



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2023-01-30

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MINUTES

10th MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2023-01-30 AT 10:00

MINUTES
10TH MEETING OF COUNCIL
OF STELLENBOSCH MUNICIPALITY
2023-01-30

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PRESENT The Speaker, Cllr Q Smit [Chairperson]
 The Executive Mayor, Ald GMM Van Deventer
 The Deputy Executive Mayor, Cllr JS Fasser
 The Council Whip, Cllr P Crawley

COUNCILLORS J Andrews XL Mdemka
 Ald JC Anthony NM Mkhontwana
 ZJ Dalling CD Noble
 MM Danana M Nkopane
 I De Taillerfer N Ntsunguzi
 R Du Toit N Olayi
 A Ferns WC Petersen
 E Groenewald RO Pheiffer
 AJ Hanekom WF Pietersen
 RB Hendrikse MG Rataza
 P Johnson Ald JP Serdyn
 J Joon A Tomose
 O Jooste RB Van Rooyen
 X Kalipa M Van Stade
 N Mananga-Gugushe CA Van Wyk
 EP Masimini E Vermeulen
 NE Mcombring

OFFICIALS Municipal Manager (G Mettler)
 Chief Financial Officer (K Carolus)
 Director: Community and Protection Services (G Boshoff)
 Director: Corporate Services (A De Beer)
 Director: Infrastructure (D Louw)
 Director: Planning and Economic Development (A Barnes)
 Chief Audit Executive (F Hoosain)
 Senior Administration Officer (T Samuels)

| | |
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| 1. | OPENING AND WELCOME |
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The Speaker, Cllr Q Smit welcomed all at the 10th Council meeting.

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| 2. | MAYORAL ADDRESS |
|-----------|------------------------|

- Welcome back to all Councillors. Hope you had a good rest and that everyone is ready for the new year. The year has already started off with a very fast pace, and the expectation is that Councillors are going to work much harder this year.
- A big welcome to all the new learners and students to the beautiful town of Stellenbosch. I trust your stay here in our town will be a wonderful experience.
- Veels geluk aan al die matrikulante van 2022. Wat 'n besondere jaar en prestasie na alles wat julle die afgelope twee jaar moes oorkom om uit te styg. En as jou matriekjaar nie suksesvol was nie, gryp die kans aan om weer te probeer. Dit is een van die belangrikste lewenslesse hoe jy teenspoed en teleurstelling in die lewe hanteer, en hoe jy daaruit opstaan om tog 'n sukses te maak.
- Op Vrydag, 20 Januarie 2023 het ons die OUTsurance Pointspersone verwelkom. Hierdie is almal persone vanuit die Stellenbosch munisipale area, en hulle het intensiewe opleiding ondergaan gedurende Desember 2022 en Januarie 2023 om hulle vir die werk voor te berei. Hulle sal diens doen by spesifieke verkeerskruisings vanaf 07h00 tot 09h00 soggens en 16h00 tot 18h00 saans. Ons versoek dat die publiek asseblief op die uitkyk vir die persone moet wees en hulle gehoorsaam. Hulle verrig n belangrike taak om met verkeersvloei te help.
- Saturday, 28 January 2023 we celebrated the Blessing of the Harvest. This is an important event on the annual municipal and Stellenbosch calendar, as it ushers in the official time when harvesting starts. This is important for the Stellenbosch municipality as we depend very much on a successful harvest for both wine making and export, as well as the immense tourist market. We share in this joyous occasion and pray the harvest will be without any incidents or casualties.
- On behalf of the residents of Stellenbosch Municipality, I reject in the strongest possible terms Eskom's NERSA-approved electricity price hike of 18.6%. This enormous price increase is unaffordable and unfair. We reject this increase outright.
- Our residents, and in particular our small and medium businesses, simply cannot afford these continuous price increases. Like the majority of South Africans, many residents and businesses are already struggling to make ends meet.
- Our communities are also struggling to keep businesses open with stage 6 blackouts being implemented by Eskom. On most days, communities are left without electricity for 8 – 12 hours per day and the situation is not expected to improve in the short term.

South Africans are constantly being expected to pay more for electricity while receiving less and less of it. Our residents will now be expected to pay even more exorbitant prices for electricity they simply do not get. South Africans are rightfully tired of having to foot the bill for years of corruption and mismanagement at Eskom.

