure 13: Informa Settlement Dashboard



4.4.2 Municipal Housing Projects

In terms of Chapter 2 of the Bill of Rights, Section 26 as contained in the Constitution of the Republic of South Africa, 1996, that relates to Housing, it is stated that:

Everyone has the right to have access to adequate housing.
The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.

Schedule 4A lists housing as a concurrent competency of the national and provincial spheres of government. Schedule 4B and 5B of the Constitution do not confer on local government a function that can be seen to place the onus of housing delivery on local government, however, it provides

an agency function on behalf of Provincial Government for the delivery of housing opportunities in its municipal area.

Notwithstanding the above and in accordance with Act No 107 of 1997 as amended, municipalities are responsible for municipal planning in terms of Section 156 of the Constitution read with Schedule 4B. Municipalities are therefore responsible for the management, regulation, use and development of land within its jurisdiction to enable housing delivery for its residents.

In May 2021, Council approved the Housing Pipeline with a 10-year horizon of Integrated Human Settlements projects. The following projects are geared to address the housing backlog of 17 881 families residing in the Stellenbosch jurisdiction area (WC024).

4.4.2.1 Botmaskop

The Botmaskop site comprises a portion of Remainder Erf 3363 Stellenbosch and a portion of Remainder Erf 3931 Stellenbosch. The site abuts Helshoogte Pass and Simonsberg Road, between Ida's Valley, Simonswyk and Uniepark / Rozendal. The study area is approximately 40 hectares in extent, with road access to two sides, without having to inconvenience existing neighborhoods. In addition, it is within walking distance from a primary and secondary school and abuts large open spaces. The site forms part of the social housing restructuring zone as approved by Council.

The site belongs to the Stellenbosch Municipality and is being utilised primarily for the purposes of forestry (to be phased out) and an open space. No planning for the development of the site has been done to date.

Figure 14: Aerial image of Botmaskop



In the context of the locality of the site and immediate surrounds, as well as identified housing needs, it is believed that the Botmaskop site presents an ideal opportunity to provide housing opportunities for a variety of income groups. The exact nature and extent can only be determined after a feasibility study has been concluded. A development at Botmaskop offers a chance for reversing the segregated neighborhood layouts in Stellenbosch as it creates an infill opportunity for social and middle-income housing.

Access to the site poses very few problems. The capacity of bulk services would have to be tested against a final development model. The approved Stellenbosch Municipality Spatial Development Framework earmarks the site for mixed use community and residential infill.

The proposal will entail a mixed-use development and the estimated yield will be determined based on the required analysis and assessments from the feasibility study which is in process.

A tender was advertised, and a service provider was appointed during the 2020/21 financial year in order to undertake a feasibility study for Botmaskop, being a portion of the Remainder Erf 3363 and a portion of the Remainder Erf 3931 Stellenbosch. Work is ongoing.

The service provider completed geotechnical investigations on the site. Feasibility study is ongoing.

4.4.2.2 Erven 412, 217 and 284 Groendal, Franschhoek

The Department: Housing Development together with the Department: Property Management undertook a process to formulate a Call for Proposal in line with the approved agenda item. A service provider was appointed to draft different site development options for Council approval, where after the procurement process will continue. An agenda item has been drafted and will be circulated to the relevant departments for inputs/comments.

4.4.2.3 Farms 81/2 and 81/9 Stellenbosch

In terms of the implementation of Social Housing Programmes, the Stellenbosch Municipality has identified Portions 2 and 9 of the Farm No 81 Stellenbosch. This site is located between the Cloetesville and Kayamandi settlements. Its boundary is framed by the R304 to the west and the railway line to the east. The Plankenburg River traverses the site along the eastern boundary. The southern boundary of property includes portions of the Kayamandi Tourism Centre, as well as a bridge over the railway line. The northern boundary is framed by the Mount Simon residential development.

Figure 15: Locality plan of Farms 81/2 and 81/9, Stellenbosch



A feasibility study has been done during January 2020 to determine the development potential of the site. Council approved the feasibility report on the 12 February 2020 for Social Housing (rental stock).

The Department: Housing Development liaised with the Provincial Department of Human Settlements (PDoHS), Social Housing Regulation Authority (SHRA) and National Association of Social Housing Organisations (NASHO) to obtain inputs in the finalizations of the specifications and criteria for a Call for Proposal.

Service providers has been appointed during the 2020/21 financial year to undertake a geotechnical

investigation, flood line studies and a traffic impact assessment on the site.

In terms of the geotechnical investigation, the property is regarded as being of favorable on a certain portion of the site, for residential development. There are other areas on the site that has average to poor soil conditions factors that reduce the suitability of the land for development. This is caused due to the extent of uncontrolled fill, the existing topography and soil corrosion.

In terms of the flood line study, it is evident from the 1:100-year flood line that most of the land on the west side of the Plankenburg river is above the flood level and would be suitable for residential development. The only area on the west side of the river that is affected by the 1:100-year flood is the lower ground around the tributary that flows in from the Watergang Dam to the North of Kayamandi, roughly 200 meters south of the Mount Simon residential estate. This should be considered when planning the development in this area.

The Traffic Impact Assessment (TIA) report concludes in support of a proposed Residential Development (3-4 storey walk up flats) on Erven 81/2 and 81/9, Stellenbosch.

The user department is currently drafting a Request for Proposal (RFP) to invite delivery agents that can access SHRA Capital grants (SHIs & ODAs), to submit a Concept Proposal, with the Pre-Feasibility and Financial (PFF) plan, to develop Social Housing on Farm 81/2 and Farm 81/9, Stellenbosch. Approval from Supply Chain Management needs to be obtained before an advertisement can be advertised.

Meetings was held with Department of Land Use Planning and Engineering to discuss the incentives in terms of parking requirements and Development Cost (DC) reductions. Both departments are positive with the input provided. Final submission of RFP to BSC in process.

4.4.2.4 Erf 7001, Cloetesville

This particular goal of this development is the delivery of medium to upper (GAP) housing market (not for BNG housing units). There is an urgent need for the property to be developed so as to create an integrated urban development (Cloetesville), providing for housing.

Figure 16: Location of Erf 7001 in relation to Stellenbosch Town



Stellenbosch Municipality is essentially making the land available (via the ATR processes) to a developer to develop housing opportunities in the GAP market. This is in line with feasibility studies that have been conducted for the GAP housing market in Stellenbosch. The proposal is also in line with the Stellenbosch IDP and MSDF which designates this property for future GAP housing purposes.

The town planning and design principles are to incorporate aspects of integration, designing for community safety, accessibility and dignified spaces.

The site is sloped and constrains numerous pine trees. The site contains a water retention / water tower facility and buffers associated with this facility will need to be investigated. Water supply lines will also need to be determined.

It should be noted, that a previous Call for Proposal was advertised during 2018/19 financial year and was cancelled due to non-responsive bidders.

A new tender was re-advertised during 2020/21 financial year. Following the resolution of Council dated October 2020, an official notice was published in the newspaper (Die Burger) on 30 October 2020 and on the municipal website, soliciting public inputs/objections.

The public participation process received a considerable amount of inputs/comments which served before Council pertaining to the proposed disposal (through a land availability agreement) of municipal land, Erf 7001, Cloetesville and the appointment of a turnkey developer / implementing agent in order to facilitate the delivery of gap housing units.

The Supply Chain Management procurement process to appoint a Turnkey Developer / Implementing Agent for the planning and implementation of Erf 7001, Cloetesville, Stellenbosch, was concluded and the bid was cancelled.

A new tender was advertised and closed on 26 July 2021 to appoint a service provider to undertake a Broad Conceptual Urban Design framework for Erf 7001, Cloetesville to obtain town planning and development rights. The evaluations of bids have been concluded. SCM is currently evaluating the bids to appoint of a suitable service provider. The process and timeframe for this project will be

concluded over a period of two (2) years.

4.4.2.5 Farm 527, Jamestown (Phase 2, 3 and 4)

The subject property is located on the southern edge of the suburb of Jamestown, east of the R44 between Stellenbosch and Somerset West. It is flanked by an existing cemetery on its western boundary and a sportsfield located centrally on its northern edge.

The site falls within an area characterised by medium to high-density residential as well as non-residential uses that serve the local community of Jamestown.

The site in its regional location is indicated on Figure 3: Regional Location.

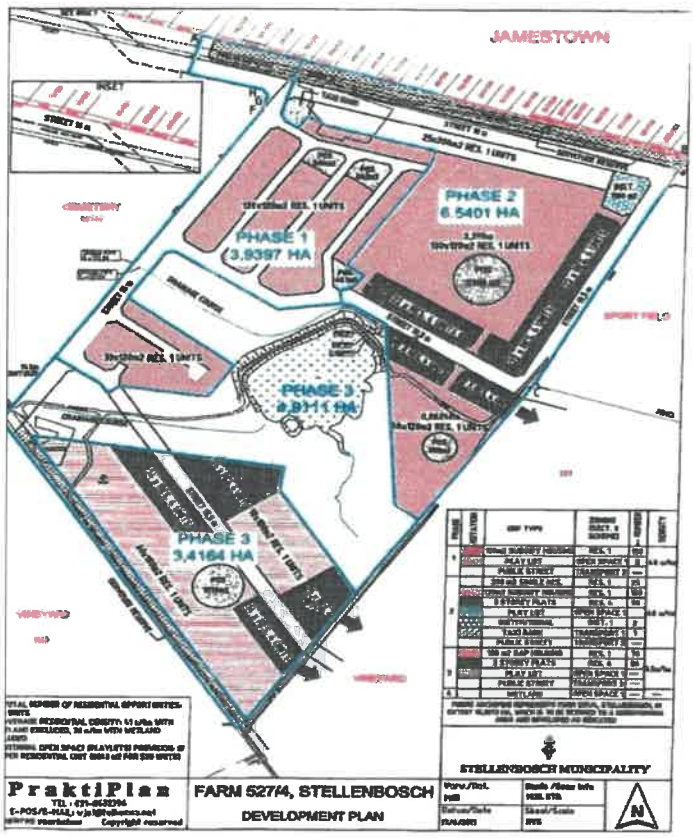
Portion 4 of Farm 527, has been rezoned for residential purposes allowing for a mix of residential types. Phase 1 of the development consisting of 162 subsidized housing opportunities has recently (November 2016) been completed.

Figure 17: Regional location



It is therefore proposed that Phase 2 and 3 of Portion 7 of Farm 527 (site and service, 2-storey walk-ups, GAP housing, high income housing and public open space) be made available simultaneously for development in the short to medium term.

Figure 18: Approved Development Plan



The development of this area (the new Phase 4) is only possible in the medium to long term (as also indicated in the Stellenbosch Municipality Housing Pipeline annual review). It will therefore be required of the prospective developer to do the necessary detailed feasibility studies and obtain the relevant planning and other approvals to enable township establishment for this phase of the development.

The Call for Proposal followed a 2-stage approach to appoint a suitable developer (Stage 1: Concept Proposal and Functionality (ability to deliver on project requirements) and Stage 2: Financial Proposal and Feasibility).

The proposals for Stage 1 have been scrutinized and assessed on the concept proposal and ability of Bidders to deliver on project requirements. Only those Bidders whose bids are assessed as having achieved the minimum required score (70%) will be considered responsive.

The tender was advertised in 2018 when the 2017 urban edge was still applicable. Council subsequently adopted the new Spatial Development Framework (SDF) in 2019 which substantially change the urban edge in Jamestown. This result in a much bigger area for the Jamestown human settlement development that is plan and will lead to a substantial change in scope of the tender which were advertised in 2018. Therefore, the change in scope and other procurement requirements resulted in the cancellation of the bid.

A new tender was advertised and closed on 26 July 2021 to appoint a service provider to undertake a broad conceptual urban design framework for a portion of Portion 7 of Farm 527 and Remainder Farm 527, Jamestown and to obtain town planning and development rights. The evaluations of bids have been concluded. SCM is currently evaluating the bids to appoint of a suitable service provider. The process and timeframe for this project will be concluded over a period of two (2) years, although Phase 2 and 3 will continue much sooner given the current development rights in place.

4.4.2.6 Kayamandi Town Centre

A service provider with the necessary multi-disciplinary team of professional consultants was appointed to conduct a feasibility study to assess the redevelopment of the town centre of Kayamandi 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.

Figure 19: Conceptual layout of the Kayamandi Town Centre



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.

The proposed typology mix is such that it will enhance the beauty and character of the Kayamandi Town Centre in that it will provide for a mix of typologies to accommodate the old and the young. The proposal for walk-up units is also to provide maximum densification within the available limited space.

The proposed town planning layout consists of ±1 800 housing opportunities (2 to 3 storey BNG walk-ups). The development parameters will include a mix of housing typologies, business units and community facilities. This design methodology was utilised to suit the demand and the needs of the affected community.

The community agreed upon on a relocation strategy must be followed to effectively address the challenges facing Kayamandi.

The aim would be to unpack the developmental opportunities of Kayamandi and recommend a relocation strategy for the families moving to the temporary units/site that has been earmarked for

this process (Northern Extension).

The proposed land uses in the feasibility study / urban design concept can be accommodated within this zoning. It is therefore proposed that this zoning is used when the study is rezoned during the land use planning application processes.

The proposed land use concept takes into consideration the following issues:

- The general slope of the area – the gradient is such that it has an impact on the number of opportunities;
- the safety concerns with regards to the communal living; and
- the impact of the COVID-19 pandemic – social distancing requirements.

A service provider was appointed, subsequent to the initial investigation to formally undertake a feasibility study for the Town Centre 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.

A Section 116(3) amendment to the existing appointment of the service provider beyond June 2021 to enable the finalization of the original scope of work beyond the original appointment term was approved by Council on 23 June 2021. Service Level Agreement have been concluded and will be circulated for signatures accordingly.

The planning application process is anticipated to be completed during the 2022/23 financial year.

4.4.2.7 Northern Extension, Kayamandi

The Northern Extension of Stellenbosch is situated north of Kayamandi, adjacent to Cloetesville and the Welgevonden Estate. The sites are located on the western side of the R304 (main arterial from the North) to Stellenbosch.

Figure 20: Conceptual layout



A service provider was appointed by Stellenbosch Municipality to appoint the necessary multidisciplinary team of professional consultants to conduct a due diligence assessment to assess whether it is suitable for the expansion of a mixed-use development to the north of Kayamandi.

The specific site has been suggested by the Stellenbosch Municipality for the northward extension of the urban area of Stellenbosch. The intension was to determine the feasibility of establishing a multiple use development, providing ±5 000 – 6000 residential opportunities in the Northern Extension of Stellenbosch.

The feasibility study includes identifying developable land within the study area (different farmland identified). The development potential of the said site was evaluated from an engineering, planning and environmental perspective. The subsequent planning applications following this feasibility study will include the rezoning of the given properties from Agricultural" for the required Zoning Scheme By-Laws suitable for the proposed residential densities and mix use development.

A tender was advertised, and a service provider was appointed to undertake a Broad Conceptual

Urban Design framework for the Northern Extension and to obtain town planning and development rights. This project timeframe for completion is 2022/23 financial year.

It should be noted, that a portion of the development of the northern extension has been identified as a possible relocation area for redevelopment of the Kayamandi Town Centre.

Service Level Agreement have been concluded and will be circulated for signatures accordingly. A meeting was held during September 2021 with the service provider on the progress on the project. Project ongoing.

4.4.2.8 Erf 64, Kylemore

The identified property is 15.5ha in extent of which the municipality requires ±8ha for residential purposes.

Figure 21: Locality plan of Erf 64, Kylemore



Various meetings were held with National Department of Public work (NDoPW) and it was indicated that the Directorate: Investment Analysis will conduct a feasibility study as part of the relevant business process of the Department Public Works and Infrastructure (DPWI). Upon completion of the feasibility study, the relevant report and recommendations have been submitted to the Directorate: Disposals (Land Reform and Human Settlements) to inform their submission for Ministerial approval.

The feasibility study was completed during 2019/20 financial year and await transfer of Erf 64, Kylemore to the municipality.

It should be noted that pre-feasibility studies were conducted more than 10 years ago and need to be reviewed and amended where necessary.

The Housing Development Agency (HDA) has been appointed via an Implementation Protocol agreement to assist with the transfer of land from the National Department of Public Works (NDPW) to the Stellenbosch Municipality and to further attend to the required applications to obtain land use rights, the registration of diagrams / general plans with the Surveyor General and the relevant applications to the Provincial Department of Human Settlements (PDoHS)

A meeting was held on 31 August 2021 with service provider to provide update on the progress of the project. The service provider currently in process to finalize the draft PID application which will be submitted to PDoHS. A project programme to outline the deliverables and timeframes for the transfer and application for planning applications was provided by the service provider. Project ongoing.

4.4.2.9 Langrug, Franschhoek

Langrug informal settlement is located in the north-eastern area of Franschhoek and falls within the jurisdiction of the Stellenbosch Municipality. On the southern side of the settlement is Groendal formal housing developments down to Franschhoek town. On the eastern side is the Mooiwater low-income housing development. On the northern side of Langrug is a nature reserve that is located on the upper

part of the mountain slope on which Langrug informal settlement encroaches.

The community experiences locational risks such as being located on a slope, in an area that is prone to floods and being at risk of rock falls. The settlement has varied access to basic services. The Langrug informal settlement is viable for in-situ upgrading.

Living conditions at informal settlements are typically poor with residents facing a range of basic livelihood challenges, such as poor access to basic sanitation, low to no potable water supply, inadequate electricity provision, detrimental solid waste accumulation in public spaces, frequent shack fires, safety and security risks; to name a few. Langrug informal settlement is no exception to these deplorable living conditions. Furthermore, and due to the growing number of informal housing and population in the settlement coupled with the lack of availability of land for housing in the Franschhoek Area, there is a growing need at Langrug for additional basics services and amenities (roads, water, sanitation, electricity etc.), the management of grey and black water emanating from households, and the development of housing projects in the settlement.

According to the Stellenbosch Municipality's Spatial Development Framework (SDF) that was approved in July 2019, Franschhoek is viewed as having less livelihood potential. Hence, the focus is on improving living conditions of existing residents as opposed to significant new growth. According to the Stellenbosch Municipality's Informal Settlement Strategy for Langrug, the municipality is planning to supply Upgrading of Informal Settlements (UISP) services. The municipality is also providing electricity over time to informal structures without electricity as part of the municipality's ongoing Electrification Programme. The Medium-Term Revenue and Expenditure Framework (MTREF) is continuously updated to provide for such opportunities. The municipality is planning to undertake detailed planning studies to unlock housing development opportunities, develop a phased approach implementation plan premised on detailed designs for the formalisation of Langrug, apply for development rights and installation of basic services, and identify suitable land for decanting.

In light of the above challenges, there are various projects and interventions which have been identified for planning and eventual implementation. The objective of these projects is to upgrade Langrug incrementally and to, as far as possible, formalise existing development patterns to improve the delivery of basic services.

Hereunder is a summary of the medium to long term projects:

- The construction of phase 2 emergency access road and the installation of underground services.
- Re-blocking of sections to improve access and basic services.
- Upgrading of the bus route.
- Relocation and subsequent rehabilitation of the dam area.
- In order to commence with the re-blocking of Langrug, a decanting site on Erf 3229, Mooiwater, Franschhoek is being developed (basic services), the process of which is currently underway.
- Cancellation of the existing General Plan and consolidation to create one land unit.

Certain of these projects are managed by the Department: PMU and assisted by the Department: Informal Settlements.

4.4.2.10 Erf 3229, Mooiwater, Franschhoek

Erf 3229 at Mooiwater has been identified as a relocation site to accommodate families impacted by the rehabilitation of the dam wall at Langrug informal settlement. The subject property is currently vacant and is being used for illegal dumping.

The Geotechnical Investigations to determine the feasibility to develop Erf 3229 for a temporary relocation site was concluded in January 2020. The Department: Project Management Unit (PMU) has issued an instruction to the consultant to prepare the procurement documents for the site rehabilitation. The design of the layout plan for the proposed development has been completed. A development application has been submitted to the Department: Land Use Management to obtain development rights for a land use departure to enable the temporary use of the site as a TRA. The checklist and screening report were submitted to DEA&DP to guide the Municipality on the environmental process to follow in order to secure authorisation for the proposed development. DEA&DP, in their response to the checklist report, directed the municipality to undertake further specialist studies as follows:

- undertake a phase 1 land contamination study;
- the extent of the watercourse and the edge of the Stiebeuel River bank;
- provide details of proposed work in close proximity of the Stiebeuel river; and
- request ELE to vary directive from development of a sports field to the development of a TRA.

Specialists has been appointed to deal with above and submitted the revised civil designs on 17 March 2021 for final approval. The Department: PMU concluded the appointment of an electrical engineer for the planning, design and construction monitoring of internal electrical network for the proposed TRA development. The preliminary design for electrification of approximately ±258 is due for submission in due course.

A Project Initiation Document (PID) was submitted to the Provincial Department of Human Settlement, await feedback.

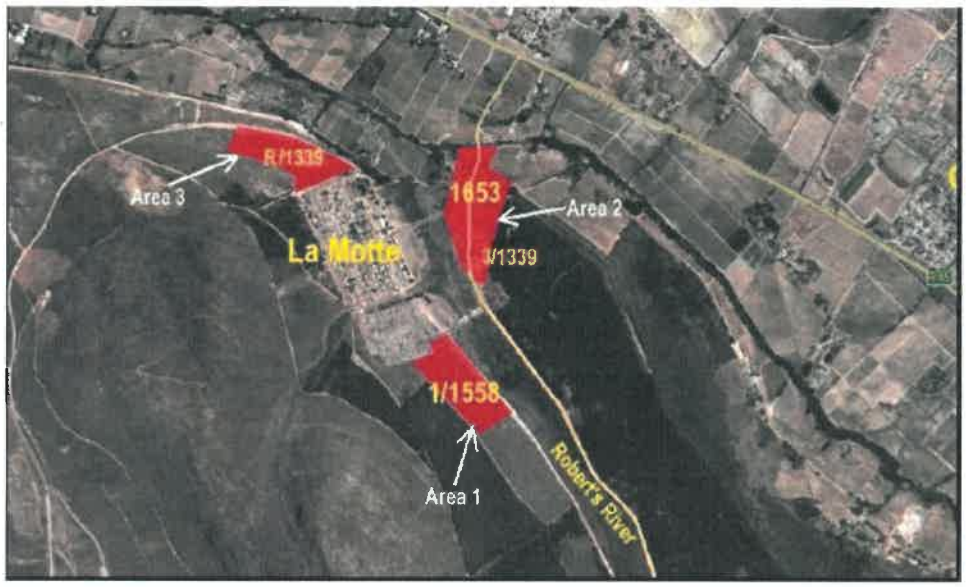
The dam be pumped, as and when required, by the Department: Road and Stormwaters.

Land Use application is in process. Funding for an emergency housing application has been drafted and receiving inputs from various departments, it will be submitted to National Department for approval.

4.4.2.11 La Motte, Franschhoek

La Motte is a former Bosbou Hamlet situated approximately 3.5 km north-west of Franschhoek town, on the Robertsvallei Road, close to where it intersects the R45. Originally built to house forestry workers, the village is made up of the original dwellings and a range of community facilities. During the construction phase of the Berg River Water Scheme, new houses were built adjacent to the existing settlement to temporarily house the construction workers; these houses have been transferred to be identified beneficiaries.

Figure 22: Locality plan of erven, La Motte, Franschhoek



The Stellenbosch Municipality and the community of Franschhoek have been pro-active in addressing the need for affordable and subsidized housing and a number of initiatives have successfully been implemented.

By means of a tender process, a service provider was appointed and a feasibility study has been concluded.

The Department of Public Works, as custodians of the relevant portions of land, has been engaged in order to start the necessary procedures that would lead to the transfer of the subject properties into the name of Stellenbosch Municipality, for housing purposes.

The municipality is currently awaiting feedback from the National Department of Public Works. The Housing Development Agency (HDA) has been appointed via an Implementation Protocol agreement to assist with the transfer of land from the National Department of Public Works (NDPW) to the Stellenbosch Municipality and to further attend to the required applications to obtain land use rights, the registration of diagrams / general plans with the Surveyor General and the relevant applications to the Provincial Department of Human Settlements (PDoHS).

A meeting was held on 31 August 2021 with service provider to provide update on the progress of the project. The service provider has subsequently submitted a new request for State Land Release for the subject property and complies with the Department of Public Work Land Disposal requirements. A project programme to outline the deliverables and timeframes for the transfer and application for planning applications was provided by the service provider. Project is ongoing.

4.4.2.12 Meerlust, Franschhoek

Portion 1 of the Farm Meerlust No 1006, in the Franschhoek Valley known as Meerlust has been identified for residential purposes. Ownership of the property currently vests with the National Department of Public Works (NDPW). The site is located on the southern edge of the R45 close to the intersection of the R45 and the R310 and lies between Werda in the north-west and Allee Bleue, Lekkerwyn and the Pickstones to the east.

Figure 23: Location and regional context



A portion of this land currently accommodates the Meerlust Bousbou Village (home to around 34 households) and the upgrade / redevelopment of this village is an integral part of this Call for Proposals. Portion 1 of the Farm Meerlust No 1006 included in this Proposed Development Concept is zoned Agriculture and application therefor still needs to be made to obtain development rights for urban / residential development. The development of this area is therefor only possible in the medium to long term as also indicated in the Stellenbosch Municipality Housing Pipeline (Annual Review 2017 - 2020). It will therefore be required of the prospective developer to do the necessary detailed feasibility studies (in addition to those already completed) and obtain the relevant planning and other approvals to enable township establishment for the proposed development.

A meeting was held on 31 August 2021 with service provider to provide update on the progress of the project. A project programme to outline the deliverables and timeframes for the transfer and

application for planning applications was provided by the service provider. A PID application to be drafted and submitted to PDoHS for the planning work. Project ongoing.

4.4.2.13 Erf 2183, La Rochelle, Klapmuts

Erf 2183, Klapmuts is located along Gomas Street, Klapmuts, approximately 1.5km off the R310 that links Stellenbosch to the N1. The site is located on the south-eastern edge of the town of Klapmuts and is bordered by vacant land to its southern and eastern boundaries, with a proposed new housing development on the western and northern boundaries towards Mandela City, Klapmuts. To provide in the dire housing need in the Klapmuts area, especially for current backyarders, this property was identified as a possible option for a "site-and-service" housing project.

Figure 24: Erf 2183, La Rochelle, Klapmuts



A tender has been advertised and a service provider has been appointed to undertake a subdivision application and registration of the diagrams in the Surveyor General's Office for Erf 2183, La Rochelle, Klapmuts.

Project is ongoing and the timeframe for the project is 18 months.

4.5 MUNICIPALITY'S ASSETS

The Stellenbosch municipal physical assets include land and buildings, Infrastructure, including electricity, water and sanitation, solid waste and roads and storm water managed by the Infrastructure Directorate and Vehicles, managed by the Directorates to whom the vehicles are allocated with the fleet used by all managed by the Finance Department.

4.5.1 Land and Buildings

Land and Buildings are managed under Property Management at the Directorate: Corporate Services. They fulfil the "owner" function of all municipal owned land and buildings. This will include long term planning and optimized use of municipal land as well as the maintenance of all the municipal buildings.

4.5.2 Electricity Infrastructure

The main electricity infrastructure consists of:

Overhead lines	
Low voltage supply lines	25 km
11kV overhead lines	30 km
Underground cables	
Low voltage cables	3536,40 km
11kV cables	1079,21 km
Transformers	
66kV/11kV	17
11kV/400V	700
Switchgear 66kV	17
Switchgear 11kV	82

A master plan for the Electrical Network was done during 2015 and adopted by Council early 2016. The municipality continues to endeavor to perform the necessary electricity infrastructure maintenance. However due to staff shortages the municipality does fall short on this. Staff shortages challenges are being addressed, however until then, the electricity infrastructure remains not being maintained in accordance with the prescribed standards.

The master plan is due for renew and plans to have it renewed are underway. There has been delays in having the master plan renewed within the five-year prescribed time frame, however this is now being addressed.

Following the amendments of the Electricity Regulation Act (ERA) which enable municipalities in good financial standing to develop their power generation projects or with Independent Power Procedures (IPP's), Stellenbosch Municipality has signed a Memorandum of Agreement with CSIR to assist the municipality to develop an Energy Masterplan.

The areas of project investigation that have been identified by Stellenbosch thus far are on the supply side and demand side and include but are not limited to:

- Rooftop Solar PV (4 x 100 sq.m);
- Landfill-gas;
- Stellenbosch Municipality wants to explore adjusting and synchronising Pump Stations to use power mostly in off-peak times, then standard times;
- Adjusting geysers to operate only outside of peak times;
- FOG Pilot Plant Implementation;
- Fat, Oil and Grease (FOG) and Anaerobic digester (AD) plant for main Landfill Site;
- Ida's Valley Water – Utilising Generators to reduce pressure;
- Paradyskloof Water – Utilising Generators to reduce pressure; and
- Pressure Reducing Valves – To make use of Generating Pressure reduction.

CAPITAL BUDGET 2021 - 2024
INFRASTRUCTURE SERVICES

Cp3 Id	Cost Cent	Department	Name	Funding Source	2021/2022	2022/2023	2023/2024	MTREF Total
2972378	6600	Executive Support: Engineering Services: General	Furniture, Tools & Equipment	CRR (Own funds)	75 000	75 000	50 000	200 000
2972284	4400	Electrical Services	Ad-Hoc Provision of Street lighting and Lighting of Public Spaces	CRR (Own funds)	2 000 000	2 150 000	2 843 375	6 993 375
NEW	4400	Electrical Services	Alternative Energy	CRR (Own funds)	15 000 000	1 500 000	1 500 000	18 000 000
2972290	4400	Electrical Services	Automatic Meter Reader	CRR (Own funds)	-	400 000	400 000.00	800 000
2980416	4400	Electrical Services	Bien don 66/11kV substation new (new development and demand)	External Loan	1 200 000	1 000 000	35 000 000	37 200 000
2972282	4400	Electrical Services	Buildings & Facilities Electrical Supply - Stellenbosch	CRR (Own funds)	-	412 000	412 000.00	824 000
2980387	4400	Electrical Services	Cable replacement 66kV oil MN - US - MK	CRR (Own funds)	-	-	480 000.00	480 000
2973458	4400	Electrical Services	Cloetesville - University New 66kV cable	CRR (Own funds)	-	-	450 000	450 000
2975577	4400	Electrical Services	Data Network	CRR (Own funds)	-	-	-	-
2972309	4400	Electrical Services	DSM Geyser Control	CRR (Own funds)	-	100 000	100 000.00	200 000
2972310	4400	Electrical Services	Electricity Network: Pniel	External Loan	3 500 000	3 500 000	3 000 000.00	10 000 000
2972288	4400	Electrical Services	Energy Balancing Between Metering and Mini-Substations	CRR (Own funds)	-	250 000	250 000.00	500 000
2972302	4400	Electrical Services	Energy Efficiency and Demand Side Management	CRR (Own funds)	-	1 000 000	1 000 000.00	2 000 000
2972299	4400	Electrical Services	General System Improvements - Franschhoek	External Loan	2 000 000	2 000 000	2 000 000.00	6 000 000
2972285	4400	Electrical Services	General Systems Improvements - Stellenbosch	CRR (Own funds)	-	3 542 126	3 600 000.00	7 142 126
2972285	4400	Electrical Services	General Systems Improvements - Stellenbosch	External Loan	3 521 000	-	-	3 521 000
2972297	4400	Electrical Services	Infrastructure Improvement - Franschoek	External Loan	1 500 000	1 500 000	500 000.00	3 500 000
2972297	4400	Electrical Services	Infrastructure Improvement - Franschoek	CRR (Own funds)	-	-	1 000 000.00	1 000 000
2972312	4400	Electrical Services	Integrated National Electrification Programme	INEP	18 000 000	6 000 000	6 000 000.00	30 000 000
2972312	4400	Electrical Services	Integrated National Electrification Programme	CRR (Own funds)	-	-	-	-
2972574	4400	Electrical Services	Integrated National Electrification Programme (Enkanini)	CRR (Own funds)	-	-	-	-
2973160	4400	Electrical Services	Jan Marais Upgrade: Remove Existing Tx 1 and 2 and replace with 20MVA units	External Loan	8 000 000	-	500 000.00	8 500 000
2973160	4400	Electrical Services	Jan Marais Upgrade: Remove Existing Tx 1 and 2 and replace with 20MVA units	CRR (Own funds)	-	500 000	-	500 000
2973173	4400	Electrical Services	Kayamandi(Costa grounds)new substation 66/11 kV 2x 20MVA	CRR (Own funds)	-	-	300 000.00	300 000
2973165	4400	Electrical Services	Kwarentyn Sub cables: 11kV 3 core 185mmsq PILC(Table19) copper cabling, 3.8km	CRR (Own funds)	5 700 000	-	-	5 700 000
2980413	4400	Electrical Services	Laterra SS	External Loan	8 371 553	267 360	-	8 638 913
2980413	4400	Electrical Services	Laterra SS	CRR (Own funds)	-	159 926	-	159 926
2973163	4400	Electrical Services	Main substation - Tx upgrade: Remove Existing Tx 2 and 3 and replace with 10MVA units from Jan Marais	CRR (Own funds)	-	5 571 200	-	5 571 200
2973163	4400	Electrical Services	Main substation - Tx upgrade: Remove Existing Tx 2 and 3 and replace with 10MVA units from Jan Marais	External Loan	-	22 000 000	-	22 000 000
2972289	4400	Electrical Services	Meter Panels	CRR (Own funds)	-	500 000	400 000.00	900 000
2972287	4400	Electrical Services	Network Cable Replace 11 Kv	External Loan	-	3 000 000	3 000 000.00	6 000 000
2972301	4400	Electrical Services	Replace Ineffective Meters	CRR (Own funds)	250 000	-	-	250 000
2972283	4400	Electrical Services	Small Capital: Fte Electrical Services	CRR (Own funds)	500 000	500 000	500 000.00	1 500 000
2972306	4400	Electrical Services	Substation 66kV equipment, control, VT's, CT's, Isolator links and cable terminals	CRR (Own funds)	-	1 950 000	2 184 000.00	4 134 000
2980374	4400	Electrical Services	Substation upgrade US 66 /11kv 20MVA Transformer TRFX #3	CRR (Own funds)	-	-	450 000.00	450 000
2975670	4400	Electrical Services	Switchgear - Stellenbosch (11kV replace oil type with SF6)	CRR (Own funds)	-	-	14 334 268.00	14 334 268
2980372	4400	Electrical Services	Switchgear 66kV US - MN - Outdoor Breakers(66kV)	CRR (Own funds)	-	-	4 807 000	4 807 000
2972286	4400	Electrical Services	System Control Centre & Upgrade Telemetry	CRR (Own funds)	1 166 133	1 568 656	500 000	3 234 789
2972286	4400	Electrical Services	System Control Centre & Upgrade Telemetry	External Loan	393 167	-	-	393 167
NEW	4400	Electrical Services	Update Electrical Master document	CRR (Own funds)	700 000	-	-	700 000

4.5.3 Water and Sanitation

The water reticulation consists of 704 km pipelines, 51 reservoirs, 2 raw water dams and 69 pumps. New infrastructure included two new reservoirs and a water pump station in the Dwarsriver area. The Paradyskloof water treatment works (WTW) was also upgraded and work was completed during 2019 to increase the works capacity and water quality produced.

