



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2018-07-25

MINUTES

18TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2018-07-25 AT 10:00

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

MINUTES
18TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2018-07-25
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MINUTES OF THE 18TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2018-07-25 AT 10:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH

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

ALDERWOMAN JP Serdyn (Ms)

COUNCILLORS

F Adams	MC Johnson
FJ Badenhorst	NS Louw
GN Bakubaku-Vos (Ms)	C Manuel
FT Bangani-Menziwa (Ms) (until 15:00)	NE McOmbring (Ms)(from 11:50)
PW Biscombe	XL Mdemka (Ms)
G Cele(Ms)	RS Nalumango (Ms)
PR Crawley (Ms)	N Olayi
A Crombie (Ms)	MD Oliphant
JN De Villiers	SA Peters
MB De Wet	MM Pietersen
R Du Toit (Ms) (until 13:00)	WF Pietersen
A Florence	SR Schäfer
AR Frazenburg	N Sinkinya (Ms)
E Fredericks (Ms)	Q Smit
E Groenewald (Ms)	LL Stander
AJ Hanekom	E Vermeulen (Ms)
DA Hendrickse	
JK Hendriks	
LK Horsband (Ms)	

Officials:

- Municipal Manager (Ms G Mettler)
- Chief Financial Officer (M Wüst)
- Director: Community and Protection Services (G Esau)
- Director: Human Settlements (T Mfeya)
- Director: Strategic and Corporate Services (Ms A De Beer)
- Director: Infrastructure Services (D Louw)
- Chief Audit Executive (F Hoosain)
- Senior Manager: Governance (Ms S De Visser)
- Manager: Communications (S Grobbelaar)
- Manager: Property Management (P Smit)
- Manager: LED (W Moses)
- Environmental Officer (S Van der Merwe)
- Head: Committee Services (EJ Potts)
- Committee Clerk (B Mgcushe (Ms))
- Committee Clerk (N Mbali (Ms))
- Interpreter (J Tyatyeka)

1.	OPENING AND WELCOME
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The Municipal Manager welcomed all present. She notified Council that she received a resignation letter from the Speaker, Cllr DD Joubert, which now makes the Speaker's position vacant. Council must appoint an acting Speaker for this meeting. It was agreed that item 8.2.2 on the agenda – the item dealing with the election of an acting Speaker – be dealt with first. By majority vote Cllr WC Petersen (Ms) was appointed as Acting Speaker for this meeting.

The elected Acting Speaker, Cllr WC Petersen (Ms), took the chair and presided over the meeting. She called for nominations for an acting Single Whip. By a show of hands Cllr WF Pietersen was appointed as Acting Single Whip for this meeting.

2.	COMMUNICATIONS
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2.1	MAYORAL ADDRESS
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“Goeie dag, good day, molweni, as-salaam alaikum.

Hoop u het die beste van die reseydperk gemaak

- Bly om te sien u is veilig terug
- Verwelkom ook die twee nuwe raadslede by ons.
 - Gaynore Cele – ACDP
 - Lincoln Stander – ANC
- Begin van die nuwe finansiële jaar en die MM en haar span is hard aan die werk om seker te maak dienste word gelewer aan ons inwoners.
- Nelson Mandela het gesê: ***It is in your hands to make of the world a better place.***
 - Verlede week het ons as 'n land, saam met baie ander lande in die wêreld, dit probeer doen ter nagedagtenis van die nalatenskap van Nelson Mandela gevier
 - Madiba sou op 18 Julie 100 jaar oud geword het.
 - Daarom het Stellenbosch Munisipaliteit saam met honderde organisasies en duisende mense wêreldwyd, 67 minute tyd geskenk aan mense en instansies wat dit nodig het.
 - Munisipaliteit se amptenare het verskeie projekte in samewerking met ander organisasies regoor die munisipaliteit aangepak.
 - Ek en die MM het gaan sop skep by 'n gemeenskap sopkombuis in Lanquedoc, saam met SALGA
 - Toebroodjies aan die sopkombuis geskenk
 - Municipal Employees also assisted with the following
 - The upgrading and maintenance of the Kabouterland Educare crèche in Groendal;
 - A blanket drive where employees donated blankets in the run-up to Mandela Day as well as on the day. The blankets were donated to local shelters;
 - The Establishment of community crèche in La Motte, Franschhoek;
 - The painting of the Little Builder's crèche in Cloetesville as well as the installation of herb garden;
 - A food drive for the Animal Welfare Society Stellenbosch where employees donated dog/cat food and other necessities;
 - The Stellenbosch Libraries had various projects .These included the knitting of blankets and crochets that will be distributed to a safe house in Ida's Valley, a writing competition encouraging schools in Jamestown to write about their heritage.

- Thank you to all our officials who took part and made a contribution to this day.
- Minister Dan Plato het onlangs 12 nuwe buurtwagte van die breër Stellenbosch gemeenskap geakkrediteer tydens 'n amptelike geleentheid.
 - Akkreditasie is belangrik want dit help om die buurtwagte te formaliseer en toe te rus met die nodige toerusting
 - Wanneer die buurtwag geakkrediteer word deur die Departement, ontvang hulle 'n amptelike sertifikaat as bewys en 'n loodspak wat glimbaadjies, flitse, fluitjies, mediese noodhulpkissies en noodligte vir 'n voertuie insluit.
 - Akkreditasie stel die buurtwag ook in staat om opleiding te ontvang vanaf die Departement of van die deelnemende vennote.
 - Buurtwagte is 'n belangrike skakel om ons veiligheidsnetwerk te verskerp en -dien werklik as oë en ore van hul gemeenskap.
 - Opregte dank aan inwoners wat deel vorm van buurtwagte! Julle maak 'n enorme verskil in julle gemeenskappe.
- In June we conducted our first ever housing summit.
 - The summit was geared towards gathering all the stakeholders who could possibly play a role in housing, including the agricultural sector and other private partners to talk about solutions for the housing challenge we face.
 - As a municipality, we realise that it is impossible to address the growing crisis of housing without the assistance of the private sector in particular.
 - Minister Madikizela and myself addressed the summit about the challenges we deal with every day and invited the private stakeholders to make suggestions
 - I am very satisfied that our first housing summit has shown the willingness of the private sector to actually work with local government in expediting housing delivery in a sustainable way.
- Op 9 Augustus herdenk en vier ons Nasionale Vrouedag
 - Regte en uitdagings wat vroue elke dag in die gesig staar het internasionaal baie aandag geniet die afgelope jaar
 - Dink aan die *Me Too*-beweging asook die *Time's Up*-beweging wat internasionaal baie aandag ontvang het en wat veral gefokus het op die seksuele teistering van vroue in die werkplek.
 - In Suid-Afrika staar baie vroue egter steeds huishoudelike geweld in die gesig.
 - Ons moet hierdie dag gebruik om die krag van ons vroue te vier,
 - Hul deursettingsvermoë en volharding help ons om gemeenskap te bou wat omgee.
 - Sien uit om saam met die vroue van Stellenbosch die besondere dag te vier.

Oprah Winfrey het gesê: *Think like a queen. A queen is not afraid to fail. Failure is another stepping stone to greatness.*

“Thank You.”

2.2	COMMUNICATION BY THE SPEAKER
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- The Acting Speaker welcomed the two new Councillors, Ms Cele and Mr Stander, that have recently joined Council, and she expressed condolences to Councillor Fredericks who lost her father and to Cllr Hamilton who lost his grandfather.
- The Acting Speaker congratulated all Councillors who celebrated and will celebrate their birthdays during July and August.

2.3	COMMUNICATION BY THE MUNICIPAL MANAGER
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The Municipal Manager commended the staff and Councillors of the Municipality for their enthusiastic support for the numerous events that will be taking place today throughout the municipal area in memory of Madiba.

3.	OFFICIAL NOTICES
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3.1	DISCLOSURE OF INTEREST
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NONE

3.2	APPLICATIONS FOR LEAVE OF ABSENCE	(3/4/1/6)
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- (1) The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

Cllr JG Hamilton	–	25 July 2018
Cllr DD Joubert	–	25 July 2018
Cllr N Mananga-Gugushe (Ms)	–	25 July 2018
Cllr P Sitshoti (Ms)	–	25 July 2018

- (2) Permission was granted to Councillor NE Mcombring (Ms) to join the meeting later (at 12:00) and for Councillor R du Toit (Ms) and Councillor FT Bangani-Menziwa (Ms) to leave the meeting earlier (13:00 and 15:00 respectively).