- Daar is opnuut oproepe gemaak vir Kaapstad en die provinsie om water spaarsamig te gebruik na aanleiding van die jongste damvlakopdatering wat getoon het dat die huidige gemiddelde watervlak van die gekombineerde Wes-Kaapse Watervoorsieningstelsel (WCWSS) op sowat 65% was, vergeleke met 90% dieselfde tyd verlede jaar. Dit kom tydens droë en warm somertoestande wat regdeur die streek ervaar word, sowel as die realiteite van klimaatsverandering en dalende winterreënval, wat watervoorsiening 'n toenemend relevante kwessie vir die Wes-Kaap gemaak het. Dit is verder vererger deur Eskom se steeds verergerende elektrisiteitstroomonderbrekings, wat kritieke infrastruktuur beskadig het en die vermoë van baie munisipaliteite belemmer het om water na hul inwoners te pomp.

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| 3. | COMMUNICATION BY THE SPEAKER |
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“Executive Mayor
Deputy Mayor
Members of the Mayoral Committee
MPAC Chair
All Councillors
Municipal Manager
Directors
Members of the administration
Members of the public

1. All Wards Councillor meeting:

10 February 2023 at 10:00AM in the Council Chambers.

2. Local Government Law library sets:

Electronic sets were distributed to all Councillors. Receipt of Hardcopies by Municipal Governance is expected early February and will then be distributed to the respective Municipalities.

Know your ward campaign:

2 x sessions were held during October/November 2022, where photos were taken of committee members to compile the posters. Authorization has been given from the Municipality to Provincial offices to proceed with printing of the posters. The Service Provider is in the process of printing, but no completion date has not been received yet.

Additional ICT Support for Councillors:

Officials from the IT department will avail themselves every Tuesday and Thursday from 09:00AM – 10:00AM in the Council Chambers to assist Councillors who is still struggling with MS teams. A call however must be logged in advance. **This will run for 3 months from 31 January 2023 – 25 April 2023.**

Birthdays – December

John Anthony – 12 December
 Elliot Masimini – 19 December
 Charles Manuel – 25 December
 Wilfred Pietersen – 27 December
 Rozette Du Toit – 31 December

Birthdays – January

Nokuthula Gugushe – 5 January
 Annemarie Ferns – 9 January
 Joseph Joon – 21 January
 Roy van Rooyen – 23 January

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| 4. | COMMUNICATION BY THE MUNICIPAL MANAGER |
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“Good morning

Honourable Speaker
 Councillors
 Colleagues
 Members of the public

- Best wishes to all the Councillors and staff for the year to come.
- This year did not kick off without any challenges, the Executive Mayor already alluded to loadshedding and the impact it had on our water resources, especially our reservoirs. I therefor urge our citizens to be patient with us while we are dealing and putting the necessary measures in place where reservoirs are running dry.
- A warm welcome to the University students and the students in schools. Wishing you all a successful year ahead.
- Congratulations to our Football Team who won against the Cape Town Football Club.

Thank you”.

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| 5. | DISCLOSURE OF INTERESTS |
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NONE

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| 6. | APPLICATION FOR LEAVE OF ABSENCE |
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6.1 The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

| | |
|-----------------|-------------------|
| Cllr R Adams | – 31 January 2023 |
| Cllr A Crombie | – 31 January 2023 |
| Cllr C Manuel | – 31 January 2023 |
| Cllr NR Ndalasi | – 31 January 2023 |
| Cllr L Nkamisa | – 31 January 2023 |
| Cllr J Williams | – 31 January 2023 |

6.2 Absent

Cllr RS Nalumango

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| 7. | CONFIRMATION OF THE MINUTES OF PREVIOUS MEETING/S |
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| 7.1 | 9TH COUNCIL MEETING: 2022-11-23 |
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10TH COUNCIL MEETING: 2023-01-30: ITEM 7.1

The minutes of the 9th Council Meeting: 2022-11-23 was **confirmed as correct without any changes.**

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| 7.2 | SPECIAL COUNCIL MEETING: 2023-01-12 |
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10TH COUNCIL MEETING: 2023-01-30: ITEM 7.2

The minutes of a Special Council Meeting: 2023-01-12 **confirmed as correct without any changes.**

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| 8. | STATUTORY MATTERS |
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| 8.1 | TABLING OF THE DRAFT ANNUAL REPORT 2021/22 |
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

19 January & 30 January 2023

1. SUBJECT: TABLING OF THE DRAFT ANNUAL REPORT 2021/22

2. PURPOSE

- (a) To table to Council the Draft Annual Report 2021/22 for consideration and to be released for public comment.
- (b) Furthermore, it is also the purpose of this submission, after the adoption of the Draft Annual Report 2021/22 by the Council, to refer the Draft Annual Report 2021/22 to the Municipal Public Accounts Committee (MPAC) to fulfil the role of an Oversight Committee and to make a recommendation to Council as contemplated in terms of Section 129(1) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA).