The sewer reticulation consists of 429 Km pipelines, 22 pump stations and 5 Wastewater Treatment Works. The upgrading of the Stellenbosch Wastewater treatment works (WWTW) phase 1 is the largest capital investment in a single project and completed recently. Pniël (WWTW) is currently in process to be upgraded. Upgrading and capacity increase of Wemmershoek WWTW also initiated during 2021.

A household repair programme for indigents and a Pipe Replacement Programme, based on a risk analysis, is in process to repair leaks and replace old pipes. Underground services do have the added challenge of not being visible to the owner, so the municipality made use of the Pipe Prioritising Modelling Programme that is a practical and affordable processes to anticipate deterioration of the infrastructure. The municipality optimized underground services through the 80-20 principle where the municipality endeavoured to get 80% accurate information on the services through only 20% financial input towards collecting data. More detailed infrastructure information for sewer and waste water management such as the condition and remaining useful life will involve costly exercises, whilst the pipe replacement programme provides sufficient management information to maintain the infrastructure at an acceptable rate.

The Western Cape Province was classified as a provincial state of disaster by the National Disaster Management Centre on 25 April 2017 and duly declared as such in terms of section 41 of the Disaster Management Act, (Act 57 of 2002) on 23 May 2017 by the Premier of the Western Cape. Sections 23 (1) (a), as well as 35 of the Disaster Management Act, (Act 57 of 2002), legislates that the severity and magnitude or the potential threat of the severity and magnitude of the disaster be assessed, by both the province as well as the National Disaster Management Centre (NDMC).

The National State of Disaster announced on 13 Feb 2018, Government Notice 101/2017, that a national state of disaster exists and that the delegation was given to municipalities to manage the drought declarations in their jurisdictions.

The ongoing drought in the Western Cape was impacting on WC024 water supply security and the likelihood of water in the 6 large dams supplying Cape Town and surrounding towns were running out of water during 2018/19. The municipality has therefore decided to implement a Drought Response Plan over and above the water conservation and water demand management efforts to implement the emergency measures required to mitigate the effects of the drought. The drought intervention programme that was informed by the Stellenbosch Municipality's long-term water demand strategy combined water conservation and water demand management with the borehole development programme. This project was completed in time and in budget to mitigate the drought disaster.

Name	Funding Source	2021/2022	2022/2023	2023/2024	MTREF Total
Bulk water supply Klapmuts	External Loan	15 000 000	5 000 000	-	20 000 000
Bulk water Supply Pipe : Cloetesville/ Idas Valley	CRR (Own funds)	-	1 000 000	1 000 000	2 000 000
Bulk water supply pipe and Reservoir: Kayamandi	IUDG	-	-	2 000 000	2 000 000
Bulk water Supply Pipe Line & Pumpstations: Franschhoek	External Loan	-	-	10 000 000	10 000 000
Bulk Water Supply Pipe: Idas Valley/Papegaaiberg and Network Upgrades	CRR (Own funds)	-	-	1 000 000	1 000 000
Bulk Water Supply Pipeline & Reservoir - Jamestown	IUDG	6 000 000	9 000 000	9 000 000	24 000 000
Bulk Water Supply Pipeline & Reservoir - Jamestown	External Loan	4 000 000	-	-	4 000 000
Chlorination installation: Upgrade	CRR (Own funds)	-	500 000	750 000	1 250 000
Dwarsriver Bulk Supply Augmentation and Network Upgrades	External Loan	-	-	7 518 000	7 518 000
New Developments Bulk Water Supply WC024	CRR (Own funds)	-	1 000 000	3 000 000	4 000 000
New Reservoir & Pipeline: Vlottenburg	IUDG	-	3 267 360	9 744 880	13 012 240
New Reservoir & Pipeline: Vlottenburg	External Loan	40 697 046	34 732 640	15 482 000	90 911 686
New Reservoir & Pipeline: Vlottenburg	CRR (Own funds)	-	-	773 120	773 120
Northern Extension: Phase 2 Water Infrastructure	IUDG	4 000 000	5 000 000	-	9 000 000
Raithby WWTW	IUDG	-	5 000 000	-	5 000 000
Reservoirs and Dam Safety	CRR (Own funds)	-	1 500 000	2 000 000	3 500 000
Stellenbosch WWTW	CRR (Own funds)	-	-	6 000 000	6 000 000
Upgrade and Replace Water Meters	CRR (Own funds)	2 000 000	2 500 000	2 500 000	7 000 000
Upgrading of Koelenhof Water Scheme	CRR (Own funds)	-	500 000	5 000 000	5 500 000
Water Conservation & Demand Management	External Loan	3 639 917	3 000 000	-	6 639 917
Water Conservation & Demand Management	CRR (Own funds)	-	-	3 000 000	3 000 000
Water Telemetry Upgrade	CRR (Own funds)	750 000	1 500 000	1 500 000	3 750 000
Water Treatment Works: Idasvalley	IUDG	-	-	11 000 000	11 000 000
Water Treatment Works: Idasvalley	CRR (Own funds)	-	-	4 000 000	4 000 000
Water Treatment Works: Paradyskloof and Associated works	CRR (Own funds)	-	500 000	5 000 000	5 500 000
Waterpipe Replacement	External Loan	5 861 689	4 000 000	4 000 000	13 861 689
WSDP (tri-annually)	CRR (Own funds)	-	400 000	400 000	800 000
Bulk Sewer Outfall: Jamestown	IUDG	12 691 426	-	-	12 691 426
Bulk Sewer Upgrade: Dwarsriver Area (Kylemore, Boschendal, Pniel)	CRR (Own funds)	-	-	6 000 000	6 000 000
Cloetesville Bulk Sewer Upgrade	CRR (Own funds)	-	-	1 000 000	1 000 000
Effluent Recycling of Waste Water 10Ml per day	CRR (Own funds)	-	500 000	-	500 000
Franschhoek Sewer Network Upgrade	External Loan	-	6 000 000	6 000 000	12 000 000
Industrial Effluent Monitoring	CRR (Own funds)	-	1 500 000	1 500 000	3 000 000
Kayamandi Bulk Sewer	CRR (Own funds)	-	-	5 000 000	5 000 000
Klapmuts Bulk Sewer Upgrade	IUDG	-	1 000 000	4 000 000	5 000 000
Northern Extension: Phase 2 Sanitation Infrastructure	CRR (Own funds)	-	-	2 000 000	2 000 000
Sewerpipe Replacement	External Loan	-	4 000 000	7 000 000	11 000 000
Sewerpipe Replacement: Dorp Straat	External Loan	-	-	20 000 000	20 000 000
Update Sewer Masterplan and IMQS	CRR (Own funds)	-	500 000	500 000	1 000 000
Upgrade Auto-Samplers	CRR (Own funds)	-	200 000	200 000	400 000
Upgrade of WWTW Wemmershoek	External Loan	32 421 083	30 000 000	30 000 000	92 421 083
Upgrade of WWTW: Klapmuts	External Loan	-	10 000 000	6 000 000	16 000 000
Upgrade of WWTW: Pniel & Decommissioning Of Franschhoek	IUDG	31 485 720	-	-	31 485 720
Upgrade of WWTW: Pniel & Decommissioning Of Franschhoek	External Loan	16 514 280	-	-	16 514 280
Rozendal Reservoir	External Loan	10 463 645			10 463 645

4.5.4 Solid Waste

Table 25: Solid Waste Projects

Solid Waste	
Successful implementation of Rubble Crushing project	Iselula Construction appointed- builders rubble crushed, screened and lab tested for secondary civil use. High diversion achieved from landfill.
External Audit	An external auditor was appointed to ensure improvement in performance of landfill site in terms of permit compliance.
Swopshops	Very successful in Klapmuts and extended to Kayamandi. A new trailer was procured and launched in August 2017.
Greenest Municipality Awards	Stellenbosch Municipality garnered 4 awards at Greenest Municipality Awards in October 2017.
Best practice	DEA and GIZ invited 6 municipalities throughout the country to learn from Stellenbosch Municipality in terms of waste minimisation practices. Bitou Municipality sent delegation to learn best practices in April 2018.
Transfer of Area Cleaning to Solid Waste Management	Area Cleaning was transferred to Solid Waste Management from January 2018. As all waste management issues are consolidated in one department, a concerted effort has been put into clean informal areas, commencing with Enkanini. There has been a significant improvement in the cleanliness of most areas, as per correspondence received.
Procurement of Area Cleaning vehicles	Two TLBs, two bakkies and four 4t Hino tippers and one 10t UD tipper truck.
Electrification of Klapmuts	After nearly 4 years without electrification due to vandalism, this was re-established by moving the transformers onto the premises (from previously across the road). The site is also well protected with the Betafence.
Upgrade of fence at Franschhoek Drop-off facility	Since the upgrade, there had been no problems from vagrants, and controls much improved.

Solid Waste	
Waste Characterisation	In order to understand the Stellenbosch waste stream and make decisions based on recent data and composition, a comprehensive waste characterization study was undertaken
Ground Water Monitoring at the Stellenbosch Landfill	A series of new boreholes were drilled to ensure that the design report to be completed, this included boreholes for the new cell 4 as well as additional boreholes for the monitoring of the closed cells 1&2 as well as cell 3
The Department increased its managerial capacity	Two new managers were appointed to support the senior manager in the Department.
New waste Material Recovery Facility	The new waste material recovery facility (MRF) was unveiled by Mayor Gesie van Deventer on 25 March 2021.
The 3rd Generation Integrated Waste Management Plan	The municipality's IWMP was adopted by Council and endorsed by the Provincial Government.
Integrated Waste Management By-Law	The municipality's By-law was adopted by Council and gazetted by the Provincial Government.
Section 78 (3)	This investigation will indicate to the Waste Management Department which mechanisms to employ in order to render cost-effective, efficient, sustainable and equitable services. The Section 78(3) has been adopted by Council.

4.5.5 Roads and Storm Water

4.5.5.1 Road Reseal Programme

The municipality's road network is assessed every 5 years, with detailed assessments carried out each year prior to the implementation of the annual road reseal programme. The assessments indicate which roads require attention, and when the programme is rolled out, roads that are classified as being in a poor condition, will receive attention.

Due to the current backlog on road maintenance and rehabilitation, it is envisaged that the annual roll-out will be continued and will be expanded with more funding being made available, in order to address backlogs, and maintain the integrity of the road network.

4.5.5.2 Upgrading of Gravel Roads

The municipality had previously commenced with its Gravel Road Upgrading Programme where gravel roads in the municipality's residential settlements are being upgraded to permanent asphalt surface standards. Previously gravel roads were upgraded in Klapmuts, Kylemore and Johannesdal. In the 2019/2020 financial year gravel roads were upgraded in the Wemmershoek and La Motte areas during 2020/2021 financial year, gravel roads were upgraded to surface standards in Franschhoek CBD area.

4.5.5.3 Main Road Intersection Improvements

To reduce the effects of congestion, improve traffic flow and increase traffic safety at intersections within Stellenbosch, various intersections were upgraded through the intersection improvement programme that had commenced about 8 years ago.

To date the following intersections were upgraded: R44 / Cluver; R44 / Lelie; R44 / Bird; R44 / Van Reede; R44 / Trumali; R44 / Techno Park and R44 / Paradyskloof and R44 / Helshoogte.

Although most of the upgrades were focused on the R44 Corridor through Stellenbosch, other intersections, such as Jan Celliers / Ryneveld intersection has also been upgraded, and construction work is currently underway at the Adam Tas/Vredenburg, Adam Tas / Devon Valley and Adam Tas / Oude Libertas intersections.

4.5.5.4 Non – Motorised Transport (NMT)

In line with the municipality's NMT Master Plan, NMT Infrastructure is rolled out and implemented annually to ensure continuous expansion of the NMT Network. During the 2019/20 financial year, sidewalks have been constructed in Stellenbosch CBD, Paradyskloof, Ida's Valley and Onder-pappegaaiberg. During the 2020/21 financial year NMT facilities were constructed in Jamestown, Cloetesville, Pniël and Stellenbosch CBD. In addition to the NMT Master Plan, the increasing needs from communities for sidewalks and NMT Infrastructure, may lead to an increase in the quantity of NMT infrastructure being rolled out in future.

4.5.5.5 Public Transport Facilities

The need for improved public transport facilities have been identified during IDP public participation processes, the municipality recognised this need and commissioned the construction of a new Taxi Rank in Groendal (Franschhoek) and the upgrading of Taxi Ranks in Kayamandi and Klapmuts.

Constructed facilities in the ranks include holding and loading areas for taxis, waiting areas for commuters, administration building and facilities for caretaker. Klapmuts and Kayamandi Taxi Rank was constructed in phases, the first phase entailed the construction of pavement layers and the installation of services such as water, sewer, electricity, and stormwater. The second (final) phase comprises the construction of buildings and top structures.

Klapmuts taxi rank was completed in July 2021, Groendal and Kayamandi taxi ranks will be completed in October 2021.

2977010	6530	Waste Management: Solid Waste Management	Expansion of the landfill site (New cells)	External Loan	2 000 000	10 000 000	10000 000	22000 000
2972582	6530	Waste Management: Solid Waste Management	Formalize skip areas in Franschhoek and Kayamandi	CRR (Own funds)	-	500 000	-	500 000
2972370	6530	Waste Management: Solid Waste Management	Furniture, Tools and Equipment : Solid Waste	CRR (Own funds)	45 000	45 000	45 000	135 000
2973455	6530	Waste Management: Solid Waste Management	Integrated Waste Management Plan	CRR (Own funds)	-	100 000	-	100 000
2972377	6530	Waste Management: Solid Waste Management	Landfill Gas To Energy	CRR (Own funds)	2 000 000	8 000 000	6000 000	16000 000
2973449	6530	Waste Management: Solid Waste Management	Mini Waste drop-off facilities at Inf. Settlements	CRR (Own funds)	-	100 000	200 000	300 000
2972369	6530	Waste Management: Solid Waste Management	Skips (5,5KI)	CRR (Own funds)	200 000	200 000	200 000	600 000
2979088	6530	Waste Management: Solid Waste Management	Street Refuse Bins	CRR (Own funds)	500 000	500 000	-	1000 000
2973451	6530	Waste Management: Solid Waste Management	Transfer Station: Stellenbosch Planning and Design	External Loan	1 000 000	-	-	1000 000
2973451	6530	Waste Management: Solid Waste Management	Transfer Station: Stellenbosch Planning and Design	IUDG	-	3 000 000	3000 000	6000 000
2972579	6530	Waste Management: Solid Waste Management	Upgrade Refuse disposal site (Existing Cell)- Rehab	CRR (Own funds)	928 753	-	-	928 753
2972375	6530	Waste Management: Solid Waste Management	Vehicles	CRR (Own funds)	-	2 000 000	3000 000	5000 000
2972376	6530	Waste Management: Solid Waste Management	Waste Biofuels	CRR (Own funds)	-	300 000	-	300 000
2972383	6530	Waste Management: Solid Waste Management	Waste Management Software	CRR (Own funds)	-	200 000	-	200 000
2972367	6530	Waste Management: Solid Waste Management	Waste Minimization Projects	CRR (Own funds)	500 000	500 000	-	1000 000
2973452	6530	Waste Management: Solid Waste Management	Waste to Energy - Implementation	CRR (Own funds)	500 000	3 000 000	1000 000	4500 000
2973453	6530	Waste Management: Solid Waste Management	Waste to Energy - Planning	CRR (Own funds)	200 000	300 000	-	500 000

4.5.6 Asset Management and Systems

Significant measures the municipality has to implement include the following:

1. Establishment of an integrated information system – where the financial system has been established together with seamless links to the technical system;
2. The establishment of improved and standardised data models that have been agreed collectively by the technical, financial and planning departments, so that there is a single record of assets that meets the needs of all departments;
3. Refreshed and enhanced data in line with the new models, meeting statutory needs, and providing a baseline for ongoing improvement in physical asset management;

4. Preparation of an AM Policy and Immovable AM Procedures Manual (in support of, and to give effect to the AM Framework);
5. Preparation of an AM Practices Assessment and Improvement Plan that establishes a record of practice improvements that have been made, and provides a foundation for planning and implementing further improvements;
6. The municipality's strategic direction informs annual preparation of a Strategic Asset Management Plan and the annual review of Asset Management Plans per sector in the IDP and SDF.
7. Awareness, change management, and officials' training in recognised good infrastructure asset management practices help asset management's institutionalisation;
8. The institutionalisation of GIS as a key enabler of asset management, i.e. awareness, change management and training.

A sound financial basis is central to implementing any strategy. The greater Stellenbosch area is no exception. In order to deliver on the needs of its citizens, the municipality is required to manage revenue streams sustainably. It also needs to ensure that funds available are utilised for identified projects that have been correctly prioritised, and that value for money is achieved. The range of services to be provided is vast in scope, and citizens and enterprises' needs vary significantly. Given the depth of need in many communities and limited resources, tough choices have to be made. An Enterprise Asset Management System will deliver the information that will aid this type of decision making.

As such, Stellenbosch Municipality is positioning itself to adopt an Enterprise Asset Management System, i.e. Cityworks which is built exclusively on Esri's ArcGIS technology. The Cityworks web GIS-centric platform can help to streamline the care and maintenance of infrastructure assets. Using the ArcGIS geodatabase as the authoritative system of record, Cityworks can leverage the inherent power of GIS through spatial analysis of work activities and mobile field operations. Cityworks and ArcGIS together offer a system of record, a system of engagement, and a system of insight for asset management. Additionally, once asset data is verified and established as correct, Stellenbosch Municipality can begin to understand their infrastructure's health. Cityworks would assist the municipality in identifying and prioritising risk, preparing for emergency events, and gaining new operational insights.

Two biggest asset management risks:

Asset management risk 1. Lack of integrated master planning

There is no Integrated Infrastructure Growth Plan / Master Plan for the municipality. The municipality does have an Infrastructure Asset Management Plan (IAMP) which sets out the sector needs and priorities, levels of service, future demand, capital works and O&M programmes and strategies, and funding plans.

Asset management risk 2. Inability to perform portfolio performance modelling

The most significant risk lies in the municipality's inability to perform Portfolio Performance Modelling. The municipality needs integrated high-level replacement plans to be developed for the replacement of assets that are required for service delivery, but which have become uneconomical to maintain. This may include better refurbishment and significant infrastructure maintenance projects to manage the ageing asset base, which will have to be renewed over the coming years.

Post COVID-19, there is likely to be limited capital available for this purpose, and the municipality will have to ensure that this limited capital is employed where it will create the maximum benefit in terms of asset preservation and risk mitigation.

This reality is also compounded by other trends that were present before COVID-19. This is the combined effect of rising number of indigent citizens with more affluent ratepayers going off-grid represents that will also result in declining revenues in the medium to longer term.

To manage these dynamics, it would be recommended that the performance of both individual assets as well as the entire portfolio is modelled, in order to optimize both life cycle costs and to realise value from the entire portfolio. The results of the portfolio analysis are a list of renewal projects over a planning horison (typically 15 to 20 years), along with predictions on asset condition and the risk of failure, given different budgets.

This risk cannot be managed without significant investment in asset management systems and practices. It is essential to ensure that all stakeholders and decision makers understand the risks associated with under-investment in the asset base and asset management practices.

4.5.6.1 Development Charges (DCs)

Development Charges (DCs) are calculated and set as a development condition for new developments. Social and economic development has a positive impact on the municipality's finances as it increases revenue from property rates, fees, service charges and tariffs by expanding the base of ratepayers. However, development associated with this economic growth impacts the demand for municipal infrastructure services as well as social infrastructure services such as clinics, schools and other public amenities. Therefore, infrastructure is needed to support sustainable social and economic development in Stellenbosch.

Development charges are a more targeted and more fair way of ensuring that the primary beneficiaries of infrastructure make an appropriate and fair contribution to that cost, without unduly burdening the municipality's ratepayers. Development charges are thus an important form of capital contribution raised by the municipality to pay for infrastructure upgrades required in support of new developments.

A summary of the annual DCs management is:

- Total value created for the municipality in 2019/20: R16,9M = DCs received by the municipality: R6,4M + Assets created in lieu of DCs: R10,5M
- Total value created for the municipality in 2020/21: R16,2M = DCs received by the municipality: R9.4M + Assets created in lieu of DCs: R6.8M

2972568	2245	Infrastructure Plan, Dev and Implement	Access to Basic Services	CRR (Own funds)	1 745 900	600 000	2 000 000.00	4 345 900
	2245	Infrastructure Plan, Dev and Implement	Adam Tas Transit Oriented Development (3500)	Human Settlements Grant	-	-	3 500 000	3 500 000
2972572	2245	Infrastructure Plan, Dev and Implement	Basic Improvements: Langrug	CRR (Own funds)	2 490 248	-	-	2 490 248
2972271	2245	Infrastructure Plan, Dev and Implement	Computer – Hardware/Equipment	CRR (Own funds)	50 000	50 000	50 000	150 000
	2245	Infrastructure Plan, Dev and Implement	Droe Dyke (1000)	Human Settlements Grant	-	-	2 000 000	2 000 000
2972569	2245	Infrastructure Plan, Dev and Implement	Furniture, Tools and Equipment	CRR (Own funds)	20 000	50 000	50 000	120 000
	2245	Infrastructure Plan, Dev and Implement	Franschhoek Langrug (1900) UISP ERF 3229	Human Settlements Grant	4 500 000	17 880 000	-	22 380 000
2972278	2245	Infrastructure Plan, Dev and Implement	Housing Projects	CRR (Own funds)	-	-	500 000	500 000
2972268	2245	Infrastructure Plan, Dev and Implement	Kayamandi: Zone O (±711 services)	Human Settlements Grant	4 680 000	32 140 000	9 000 000	45 820 000
	2245	Infrastructure Plan, Dev and Implement	Kayamandi Watertank Basic Services	Human Settlements Grant	6 500 000	-	-	6 500 000
	2245	Infrastructure Plan, Dev and Implement	Stellenbosch Idas Valley (166) FLISP ERF 9445	Human Settlements Grant	11 288 000	-	-	11 288 000
2980356	3783	Infrastructure Plan, Dev and Implement	Upgrading of The Steps/Orlean Lounge	CRR (Own funds)	8 000 000	3 000 000	-	11 000 000



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4.5.7 Fleet

The municipality owns 467 vehicles, 397 of these vehicles are registered from 2010 onwards. 17 vehicles have done more than 300 000kms.

4.6 MAIN INFRASTRUCTURE PROJECTS PLANNED FOR 2021/22 BUDGET AND MTREF

Table 26: Infrastructure Projects for 2021/22

Projects	Budget 2021/22	Budget 2022/23	Budget 2023/24	Funding Source
Economic Development and Economic Development				
Establishment of the Kayamandi Informal Trading Area	3 600 000	-	-	RSEP
Establishment of the Kayamandi Informal Trading Area	3 000 000	-	-	CRR (Own funds)
Housing Development				
Kayamandi Town Centre	3 000 000	3 000 000	6 00	Human Settlements Grant
Enkanini Planning and Implementation	1 500 000	-	-	Human Settlements Grant
Jamestown: Housing (Phase 2, 3 and 4)	500 000	-	-	CRR (Own funds)
Jamestown: Housing (Phase 2, 3 and 4)	702 673	-	-	Human Settlements Grant
Northern Extension: Feasibility	2 000 000	-	-	Human Settlements Grant
Northern Extension: Feasibility	737 700	-	-	RSEP
Erf 7001 and other possible sites for mix-used development in Cloetesville	1 000 000	1 000 000	1 000 000	CRR (Own funds)
Erf 64 Kylemore	200 000	-	-	CRR (Own funds)
Infrastructure Services				
Electrical Services				
Ad-Hoc Provision of Street lighting and Lighting of Public Spaces	2 000 000	2 150 000	2 843 375	CRR (Own funds)
Alternative Energy	15 000 000	1 500 000	1 500 000	CRR (Own funds)
Bien don 66/11kV substation new (new development and demand)	1 946 352	1 000 000	35 000 000	External Loan
Electricity Network: Pniel	3 520 613	3 500 000	3 000 000	External Loan
Energy Efficiency and Demand Side Management	15	-	-	External Loan
General System Improvements - Franschhoek	2 189 549	2 000 000	2 000 000	External Loan
General Systems Improvements - Stellenbosch	3 521 000	-	-	External Loan
General Systems Improvements - Stellenbosch	5 533 534	3 542 126	3 600 000	CRR (Own funds)
Infrastructure Improvement - Franschhoek	1 678 922	1 500 000	500 000	External Loan
Integrated National Electrification Programme	18 000 000	6 000 000	6 000 000	INEP
Integrated National Electrification Programme (Enkanini)	918 698	-	-	CRR (Own funds)

Projects	Budget 2021/22	Budget 2022/23	Budget 2023/24	Funding Source
Jan Marais Upgrade: Remove Existing Tx 1 and 2 and replace with 20MVA units	8 000 000	-	500 000	External Loan
Kwarentyn Sub cables: 11kV 3 core 185mmsq PILC(Table19) copper cabling, 3.8km	5 700 000	-	-	CRR (Own funds)
Laterra Substation	8 371 553	267 360	-	External Loan
Meter Panels	48 229	500 000	400 000	CRR (Own funds)
Replace Ineffective Meters	250 000	-	-	CRR (Own funds)
System Control Centre and Upgrade Telemetry	399 026	-	-	External Loan
System Control Centre and Upgrade Telemetry	1 166 133	1 568 656	500 000	CRR (Own funds)
Update Electrical Master document	700 000	-	-	CRR (Own funds)
Project Management Unit (PMU)				
Access to Basic Services	1 745 900	600 000	2 000 000	CRR (Own funds)
Basic Improvements: Langrug	2 872 767	-	-	CRR (Own funds)
Franschhoek Langrug (1900) UISP ERF 3229	4 500 000	17 880 000	-	Human Settlements Grant
Housing Projects	3 498 232	-	500 000	CRR (Own funds)
Kayamandi: Zone O (±711 services)	4 680 000	32 140 000	9 000 000	Human Settlements Grant
Kayamandi Watergang Basic Services	6 500 000	-	-	Human Settlements Grant
Stellenbosch Ida's Valley (166) FLISP ERF 9445	11 288 000	-	-	Human Settlements Grant
Upgrading of The Steps/Orlean Lounge	8 000 000	3 000 000	-	CRR (Own funds)
Waste Management				
Expansion of the landfill site (New cells)	2 049 464	10 000 000	10 000 000	External Loan
Landfill Gas to Energy	2 000 000	8 000 000	6 000 000	CRR (Own funds)
Skips (5,5Kl)	200 000	200 000	200 000	CRR (Own funds)
Transfer Station: Stellenbosch Planning and Design	1 000 000	-	-	External Loan
Upgrade Refuse disposal site (Existing Cell)- Rehab	928 753	-	-	CRR (Own funds)
Waste Minimisation Projects	500 000	500 000	-	CRR (Own funds)
Waste to Energy - Implementation	500 000	3 000 000	1 000 000	CRR (Own funds)
Waste to Energy - Planning	200 000	300 000	-	CRR (Own funds)
Water Treatment				
Bulk water supply Klapmuts	15 000 000	5 000 000	-	External Loan
Bulk water supply pipe and Reservoir: Kayamandi	1 296 020	-	-	External Loan
Bulk Water Supply Pipeline and Reservoir - Jamestown	6 000 000	9 000 000	9 000 000	IUDG
Bulk Water Supply Pipeline and Reservoir - Jamestown	4 000 000	-	-	External Loan
New Developments Bulk Water Supply WC024	163 141	1 000 000	3 000 000	CRR (Own funds)

Projects	Budget 2021/22	Budget 2022/23	Budget 2023/24	Funding Source
New Reservoir and Pipeline: Vlottenburg	40 000 000	34 732 640	15 482 000	External Loan
New Reservoir and Pipeline: Vlottenburg	679 046	-	773 120	CRR (Own funds)
New Reservoir Rosendal	454 706	-	-	External Loan
New Reservoir Rosendal	11 989 360	-	-	CRR (Own funds)
Northern Extension: Phase 2 Water Infrastructure	4 000 000	5 000 000	-	IUDG
Reservoirs and Dam Safety	638 711	-	-	External Loan
Reservoirs and Dam Safety	507 802	1 500 000	2 000 000	CRR (Own funds)
Update Water Masterplan and IMQS	1 000 000	1 000 000	1 000 000	CRR (Own funds)
Upgrade and Replace Water Meters	2 000 000	2 500 000	2 500 000	CRR (Own funds)
Water Conservation and Demand Management	3 000 000	3 000 000	-	External Loan
Water Conservation and Demand Management	639 917	-	3 000 000	CRR (Own funds)
Water Telemetry Upgrade	750 000	1 500 000	1 500 000	CRR (Own funds)
Water Treatment Works: Ida's Valley	1 193 075	-	-	External Loan
Waterpipe Replacement	5 861 689	4 000 000	4 000 000	External Loan
Water and Wastewater Network Operations				
Bulk Sewer Outfall: Jamestown	6 400 000	-	-	IUDG
Bulk Sewer Outfall: Jamestown	764 609	-	-	External Loan
Bulk Sewer Outfall: Jamestown	5 526 817	-	-	CRR (Own funds)
Extension of WWTW: Stellenbosch	989 161	-	-	CRR (Own funds)
New Plankenburg Main Outfall Sewer	417 702	-	-	CRR (Own funds)
Sewer Pumpstation and Telemetry Upgrade	100 000	1 500 000	2 000 000	CRR (Own funds)
Sewerpipe Replacement	1 000 000	-	-	CRR (Own funds)
Upgrade Auto-Samplers	100 000	200 000	200 000	CRR (Own funds)
Upgrade of WWTW Wemmershoek	31 462 041	30 000 000	30 000 000	External Loan
Upgrade of WWTW Wemmershoek	958 992	-	-	CRR (Own funds)
Upgrade of WWTW: Pniel and Decommissioning of Franschhoek	31 485 720	-	-	IUDG
Upgrade of WWTW: Pniel and Decommissioning of Franschhoek	16 514 280	-	-	External Loan
Roads and Stormwater				
Adhoc Reconstruction of Roads (WC024)	2 000 000	-		CRR (Own funds)
Bridge Construction	28 000 000	23 500 000	-	CRR (Own funds)
Parking area upgrades	114 920	-	-	CRR (Own funds)
Reseal Roads - Stellenbosch and Surrounding	2 500 000	2 500 000	-	CRR (Own funds)
Reseal Roads - Franschhoek and Surrounding	2 000 000	1 000 000	2 000 000	CRR (Own funds)
River Rehabilitation Implementation	100 000	-	-	CRR (Own funds)
Rivers Rehabilitation Planning and	120 000	-	-	CRR (Own funds)

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Projects	Budget 2021/22	Budget 2022/23	Budget 2023/24	Funding Source
Design				
Technopark Access Road	1 000 000	1 000 000	-	CRR (Own funds)
Upgrade Stormwater Water Conveyance System	50 000	-	-	CRR (Own funds)
Transport Planning and Public Transport				
Comprehensive Integrated Transport Plan	600 000	400 000	-	CRR (Own funds)
Cycle Plan - Design and Implementation	500 000	500 000	-	CRR (Own funds)
Jamestown Transport Network	3 000 000	-	-	IUDG
Non-Motorised Transport Implementation	1 000 000	1 000 000	1 000 000	CRR (Own funds)
Pedestrian and Cycle paths Design and Phased implementation	500 000	-	-	CRR (Own funds)
Public Transport Infrastructure (Public Transport Shelters and Embayments)	400 000	500 000	-	CRR (Own funds)
Public Transport Service (Inclusive of Disabled)	500 000	-	-	CRR (Own funds)
Re-design of Bergzicht Public Transport Facility	1 500 000	2 500 000	-	IUDG
Stellenbosch NMT: Jamestown - new sidewalks	1 000 000	-	-	CRR (Own funds)
Taxi Rank - Franschhoek	4 420 950	-	-	CRR (Own funds)
Taxi Rank: Klapmuts	1 440 219	250 000	-	CRR (Own funds)
Taxi Rank: Kayamandi	4 371 525	-	-	CRR (Own funds)
Traffic Engineering				
Main Road Intersection Improvements: Franschhoek	510 000	-	-	CRR (Own funds)
Main Road Intersection Improvements: Stellenbosch	170 000	-	-	CRR (Own funds)
Main road intersection improvements: R44 / Helshoogte	100 000	100 000	-	CRR (Own funds)
Main Road Intersection Improvements: R44 / Merriman Street	500 000	3 000 000	-	CRR (Own funds)
Main Road Intersection Improvements: Strand / Adam Tas / Alexander	500 000	3 000 000	-	CRR (Own funds)
Pedestrian Crossing Implementation	300 000	300 000	300 000	CRR (Own funds)
Road Transport Safety Master Plan - WC024	500 000	-	-	CRR (Own funds)
Signalisation implementation	500 000	500 000	500 000	CRR (Own funds)
Traffic Calming Projects: Implementation	500 000	300 000	300 000	CRR (Own funds)
Traffic Management Improvement Programme	1 000 000	1 000 000	1 000 000	CRR (Own funds)
Traffic Signal Control: Installation and Upgrading of Traffic Signals and Associated Components	500 000	500 000	500 000	CRR (Own funds)
Universal Access Implementation	300 000	200 000	200 000	CRR (Own funds)
Community and Protection Services				

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Projects	Budget 2021/22	Budget 2022/23	Budget 2023/24	Funding Source
Office of the Director: Community and Protection				
Enlarge Office Space (Jan Marais Reserve)	250 000	-	-	CRR (Own funds)
Community Services: Library Services				
Upgrading: Cloetesville Library	200 000	-	180 000	CRR (Own funds)
Environmental Management Implementation				
Jan Marais Nature Reserve: Upgrading and maintenance of the reserve	500 000	2 000 000	-	CRR (Own funds)
Mont Rochelle Nature Reserve: Upgrade of Facilities.	1 522 671	-	1 000 000	CRR (Own funds)
Papegaaiberg Nature Reserve	870 000	-	-	CRR (Own funds)
Upgrade office space: Simonsberg Road	800 000	-	-	CRR (Own funds)
Fire Services				
Upgrading of Stellenbosch Fire Station	8 134 552	-	-	CRR (Own funds)
Law Enforcement and Security				
Install and Upgrade CCTV/ LPR Cameras in WC024	2 329 225	1 000 000	1 000 000	CRR (Own funds)
Install Computerised Access Security Systems and CCTV Cameras at Municipal Buildings	525 797	500 000	500 000	CRR (Own funds)
Parks and Cemeteries				
Extension of Cemetery Infrastructure	1 103 155	7 000 000	9 000 000	CRR (Own funds)
Upgrading of Parks	1 000 000	1 000 000	-	CRR (Own funds)
Integrated and Spray Parks	2 000 000	2 000 000	2 000 000	CRR (Own funds)
Recreation, Sport Grounds and Halls				
Upgrading of swimming pool	1 983 412		-	CRR (Own funds)
Sport: Community Services Special Equipment	289 000	300 000	-	CRR (Own funds)
Upgrade of Irrigation System	50 000	200 000	-	CRR (Own funds)
Upgrade of Sport Facilities	600 000	-	-	DSRF
Building of Clubhouse and Ablution Facilities: Lanquedoc Sports grounds	64 307			CRR (Own funds)
Fencing: Sport Grounds (WC024)	21 306			CRR (Own funds)
Skate Board Park	1 078 498			CRR (Own funds)
Upgrading of Tennis Courts: Ida's Valley and Cloetesville	645 159			CRR (Own funds)
Corporate Services				
Information Technology				
Public WI-FI Network	600 000	700 000	700 000	CRR (Own funds)
Upgrade and Expansion of IT Infrastructure Platforms	3 500 000	3 500 000	3 500 000	CRR (Own funds)
Property Management and Municipal Buildings and Structures				
Kaymandi: Upgrading of Makapula Hall	2 099 600	-	-	CRR (Own funds)
Purchasing of land	3 436 585	500 000	-	CRR (Own funds)
Rebuild: Kleine Libertas Theatre	52 695			CRR (Own funds)
Structural Improvement: General	1 341 008	1 000 000	2 000 000	CRR (Own funds)

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Projects	Budget 2021/22	Budget 2022/23	Budget 2023/24	Funding Source
Structural improvements at the Van der Stel Sport grounds	2 600 000	1 000 000	-	CRR (Own funds)
Structural Upgrade: Heritage Building	1 807 000	3 000 000	2 000 000	CRR (Own funds)
Structural Upgrade: Jamestown Ward Office	1 000 000	1 000 000	-	CRR (Own funds)
Structural Upgrade: Kayamandi Corridor	1 000 000	500 000	-	CRR (Own funds)
Upgrading Fencing	200 000	200 000	1 000 000	CRR (Own funds)
Upgrading of Library in Kayamandi	198 318			CRR (Own funds)
Upgrading of Stellenbosch Town Hall	643 363			CRR (Own funds)
Upgrading of New Office Space: Ryneveld Street	10 647 500	5 000 000	-	CRR (Own funds)

Chapter 5

FINANCIAL HEALTH OF THE MUNICIPALITY

5.1 COVID-19 IMPLICATION ON THE MEDIUM-TERM REVENUE AND EXPENDITURE FRAMEWORK FOR THE FINANCIAL PERIOD 2021 – 2024

The municipality experienced a number of challenges. The two main challenges being the COVID-19 pandemic that has claimed many lives and on the other hand the weak economy, that has become weaker as a result of the aforementioned pandemic. This resulted in an increase in unemployment, a high budget deficit and rapidly growing public debt. The pandemic is estimated to have caused a 7.2 per cent reduction in GDP growth during 2020. The projected GDP growth for 2021 is 3.3 per cent reducing to an average of 1.9 per cent in 2022 and 2023. GDP is only expected to recover to pre-pandemic levels in 2023. The outlook remains highly uncertain, and the economic effects of the pandemic have far fetching results. It is important to note that although the growth rates are likely to improve, with removal of restrictions, based on current projections, the output is only expected to return to pre-pandemic levels, hopefully by 2024.