4.	CONFIRMATION OF MINUTES	(3/4/1/5)
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- 4.1 The minutes of the 17th Council meeting dated 2018-05-23 were **confirmed as correct.**

- 4.2 The minutes of a Special Council meeting were dated 2018-05-28 were **confirmed as correct.**

5.	STATUTORY MATTERS	(3/4/1/4)
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NONE

6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS COUNCIL MEETINGS
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ITEM	Pg.	INPUT	RESPONSE
<u>Cllr DA Hendrickse: 2016-11-23: Item 7.6.2:</u> Section 78 process for an external service delivery mechanism with regards to public transport.	5	Item is still on 30% after a year, why are the officials not implementing resolutions? Portfolio chairperson of Infrastructure must please report back to Council what is the current progress with regard to this.	MM will respond in writing.
<u>Cllr DA Hendrickse: 2018-03-28: Item 7.4.2:</u> Proposed Write-Off of irrecoverable debt of the Stellenbosch Golf Club	18	There is no indication of the progress with this matter; there is no feedback given to Council.	MM will respond in writing.
<u>Cllr DA Hendrickse: 2018-01-25: Item 12.1 QUO VADIS:</u> Millstream	21&22	Item is standing on 20%; When is this coming back to Council.	MM will respond in writing.
<u>Cllr DA Hendrickse: 2018-05-23: Items 7.5.2</u> Authorisation: Public Tender Process; and <u>Item 7.5.1</u> Proposed Renewal of Lease Agreement erf 52 Stellenbosch, Supergroup Dealership,	21&22	Items are standing on 20%; When is this coming back to Council after the advertisement was amended and placed for public comments; there is no feedback given to Council till now.	MM will respond in writing.
<u>Cllr F Adams: 2017-05-23: Item 10.5:</u> Motion DNCA: Ten Year Contract Request	23	There is still no response to the follow -up question with regard to why the letter not was included.	MM will respond in writing.

NOTED

the concerns raised and the feedback report on Outstanding Resolutions.

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

7.2	CORPORATE AND STRATEGIC SERVICES: (PC: CLLR E GROENEWALD (MS))
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7.2.1	ADOPTION OF COMMUNICATION POLICY
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Collaborator No: 589198/
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 18 and 25 July 2018

1. SUBJECT: ADOPTION OF COMMUNICATION POLICY

2. PURPOSE

To approve the Communication Policy.

3. DELEGATED AUTHORITY

Council approves policy.

4. EXECUTIVE SUMMARY

The item outlines the objectives and key intentions of the Communication Policy (**APPENDIX 1**). It further provides a summary of the Communication Policy's purpose and addresses financial, legislative and staff implications.

The Municipality has made steady improvements in its attempts to streamline and formalise its communications with residents, businesses and other stakeholders. Ensuring that the right messages reach the intended audiences on the most appropriate platforms is an on-going task, which we aim to execute successfully with the guidance of this policy.

The aim of this Policy is to ensure that all forms of communication takes place in a well-coordinated and professional manner. This will allow us to consistently design clear and uniform messages that are able to support the realisation of the Municipality's Strategic Objectives.

The Communication Policy seeks to ensure that the Stellenbosch Municipality acknowledges the importance of Communication as a strategic management function and a fundamental part of its daily functioning. The Policy will guide all communication efforts, ensuring that they are always aligned to our vision, mission and values. The new policy is a newly drafted policy and not a review of the current Policy.

The Policy will provide clear procedural direction for the Communication Department and streamline communication efforts. It furthermore aims to provide direction and guidance on how the Stellenbosch Municipality conducts both internal and external communication, to promote –

- an informed and empowered workforce;
- public participation and effective two-way communication between the Municipality and all external stakeholders; and
- the Stellenbosch Municipality brand as a whole.

The policy served at the Executive Mayoral Committee meeting in May 2018 and was referred to the portfolio committee for consideration and to make recommendations to the Executive Mayor before it is recommended to Council. The portfolio committee discussed the policy in June 2018 and recommended that the policy be approved as per the attached document.

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.2.1

RESOLVED (majority vote)

- (a) that the new Communication Policy be adopted; and
- (b) that the new policy replaces the Communication Strategy approved in June 2015.

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

Cllr F Adams; GN-Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); MD Oliphant; RS Nalumango (Ms); N Sinkinya (Ms) and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	STUART GROBBELAAR
POSITION	MANAGER: COMMUNICATIONS
DIRECTORATE	OFFICE OF THE MUNICIPAL MANAGER
CONTACT NUMBERS	X8172
E-MAIL ADDRESS	stuart.grobbelaar@stellenbosch.gov.za
REPORT DATE	10 May 2018

7.2.2	GUIDELINES ON FLEXI-TIME
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File No: 4/11/10/
 Collaborator No:
 IDP KPA Ref No: Good Governance
 Meeting Date: 18 and 25 July 2018

1. SUBJECT: GUIDELINES ON FLEXI-TIME

2. PURPOSE

To present the guidelines on Flexi-time that was consulted with the trade unions.

3. DELEGATED AUTHORITY

The Municipal Manager may approve flexi-time within the general framework (office hours) set by Council. The Municipal Manager, as the head of Administration, approves operational related matters.

4. EXECUTIVE SUMMARY

Council approved the office hours for the Municipality, and in line with the Collective Agreement on Conditions of Service approved by the SALGBC, employees must work a 40-hour work week except for uniform staff who has a separate arrangement. The current office hours for the Municipality is 08h00 - 16h30 with a 30 minute lunch break between 13h00 and 13h30. For operational reasons there is a need to alter the official hours, and the Municipal Manager can approve that in terms of Section 55 of the Municipal Systems Act, Section 32 of 2000 as amended. Guidelines on how to allow staff to work alternative hours to that of the approved office hours were consulted with the trade unions and is attached as **APPENDIX 1**. The Local Labour Forum approved the Guidelines and resolved that it be submitted to Council for noting.

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.2.2

RESOLVED (nem con)

that the Guidelines on Flexi-Time be noted.

NAME	Annalene de Beer
POSITION	<i>Director: Corporate and Strategic Services</i>
DIRECTORATE	<i>Corporate and Strategic Services</i>
CONTACT NUMBERS	021 808 8018
E-MAIL ADDRESS	Annalene.deBeer@ Stellenbosch.gov.za
REPORT DATE	21 November 2017

7.3	ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))
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7.3.1	THE AWARDING OF RIGHTS TO THE LOCAL ECONOMIC DEVELOPMENT HUBS
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Collaborator No: 593720
File number: 7/4/2/2/1 x 7/4/2/2/1
IDP KPA Ref No: 046
Meeting Date: 25 July 2018

1. SUBJECT: THE AWARDING OF RIGHTS TO THE LOCAL ECONOMIC DEVELOPMENT HUBS

2. PURPOSE

To request Council to adopt the recommendations on the awarding of leasing rights of the Local Economic Development Hubs to the successful applicants.

3. DELEGATED AUTHORITY

In terms of Section 14 of the Municipal Financial Management Act (MFMA), Regulation 34(1) of the of the Asset Transfer Regulation and the Systems of Delegations adopted by Council on 2015-06-01, the **Municipal Manager** has the powers to grant rights to use, control or manage a fixed capital asset up to an annual contract value not exceeding R 1 000 000.

4. EXECUTIVE SUMMARY

The item deals with the awarding of rights to lease the Local Economic Development Hubs as per approval granted by Council on 29 March 2017.

The Call for Proposals for the lease of the Local Economic Development Hubs were advertised and closed on 19 September 2017. A panel of six officials evaluated the proposals and the final report (**APPENDIX 1**) was recommended by the Municipal Manager for final adoption by Council.

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.3.1

RESLOVED (majority vote)

- (a) that Council adopts the recommendation to award the leases of the Local Economic Development Hubs to the entities that scored the highest points for each property, as follows:

Property	Applicant
1. The Old Clinic Building (Erven 6487 & 6488)	Ranyaka
2. Triangle Building (Erf 228)	Hugenote Fine Chocolates
3. Mooiwater Building (Erf 2253)	ABC Empowerment

(Profiles attached **Appendix 2**)

- (b) that once Council approves and awards the leasing rights to the highest scoring applicant, the Director Corporate Services be mandated to draft and sign lease agreements with the successful applicants;

-
- (c) that the contract must make provision for termination on non-performance in terms of the agreement;
- (d) that the contract be awarded for a period of 9 years and 11 months; and
- (e) that the awarding of rights of the Old Agricultural Hall to the Stellenbosch Craft Alive and Stellenbosch Trail Fund be awarded, conditional to the settlement of the outstanding legal dispute.

Councillor F Adams requested that it be minuted that he supports the item, with reservations.

FOR FURTHER DETAILS CONTACT:

NAME	Widmark Moses
POSITION	Manager: LED
DIRECTORATE	ECONOMIC DEVELOPMENT AND PLANNING
CONTACT NUMBERS	021 808 8974
E-MAIL ADDRESS	Widmark.moses@stellenbosch.gov.za
REPORT DATE	06 June 2018

7.3.2	DETERMINATION AND REDETERMINATION (TECHNICAL ALIGNMENT) OF MUNICIPAL BOUNDARIES IN TERMS OF SECTION 26 OF THE LOCAL GOVERNMENT: MUNICIPAL DEMARCATION ACT, 1998
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Collaborator No: 598063
IDP KPA Ref No:
Meeting Date: 18 and 25 July 2018

1. SUBJECT: DETERMINATION AND REDETERMINATION (TECHNICAL ALIGNMENT) OF MUNICIPAL BOUNDARIES IN TERMS OF SECTION 26 OF THE LOCAL GOVERNMENT: MUNICIPAL DEMARCATION ACT, 1998

2 PURPOSE

To inform Council of the amendments to the boundaries of Stellenbosch Municipality proposed by the Municipal Demarcation Board as contained in Circular 2/2018 (**ANNEXURE 1**).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Council of Stellenbosch Municipality met on 19 April 2018 (**ANNEXURE 2**) to respond to Circular 1/2018 (**ANNEXURE 3**) inviting Stellenbosch Municipality to submit comments on proposed boundary amendments. Following the above urgent meeting of Council, Stellenbosch Municipality's comments were submitted to the Municipal Demarcation Board (**ANNEXURE 4**).