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Annual Report must be tabled, by the Executive Mayor, within 7 months after the end of the financial year. The Draft Annual Report must be made public and the Municipal Manager must invite the public to provide input into the draft report. It has become a practice that the MPAC also invites the public to make verbal representations at meetings where the report is being discussed.

A schedule with proposed dates for the MPAC meetings is also attached hereto as **ANNEXURE A**. Council resolved that MPAC has, as part of its terms of reference, the role to sit as the Oversight Committee to consider the Draft Annual Report 2021/22.

10TH COUNCIL MEETING: 2023-01-30: ITEM 8.1

RESOLVED (nem con)

- (a) that Council takes note of the Draft Annual Report 2021/22;
- (b) that Council takes note that the Municipal Manager will make the Draft Annual Report 2021/22 public for comment on the official website of the Stellenbosch Municipality, the local print media and at the offices of the municipality for 21 days; that the commencement of the public participation process will be the date the Draft Annual Report 2021/22 is published on the municipal website;
- (c) that Council refers the Draft Annual Report 2021/22 (ANNEXURE B) to the MPAC to consider the Draft Annual Report 2021/22 and to make a recommendation to Council as contemplated in terms of Section 129(1) of the MFMA;

- (d) that Council takes note of the proposed dates for the MPAC meetings where the Draft Annual Report 2021/22 will be discussed, as detailed in ANNEXURE A hereto. These dates are subject to change. Final dates will be published on the municipality's website and in the local media;
- (e) that Council approves the MPAC's mandate to co-opt two members of the public with expertise in specific fields to assist and advise the MPAC; and
- (f) that Council approves that the co-opted members can be remunerated in line with the recommendations of National Treasury Regulation in this regard.

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| 8.2 | MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR 2022/2023 |
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Collaborator No: 742566
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 19 January 2023 & 30 January 2023

1. SUBJECT: MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR 2022/2023

2. PURPOSE

To submit the Section 72 report (Mid-year Budget and Performance Assessment Report) to Council.

3. DELEGATED AUTHORITY

FOR NOTICE BY MUNICIPAL COUNCIL

In terms of Section 54 of the Municipal Finance Management Act (MFMA), 56 of 2003.

4. EXECUTIVE SUMMARY

This report provides the progress made by the Municipality in terms of the Service Delivery Budget and Implementation Plan (SDBIP) for the period 1 July 2022 to 31 December 2022.

10TH COUNCIL MEETING: 2023-01-30: ITEM 8.2

RESOLVED (majority vote)

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

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| 8.3 | MFMA SECTION 52 REPORTING UP TO DECEMBER 2022 |
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Collaborator No: 742564
IDP KPA Ref No: *Good Governance and Compliance*
Meeting Date: 19 January & 30 January 2023

1. SUBJECT: MFMA SECTION 52 REPORTING UP TO DECEMBER 2022

2 PURPOSE

To comply with Section 52(d) of the Municipal Finance Management Act and report to Council on the budget; financial and service delivery budget implementation plan by the Municipality for Quarter 2 of the 2022/23 financial year.

3. DELEGATED AUTHORITY

THE EXECUTIVE MAYOR TO SUBMIT TO COUNCIL

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

“The mayor of a municipality—

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

4. EXECUTIVE SUMMARY

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

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

This report provides the overall performance of the Municipality for the period 1 October 2022 to 31 December 2022.

10TH COUNCIL MEETING: 2023-01-30: ITEM 8.3

NOTED

the Section 52 Report (including quarterly performance report) – Second Quarter.

FOR FURTHER DETAILS CONTACT:

| | |
|-----------------------|---|
| NAME | Monique Steyl |
| POSITION | Senior Manager Financial Management Services |
| DIRECTORATE | Financial Services |
| CONTACT NUMBER | 021 – 808 8512 |
| E-MAIL ADDRESS | Monique.Steyl@stellenbosch.gov.za |
| REPORT DATE | DECEMBER 2022 |

| | |
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| 8.4 | MID-YEAR ADJUSTMENTS BUDGET FOR 2022/2023 |
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Collaborator No: 742566
IDP KPA Ref No: *Good Governance and Compliance*
Meeting Date: 19 January & 30 January 2023

1. SUBJECT: MID-YEAR ADJUSTMENTS BUDGET FOR 2022/2023

2. PURPOSE

To table the adjustments budget as envisaged by section 28 of the Municipal Finance Management Act (Act No.56 of 2003), for the 2022/2023 financial year, for approval. The Western Cape Adjustments Appropriation Act, 2022, was enacted on 21 December 2022 and arising from this, grant allocations were amended for Stellenbosch Municipality, for the 2022/23 financial year.