Stats SA figures reflects the impact of the pandemic on our economy on a national level as follow:

- Income generated by the food and beverages industry decreased by 36,6% in November 2020 compared with November 2019;
- Total income for the tourist accommodation industry decreased by 65,5% in November 2020 compared with November 2019;
- Income from accommodation decreased by 66,8% year-on-year in November 2020;
- SA electricity generation decreased by 2,4% year-on-year in November 2020. Whilst, generation only increased by 0,5% in November 2020 compared with October 2020;
- Manufacturing production (including food and beverages), decreased by 3,5% in November 2020 compared with November 2019;
- The real value of recorded building plans decreased by 40,8% year-on-year during January to October 2020. The real value of buildings completed decreased by 49,9% over the same period; and
- The aforementioned are just some of the national points which reflects directly on the municipality's own economy and how it has been affected.

The 2021 Medium Term Budget Policy Statement (MTBPS) sets the course for fiscal consolidation and economic recovery as follow:

- Intend to run primary surpluses on the main budget by 2025/26 by constraining non-interest spending growth;
- shift spending from consumption to investment. Over the MTREF period, the fastest-growing item, other than debt service costs, is spending on capital goods, i.e. investment, which is projected to grow at 7.8 per cent a year; and
- allocate resources for the Economic Reconstruction and Recovery Programme.

However, to achieve a faster recovery, characterised by growing investment in job creation, requires broader structural change. Government's economic reforms aims to remove barriers to growth, lower cost of doing business, and bolster confidence and investment. The economic recovery plan focuses on high impact reforms, namely, speeding up the expansion of electricity generation, creating jobs, rolling out infrastructure aligned with the National Development Plan, amongst others.

Government's recovery plans places emphasis on raising the economy's long-term growth rate; structural reforms that will lower the barriers to faster, inclusive growth by improving access to reliable electricity, water and sanitation services; enabling digital services that are cost-effective; promoting green economy and supporting industries with high employment potential such as agriculture and tourism. As a result of these circumstances, the 2021 Budget strikes a difficult balance between providing immediate support for the economy and shoring up the country's public finances. Medium-term fiscal policy focuses on extending temporary support in response to COVID-19, narrowing the budget deficit, stabilising debt and exercising continued restraint in non-interest expenditure growth, while improving the composition of expenditure.

The 2021 Budget Review supports economic recovery through immediate fiscal support and medium-term fiscal reforms. The government's budget of 2021 meets urgent pandemic-related spending pressures, such as procuring COVID-19 vaccines, expanding the public employment initiative, and continuing social and economic relief measures. Over the next MTREF period municipalities will have to adjust to significant changes in expenditure plans while improving accountability. Transfers that focuses on infrastructure, service delivery and COVID-19 spending are protected in the 2021 Budget. The aforementioned budget also includes funding for initiatives to improve municipal revenue collection and support financially distressed municipalities.

It is advised that municipalities follow a conservative approach when projecting revenue and to eliminate waste and unnecessary expenditure. It is imperative that municipalities should ensure the following, namely, that budgets they adopt are realistic and funded, that debts owned are collected and that their creditors are paid within 30 days of receipt of invoice. Legislation governing local planning and budgeting places emphasis on community participation in decision-making. The partnerships between municipalities and its stakeholders relies on the households and businesses recognising the value of, and paying for, municipal services. Therefore, the sustainability of the municipality will heavily depend on how they collect and spent their own revenues.

5.2 EMPLOYEE RELATED COST

The percentage of Budgeted Employee related cost to Total Operational Expenditure Budget is 30% for 2021/22.

Calculation:

Employee related cost budget: **R607 458 297** ÷ Total Operational Expenditure Budget: **R2 017 490 424 × 100 = 30%**

This ratio is within the National Treasury norm of **25% - 40%.**

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5.3 CASH AND CASH EQUIVALENTS

Table 27: Cash and Cash Equivalents

Commitments against Cash and Cash Equivalents	
31 August 2021	
Item	**Current Month R**
Cash and Cash Equivalents	**427 467 990**
Commitments	**329 600 190**
Unspent conditional grants	46 201 215
Unspent loans	8 861 625
Loan repayment due	-
Capital replacement reserve	207 614 894
Self-insurance funds	9 885 492
Payables from exchange transactions	25 588 058
Consumer Deposits	19 530 073
Provision for environmental rehabilitation	-
Provision for alien vegetation	-
Employment Benefit	11 918 833
Surplus/(Deficit) (Working capital)	97 867 800

5.4 CASH COVERAGE OF NORMAL OPERATIONS

The table on the next page gives a detailed reflection of funding measures in terms of cash coverage

Table 28: WC 024 Stellenbosch Supporting Table SA8 Performance indicators and benchmarks

Description of financial indicator	Basis of calculation	2018/19	2019/20	Current Year 2020/21				2021/22 Medium Term Revenue and Expenditure Framework		
		Audited Outcome	Audited Outcome	Original Budget	Adjusted Budget	Full Year Forecast	Pre-audit outcome	Budget Year 2021/22	Budget Year +1 2022/23	Budget Year +2 2023/24
Cost coverage	(Available cash + Investments)/monthly fixed operational expenditure	1.7	3.6	6.4	5.7	6.7	8.2	3.3	3.8	4.4

5.5 CREDITORS OUTSTANDING FOR MORE THAN 30 DAYS

The unpaid invoices as at 31 August was R25 588 058. No creditors were outstanding for more than 30 days.

5.6 CURRENT COLLECTION LEVELS AND DEBTORS OUTSTANDING FOR MORE THAN 30 DAYS

Item	Details	0-30 Days	31 - 60 Days	61 - 90 Days	91 - 120 Days	121 - 150 Days	151 - 180 Days	181 Days - 1 Year	Over 1 Year	Total
1100	Debtors Age Analysis By Income Source									
1200	Water Tariffs	12 351 656	2 923 033	3 328 338	3 024 461	3 407 878	1 438 525	7 438 285	66 006 679	99 918 854
1300	Electricity Tariffs	53 689 111	1 884 554	1 176 035	938 221	515 292	502 749	2 751 915	9 639 062	71 096 940
1400	Rates	63 662 451	1 028 783	966 694	928 963	823 249	764 929	3 441 252	21 847 179	93 463 500
1500	Sewerage/Sanitation Tariffs	10 886 548	814 880	811 241	413 486	391 970	352 135	1 942 338	18 166 536	33 779 134
1600	Refuse Removal Tariffs	11 263 524	534 604	492 417	482 406	489 044	455 702	2 586 624	21 357 482	37 661 804
1700	Housing (Rental Income)	502 934	156 055	153 364	191 126	590 519	109 514	677 604	8 270 241	10 651 357
1900	Other	1 007 314	396 799	175 182	160 102	191 914	172 469	830 749	9 488 397	12 422 926
2000	Total By Income Source	153 363 538	7 738 708	7 103 270	6 138 765	6 409 867	3 796 023	19 668 768	154 775 577	358 994 515
Item	Details	0-30 Days	31 - 60 Days	61 - 90 Days	91 - 120 Days	121 - 150 Days	151 - 180 Days	181 Days - 1 Year	Over 1 Year	Total
2100	Debtors Age Analysis By Customer Group									
2200	Goverment	11 736 853	1 407 507	1 306 143	481 147	179 649	146 928	661 983	1 242 415	17 162 626
2300	Business	26 220 927	178 008	136 213	131 878	150 732	146 314	541 087	15 370 520	42 875 678
2400	Households	87 327 447	4 996 038	4 689 356	4 683 015	4 708 368	2 872 878	15 394 243	117 817 546	242 488 891
2500	Other	28 078 311	1 157 155	971 558	842 726	1 371 117	629 902	3 071 454	20 345 097	56 467 321
2600	Total By Customer Group	153 363 538	7 738 708	7 103 270	6 138 765	6 409 867	3 796 023	19 668 768	154 775 577	358 994 515

The annual levies for property rates were levied that is due on the 7th of October 2021. The collection rate as at end of August 2021 was 121%. The municipality is currently following a more rigorous approach in recovering outstanding debt and our annual rate payers are paying their annual rates and services.

5.7 EXTENT OF EXISTING LOANS, AND ASSOCIATED FINANCE AND REDEMPTION PAYMENTS

Table 29: Schedule of external loans as at 30 June 2021

Details	Loan Number	Redeemable Date	Balance at 1 July 2020	Received during the Period	Redeemed during Period	Balance at 30 June 2021
			R	R	R	R
DBSA @ 9,25%	101878	31 Dec 2020	1 846 984	-	1 846 984	-0
DBSA @ 11,10%	103081	30 June 2025	15 969 031	-	2 544 462	13 424 568
DBSA @ 10.25%	103905	30 June 2026	46 230 654	-	5 916 329	40 314 324
DBSA @ 9.74%		31 Dec 2029	78 807 272	-	5 360 776	73 446 495
Nedbank @9.7%	05/ 7831035613/ 000001	29 June 2029	150 076 499	-	11 084 380	138 992 119
Nedbank @8.8%		30 June 2031	-	102 779 511		102 779 511
Total External Loans			291 083 455	102 779 511	24 905 948	368 957 018

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5.8 LIST OF MAIN PROJECTS PLANNED FOR THE 2021/22 MTREF BUDGET

Table 30: List of main projects planned for 2021/22 MTREF

Nr	Project description	Original Budget	Adjusted budget
		R	R
1	Upgrade of WWTW: Pniel and Decommissioning of Franschhoek	48 000 000	48 000 000
2	New Reservoir and Pipeline: Vlottenburg	40 000 000	40 000 000
3	Upgrade of WWTW Wemmershoek	30 000 000	31 462 041
4	Bridge Construction	30 000 000	30 000 000
5	Bulk Sewer Outfall: Jamestown	6 400 000	12 691 426
6	Alternative Energy	15 000 000	15 000 000
7	Bulk water supply Klapmuts	15 000 000	15 000 000
8	New Reservoir Rosendal	-	12 444 066
9	Stellenbosch Ida's Valley (166) FLISP ERF 9445	11 288 000	11 288 000
10	Integrated National Electrification Programme	18 000 000	18 000 000
TOTALS		213 688 000	233 885 533

5.9 AUDIT REPORT STATUS: UNQUALIFIED (CLEAN AUDIT)

Strategies to address audit outcomes of the 2019/20 financial year:

- Key control measures testing on a quarterly basis;
- Report back to the audit committee on the status of audit findings; and
- Reporting quarterly to Council on the progress made w.r.t. to the audit findings.

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ANNEXURE A: LIST OF MUNICIPAL POLICIES

Table 31: List of approved policies

No	Name of Policy	Date of Approval	Directorate
1.	Policy and procedures for ward committees	28.11.2016	Corporate Services
	2008		
1.	Petty Cash Policy (May 2008)	27/05/2008	Financial Services
2.	Indigent Policy (May 2008)	27/05/2008	Financial Services
3.	Budget Policy (May 2008)	27/05/2008	Financial Services
4.	Asset Management Policy (May 2008)	27/05/2008	Financial Services
	2010		
1.	Policy and procedures for ward Committees (Amended)	26.08.2010	Corporate Services
	2011		
1.	Expanded Public Works Programme Policy (2011)	2011	
2.	Records management policy and records control schedule	05.05.2011	Strategic and Corporate
	2012		
1.	Supply Chain Management	26.01.2012	Financial Services
2.	Draft emergency housing policy	01.10.2012	Planning and Economic Development
3.	Firearms policy	25.10.2012	Community and Protection Services
4.	Draft emergency housing policy	25.10.2012	Planning and Economic Development
5.	Policy and procedures for ward Committees (Amendment)	20.06.2012	Corporate Services
	2013		
1.	Petty Cash Policy (2013/2014)	30.05.2013	Financial Services
2.	Non- Financial Asset Management Policy (2013/2014)	30.05.2013	Financial Services
3.	Accounting Policy (2013/2014)	30.05.2013	Financial Services
4.	Budget Implementation and Monitoring Policy (2013/2014)	30.05.2013	Financial Services
5.	Acting Allowance Policy (2013/2014)	30.05.2013	Financial Services
6.	Tariff Policy (2013/2014)	30.05.2013	Financial Services
7.	Credit Control and Debt Collection Policy (2013/2014)		Financial Services
8.	Rates Policy (2013/2014)	30.05.2013	Financial Services
9.	Borrowing Policy (2013/2014)	30.05.2013	Financial Services
10.	Supply Chain Management Policy (2013/2014)	30.05.2013	Financial Services
11.	Grants-in-Aid Policy (2013/2014)	30.05.2013	Financial Services
12.	Special Rating Areas Policy (2013/2014)	30.05.2013	Financial Services
13.	Travel and Subsistence Policy (2013/2014)	30.05.2013	Financial Services
14.	Indigent Policy (2013/2014)	30.05.2013	Financial Services
15.	Cash and Investment Policy (2013/14)	30.05.2013	Financial Services
16.	Draft vehicle policy for Council Vehicles	25.07.2015	Community and Protection
17.	Records Management Policy	30.05.2013	Strategic and Corporate Services
18.	Language Policy	24.10.2013	Strategic and Corporate Services
19.	Review of vehicle policy for council vehicles	25.07.2013	Strategic and Corporate Services
	2014		
1.	Immovable Property Policy 2014 (Draft)	28.03.2018	Strategic and Corporate Services
	2015		

No	Name of Policy	Date of Approval	Directorate
1.	Indigent policy	28.01.2015	Financial Services
2.	Grants in Aid policy	28.01.2015	Financial Services
3.	Non-Motorist transport	25.03.2015	Infra structure Services
4.	Performance management framework policy (in principle)	30.04.2015	Strategic and Corporate Services
5.	Public Participation policy framework (draft)	24.06.2015	Strategic and Corporate Services
6.	Fraud and corruption policy and the fraud response committee (in principle)	24.06.2015	Strategic and Corporate Services
7.	Performance management framework policy	24.06.2015	Strategic and Corporate Services
8.	Public Participation Framework (Adopted the National Policy Framework for Public Participation as the Stellenbosch Public Participation Policy.	24.06.2015	Office of the Municipal Manager
9.	Telephone policy	23.09.2015	Strategic and Corporate Services
10.	Electronic Document Management Policy	23.09.2015	Strategic and Corporate Services
	2016		
1.	Traffic Calming Policy	26.04.2016	Community and Protection Services
2.	Universal Access Policy	26.04.2016	Planning and Economic Development
3.	Accounting Policy	25.05.2016	Financial Services
4.	Asset Management Policy	25.05.2016	Financial Services
5.	Borrowing, Funds and Reserves Policy	25.05.2016	Financial Services
6.	Budget Implementation and Monitoring Policy	25.05.2016	Financial Services
7.	Cash Management and Investment Policy	25.05.2016	Financial Services
8.	Credit Control and Debt Collection Policy	25.05.2016	Financial Services
9.	Development Charges Policy	25.05.2016	Financial Services
10.	Financing of External Bodies Performing Municipal Functions Policy	25.05.2016	Financial Services
11.	Grants-In-Aid Policy	25.05.2016	Financial Services
12.	Indigent Policy	25.05.2016	Financial Services
13.	Inventory Management Policy	25.05.2016	Financial Services
14.	Irrecoverable Debt Policy	25.05.2016	Financial Services
15.	Liquidity Policy	25.05.2016	Financial Services
16.	Petty Cash Policy	25.05.2016	Financial Services
17.	Preferential Procurement Policy	25.05.2016	Financial Services
18.	Property Rates Policy	25.05.2016	Financial Services
19.	Performance Management Policy	25.05.2016	Financial Services
20.	Special Ratings Area Policy	25.05.2016	Financial Services
21.	Supply Chain Management Policy	25.05.2016	Financial Services
22.	Tariff Policy	25.05.2016	Financial Services
23.	Travel and Subsistence Policy	25.05.2016	Financial Services
24.	Virementation Policy	25.05.2016	Financial Services
25.	Policy for the Management of Municipal Agricultural Land	15.06.2016	Planning and Economic Development
26.	Revised Emergency Housing Assistance Policy	23.11.2016	Planning and Economic Development
27.	Acting Allowance Policy	12.12.2016	Financial Services
	2017		
1.	Accounting Policy	31.05.2017	Financial Services
2.	Asset Management Policy	31.05.2017	Financial Services
3.	Borrowing, Funds and Reserves Policy	31.05.2017	Financial Services
4.	Budget Implementation and Monitoring Policy	31.05.2017	Financial Services
5.	Cash Management and Investment Policy	31.05.2017	Financial Services

No	Name of Policy	Date of Approval	Directorate
6.	Credit Control and Debt Collection Policy	31.05.2017	Financial Services
7.	Development Charges Policy	31.05.2017	Financial Services
8.	Financing of External Bodies Performing Municipal Functions Policy	31.05.2017	Financial Services
9.	Grants-In-Aid Policy	31.05.2017	Financial Services
10.	Indigent Policy	31.05.2017	Financial Services
11.	Inventory Management Policy	31.05.2017	Financial Services
12.	Irrecoverable Debt Policy	31.05.2017	Financial Services
13.	Liquidity Policy	31.05.2017	Financial Services
14.	Petty Cash Policy	31.05.2017	Financial Services
15.	Preferential Procurement Policy	31.05.2017	Financial Services
16.	Property Rates Policy	31.05.2017	Financial Services
17.	SCM Policy for Infrastructure Procurement and Delivery Management	31.05.2017	Financial Services
18.	Special Ratings Area Policy	31.05.2017	Financial Services
19.	Supply Chain Management Policy	31.05.2017	Financial Services
20.	Tariff Policy	31.05.2017	Financial Services
21.	Travel and Subsistence Policy	31.05.2017	Financial Services
22.	Virementation Policy	31.05.2017	Financial Services
23.	Ward Allocation Policy	31.05.2017	Financial Services
24.	Information and communication technology policies (7 X policies)	26.07.2017	Corporate Services
25.	Events Policy	30.08.2017	Community and Protection Services
26.	Cell phone Policy	25.10.2017	Corporate Services
27.	Placement Policy	25.10.2017	Corporate Services
28.	Revised smoking Policy	25.10.2017	Corporate Services
	2018		
1.	Proposed Policy on the management of Stellenbosch Municipality's immovable property	28.03.2018	Planning and Economic Development (Human settlements)
2.	Early Childhood Development Policy (ECD)	28.03.2018	Planning and Economic Development
3.	Adoption of the new anti-fraud and corruption prevention Policy	23.05.2018	Office of the Municipal Manager
4.	Stellenbosch Municipality: draft telecommunication mast infrastructure Policy	23.05.2018	Planning and Economic Development
5.	Performance management policy	23.05.2018	Municipal Manager
6.	Review of access control and internal security Policy on the protection of council property and municipal staff	25.07.2018	Community and Protection Services
7.	Accounting Policy	28.05.2018	Financial Services
8.	Asset Management Policy	28.05.2018	Financial Services
9.	Borrowing, Funds and Reserves Policy	28.05.2018	Financial Services
10.	Budget Implementation and Monitoring Policy	28.05.2018	Financial Services
11.	Cash Management and Investment Policy	28.05.2018	Financial Services
12.	Credit Control and Debt Collection Policy	28.05.2018	Financial Services
13.	Development Charges Policy	28.05.2018	Financial Services
14.	Financing of External Bodies Performing Municipal Functions Policy	28.05.2018	Financial Services
15.	Grants-In-Aid Policy	28.05.2018	Financial Services
16.	Indigent Policy	28.05.2018	Financial Services
17.	Inventory Management Policy	28.05.2018	Financial Services
18.	Irrecoverable Debt Policy	28.05.2018	Financial Services
19.	Liquidity Policy	28.05.2018	Financial Services
20.	Petty Cash Policy	28.05.2018	Financial Services

No	Name of Policy	Date of Approval	Directorate
21.	Preferential Procurement Policy	28.05.2018	Financial Services
22.	Property Rates Policy	28.05.2018	Financial Services
23.	SCM Policy for Infrastructure Procurement and Delivery Management	28.05.2018	Financial Services
24.	Special Ratings Area Policy	28.05.2018	Financial Services
25.	Supply Chain Management Policy	28.05.2018	Financial Services
26.	Tariff Policy	28.05.2018	Financial Services
27.	Travel and Subsistence Policy	28.05.2018	Financial Services
28.	Virementation Policy	28.05.2018	Financial Services
29.	Ward Allocation Policy	28.05.2018	Financial Services
30.	Communication Policy	25.07.2018	Corporate Services
31.	Guidelines on flexi-time	25.07.2018	Corporate Services
32.	Reservist Policy	25.07.2018	Community and Protection Services
33.	Stellenbosch Municipality noise control Policy	22.08.2018	Planning and Economic Development
34.	Time and attendance management Policy	26.09.2018	Corporate Services
35.	Revised employee bursary Policy (internal) for the Stellenbosch Municipality	26.09.2018	Corporate Services
36.	Motor vehicle allowance scheme	28.11.2018	Corporate Services
37.	New overtime Policy	28.11.2018	Corporate Services
38.	New acting allowance Policy	28.11.2018	Corporate Services
39.	Revised firearm Policy	28.11.2018	Corporate Services
40.	Adoption of the revised risk management Policy	28.11.2018	Office of the Municipal Manager
	2019		
1.	Additional responsibility allowance Policy	24.04.2019	Corporate Services
2.	Guidelines on negotiation of remuneration for retention and attraction of staff	24.04.2019	Corporate Services
3.	Policy and procedures for ward committees	24.04.2019	Corporate Services
4.	Stellenbosch Municipality closed circuit television Policy	29.05.2019	Community and Protection Services
5.	Accounting Policy	29.05.2019	Financial Services
6.	Asset Management Policy	29.05.2019	Financial Services
7.	Borrowing, Funds and Reserves Policy	29.05.2019	Financial Services
8.	Budget Implementation and Monitoring Policy	29.05.2019	Financial Services
9.	Cash Management and Investment Policy	29.05.2019	Financial Services
10.	Cost Containment Policy (2019-09-25)	29.05.2019	Financial Services
11.	Credit Control and Debt Collection Policy	29.05.2019	Financial Services
12.	Development Charges Policy	29.05.2019	Financial Services
13.	Financing of External Bodies Performing Municipal Functions Policy	29.05.2019	Financial Services
14.	Grants-In-Aid Policy	29.05.2019	Financial Services
15.	Indigent Policy	29.05.2019	Financial Services
16.	Inventory Management Policy	29.05.2019	Financial Services
17.	Irrecoverable Debt Policy	29.05.2019	Financial Services
18.	Liquidity Policy	29.05.2019	Financial Services
19.	Petty Cash Policy	29.05.2019	Financial Services
20.	Preferential Procurement Policy	29.05.2019	Financial Services
21.	Property Rates Policy	29.05.2019	Financial Services
22.	SCM Policy for Infrastructure Procurement and Delivery Management	29.05.2019	Financial Services
23.	Special Ratings Area Policy	29.05.2019	Financial Services
24.	Supply Chain Management Policy	29.05.2019	Financial Services
25.	Tariff Policy	29.05.2019	Financial Services

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No	Name of Policy	Date of Approval	Directorate
26.	Travel and Subsistence Policy	29.05.2019	Financial Services
27.	Virementation Policy	29.05.2019	Financial Services
28.	Ward Allocation Policy	29.05.2019	Financial Services
29.	Revised performance management Policy	24.07.2019	Office of the Municipal Manager
30.	Adoption of the draft expanded public works programme Policy	28.08.2019	Planning and Economic Development
31.	Revised System of Delegations	28.08.2019	Corporate Services
32.	Draft Implementation of an Auxiliary Law Enforcement Service	25.9.2019	Community and Protection Services
33.	System of Delegations	25.9.2019	Corporate Services
34.	Street People	25.9.2019	Community and Protection Services
35.	Cost Containment Policy	25.9.2019	Financial Services
36.	Informal Trading	23.10.2019	Planning and Economic Development
37.	Traffic Calming Policy	27.11.2019	Infrastructure Services
	2020		
1.	Customer Care Framework	29.01.2020	Corporate Services
2.	Task Implementation Policy	26.02.2020	Corporate Services
3.	Policy on externally funded law enforcement and traffic officers	26.02.2020	Community and Protection Services
4.	Policy for the implementation of an auxiliary law enforcement service for Stellenbosch Municipality	26.02.2020	Community and Protection Services
5.	Revised Indigent Policy	31.03.2020	Financial Services
6.	Policy on the hiring of Municipal Halls and Facilities	8.05.2020	Municipal Manager'
7.	Accounting Policy	27.05.2020	Financial Services
8.	Asset Management Policy	27.05.2020	Financial Services
9.	Borrowing, Funds and Reserves Policy	27.05.2020	Financial Services
10.	Budget Implementation and Monitoring Policy	27.05.2020	Financial Services
11.	Cash Management and Investment Policy	27.05.2020	Financial Services
12.	Cost Containment Policy (2019-09-25)	27.05.2020	Financial Services
13.	Credit Control and Debt Collection Policy	27.05.2020	Financial Services
14.	Development Charges Policy	27.05.2020	Financial Services
15.	Financing of External Bodies Performing Municipal Functions Policy	27.05.2020	Financial Services
16.	Grants-In-Aid Policy	27.05.2020	Financial Services
17.	Indigent Policy	27.05.2020	Financial Services
18.	Inventory Management Policy	27.05.2020	Financial Services
19.	Irrecoverable Debt Policy	27.05.2020	Financial Services
20.	Liquidity Policy	27.05.2020	Financial Services
21.	Petty Cash Policy	27.05.2020	Financial Services
22.	Preferential Procurement Policy	27.05.2020	Financial Services
23.	Property Rates Policy	27.05.2020	Financial Services
24.	SCM Policy for Infrastructure Procurement and Delivery Management	27.05.2020	Financial Services
25.	Special Ratings Area Policy	27.05.2020	Financial Services
26.	Supply Chain Management Policy	27.05.2020	Financial Services
27.	Tariff Policy	27.05.2020	Financial Services
28.	Travel and Subsistence Policy	27.05.2020	Financial Services
29.	Virementation Policy	27.05.2020	Financial Services
30.	Ward Allocation Policy	27.05.2020	Financial Services
31.	Traffic calming policy	24.08.2020	Infra-structure Services
32.	Land use enforcement policy for Stellenbosch Municipality, March 2019	24.08.2020	Planning and Economic Development

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No	Name of Policy	Date of Approval	Directorate
33.	Performance Management Policy	29.07.2020	Municipal Manager's Office
34.	Parking policy for Council	28.10.2020	Corporate Services
35.	Policy and procedures for ward committees, including COVID-19 protocols	25.11.2020	Corporate Services
	2021		
1.	Universal Access Policy Review	27.01.2021	Community and Protection Services
2.	Non-Motorised Transport Policy	21.04.2021	Infrastructure Services
3.	Consequence Management Policy	26.05.2021	Corporate Services
4.	Accounting Policy	26.05.2021	Financial Services
5.	Asset Management Policy	26.05.2021	Financial Services
6.	Borrowing, Funds and Reserves Policy	26.05.2021	Financial Services
7.	Budget Implementation and Monitoring Policy	26.05.2021	Financial Services
8.	Cash Management and Investment Policy	26.05.2021	Financial Services
9.	Cost Containment Policy (2019-09-25)	26.05.2021	Financial Services
10.	Credit Control and Debt Collection Policy	26.05.2021	Financial Services
11.	Development Charges Policy	26.05.2021	Financial Services
12.	Financing of External Bodies Performing Municipal Functions Policy	26.05.2021	Financial Services
13.	Grants-In-Aid Policy	26.05.2021	Financial Services
14.	Indigent Policy	26.05.2021	Financial Services
15.	Inventory Management Policy	26.05.2021	Financial Services
16.	Irrecoverable Debt Policy	26.05.2021	Financial Services
17.	Liquidity Policy	26.05.2021	Financial Services
18.	Petty Cash Policy	26.05.2021	Financial Services
19.	Preferential Procurement Policy	26.05.2021	Financial Services
20.	Property Rates Policy	26.05.2021	Financial Services
21.	SCM Policy for Infrastructure Procurement and Delivery Management	26.05.2021	Financial Services
22.	Special Ratings Area Policy	26.05.2021	Financial Services
23.	Supply Chain Management Policy	26.05.2021	Financial Services
24.	Tariff Policy	26.05.2021	Financial Services
25.	Travel and Subsistence Policy	26.05.2021	Financial Services
26.	Virementation Policy	26.05.2021	Financial Services
27.	Ward Allocation Policy	26.05.2021	Financial Services
28.	Wayleave Policy (2021-03-31)	26.05.2021	Financial Services
29.	Development Charges Policy	26.05.2021	Infrastructure Services

ANNEXURE B: APPROVED BY-LAWS

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Table 32: List of approved by-laws

PN No	Name of By-Law	Date of Approval	Amendment PN No	Further Amendment PN No	Date Promulgated	Directorate
PN 1357/1951	**Dairies, Cowsheds and Milk Shops**	6 February 1959	PN 903/1891		29 May 1959	Planning and Economic Development
PN 1013/1901	**General Series**		PN 1068/1901 PN 382/1913 PN 385/1916 PN 17/1917 PN 22/1917 PN 2/1918 PN 11/1920 PN 473/1921 PN 22/1923 PN 316/1923 PN 479/1932 PN 236/1935 PN 22/1938 PN 144/1940 PN 108/1942 PN 200/1943 PN 24/1946 PN 725/1947	PN 788/1955		Corporate Services
PN 49/1910	**Public Health**			PN 788/1955		Community and Protection Services
PN 78/1910	**Additional General Series**		PN 293/1922	PN 788/1955		Corporate Services
PN 206/1910	**Bioscope**			PN 293/1922		Community and Protection Services
PN 135/1914	**Electrical Supply**		PN 251/1917	PN 30/1925		Infrastructure Services
PN 183/1915	**Health**		PN 487/1959			Community and Protection Services
PN 375/1916	**Closing of Streets**			PN 788/1955		Infrastructure Services
PN 22/1917	**Additional Water Supply**		PN 386/1919 PN 15/1921	PN 448/1929		Infrastructure Services
PN 45/1917	**Washhouses**					Planning and Economic Development
PN 205/1917	**Midwives**		PN 293/1923	PN 788/1955		Community and Protection Services
PN 291/1917	**Use of Air-Guns**			PN 24/1946		Community and Protection Services
PN 322/1917	**Smoking in The Market Building**			PN 788/1955		Planning and Economic Development
PN 437/1920	**Sub-Division of Erven**			PN 294/1927		Planning and Economic Development
PN 59/1921	**Drainage**		PN 66/1926 PN 430/1944 PN 277/1952	PN 788/1955		Infrastructure Services
PN 473/1921	**Market**			PN 788/1955		Planning and Economic Development
PN 153/1922	**Restricting Use of Victoria Bridge to Certain Vehicular**			PN 788/1955		Community and Protection Services