No new proposed amendments to the boundary of Stellenbosch Municipality that were not contained in Circular 1/2018 and presented to Council on the above meeting of Council, are contained in Circular 2/2018. As it pertains to Stellenbosch Municipality Circular 2/2018 contains the refined list of proposed boundary realignments, having considered Stellenbosch Municipality's above input. Stellenbosch Municipality's inputs were dealt with as follows:

DEM Ref.	Stellenbosch Municipality's Response to Circular 1/2018 i.t.o Urgent Council Meeting: 2018-04-19	Circular 2/2018
DEM6309	Refused	Retained as in Circular 1/2018
DEM6324	Supported	Retained as in Circular 1/2018
DEM6325	Supported	Retained as in Circular 1/2018
DEM6329	Refused	Omitted
DEM6331	Supported	Retained as in Circular 1/2018
DEM6333	Supported	Retained as in Circular 1/2018
DEM6334	Supported	Retained as in Circular 1/2018
DEM6335	Supported	Retained as in Circular 1/2018
DEM6336	Supported	Retained as in Circular 1/2018
DEM6337	Refused	Omitted
DEM6338	Refused	Retained as in Circular 1/2018
DEM6339	Refused	Retained as in Circular 1/2018
DEM6340	Refused	Retained as in Circular 1/2018
DEM6341	Supported	Retained as in Circular 1/2018
DEM6342	Supported	Retained as in Circular 1/2018
DEM6343	Refused	Retained as in Circular 1/2018
DEM6350	Supported	Retained as in Circular 1/2018

All the proposals Stellenbosch Municipality supported during April 2018 have been retained in the Circular 2/2018. Two of the proposals that Stellenbosch Municipality refused (DEM6329 and 6337) were omitted from the Circular 2/2018. The remaining five (5) proposals Stellenbosch Municipality refused (DEM6309/ 6338/ 6339/ 6340/ 6343) have been retained as proposed realignments.

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.3.2

RESOLVED (majority vote)

that Council reaffirms its response to the proposed amendments to the boundaries of Stellenbosch Municipality as contained in Circular 1/2018 that has again been included in Circular 2/2018; and that the Municipal Demarcation Board be notified accordingly.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Schalk van der Merwe</i>
POSITION	<i>Environmental Planner</i>
DIRECTORATE	<i>Planning & Economic Development</i>
CONTACT NUMBERS	<i>021 808 8679</i>
E-MAIL ADDRESS	schalk.vandermerwe@stellenbosch.gov.za
REPORT DATE	<i>18 July 2018</i>

7.4	FINANCIAL SERVICES: (PC: CLLR S PETERS)
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7.4.1	NE INDUSTRIES (PTY) LTD – APPLICATION FOR COURT TO RE-REGISTER THE COMPANY AND TO DECLARE ITS PROPERTY, ERF 66 KAYAMANDI, AS NO LONGER BEING <i>BONA VACANTIA</i>
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Collaborator No: 593820
IDP KPA Ref No:
Meeting Date: 25 July 2018

1. SUBJECT: NE INDUSTRIES (PTY) LTD – APPLICATION FOR COURT TO RE-REGISTER THE COMPANY AND TO DECLARE ITS PROPERTY, ERF 66 KAYAMANDI, AS NO LONGER BEING *BONA VACANTIA*

2. PURPOSE

To request Council approval to make application to the Court for the company to be reinstated and the property to be declared executable for purposes of satisfying the debt.

3. DELEGATED AUTHORITY

Council to approve.

4. EXECUTIVE SUMMARY

NE industries (Pty) Ltd is the single, largest debtor on the municipality's debtor book. Outstanding debt amounts to R3 495 258.64 at time of writing this item. The company was de-registered by CIPC in 2010, and all normal debt collecting measures have therefore been ineffective.

The only recourse open to the municipality is to make application to a court for the company to be reinstated to enable the municipality to obtain a court order that the immovable property can become executable for purposes of satisfying the debt.

The reinstatement of the company will then enable the municipality to institute legal action against the debtor to obtain an order of attachment of the property on which rates and taxes are owed. The result will be that the immovable property, which is situated in Kayamandi, could be sold in execution. Should a suitable buyer not be found, the municipality can take ownership of the land by purchasing it for a nominal amount at the sale in execution. Council will be requested to write off the irrecoverable, outstanding debt to close the outstanding debt matter.

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.4.1

RESOLVED (majority vote)

that Council approves the institution of a court application to:

- (i) Reinstatement of NE Industries (Pty) Ltd in terms of Section 83(4) of the Companies Act;
- (ii) Declare the immovable property more fully described as Erf 66, Kayamandi, Stellenbosch, to be no longer *bona vacantia*;
- (iii) Request judgment to the amount of the outstanding debt of at least R3 495 258.64; and
- (iv) Declare the immovable property described as Erf 66, Kayamandi, Stellenbosch especially executable.

7.4.2	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MAY 2018
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Collaborator No: 594059
File No: 8/1
BUDGET KPA Ref No: Good Governance and Compliance
Meeting Date: 13 June 2018

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MAY 2018

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 4.36.2 of the Supply Chain Management Policy 2017/2018 to report the deviations and ratifications to Council.

3. DELEGATED AUTHORITY

Municipal Council.

4. RECOMMENDATION

That Council notes the deviations and ratifications as listed for May 2018.

5. DISCUSSION / CONTENTS

5.1 Background/ Legislative Framework

The regulation applicable is as follows:

GNR.868 of 30 May 2005: Municipal Supply Chain Management Regulations

Deviation from and ratification of minor breaches of, procurement processes

36. (1) A supply chain management policy may allow the accounting officer—

- (a) To **dispense with the official procurement processes** established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only—
 - (i) in an emergency;
 - (ii) if such goods or services are produced or available from a single provider only;
 - (iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile;
 - (iv) acquisition of animals for zoos; or
 - (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes; and

(b) to ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.

- (2) The accounting officer must record the reasons for any deviations in terms of sub regulation (1) (a) and (b) and **report them to the next meeting of the council**, or board of directors in the case of a municipal entity, and include as a note to the annual financial statements.

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.4.2

RESOLVED (nem con)

that Council notes the deviations and ratifications as listed for May 2018:

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 42/18	09/05/2018	JR Wendy & JOJO Vertical Water Tanks	Emergency procurement of 24 Wendy houses for the resettlement of Longlands families affected during a recent fire incident	Exceptional case and it is impractical or impossible to follow the official procurement process	A fire incident occurred at Longlands Emergency Housing Site on 05 May 2018 and raised 24 wooden structures to the ground.	R 314 200.00
D/SM 43/18	15/05/2018	Cornerstone Environmental Consultants	Continuation of appointment: Environmental officer for Kayamandi housing project	Exceptional case and it is impractical or impossible to follow the official procurement process	The Environmental Control Officer was appointed in 2015 when the project started to oversee the environmental compliance matters, for 187 units. The then appointed contractor for various reasons, could not complete the construction of all the units within the targeted time frames. A new contractor has been appointed to complete the last 20 units and therefore it will be impractical to appoint a different Environmental Control Officer that has no background and history of the project.	R 63 510.80

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 44/18	15/05/2018	Siyakhatala Safety	Continuation of appointment: Occupational health and safety officer Kayamandi housing project (20 units)	Exceptional case and it is impractical or impossible to follow the official procurement process	The Occupation Health and Safety Officer was appointed in 2015 when the project started to oversee the health and safety compliance matters, for 187 units. The then appointed contractor for various reasons, could not complete the construction of all the units within the targeted time frames. A new contractor has been appointed to complete the last 20 units and therefore it will be impractical to appoint a different OHS Officer that has no background and history of the project.	R 81 656.03
D/SM 46/18	29/05/2018	Absolute Ablution	Appointment of Absolute Ablution: Repairs of 2x Kayaloo units	Emergency as well as goods and services are procured from single provider	The prefabricated Kayaloos were developed and patented by Absolute Ablutions for specific use in the informal settlements.	R 188 680.00
D/SM 47/18	29/05/2018	Red Ants	Appointment of Red Ant Security to prevent invasion of municipal land	Emergency. Exceptional case and it is impractical or impossible to follow the official procurement process.	Evidence of illegal land invasion has necessitated the municipality to take immediate steps to address the occupying of municipality land in the Kayamandi and Langrug area.	R 433 550.00
D/SM 48/18	24/05/2018	Amabamba Fencing	Betaview Fencing - additional gates required B/SM 17/18	Exceptional case and it is impractical or impossible to follow the official procurement process.	It is impractical to appoint another service provider to install the gates when a service provider has been appointed for the installation of the fence and SCM also sourced additional quotations to ascertain whether it was cost effective and Amabamba was the cheapest.	R 55 825.00

The following ratifications were approved with the reasons as indicated below:

RATIFICATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
R/SM 11/18	08/05/2018	Tunitrim (PTY) LTD	Mechanical faults at the Primary Treatment Area of the Plant.	4.36.1(b) to ratify any minor breaches of the procurement processes	<p>The nature of the breach: is it simply technical in nature, not impacting significant way on the essential fairness, equity, transparency, competitiveness and cost effectiveness of the procurement process?</p> <p>On the 25th of December 2017 the Wemmershoek Waste Water Treatment Plant experienced mechanical faults at the Primary Treatment Area of the Plant, namely the Inlet Works. During a routine inspection the process controller observed that screen 1 was not operational. After further investigation it was found that the screen chain came off track from the bars and unable to function. Although the in-let screens works on a duty and standby setup, at high flow screens are required to operate. Insufficient screening at high flow will lead to water bypassing the screens and impact on final water quality. In order to get both screens operating as soon as possible an external service provider was contacted to resolve this matter. Due to the holiday season other service providers was contacted were reluctant to come and investigate and Tunitrim was the only service provider that responded. The whole screen had to be removed from its housing and stripped in order to do the necessary repairs once fixed it had to remounted back into the screen housing</p>	R17 527.50

7.4.3	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2018
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Collaborator No: **8/1**
 BUDGET KPA Ref No: **Good Governance and Compliance**
 Meeting Date: **18 July 2018**

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2018

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 4.36.2 of the Supply Chain Management Policy 2017/2018 to report the deviations and ratifications to Council.