3. DELEGATED AUTHORITY

Approval is required by the Municipal Council.

4. EXECUTIVE SUMMARY

Attached as **APPENDIX 1** is an executive summary by the Accounting Officer.

10TH COUNCIL MEETING: 2023-01-30: ITEM 8.4

RESOLVED (majority vote)

- (a) that the Adjustments Budget for 2022/2023 as will be amended per the discussions with the Executive Mayor and that will be tabled at Council, be approved;
- (b) that the list of capital projects be adjusted over the MTREF (2022/2023), as set out in the tabled **APPENDIX 1**;
- (c) that that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 2**, be approved; and
- (d) that the Service Delivery and Budget Implementation Plan be adjusted accordingly inclusive of the non-financial information (performance measurement).

FOR FURTHER DETAILS CONTACT:

| | |
|------------------------|---|
| NAME | MONIQUE STEYL |
| POSITION | SENIOR MANAGER: FINANCIAL MANGEMENT SERVICES |
| DIRECTORATE | FINANCIAL SERVICES |
| CONTACT NUMBERS | 021 808 8512 |
| E-MAIL ADDRESS | Monique.Steyl@stellenbosch.gov.za |
| REPORT DATE | 11 January 2022 |

| | |
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| 8.5 | REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2022/ 2023 |
|------------|---|

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

19 January & 30 January 2023

1. SUBJECT: REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2022/23

2. PURPOSE

To obtain Council's approval for the revisions made to the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2022/23.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The TL SDBIP 2022/23 was approved by the Executive Mayor on 22 June 2022. It is common practice for a municipality, as provided for in the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), to review its performance indicators and targets after approving the adjustments budget.

All the necessary changes, which must be deleted and or amended, are indicated with a strikethrough and an underline respectively (for ease of reference). It should be noted that the TL SDBIP 2022/23 is the in-year plan of the municipality, and amendments made to the TL SDBIP 2022/23 must be read in conjunction with the Integrated Development Plan (IDP). Therefore, changes made to the Revised TL SDBIP 2022/23 are considered to be made in the IDP as well.

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

- b) KPI001- The target date was moved from 31 March 2023 to 31 May 2023. The target date was revised in line with available resources to realistically achieve the planned target.
- c) KPI004- The target was adjusted from 80% to 75%. The target was revised in line with available resources to realistically achieve the planned target.
- d) KPI014- The target was adjusted from 75% to 70%. The target was revised in line with available resources to realistically achieve the planned target.
- e) KPI060- The wording of the deliverable was amended.

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

10TH COUNCIL MEETING: 2023-01-30: ITEM 8.5**RESOLVED** (nem con)

- (a) that the Revised TL SDBIP 2022/23 be approved;
- (b) that the Revised TL SDBIP 2022/23 be published on the Municipal Website; and
- (c) that the Revised TL SDBIP 2022/23 be submitted to:
 - (i) Internal Audit Unit (for notification);
 - (ii) Department of Local Government: Western Cape;
 - (iii) Provincial Treasury: Western Cape;
 - (iv) Auditor General of South Africa; and
 - (v) National Treasury.

FOR FURTHER DETAILS CONTACT:

| | |
|------------------------|--|
| NAME | Geraldine Mettler |
| POSITION | Municipal Manager |
| DIRECTORATE | Office of the Municipal Manager |
| CONTACT NUMBERS | 021 – 808 8025 |
| E-MAIL ADDRESS | mm@stellenbosch.gov.za |
| REPORT DATE | 12 January 2023 |

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| 8.6 | OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2 (01 OCTOBER 2022 – 31 DECEMBER 2022) |
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Collaborator No: 742577
 IDP KPA Ref No: *Good Governance and Compliance*
 Meeting Date: 19 January & 30 January 2023

1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2 (01 OCTOBER 2022 – 31 DECEMBER 2022)

2. PURPOSE

To submit to Council a report for the period 01 October 2022 – 31 December 2022 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

3. FOR DECISION BY MUNICIPAL COUNCIL

Section 6 (3) & 4 of the SCM Policy 2022/2023, determines that the Accounting Officer must within 10 days at the end of each quarter; submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

4. EXECUTIVE SUMMARY

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

10TH COUNCIL MEETING: 2023-01-30: ITEM 8.6

RESOLVED (nem con)

- (a) that Council approves this report and Annexure A attached to the report, and
- (b) that the report be made public in accordance with section 21A of the Municipal Systems Act.