PN No	Name of By-Law	Date of Approval	Amendment PN No	Further Amendment PN No	Date Promulgated	Directorate
	Traffic					
PN 159/1922	**Additional Traffic**			PN 178/1923		Community and Protection Services
PN 223/1922	**To Limit Speed at Which Certain Vehicles May Be Driven Over Victoria Bridge**			PN 178/1923		Community and Protection Services
PN 293/1922	**Entertainment**		PN 24/1946			Planning and Economic Development
PN 22/1923	**Licensing of Hackney Carriages, Drivers Etc.**		PN 172/1923 PN 64/1928	PN 52/1946 PN 788/1955		Planning and Economic Development
PN 178/1923	**Speed of Vehicles Over the Victoria Bridge**			PN 788/1955		Community and Protection Services
PN 269/1923	**Additional Registration and Licensing of Bicycles**			PN 144/1940		Community and Protection Services
PN 264/1924	**Abattoir**		PN 41/1932 PN 397/1947	PN 302/1956		Planning and Economic Development
PN 341/1924	**Additional Registration of Bicycles**			PN 788/1955		Community and Protection Services
PN 30/1925	**Electricity**		PN 313/1927	PN 330/1930		Infrastructure Services
PN 371/1925	**Additional Lighting of Fires, Burning Veld Etc.**					Community and Protection Services
PN 188/1926	**Sub-Division of Land, Laying Out of New Streets, Erection of New Buildings**			PN 394/1927		Planning and Economic Development
PN 250/1927	**Offensive and Obnoxious Trades**					Planning and Economic Development
PN 304/1927	**Additional Shopping and Parking**			PN 373/1931		Planning and Economic Development
PN 394/1927	**Building**		PN 309/1929 PN 70/1949 PN 764/1956 PN 53/1957 PN 155/1958 PN 408/1962 PN 735/1963 PN 35/1964 PN 400/1964 PN 331/1965 PN 809/1967	PN 428/1971		Planning and Economic Development
PN 352/1928	**Additional Drainage Charges**		PN 268/1929	PN 466/1933		Infrastructure Services
PN 487/1928	**Petrol Pump and Tank**		PN 272/1929 PN 619/1930	PN 454/1946		Planning and Economic Development
PN 448/1929	**Water**		PN 611/1930 PN 478/1934	PN 788/1955		Infrastructure Services

PN No	Name of By-Law	Date of Approval	Amendment PN No	Further Amendment PN No	Date Promulgated	Directorate
			PN 90/1935 PN 148/1940 PN 427/1945 PN 335/1948 PN 188/1950 PN 726/1952 PN 842/1952 PN 259/1953 PN 402/1953 PN 1001/1954			
PN 330/1930	**Electricity**		PN 78/1932 PN 314/1935 PN 1/1942 PN 358/1948 PN 609/1952 PN 838/1952 PN 117/1953 PN 459/1954 PN 745/1956 PN 492/1958 PN 515/1958 PN 546/1959 PN 338/1960 PN 537/1960 PN 825/1960 PN 587/1961 PN 409/1962 PN 465/1963 PN 533/1963 PN 327/1964 PN 437/1965 PN 609/1966 PN 985/1966 PN 593/1967 PN 634/1967 PN 887/1969 PN 1085/1970 PN 520/1972 PN 892/1972 PN 918/1972 PN 396/1973 PN 1160/1973 PN 426/1974 PN 484/1975 PN 1269/1975 PN 332/1976 PN 770/1976 PN 31/1979 PN 131/1979 PN 591/1980 PN 734/1982 PN 216/1983 PN 676/1983	PN 416/1987	17.06.2005 13.12.2013	Infrastructure Services
PN 315/1931	**Bridges and Crossings Over Gutters and Footways**			PN 24/1946		Infrastructure Services
PN 357/1931	**Prevent Spitting in Public**			PN 24/1946		Community and Protection Services
PN 373/1931	**Stopping and Parking of Motor**			PN 105/1933		Community and Protection Services

PN No	Name of By-Law	Date of Approval	Amendment PN No	Further Amendment PN No	Date Promulgated	Directorate
	Cars, Lorries Etc.					
PN 475/1932	**Tractors**			PN 24/1946		Community and Protection Services
PN 28/1933	**Municipal Garden, Parks, Plantations and Recreation**		PN 372/1948 PN 715/1950 PN 933/1961 PN 198/1969 PN 560/1976 PN 777/1984	PN 373/1988		Community and Protection Services
PN 105/1933	**Stopping and Parking of Motor Cars, Lorries Etc.**			PN 144/1940		Community and Protection Services
PN 464/1933	**Houses Unfit for Human Habitation**					Planning and Economic Development
PN 466/1933	**Drainage**			PN 478/1934		Infrastructure Services
PN 51/1934	**Additional Dairy**			PN 487/1959		Community and Protection Services
PN 106/1934	**Additional Sale of Flowers and Loitering**			PN 24/1946		Community and Protection Services
PN 284/1934	**Additional Electricity Tariff**					Infrastructure Services
PN 466/1934	**Sale of Goats' Flesh**			PN 788/1955		Planning and Economic Development
PN 478/1934	**Drainage**		PN 90/1935 PN 427/1945 PN 1000/1954 PN 37/1955	PN 788/1955		Infrastructure Services
PN 6/1935	**Registration of Itinerant Vendors, Pedlars And Hawkers**			PN 788/1955		Planning and Economic Development
PN 81/1935	**Parking on Sidewalks or Pavements**				4.06.2010 5.07.2013	Community and Protection Services
PN 91/1935	**Fences, Partitions and Similar Structures**					Planning and Economic Development
PN 131/1935	**Stopping and Parking of Motor Cars, Lorries Etc.**			PN 788/1955		Community and Protection Services
PN 236/1935	**Additional Keeping of Animals**			PN 788/1955		Community and Protection Services
PN 12/1936	**Temporary Sanitary Conveniences and Removal of Sand**					Planning and Economic Development
PN 22/1938	**Removal of Refuse**		PN 456/1946 PN 998/1954		25 November 1960	Infrastructure Services
PN 394/1939	**Light**				17.06.2005 13.12.2013	Infrastructure Services
PN 144/1940	**Traffic and Registration and Licensing of Bicycles**		PN 172/1944 PN 430/1945 PN 513/1946 PN 494/1949 PN 533/1950 PN 955/1952 PN 959/1964		5.06.2013	Community and Protection Services

PN No	Name of By-Law	Date of Approval	Amendment PN No	Further Amendment PN No	Date Promulgated	Directorate
PN 424/1940	**Infectious Diseases Hospital**			PN 489/1980		Community and Protection Services
PN 514/1941	**Keeping of Bees**			PN 24/1946		Community and Protection Services
PN 107/1942	**Advertising and Advertising Hoardings**					Planning and Economic Development
PN 108/1942	**Hairdressers and Barbers**			PN 788/1955		Planning and Economic Development
PN 87/1943	**Native Location and Advisory Board**		PN 22/1950 PN 415/1950 PN 298/1952 PN 507/1952 PN 846/1954 PN 953/1954 PN 255/1957 PN 616/1966 PN 613/1971		4.12.2009	Corporate Services
PN 102/1943	**Prohibition of Carrying of Knobkierries Or Dangerous Weapons by Natives**			PN 613/1971		Community and Protection Services
PN 200/1943	**Keeping of Dogs**		PN 394/1945	PN 668/1947		Community and Protection Services
PN 206/1943	**Accommodation of Natives in The Urban Area**		PN 730/1963		4.12.2009	Corporate Services
PN 242/1943	**Health**		PN 788/1955 PN 487/1959			Community and Protection Services
PN 24/1946	**Streets**		PN 629/1949 PN 528/1950 PN 788/1955 PN 348/1956			Community and Protection Services
PN 52/1946	**Motor Cars Plying for Hire**		PN 470/1950 PN 583/1953 PN 632/1961 PN 63/1977	PN 370/1985		Planning and Economic Development
PN 454/1946	**Controlling, Licensing of Storage, Keeping of Petroleum**		PN 688/1953			Community and Protection Services
PN 44/1947	**Fire Brigade**		PN 743/1974 PN 555/1978 PN 269/1982	PN 586/1982		Community and Protection Services
PN 52/1947	**Control, Licensing and Supervision of Motor Omnibuses**	1 July 1953	PN 688/1953		21 August 1953	Community and Protection Services
PN 668/1947	**Keeping of Dogs**		PN 225/1948 PN 150/1956 PN 1040/1973 PN 1309/1975	PN 683/1984		Community and Protection Services
PN 725/1947	**Removal and Disposal of Night Soil**		PN 999/1954 PN 38/1955 PN 742/1956 PN 158/1958 PN 580/1962 PN 1045/1967 PN 1214/1971		30 December 1947	Infrastructure Services

PN No	Name of By-Law	Date of Approval	Amendment PN No	Further Amendment PN No	Date Promulgated	Directorate
			PN 801/1974 PN 283/1979 PN 455/1981 PN 320/1984			
PN 301/1949	**Tea-Rooms, Cafes, Restaurants and Eating-Houses**			PN 788/1955		Planning and Economic Development
PN 470/1964	**Keeping of Poultry**		PN 191/1950	PN 146/1963	3 July 1964	Planning and Economic Development
PN 376/1950	**Tenement Houses**		PN 1214/1971		16June 1950	Planning and Economic Development
PN 616/1950	**Preventing Conditions Likely to Further the Spread of Fires**			PN 4/1968		Community and Protection Services
PN 276/1952	**Additional Drainage Re Connection Charges**			PN 788/1955		Financial Services
PN 480/1952	**Additional Health Re Handling of Food**			PN 224/1953		Planning and Economic Development
PN 121/1952	**Traffic Signs**					Community and Protection Services
PN 31/1953	**Prohibition of Stopping of Standing of Vehicles in Certain Public Roads**				4.06.2010 5.07.2013	Community and Protection Services
PN 224/1953	**Additional Health Re Handling of Food**				13 March 1953	Community and Protection Services
PN 784/1953	**Additional Water**			PN 788/1955		Infrastructure Services
PN 1002/1954	**Payment of Service Charges**			PN 788/1955		Financial Services
PN 787/1955	**Additional Water**		PN 657/1956 PN 771/1956 PN 151/1957 PN 97/1958 PN 296/1959	PN 802/1960		Infrastructure Services
PN 789/1955	**Streets** **Naming Streets** **Information** **Restaurants Tea-Rooms** **Barbers Hairdressers** **Animals** **Hawkers Pedlars** **Bakery** **Abattoirs** **Butchery** **Drainage** **Water**		PN 520/1978 (Streets)	PN 631/1980 (Naming streets) PN 432/1984 (Information) PN 216/1988 (Streets) PN 431/1989 (Butchery) PN 138/1990 (Animals) PN 291/1997 (Hawkers/ pedlars)		Planning and Economic Development
PN 790/1955	**Additional Barbers and Hairdressers**					Planning and Economic Development
PN 791/1955	**Additional Hawkers and Pedlars**		PN 465/1968	PN 291/1997		Planning and Economic Development

PN No	Name of By-Law	Date of Approval	Amendment PN No	Further Amendment PN No	Date Promulgated	Directorate
PN 792/1955	**Additional Bakery**					Planning and Economic Development
PN 793/1955	**Additional Butchery**				30 December 1951	Planning and Economic Development
PN 794/1955	**Additional Drainage**		PN 96/1958 PN 295/1959 PN 823/1960 PN 532/1963 PN 842/1963 PN 203/1964 PN 252/1964 PN 396/1964 PN 957/1964 PN 842/1965 PN 988/1966	PN 1046/1967		Infrastructure Services
PN 42/1956	**Radio Interference and Other Disturbances**				20 January 1956	Infrastructure Services
PN 43/1956	**Control of Loudspeakers**		PN 1021/1978 PN 556/1993			Community and Protection Services
PN 100/1956	**Removal of Refuse**		PN 741/1956 PN 501/1957 PN 98/1958	PN 772/1958	5 December 1958	Infrastructure Services
PN 302/1956	**Additional Abattoirs**			PN 822/1960		Planning and Economic Development
PN 52/1957	**Keeping of Bees**			PN 373/1988		Community and Protection Services
PN 433/1958	**Location Trading**			PN 613/1971		Planning and Economic Development
PN 772/1958	**Removal of Refuse**		PN 298/1959 PN 847/1960 PN 956/1964 PN 843/1965 PN 990/1966 PN 1044/1967 PN 882/1969 PN 732/1970 PN 792/1970 PN 1214/1971 PN 210/1972 PN 893/1972 PN 916/1972 PN 982/1972 PN 1123/1973 PN 358/1974 PN 1260/1974 PN 1268/1975 PN 512/1981 PN 281/1983 PN 542/1987 PN 71/1988 PN 328/1990 PN 568/1994			Infrastructure Services
PN 110/1959	**Wiring Premises**					
PN 196/1959	**Control of Door-To-Door Collections**				4.06.2010	Infrastructure Services

PN No	Name of By-Law	Date of Approval	Amendment PN No	Further Amendment PN No	Date Promulgated	Directorate
PN 375/1959	**Dairies Milk**					Planning and Economic Development
PN 802/1960	**Additional Water**		PN 406/1962 PN 320/1963 PN 397/1964 PN 955/1964 PN 1243/1966 PN 1300/1966 PN 601/1967 PN 1027/1967 PN 889/1969 PN 791/1970 PN 890/1972 PN 915/1972 PN 631/1973 PN 1125/1973 PN 804/1974 PN 1258/1974 PN 1272/1975 PN 511/1976 PN 323/1978 PN 573/1979 PN 158/1982 PN 612/1983 PN 65/1984 PN 565/1987 PN 69/1988 PN 560/1988 PN 291/1989 PN 84/1990		18 November 1960	Infrastructure Services
PN 822/1960	**Additional Abattoirs**			PN 807/1963		Planning and Economic Development
PN 835/1961	**Exemption of Medical Practitioners from Provisions of Road Traffic Ord.**		PN 645/1963 PN 330/1980	PN 267/1980		Community and Protection Services
PN 407/1962	**Dilapidated Buildings and Unsightly and Objectionable Structures**				22 June 1962	Planning and Economic Development
PN 542/1962	**Cemetery**					Community and Protection Services
PN 735/1962	**Fishmongers**					Planning and Economic Development
PN 800/1962	**Additional Cemetery**		PN 125/1967 PN 586/1970 PN 1214/1971 PN 558/1974 PN 1073/1975 PN 1022/1976	PN 253/1977		Community and Protection Services
PN 146/1963	**Keeping of Poultry**		PN 470/1964 PN 678/1964 PN 1214/1971 PN 510/1973			Planning and Economic Development
PN147/1963	**Boarding-House**		PN 469/1964 PN 679/1964 PN 14/1967		15 February 1963	Planning and Economic Development

PN No	Name of By-Law	Date of Approval	Amendment PN No	Further Amendment PN No	Date Promulgated	Directorate
			PN 1214/1971 PN 258/1972			
PN 451/1963	**Electricity**		PN 451/1963	PN 416/1987	17.06.2005 13.12.2013	Infrastructure Services
PN 525/1963	**Additional Supply of Electricity**		PN 771/1976	PN 416/1987		Infrastructure Services
PN 807/1963	**Additional Abattoirs**		PN 958/1964 PN 1022/1966 PN 343/1982	PN 330/1981		Planning and Economic Development
PN 960/1964	**Pedal Cycles**			PN 652/1984		Community and Protection Services
PN 91/1966	**Additional Dairies, Milkshops And Purveyors of Milk**			PN 777/1971		Planning and Economic Development
PN 1091/1966	**Parking Meters**		PN 418/2000 PN 705/2000			Community and Protection Services
PN 1092/1966	**Advisory Board for The Jan Marais Nature Reserve**		PN 377/1976		28 October 1966	Community and Protection Services
PN 1046/1967	**Additional Drainage**		PN 883/1969 PN 728/1970 PN 796/1970 PN 895/1972 PN 917/1972 PN 624/1973 PN 1124/1973 PN 1259/1974 PN 1278/1975 PN 21/1979	PN 415/1981		Infrastructure Services
PN 4/1968	**Growth of Buses; Accumulation, Dumping of Rubbish, Waste Material**		PN 608/1982			Infrastructure Services
PN 44/1971	**Use of Stoeps And Verandah's of Shops and Business Premises**		PN 209/1996			Planning and Economic Development
PN 429/1971	**Building**		PN 429/1971 PN 78/1977			Planning and Economic Development
PN 613/1971	**Payment of Fees by Certain Residents of The Urban Bantu Residential Area**		PN 749/1971		4.12.2009	Financial Services
PN 777/1971	**Additional Dairies, Milkshops And Purveyors of Milk**		PN 1082/1971 PN 610/1988			Planning and Economic Development
PN 136/1972	**Prohibition and Control of Parking, Stopping of Vehicles in Loading Zones**				5.06.2013	Community and Protection Services
PN 328/1972	**Library**			PN 482/1991		Community and Protection Services
PN 509/1975	**Antenna Systems Television**					Planning and Economic Development
PN 67/1976	**Distribution of Handbills**					Financial Services
PN 491/1976	**Control of Dogs and The Keeping of**		PN 683/1984			Community and Protection Services

PN No	Name of By-Law	Date of Approval	Amendment PN No	Further Amendment PN No	Date Promulgated	Directorate
	Animals, Birds, Reptiles and Insects					
PN 561/1976	**Street Parking**				4.06.2010 5.07.2013	Community and Protection Services
PN 625/1976	**Convenience of Persons Using Streets or Public Places**				4.06.2010	Community and Protection Services
PN 253/1977	**Additional Cemetery**		PN 55/1999		22.12.2006 4.11.2011	Community and Protection Services
PN 604/1977	**Toll-Parking**		PN 528/1983 PN 109/1988	PN 780/1988		Community and Protection Services
PN 777/1979	**Liquefied Petroleum Gas**					Planning and Economic Development
PN 415/1981	**Additional Drainage**		PN 606/1981 PN 136/1982 PN 282/1983 PN 566/1987 PN 70/1988 PN 290/1989			Infrastructure Services
PN 587/1982	**Fire Brigade**		PN 587/1982		13.12.2013	Community and Protection Services
PN 109/1983	**Burial Park**		PN 835/1990		22.12.2006 4.11.2011	Community and Protection Services
PN 433/1984	**Furnishing of Information to The Public**					Corporate Services
PN 652/1984	**Pedal Cycle**					Community and Protection Services
PN 653/1984	**Abandoned Grocery Trolleys**					Planning and Economic Development
PN 654/1984	**Availability Charges**					Financial Services
PN 683/1984	**Control and Keeping of Dogs**		PN 303/1985			Community and Protection Services
PN 209/1985	**Parks for Caravans and Mobile Homes**					Community and Protection Services
PN 370/1985	**Taxi**				5.07.2013	Community and Protection Services
PN 707/1985	**Control of Buses and Bus Stops**					Community and Protection Services
PN 416/1987	**Electricity Supply**		PN 324/1991		17.06.2005	Infrastructure Services
PN 532/1987	**Levying of Charges in The Technopark**					Financial Services
PN 215/1988	**Streets**		PN 567/1994		4.06.2010 5.07.2013	
PN 373/1988	**Plantations, Parks, Gardens, Recreation Facilities and Nature Reserves**					Community and Protection Services
PN 611/1988	**Erection of Boundary Walls, Fences and Control of Materials Used Therefor**					
PN	**Procedure**					



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PN No	Name of By-Law	Date of Approval	Amendment PN No	Further Amendment PN No	Date Promulgated	Directorate
742/1988	**Meetings**					
PN 780/1988	**Toll Parking**					
PN 432/1989	**Butchery**					
PN 683/1989	**Swimming Bath**		PN 356/1993			Community and Protection Services
PN 139/1990	**Animals**					Community and Protection Services
PN 101/1991	**Public Amenities Own Affairs** **Public Amenities General Affairs**					
PN 483/1991	**Library**					Community and Protection Services
PN 627/1993	**Parking with a Parking Coupon**					
PN 569/1994	**Door-To-Door Collection**					
PN 291/1997	**Control of Business of Street Vendor, Pedlar Or Hawker**					
PN 166/1998	**Supervision and Control of The Carrying on Of Business of Street Vendor**					
PN 180/1998	**Prevention and Suppression of Nuisances**					Community and Protection Services
PN 189/1998	**Vendor, Pedlar or Hawker**					
Franschhoek Municipality Prior 2000						
PN 152/1914	**General Series**			PN 772/1953		
PN 240/1921	**General Series**		PN 13/1923 PN 89/1924 PN 544/1933 PN 27/1934 PN 622/1947 PN 772/1953 PN 150/1957 PN 639/1960 PN 211/1982			
PN 290/1922	**License to Drive Motor Car**			PN 772/1953		Community and Protection Services
PN 89/1924	**General Series**			PN 772/1953		
PN 62/1927	**Registration and Licensing of Bicycles**			PN 772//1953		Community and Protection Services
PN 163/1927	**Vehicles Plying for Hire**			PN 772/1953		Community and Protection Services
PN 127/1932	**Management of Public Slaughterhouse**			PN 772/1953		
PN 765/1953	**Additional Building**		PN 149/1957 PN 270/1970 PN 34/1971 PN 41/1971	PN 335/1983		

PN No	Name of By-Law	Date of Approval	Amendment PN No	Further Amendment PN No	Date Promulgated	Directorate
			PN 307/1977 PN 636/1977 PN 697/1977 PN 209/1982			
PN 766/1953	**Additional Abattoirs**		PN 287/1960	PN 58/1967		
PN 769/1953	**Additional Cycle**					Community and Protection Services
PN 773/1953	**Health** **Information** **Pedal Cycles** **Poultry** **Animals** **Hawkers Pedlars** **Butchery** **Bakery** **Abattoirs** **Barbers, Hairdressers** **Streets** **Roads Traffic** **Staff Leave** **Accommodation** **Procedure Meetings** **Sanitation** **Building**		PN 267/1994 (Bakery) PN 267/1994 (Barbers) PN 267/1994 (Animals) PN 267/1994 (Accommodation)	PN 1088/1966 (Staff leave) PN 60/1971 (Pedal cycles) PN 574/1971 (Building) PN 122/1987 (Poultry) PN 553/1988 (Streets) PN 755/1988 (Procedure meetings) PN 94/1989 (Butchery)		
PN 806/1953	**Additional Sanitary**		PN 271/1960 PN 315/1962 PN 1090/1966 PN 142/1968 PN 82/1969 PN 1196/1971 PN 100/1972 PN 100/1974 PN 143/1975	PN 331/1977		
PN 858/1954	**Naming Streets**		PN 267/1994			
PN 900/1954	**Stop-Street**		PN 267/1994			Community and Protection Services
PN 901/1954	**Swimming Bath**		PN 303/1962 PN 267/1994			Community and Protection Services
PN 902/1954	**Traffic**				5.07.2013	Community and Protection Services
PN 150/1957	**Keeping of Dogs**		PN 805/1972	PN 613/1981		Community and Protection Services
PN 207/1959	**Preventing Conditions Likely to Further the Spread of Fires**					Community and Protection Services
PN 286/1960	**Restaurants Tea-Rooms** **Water** **Dairies Milk**		PN 267/1994 (Restaurants)	PN 592/1986 (Water)		
PN 639/1960	**Additional Water**		PN 676/1961 PN 314/1962 PN 59/1967 PN 230/1968 PN 41/1971 PN 124/1972	PN 591/1986		Infrastructure Services

PN No	Name of By-Law	Date of Approval	Amendment PN No	Further Amendment PN No	Date Promulgated	Directorate
			PN 940/1972 PN 161/1973 PN 254/1975 PN 796/1976 PN 320/1977 PN 61/1978 PN 122/1979			
PN 1089/1966	**Staff Leave**		PN 576/1994			Corporate Services
PN 1094/1966	**Accumulation and Dumping of Rubbish and Waste Material**					Infrastructure Services
PN 1095/1966	**Dilapidated Buildings and Unsightly and Objectionable Structures**		PN 267/1994			
PN 1096/1966	**Removal of Vegetation from Land**		PN 267/1994			
PN 58/1967	**Additional Abattoirs**					
PN 141/1968	**Cleanliness of Premises**		PN 267/1994			
PN 897/1968	**Information**					
PN 82/1969	**Removal of Refuse**		PN 273/1970 PN 95/1972 PN 99/1974 PN 144/1975 PN 330/1977 PN 503/1989 PN 267/1994			Infrastructure Services
PN 252/1970	**Library**		PN 267/1994			
PN 280/1970	**Irrigation Water**		PN 123/1972 PN 255/1975 PN 181/1982 PN 585/1989			Infrastructure Services
PN 61/1971	**Pedal Cycles**			PN 715/1987		
PN 573/1971	**Building**		PN 593/1986 PN 578/1989			
PN 1021/1971	**Keeping of Bees**		PN 267/1994			
PN 452/1975	**Additional Dairies, Milkshops And Purveyors of Milk**		PN 267/1994			
PN 643/1975	**Antenna Systems Television**		PN 267/1994			
PN 1168/1976	**Cemetery**					
PN 331/1977	**Additional Sanitary**		PN 501/1989			
PN 696/1977	**Maintenance of Cleanliness and The Prevention of Nuisances**		PN 210/1982 PN 267/1994			

PN No	Name of By-Law	Date of Approval	Amendment PN No	Further Amendment PN No	Date Promulgated	Directorate
PN 23/1979	**Fishing and Swimming in Municipal Dams**		PN 267/1994			
PN 24/1979	**Erection of Boundary and Other Walls and Fences**		PN 502/1989			
PN 25/1979	**Conservancy Tanks**		PN 267/1994			
PN 732/1979	**Fire Brigade Service**		PN 367/1996			
PN 613/1981	**Dog Control**		PN 667/1994			
PN 211/1982	**Additional Commonage**		PN 267/1994			
PN 335/1983	**Building Plan Fees**		PN 586/1989 PN 244/1992			
PN 631/1983	**Fencing of Private Swimming Pools and Ponds**		PN 267/1994			
PN 632/1983	**Advisory Board for The Mont Rochelle Nature Reserve**					
PN 633/1983	**Mont Rochelle Nature Reserve**					
PN 9/1985	**Additional Electricity Supply**		PN 434/1986 PN 48/1992 PN 150/1993			Infrastructure Services
PN 10/1985	**Electricity**			PN 755/1988		Infrastructure Services
PN 11/1985	**Charges Payable for Supply of Electricity**			PN 494/1985		
PN 40/1985	**Availability Charges**					
PN 68/1985	**Parking of Heavy Vehicles, Caravans and Trailers**		PN 267/1994		5.07.2013	Community and Protection Services
PN 69/1985	**Damaging of Streets**		PN 267/1994			
PN 531/1985	**Distribution of Handbills**		PN 267/1994			
PN 138/1986	**Cemetery Charges**					
PN 677/1986	**Storage and Keeping of Liquefied Petroleum Gas**		PN 267/1994			
PN 123/1987	**Poultry**					
PN 500/1987	**Advertising Signs**					
PN 551/1988	**Streets**					
PN 754/1988	**Electricity Procedure Meetings**		PN 313/1996 (ELECTRICITY) PN 424/1996 (ELECTRICITY) PN 469/1996 (ELECTRICITY)		17.06.2005 13.12.2013	Infrastructure Services

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PN 93/1989	**Butchery**					
PN 331/1992	**General Affairs Own Affairs**					
PN 320/1995	**Sewerage**					Infrastructure Services
PN 539/1995	**Prevention and Suppression of Nuisances**		PN 352/1996			
PN 386/1996	**Supervision, Control of Business of Street Vendor, Pedlar, Hawker**					
PN 409/1998	**Employees of The Council Leave**					
Stellenbosch Municipality By-Law After 2000 By-Laws Approved 2002						
5859/2002	**Honours by-law**	19.04.2002			19 April 2002	Corporate Services
5859/2002	**By-law dealing with issues pertaining to the corporate identity of the Municipality**	19.04.2002			19April 2002	Corporate Services
2003						
6011/2003	**Verordening vir Bekamping van Sekere Oortredings in Openbare Plekke**	7.05.2003			07 May 2003	Community and Protection Services
2005						
6276/2005	**Verordening ten opsigte van elektrisiteits voorsiening**	17.06.2005			Friday, 17 June 2005	Infrastructure Services
2009						
6641/2009	**Afkondiging van tariewe verordening**	10.07.2009			Friday, 10 July 2009	Financial Services
6641/2009	**Afkondiging van belasting verordening**	10.07.2009			Friday, 10 July 2009	Financial Services
6671/2009	**Verordening ten opsigte van die beheer van grensmure en heinings**	30.10.2009			Friday, 30 October 2009	Planning and Economic Development
2010						
6756/2009	**Verordening ten opsigte van Strate**	4.06.2010			Friday, 4 June 2010	Engineering
2011						
6857/2011	**Kredietbeheer- en Skuldinvordering**	4.03.2011			4 APRIL 2011	Financial Services
6923/2011	**Begraafpark/-plaas verordening**	4.11.2011			Friday, 4 November 2011	Community and Protection Services
2012						

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7015/2012	Special Area Rating by-law	20.07.2012			Friday, 20 July 2012	Finance
			2013			
	Stellenbosch Liquor trading Hours By-law	25.04.2013				Planning and Economic Development
	Streets By-Law	30.05.2013				Community Safety
	Problem Buildings (Draft)	29.08.2013				Planning and Economic Development
7196/2013	**Municipal Council's Rules of Order**	16.10.2013			Friday, 15 November 2013	Corporate Services
	Fire Safety By-law	24.10.2013				Community Safety
	Electricity By-law	24.10.2013				Engineering Services
7 7146/2013	**Swembaddens**	5.07.2013			Friday, 5 July 2013	Community Services
7146/2013	**Parkering**	5.07.2013			Friday, 5 July 2013	Protection Services
7155/2013	**Liquor Trading Hours by-law**	2.09.2013			Friday, 2 August 2013	Planning and Economic Development
7196/2013	**Rules of order by-law**	15.11.2013			Friday, 15 November 2013	Corporate Services
7 7216/2013	**Community Fire Services by-law**	13.12.2013			13 December 2013	Community Protection Services
7 7216/2013	**Electricity Supply by-law**	13.12.2013			13 December 2013	Infrastructure Services
			2014			
	Liquor Trading By Law	20.08.2014				Planning Economic Development
			2015			
	Liquor Trading By Law	27.05.2015				Strategic and Corporate Services
	Events By-Law (In Principle)	24.06.2015				Community Protection Services
	Events By-Law (Draft)	28.10.2015				Community Protection Services
	Liquor Trading By Law	28.10.2015				Strategic and Corporate Services
	Liquor Trading By Law	25.11.2015	Strategic and Corporate Services			
			2016			
7564/2016	**Events By-law**	27.01.2016			Friday, 12 February 2016	Planning and Economic Development
	Prevention of Public Nuisances and the Keeping of Animals By-Law	23.11.2016	RECOMMENDED (a) that Council approves the draft "By-Law on the Prevention of Public			Protection Services

PN No	Name of By-Law	Date of Approval	Amendment PN No	Further Amendment PN No	Date Promulgated	Directorate
			Nuisances and the Keeping of Animals"; and (b) that the Administration be mandated to advertise said By-law after which it will be re-submitted to Council for final consideration.			
	Property Rates By-Law	25.05.2016				Financial Services
	Tariff By-Law	25.05.2016				Financial Services
	Special Areas Rating By-Law	25.05.2016				Financial Services
			2017			
422 /2017	**Property Rates By-Law**	31.05.2017			9 JUNE 2017	Financial Services
7782/2017	**Tariff By-Law**	31.05.2017			15 JUNE 2017	Financial Services
	Special Areas Rating By-Law	31.05.2017				Financial Services
7807/2017 7827/2017	**Water Services By-Law (2017)**	26.07.2017			11 AUGUST 2017 22 SEPTEMBER 2017	Infrastructure Services
7830/2017	**Impoundment of Animals By-Law**	30.08.2017			29 September 2017	Community and Protection Services
7830/2017	**By-Law on The Prevention of Public Nuisances and The Keeping of Animals**	30.08.2017			29 SEPTEMBER 2017	Community and Protection Services
7871/2018	**Approval of The Electrical Services By-Law and Admission of Guilt Fines (2017)**	29.11.2017			30 JANUARY 2018	Infrastructure Services
			2018			
	Stellenbosch Municipality Air Quality By-Law	22.08.2018				Community and Protection Services
435 /2018	**Property Rates By-Law**	28.05.2018			8 June 2018	Financial Services
7782/2017	**Tariff By-Law**	28.05.2018			15 June 2017 (Unchanged)	Financial Services
	Special Areas Rating By-Law	28.05.2018				Financial Services
			2019			
	Reviewing of The By-Law Relating to Plantations, Play Parks, Gardens, Recreation, Facilities, Nature Conservation and Public Open Spaces	24.04.2019				Community and Protection Services

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8153/2019	**Adoption of The Stellenbosch Municipality Zoning Scheme By-Law, 2019**	**29.05.2019**			**27 September 2019**	**Planning and Economic Development**
	Stellenbosch Municipality Standing Rules of Order By-Law for The Meetings of The Council and its Committees	29.05.2019				Corporate Services
8105/2019	**Property Rates By-Law**	**29.05.2019**			**7 June 2019**	**Financial Services**
7782 7782/2017	**Tariff By-Law**	**29.05.2019**			**15 June 2017 (Unchanged)**	**Financial Services**
	Special Areas Rating By-Law	29.05.2019				Financial Services
	Problem Property By-Law	29.05.2019				Planning and Economic Development
			2020			
	The Water Services By-Law and Admission of Guilt Fines	29.01.2020				Infrastructure Services
	The Electrical Services By-Law and Admission of Guilt Fines	27.05.2020				Infrastructure Services
7782/2017	**Tariff By-Law**	27.05.2020			15 June 2017 (Unchanged)	Financial Services
	Special Areas Rating By-Law	27.05.2020				Financial Services
	Problem Property By-Law	27.05.2020				Planning and Economic Development
	Stellenbosch Liquor Trading Hours By-Law	29.07.2020	Planning and Economic Development			
	Problem Properties By-Law	29.07.2020	Corporate Services			
	Stellenbosch Municipality By-Law on Stormwater	25.11.2020	Infrastructure Services			
8441/2021	**Stellenbosch Municipality By-Law on Integrated Waste Management**	25.11.2020			4 June 2021	Infrastructure Services
			2021			
	Stellenbosch Municipality By-Law on Parking	28.04.2021	Requested from S Pretorius			Infrastructure Services
8436/2021	**Stellenbosch Municipality By-Law Roads and Street**	28.04.2021			28 May 2021	Infrastructure Services
	Stellenbosch Municipality By-Law on Posters	28.04.2021 Public Participation				Infrastructure Services

PN No	Name of By-Law	Date of Approval	Amendment PN No	Further Amendment PN No	Date Promulgated	Directorate
	(Draft)					
8440/2021	**Property Rates By-Law**	26.05.2021			4 June 2021	Financial Services
7782/2017	**Tariff By-Law**	26.05.2021			15 June 2017 (Unchanged)	Financial Services
8440/2021	**Special Areas Rating By-Law**	26.05.2021			4 June 2021	Financial Services
8434/2021	**By-Law on Stormwater**	26.05.2021			28 May 2021	Infrastructure Services

7.2	CODE OF CONDUCT FOR COUNCILLORS

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 15 November 2021**

1. SUBJECT: CODE OF CONDUCT FOR COUNCILLORS

2. PURPOSE OF REPORT

To bring to the attention of Councillors the Code of Conduct as contained in Schedule 1 of the Municipal Systems Act 32 of 2000.