3. DELEGATED AUTHORITY

Noted by Municipal Council.

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.4.3

RESOLVED (nem con)

that Council notes the deviations and ratifications as listed for June 2018:

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE (R)
D/SM 49/18	05/06/2018	Lupat General Trading (Pty) LTD	Ward 21: 7-A-Side Soccer Tournament	Emergency. Exceptional case and it is impractical or impossible to follow the official procurement process	Complaint received from ward councillor on Saturday, 02-06-2018 after 12 pm that food provision for the 300 participants in the seven-a-side soccer tournament was not sufficient as service provider only catered for 100. Due to it being a Saturday and the time pressure to provide food within short period, it was not possible to follow normal SCM processes by sourcing three quotations. The original sourcing of catering for 100 persons instead of 300 was due to departmental oversight. It should be noted that the per person cost of R45.00 was the result of a normal SCM procurement process	R 9 000.00

					and that it can be argued that the market was tested in that way. (See also additional quotations obtained as part of the process – Annexure 2). For this reason the municipality had to make a decision on the day to deviate from the normal SCM procedure.	
D/SM 50/18	06/06/2018	1.Split Second Science 2.The Amazing Magic of Regardt Laubscher	Holiday Programmes for 8 Stellenbosch Libraries	Exceptional case and it is impractical or impossible to follow the official procurement process	Professional presentation given by skilled artists to enhance the literacy skills of learners project.	1.R29 465.00 2.R12 000.00
D/SM 51/18	11/06/2018	Ontec Systems (Pty) LTD	Appointment of a service provider to supply, installation and management of STS compliant prepayment electricity vending	Exceptional case and it is impractical or impossible to follow the official procurement process	The procurement process to appoint a new service provider to render the service of supplying, installation and management of vending system is currently underway. The technical evaluation was submitted on the 1st June 2018 and the date is awaited for the BEC to convene. We are concerned that the process will not be concluded on time to have a service provider appointed and operational by 1 July 2018 hence our pro active approach.	R1 887 000
D/SM 52/18	11/06/2018	Livewire Engineering and Consulting (Pty) LTD	Appointment of a service provider to read meters remotely, via automated meter reading (AMR) system and manage metering services for large power users and small scale embedded generation consumers.	Exceptional case and it is impractical or impossible to follow the official procurement process.	The procurement process to appoint a new service provider to render the service of reading meters remotely and management of large power users is underway. The department is currently busy with the technical evaluation to be submitted to SCM before 11 June 2018. We are concerned that the process will not be concluded on time to have a service provider appointed and operational by 1 July 2018 and hence our proactive approach.	R135 000

D/SM 53/18	18/05/2018	Basson Blackburn Attorneys	Appointment of a service provider to obtain an urgent interdict against the illegal occupation of municipal land by community members of Kayamandi and Langrug, Groendal in Franschoek.	Exceptional case and it is impractical or impossible to follow the official procurement process.	Community members of Kayamandi attempted to illegally occupy municipal land in Enkanini, Kayamandi on 17 May 2018 and resorted to violence when the Municipal Law Enforcement officials demolished the illegal structure erected by them. There exists a real threat that the community members will only execute the illegal land invasion given that sites have already been prepared and around 80 (eighty) people were on the site (17 th) preparing to set up structures. Community members in Langrug and Groendal in Franschoek also attempted to illegally occupy municipal land without the approval of the municipality. The Municipality therefore need to appoint a service provider to get an urgent interdict to stop the invasions and allow the Municipality to break down illegal occupying structures.	R49 500.00
D/SM 54/18	01/06/2018	ATPlanning Town and Regional Planning Service t/a @Planning	Appointment of a professional consultant to process 2nd round of public comments on draft Stellenbosch integrated zoning scheme	Exceptional case and it is impractical or impossible to follow the official procurement process.	The proposed service was previously appointed, per tender B/SM 66/15 to compile the draft Integrated Zoning Scheme, now version 11.	Up to R268 755
D/SM 55/18	29/06/2018	- Bushactive cc - Capidek (Pty)Ltd - Bran –U Construction - The Construction Co - Paintmaster Kaap Edms Bpk - FK Maintenance	Extension on security contracts	Exceptional case and it is impractical or impossible to follow the official procurement process.	Tender 87/18 for “ <i>Rendering of security services for various areas within the WC024 municipal jurisdiction until 30 June 2021</i> ” has been advertised by SCM on 26 April 2018 with closing date 01 June 2018	Rates Estimate of R1,92 million

		Services - Take Note Trading 544cc J/V Vuyo Best Cutter (Pty)Ltd				
D/SM 56/18	29/06/2018	Leelyn Management	Parking Management	Exceptional case and it is impractical or impossible to follow the official procurement process.	The current agreement as per deviation is expiring on 30 June 2018. A new tender has not yet been advertised. Realising that it will be impractical / impossible for a successful bidder to immediately start with services as from 01 July 2018.	Rates Estimate of R1 million

The following ratification(s) were approved with the reasons as indicated below:

RATIFICATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
R/SM 12/18	29/06/2018	Basson Blackburn Attorneys	Legal action due to unauthorised building work (Erf 2419 Stellenbosch).	4.36.1(b) to ratify any minor breaches of the procurement processes	An urgent legal advice and a possible interdict were required to stop the unauthorised building work. It was not practical to follow the normal procurement process. The firm has been successful involved in similar matters.	R10 768.44

FOR FURTHER DETAILS CONTACT:

NAME	Marius Wüst
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Marius.wust@stellenbosch.gov.za
REPORT DATE	18 July 2018

7.4.4	AMENDMENT TO THE CURRENT CONTRACT OF HCB PROPERTY VALUATIONS FOR THE RENDERING OF ALL INTERIM VALUATIONS TILL THE END OF THE GENERAL VALUATION CYCLE PERIOD ENDING 30 JUNE 2021
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

18 July 2018

1. **SUBJECT: AMENDMENT TO THE CURRENT CONTRACT OF HCB PROPERTY VALUATIONS FOR THE RENDERING OF ALL INTERIM VALUATIONS TILL THE END OF THE GENERAL VALUATION CYCLE PERIOD ENDING 30 JUNE 2021**

2. **PURPOSE**

To provide feedback to Council that no objections or comments were received with regard to the MFMA S116(3) process that was followed with regards to Tender B/SM 68/15, and to obtain final Council approval to extend the contract to 30 June 2021.

3. **DELEGATED AUTHORITY**

Council to note.

4. **EXECUTIVE SUMMARY**

At a meeting held on 28 March 2018, Council approved that a MFMA S116(3) process be followed with regards to the appointment of HCB Property Valuations as the municipal valuer, and that the current contract be extended to 30 June 2021 after such process has been duly followed.

No comments or objections were received and Council is now requested to give final approval for the extension of the contract.

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.4.4

RESOLVED (majority vote)

that Council notes that a MFMA S116(3) process was followed and that no comments or objections were received.

Councillor F Adams requested that it be minuted that he objects to the extension of the contract of HCB Property Valuations.

FOR FURTHER DETAILS CONTACT:

NAME	<i>M Wüst</i>
POSITION	<i>Chief Financial Officer</i>
DIRECTORATE	<i>Finance</i>
CONTACT NUMBERS	<i>021 808 8528</i>
E-MAIL ADDRESS	Marius.wust@stellenbosch.org.za
REPORT DATE	

7.4.5	MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 31 MAY 2018, MFMA S116(2)(d) REPORT
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Collaborator No:

IDP KPA Ref No:

Meeting Date: 18 July 2018

1. SUBJECT: MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 31 MAY 2018, 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.

4. EXECUTIVE SUMMARY

The report indicates the performance of service providers who were active on contract secured by means of a competitive bidding process for the period 01 July 2017 to 31 May 2018.

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.4.5

RESOLVED (nem con)

that the Annual MFMA S116(2)(d) Report: Management of contracts or agreements and contractor performance from 01 July 2017 till 31 May 2018, **be noted**.

FOR FURTHER DETAILS CONTACT:

NAME	DALLEEL JACOBS
POSITION	HEAD: SCM
DIRECTORATE	FINANCE
CONTACT NUMBERS	
E-MAIL ADDRESS	DALLEEL.JACOBS@STELLENBOSCH.GOV.ZA
REPORT DATE	04 JULY 2018

7.4.6	MFMA SECTION 52 REPORTING UP TO JUNE 2018
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

18 July 2018

1. SUBJECT: MFMA SECTION 52 REPORTING UP TO JUNE 2018

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 4 of the 2017/18 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 and the financial state of affairs 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 state of affairs 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 April 2018 to 31 June 2018.