FOR FURTHER DETAILS CONTACT:

| | |
|------------------------|---|
| NAME | <i>Bentley Louw</i> |
| POSITION | <i>Acting Senior Manager: Supply Chain Management</i> |
| CONTACT NUMBERS | <i>021 808 8588</i> |
| E-MAIL ADDRESS | <i>Bentley.Louw@stellenbosch.gov.za</i> |
| DIRECTORATE | <i>Financial Services</i> |
| REPORT DATE | <i>12 January 2023</i> |

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| 8.7 | MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR DECEMBER 2022 |
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

19 January & 30 January 2023

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR DECEMBER 2022

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2022/2023 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2022/2023) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during December 2022.

10TH COUNCIL MEETING: 2023-01-30: ITEM 8.7

NOTED

the deviations as listed for the month of December 2022.

FOR FURTHER DETAILS CONTACT:

| | |
|------------------------|---|
| NAME | Bentley Louw |
| POSITION | <i>Acting Senior Manager: Supply Chain Management</i> |
| DIRECTORATE | <i>Financial Services</i> |
| CONTACT NUMBERS | <i>021 808 8588</i> |
| E-MAIL ADDRESS | <i>Bentley.Louw@ Stellenbosch.gov.za</i> |
| REPORT DATE | 03 January 2022 |

| | |
|-----------|---|
| 9. | REPORT BY THE MUNICIPAL MANAGER ON OUTSTANDING RESOLUTIONS |
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No report submitted as outstanding resolutions serves at Section 80 Committees.

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| 10. | ITEMS FOR NOTING |
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| 10.1 | REPORT/S BY THE EXECUTIVE MAYOR |
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| 10.1.1 | REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: OCTOBER 2022 – DECEMBER 2022 |
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

30 January 2023

1. SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: OCTOBER 2022 – DECEMBER 2022

2. PURPOSE

To inform Council of the decisions taken by the Executive Mayor from October 2022 to December 2022 (see **APPENDIX 1**).

3. DELEGATED AUTHORITY

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

For Notification

4. EXECUTIVE SUMMARY

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

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

10TH COUNCIL MEETING: 2023-01-30: ITEM 10.1.1

NOTED

the decisions by the Executive Mayor for the Quarter: October 2022 – December 2022.

FOR FURTHER DETAILS CONTACT:

| | |
|------------------------|--|
| NAME | DONOVAN MULLER |
| POSITION | MANAGER: COUNCILLOR SUPPORT |
| DIRECTORATE | CORPORATE SERVICES |
| CONTACT NUMBERS | 021 8088314 |
| E-MAIL ADDRESS | <i>Donovan.Muller@stellenbosch.gov.za</i> |
| REPORT DATE | 03 January 2023 |

| | |
|---------------|--|
| 10.1.2 | REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR ON MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE EXECUTIVE MAYOR IN CONSULTATION WITH THE MAYORAL COMMITTEE [OCTOBER 2022 – DECEMBER 2022] |
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

30 January 2023

1. SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR ON MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE EXECUTIVE MAYOR IN CONSULTATION WITH THE MAYORAL COMMITTEE [OCTOBER 2022 – DECEMBER 2022]

2. PURPOSE

To inform Council of the decisions taken by the Executive Mayor on matters resolved under the authority delegated to the Executive Mayor, in consultation with the Mayoral Committee, for meetings from October 2022 to December 2022 (see **APPENDIX 1**).

3. DELEGATED AUTHORITY

As per the delegations from Council and powers vested in the Executive Mayor by legislation. In terms of the Stellenbosch Municipality System of Delegations (2019) EM12 and section 56(5) of the Structures Act, the Executive Mayor must report to Council at such intervals as the latter may determine on decisions taken.

The Executive Mayor is herewith reporting on the decisions taken by the Executive Mayor in consultation the Mayoral Committee.

4. EXECUTIVE SUMMARY

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

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

10TH COUNCIL MEETING: 2023-01-30: ITEM 10.1.2

NOTED

the decisions by the Executive Mayor taken in consultation with the Mayoral committee meeting from October 2022 until December 2022.