3. DELEGATED AUTHORITY

Not applicable

4. EXECUTIVE SUMMARY

Schedule 7 of the Municipal Systems Act, 117 of 1998 contains the Code of Conduct which must be adhered to by all Councillors.

Specific attention is drawn to the provisions relating to the obligation to attend meetings, disclosure and declaration of interests, the prohibition on receiving rewards, gifts and favours, unauthorized disclosure of information, and the prohibition on intervention in the administration.

A copy of the Code of Conduct for Councillors is attached as **APPENDIX 1** and **is also contained on the memory stick provided to Councillors.**

5. RECOMMENDATION

that cognisance be taken of the Code of Conduct for Councillors.

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	*10 November 2021*

ITEM 7.2

CODE OF CONDUCT FOR COUNCILLORS

$$A - B = C$$

Where-

A represents the total number of seats allocated to a party in the metro council in accordance with Part 3 of Schedule 1;

B represents the total number of seats allocated to a party in terms of subitem (1); and

C represents a positive number.

(3) *(a)* The number of seats allocated to a party in terms of subitem (2) are distributed amongst the metropolitan subcouncils in sequence of the highest fractions obtained by that party for the respective subcouncils during the calculations in terms of subitem (1).

(b) If the fraction for two or more subcouncils is equal, and the number of seats still to be distributed are less than the number of subcouncils to which the equal fractions apply, the party must elect to which of those subcouncils such seats are to be distributed.

Part 2
Principles of allocating councillors elected from party lists to metropolitan subcouncils

2 Principles of allocating seats to parties

The seats in the section 63 (1) *(b)* component of a metropolitan subcouncil must be allocated to parties represented in the metro council in a manner that will allow parties and interests reflected in the metro council to be fairly represented in the metropolitan subcouncil in a manner consistent with democracy, taking into account the parties and interests reflected in the section 63 (1) *(a)* component of that metropolitan subcouncil.

Part 3
General principles

3 Designation of councillors for metropolitan subcouncils

Each party represented in a metro council must designate from among the councillors not representing wards, its representatives to each metropolitan subcouncil in the municipality with regard to which seats were allocated to it in accordance with Part 1 or the principles set out in item 2.

4 Councillors to serve on one metropolitan subcouncil only

No councillor may serve on more than one metropolitan subcouncil.

5 Vacancies

Parties must fill vacancies as they occur.

Schedule 5

.....

[Schedule 5 repealed by s. 121 of Act 32 of 2000 (wef 1 March 2001).]

Schedule 6

.....

[Schedule 6 repealed by s. 64 of Act 3 of 2019 (wef 1 April 2021).]

Schedule 7
CODE OF CONDUCT FOR COUNCILLORS

[Schedule 7 added by s. 36 of Act 3 of 2021 (wef 1 November 2021).]

Preamble

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Councillors are elected to represent local communities on municipal councils, to ensure that municipalities have structured mechanisms of accountability to local communities, and to meet the priority needs of communities by providing services equitably, effectively and sustainably within the means of the municipality. In fulfilling this role, councillors must be accountable to local communities and report back at least quarterly to constituencies on council matters, including the performance of the municipality in terms of established indicators. In order to ensure that councillors fulfil their obligations to their communities, and support the achievement by the municipality of its objectives set out in section 19, the following Code of Conduct is established.

1 Definitions

In this Schedule **'partner'** means a person who permanently lives with another person in a manner as if married.

2 General conduct of councillors

A councillor must-

(a) perform the functions of office in good faith, honestly and in a transparent manner; and

(b) at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.

3 Voting at meetings

A councillor may not vote in favour of or agree to a resolution which is before the council or a committee of the council, which conflicts with any legislation applicable to local government.

4 Attendance at meetings

A councillor must attend each meeting of the municipal council and of a committee of which that councillor is a member, except when-

(a) leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or

(b) that councillor is required in terms of this Code to withdraw from the meeting.

5 Sanctions for non-attendance of meetings

(1) A municipal council may impose a fine as determined by the standing rules and orders of the municipal council on a councillor for-

(a) not attending a meeting which that councillor is required to attend in terms of item 4; or

(b) failing to remain in attendance at such a meeting.

(2) A councillor who is absent from three or more consecutive meetings of a municipal council, or from three or more consecutive meetings of a committee, which that councillor is required to attend in terms of item 4, must be removed from office as a councillor.

(3) *(a)* Proceedings for the imposition of a fine or the removal of a councillor must be conducted in accordance with a uniform standing procedure which each municipal council must adopt for the purposes of this item.

(b) The uniform standing procedure must comply with the rules of natural justice.

6 Disclosure of interests

(1) A councillor must-

(a) disclose to the municipal council, or to any committee of which that councillor is a member, any direct or indirect personal or private business interest that that

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councillor, or any spouse, partner or business associate of that councillor may have in any matter before the council or the committee; and

(b) withdraw from the proceedings of the council or committee when that matter is considered by the council or committee, unless the council or committee decides that the councillor's direct or indirect interest in the matter is trivial or irrelevant.

(2) A councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the municipal council.

(3) This section does not apply to an interest or benefit which a councillor, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the municipality.

7 Personal gain

(1) A councillor may not use the position or privileges of a councillor, or confidential information obtained as a councillor, for private gain or to improperly benefit another person.

(2) No councillor may be a party to or beneficiary under a contract for the provision of goods or services to any municipality or any municipal entity established by a municipality.

8 Declaration of interests

(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 annually.

(3) Gifts received by a councillor above a prescribed amount must also be declared in accordance with subitem (1).

(4) The municipal council must determine which of the financial interests referred in subitem (1) must be made public having regard to the need for confidentiality and the public interest for disclosure.

9 Full-time councillors

A councillor who is a full-time councillor may not undertake any other paid work except with the consent of a municipal council which consent shall not unreasonably be withheld.

10 Rewards, gifts and favours

A councillor may not request, solicit or accept any reward, gift or favour for-

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(a) voting or not voting in a particular manner on any matter before the municipal council or before a committee of which that councillor is a member;

(b) persuading the council or any committee in regard to the exercise of any power, function or duty;

(c) making a representation to the council or any committee of the council; or

(d) disclosing privileged or confidential information.

11 Unauthorised disclosure of information

(1) 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 unauthorised person.

(2) For the purpose of this item **'privileged or confidential information'** includes any information-

(a) determined by the municipal council or committee to be privileged or confidential;

(b) discussed in closed session by the council or committee;

(c) disclosure of which would violate a person's right to privacy; or

(d) declared to be privileged, confidential or secret in terms of law.

(3) This item does not derogate from the right of any person to access to information in terms of national legislation.

12 Interference in administration

A councillor may not, except as provided by law-

(a) interfere in the management or administration of any department of the municipal council, unless mandated by the council;

(b) give or purport to give any instruction to any employee of the council, except when authorised to do so;

(c) obstruct or attempt to obstruct the implementation of any decision of the council or a committee by an employee of the council; or

(d) encourage or participate in any conduct which would cause or contribute to maladministration in the council.

13 Municipal property

A councillor may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the municipality to which that councillor has no right.

14 Councillor in arrears

A councillor may not be in arrears to the municipality for rates and service charges for a period longer than three months.

15 Breaches of Code

(1) If the speaker of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the speaker 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.

(2) A report in terms of subitem (1) *(c)* is open to the public.

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(3) The speaker must report the outcome of the investigation to the MEC for local government in the province concerned.

(4) The speaker 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.

(5) If the speaker of council is the alleged perpetrator, or the speaker refuses to authorise an investigation, the council must establish a special committee, as contemplated in Item 16 (1) *(b)*, to investigate and make a finding on any alleged breach of this Code.

16 Investigation of breach

(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.

(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 certain period;

(d) fine the councillor; or

(e) request the MEC to remove the councillor from office.

(3) The speaker must inform the MEC for local government in the province concerned within 14 days of the finding and sanction decided on by the council.

(4) *(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 by the MEC.

(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.

(5) 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 as to the appropriate sanction in terms of subitem (2) if a municipal council does not conduct an investigation contemplated in subitem (1) and the MEC for local government considers it necessary.

(6) The Commissions Act, 1947 (Act 8 of 1947), or, where appropriate, applicable provincial legislation, may be applied to an investigation in terms of subitem (4).

(7) 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.

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(8) Any investigation in terms of this item and any action by the MEC in terms of subitem (7) must be in accordance with section 3 of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).

17 Application of Code to traditional leaders

(1) Items 1, 2, 6, 7, 10 *(b)* to *(d)*, 11, 12, 13, 15 and 16 (1) apply to a traditional leader who participates or has participated in the proceedings of a municipal council in terms of section 81.

(2) These items must be applied to the traditional leader in the same way they apply to councillors.

(3) If a municipal council or a special committee in terms of item 16 (1) finds that a traditional leader has breached a provision of this Code, the council may-

(a) issue a formal warning to the traditional leader; or

(b) request the MEC for local government in the province to suspend or cancel the traditional leader's right to participate in the proceedings of the council.

(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 right of the traditional leader to participate in the proceedings of the municipal council should be suspended or cancelled.

(5) The Commissions Act, 1947 (Act 8 of 1947), may be applied to an investigation in terms of subitem (4).

(6) If the MEC is of the opinion that the traditional leader has breached a provision of this Code, and that such breach warrants a suspension or cancellation of the traditional leader's right to participate in the council's proceedings, the MEC may-

(a) suspend that right for a period and on conditions determined by the MEC; or

(b) cancel that right.

(7) Any investigation in terms of this item and any action by the MEC in terms of subitem (6) must be in accordance with the rules of natural justice.

(8) The suspension or cancellation of a traditional leader's right to participate in the proceedings of a council does not affect that traditional leader's right to address the council in terms of section 81 (3).

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7.3	SECTION 53 ROLES AND RESPONSIBILITIES

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 15 November 2021**

1. SUBJECT: SECTION 53 ROLES AND RESPONSIBILITIES

2. PURPOSE OF REPORT

To bring to the attention of councillors the respective roles and areas of responsibility of each political structure, political office-bearer and the Municipal Manager.

3. DELEGATED AUTHORITY

As per Council delegations.

4. EXECUTIVE SUMMARY

Section 53 of the Systems Act requires a municipal Council to define the respective roles and areas of responsibility of each political structure, political office-bearer and the Municipal Manager.

Furthermore, as per Section 53(5) of the Systems Act, the municipality must determine-

(a) the relationships among those political structures and political office-bearers and the Municipal Manager, and the manner in which they must interact;

(b) the appropriate lines of accountability and reporting for those political structures and political office-bearers and the Municipal Manager;

(c) the mechanisms, processes and procedures for minimising cross-referrals and unnecessary overlapping of responsibilities between those political structures and political office-bearers and the Municipal Manager;

(d) the mechanisms, processes and procedures for resolving disputes between those political structures and political office-bearers and the Municipal Manager; and

(e) the mechanisms, processes and procedures for interaction, between-

(i) those political structures and political office-bearers and the Municipal Manager and other staff members of the municipality; and

(ii) Councillors and the Municipal Manager and other staff members of the municipality.

A copy of the Section 53 Roles and Responsibilities Manual is attached as **APPENDIX 1.**

5. RECOMMENDED

that cognisance be taken of the Section 53 Roles And Responsibilities Manual.

FOR FURTHER DETAILS CONTACT:

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REPORT DATE	*3 November 2021*

ITEM 7.3

SECTION 53 ROLES AND RESPONSIBILITIES

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STELLENBOSCH MUNICIPALITY

ROLES AND RESPONSIBILITIES OF POLITICAL STRUCTURES, POLITICAL OFFICE BEARERS AND THE MUNICIPAL MANAGER

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Preface

Good governance is built upon an effective interface between political office bearers, political structures, councillors and officials, the delegation of appropriate powers to achieve maximum operational and administrative efficiency and the amicable resolution of disputes between the respective role-players.

In this document we attempt to identify the functions, roles and responsibilities of the political office bearers, political structures, councillors and Municipal Manager of the Municipality of Stellenbosch.

The essential terms used in this document have the following meanings -

"Accounting Officer" the Municipal Manager;

"A-G" the Auditor-General;

"Chief Financial Officer" a person designated by the Accounting Officer as Chief Financial Officer;

"delegating authority"-

(a) in relation to a delegation of a power or duty by the Municipal Council, means the Municipal Council; or

(b) in relation to a subdelegation of a power or duty by another political structure, or by a political office bearer, councillor or staff member of a municipality, means that political structure, political office bearer, councillor or staff member;

"IEC", the Independent Electoral Commission;

"MFMA" the *Local Government: Municipal Finance Management Act, No.56 of 2003*;

"Municipal Manager" a person appointed in terms of section 82 of the Act;

"NT" the National Treasury;

"political office bearer" means the Speaker, Executive Mayor or Deputy Executive Mayor of the Municipality;

"political structure", means the council of the Municipality or any committee of the municipality elected, designated or appointed in terms of a specific provision of the Municipal Structures Act;

"PAIA", the Promotion of Access to Information Act, No 1 of 2000;

"PT", the Provincial Treasury;

"SD+BI plan" service delivery and budget implementation plan;

"Structures Act", the *Local Government: Municipal Structures Act,* No.117 of 1998;

"Systems Act", the *Local Government: Municipal Systems Act,* No. 32 of 2000;

CHAPTER 1

INTRODUCTION

Legislative requirements

The *Systems Act*[1] requires the municipality to clarify the roles and responsibilities of the most important role players in the municipality. Municipalities are complex institutions with wide-ranging powers and duties governed by politicians and assisted by a staff component whose the main purpose it is to ensure and maintain services to the community. This goal is only achievable if there is harmonious interaction between the various role-players. They must know and understand their respective roles follow protocols and co-operate with each other but, when they fail, they should be able to correct their mistakes in terms of pre-determined processes.

Because *'terms of reference'* is closely associated with delegations the latter is included in this document.

Format for defining roles

The Systems Act does not prescribe a format for defining roles and areas of responsibility. The method adopted in this document is to identify and define all the functions of every role player in precise terms, their respective terms of reference[2] and to also –

(a) relationships among these *lead role-players* and the manner in which they must interact;

(b) appropriate lines of accountability and reporting for these *lead role-players*;

(c) mechanisms, processes and procedures for minimising cross-referrals and unnecessary overlapping of responsibilities between these *lead role-players*;

(d) mechanisms, processes and procedures for resolving disputes between these *lead role-players*; and

(e) mechanisms, processes and procedures for interaction, between -

  (i) these *lead role-players* and other staff members of the municipality; and

  (ii) *councillors* and the Municipal Manager and other staff members of the municipality.

Roles that are defined

The following roles are defined as required by the Systems Act -

- Municipal Council
- Speaker
- Committees of the Council
- Statutory committees
- Executive Mayor

---

[1] Section 53(1): *"A municipality must, within the framework of and in accordance with relevant provisions of the Municipal Structures Act[1], this Act and other applicable legislation, define the specific role and area of responsibility of each political structure and political office bearer of the municipality and of the Municipal Manager."*
[2] Section 53(2)

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- Executive Deputy Mayor
- Mayoral Committee
- Councillor
- Municipal Manager

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CHAPTER 2

ROLE DEFINITION

1. THE MUNICIPAL COUNCIL

1. THE ROLE

The role of the Municipal Council is *inter alia* to –

(a) represent the local community;

(b) ensure the well-being and interests of the municipality;

(c) ensure the provision of services to the local community;

(d) develop and evaluate the policies and programs of the municipality;

(e) maintain the financial integrity of the municipality;

(f) carry out the duties of council under the Constitution or any other act;

(g) ensure that administrative policies, procedures and oversight policies, practices and procedures are in place to implement the decisions of council; and

(h) ensure the accountability and transparency of the operations of the municipality.

The Municipal Council fulfils that role by *governing* as contemplated in the Constitution.

The Constitution not only confers on a municipality the right to govern the affairs of the community within the municipal area, but also empowers the *Municipal Council* to make decisions concerning the exercise of all the powers and the performance of all the functions of the municipality[3]. To this end the Municipal Council is clearly the principal political structure and the ultimate decision maker of the Municipality.

The *Stellenbosch Municipality* therefore acknowledges that it has the right to govern within the municipal area[4] and will by effective use of its constitutionally conferred powers and functions[5] strive to achieve the objects of local government[6], by –

(a) providing democratic and accountable government for local communities;

(b) ensuring the provision of services to communities in a sustainable manner;

(c) promoting social and economic development;

(d) promoting a safe and healthy environment; and

[3] See sections 151 and 160
[4] Section 151(3): A municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation, as provided for in the Constitution.
[5] Section 156
[6] Section 152

(e) encouraging the involvement of communities and community organisations in the matters of the municipality. 674

In order to do this the Municipal Council is committed to annually consider and, where necessary, review –

(a) the needs of the community;

(b) its priorities to meet those needs;

(c) its processes for involving the community;

(d) its organisational and delivery mechanisms for meeting the needs of the community; and

(e) its overall performance in achieving these objectives.

The Municipal Council is incapable of performing its constitutional mandate on its own and has consequently appointed political office bearers, established political stuctures and employed staff to assist it in this enormous task.

2. THE AREA OF RESPONSIBILITY

The area of responsibility of the Municipal Council may be defined in geographical and functional terms.

The geographical area of the Municipality is determined in terms of the *Local Government: Municipal Demarcation Act*, 1998 (Act No. 27 van 1998). The Municipal Council may however function outside its geographical area with the approval of the council of the municipality having jurisdiction in that area.[7]

The functional area of the Municipal Council's responsibility extends to all the powers of the Municipality as contemplated in -

- the Constitution[8] read with sections 83 en 84 of the Structures Act;
- other empowering laws;
- matters, powers, functions and duties delegated or assigned; and
- powers emanating from its status as a *legal persona*.

3. POWERS AND FUNCTIONS

The Municipal Council governs, exercise and perform powers and functions by virtue of its status as an organ of state, employer, member of organised local government and being a *legal persona*.

3.1. The Municipal Council Governs

Governing does not only confer a *right* but also imposes a *duty*.[9]

The Municipal Council has **the right** to –

(a) exercise the municipality's executive and legislative authority, and to do so without improper interference; and

---

[7] Section164 (1)(b) of the *MFMA*: *"No municipality may .. provide a municipal service in an area outside its jurisdiction except with the approval of the council of the municipality having jurisdiction in that area…"*
[8] Sections 156 (Powers and functions of municipalities) and 229 (Municipal fiscal powers and functions)
[9] Section 4 of the *Systems Act*

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(b) finance the affairs of the municipality by-

(i) charging fees for services; and

(ii) imposing surcharges on fees, rates on property and other taxes, levies and duties where authorised.

The council also has **the duty** to-

(a) exercise the municipality's executive and legislative authority and use the resources of the municipality in the best interests of the local community;

(b) provide, without favour or prejudice, democratic and accountable government;

(c) encourage the involvement of the local community;

(d) strive to ensure that municipal services are provided to the local community in a financially and environmentally sustainable manner;

(e) consult the local community about the level, quality, range and impact of municipal services and the available options for service delivery;

(f) give members of the local community equitable access to the municipal services;

(g) promote and undertake development in the municipality;

(h) promote gender equity;

(i) promote a safe and healthy environment in the municipality; and

(j) contribute to the progressive realisation of the fundamental rights.

The municipal council governs by –

making and administering laws;

- levying rates;
- taking decisions that affects the rights of people;
- consulting the community;
- overseeing the delegation of appropriate power to maximise administrative and operational efficiency.

3.1.1. Legislature

In terms of the Constitution[10] the legislative authority in respect of the municipal area is vested in the municipal council. The council may therefore adopt and administer by-laws for the effective administration of the matters which it has the right to administer.[11]

The legislative function is the exclusive function of the Municipal Council. The power to adopt laws may not be delegated.[12] Some procedural functions may however be given to a "member of a committee of the municipal council",[13] and the Executive Mayor[14], whilst other functions may be

[10] Sections 43 and 156(2)
[11] Matters listed in parts B of Schedules 4 en 5 as well as additional matters assigned in terms of national and provincial laws.
[12] Section 160(2)
[13] Section 12 of the *Systems Act*

delegated by the council, e.g. advertising for comments, publication in the *Provincial Gazette*, public participation, compiling the municipal code, law enforcement etc.

3.1.2. Tax Authority

The Municipal Council may levy rates on property and surcharges on fees for services provided by or on behalf of the municipality and, if authorised by national legislation, other taxes, levies and duties appropriate to local government.[15]

The *Local Government: Municipal Property Rates Act*[16] was enacted to regulate the power of a municipality to impose rates on property. It imposes primarily two powers/duties on a municipal council, i.e. –

- the adoption of a rates policy;[17]
- determining an area within that municipality as a special rating area.[18]

The general power to levy and recover fees, charges or tariffs is derived from the *Systems Act.*[19] In terms thereof the Council may –

(a) levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and

(b) recover collection charges and interest on any outstanding amount.

The Municipal Council may not delegate the power to levy rates.[20]

3.1.3. Primary decision maker

The municipal council exercises the legislative and executive powers of the municipality en take all decisions of the municipality, except those that have been delegated or have been conferred by law to a political structure, political office bearer, individual councillors or staff members.[21]

Only the municipal council may take decisions regarding the following matters -

Legislative

1. Adoption of by-laws[22] – s. 160(2) of the *Constitution*.

Financial

2. Approval of budgets;[23]

3. Levying of property rates and other taxes, levies and duties;[24]

4. Raising of loans;[25]

5 Adoption and amendment of an IDP;[26]

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[14] Section 56 of the *Structures Act*
[15] Section 229 of the *Constitution*
[16] No 6 of 2004
[17] Section 3
[18] s.22
[19] Section 75A(1)
[20] Section 160(2) of the *Constitution*
[21] Section 160(1) of the *Constitution* and section 11 of the *Systems Act*
[22] Section 160(2) of the *Constitution*
[23] Section 160(2) of the *Constitution* and Section 24 of the MFMA
[24] Section 160(2) of the *Constitution*, Section 75A of the *Systems Act* and Section 14 of the *Municipal Property Rates Act*
[25] Section 160(2) of the *Constitution*, Section 45 and 46 of the *MFMA*

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6. Dissolution of municipal councils;[27]

7. Election of speakers;[28]

8. Removal of the speaker;[29]

9. Election of an acting speaker;[30]

10. Election of an executive mayor and executive deputy mayor;[31]

11. Removal of the executive mayor or executive deputy mayor;[32]

12. Establishment of committees;[33]

13. Determining the salaries and allowances of councillors – s. 7 of the *Remuneration of Public Office Bearers Act*.

14. Determining fines for non-attendance of meetings; [34]

15. Impose sanctions for breaches.[35]

16. Determination of the salary and allowances of councillors.

17. Entering into service delivery agreements.

Staff

18. Appointment and dismissal of a Municipal Manager;[36]

19 Appointment of a departmental head/manager directly accountable to the Municipal Manager;[37]

20. Appointment of a Building Control Officer.[38]

Legal Matters

21. Concluding a service delivery agreement;[39]

22. Alienation of capital assets.[40]

General

23. Delegation of powers, duties and functions.

24. Disposal of immovable capital assets.

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[26] Section 30 of the *Structures Act*
[27] Section 34 of the *Structures Act*
[28] Section 36 of the *Structures Act*
[29] Section 40 of the *Structures Act*
[30] Section 41 of the *Structures Act*
[31] Section 55 of the *Structures Act*
[32] Section 58 of the *Structures Act*
[33] Section 79 en 80 of the *Structures Act*, Section 166 of the *MFMA* and item 14(1)(b) of the Code of Conduct for Councillors
[34] Item 4(1) of the Code of Conduct for Councillors
[35] Item 14(2) of the Code of Conduct for Councillors
[36] Section 54A of the *Systems Act* and *Mbana v Mnquma Municipality 2004* (1) BCLR 83 (Tk)
[37] Section 56 of the *Systems Act*
[38] Section 5 read with s. 28 of the *National Building Regulations and Building Standards Act*, No. 103 of 1977
[39] in terms of s. 59 and 76(b) of the *Systems Act*
[40] Section 14 of the *MFMA*

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25. To authorise the Municipal Manager to conduct a public participation process prior to the council considering the transfer or disposal of a non-exempted capital asset of a value in excess of R50 million.

26. To authorise the Municipal Manager to conduct a public participation process prior to Council considering the proposed granting of a right to use, control or manage a capital asset of a value in excess of R10 million and for a proposed period of longer than three years.

The Municipal Council is a body comprising of elected members and the council can only act collectively and then only by taking lawful decisions at meetings of the duly convened and constituted.

3.1.4. Consultant of the Community

According to the *Systems Act*[41] a municipality *"functions in its area in accordance with "the political, statutory and other relationships between its political structures, political office bearers and administration and its community"*. The Act also encourages meaningful community participation and involvement.[42]

Community participation in local government affairs gives expression to the democratic principles and values of our Constitution and the political rights of the individual entrenched in section 19 of the Constitution.

The Municipal Council is obliged to encourage participation of the community and community organisations in local government matters and must also adhere to the democratic values and principles enshrined in the Constitution which governs the public administration. The council[43] must also –

- respond to the people's needs and encourage the public to participate in policy-making.
- foster transparency by providing the public with timely, accessible and accurate information.

The Municipal Council must also engage the community in consultation in matters such as the IDP, budget, performance management, provision of services etc.[44]

3.1.5 Overseer of the Executive and Administration

Oversight is a crucial role of the municipal council in monitoring and evaluating the actions of the executive and administration in the discharge of the vast powers they possess.

The laws pertaining to local government contains numerous provisions requiring the executive and administration to report to council. The object of oversight obviously goes much wider; it also includes avoidance of abuse of power and guarding against under-performance.

Consequently, the Municipal Council has important policy setting and oversight roles especially in regard to the IDP, budgets, policies, rendering of services, strategic objectives and priorities, and by-laws.

Oversight also means that councillors cannot perform an operational role as this would interfere with the role of the executive and administration. It would also weaken the accountability of the executive mayor and officials of the council.

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[41] Section 2(c)
[42] Section 4(2)(c); see also section 152(e) of the *Constitution*
[43] Section 195 of the *Constitution*
[44] Section 16 of the *Systems Act*

Although oversight is a function of all councillors acting in unison individual councillors may and should initiate an oversight venture subsequent to consultation with the public as required by the *Code of Conduct for Councillors*; see the preamble which provides –

> "*Councillors are elected to represent local communities on municipal councils, to ensure that municipalities have structured mechanisms of accountability to local communities, and to meet the priority needs of communities by providing services equitably, effectively and sustainably within the means of the municipality. In fulfilling this role councillors must be accountable to local communities and report back at least quarterly to constituencies on council matters, including the performance of the municipality in terms of established indicators.*"

The Municipal Council oversees the activities of the executive and administration, *inter alia,* by –

1. ensuring that the Executive Mayor[45] and Municipal Manager reports regularly and timeously to the Municipal Council on all decisions taken by the Executive Mayor. This duty relates to decisions taken in terms of *statutory* as well as *delegated* [46]powers.

2. ensuring that the Executive Mayor consult the members of the mayoral committee on matters of importance[47] – designation of powers.

3. ensuring that the Municipal Manager personally takes decisions on important matters by disallowing delegation or sub delegation of such power.[48]

4. entertaining questions posed by Councillors in terms of the Municipality's *Rules of Procedure.*

The Municipal Council has the following remedies in the event that the Executive Mayor under performs or abuses power –

- review, amend or revoke[49] the powers delegated to the Executive Mayor or Municipal Manager.

- review any decision taken by Executive Mayor or Municipal Manager in consequence of a delegation.[50]

- discipline the Executive Mayor or Municipal Manager if his/her actions constitute a breach of the relevant *Code of Conduct*;

- remove the Executive Mayor from office in the event of persistent negative action[51].

- evaluate the Municipal Manager in terms of his/her performance and employment agreement.[52]

3.1.6. Delegator of powers and duties

The *Systems Act*[53] and the *MFMA*[54] requires the Municipal Council to delegate executive powers to ensure fast and efficient decision-making and to provide for good management and monitoring of the municipal administration.

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[45] Section 56(5) and 63 of the *Structures Act*
[46] Section 63 of the *Systems Act*
[47] section 60(3) of the *Structures Act*
[48] Section 59(4) of the *Systems Act*
[49] Section 59 of the *Systems Act*
[50] Section 59(3) of the *Systems Act*
[51] Section 58 of the *Structures Act*
[52] Section 57 of the *Systems Act*

The municipal council may delegate appropriate powers, excluding certain prescribed powers, to any of the municipality's other political structures, political office bearers, councillors, or staff members.

The municipal council may also review any decision taken by such a political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction, and either confirm, vary or revoke the decision subject to any rights that may have accrued to a person.[55]

A delegation of powers and duties by the municipal council does not divest the council of the responsibility to ensure that the power is exercised and the duty performed. Measures are therefore necessary to ensure that delegatees report on decisions they have taken in terms of delegated authorities. This will also assist the municipal council in evaluating whether the delegatee has properly exercised the delegated power or duty. If not, the municipal council may review the decision and may even decide to review or revoke the delegation.[56]

3.2 The Municipal Council is an Appeal Authority

A person whose rights are affected by a decision taken by a political structure, political office bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated may appeal against that decision.

When the appeal is against a decision taken by a political structure or political office bearer, or a councillor the Municipal Council is the appeal authority.[57] Because the Municipal Council of Stellenbosch comprises of more than 14 councillors an Appeal Committee has been established to consider appeals.

The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

3.3. The Municipal Council is an "*organ of state*"

The Municipal Council is an "organ of state"[58] and this status has specific consequences. First and foremost, the Municipal Council must comply with the duties and responsibilities of an organ of state imposed by the *Constitution* and other laws.

Furthermore as an organ of state the Municipal Council must comply with the principles of co-operative government and intergovernmental relations as contemplated in section 14 of the *Constitution* and further regulated by the *Intergovernmental Relations Framework Act,* 13 of 2005.

The status of being an organ of state also has significance regarding delegation. In terms of section 238 of the *Constitution* an executive organ of state may-

- delegate any power or function that is to be exercised or performed in terms of legislation to any other executive organ of state, provided the delegation is consistent with the legislation in terms of which the power is exercised or the function is performed; or

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[53] Section 59 A municipal council must develop a system of delegation that will maximise administrative and operational efficiency and provide for adequate checks and balances. See also the *White Paper on Local Government* GN 423 of 13 March 1998

[54] e.g. sections 14,52, 59

[55] See in this regard sections 59 and 62

[56] See in this regard sections 63 and 64

[57] where the council comprises of less than 15 members.

[58] In terms of section 239 of the *Constitution* it is -

(a) any department of state or administration in the national, provincial or local sphere of government; or

(b) any other functionary or institution—

(i) exercising a power or performing a function in terms of the Constitution or a provincial constitution; or

(ii) exercising a public power or performing a public function in terms of any legislation,

but does not include a court or a judicial officer;

- exercise any power or perform any function for any other executive organ of state on an agency or delegation basis.

3.4 The Municipal Council is a Member of Organised Local Government

Organised local government plays an important role as the official mouthpiece of local government. The provincial body established in terms of national legislation[59] comprises of members of municipal councils in the province.

The Municipal Council as member of SALGA can play an important role to influence national views, sentiments and policy pertaining to local government and to –

(a) develop common approaches for local government as a distinct sphere of government;

(b) enhance co-operation, mutual assistance and sharing of resources among municipalities;

(c) find solutions for problems relating to local government generally; and

(d) facilitate compliance with the principles of co-operative government and intergovernmental relations.[60]

3.5. The Municipal Council is an Employer

The Municipal Council must, in the exercise of its powers and the performance of its duties, establish an administration[61] and approve a staff structure[62] to accommodate the administration. It also has the sole authority to appoint a Municipal Manager and Managers reporting directly to the Municipal Manager.[63] The Municipal Council also has the exclusive power to discipline these officials.[64]

The determination or alteration of the remuneration, benefits or other conditions of service of the Municipal Manager or managers directly responsible to the Municipal Manager may be delegated, but then only to the Executive Mayor or Executive Committee.[65]

Although the *Systems Act* empowers the Municipal Manager to appoint staff (other than managers directly accountable to the municipal manager) the Municipal Council is not divest of the power to perform that particular function itself.[66]

The Municipal Council also nominates members of the council to serve on labour fora.