The Office of the CFO is currently, in terms of s126 (1)(a) of the MFMA, preparing the Annual Financial Statements for the financial period ended 30 June 2018. It is important to note that the information in this report are preliminary results and may not be an accurate reflection of the financial position of the municipality as same will materially be influenced by year-end journals and processes still to be finalised which will influence the financial position. The latter process alluded to will only be finalised by the end of August 2018.

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.4.6

RESOLVED (nem con)

that Council notes the Section 52 Report (including quarterly performance report) – Fourth Quarter.

7.4.7	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL REPORT FOR 2017/18
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File Ref: 8/1/3/3/2
 Collaborator No:
 IDP KPA Ref: Financial Sustainability (KFA 59: Supply Chain Management)
 Meeting Date: 18 July 2018

1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL REPORT FOR 2017/18

2. PURPOSE

To report to Council on the implementation of the SCM Policy.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

Section 6(2)(i) of the Municipal Supply Chain Regulations requires that a report on the implementation of the SCM Policy must serve at Council within 30 days of end of the financial year.

4. EXECUTIVE SUMMARY

The attached report contains the details of the implementation of the SCM Policy for 2017/18. (**APPENDIX 1**).

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.4.7

RESOLVED (nem con)

that Council takes note of the Annual SCM Report.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Dalleel Jacobs</i>
CONTACT NUMBERS	<i>021 808 8137</i>
E-MAIL ADDRESS	Dalleel.Jacobs@ Stellenbosch.gov.za
DIRECTORATE	<i>Financial Services</i>
REPORT DATE	<i>July 2018</i>

7.5	HUMAN SETTLEMENTS: (PC: CLLR PW BISCOMBE)
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7.5.1	PROPOSED CESSION OF LEASE AGREEMENT IN RELATION TO LEASE FARM 527A DR G.J.C NORVAL TO STELLENSIG (PTY) LTD
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

18 and 25 July 2018

1. **SUBJECT: PROPOSED CESSION OF LEASE AGREEMENT IN RELATION TO LEASE FARM 527A DR G.J.C NORVAL TO STELLENSIG (PTY) LTD**

2. **PURPOSE**

To obtain Council's approval for the ceding of the Lease Agreement in relation to Lease Farm 527A to Stellensig (Pty) Ltd.

3. **DELEGATED AUTHORITY**

In terms of item 537 of the approved System of Delegations (2015-06-24) the Executive Mayor has the delegated authority "*To consider applications of the cession, assignment or sub-lease of leases for a period in excess of 10 years*"*

*The remaining period of the lease is 25 years.

4. **EXECUTIVE SUMMARY**

Stellenbosch Municipality concluded a lease agreement with Dr. GJC Norval in January 1998. An application was received from the Lessee to assign the lease to a 3rd party.

In terms of clause 13 of the Lease Agreement, the Lessee is not allowed to cede, assign or sub-lease any of the land without the prior, written approval of the Lessor (Stellenbosch Municipality).

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.5.1

RESOLVED (nem con)

that the cession or sub-letting of the property right in relation to lease farm 527A DR G.J.C Norval, not be allowed.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	<i>Human Settlement & Property Management</i>
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@ Stellenbosch.gov.za
REPORT DATE	2018-07-12

7.5.2	PROPOSED EXCHANGE OF LAND: A PORTION OF REMAINDER FARM 387, STELLENBOSCH FOR A PORTION OF LEASE AREA 377A: VREDENHEIM (PTY) LTD
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

18 July 2018

1. **SUBJECT: PROPOSED EXCHANGE OF LAND: A PORTION OF REMAINDER FARM 387, STELLENBOSCH FOR A PORTION OF LEASE AREA 377A: VREDENHEIM (PTY) LTD**

2. **PURPOSE**

To obtain Council's in principle approval for the proposed exchange of land.

3. **DELEGATED AUTHORITY**

The Municipal Council must decide on the matter, as this involves the disposal of municipal land.

4. **EXECUTIVE SUMMARY**

On 2017-11-29 Council mandated the Municipal Manager to conclude an agreement with the owner(s) of Remainder Farm 387 (Vredenheim), with the view of securing an access servitude(s) or to purchase/exchange of land for this purpose and/or for additional housing. Following various discussions with Elzabé Bezuidenhout of Vredenheim, agreement was reached to exchange a portion of Farm 387, Stellenbosch (Vredenheim property) for a portion of Lease Area 377A (municipal land).

The agreement however was subject to a suspensive condition that the Stellenbosch Municipal Council must approve the disposal of the said portion of Lease Farm 377A in terms of Section 14 of the MFMA.

Council must now consider the proposed exchange of land.

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.5.2

RESOLVED (nem con)

that this item be withdrawn for further refinement.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Human Settlement & Property Management
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2018-05-07

7.5.3	PROPOSED CEDING OF LONG TERM LEASE AGREEMENTS: LEASE FARMS 502AX, AY AND BC: HELDERVALLEY FARMING ASSOCIATION
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

25 July 2018

1. SUBJECT: PROPOSED CEDING OF LONG TERM LEASE AGREEMENTS: LEASE FARMS 502AX, AY AND BC: HELDERVALLEY FARMING ASSOCIATION

2. PURPOSE

To obtain Council's approval for the ceding of 3 long term Lease Agreements to the Heldervalley Farming Association. Alternatively, that Council approve, in principle, that a new long-term lease be concluded with Heldervalley Farming Association.

3. DELEGATED AUTHORITY

In terms of the approved System of Delegation the Executive Mayor, in consultation with Mayco, has the delegated authority to consider the ceding of Lease Agreements (See delegation 537).

Should this application, however, be treated as a new agreement on a private treaty basis (i.e. not a ceding of rights), only Council can make the decision.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality concluded three (3) long-term Lease Agreements with HC Myburgh Boerdery on 1 April 1991.

During 2013 Mr Myburgh approached the Municipality with a written request to cede the lease agreements to the Heldervalley Farming Association.

Before a formal agreement in this regard could be reached, Mr Myburgh passed away. Although the ceding was never formalised, the Heldervalley Farming Association used the land for farming purposes as from 2008.

The Heldervalley Farming Association, through the Heldervalley Community Forum, has now requested that the matter be finalised.

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.5.3

RESOLVED (nem con)

that this item be withdrawn for further refinement.

FOR FURTHER DETAILS CONTACT:

NAME	PIET SMIT
POSITION	MANAGER: PROPERTY MANAGEMENT
DIRECTORATE	HUMAN SETTLEMENTS & PROPERTY MANAGEMENT
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@ Stellenbosch.gov.za
REPORT DATE	2018-05-31

7.5.4	PROPOSED RENEWAL OF VARIOUS LEASE AGREEMENTS
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Collaborator No:

IDP KPA Ref No:

Meeting Date: 18 July 2018

1. SUBJECT: PROPOSED RENEWAL OF VARIOUS LEASE AGREEMENTS

2. PURPOSE

To obtain Council's approval for the renewal of various Lease Agreements.

3. DELEGATED AUTHORITY

In terms of delegation 530 the Executive Mayor may *"grant a right to use, control or manager a fixed capital asset, up to an annual contract value not exceeding R5M, subject to compliance with Regulation 34(1) of the Asset Transfer Regulations"*.

In terms of paragraph 9.22 of the Property Management Policy however, only the Municipal Council may consider an application to dispense with the prescribed, competitive process. For this reason the Municipal Council must consider the matter under discussion.

4. EXECUTIVE SUMMARY

Various Lease Agreements terminated over the past few years, where the contracts did not allow for an automatic renewal. The Supply Chain Management Policy (at the time) also did not provide for the renewal of these agreements without following a tender process. For this reason the agreements were *"kept alive"* on a month-to-month basis.

The new Property Management Policy however, now allows for a process whereby Council can dispense with the prescribed, competitive process.

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.5.4

RESOLVED (nem con)

that this item be withdrawn for further refinement.

FOR FURTHER DETAILS CONTACT:

NAME	PIET SMIT
POSITION	MANAGER: PROPERTY MANAGEMENT
DIRECTORATE	HUMAN SETTLEMENTS & PROPERTY MANAGEMENT
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@ Stellenbosch.gov.za
REPORT DATE	2018-05-31

7.5.5	PROPOSED DISPOSAL OF A PORTION OF REMAINDER FARM 1653, PAARL (LA MOTTE) TO THE PROVINCIAL DEPARTMENT OF TRANSPORT AND PUBLIC WORKS FOR EDUCATIONAL PURPOSES
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Collaborator No:

IDP KPA Ref No:

Meeting Date: *18 July 2018*

1. SUBJECT: PROPOSED DISPOSAL OF A PORTION OF REMAINDER FARM 1653, PAARL (LA MOTTE) TO THE PROVINCIAL DEPARTMENT OF TRANSPORT AND PUBLIC WORKS FOR EDUCATIONAL PURPOSES

2. PURPOSE

To obtain Council's approval on the possible disposal of a portion of Remainder Farm 1653, Paarl (La Motte).

3. DELEGATED AUTHORITY

For decision by Municipal Council.