FOR FURTHER DETAILS CONTACT:

| | |
|------------------------|--|
| NAME | DONOVAN MULLER |
| POSITION | MANAGER: COUNCILLOR SUPPORT |
| DIRECTORATE | CORPORATE SERVICES |
| CONTACT NUMBERS | 021 8088314 |
| E-MAIL ADDRESS | <u>Donovan.Muller@stellenbosch.gov.za</u> |
| REPORT DATE | 19 January 2023 |

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|-------------|--------------------------------|
| 10.2 | REPORT/S BY THE SPEAKER |
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NONE

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| 10.3 | REPORT/S BY THE MUNICIPAL MANAGER |
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| 10.3.1 | DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 1 OCTOBER 2022 UNTIL 31 DECEMBER 2022 |
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

30 January 2023

1. SUBJECT: DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 1 OCTOBER 2022 UNTIL 31 DECEMBER 2022

2. PURPOSE

To report to Council on the decisions taken by the Municipal Manager and the Directors in terms of Council's System of Delegations for the period 1 October 2022 until 31 December 2022, in compliance with Section 63 of the Local Government: Municipal Systems Act, read in conjunction with the System of Delegations as approved by Council.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

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

Furthermore, these delegations only indicate the delegations exercised as delegated by Council to the various Senior Managers.

10TH COUNCIL MEETING: 2023-01-30: ITEM 10.3.1

NOTED

the decisions taken for the period 1 October 2022 until 31 December 2022, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler (1 October 2022 – 31 December 2022)
- Chief Financial Officer – Mr K Carolus (1 October 2022 – 31 December 2022)
- Director Infrastructure Services – Mr S Chandaka (1 October 2022 – 31 December 2022)
- Director Planning and Economic Development – Mr A Barnes (1 October 2022 – 31 December 2022)

-
- Director Corporate Services – Ms A de Beer (1 October 2022 – 31 December 2022)
 - Director Community and Protection Services – Mr G Boshoff (1 October 2022 – 31 December 2022).

FOR FURTHER DETAILS CONTACT:

| | |
|------------------------|---------------------------------------|
| <i>NAME</i> | G Mettler |
| <i>POSITION</i> | Municipal Manager |
| <i>DIRECTORATE</i> | Office of the Municipal Manager |
| <i>CONTACT NUMBERS</i> | 021 808 8025 |
| <i>E-MAIL ADDRESS</i> | municipal.manager@stellenbosch.gov.za |
| <i>REPORT DATE</i> | 13 January 2023 |

| | |
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| 10.3.2 | REPORTING ON THE RELIEF AND CHARITABLE FUND (MAYORAL FUND) JUNE 2022 – DECEMBER 2022 |
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

30 January 2023

1. SUBJECT: REPORTING ON THE RELIEF AND CHARITABLE FUND (MAYORAL FUND) – JUNE 2022 UNTIL 31 DECEMBER 2022

2. PURPOSE

To provide feedback to council on the donations that was paid out to applicants from June 2022 until December 2022 as per the approved Guidelines.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Executive Mayor on a regular basis receives applications for grants, donations and financial assistance from various organisations, groups and individuals. Most of these are dealt with through the normal Grants-in-Aid Policy, but some deserving applications fall outside the ambit of the policy.

It is for this reason that a mechanism was put in place that could address these deserving relief and/or charitable cases. Thus, the establishment of a “Relief and/or Charitable Fund” for this purpose.

10TH COUNCIL MEETING: 2023-01-30: ITEM 10.3.2

NOTED

the income and expenditure of the Relief and/or Charitable Fund (Mayoral Fund) from June 2022 until December 2022.

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 | 5 January 2023 |

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| 11. | CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)] |
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| 11.1 | PROTECTION SERVICES |
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NONE

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| 11.2 | YOUTH, SPORTS AND CULTURE: [PC: CLLR R ADAMS] |
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NONE

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| 11.3 | CORPORATE SERVICES: (PC: CLLR L NKAMISA) |
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NONE

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| 11.4 | FINANCIAL SERVICES: (PC: CLLR P JOHNSON) |
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| 11.4.1 | MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 01 JULY 2022 – 31 DECEMBER 2022 MFMA S116(2)(d) REPORT |
|--------|--|

Collaborator No: 742558
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 19 January 2023 & 30 January 2023

1. SUBJECT: MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 01 JULY 2022 – 31 DECEMBER 2022 MFMA S116(2)(d) REPORT

2. PURPOSE

To report in accordance with MFMA, Section 116(2)(d) on the management of contracts or agreements and the performance of contractors.

3. DELEGATED AUTHORITY

(FOR DECISION BY MUNICIPAL COUNCIL, EXECUTIVE MAYOR AND MAYORAL COMMITTEE, PORTFOLIO COMMITTEE, EXECUTIVE MANAGEMENT, ETCETERA)

None

4. EXECUTIVE SUMMARY

The report indicates the performance of service providers who were active on contracts secured by means of a competitive bidding process for the period 01 July 2022 to 31 December 2022.