3.6. The Municipal Council is a *legal persona*

The Municipality is a *legal persona.*[67]

The Municipal Council represents the *legal persona* in those instances where powers in regard to its legal personality have to be exercised, e.g. to purchase or alienate property and to sue or to be sued. These powers are in turn delegated to political structures, political office bearers or the municipal staff.

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[59] *Organised Local Government Act*, 52 of 1997
[60] Section 3 of the *Systems Act*
[61] Section 11 of the Systems Act
[62] Section 66 of the Systems Act
[63] Section 54A of the *Systems Act*
[64] *Local Government: Disciplinary Regulations for Senior Managers*, published in Government Gazettes 34213 21 of April 2011
[65] Section 60 of the *Systems Act*
[66] *Manana v King Sabata Dalindyebo Municipality* (345/09) [2010] ZASCA 144 (25 November 2010)
[67] Section 2 of the *Systems Act: The Municipality ..... has a separate legal personality which excludes liability on the part of its community for the actions of the municipality.*

2 THE SPEAKER

1. THE ROLE

It is the role of the Speaker -

- to preside over Municipal Council meetings so that its business can be carried out efficiently and effectively;
- to provide information and recommendations to the Municipal Council with respect to the role of Council;
- to carry out the duties of Chairperson of the Municipal Council under the *Structures Act, Systems Act*, the Municipality's *Rules of Order*, common law and tradition;
- to enforce the Code of Conduct; and
- to exercise delegated authority.

2. THE AREA OF RESPONSIBILITY

The Speaker's area of responsibility from a geographical perspective is limited to the geographical area of the Municipality. Due to the municipality's involvement in co-operative governance the influence of the Speaker would also extend to the activities of a speaker's forum and other provincial bodies.

As regards the functional area the Speaker possesses all the powers attached by law to the office as well as those powers that has been delegated to him/her or is derived from the common law.

3. POWERS AND FUNCTIONS

The powers and functions of the Speaker are twofold, i.e. Chairperson of the Council and Enforcer of the Code of Conduct.

The Municipal Council has also appointed the office of the Speaker as the appeal authority in terms of the *PAIA*.

3.1 The Speaker is the Chairperson of the Municipal Council

A municipality must have a chairperson of its municipal council and such a person will be called 'Speaker'.[68] The Speaker has explicit statutory powers. In addition thereto the Speaker also has wide powers which are derived from the common law.

3.1.1 Convenes the Municipal Council

The Speaker decides[69] when and where the council meets. The only limitation of the Speaker's power in this regard is –

- the requirement that the council must meet at least quarterly[70]; and
- the right of a majority of councillors to request the speaker to convene a council meeting at a time set out in the request.[71]

[68] Section 36 of the *Structures Act* and 160(1)(b) of the *Constitution*
[69] Section 29 of the *Structures Act*
[70] Section 18 of *the Structures Act*
[71] Section 29 of the *Structures Act*

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The power to convene a meeting of the council is not limited to the giving of notice of the time, date and venue of meetings. The Speaker's has the incidental power to determine the business to be transacted at meetings and the format in which it is to be presented.

The Speaker is ultimately responsible for the proper compilation of the agenda, which includes quality, jurisdictional and compliance control. To this end the Speaker has the last say in what may be included in the agenda.

3.1.2 The Speaker presides at meetings of the Municipal Council

The Speaker presides at meetings of the Municipal Council[72] and must –

- maintain order at meetings;
- ensure that council meetings are conducted according to the rules of order of the municipality;
- ensure compliance of the Code of Conduct in the council and its committees;
- protect a councillor's right to freedom of speech at meetings of the council;
- protect a councillor's right to privilege;
- must exercise a casting vote when there is an equality of votes on any question before the council;
- sign the minutes of meetings to confirm that it represents a true reflection of what transpired at those meetings; and
- arrange public access to meetings of the council.

The Speaker must ensure that the Rules of Order serves the needs of the day and must initiate amendments where necessary. It is also for that reason that Council has appointed the Speaker as Chairperson of the Rules Committee.

3.2 Enforcer of the Code of Conduct

The Speaker has the express authority to ensure compliance in the council and council committees with the Code of Conduct.[73]

Council has also authorised the Speaker –

- to grant leave of absence from meetings to councillors in terms the rules and orders of the council;
- to develop a uniform standing procedure for the imposition of a fine or the removal of a councillor for adoption by council;
- to introduce measures to ensure that a councillor is not in arrears to the municipality for rates and service charges for a period longer than 3 months.

In terms of item 13 of the Code of Conduct for Councillors the Speaker must, if of the opinion that a councillor has breached a provision of this Code –

[72] Section 37 of the *Structures Act*
[73] Section 37 of the *Structures Act*

(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;

(c) report the matter thereafter to a meeting of the municipal council ; and

(d) report the outcome of the investigation to the MEC for local government in the province concerned.

The Speaker must ensure that each councillor when taking office is given a copy of the Code and that a copy of the Code is available in every room or place where the council meets.

3.3 Appeal Authority

The Speaker is appointed as the *'relevant authority'* to hear appeals in terms of the *PAIA*.

3.4 Recipient of Delegated Powers and Duties

The Speaker may also exercise the powers delegated to him/her by the municipal council in terms of section 59 of the Systems Act.

The powers and duties delegated by the municipal council to the Speaker are reflected in Schedule 1 of this document.

3. COMMITTEES OF THE COUNCIL

The *Structures Act* permits a municipality to establish two types of committees, i.e. commonly known as section 79 committees and section 80 committees. There are also two statutory committees.

Section 79 committees and 80 committees

Both committees are *committees of the council*[74] and must therefore be proportionally composed[75]. Members also enjoy privilege and immunity.[76] The following is a graphic comparison of the two types -

	Section 79	**Section 80**
Purpose	Effective performance of functions of the Council	Assist Executive Mayor
To comply with s 33[77]	Yes	Yes
Number of committees	Unlimited	Equal to Mayco Members
Established by	Council	Council
Members appointed by	Council	Council
To comply with s 160(8)	Yes	Yes
Dissolved by	Council	Council
	Council	Executive Mayor

[74] *Democratic Alliance v Masondo*
[75] Section 160(8) of the *Constitution*
[76] Section 28 of the *Structures Act*
[77] Prescribed criteria for the establishment of committees

Functions determined by	Council	Executive Mayor
Powers delegated by	Council	Executive Mayor
Chairperson appointed by		
Authorise co-option of advisory members	Council	No
To co-opt Advisors	Yes	No
Members removed by	Council	Council
Rules determined by	Council	Council
Reports on delegated powers to[78]	Council	Executive Mayor
Forward reports to [79]	Executive Mayor	Executive Mayor
Meetings open to public and media	Yes	Yes

The Municipality of Stellenbosch has established the following committees with the terms of reference as reflected for each –

Section 79

Appeals Committee

Disciplinary Committee

Rules Committee

Section 32 Committee

Oversight Committee

Ward Committees

Audit Committee

Section 80

Community Services and Public Safety Committee Meeting

Finance, Strategic and Corporate and Services Committee Meeting

Planning, IHS and Property Services Committee Meeting

Engineering Services Committee Meeting

[78] Section 63 of the *Systems Act*
[79] Section 56 of the *Structures Act*

1 THE ROLE

The role of a section 79 committee is to assist the council in the effective performance of its functions. The section 80 committee assists the Executive Mayor.

2 THE AREA OF RESPONSIBILITY

The area of responsibility of these committees is restricted to their respective above stated terms of reference.

3 POWERS AND FUNCTIONS

Stellenbosch Municipal Council has the to establish committees in terms of section 33 of the Local Government : Municipal Structures Act prescribes that "A municipality may establish a committee provided for in this Act if-

(a) the municipality is of a type that it is empowered in terms of this act to establish a committee of the desired kind;

(b) the establishment of the committee is necessary, taking into account-

(i) the extent of the functions and powers of the municipality;

(ii) the need for the delegation of those functions and powers in order to ensure efficiency and effectiveness in their performance; and

(iii) the financial and administrative resources of the municipality available to support the proposed committee; and

(c) in the case of the establishment of an executive committee, the municipality has more than 9 councillors.

Municipal Councils have the choice of two different types of committees, i.e. section 79 and 80 committees.

Section 79(1) of the "Systems Act" prescribes that "a council may...

(a) establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers;

(b) appoint the members of such a committee from among its members; and

(c) dissolve a committee at any time.

Section 79(2) of the Systems Act prescribes that "the municipal council...

(a) must determine the functions of a committee;

(b) may delegate duties and powers to it in terms of section 32;

(c) must appoint a chairperson;

(d) may authorize a committee to co-opt advisory members who are not members of the council within the limits determined by the council;

(e) may remove a member of a committee at any time; and

(f) may determine a committee's procedure."

Section 80(1) of the Systems Act prescribes that "If a municipal council has an... executive mayor, it may appoint in terms of section 79, committees of councilors to assist the...executive mayor.

Section 80(2) of the Systems Act prescribes that "such committees may not in number exceed the number of members of the...mayoral committee."

Section 80(3) of the Systems Act prescribes that "The executive mayor-

(a) appoints a chairperson for each committee from the...mayoral committee;

(b) may delegate any powers and duties of the...executive mayor to the committee;

(c) is not divested o the responsibility concerning the exercise of the power or the performance of the duty;

(d) may vary or revoke any decisions taken by a committee, subject to any vested rights.

Section 80(4) of the Systems Act prescribes that "such a committee must report to the...executive mayor in accordance with the directions...of the...executive mayor..."

The delegations for Councils Section 80 Committees is attached hereto in Schedule 1, of this document.

4. STATUTORY COMMITTEES

The *Systems Act* provides for statutory committees comprising of councillors. These committees are also *committees of the council* and exercise only statutory conferred powers.

1. APPEALS COMMITTEE

A committee of councillors appointed by the Municipal Council[80] is the *appeal authority* to consider appeals against decisions taken by a political structure or political office bearer, or a councillor in terms of delegated powers.

1.1 THE ROLE

The Committee hears appeals against decisions taken in terms of delegated powers by the Executive Mayor, Deputy Executive Mayor, Speaker, section 79-committee, section 80-committee and a councillor.

1.2 THE AREA OF RESPONSIBILITY

The committee functions only where an appeal is lodged against a decision taken by an identified *delegating authority*.

1.3 POWERS AND FUNCTIONS

The committee considers appeals and may confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

2. DISCIPLINARY COMMITTEE

The Disciplinary Committee is a special committee established by the Municipal Council to assist in the discipline of Councillors.[81]

2.1 THE ROLE

The sole purpose of this committee is to –

- investigate and make a finding on any alleged breach of the Code by a councillor; and
- make appropriate recommendations to the Municipal Council to –
- issue a formal warning to the councillor;
- reprimand the councillor;
- request the MEC for local government to suspend the councillor for a period;
- fine the councillor; and
- request the MEC to remove the councillor from office.

[80] Where the council consists of 14 plus councillors
[81] Item 14 of the Code of Conduct for Councillors

2.2 THE AREA OF RESPONSIBILITY

The committee functions only when asked to consider alleged breaches of the Code.

2.3 POWERS AND FUNCTIONS

The committee sits as a tribunal to investigate allegations of breaches of the Code and may request officials, councillors and other persons to testify. It may also acquire the services of experts to assist in adjudicating a matter and must make finding and recommend an appropriate sanction to Council.

3. RULES COMMITTEE

3.1 THE ROLE

The terms of reference of this Committee relates to rules of procedure of Council and its Committees.

3.2 THE AREA OF RESPONSIBILITY

This Multi party/Rulescommittee had been established as a forum to stimulate debate by all parties of council, i.e. majority and all minority parties in an attempt to promote the principles of constitutional democracy. The Rules Committee can also be provided with delegations from Council, as the requests may be.

3.3 POWERS AND FUNCTIONS

(1) To develop Rules of Order and amendments thereto, and recommend the same to Council.

(2) To summons any councillor(s) and/or official(s) to appear before the committee to assist the committee in the performance of its functions.

4. SECTION 32 COMMITTEE

4.1 THE ROLE

The Section 32 Committee is established by Council to investigate any unauthorised, fruitless and wastefull expenditures incurred by any member of the administration and or political office-bearer.

4.2 THE AREA OF RESPONSIBILITY

This committee is established especially for doing an investigation into any unauthorised, fruitless, and wastefull expenditure referred to it for investigation. Said committee should then in terms of section 32(2)(b) be required to submit a report to Council indicating remedial measures to be taken to deal with said expenditure, which could include a recommendation to certify to council that the expenditure is irrecoverable and be written off.

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4.3 POWERS AND FUNCTIONS

The Section 32 Committee has no other powers and function that that which is provided for in the relevant legislation in section 32(2) of the "Municipal Finance Management Act" which prescribes that "A municipality must recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure..

(a) in the case of unauthorised expenditure is-

  (i) authorised in an adjustment budget; or

  (ii) certified by a municipal council, after investigation by a council committee, as irrecoverable and written off by the council;

(b) in the case of irregular and fruitless and wasteful expenditure,the council has a discretion, after investigation of a council committee, to advise the Council that the expenditure be irrecoverable and written off by council.

This committee had not been given any delegations by council, so all powers and functions are limited to respective roles in terms of legislation.

5. OVERSIGHT COMMITTEE

5.1 THE ROLE

The Oversight Committee is a committee established in terms of section 33 read with section 79 to assist Council with the stutotory role of overseeing the Annual report.

5.2 THE AREA OF RESPONSIBILITY

The Oversight Committee is responsible for the drafting of the Oversight report, which is considered by Council with the Annual report. Said committee consisting of non-executive councillors and representatives from the community reviews the Annual report and submits the Oversight report which will form the basis of the Council decision to either approve, reject of further refer the Annual report for revision. Be advised that assistance form the Audit Committee is encouraged as they can provide specialst advice in this regard.

5.3 POWERS AND FUNCTIONS

The Oversight Committee has no other delegation from Council than to perform their statutory duties referred to in terms of relevant legislation.

6. WARD COMMITTEES

6.1 THE ROLE

The purpose of the Ward Committee is to assist the Ward Councillor with organising consultation, spreading information and encouraging participation with residents within any Ward Councillors ward. Section 72(3) of the Structures Act indicates that the "object of a ard committee is enhance participatory democracy..."

6.2 THE AREA OF RESPONSIBILITY

The activities of the ward committees are limited to the ward within which they operate.

6.3 POWERS AND FUNCTIONS

Council has several ward committees, which had been established in terms of relevant legislation to give effect to the relevant legislation Council had approved the "Policy and Procedures for Ward Committees, which prescribes that:

"(1) A ward committee may take recommendations on any matter affecting its ward to the ward councillor, or through the ward councillor, to the Council or to the Executive Mayor.

(2) The following duties and powers are delegated to ward committees by the Council in terms of Section 59 of the Municipal Systems Act:

(a) To serve as an official specialised participatory structure in the municipality.

(b) To create formal unbiased communication channels as well as co-operative partnerships between the community and the Council. This will be achieved as follows:

(i) Advise and make recommendations to the ward councillor on matters and policy affecting the ward;

(ii) Assist the ward councillor in identifying challenges and needs of residents;

(iii) Disseminate information in the ward concerning municipal affairs such as the budget, integrated development planning, performance management system (PMS), service delivery options and municipal properties;

(iv) Receive queries and complaints from residents concerning municipal service delivery, Communicate it to Council and provide feedback to the community on Council's response;

(v) Ensure constructive and harmonious interaction between the municipality and community through the use and co-ordination of ward residents meetings and other community development forums; and

(vi) Interact with other forums and organisations on matters affecting the ward.

(c) To serve as a mobilising agent for community action within the ward. This may be achieved as follows:

(i) Attend to all matters that affect and benefit the community;

(ii) Act in the best interest of the community; and

(iii) Ensure the active participation of the community in –

(aa) service payment campaigns;

(bb) the integrated development planning process;

(cc) the municipality's budgetary process;

(dd) decisions about the provision of municipal services, and

(ee) decisions about by-laws;

(d) No executive powers will be delegated to ward committee members;

(e) A ward committee may express dissatisfaction in writing to the Council on the non-performance of a ward councillor."

Section 74 of the "Structures Act" then prescribes that "A ward committee...(a) may make recommendations on any matter affecting its ward...(i) to the ward councillor...(ii) through the ward councillor...to the executive mayor...(b) has such duties andpowers as the local council may delegate" to it in terms of section 59 of the Systems Act.

7. LOCAL LABOUR FORUM

7.1 THE ROLE

The Local Labour Forum is a consultative frum consisting of representatives of the employer and the trade union, in terms of clause 2.8. of the Main Collective Agreement.

7.2 THE AREA OF RESPONSIBILITY

The Local Labour Forum is a consultative forum consisting of both representatives of the employer and the relevant trade unions whose area of responsibility includes all labour related matters, according to the various fields of bargaining.

7.3 POWERS AND FUNCTIONS

The Main Collective agreement prescribes that the Local Labour Forum shall have powers and functions of negotiating and/or consulting;

(a) "on matters of mutual concern pertaining to the employer..."

(b) "on such matters as may from time to time be referred to such forum by the Council or it's Division...."

(c) "provided that it may not negotiate on any matter, which has been reserved for exclusive Bargaining in the Council or Division..."

(d) "concluding minimum service agreements."

8. AUDIT COMMITTEE

8.1 THE ROLE

The Audit Committee had been established in terms of section 166 of the "Municipal Finance Management Act."

8.2 THE AREA OF RESPONSIBILITY

The Audit Committee has been established to provide advise to Council on the following matters:

(a) internal financial control and internal audit;

(b) risk management;

(c) accounting policies;

(d) the adequacy, reliability and accuracy of financial reporting and information;

(e) performance management;

(f) effective governance;

(g) performance evaluation;

(h) compliance with the "Municipal Finance Management Act;"

(i) any issues referred to it by Council.

Note that the Audit Committee can also act as an advisory forum to the Oversight Committee during the drafting of the Oversight report which would be sumitted to Council when the Annual report is submitted for revision.

8.3 POWERS AND FUNCTIONS

The powers and functions of the Audit Committee serves as an independent advisory body and must;

(a) advise Council, the political office bearers, the accounting officer and staff;

(b) review Council's annual financial statements;

(c) respond to council on issues referred to it by the Auditor-General;

(d) carry out investigations into the financial affairs of Council;

(e) perform any other functions as may be prescribed.

The Audit Committee can also have powers and functions delegated to it by Council, as required, as long as all requirements of delegations are complied with.

5. THE EXECUTIVE MAYOR

The Municipality of Stellenbosch is a category 'B' municipality with a Mayoral Executive system as contemplated in sections 7 en 9 of the *Structures Act.*

The Mayoral Executive system allows for the exercise of executive authority through an Executive Mayor in whom the executive leadership of the municipality is vested and who is assisted by a Mayoral committee.

1. THE ROLE

The Executive Mayor is not only the political leader of the Municipality but also the –

- Enhancer of good governance;
- Builder of external and media relations;
- Promoter of civic and institutional pride;
- Supporter and engager with the community; and
- Facilitator of the process of governing.

2. THE AREA OF RESPONSIBILITY

The Executive Mayor's area of responsibility from a *geographical* perspective is not limited to the geographical area of the municipality. Due to the municipality's involvement in co-operative governance the Executive Mayor's influence is much wider, e.g. the Premier's Co-ordinating Forum[82], District Forum[83], Salga, Mayoral Forum, etc.

As regards the *functional area* the Executive Mayor possesses all the powers conferred by law on the office, as well as those powers that have been delegated to him/her, or can be implied, or derive from civic culture or tradition.

3. POWERS AND FUNCTIONS

3.1. POLITICAL LEADER

The Executive Mayor is the political leader of Stelenosch Municipality.

Political leadership is the key to better local government. Political leadership is a complex process by which persons in power influence their followers, civil society and wider public to accomplish societal goals.

In local government the political leaders, under the leadership of the Executive Mayor, are necessary for initiating as well as for hastening the process of change in the community it

[82] In terms of the *Intergovernmental Relations Framework Act*, 2005
[83] See section 38: *The mayor of a district municipality is responsible for ensuring the co-ordination of intergovernmental relations within the district municipality with local municipalities in the district.*

serves. To this end the Executive Mayor must lead and introduce this process of change by applying leadership attributes.

The Executive Mayor must understand the hopes, aspirations and needs of the people and identify the goals of the society. He/she must formulate a vision of the municipality's future and acquire or develop the capacity to mobilise resources to achieve the common societal goal.

As the political leader the Executive Mayor is expected to have certain attributes in order to be effective as leader –

- an unimpeachable commitment to accomplishing the municipality's goals;
- prepared to render selfless service to the community;
- quality of inspiring colleagues, officials, the community, etc;
- patience and perseverance in pursuing the municipality's goals;
- ability to –
- reflect and shape the views of local people through effective representation and deliberation;
- win positive support for the identified vision; and
- secure active participation by the community, businesses and others in achieving the set goals;
- maturity and wisdom for taking sound and timely decisions;
- exhibit strength of character by setting example;
- mental toughness to face criticism when found wrong; and
- demonstrate democratic accountability.

Leadership skills are of limited use without concomitant powers. It is for that reason that the Municipal Council has delegated appropriate powers to the Executive Mayor. The *Structures Act* and *MFMA* also confer important powers on the Executive Mayor.

The Executive Mayor's must also promote and protect the constitutional status, institutions, powers and functions of the municipality; as well as the principles of co-operative governance and intergovernmental relations.

3.2 SOCIAL AND CEREMONIAL HEAD

In this capacity the Executive Mayor performs important functions, including -

- representing the municipality on all levels of society;
- initiating, sponsoring or acting as patron at philanthropic or welfare/social events;

- acting as host and welcoming dignitaries;
- opening projects, events, new developments, etc.;
- meeting and entertaining dignitaries;
- representing the municipal council at civic functions.

3.3 CHIEF ADVISER

The Executive Mayor is the chief adviser of the Municipal Council.

The Executive Mayor must provide leadership and guidance to council including –

- initiating and advising on the development and adoption of policy and strategy;
- giving strategic advice and ensuring that council is fully briefed and properly advised on new developments;
- suggesting initiatives for the development and future requirements of the Municipality and improvement of the quality of life of the community;
- advising the Municipal Council on the exercise, performance and discharge of its powers, functions and duties as contemplated by the Constitution; and
- providing political guidance in the fiscal and financial affairs of the municipality

The advisory function of the Executive Mayor is also evident from the statutory and delegated powers and duties conferred on the office – see *infra* and more particular two specific provisions in the Structures Act, namely –

- The Executive Mayor is entitled to receive reports from committees of the municipal council and to forward these reports together with a recommendation to the council when the matter cannot be disposed of by the Executive Mayor in terms of the executive mayor's delegated powers.[84] This means that any recommendation to Council by a section 79 committee must, if the Executive Mayor so directs, be submitted to the Executive Mayor for consideration.

- The Municipal Council may not take decisions on any of the following matters unless it has first considered a report with recommendations from the Executive Mayor [85]-

(a) any matter[86] mentioned in section 160 (2) of the Constitution;

(b) the approval of an IDP and any amendment to that plan; and

(c) the appointment and conditions of service of the Municipal Manager and a head of a department of the municipality.

[84] Section 56 of the *Structures Act*
[85] Section 30 of the *Structures Act*
[86] Adopting by-laws, approving budgets, levying of rates, tariffs, rising of loans.

3.4 EXECUTIVE LEADER

The Executive Mayor is the ***executive leader*** of the municipality and is assisted by a mayoral committee.[87]
As executive leader the Executive Mayor plays an active role in formulating the strategic objectives of the municipality and evaluating the results.
Governance demands mayoral leadership capable of working horizontally. The Executive Mayor is consequently expected to, *inter alia*, –

- initiate a vision for the municipality, building coalitions of common interest and encourage the development of a vibrant civil society;
- build partnerships with communities, business, labour and other public agencies and engage in on-going dialogue with a wide range of local actors;
- catalyse the energies and initiatives of other public and private actors in achieving the municipality's goals;
- utilise all resources, including institutional and empowerment resources, in meeting challenges;
- address the issues caused by overlapping of the constitutional mandates of the various spheres of government;
- adopt policy judgements based on a proper understanding of the dynamics in the municipality and anticipating changes and learning from past practice;
- ensure that the municipality's financial resources are utilised to the maximum benefit of the local community, that local administration performs efficiently and effectively;
- create opportunities to account to the community.

The executive leadership of the Executive Mayor is closely connected to the powers and duties that have been conferred on the office.

3.4.1. Identifies needs

The Executive Mayor must[88] –

(a) identify the needs of the municipality;

(b) review and evaluate those needs in order of priority;

(c) recommend strategies, programmes and services to address priority needs through the IDP and budget;

(d) recommend or determine the best way to deliver those strategies, programmes and services to the maximum benefit of the community;

(e) identify and develop criteria to evaluate the strategies, programmes and services.

3.4.2 Evaluates progress

The Executive Mayor must[89] -

(a) evaluate progress against the key performance indicators;

[87] Section 7(b) of the *Structures Act*
[88] Section 56(2) of the *Structures Act*
[89] Section 56(3) of the *Structures Act*

(b) review the performance of the municipality in order to improve –

(i) the economy, efficiency and effectiveness of the municipality;

(ii) the efficiency of credit control and revenue and debt collection services; and

(iii) the implementation of the municipality's by-laws;

3.4.3 Monitors the administration

The Executive Mayor is responsible for monitoring the management of the municipality's administration in accordance with the directions of the municipal council.[90]

3.4.4 Oversees the provision of services

The Executive Mayor must oversee the provision of services to communities in the municipality in a sustainable manner.[91] This duty must be aligned with the Municipal Manager's duty regarding *'the management of the provision of services to the local community in a sustainable and equitable manner'*.

This power enables the Executive Mayor not only to require that the Municipal Manager reports on progress, but also to introduce corrective actions.

The Executive Mayor is also represents the Municipality as employer in a contractual relationship to ensure that the performance of the Municipal Manager is properly directed, monitored and improved as provided for in the *Local Government: Municipal Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers*[92].

3.4.5 Protects the right of the public to be heard

The Executive Mayor must ensure community involvement in the affairs of the municipality and must[93] -

(a) annually report to the Municipal Council on the involvement of communities and community organisations;

(b) ensure that public views are in fact considered; and

(c) report to the Municipal Council on the effect of consultation on its decisions.

3.4.6. Reports to Council

The Executive Mayor is accountable to the Municipal Council and must report to council on the the exercise, performance and discharge of powers, functions and duties of office.

The Executive Mayor must report to the Municipal Council on all decisions taken by the Executive Mayor.[94] This duty does not only relate to the Executive Mayor's statutory powers, but also his/her delegated powers.[95] The Municipal Council must determine the format of reports, as well as the frequency of reporting.

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[90] Section 56(3)(d) of the *Structures Act*
[91] Section 56(3)(e) of the *Structures Act*
[92] Published under Government Notice R805 in *Government Gazette* 29089 of 1 August 2006
[93] Section 56(3)(g) and (h) of the *Structures Act*
[94] Section 56(5) of the *Structures Act*
[95] Section 63 of the *Systems Act*

3.4.7 Appoints a Mayoral Committee

The Executive Mayor must appoint a Mayoral committee from among the councillors to assist the Executive Mayor. The primary function of the Mayoral committee is to assist the Executive Mayor in the exercise and performance of powers and duties.

The Executive Mayor may dismiss a member of the Mayoral committee. [96]

3.4.8 Delegates responsibilities and powers

The Executive Mayor may[97] -

- delegate specific responsibilities to each member of the committee;
- delegate any of the Executive Mayor's powers to the respective members.

The Municipal Council may, by designating certain powers and functions of the Executive Mayor, restrict the Executive Mayor's power to delegate. A designated power must consequently be exercised by the Executive Mayor together with the other members of the Mayoral committee.[98]

The Executive Mayor may also delegate any of his/her statutory powers in terms of the MFMA[99] to any other member of the Mayoral committee.

Any such delegation or sub delegation must be in writing, is subject to any limitations, conditions and directions the Executive Mayor may impose and the Executive Mayor is not divested of the responsibility concerning the exercise of the power or the performance of the duty.

The Executive Mayor may also review any decision taken in consequence of a delegation or instruction, and either confirm, vary or revoke the decision subject to any rights that may have accrued to a person as a result of such decision.

3.4.9 Considers appeals

A person whose rights are affected by a decision taken by the Municipal Manager in terms of a power or duty delegated or sub-delegated to the Municipal Manager by a delegating authority may appeal to the Executive Mayor against that decision.[100]

The Executive Mayor must consider an appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

3.4.10. Financial Responsibilities

The Executive Mayor has a wide range of financial powers and duties enumerated hereunder.

3.4.10.1. Prepares and ensures adoption of the budget

There can, on a proper reading of the *MFMA*[101] as a whole, be no doubt that the Executive Mayor is responsible for the preparation of the budget as contemplated in section 17 of the *MFMA*. There are a number of matters necessary for or incidental to this responsibility. The Executive Mayor –

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[96] Section 60(1) of the *Structures Act*
[97] Section 60(1) of the *Structures Act*
[98] Section 60(3) of the *Structures Act*
[99] Section 59
[100] Section 62 of the *Systems Act*
[101] Sections 21(2) and 68 in particular

- may require[102] the Accounting Officer to provide assistance, administrative support, resources and information;
- must provide general political guidance[103] over the budget process and the priorities that must guide the preparation of a budget;
- must co-ordinate[104] the processes for preparing the annual budget.
- must table[105] the annual budget at a council meeting within a prescribed time and report any delay to the Municipal Council and the MEC for finance.
- must ensure[106] that the municipality approves its annual budget before the start of the budget year and if not[107] –
    - report the matter to the MEC for local government; and
    - consider a recommendation to the MEC for an appropriate provincial intervention in terms of section 139 of the Constitution;
    - must approve[108] the SD&BIP within a prescribed time and report any delay to the Municipal Council and the MEC for finance;
    - must ensure[109] that the annual performance agreements for the Municipal Manager and senior managers comply with the MFMA and are –
    - linked to the measurable performance objectives approved with the budget and to the SD&BIP;
    - concluded in accordance with the requirements of the *Systems Act* ; and
    - made public and that copies of are submitted to the Municipal Council and the MEC for local government;
    - must, after the Municipal Council has considered all budget submissions, respond[110] to the submissions and if necessary, revise the budget and table amendments for consideration by the Municipal Council;.
    - must inform[111] the MEC for finance and NT of any impending non-compliance of any provisions of the MFMA or any other legislation pertaining to the tabling or approval of an annual budget or compulsory consultation processes;
    - may table[112] an adjustments budget in the municipal council as may be required and in accordance with the prescribed procedures.

3.4.10.2 Oversees implementation of the budget

The Accounting Officer is responsible for implementing the municipality's approved budget[113].

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[102] Section 68
[103] Section 53
[104] Section 21
[105] Section 16 and section 53
[106] Section 53
[107] Section 25
[108] Section 53
[109] Section 53
[110] Section 23
[111] Section 27
[112] Section 28
[113] Section 69

The Executive Mayor on the other hand monitors and oversees[114] the exercise of responsibilities assigned to the Accounting Officer and the Chief Financial Officer. In addition the Executive Mayor –

- must[115], when the Accounting Officer prepares an adjustments budget consider and table such budget in the Municipal Council.
- must on presentation by the Accounting Officer consider –
- a draft SD&BIP for the budget year[116];
    - drafts of the annual performance agreements for the Municipal Manager and all senior managers[117];
    - a statement on the state of the municipality's budget by no later than 10 working days after the end of each month[118];
    - a report on the assessment of performance of the municipality by 25 January of each year;[119]

The Executive Mayor also has the important duty[120] to ensure that the municipality performs its constitutional and statutory functions within the limits of the municipality's approved budget.

3.4.10.3 Exercises budgetary control

The Executive Mayor must ensure that the Accounting officer submits the monthly[121] and half yearly[122] reports within the prescribed time. On receipt of a monthly or half yearly report the Executive Mayor must[123] -

- consider the statement or report;
- check whether the approved budget is implemented in accordance with the SD&BIP;
- consider and, if necessary, make any revisions to the SD&BIP any revision must be made public;
- issue any appropriate instructions to the Accounting Officer to ensure—
    - that the budget is implemented in accordance with the SD&BIP; and
    - that spending of funds and revenue collection proceed in accordance with the budget;
- identify any financial problems facing the municipality, including any emerging or impending financial problems; and
- submit the section 72 report to the council by 31 January of each year.
- must[124], within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality.

[114] Section 52
[115] Section 69
[116] Section 69
[117] Section 69
[118] Section 71
[119] Section 72
[120] Section 52
[121] Section 71
[122] Section 72
[123] Section 54

If the municipality faces any serious financial problems the Executive Mayor must[125] -

- promptly respond to and initiate any remedial or corrective steps proposed by the Accounting Officer to deal with such problems; and
- alert the council and the MEC for local government to those problems.

3.4.10.4. Oversees the management of expenditure

The Executive Mayor monitors and oversees[126] the exercise of responsibilities assigned to the Accounting Officer and the Chief Financial Officer, in terms of the MFMA.

The Executive Mayor may[127] in emergency or other exceptional circumstances authorise unforeseeable and unavoidable expenditure for which no provision was made in an approved budget. The Executive Mayor must report such expenditure to the Municipal council at its next meeting and must appropriate such expenditure in an adjustments budget.

The Executive Mayor may[128] authorise the shifting of funds between multi-year appropriations.

The Executive Mayor has the right to and must be informed[129] by the Accounting Officer of –

(a) any unauthorised, irregular or fruitless and wasteful expenditure incurred by the municipality;
(b) whether any person is responsible or under investigation for such unauthorised, irregular or fruitless and wasteful expenditure; and
(c) the steps that the Accounting Officer have been taken to recover or rectify such expenditure and to prevent a recurrence of such expenditure.

3.4.10.5 Oversees the management of income

The Executive Mayor monitors and oversees[130] the exercise of responsibilities assigned to the accounting officer and the chief financial officer, in terms of the MFMA.

3.4.10.6 Oversees the management of assets and liabilities

The Executive Mayor monitors and oversees[131] the exercise of responsibilities assigned to the accounting officer and the chief financial officer, in terms of the MFMA.

3.4.10.7 Formalities *re* debt

The Executive Mayor must sign resolutions of the municipal council approving long-term and short-term debt agreements[132].