There are no delegations in place authorising the disposal of fixed capital assets in terms of Section 14 of the Municipal Finance Management Act. The municipal Council is therefore the decision-making authority.

4. EXECUTIVE SUMMARY

At a previous Council meeting Council approved, in principle, the disposal of a portion of land to the Provincial Department of Transport and Public Works for the purpose of building a new school.

This decision, however, was subject to:

- a) the property being transferred to Stellenbosch Municipality; and
- b) a feasibility study being completed.

Both these conditions have now been met, paving the way for Council to make a final decision in this regard.

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.5.5

RESOLVED (majority vote)

- (a) that a portion of Remainder Farm 1653, as identified in the Site Assessment Report, measuring approximately 1.8ha in extent (still to be determined), be identified as land not needed to provide the minimum level of basic municipal services;
- (b) that the market value, as determined by the independent valuer, be determined as R1 100 000.00 (excluding of VAT);
- (c) that approval be granted for the transfer of the property to the Provincial Department of Transport and Public Works, for the purpose of a school, at no cost (*gratis* transfer), taking into account the community value of the project, on condition:-

-
- i) that the Department be responsible for all cost related to the rezoning, subdivision and transfer, including, but not limited to survey and legal costs;
 - ii) that the Department be accountable for the upgrading of bulk infrastructure should the need arise, and for making a contribution toward the Bulk Infrastructure Fund, as per the approved tariff structure at the time of approval of the site development plan, and
 - iii) that the Department be responsible for all service connections at the prevailing rates;
- (d) that the Department be given occupancy of the land with immediate effect, to enable them to attend to the planning/building plan approvals; and
- (e) that the Municipal Manager be authorized to sign all documents necessary to effect transfer of the land.

Councillor DA Hendrickse requested that it be noted that, in his view, insufficient information on this item was submitted.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	<i>Human Settlement & Property Management</i>
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@ Stellenbosch.gov.za
REPORT DATE	2017-09-19

7.6	INFRASTRUCTURE: [CLLR J DE VILLIERS]
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7.6.1	UPDATE REPORT ON THE DROUGHT SITUATION AS WELL AS COSTING THEREOF
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Collaborator No:

File No:

BUDGET KPA Ref No:

Meeting Date:

Good Governance and Compliance

13 June 2018

1. SUBJECT: UPDATE REPORT ON THE DROUGHT SITUATION AS WELL AS COSTING THEREOF

2. PURPOSE

To provide Council with an update on the drought situation and the preparation of augmenting and the supply of water as well as the costing thereof.

3. EXECUTIVE SUMMARY

Stellenbosch Municipality found in May 2017 that if the water consumption level continues as in the past and if the same rainfall is experienced in the past year then the water supply to Stellenbosch would have been depleted in May 2018. In order to manage this risk Stellenbosch Municipality created a Drought Management Plan to augment the water supply such that Stellenbosch Municipality will be able to supply its inhabitants with water at Level 6B restrictions regardless of the state of surrounding dams.

Stellenbosch declared a local state of emergency in June 2017 which was overtaken by a State of Disaster declared by National Government on March 2018. Plans were made to ensure the sufficient supply of water as per the Bill of Human Rights of the Constitution.

An amount of R15 000 000 was transferred for the purpose of investigating and drilling of water as well as reducing leaks and controlling water demand. This amount was increased to R45 000 000 during the latter months in 2017 in order to appoint drilling contractors and plan for purification units. This amount was then enlarged to R67 000 000 during the budget adjustment process, in order to purchase the purification plants as well as the electricity supplies and pipe connections needed. The difference between R45 000 000 and R67 000 000 was made up moving funds within the budget and not the increase of the total budget.

All of the water augmentation plans have been successfully sourced and all purification plants have been placed on the various sites. Three of these sites are waiting on Eskom to finalise electricity connections and would be operational within the next month.

Stellenbosch has achieved the target of being able to supply water to its community with an alternate water source independent on the main Western Cape Dams, but at the current Level 6B water restrictions.

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.6.1**RESOLVED** (nem con)

- (a) that the report be noted;
- (b) that it be noted that approximately R67 100 000 will be spent on the 2017/18 budget;
- (c) that it be noted that a further approximate amount of R11 000 000 will be spent on the 2018/19 budget to finalise the borehole drilling project; and
- (d) that it be noted that the current Level 6B water restrictions will remain in place until sufficient water is available in dams to last until beyond the next winter.

FOR FURTHER DETAILS CONTACT:

NAME	Adriaan Kurtz
POSITION	<i>Project Manager</i>
DIRECTORATE	<i>Water Services/ Infrastructure</i>
CONTACT NUMBERS	<i>0829033123/021 808 8221</i>
E-MAIL ADDRESS	Project.water@stellenbosch.gov.za
REPORT DATE	<i>08 June 2018</i>

7.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: CLLR N JINDELA)
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NONE

7.8	PROTECTION SERVICES: [PC: CLLR Q SMIT]
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7.8.1	RESERVIST POLICY
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Collaborator No: **580486**
 IDP KPA Ref No: **Safest Valley**
 Meeting Date: **18 July 2018**

1. SUBJECT: RESERVIST POLICY

2. PURPOSE

To obtain Council's approval for the introduction of a Reservist Policy.

(ANNEXURE A) for the Fire Services.

3. DELEGATED AUTHORITY

For decision by Mayoral Committee and Council.

Legal framework:

Fire Services Act, Act 99 of 1987

Disaster Management Act, Act 57 of 2002

Disaster Amendment Act, Act 16 of 2015

4. EXECUTIVE SUMMARY

There is a great need for assistance for non-uniform members of society to assist the fire department in times of major incidents. The demand and requests to offer assistance through volunteering also often exceeds our expectations as the department are inundated with requests for voluntary/reservist work from people from all walks of life and with various skills and knowledge.

The establishment of a reserve force, consisting of professional emergency medical practitioners, trained fire fighters and other auxiliary personnel can be seen as an amicable alternative to the manpower shortages that are experienced from time to time, especially during major incidents. It could also assist in overcoming service delivery challenges faced associated with our vast the area of coverage and budget restrictions in terms of requesting (overtime) additional manpower.

The adoption of such policy will undoubtedly strengthen the department's hand in acquiring young energetic reservist; assist in the grooming and securing future professional fire fighters for Stellenbosch municipality and maintaining a state of readiness.

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.8.1**RESOLVED** (majority vote)

that the draft Reservist Policy be supported and same be re-submitted to Council for adoption.

FOR FURTHER DETAILS CONTACT:

NAME	Wayne Smith
POSITION	<i>Manager: Fire services and Disaster management</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	<i>Ext 8771</i>
E-MAIL ADDRESS	<i>wayne.smith@ Stellenbosch.gov.za</i>
REPORT DATE	<i>7 February 2018</i>

7.8.2	REVIEW OF ACCESS CONTROL AND INTERNAL SECURITY POLICY ON THE PROTECTION OF COUNCIL PROPERTY AND MUNICIPAL STAFF
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Collaborator No:

IDP KPA Ref No:

Safest Valley

Meeting Date:

18 July 2018

1. SUBJECT: REVIEW OF ACCESS CONTROL AND INTERNAL SECURITY POLICY ON THE PROTECTION OF COUNCIL PROPERTY AND MUNICIPAL STAFF

2. PURPOSE

To submit the reviewed Access Control and Internal Security Policy on the protection of Council property and Municipal staff to Council for approval.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The policy on Access Control and Internal Security on the protection of Council property and Municipal staff was approved by Council on 20 August 2014. The review of the policy is to remain abreast of changing environments and risks when it comes to safety.

The reviewed policy addresses certain shortcomings as suggested in clause 8.1 of the attached policy as it relates to safety and security during Council meetings.

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.8.2

RESOLVED (majority vote)

that Council approves the reviewed Policy on Access Control and Internal Security on the protection of Council property and Municipal staff.

FOR FURTHER DETAILS CONTACT:

NAME	GERALD ESAU
POSITION	<i>DIRECTOR COMMUNITY & PROTECTION SERVICES</i>
DIRECTORATE	<i>COMMUNITY & PROTECTION SERVICES</i>
CONTACT NUMBERS	<i>X8437</i>
E-MAIL ADDRESS	<i>Gerald.esau@ Stellenbosch.gov.za</i>
REPORT DATE	<i>15 March 2018</i>

7.8.3	APPLICATION FOR EVENT SUPPORT – SASOL SOLAR CHALLENGE
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Safest Valley

18 July 2018

1. SUBJECT: APPLICATION FOR EVENT SUPPORT – SASOL SOLAR CHALLENGE

2. PURPOSE

To obtain Council approval for event support to host the Sasol Solar Challenge during September 2018 in Stellenbosch.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The SA Sasol Solar Challenge (SSC) is an eclectic collaborative platform showcasing the advancement of solar technologies and their application demonstrated by academics, budding technological entrepreneurs and renewable energy enthusiasts.

Being SA's sixth bi-annual Solar Challenge and 10th year anniversary since the inaugural 2008 Challenge, the 2018 event will set new standards in both local and international Solar Challenge events.

The event traverses the South African countryside, departing from Tshwane/ Pretoria on the 22nd of September traveling through 14 towns/cities en route to the Challenge Finish line held for the first time in the historic town of Stellenbosch on the **29th September 2018**. This will be the official finish line of the event after which the awards ceremony will be held in Cape Town on the 30th September 2018.