10TH COUNCIL MEETING: 2023-01-30: ITEM 11.4.1**NOTED**

the MFMA S116(2)(d) report for the management of contracts or agreements and contractor performance from 01 July 2022 to 31 December 2022 be noted.

FOR FURTHER DETAILS CONTACT:

| | |
|-------------------------------|---|
| <i>NAME</i> | Dalleel Jacobs |
| <i>POSITION</i> | <i>Senior Manager: Supply Chain Management</i> |
| <i>DIRECTORATE</i> | <i>Financial services</i> |
| <i>CONTACT NUMBERS</i> | <i>021 808 8588</i> |
| <i>E-MAIL ADDRESS</i> | <i>Dalleel.Jacobs@ Stellenbosch.gov.za</i> |
| <i>REPORT DATE</i> | <i>12 January 2023</i> |

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| 11.5 | HUMAN SETTLEMENTS: (PC: CLLR J FASSER) |
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NONE

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| 11.6 | INFRASTRUCTURE SERVICES : (PC : CLLR Z DALLING (MS)) |
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NONE

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| 11.7 | PARKS, OPEN SPACES AND ENVIRONMENT: (PC: J JOON) |
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NONE

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| 11.8 | PLANNING :(PC: CLLR C VAN WYK) |
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NONE

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| 11.9 | LOCAL ECONOMIC DEVELOPMENT AND TOURISM:(PC: CLLR R DE TOIT) |
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NONE

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| 11.10 | RURAL MANAGEMENT: (PC: CLLR J WILLIAMS) |
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NONE

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| 11.11 | MUNICIPAL MANAGER |
| 11.11.1 | ADOPTION OF THE DRAFT STRATEGIC AND OPERATIONAL RISK REGISTER FOR THE 2022/23 FINANCIAL YEAR |

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

19 January 2023 & 30 January 2023

1. SUBJECT: ADOPTION OF THE DRAFT STRATEGIC AND OPERATIONAL RISK REGISTER FOR THE 2022/23 FINANCIAL YEAR

2. PURPOSE

To submit the Draft Strategic and Operational Risk Register for the 2022/23 financial year for Council approval.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Municipal Governance best practice as well the Municipal Finance Management Act (MFMA), Act 56 of 2003, requires municipalities to have an effective risk management mechanism to stay abreast of prevalent risks and to determine the risk appetite. To ensure effectiveness, a municipality must focus its attention and resources on the areas of most significant risk and concern to stakeholders. To this end, Stellenbosch Municipality has undertaken the practice of adopting a Strategic and Operational Risk Register which identifies strategic and operational risk at a corporate level to ensure that risks which could hamper service delivery and the strategic objectives are identified and linked to appropriate actions to mitigate the risks.

Due to the changing dynamics in the external environment with impact municipal services, amendments to the Strategic and Operational Risk Register were necessitated to ensure that the municipalities remain appropriately responsive to the risk environment.

The Stellenbosch Municipality is committed to effective risk management to achieve the municipality's vision, service delivery, and strategic objectives and to ensure appropriate outcomes for the community.

To ensure continuous alignment with all the strategic processes, the register is submitted to council with the adjustment budget.

10TH COUNCIL MEETING: 2023-01-30: ITEM 11.11.1

RESOLVED (majority vote)

that Council adopts the amended Strategic and Operational Risk Register for the 2022/23 financial year.

FOR FURTHER DETAILS CONTACT:

| | |
|------------------------|---|
| <i>NAME</i> | <i>Helena Priem</i> |
| <i>POSITION</i> | <i>Chief Risk Officer</i> |
| <i>DIRECTORATE</i> | <i>Office of the Municipal Manager</i> |
| <i>CONTACT NUMBERS</i> | <i>X8157</i> |
| <i>E-MAIL ADDRESS</i> | <i>Helena.priem@stellenbosch.gov.za</i> |
| <i>REPORT DATE</i> | <i>17 January 2023</i> |

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| 12. | CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER |
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| 12.1 | MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN] |
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NONE

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| 13. | REPORTS BY THE MUNICIPAL MANAGER |
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| 13.1 | APPROVAL OF THE LONGTERM BERG RIVER – VOELVLEI AUGMENTATION SCHEME (BRVAS) WATER SUPPLY AGREEMENT BETWEEN DEPARTMENT OF WATER AND SANITATION (DWS) / STELLENBOSCH LOCAL MUNICIPALITY |
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Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 30 January 2023