3.4.10.8 Right to disclosure, information and reports

The Executive Mayor has the right[133] to request the Accounting Officer to disclose all material facts which are available to the Accounting Officer or reasonably discoverable, and which in any way might influence the decisions or actions of the Executive Mayor.

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[124] Section 52
[125] Section 54
[126] Section 52
[127] Section 29
[128] Section 31
[129] Section 32
[130] Section 52
[131] Section 52
[132] Sections 45 and 46
[133] Section 61

3.4.10.9 Duties *re* financial reporting and auditing

The Executive Mayor must –

- within seven months after the end of a financial year, table in the Municipal council the annual report of the municipality;[134]
- ensure compliance by the municipality of any issues raised by the Auditor-General in an audit report;[135]
- table[136] in the council a written explanations for failure by the –
    - Executive Mayor to table the annual report of the municipality; and
    - Accounting Officer to submit financial statements to the Auditor-General.

3.4.10.10 Right to be consulted re interventions

The Executive Mayor has the right to be consulted in the event of interventions as contemplated in sections 136, 137 and 139 of the *MFMA*.

3.4.10.11 Regulates Committees

The Executive Mayor appoints a chairperson for each section 80 committee from the Mayoral committee and may delegate any powers and duties of the Executive Mayor to the committee.[137]

The Executive Mayor is not divested of the responsibility concerning the exercise of the power or the performance of the duty and may even may vary or revoke any decision taken by a committee, subject to any vested rights.[138]

3.4.10.11 Recipient of Delegated Powers

The Executive Mayor performs the duties and exercises the powers which the municipal council delegates to the Executive Mayor.[139] The Municipal Council may however decide that such powers and functions of the Executive Mayor as may be designated must be performed and exercised by the Executive Mayor together with the other members of the mayoral committee.

[134] Section 127
[135] Section 131
[136] Section 133
[137] Section 80 of the *Structures Act*
[138] Section 80(3) of the *Structures Act*
[139] Section 56(3)(f) of the *Structures Act*

6 THE EXECUTIVE DEPUTY MAYOR

The Municipality of Stellenbosch may in terms of the *Structures Act* appoint an Executive Deputy Mayor.

1. THE ROLE

The Executive Deputy Mayor's role is twofold –

- when acting in the stead of the Executive Mayor the role is identical to that of the Executive Mayor;
- when not acting in the stead of the Executive Mayor the role is defined in relation to the extent of powers delegated to the office or as a member of the Mayoral committee.

2. THE AREA OF RESPONSIBILITY

The Executive Deputy Mayor's area of responsibility mirrors that of the Executive Mayor.

3. POWERS AND FUNCTIONS

The Executive Deputy Mayor does not have any statutory powers.

The Executive Deputy Mayor exercises the powers and performs the duties of the Executive Mayor if the Executive Mayor is absent or not available or if the office of the Executive Mayor is vacant.[140]

The Executive Deputy Mayor also performs an important role as member of the Mayoral committee, e.g. [141]

- the Executive Mayor may delegate specific responsibilities to the Executive Deputy Mayor;
- the Executive Mayor may delegate any of his/her powers to the Executive Deputy Mayor; and
- the Executive Deputy Mayor must, as member of the Mayoral committee, together with the other members of the committee, assist the Executive Mayor in the exercise or performance of his/her powers and functions.

The role of the Executive Deputy Mayor is otherwise identical to that of the Executive Mayor, when he/she acts during the absence of the Executive Mayor.

[140] Section 56 of the *Structures Act*
[141] Section 60 of the *Structures Act*

7. THE MAYORAL COMMITTEE

The members of the Mayoral committee (excluding the Executive Deputy Mayor) are appointed by the Executive Mayor from among the members of the council. The Executive Deputy Mayor is elected by the Municipal Council and is an *ex officio* member of the Mayoral committee. The power to dismiss a member of the Mayoral committee (excluding the Executive Deputy Mayor) also vests in the Executive Mayor.[142]

The Mayoral committee consists of the Executive Mayor, the Deputy Executive Mayor and eight (8) members.

1. THE ROLE

The role of the Mayoral Committee is to assist the Executive Mayor.

2. THE AREA OF RESPONSIBILITY

The area of responsibility of the Mayoral Committee mirrors that of the Executive Mayor.

3. POWERS AND FUNCTIONS

The Mayoral committee does not fall within the meaning of the definition of a *'political structure'* and the Municipal Council may therefore not delegate any powers or duties to it in terms of section 59 of the Systems Act.[143]

The Mayoral Committee is also not a committee of the council and this means that its composition need not reflect the party political representation in council; (see *DA v Amos Masondo 2002 JOL 10476 (CC).*

According to the Constitutional Court it is the Mayoral committee's primary task to assist the Executive Mayor in the exercise of his/her powers; it is in essence an extension of the Office of the Executive Mayor.

The Mayoral Committee has no power on its own; it is an instrument to assist the Executive Mayor, to offer him/her advice and to take decisions together with the Executive Mayor with regard to 'designated powers'. Decisions are nevertheless that of the Executive Mayor.

Individual members of the Mayoral committee may however be granted delegated powers. The Executive Mayor may[144] -

- delegate specific responsibilities to each member of the committee;
- delegate any of the Executive Mayor's powers to the respective members.

[142] Section 60 of the *Structures Act*
[143] Section 1
[144] Section 60 of the *Structures Act*

8. THE MUNICIPAL COUNCILLOR

The Municipal Council of the Stellenbosch Municipality consists of councillors elected by voters registered on the municipality's segment of the national common voters' roll[145]-

(a) to proportionally represent the parties that contested the election in the municipality; and

(b) in the respective wards in the municipality, to directly represent the wards.

A political office bearer or member of a political structure in the municipality is in the first instance a councillor and must fulfil that role before any other that he/she may have.

1. THE ROLE

An individual councillor has no power; his or her strength lies in association with co-councillors, i.e. acting collectively. In that sense councillors have wide powers which are then exercised in the form of resolutions, adopted by the majority of councillors.[146] The most important role of an individual councillor is therefore that of being a member of the Municipal council. As such a councillor's role is to –

- direct and control the affairs of the Council in accordance with the acts applicable to Local Government;
- participate in the optimum allocation of the council's resources for the benefit of the area;
- play a key role in the creation and review of the Council's policies and objectives and criteria relating to the exercise of the council's regulatory functions;
- review the performance of the council and its delivery of services, and the management plans and revenue policies of the council.

As an elected person a councillor –

- represents the interests of the residents and ratepayers;
- provides leadership and guidance to the community, and
- facilitate communication between the community and the council.

A councillor may also represent the Municipal Council on a diverse range of external organisations and advisory bodies.

2. THE AREA OF RESPONSIBILITY

The geographical area of responsibility of councillors is the same as that of the Municipal council, namely, limited to the municipal area as demarcated in terms of the *Local Government: Municipal Demarcation Act*[147].

A ward councillor however is restrained to perform his/her representation functions within the boundaries of the ward.

3. POWERS AND FUNCTIONS

3.1. Participates in the decision making process

[145] Section 22 of the *Structures Act*
[146] Section 30 of the *Structures Act*
[147] No. 27 of1998

A councillor has the right and must take part in the business being transacted at meetings of council and the structures on which he/ she serves.

A councillor has the right to be fully informed and to receive notice of the matters, which the Municipal Council or political structure will consider in order that he/she can properly debate matters and participate in taking informed decisions.

3.2. Attends meetings

A councillor has the right and must attend meetings of the Municipal council and the structures on which he/she serves. Non-attendance of these meetings or failure to remain in attendance constitutes a transgression of the Code of Conduct.[148]

A councillor has freedom of speech in the Municipal Council and in its committees, subject to Council's Rules and Orders.[149] A councillor may consequently also make use of any of the tools of debate in such meetings, e.g. motions and questions.

3.3. Complies with the Code of Conduct

The Code contains many rules that require a certain standard of conduct by a councillor.

3.4. Right of access to information

A councillor has the right to inspect documents in possession of the municipality. This right is however not unlimited; the councillor may access information only to the extent that such access is reasonably necessary to perform his/her duties as a councillor.

Unauthorised access and disclosure of any privileged or confidential information, is not only an infringement of the Code,[150] but also impedes on the terrain of the Municipal Manager in his/her capacity as Information Officer in terms of the Promotion of Access to Information Act.

3.5. Does not interfere in the Administration

A councillor must perform his/her functions without interfering in the administration.[151]

3.6. Promotes local democracy

Municipal councils play a central role in promoting local democracy and councillors should therefore promote the involvement of citizens and community groups in the design and delivery of municipal programmes. The councillor is also ideally positioned to raise awareness of human rights issues and by promoting constitutional values and principles.[152]

A councillor is accountable to local communities and must report back at least quarterly to constituencies on council matters, including the performance of the municipality in terms of established indicators.

3.7 Legal representation

A councillor may be afforded legal representation –

(a) where legal proceedings have been instituted against the councillor, as a result of any act or omission by the councillor in the exercise of his or her powers or the performance of his or her duties; or

(b) the councillor has been summoned to attend an inquest or inquiry arising from the exercise of his or her powers or the performance of his or her duties.

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[148] items 3 en 4
[149] Section 28 of the Structures Act
[150] item 10
[151] item 11
[152] White Paper on Local Government, p.40

9. THE MUNICIPAL MANAGER

The Municipal Council of Stellenbosch Municipality is obliged to appoint a person as Municipal Manager.[153]

The Municipal Manager is by law the head of the administration and also the Municipality's Accounting Officer. A Municipal Manager must possess the necessary skills to perform the functions of the office.

1. THE ROLE

The Role of a Municipal Manager is primarily threefold in nature, namely -

- Performs procedural duties re political structure;
- Head of the administration;
- Accounting Officer.

The Municipal Manager also has some other less prominent roles, e.g. in relation to access to information, elections etc.

The Municipal Manager must ensure that the administration of the affairs of the municipality are governed by the democratic values and principles[154] enshrined in the Constitution, namely –

(a) A high standard of professional ethics must be promoted and maintained;

(b) Efficient, economic and effective use of resources must be promoted;

(c) Public administration must be development-oriented;

(d) Services must be provided impartially, fairly, equitably and without bias;

(e) People's needs must be responded to, and the public must be encouraged to participate in policy-making;

(f) Public administration must be accountable.
(g) Transparency must be fostered by providing the public with timely, accessible and accurate information.
(h) Good human-resource management and career-development practices, to maximise human potential, must be cultivated.
(i) Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation.

2. THE AREA OF RESPONSIBILITY

The area of responsibility of the Municipal Manager is geographically limited to the geographical area of the municipality. Due to the municipality's involvement in co-operative governance the influence of the Municipal Manager is wider, e.g. the activities of structures to liaise with province, Salga, institutes etc.

The Municipal Manager also has extensive statutory and delegated powers and duties as well as powers and duties that are ancillary to such delegated powers and duties.

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[153] Section 54A of the *Systems Act*
[154] 195(1) of the *Constitution*

3. POWERS AND FUNCTIONS

The Municipal Manager's powers and functions are categorised hereunder according to the 3 identified roles. These powers are subject to the policy directions of the Municipal council and monitoring by the Executive Mayor[155].

3.1. PROCEDURAL DUTIES *RE* POLITICAL STRUCTURE

The Municipal Manager has a number of procedural duties to perform regarding the Constitution of the Municipal Council, namely –

- calls the first meeting of the Municipal Council within 14 days after the council has been declared elected;[156]
- presides over the election of the Speaker;[157]
- ensures that every councillor declare his or her financial interests and any future changes;[158]
- ensures that every councillor declares any gifts received that exceed a prescribed value;[159]
- calls and set a date for the by-election in a ward after consulting with the Independent Electoral Commission;[160]
- informs the Chief Electoral Officer of the IEC when a councillor elected from a party list ceases to hold office;[161]
- determines the nomination form to be used for the election of a Speaker, an Executive Mayor or a Deputy Executive Mayor;[162]
- gives notice to the public of the time, date and venue of every ordinary meeting of the Municipal Council and special or urgent meetings of the Council, except when time constraints make this impossible;[163]
- attends meetings of the Municipal Council and advises the Speaker and Council during proceedings.

3.2. HEAD OF ADMINISTRATION

As head of the administration the Municipal Manager has a variety of statutory powers and duties.

[155] Section 56(3)(d) of the *Structures Act*
[156] Section 29(2) of the *Structures Act*
[157] Section 36(3) of the *Structures Act*
[158] Item 7(1) of the *Code of Conduct*
[159] Item 7(3) of the *Code of Conduct*
[160] Section 25(1) of the *Structures Act*
[161] Item 18 of Schedule 1 of the *Structures Act*
[162] Item 3 of Schedule 3 of the *Structures Act*
[163] Section 19 of the *Systems Act*

3.2.1. Institutional

- forms and develops an economical, effective, efficient, accountable and performance driven administration for the municipality;
- manages the administration in accordance with the provisions of the *Systems Act* and other applicable legislation.

3.2.2. Development planning

- implements the municipality's IDP, and to monitor the progress with the implementation of the plan;

  The Municipal Manager must permit the Executive Mayor to evaluate progress in the implementation of strategies, programs and services aimed at addressing priority needs through the IDP.[164]

3.2.3. Services

- manages the provisions of services to communities, residents and ratepayers in a sustainable manner;
- develops and maintains a system whereby community satisfaction with municipal services is assessed.

3.2.4 Staff[165]

- appoints staff, other than managers that report directly to him/her;
- advises the Municipal council on the appointment of managers who are directly accountable to Municipal Manager. [166]
- administers the Municipal Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers, 2006;
- controls and manages the effective utilisation and training of staff;
- maintains discipline of staff;
- promotes sound labour relations and compliance of applicable labour legislation, conditions of service and collective agreements;
- develops a staff establishment for approval by the Municipal council;[167]
- provides a job description for each post on the staff establishment;
- determines the remuneration and other conditions of service for each post on the staff establishment;
- establishes a process or mechanism to evaluate the staff establishment and review the staff establishment and the remuneration and conditions of service;
- develops systems and procedures to ensure fair, efficient, effective and transparent personnel administration for approval by the Municipal council;

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[164] Section 56(3)(a) of the *Structures Act*
[165] See sections 55, 66 and 67 of the *Systems Act*
[166] Section 56 of the *Systems Act*
[167] Section 60

- ensures that the *Code of Conduct for Staff* is made known to the staff and that their conduct is in conformity with it. [168]

3.2.5. Interaction with political structures and office bearers

- advises the political structures and functionaries of the municipality;
- manages the communication between the municipality's administration and its structures and functionaries;
- carries out the decisions of the structures and functionaries of the municipality;
- administers and implements the municipality's by-laws and policy. The Municipal Manager must permit the Executive Mayor to review the performance of the municipality in order to improve the implementation of the municipality's by-laws.[169]

3.2.6. Legal Compliance

- implements national and provincial and local legislation applicable to the municipality.

3.2.7 Public participation

- facilitates participation by communities, residents, ratepayers and other stakeholders in the affairs of the municipality;
- assists the Executive Mayor to -
    - report on the involvement of communities and community organisations in the affairs of the municipality; and
    - ensure that regard is given to public views and report on the effect of consultation on the decisions of the council.[170]

3.2.8.1. Recipient of delegated powers and duties

- performs the duties and exercises the powers which the Municipal council delegates to the Municipal Manager.[171]

3.2.8.2. Delegates or sub delegates delegated powers and duties

- delegates the statutory duties and powers, which the Municipal Council has consented to;[172]
- sub-delegates the duties and powers which the Municipal Council has consented to.[173]

3.2.9. Considers appeals

A person whose rights are affected by a decision taken by an official in terms of a power or duty delegated or sub-delegated to the official may appeal to the Municipal Manager against that decision.[174]

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[168] Section 70 of the *Systems Act*
[169] Section 56(3)(c) of the *Structures Act*
[170] Section 56(3)(g) en (h) of the *Structures Act.*
[171] Section 59 of the *Systems Act*
[172] Section 59(4) of the *Systems Act*
[173] Section 59(2) of the *Systems Act*
[174] Section 62 of the *Systems Act*

- considers appeals and confirms varies or revokes the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

3.3. ACCOUNTING OFFICER

The Municipal Manager is the Accounting Officer of the municipality and must therefore –

(a) exercise the functions and powers of an Accounting Officer; and

(b) provide guidance and advice on compliance to political structures, political office-bearers, officials and a municipal entity where applicable.[175]

The Accounting Officer is also the accounting officer of any relief, charitable, trust or other fund of whatever description established by a political structure or office-bearer of the Municipality.[176]

The Accounting Officer has, first and foremost, a fiduciary duty towards the Municipality. The term "*fiduciary*" is derived from the Latin term for "faith" or "trust" and connotes an individual who has a responsibility of care for the assets or rights of another person (municipality). Such a person must

- avoid conflicts of interest;
- act in the interest of the corporation rather than the member's personal interest;
- assure that all business of the corporation is transacted legally;
- make decisions to protect the assets of the corporation.

The Accounting Officer **must** therefore[177] –

- act with fidelity, honesty, integrity and in the best interests of the municipality in managing its financial affairs;

- disclose to the Municipal Council and the Executive Mayor all material facts [or reasonably discoverable] and which in any way might influence the decisions or actions of the Council or the Executive Mayor; and

- seek to prevent any prejudice to the financial interests of the municipality.

but may not –

- act in a way that is inconsistent with the duties assigned to accounting officers of municipalities; or

- use the position or privileges of, or confidential information obtained as, accounting officer for personal gain or to improperly benefit another person.

The *MFMA* confers important powers on the Accounting Ofiicer; it also requires the exercise of many duties.

3.3.2. Financial Responsibilities

The *MFMA* confers important powers on the Accounting Officer and requires the exercise of many duties.

3.3.2.1 Bank accounts

The Accounting Officer –

[175] Section 60 of the *MFMA*
[176] Section 12 of the *MFMA*
[177] Section 61 of the *MFMA*

- must provide details of the municipality's primary bank account to the NT, PT and A-G or any change of such information;[178]
- must provide details of any new bank account to the NT, PT and A-G;[179]
- must provide details of all bank accounts annually to the NT, PT and A-G;
- must administer all the municipality's bank accounts and is accountable to the Municipal Council for the municipality's bank accounts;[180]
- may withdraw money from any of the municipality's bank accounts or authorise the Chief Financial Officer any other senior financial official in writing to withdraw money from any of the municipality's bank accounts;[181]
- must quarterly table in the Municipal Council a consolidated report of all withdrawals and submit a copy of the report to the PT and the A-G; [182]
- may withdraw or authorise the withdrawal of money from any relief, charitable, trust or other fund.[183]

2.6 *Disposal of capital assets* [Section 14(4)]

The alienation of movable capital assets (below a value determined by the council) -

(a) when the asset is not needed to provide the minimum level of basic municipal services; and
(b) after considering the fair market value of the asset and the economic and community value to be received in exchange for the asset; and
(c) if delegated by the municipal council.

3.3.2.2. Preparation and adoption of the budget

The Accounting Officer –

- must assist the Executive Mayor in performing the budgetary functions assigned to the mayor and provide the mayor with the administrative support, resources and information necessary for the performance of those functions;[184]
- must make the annual budget public immediately after it has been tabled in the Municipal Council, and invite the local community to make representations and submit a copy thereof to NT, PT, any prescribed national or provincial organs of state and to other municipalities affected by the budget;[185]
- must submit the approved annual budget to the NT and PT.[186]

The Accounting Officer must[187] –

- designate a Chief Financial Officer to the budget and treasury office; and

[178] Section 8 of the *MFMA*
[179] Section 9 of the *MFMA*
[180] Section 10 of the *MFMA*
[181] Section 11(1) of the *MFMA*
[182] Section 11(1) of the *MFMA*
[183] Section 12 of the *MFMA*
[184] Section 68 of the *MFMA*
[185] Section 22 of the *MFMA*
[186] Section 24(3) of the *MFMA*
[187] Section 80(2) of the *MFMA*

- allocate officials of the municipality to the Chief Financial Officer to populate the budget and treasury office.

3.3.2.3. Implementation of the budget

The Accounting Officer must[188] –

- ensure that the spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated to be less than projected in the budget or in the SD&BIP;
- ensure that revenue and expenditure are properly monitored;
- when necessary prepare an adjustments budget and submit it to the Executive Mayor for consideration and tabling in the Municipal Council;
- submit to the Executive Mayor –
    - a draft SD&BIP for the budget year; and
    - drafts of the annual performance agreements for the Municipal Manager and all senior managers.

3.3.2.4. Budgetary control

The Accounting Officer must –

- submit a monthly statement on the state of the municipality's budget to the Executive Mayor and the PT and where appropriate a national or provincial organ of state or municipality;[189]
- by 25 January of each year assess the performance of the municipality during the first half of the financial year and submit a report on such assessment to the Executive Mayor, NT and the PT and make recommendations as to whether –
    - an adjustments budget is necessary; or
    - projections for revenue and expenditure should be revised;[190]
- propose remedial or corrective steps if the municipality faces any serious financial problems.[191]

The Accounting Officer must[192] -

- report in writing to the Municipal council any impending shortfalls in budgeted **revenue** and overspending of the municipality's budget and any steps taken to prevent or rectify such shortfalls or overspending;
- notify the NT of overdrawn accounts, the reasons therefor and the steps taken or to be taken to correct the matter.

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[188] Section 69 of the *MFMA*
[189] Section 71 of the *MFMA*
[190] Section 72 of the *MFMA*
[191] Section 54(2) of the *MFMA*
[192] Section 70 of the *MFMA*

The Accounting Officer must inform the PT of [193] - 714

- any failure by the Municipal Council to adopt or implement a budget related policy or a supply chain management policy; or
- any non-compliance by a political structure or office-bearer with any such policy.

3.3.2.5. Management of expenditure

The Accounting Officer must take all reasonable steps to ensure[194] –

- that an effective system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds is in place and is being maintained;
- that a management, accounting and information system is in place and is being maintained;
- that a system of internal control in respect of creditors and payments is in place and is being maintained;
- that payments by the municipality are made –
  - directly to the person to whom it is due, unless agreed otherwise; and
  - either electronically or by way of non-transferable cheques, provided that cash payments and payments by way of cash cheques may be made for exceptional reasons only;
- that all money owing by the municipality be paid promptly;
- compliance with tax, levy, duty, pension, medical aid, audit fees and other statutory commitments;
- that any dispute concerning payments due to another organ of state is disposed of in terms of legislation regulating disputes between organs of state;
- that the municipality's available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework;
- that the SCM policy is implemented in a way that is fair, equitable, transparent, competitive and cost-effective; and
- that all financial accounts of the municipality are closed at the end of each month and reconciled with its records.

The Accounting Officer must also report to the Municipal Council on all expenditure incurred on staff salaries, wages, allowances and benefits. [195]

The Accounting Officer must[196] -

- advise a political office-bearer that expenditure incurred by an official on instruction of such office bearer may result in unauthorised expenditure;
- upon becoming aware that the Council or the Executive Mayor has taken a decision which, if implemented, is likely to result in unauthorised, irregular or fruitless and wasteful

[193] Section 73 of the *MFMA*
[194] Section 65(2) of the *MFMA*
[195] Section 66 of the *MFMA*
[196] Section 32 of the *MFMA*

expenditure, inform the council and the Executive Mayor that the expenditure is likely to be unauthorised, irregular or fruitless and wasteful expenditure;

- inform the Executive Mayor, MEC for local government and the A-G of –
    - any unauthorised, irregular or fruitless and wasteful expenditure incurred by the municipality;
    - whether any person is responsible or under investigation for such unauthorised, irregular or fruitless and wasteful expenditure; and
    - the steps that have been taken to recover or rectify such expenditure and to prevent a recurrence of such expenditure.
- report to the SAPS all cases of alleged –
    - irregular expenditure that constitute a criminal offence; and
    - theft and fraud that occurred in the municipality.

3.3.2.6. Management of income

The Accounting Officer is responsible for the management of the revenue of the municipality and must ensure that[197] -

- the municipality has effective revenue collection systems consistent with its customer management system and credit control and debt collection policy;
- revenue due to the municipality is calculated on a monthly basis;
- accounts for municipal tax and charges for municipal services are prepared on a monthly basis;
- all money received is promptly deposited into the municipality's bank accounts;
- the municipality has and maintains a proper management, accounting and information system;
- the municipality has and maintains a system of internal control in respect of debtors and revenue;
- the municipality charges interest on arrears;
- all revenue received by the municipality is reconciled weekly;
- NT is informed of any arrears due by an organ of state in respect of municipal tax or for municipal services; and
- any funds collected by the municipality on behalf of another organ of state is transferred to that organ of state at least on a weekly basis and that such funds are not used for purposes of the municipality.

[197] Section 64 of the *MFMA*

3.3.2.7. Management of assets and liabilities

The Accounting Officer[198] -

- is responsible for the management of the assets of the municipality, including the safeguarding and the maintenance of those assets;
- is responsible for the management of the liabilities of the municipality;
- must ensure that the municipality has and maintains a management, accounting and information system that accounts for the assets and liabilities of the municipality;
- must ensure that municipal assets and liabilities are valued in accordance with standards of generally recognised accounting practice; and
- must ensure that the municipality has and maintains a system of internal control of assets and liabilities, including an asset and liabilities register.

3.3.2.8. Performs formalities *re* debt

The Accounting Officer[199] -

- must sign the agreement or other document which creates or acknowledges short-term or long-term debt, pursuant to a resolution by council to incur such debt;
- must notify the council of the amount, duration and cost of any debt incurred in terms of a credit facility for emergency use as well as options for repaying such debt;
- must publish an information statement, setting out particulars of a proposed long term-debt, and invite the public, NT and PT to submit comments or representations in respect of the proposed debt, at least 21 days prior to the meeting of the council at which approval for the debt is to be considered.
- must, at least 21 days prior to the meeting of the council at which the long-term debt is to be considered, submit a copy of the information statement to the Municipal council together with particulars of -
    - the essential repayment terms, including the anticipated debt repayment schedule; and
    - the anticipated total cost in connection with such debt over the repayment period.

3.3.2.9. Duties *re* financial reporting and auditing

The Accounting Officer must –

- submit to the NT, the PT, the department for local government or the A-G such information, returns, documents, explanations and motivations as may be prescribed or as may be required; [200]
- report inability to comply with any responsibility in terms of the MFMA, together with reasons, to the Executive Mayor and the PT;[201]
- place the following documents on the website of the municipality-
- budgets and budget-related documents;

[198] Section 63 of the *MFMA*
[199] Section 45 and 46 of the *MFMA*
[200] Section 74(1) of the *MFMA*
[201] Section 74(2) of the *MFMA*

- budget-related policies;
- annual report;
- performance agreements of the Municipal Manager and senior managers;
- service delivery agreements;
- long-term borrowing contracts;
- supply chain management contracts above a prescribed value;
- information statement of assets disposed during the previous quarter;
- contracts which imposes financial obligations beyond 3 years;
- public-private partnership agreements;
- quarterly reports on the implementation of the budget tabled in council; and
- other prescribed documents.[202]

The Accounting Officer must[203] -

- prepare the annual financial statements and submit the statements to the A-G for auditing;
- where applicable, prepare consolidated annual financial statements and submit the statements to the A-G for auditing.

The Accounting Officer must[204] -

- immediately after an annual report is tabled in the council make public the annual report and invite the local community to submit representations in connection with the annual report;
- submit the annual report to the A-G, the PT and the provincial department responsible for local government.

The Accounting Officer must [205]–

- attend council and council committee meetings where the annual report is discussed, for the purpose of responding to questions concerning the report;
- submit copies of the minutes of those meetings to the A-G, PT and the provincial department responsible for local government;
- make public an oversight report within seven days of its adoption.

The Accounting Officer must submit the following documents to the provincial legislature within seven days after the municipal council has adopted the relevant oversight report –

- annual report of each municipality and each municipal entity; and

[202] Section 75(1) of the *MFMA*
[203] Section 126(1) of the *MFMA*
[204] Section 127(5) of the *MFMA*
[205] Section 129 of the *MFMA*

- oversight reports on those annual reports adopted.[206]

The Accounting Officer must also with the notes to the annual financial statements include particulars of the salaries, allowances and benefits of political office-bearers and councillors. [207]

The Accounting Officer may assign duties to the audit unit of the Municipality.[208]

3.3.2.10. General financial management functions

The Accounting Officer is responsible for managing the financial administration of the municipality, and must for this purpose take all reasonable steps to ensure –

- that the resources of the municipality are used effectively, efficiently and economically;
- that full and proper records of the financial affairs of the municipality are kept in accordance with any prescribed norms and standards;
- that the municipality has and maintains effective, efficient and transparent of financial and risk management, internal control and internal audit ;
- that unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented;
- that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the municipality who has allegedly committed an act of financial misconduct or an offence; and
- that the municipality has and implements a tariff, rates, credit control and debt collection policy and a SCM policy.[209]

The Accounting Officer may transfer funds of the municipality to an organisation or body outside any sphere of government otherwise than in compliance with a commercial or other business transaction provided that the organisation or body complies with prescribed requirements.[210]

3.3.2.11 Procurement

The Accounting Officer must –

- implement the supply chain management policy of the municipality;[211]
- must take all reasonable steps to ensure that proper mechanisms and separation of duties in the SCM system are in place to minimise the likelihood of fraud, corruption, favouritism and unfair and irregular practices; [212]
- if a tender other than the one recommended in the normal course of implementing the supply chain management policy is approved, in writing, notify the A-G, the PT and the NT of the reasons for deviating from such recommendation;[213]
- ensure that a contract or agreement procured through the SCM policy is properly enforced;[214]

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[206] Section 132 of the *MFMA*
[207] Section 124(1) of the *MFMA*
[208] Section 165(2)(c) of the *MFMA*
[209] Section 62 of the MFMA
[210] Section 67 of the *MFMA*
[211] Section 115(1) of the *MFMA*
[212] Section 115(1) of the *MFMA*
[213] Section 114 of the *MFMA*
[214] Section 116(2) of the *MFMA*

- monthly monitor the performance of a contractor under the contract or agreement; [215]
- establish capacity in the administration of the municipality to assist with and oversee the day-to-day management of contracts or agreements; [216]
- regularly report to the Council, on the management of the contract or agreement and the performance of the contractor; [217]
- must institute processes to enable the Council to decide on whether the municipality should continue with a proposed public-private partnership. [218]

3.3.2.12 Financial Delegations [219]

- must develop an appropriate system of delegation that will both maximise administrative and operational efficiency and provide adequate checks and balances in the municipality's financial administration;
- may delegate appropriate powers to a member of the municipality's top management or any other official of the municipality; and
- may confirm, vary or revoke any decision taken in consequence of a delegation or sub-delegation in terms of this section, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

A delegation does not divest the Accounting Officer of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.

3.4. DISPOSAL OF CAPITAL ASSETS

Only the Municipal Council may dispose of capital assets and then only in terms of section 14 of the MFMA and the *Municipal Asset Transfer Regulations.* [220]

The *Municipal Asset Transfer Regulations* confer a number of duties on the Accounting Officer.

Disposal of a non-exempted asset

- must, if authorised by council conduct a public participation process to facilitate the following determinations the Municipal Council must make before it may dispose of a non-exempted asset –
    - that the asset is not needed to provide the minimum level of basic municipal services; and
    - the fair market value of the asset and the economic and community value to be received in exchange for the asset.
- must make public the proposal to transfer or dispose of the capital asset;
- must invite comments or representations in respect of the proposed transfer or disposal of the capital asset; and
- must solicit the views and recommendations of the NT and PT.

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[215] Section 116(2) of the *MFMA*
[216] Section 116(2) of the *MFMA*
[217] Section 116(2) of the *MFMA*
[218] Section 120(6) of the *MFMA*
[219] Section 79 of the *MFMA*
[220] Published under Government Notice R878 in *Government Gazette* 31346 of 22 August 2008

Right to use, control or manage a capital asset

- must, if authorised by council, conduct a public participation process regarding the proposed granting of the right to use, control or manage a capital asset with a value in excess of R10 million and when a long term right is proposed;
- must make public the proposal to grant the relevant right;
- must invite comments or representations in respect of the proposed transfer or disposal of the capital asset; and
- must solicit the views and recommendations of the NT and PT.

3.5. ACCESS TO INFORMATION

The Municipal Manager is the Information Officer of the municipality in terms of the *Promotion of Access to Information Act* and performs all the functions and exercises all the duties attached to that position.

3.6. PLANNING MATTERS

The Municipal Manager has inherited a number of powers and duties that were previously conferred on the *Town Clerk* in terms of the *Land Use Planning Ordinance*-[221]

- decides who has an interest in a planning matter and should be invited to make representations;[222]
- determines the newspaper or newspapers in which planning applications should be published;[223]
- prepares and submits to the council for its approval a structure plan;[224]
- complies with prescribed procedures in respect of applications for departures,[225] rezoning,[226] subdivisions[227] and amendments or cancellations of plans of subdivision;[228]
- advertises a proposed waiver or amendment of conditions or imposition of additional conditions imposed by the Municipal Council.[229]

[221] No15 of 1985
[222] Section 1
[223] Section 1
[224] Section 4(10)(a)
[225] Section 15
[226] Section 17
[227] Section 24
[228] Section 30
[229] Section 42

CHAPTER 3
RELATIONSHIPS, ACCOUNTABILITY, INTERACTION

The political system of local government draws a number of powerful bodies and individuals together in a union, with one goal in mind, i.e. to provide good, effective and accountable government to the community. Role players have specific conferred powers, different mandates from their peers and may even have divergent personal views. And then there also is the community with its many needs; all in all, a recipe for confrontation. Relationships are formed whenever these role players interact with each other, ranging from the formal meeting of council to the simple conveyance of a resident's complaint.

It is of utmost importance that all the role-players in the Municipality should know exactly what their respective functions are and how they should integrate their respective actions so that they can collectively address the challenges that face the Municipality of Stellenbosch.

To this end the most important relationships, interactions, lines of accountability and lines of reporting have been identified.

1. COUNCIL/COUNCILLOR

This relationship between the collective body and the individual member is generally one of ethics.

A councillor must perform the functions of office in good faith, honestly and a transparent manner and at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised. If a councillor is in breach of the Code the Municipal Council, after due process, has to consider whether to take action and where appropriate to impose a sanction.

The individual councillor's relation with the council in this regard is usually revealed in his/her association with the council's chairperson, i.e. the Speaker.

The municipal councillor is accountable to the Municipal Council. The ward councillor as chairperson of a ward committee reports to the Municipal Council and is accountable to Council and the residents of the ward.