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.8.3

RESOLVED (nem con)

that Council endorses the request for event support in terms of Council's Events Policy, and renders the service at no cost.

FOR FURTHER DETAILS CONTACT:

NAME	GERALD ESAU
POSITION	DIRECTOR COMMUNITY & PROTECTION SERVICES
DIRECTORATE	COMMUNITY & PROTECTION SERVICES
CONTACT NUMBERS	021 – 808 8437
E-MAIL ADDRESS	Gerald.esau@ Stellenbosch.gov.za
REPORT DATE	30 June 2018

7.9	YOUTH, SPORTS AND CULTURE: [PC: XL MDEMKA (MS)]
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NONE

7.10	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
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7.10.1	APPOINTMENT OF THE SELECTION PANEL IN THE RECRUITMENT AND SELECTION PROCESS: CHIEF FINANCIAL OFFICER
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

18 and 25 July 2018

1. SUBJECT: APPOINTMENT OF THE SELECTION PANEL IN THE RECRUITMENT AND SELECTION PROCESS: CHIEF FINANCIAL OFFICER

2. PURPOSE OF REPORT

To appoint a selection panel for the recruitment and selection process of the Chief Financial Officer.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The contract period of Mr Marius Wüst, Chief Financial Officer, comes to an end on 30 September 2018. The post has been advertised and closes on 16 July 2018. The Municipal Manager is in the process of appointing a consultant to assist with the recruitment and selection process. Council has to appoint a panel that must make recommendations for the appointment of a candidate for the vacancy that will arise when the contract of the CFO ends on 30 September 2018.

The selection panel must consist of at least 3 but not more than 5 people. The 3 people are prescribed by legislation and must be the Municipal Manager, chairperson or councillor responsible for the relevant portfolio, Finance in this instance, and a person who is not a councillor or a staff member and who has expertise in the area of the advertised post. The legislation, Section 12(4) of the Regulations on the appointment of Conditions of Employment of Senior Managers, is silent on who should be the other two members should council choose to have more than 3 members on the panel. It is recommended that Council appoint a three member panel as prescribed in Section 12(4).

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.10.1**RESOLVED** (nem con)

that Council approves the recruitment and selection panel consisting of the following persons:

- (i) Municipal Manager, Geraldine Mettler, who will chair the panel;
- (ii) Mayoral Committee member for the Finance Portfolio: Councillor Salie Peters; and
- (iii) An external person who is a financial expert, i.e. the Chief Financial Officer from a neighbouring municipality.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Municipal Manager</i>
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	mm@stellenbosch.gov.za
REPORT DATE	10 July 2018

7.10.2	APPOINTMENT OF ACTING MUNICIPAL MANAGER WHEN THE MUNICIPAL MANAGER IS NOT AVAILABLE
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

18 and 25 July 2018

1. SUBJECT: APPOINTMENT OF ACTING MUNICIPAL MANAGER WHEN THE MUNICIPAL MANAGER IS NOT AVAILABLE

2. PURPOSE

To approve the Directors who will act as the Municipal Manager when the Municipal Manager is not available.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

In 2012 Council approved a roster of Directors to act when the Municipal Manager is out of office (**APPENDIX 1**). In the meantime, some of the individuals have left and the new organisational structure was approved in October 2017. The new structure has now officially been implemented on an operational level after placements and the acting arrangements must be updated and reviewed. Section 56 (1) (a) of the Municipal Systems Act provides that the Municipal Council must appoint an acting Municipal Manager under certain circumstances and for a period as prescribed. Section 56 (1) (b) provides that such an acting person must at least have the skills, expertise, competencies and qualifications as prescribed. The prescription is attached as per **APPENDIX 2**.

It must be noted that the NQF levels changed since the publication of the minimum requirements and what was a NQF level 6 is now equivalent to a NQF level 7 which equates to at least a B degree. All the Directors had to adhere to this qualification when they were appointed, as NQF 7 has always been a requirement for them in terms of the regulations.

It can be anticipated that there will be occasions when the Municipal Manager will be away from office or not available due to a variety of reasons. An updated roster of acting arrangements is proposed as a pragmatic arrangement to manage this matter.

Council approved an acting allowance policy in terms of which no acting allowance is payable to Directors when they are acting as the Municipal Manager. A copy hereof is attached as **APPENDIX 3**. It is not clear on what basis Directors may not receive acting allowances, but the other employees are entitled to acting allowances when they act as Directors. Other municipalities pay their acting Municipal Managers an acting allowance. Given that it is expected of the Director to fulfil both functions at the same time it would be unfair that Directors take on the additional responsibility, which is the reason why an acting allowance is paid, without compensation.

18TH COUNCIL MEETING: 2018-07-25: ITEM 7.10.2

RESOLVED (nem con)

that this item be withdrawn and be referred back for further refinement.

8.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER
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8.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]
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8.1.1	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY TUNITRIM (PTY) LTD
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

17 July 2018

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY TUNITRIM (PTY) LTD

2. PURPOSE OF REPORT

To provide information regarding the expenditure incurred for investigation by MPAC and to be recommended to and considered by Council to ratify the expenditure in terms of Section 4.36.1a (i) of Stellenbosch Municipality Supply Chain Policy (2017/2018).

3. DELEGATED AUTHORITY

Council to ratify the expenditure as the specific nature of the breach is simply technical in nature, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness of the procurement process relating to the procurement of emergency repairs to inlet screen.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality makes use of mechanical and electrical service providers in instances where reactive maintenance or repairs could not be performed by the in-house maintenance team.

On 25th December 2017 the maintenance team was contacted by Wemmershoek Wastewater Treatment staff to attend to a faulty inlet screen. The Millwright who is the qualified mechanical/electrical staff member of the team, contacted service providers to assist with the necessary repairs in order to re-commission the equipment.

The service provider was instructed to do direct repairs due to the timeframe and urgency of the work that needed to be performed. The emergency repairs were completed on 26th December 2017 and in terms of the current policy a report had to be submitted within three days. Delays in submitting the required quotation resulted in the administrative requirements not been adhered to.

18TH COUNCIL MEETING: 2018-07-25: ITEM 8.1.1**RESOLVED** (majority vote)

- (a) that Council takes note of the circumstances as provided in the report, and approves the ratification of the expenditure to the amount of R17 527.70 (including VAT); and
- (b) that Council ratifies the expenditure in terms of Section 4.36.1a (i) of Stellenbosch Municipality Supply Chain Policy (2017/2018).

Councillor DA Hendrickse requested that his vote of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	Director: Infrastructure Services
DIRECTORATE	Infrastructure Services
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	Deon.louw@ Stellenbosch.gov.za
REPORT DATE	2018/03/13

8.2	OFFICE OF THE MUNICIPAL MANAGER
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8.2.1	2018/19 ELECTRICITY TARIFF ADJUSTMENT
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

25 July 2018

1. SUBJECT: 2018/19 ELECTRICITY TARIFF ADJUSTMENT

2. PURPOSE

To obtain Council's approval for the revised electricity tariffs as approved by NERSA as well as adopting a new agriculture tariff for the Pniel/Hollandsche Molen take over from Drakenstein Municipality

3. DELEGATED AUTHORITY

FOR APPROVAL BY MUNICIPAL COUNCIL

Section 24 of the Municipal Finance Management Act (Act No 56 of 2003) prescribes to municipalities the process for the approval of municipal tariffs, which is as follow:

(1) The municipal council must at least 30 days before the start of the budget year consider approval of the annual budget.

(2) An annual budget—

(c) must be approved together with the adoption of resolutions as may be necessary—

(ii) setting any municipal tariffs for the budget year;

4. EXECUTIVE SUMMARY

To inform Council that subsequent to the adoption of the proposed 2018/19 electricity tariffs in May 2018, NERSA approved a different set of tariffs. In respect of the licensing agreement the municipality has to comply with the decision of NERSA. Also to request Council to adopt a new tariff in order to cater for the farms that would form part of the Pniel/Hollandsche Molen take over from Drakenstein Municipality.

18TH COUNCIL MEETING: 2018-07-25: ITEM 8.2.1

RESOLVED (nem con)

that the electricity tariff structure as proposed by NERSA, be adopted.

8.2.2	ELECTION OF AN ACTING SPEAKER IN TERMS OF SECTION 41 OF THE LOCAL GOVERNMENT STRUCTURES ACT, ACT 117 OF 1998
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Collaborator No:

IDP KPA Ref No:

Meeting Date: 25 July 2018

1. SUBJECT: ELECTION OF AN ACTING SPEAKER IN TERMS OF SECTION 41 OF THE LOCAL GOVERNMENT STRUCTURES ACT, ACT 117 OF 1998

2. PURPOSE

To elect an acting Speaker in terms of Section 41 of the Local Government Municipal Structures Act, No 117 of 1998.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Council elects a Speaker in terms of Section 36 of the Local Government Municipal Structures Act, no 117 of 1998, and Section 41 of the Act further provides for the election of an Acting Speaker if the Speaker is absent or not available to perform the functions of the Speaker or during a vacancy.

The Speaker elected at the first meeting of Council, Councillor Donovan Joubert, resigned as Speaker from 25 July 2018. The letter sent to the Municipal Manager dated 23 July 2018, is attached as **Appendix A**. There is therefore a vacancy amongst the office bearers and Council must either elect an acting Speaker in terms of Section 41 or elect a new Speaker in terms of Section 36 (fill the vacancy).