1. SUBJECT: APPROVAL OF THE LONGTERM BERG RIVER – VOELVLEI AUGMENTATION SCHEME (BRVAS) WATER SUPPLY AGREEMENT BETWEEN DEPARTMENT OF WATER AND SANITATION (DWS) / STELLENBOSCH LOCAL MUNICIPALITY

2. PURPOSE

To obtain Council's approval of the longterm agreement for Berg River – Voelvlei augmentation water supply scheme (BRVAS) between Department of Water and Sanitation and Stellenbosch Municipality.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The purpose of this item is to obtain Council approval for the participation in the Berg River-Voelvlei Augmentation Scheme (BRVAS) and the proposed BRVAS water supply agreement after an information statement was published in the Eikestad Nuus on 1 December 2022 (**ANNEXURE 1**) for comments. The closing date for comments was 17 January 2023. No comments were received.

The BRVAS will benefit the Municipality with increased water security over the long term at a favorable cost.

By entering into the agreement the Municipality agree to purchase its allocated water supply. For the first 20 years the rate payable is estimated at the initial BRVAS-Capital Unit Charge (CUC) commencing on 1 July 2023, based on the base financial, economic and Projected Costs information is R4.2690/m³ in June 2023 terms, excluding VAT. The water from the BRVAS still needs to be treated to potable standards. After this 20-year period, only the catchment charge, presently R 0.45/m³, will be payable which makes the scheme very feasible for the municipality in the long term.

10TH COUNCIL MEETING: 2023-01-30: ITEM 13.1**RESOLVED** (nem con)

- (a) that the Municipality's participation in the Berg River- Voelvllei Augmentation Scheme (BRVAS) be approved;
- (b) that the Municipal Manager be delegated to attend to all negotiations and sign the Berg River – Voelvllei Augmentation Scheme (BRVAS) Water Supply Agreement on behalf of the Municipality; and
- (c) that according to Clause 33 of the Municipal Finance Management Act (MFMA), the required process for contracts with budgetary implications for more than 3 years be followed.

FOR FURTHER DETAILS CONTACT:

| | |
|------------------------|--|
| NAME | Shane Chandaka |
| POSITION | <i>Director</i> |
| DIRECTORATE | <i>Infrastructure Services</i> |
| CONTACT NUMBERS | <i>021 808 8213</i> |
| E-MAIL ADDRESS | <i><u>shane.chandaka@stellenbosch.gov.za</u></i> |
| REPORT DATE | <i>18 January 2023</i> |

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| 13.2 | FILLING OF VACANCY ON COUNCIL DISCIPLINARY COMMITTEE |
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Collaborator No:

IDP KPA Ref No:

Good governance and Compliance

Meeting Date:

30 January 2023

1. SUBJECT: FILLING OF VACANCY ON COUNCIL DISCIPLINARY COMMITTEE**2. PURPOSE OF REPORT**

To inform Council of a vacancy on the Disciplinary committee and request Council to fill the vacancy and appoint a new chairperson.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

On 23 February 2021, a Disciplinary Committee was established by Council to assist the municipal council in the discipline of Councillors by conducting disciplinary hearings and to make recommendations to Council in terms of its findings.

Council resolved to appoint 5 Councillors to the Disciplinary Committee: 3 DA (Cllr CA Van Wyk, Cllr J Fasser and Cllr R Badenhorst, who was also appointed as Chairperson), 1 ANC (Cllr MG Rataza) and 1 from the GOOD Party (Cllr RB Hendrikse). Council also resolved to appoint secondi for the Councillors. 3 DA; 1 ANC and 1 from the Good Party.

Due to the resignation of Mr Rikus Badenhorst as Councillor, there is now a vacancy on the Disciplinary Committee and a new Chairperson must also be appointed.

10TH COUNCIL MEETING: 2023-01-30: ITEM 13.2**RESOLVED** (nem con)

- (a) Cllr. Johnson, as secondi, replace Cllr. Badenhorst as a member of the Council Disciplinary Committee; and
- (b) that Cllr. Johnson be elected as Chairperson of the Council Disciplinary 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 | 25/01/2023 |

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| 14. | CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER |
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NONE

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| 15. | CONSIDERATION OF URGENT MOTIONS |
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NONE

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| 16. | URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER |
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NONE

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| 17. | REPORTS SUBMITTED BY THE SPEAKER |
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NONE

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| 18. | REPORTS SUBMITTED BY THE EXECUTIVE MAYOR |
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NONE

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| 19. | MATTERS TO BE CONSIDERED IN-COMMITTEE |
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SEE PINK DOCUMENTATION

The meeting adjourned at 11:25.

CHAIRPERSON:**DATE:****Confirmed on** **with/without amendments.**