2. SPEAKER/COUNCIL/COUNCILLORS

The Speaker is the Chairperson of the Municipal Council and as such empowered to dictate proceedings, subject however to the Rules of Order, common law and constitutional dictates.

Councillors must comply with the Speaker's rulings or face the consequences. If the Speaker acts improperly in his rulings a councillor may object officially and/or seek some other remedy. The Municipal Council may even remove the Speaker from office.[230]

Whenever the Speaker enforces the Code of Conduct he/she must act in accordance with the rules of natural justice and a councillor has the right to insist on compliance. A councillor who is the subject of an investigation must respect the position of the Speaker and adhere to all lawful requests, subject however to specific individual rights.

The Speaker is accountable to and reports to the Municipal Council.

3. SPEAKER/EXECUTIVE MAYOR

Although the Executive Mayor may be the leader of the ruling political party and the executive leader of the municipality, the Speaker is the dominant figure in the council meetings. In council

[230] See section 39 of the *Structures Act*

meetings the Executive Mayor has, apart from the right to present his/her executive report, no more authority than any ordinary councillor.

Outside the council chamber the Executive Mayor is the dominant figure. He/she is the municipality's executive leader and with the Municipal Manager at the helm of the daily governance issues. As all reports to Municipal Council must be channelled through the Executive Mayor, the Executive Mayor must ensure that such reports are submitted in accordance with procedures and time frames determined by the Speaker. The Executive Mayor should not amend technical reports if he/she does not agree with it, but should rather inform the Municipal Council of his/her divergent views and request that the matter be revisited.

The two positions of Speaker and Executive Mayor are complimentary to each other and incumbents should strive to work together.

The Executive Mayor is accountable to and reports to the Municipal Council.

The members of the Mayoral Committee assists the Executive Mayor and any committee appointed by the Executive Mayor reports to and are accountable to the Executive Mayor.

4. EXECUTIVE MAYOR/MAYORAL COMMITTEE

The members of the Mayoral Committee[231] must assist the Executive Mayor in the exercise and performance of his/her powers and duties. The decision of the Executive Mayor on matters falling within his/her competency is decisive.

The Executive Mayor appoints the members of the Mayoral Committee and allocates portfolios to them. The members of the Mayoral Committee may dismiss a member without having to follow due process then it is a political decision.

Executive Mayor and members of the Mayoral Committee should have a relationship of trust and respect and reflect true leadership.

The members of the Mayoral Committee account to the Executive Mayor.

5. EXECUTIVE MAYOR/COMMITTEES OF COUNCIL

Section 80 committees are chaired by members of the Mayoral Committee and assist the Executive Mayor in the exercise and performance of his/her powers and duties. These committees account to the Executive Mayor.

Section 79 committees submit their reports to the Executive Mayor for consideration in terms of delegated power or transmission to the Municipal Council. These committees account to the Municipal Council.

6. COUNCIL/MUNICIPAL MANAGER

The Municipal Council as decision making body must heed the advice of the Municipal Manger. Good reasons will have to be offered whenever his/her advice is not followed, especially with regard to questions of lawfulness and financial competency. In certain circumstances the Municipal Manager is obliged to report such non-compliance to the appropriate authorities.

The Municipal Manager is appointed by and accountable to council for the performance of the functions entrusted to him/her in terms of statute, law and their contractual arrangement. He/she must be allowed to perform these functions without any interference and with reasonable support. The council, on the other hand, must consider whether the Municipal Manager's performance meets the required expectations.

[231] As mentioned *supra,* it has no independent life of its own

When the Municipal Council acts as *Appeal Authority* or *Special Disciplinary Committee* the Municipal Manager must ensure that designated officials properly manage the proceedings.

The Municipal Manager is accountable to council, but reports to the Executive Mayor.

7. SPEAKER/MUNICIPAL MANAGER

The Speaker convenes meetings of the Municipal Council. The Speaker can only do so with the support of the Municipal Manager and dedicated staff. This also applies to arrangements at the meeting place, the compiling of agenda and recording of minutes. The Speaker and Municipal Manager must co-ordinate their respective actions to prevent council meetings from being frustrated.

When the Speaker acts as *appeal authority* in terms of *PAIA* the Municipal Manager must ensure that designated officials properly manage the proceedings.

The Municipal Manager must also provide the logistic support whenever the Speaker has to enforce the provisions of the Code of Conduct.

8. EXECUTIVE MAYOR/MUNICIPAL MANAGER

The relationship between the Executive Mayor and the Municipal Manager is crucial for the effective performance of the municipality. It is also the most complex relationship, mainly because of the similarity of their respective functions.

The *Structures Act* and *Systems Act* describe the Executive Mayor and Municipal Manager respectively as the person in whom the 'executive leadership' is vested and the 'head of the administration". Likewise, the Municipal Manager's duty and power to 'form and develop an administration' and the executive mayor's duty to 'monitor the administration' should not be seen as opposing functions; the two should work together to ensure an effective and efficient but also accountable administration.

The Municipal Manager, Executive Mayor and Speaker must co-ordinate their respective actions to ensure that matters are presented for consideration and decisions are executed as fast as possible.

When the Executive Mayor acts as appeal authority the Municipal Manager must ensure that designated officials properly manage the proceedings.

The Municipal Manager reports to the Executive Mayor but is accountable to the Municipal Council.

9. COUNCILLOR/MUNICIPAL MANAGER/OFFICIAL

The individual councillor is on the forefront of contact with the citizenry and is constantly confronted with complaints about service delivery and other requests for assistance. These circumstances are conducive to conflict between politicians and administration as actions by the Councillor for a speedy resolution may be perceived as interference in the administration.

It is appreciated that councillors would want to convey these matters personally to the administration and even directly to a particular responsible official.

An amicable arrangement should be introduced so as not to give rise to interference in the administration or impede the councillor in performing his or her functions. Reporting of this nature should be on a co-ordinated and formal basis and should allow reporting on a co-ordinated and formal basis.

The Municipal Manager and the Speaker must develop appropriate protocol directives and should also consider the allocation of dedicated staff in the various disciplines for this purpose.

Until the directives have been introduced the following protocols will apply –

Service delivery complaints

- A ward councillor may directly contact the Head of the relevant service department or if unavailable the responsible Manager in the relevant service department;
- Any other councillor must direct complaints to the Head of the relevant service department;
- Any councillor may, in an emergency when the safety of individuals are at risk or damage to property is imminent, directly approach any applicable member of staff to introduce measures averting such risk;
- A member of staff may not approach a councillor directly, except when reporting back on complaints.

Human Resources

- A Councillor may not liaise with officials, other than the Head: Human Resources on any staff matter;
- A member of staff may not approach a councillor directly on any staff matter.

Political structures

- A Councillor may directly approach any member of staff in the Office of the Speaker or Chairperson of a committee on any matter related to meetings of Council or such Committee.

These protocols must be construed as a *mandate* and *authority* as contemplated in item of the Code of Conduct.[232]

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CHAPTER 4
DISPUTES

It is inevitable that disputes will occur between the various role-players in the Municipality. Defining roles and creating channels of communicating and reporting lines might limit potential conflict, but will never prevent it from occurring. Other measures are therefore needed to ensure a resolution.

For that reason mechanisms, processes and procedures for resolving disputes between the political structures and political office bearers and the Municipal Manager have been designed.

Because the Municipality operates in an environment created by law it is only realistic to expect that the majority of disputes will have some or other legal undertone. Professional legal advice should always be favourably considered when legal issues are at the centre of a dispute. A commitment to seriously consider authoritative advice can contribute to the prevention of many disputes.

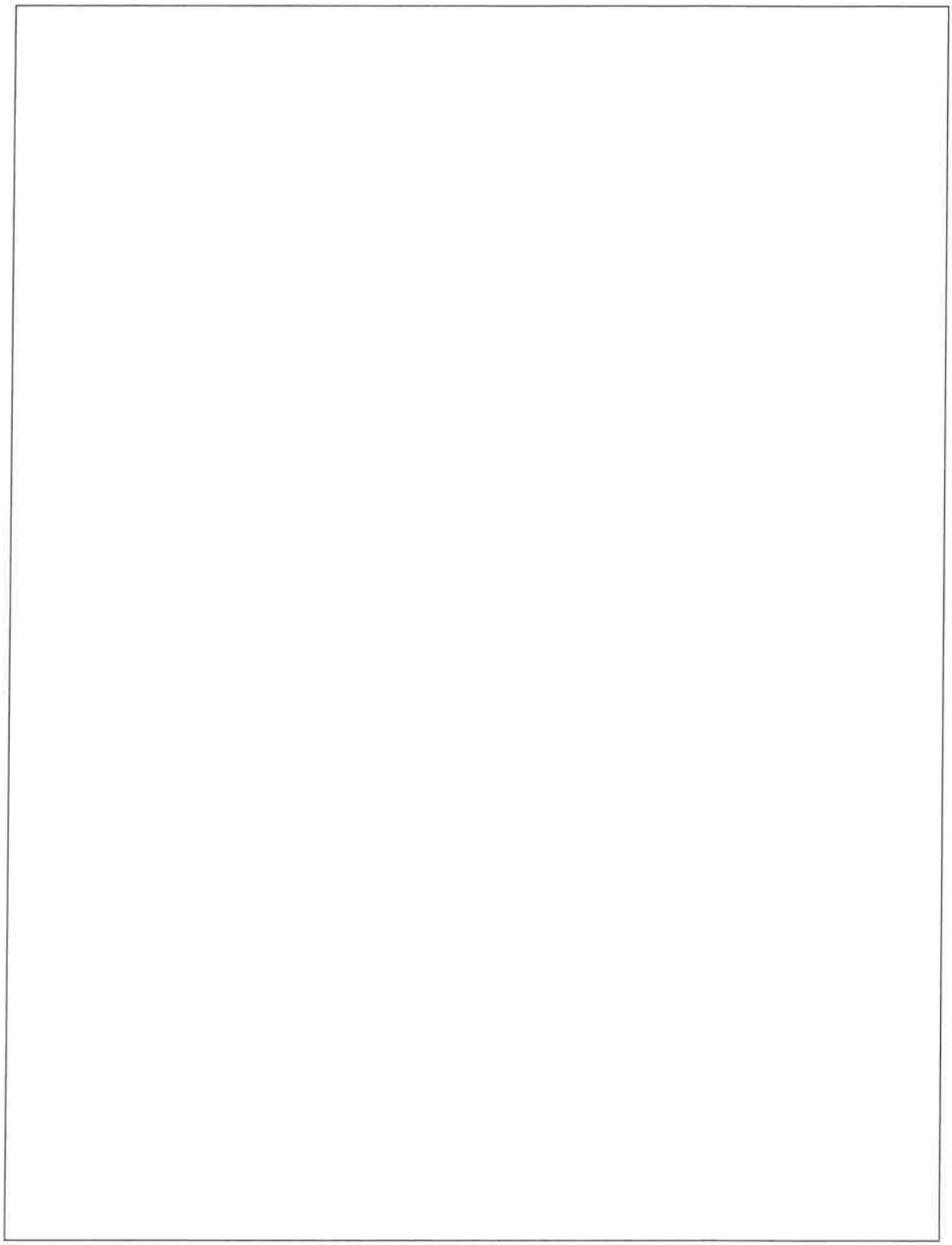
When non-legal issues are in dispute the parties should seriously consider making use of an impartial expert facilitator to assist in reaching a settlement.

Before obtaining legal advice or using a facilitator the parties in a dispute should at least first endeavour to settle the dispute between them. Much conflict is not about substance but perception. Parties should try to clear through the perception to discover and agree on how things really are. Frank discussions may negate assumptions about the other person's point of view and willingness to compromise.

The following process may assist -

- The offended party declares a dispute and informs the other in writing thereof;
- The parties meet at an agreed time to discuss the issue in private –
    - to determine the nature of the dispute, including –
        - the precise issues that are in dispute; and
        - any material issues which are not in dispute;
    - to agree on an appropriate mechanism or procedure to settle the dispute, and
    - to identify a person to act as facilitator.
- If a private meeting is unlikely to yield results due to procedural issues, a neutral third party pre-determined by the parties should be used to initiate a discussion on the aforementioned issues and to dictate procedure;
- If the dispute is one of fact the parties should appoint a suitably qualified person to present the true facts;
- If the dispute is one of law the parties should obtain legal opinion [in-house if available];
- If the dispute is one of merit the parties should engage a suitably qualified person to analyse the advantages and disadvantages of the subject matter and present it to the parties to consider;

- If mediation does not work or the parties are not willing to try them the conflict may be resolved in a fashion by one party imposing his/her solution through authority. Such a 'settlement' may well cause resentment in the party at the receiving end, but sometimes this is the only way to resolve a conflict.



7.4	REMUNERATION OF COUNCILLORS

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 12 November 2021**

1. SUBJECT: REMUNERATION OF COUNCILLORS

2. PURPOSE

To inform Council of the applicable Upper Limits for Councillors.

3. DELEGATED AUTHORITY

Council after the determination by the Minister of Cooperative Governance and Traditional Affairs published in the Government Gazette.

4. EXECUTIVE SUMMARY

On 2 November 2021 the National Minister for Cooperative Governance and Traditional Affairs published the upper limits of salaries, allowances and benefits of different municipal councils with effect from 1 July 2021.

A copy of the said publication (**Government Notice No 1465, GG 45420**) and schedule is attached as **APPENDIX 1.**

Please note that, in terms of the number of points for rates income and number of registered voters (see paragraph 2 and 3 of schedule attached), Stellenbosch Municipality is a Grade 4 Municipality.

5. RECOMMENDATION

that cognisance be taken of the upper limits of salaries, allowances and benefits of different members of municipal councils.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*3 November 2021*

ITEM 7.4

REMUNERATION OF COUNCILLORS

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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 1465 **2 November 2021**

REMUNERATION OF PUBLIC OFFICE BEARERS ACT, 1998
(ACT NO. 20 OF 1998)

DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS

Under the powers vested in me by sections 7(1), 8(5)(a) and 9(5)(a) of the *Remuneration of Public Office-bearers Act*, 1998 (Act No. 20 of 1998), I, Dr Nkosazana Clarice Dlamini Zuma, Minister for Cooperative Governance and Traditional Affairs, after consideration of the recommendations of the Independent Commission for the Remuneration of Public Office Bearers, hereby –

(a) after consultation with the member of the Executive Council responsible for local government in each province; and

(b) after taking into consideration the matters listed in paragraphs (a) to (i) of section 7(1) of the Act,

determine a zero percent (0%) cost of living adjustments of upper limits of salaries, allowances and benefits of the different members of municipal councils for the 2020/21 municipal financial year.

Government Gazette No. 43246 of 24 April 2020 remains applicable.

NC Zuma

DR NKOSAZANA CLARICE DLAMINI ZUMA, MP
MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 475 **24 APRIL 2020**

REMUNERATION OF PUBLIC OFFICE BEARERS ACT, 1998

(ACT NO. 20 OF 1998)

DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS

Under the powers vested in me by sections 7(1), 8(5)(a) and 9(5)(a) of the *Remuneration of Public Office-bearers Act,* 1998 (Act No. 20 of 1998), I, Nkosazana Clarice Dlamini Zuma, Minister for Cooperative Governance and Traditional Affairs, hereby –

(a) after consultation with the member of the Executive Council responsible for local government in each province; and

(b) after taking into consideration the matters listed in paragraphs (a) to (i) of section 7(1) of the Act,

determine the upper limits of the salaries, allowances and benefits of the different members of municipal councils as set out in the Schedule.

NC Zuma

NKOSAZANA CLARICE DLAMINI ZUMA, MP
MINISTER FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

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SCHEDULE

PREAMBLE

The salary and allowances of a councillor is determined by that municipal council by resolution of a supporting vote of the majority of its members, in consultation with the member of the Executive Council responsible for local government in each province, having regard to the upper limits as set out hereunder, the financial year of a municipality and affordability of municipality to pay within the different grades of the remuneration of councillors, including the austerity measures as approved by national Cabinet.

For purposes of implementation of this Government Notice, "in consultation with" means that a municipal council must obtain concurrence of the MEC for local government prior to the implementation of the provisions of this Notice.

1. Definitions

In this Schedule, unless the context indicates otherwise, a word or phrase to which a meaning has been assigned in the *Remuneration of Public Office-bearers Act,* 1998 (Act No. 20 of 1998) (hereinafter referred to as "the Act") *and the Local Government: Municipal Structures Act,* 1998 (Act No. 117 of 1998) (hereinafter referred to as "the Structures Act"), has that meaning and –

"basic salary" means the salary component of a councillor that excludes a travel allowance as provided in item (9)(1), housing allowance as provided in item 9(2), the municipal contribution to a pension fund as provided in item 13(1) and municipal contribution to a medical aid scheme as provided in item 13(2);
"full-time councillor" means a councillor who has been elected or appointed to an office which has been designated as full-time in terms of section 18(4) of the Structures Act;
"grade" in relation to this Notice means the grade of municipal council as determined in terms of item 4;
"part-time councillor" means a councillor other than a full-time councillor;
"pension fund" means any pension, provident or retirement annuity fund established and registered in terms of, and subject to, any law governing the registration and control of pension funds in the Republic of South Africa and to which an office bearer contributes or any pension scheme approved by Parliament for such office bearers;
"section 79 committee" means a committee of the municipal council established in terms of section 79 of the Structures Act;
"SETAs" means the Sector Education and Training Authorities established in terms of section 9 of the *Skills Development Act*, 1998 (Act No. 97 of 1998);
"special risk cover" means an insurance cover, provided to a councillor by the municipality, which covers the loss of or damage to a councillor's personal immovable or moveable property and assets, excluding property used by such councillor for business purposes, as well as life and disability cover, for any loss or damage caused by riot, civil unrest, strike or public disorder;

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"**tools of trade**" means the resources provided by a municipal council to a councillor to enable such councillor to discharge his or her duties in the most efficient and effective manner, and at all times remain the assets of the municipality concerned;

"total municipal income" means gross income in respect of a metropolitan, local or district municipality based on actual income received as stated in the audited financial statements of that municipality for the 2018/ 19 financial year. The gross income for the municipality will include the following:

- rates on property;
- fees for services rendered by the municipality, or on its behalf by a municipal entity;
- surcharges;
- other authorised taxes;
- levies and duties;
- income from fines for traffic offences and contravention of municipal by-laws or legislation assigned to the local sphere of government;
- regional services council replacement grant for district municipalities;
- interest earned on invested funds other than national and provincial conditional grants;
- rental for the use of municipal movable or immovable property; and
- amounts received as agent for other spheres of government.

The gross income excludes the following:

- transfers and / or grants from the national fiscus and provincial fiscus, with the exception of regional services council replacement grant for district municipalities; and
- all value added tax (VAT) refunds.

"total population" means the official statistics of the population residing in the area of jurisdiction of a metropolitan, local or district municipality, as published in the Community Survey 2016: Statistical Release No. P0301, in terms of the *Statistics Act,* 1999 (Act No. 6 of 1999); and

"total remuneration package" means the annual total cost to a municipality of a basic salary component, a motor vehicle allowance as provided in items 9(1), housing allowance as provided in items 9(2), the municipal contribution to a pension, provident or retirement annuity fund as provided in item 13(1) and municipal contribution to a medical aid scheme as provided in item 13(2) to a councillor in a municipal financial year.

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2. Allocation of number of points for total municipal income

The number of points allocated for the total municipal income of a municipality is as follows:

TOTAL MUNICIPAL INCOME			NUMBER OF POINTS
R 0	-	R 10,000,000	8.33
R 10,000,001	-	R 50,000,000	16.67
R 50,000,001	-	R 200,000,000	25.00
R 200,000,001	-	R 1,500,000,000	33.33
R 1,500,000,001	-	R 2,000,000,000	41.67
More than R2,000,000,000			50.00

3. Allocation of number of points for total population

The number of points allocated for the total population within a municipality, is as follows:

TOTAL POPULATION			NUMBER OF POINTS
0	-	50,000	8.33
50,001	-	100,000	16.67
100,001	-	250,000	25.00
250,001	-	550,000	33.33
550,001	-	1,800,000	41.67
More than 1,800,000			50.00

4. Determination of grade of municipal council

(1) The sum of the number of points allocated to a municipal council in terms of items 2 and 3 of the Notice, determines the grade of such municipal council as follows:

GRADE OF MUNICIPAL COUNCIL	POINTS
1	0 to 16.66
2	16.67 to 33.33
3	33.34 to 50.00
4	50.01 to 66.67
5	66.68 to 83.35
6	83.36 and above

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5. Upper limits of the annual total remuneration packages of full-time councillors

The upper limits of the annual total remuneration packages of full-time councillors are as follows:

GRADE	TOTAL REMUNERATION PACKAGE			
	EXECUTIVE MAYOR OR MAYOR	SPEAKER, DEPUTY EXECUTIVE MAYOR OR DEPUTY MAYOR	MEMBER OF THE EXECUTIVE COMMITTEE OR MAYORAL COMMITTEE, WHIP OR CHAIRPERSON OF A SUBCOUNCIL	CHAIRPERSON OF A SECTION 79 COMMITTEE
6	1,404,260	1,134,108	1,068,312	1,036,974
5	1,046,997	837,597	785,247	762,214
4	893,850	715,078	670,387	650,721
3	860,859	688,688	645,646	632,674
2	806,066	644,853	610,306	592,404
1	782,582	632,025	592,521	575,141
The mayor of a plenary type municipality should be remunerated according to the total remuneration package column of executive mayor or mayor.				

6. Upper limit of annual total remuneration package or allowance in respect of elected or appointed to a district council

(1) A councillor elected or appointed to a district council in terms of section 23(1)(b) of the Structures Act, may be paid the upper limit of the total remuneration package or allowance as follows:

(a) If a councillor is elected or appointed as speaker, mayor, executive mayor, member of a mayoral committee, member of an executive committee, chairperson of a section 79 committee or part-time member of a district council, such councillor is entitled to an amount equal to the difference between the total remuneration package that a councillor receives as a member of the local council and the total remuneration package allocated to that office in the district council in terms of items 5, 6, 7, 8, 9, 10, 11,12 and 13 as the case may be.

(b) If the total remuneration package payable to a councillor as a member of the local council is equal to or higher than the total remuneration package that an appointed councillor to the district council receives, such a councillor is, in addition to the total remuneration package received at the local council, entitled to a sitting allowance not exceeding R1103.23: Provided that this allowance is limited to R1103.23 per day, regardless of the number of meetings of the district council or committees of that council that are attended by such councillor on a specific day.

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(2) A district municipality is responsible for –

(a) the payment of the remuneration or the allowance referred to in sub-item (1);

(b) the reimbursement of travel expenses not exceeding the applicable tariffs prescribed by the national department responsible for transport for the use of privately-owned vehicles incurred by a councillor for the execution of official duties on behalf of that district municipality, in terms of that district council's policy; and

(c) the payment of cell phone expenses not exceeding 50% of the applicable allowances as prescribed under item 11 incurred by a part-time councillor for the execution of official duties on behalf of that district municipality, in terms of that district council's policy.

7. Upper limit of allowance in respect of councillors serving in the governance and intergovernmental structures of organised local government

(1) (a) A councillor designated by organised local government to serve in a governance structure of organised local government must, in addition to the total remuneration package applicable to that councillor, be paid an allowance not exceeding R1103.23 per sitting and actual attendance of any meeting: Provided that the allowance is limited to R1103.23 per day, irrespective of the number of meetings attended by such councillor on a specific day.

(b) A councillor designated by organised local government to represent organised local government at any intergovernmental structure, including national and provincial executive authorities, must in addition to the total remuneration package applicable to that councillor, be paid an allowance not exceeding R1103.23 per sitting and actual attendance of such structure: Provided that the allowance is limited to R1103.23 per day, irrespective of the number of attendances by such councillor on a specific day.

(2) Organised local government is responsible for –

(a) the payment of the allowance referred to in sub-item (1);

(b) the payment of accommodation expenses incurred for attending a meeting of governance and intergovernmental structures in terms of applicable organised local government policy; and

(c) reimbursement of travel expenses, not exceeding the applicable tariffs prescribed by the national department responsible for transport for the use of privately-owned vehicles, incurred by a councillor for attending a meeting of governance and intergovernmental structures.

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8. Upper limits of the annual total remuneration packages of part-time councillors

The upper limits of the annual total remuneration packages of part-time councillors are as follows:

GRADE	TOTAL REMUNERATION PACKAGE				
	EXECUTIVE MAYOR OR MAYOR	SPEAKER, DEPUTY EXECUTIVE MAYOR OR DEPUTY MAYOR	MEMBER OF THE EXECUTIVE COMMITTEE OR MAYORAL COMMITTEE OR WHIP	CHAIRPERSON OF SECTION 79 COMMITTEE	OTHER PART-TIME MEMBERS
6	787,141	665,889	595,978	578,497	525,904
5	584,087	467,271	438,066	425,214	331,335
4	498,651	398,920	373,988	363,017	282,870
3	480,248	384,198	360,193	349,618	272,430
2	449,679	359,743	337,261	327,367	255,091
1	436,575	349,259	327,433	317,826	247,360
The mayor of a plenary type municipality should be remunerated according to the total remuneration package column of mayor/ executive mayor.					

9. Upper limits of allowances of full-time and part-time councillors

The upper limits of allowances of full-time and part-time councillors, that constitute part of the annual total remuneration package, are as follows:

(1) Motor vehicle and travel allowance

(a) A councillor listed in item 5 and 8 of this Notice may, structure his or her basic salary to provide for motor vehicle allowance.

(b) If a councillor structures a vehicle allowance, the councillor must provide proof of ownership of a private vehicle to the municipality and have the vehicle available for official duties.

(c) A councillor who uses a privately-owned vehicle for execution of official duties on behalf of the municipality, may be reimbursed for official kilometres travelled, in addition to the total remuneration package of a councillor as determined in terms of items 5 and 8 of the Notice, not exceeding the applicable tariffs as prescribed by the national department responsible for transport and in terms of the municipal council's policy.

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(d) A councillor who utilises a privately-owned vehicle for official purposes must, for purpose of claiming kilometres travelled, keep a travel logbook containing the following information relating to actual official and private kilometres travelled per month as may be determined from time to time by the South African Revenue Service:

(i) Date of travel;
(ii) Kilometres travelled; and
(iii) Travel details, where to and reason for the trip.

(e) A councillor may, in exceptional circumstances and upon good cause shown, and with the approval of the Mayor or Speaker, utilise the municipal-owned vehicle for official purposes: Provided that the municipal council must, in line with applicable legislation and approved municipal council policy, exercise prudent financial management to ensure that the provision of motor vehicle does not undermine the need to prioritise service delivery and sustain viable municipalities.

(f) If a councillor uses a municipal-owned motor vehicle for official purposes, such councillor will not be reimbursed for kilometres travelled.

(2) Housing allowance

A councillor may structure his or her salary to provide for housing allowance as part of the total remuneration package.

10. Out of pocket expenses

A councillor may, in addition to the total remuneration package, be reimbursed for reasonable and actual out of pocket expenses incurred during the execution of official or ceremonial duties, in accordance with the applicable municipal council policy.

11. Upper limits of cell phone allowance for councillors

A councillor may, in addition to the annual total remuneration packages provided for in terms of items 5 and 8 respectively, be paid a cell phone allowance not exceeding R3400.00 per month in accordance with the applicable municipal council policy.

12. Upper limits of mobile data bundles for councillors

A councillor may, in addition to the annual total remuneration packages provided for in terms of items 5 and 8 respectively, be paid an allowance on the use of data bundles not exceeding R300 per month.

13. Upper limits of pension, provident or retirement annuity fund contributions and medical benefits of councillors

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(1) Pension, provident or retirement annuity contributions

(a) A councillor may participate in a pension, provident or retirement annuity fund registered in terms of the Pension Fund Act, 1956 (Act No. 24 of 1956).

(b) If a councillor elects to participate in a pension, provident or retirement annuity fund, the municipality must deduct from that councillor's salary, the monthly contributions and pay the contributions to a pension, provident or retirement annuity fund to which the councillor is a member in accordance with the rules of such pension, provident or retirement annuity fund. The contributions by the municipality and the councillor are included in the total remuneration package as a total cost to the municipality.

(2) Medical Aid Scheme

(a) A councillor may participate in a medical aid scheme registered in terms of the Medical Schemes Act, 1998 (Act No. 131 of 1998).

(b) If a councillor elects to participate in a medical aid scheme, the municipal council must deduct from that councillor's salary, the monthly contributions and pay the contributions to a medical aid scheme to which the councillor is a member in accordance with the rules of such medical aid scheme. The contributions by the municipal council and the councillor are included in the total remuneration package as a total cost to the municipality.

14. Special risk cover

(1) A municipality must, in addition to the annual total remuneration packages as provided in items 5 and 8 respectively, take out risk insurance cover, to provide for an insurance cover, provided to a councillor by the municipality, which covers the loss of or damage to a councillor's personal immovable or moveable property and assets, excluding property used by such councillor for business purposes, as well as life and disability cover, for any loss or damage caused by riot, civil unrest, strike or public disorder. The special risk insurance on residential property will be limited to R1, 5 million while on vehicles it is limited to R750 000. The life and disability insurance cover is limited to 2 times the total remuneration package of a councillor.

(2) In the event where the residential property of a councillor was damaged or destroyed as a result of riot, civil unrest, strike or public disorder, the municipality may, subject to affordability, provide alternative accommodation to the affected councillor, for a period of 30 days from the date of such an incident.

(3) Notwithstanding sub-item (2), the municipality may, on good cause shown, provide alternative accommodation for a further period not exceeding 30 days.

(4) A councillor is obliged to submit to the municipality details of property, assets and beneficiaries to be covered by the special risk insurance upon request. A

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councillor who fails to submit the required details referred to herein will forfeit the benefits associated with the special risk insurance cover.

(5) If a councillor already belongs to another special risk cover, such councillor must declare to the municipality the details of property, assets and beneficiaries to be covered by the special risk insurance.

15. Tools of trade

(1) A municipal council may extend the following tools of trade to a councillor:

	TOOLS OF TRADE	APPLICABLE TO:
(a)	Braille reader	All visually impaired councillors.
(b)	Office space and furniture; Parking bay; Business cards; Calculators; Letter-heads; Stationery; Toner cartridges; Diaries; Postage costs; Office telephone; and Appropriate mobile technology and multi-digital office (excluding cell phones and mobile data card as per item 10 and 11), including facsimile, printer, photocopier and scanner.	Full-time councillors, part-time executive mayors or mayor, part-time deputy executive mayors or deputy mayors, part-time speakers, part-time members of mayoral committee or members of executive committee and part-time chairpersons of section 79 committees.
(c)	Laptop or tablet	All councillors.
(d)	Official accommodation and furniture where it currently exists	Full-time Executive Mayors or Mayors
(e)	Business cards; Calculators; Letter-heads; Stationery; and Diaries.	Part-time councillors and the usage must comply with policy directives of the municipality.
(f)	Postage costs; Office telephone; and Multi-digital office, facsimile, printer, photocopier and scanner.	Part-time councillors to have access to these tools of trade at the municipal offices.
(g)	Personal security	Executives Mayors, Mayors and Speakers are entitled to two bodyguards. Deviation from the norm may only be based on the recommendations of the South African Police Service.
		Any other councillor, subject to a threat and risk analysis conducted by the South African Police Service.

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(2) If a municipal council makes available tools of trade in terms of sub-item (1), such a municipal council must take into account accessibility, affordability and cost control, equity, flexibility, simplicity, transparency, accountability and value of tools of trade.

(3) The tools of trade must be insured by the council with the exception of sub-item (1)(g).

16. Capacity building

(1) The municipal council must develop and adopt a skills development plan and personal development plan prior to any councillor undergoing training.

(2) A municipality must make a provision in its budget for development and implementation of capacity building programme for a councillor during the term of office of that councillor.

(3) Capacity building programme consist of short courses or programmes as provided for in the training, education and development policy and skills development plan of the municipality, including training conducted by national departments, associated government agencies and SETAs, provincial departments, municipalities and organised local government.

(4) The capacity building programme must take into consideration the capacity needs to fulfil a councillor' statutory obligations and affordability by a municipality.

17. Overpayment

(1) Any remuneration paid to a councillor of a municipality otherwise than in accordance with section 167(1) of the *Local Government: Municipal Finance Management Act*, 2003 (Act No. 56 of 2003) including any bonus, bursary, loan, advance or other benefit, is an irregular expenditure and the municipality –

(a) must recover that remuneration from the political office bearer or member; and

(b) may not write-off any expenditure incurred by the municipality in paying or giving that remuneration.

(2) The MEC must report to the Minister –

(a) any transgression of subsection (1); and

(b) any non-compliance with this Notice.

18. Information to be submitted to the Minister

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(1) A municipality must submit to the MEC responsible for local government in the province, by not later than 30 July 2020, a report containing the following information in respect of its serving councillors for the 2019/20 financial year on an official letterhead of the municipality, signed by the mayor:

(a) Total number of councillors;
(b) Designation;
(c) Part-time or full-time;
(d) Name of incumbent;
(e) Gender;
(f) Total municipal income;
(g) Total population;
(h) Grading of municipal council;
(i) Date concurrence granted by the MEC;
(j) Total remuneration package;
(k) Total budget for personal security; and
(l) Any allowance(s) payable to a councillor.

(2) Upon receipt of the data referred to in sub-item 1, the MEC must submit a consolidated report to the Minister by not later than 31 August 2020.

19. Transitional measures

(1) If a municipality has no audited financial statements for 2018/19 financial year by the date of publication of this Notice, the audited financial statements for the 2017/18 financial year will apply.

(2) If the grading of a municipality is downgraded as a result of the redetermination of the grade of municipal council as set out in item 4 of this Notice, a councillor who in office as at 30 June 2019 will retain the total remuneration package as determined in terms of Government Notice No. 1426, Government *Gazette* No. 42134 of 21 December 2018 and the councillor is entitled to the applicable cost of living adjustment: Provided that the data used by the municipality for determination of the grading of a municipal council is correct.

20. Short title and commencement

This Notice is called the Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils and takes effect from 1 July 2019. The Notice replaces the Government Gazette No. 42134 of 21 December 2018.

8.	CLOSURE

KINDLY NOTE THAT OFFICIAL PHOTOS OF ALL COUNCILLORS WILL BE TAKEN AFTER THE MEETING.