Section 36 that provides for the process to elect a Speaker for Council does not refer to the election an acting speaker. The provisions in Section 36 are therefore not used when an acting speaker is elected, but applicable to the permanent filling of a vacancy. Council may elect an acting Speaker only to chair a specific meeting or for a period until the vacancy of the Speaker is filled for the duration of the term of Council.

18TH COUNCIL MEETING: 2018-07-25: ITEM 8.2.2

[In view of the vacancy occasioned by the resignation of the Speaker, Cllr DD Joubert, the Municipal Manager, who chaired the opening segment of this meeting, requested that this item on the election of an acting Speaker be dealt with as first business on the agenda. The Municipal Manager called for nominations; the two nominations received were for Cllr RS Nalumango (Ms) and Cllr WC Petersen (Ms). By majority vote Cllr WC Petersen was appointed as Acting Speaker for this meeting].

RESOLVED (majority vote)

that Councillor WC Petersen (Ms) be appointed as the Acting Speaker for this meeting.

8.2.3	REPLACEMENT OF DA REPRESENTATIVE ON THE DISTRICT LOCAL COUNCIL (CAPE WINELANDS DISTRICT COUNCIL) IN TERMS OF SECTION 27(e) OF THE LOCAL GOVERNMENT STRUCTURES ACT, NO 117 OF 1998
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Collaborator No:

IDP KPA Ref No:

Meeting Date: 25 July 2018

1. **SUBJECT: REPLACEMENT OF DA REPRESENTATIVE ON THE DISTRICT LOCAL COUNCIL (CAPE WINELANDS DISTRICT COUNCIL) IN TERMS OF SECTION 27(e) OF THE LOCAL GOVERNMENT STRUCTURES ACT, NO 117 OF 1998.**

2. **PURPOSE**

To inform Council that the DA replaced one of the representatives on the Cape Winelands District Council in terms of Section 27(e) of the Local Government Municipal Structures Act, No 117 of 1998.

3. **DELEGATED AUTHORITY**

Council

4. **EXECUTIVE SUMMARY**

The District Council consists of directly elected councillors in terms of Section 23 (1)(a) of the Structures Act and Councillors appointed in terms of Section 23(1)(b) of the Act. Stellenbosch Municipality has 5 representatives in terms of Section 23(1)(b) on the Cape Winelands District Municipality. The 5 (five) councillors are 3 DA, 1 EEF and 1 ANC councillor. Section 27(e) provides that a councillor on the District Council, *inter alia*, ceases to be a member of the District Council if such councillor was appointed to the district council by the local council and the local council replaces the councillor as its representative in the district council.

The Municipal Manager received a letter from the DA, dated 24 July 2018, indicating that the DA wishes to replace Councillor N S Louw with Councillor DD Joubert as one of the three (3) DA representatives from Stellenbosch Municipality on the Cape Winelands District Council. The letter is attached as **APPENDIX A**.

18TH COUNCIL MEETING: 2018-07-25: ITEM 8.2.3

RESOLVED (nem con)

- (a) that Council takes note that Councillor DD Joubert will replace Councillor NS Louw in terms of Section 27(e) of the Local Government Structures Act, Act 117 of 1998, as one of the four DA councillors to represent Stellenbosch Municipality on the Cape Winelands District Council; and
- (b) that the replacement will be effective from 25 July 2018.

9.	MATTERS FOR NOTIFICATION
9.1	REPORT BY THE EXECUTIVE MAYOR
9.1.1	REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 24 MAY 2018

File No.: 10/5/33
 Collaborator No:
 IDP KPA Ref No: N/A
 Meeting Date: 2018-07-25

1. PURPOSE OF THE REPORT

To inform Council of the Mayor – Rector Forum meeting held on 24 May 2018.

2. BACKGROUND

The forum was established to collaborate and share information and research on main areas of agreement regarding the challenges facing Stellenbosch and the possible solutions.

The following concerns were discussed: 24 May 2018

- Feedback regarding Meulsloot
- Feedback from the sub-committees
- Housing Summit
- Planned summit on addressing Street People
- Water restrictions
- Parking and traffic concerns
- Safety awareness
- Combined events calendar
- Research
- Contingency plans wrt the water crisis

The next meeting will be on 13 August 2018 at Stellenbosch Municipality.

3. LEGISLATIVE FRAMEWORK

None

4. FINANCIAL IMPLICATIONS

None

18TH COUNCIL MEETING: 2018-07-25: ITEM 9.1.1

NOTED

that the Report on the Mayor-Rector Forum will be submitted at the next Council meeting.

9.2	REPORT BY THE SPEAKER
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NONE

9.3	REPORT BY THE MUNICIPAL MANAGER
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9.3.1	DECISIONS TAKEN IN TERMS OF DELEGATED AUTHORITY: MUNICIPAL MANAGER AND SECTION 57 MANAGERS: MARCH 2018 – JUNE 2018
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Collaborator No: 3/5/1/2
IDP KPA Ref No: Good governance and Compliance
Meeting Date: July 2018

1. DECISIONS TAKEN IN TERMS OF DELEGATED AUTHORITY: MUNICIPAL MANAGER AND SECTION 57 MANAGERS: MARCH 2018 – JUNE 2018

2. PURPOSE OF REPORT

To report to Council on the decisions taken by the Municipal Manager and Directors in terms of Council's System of Delegations for the period March 2018 until June 2018, 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

To report to Council on the decisions taken by the Municipal Manager and Directors in terms of Council's System of Delegations for the period March 2018 until June 2018, in compliance with Section 63 of the Local Government: Municipal Systems Act read in conjunction with the System of Delegations as approved by Council.

18TH COUNCIL MEETING: 2018-07-25: ITEM 9.3.1

NOTED

the delegated decisions taken by the Municipal Manager and the S57 Managers for the period March 2018 – June 2018.

9.3.2	FINAL GRANT ALLOCATIONS AS DETERMINED BY THE GRANTS COMMITTEE
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1. PURPOSE

For Council to note the final grant allocations as determined by the Grants Committee for applications received from entities/external bodies performing a municipal function.

2. DELEGATED AUTHORITY

Grant Committee

In terms of section 7(2) "the Grant Committee will have the power to make final appointments and financial allocations" and in terms of section 7(3) "the Grant Committee must submit a report on its decisions to the Council".

3. EXECUTIVE SUMMARY

The item deals with the notification of Council on the allocation of funds to organisations who applied for funding in terms of the Policy for The Funding of External Bodies Performing a Municipal Function. In terms of the above policy the Grant Committee has the power to make final appointments and financial allocations and then must submit a report on its decisions to the Council.

18TH COUNCIL MEETING: 2018-07-25: ITEM 9.3.2

NOTED

the final allocations and recommendations made by the Grants Committee as contained in the minutes (**APPENDIX A**) of the Grants Committee meeting held on 2018-06-27.

FOR FURTHER DETAILS CONTACT:

NAME	Widmark Moses
POSITION	MANAGER: LED & TOURISM
DIRECTORATE	PLANNING AND ECONOMIC DEVELOPMENT
CONTACT NUMBERS	
E-MAIL ADDRESS	
REPORT DATE	13 June 2018

9.3.3	REPORTING ON THE RELIEF AND CHARITABLE FUND (MAYORAL FUND) 2017/2018
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

25 July 2018

1. REPORTING ON THE RELIEF AND CHARITABLE FUND (MAYORAL FUND) – 2017/2018

2. PURPOSE

The Executive Mayor receives on a regular basis requests 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 requests fall outside the ambit of the policy.

It is thus along these lines that a mechanism was put in place that could address these deserving relief and / or charitable cases. In this regard a “Relief and / or Charitable Fund” was established for this purpose.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The fund was established during 2017. The purpose of the item is to provide feedback on the donations that have been paid out to applicants in line with the Guidelines approved by Council.

The Municipal Manager must report to Council in respect of the status of the “Fund” including amounts withdrawn, and the names and amounts of the beneficiaries. Any donation(s) received must also be reported.

A Mayoral Golf Day was held at Stellenbosch Golf Club, and a donation of R100 000, 00 was received towards the fund.

On 12 April 2018, a Mayoral Golf Day was again held at the Stellenbosch Golf Club and R75 000, 00 was pledged towards the fund.

List of funds paid out 2017/2018:

BENEFICIARY (2017)	AMOUNT DONATED	PURPOSE
E. Paulse November 2017	R 5000. 00	INAS World Swimming Championship, Mexico (27/11/17 – 4/12/17)
F. Philander September 2017	R 2330. 00	Sport tour to Gauteng (29/9/17 - 9/10/17)
L. Benting July 2017	R 2500. 00	INAS Tri-Nations Cricket, England (7/7/17 – 24/7/17)

BENEFICIARY (2018)	AMOUNT DONATED	PURPOSE
Ikapa United FC March 2018	R10 000, 00 (R 2000, 00 per athlete)	Dallas International Girls Cup, (20/3/18 – 1/4/18)
Jeremy's Driving School March 2018	R 4890, 00	Youth Initiative, Klapmuts (driving lessons)
Kayamandi High School March 2018	R 5000, 00	Student exchange programme with Adamstown Community College, Dublin
Sincede Sinako Funeral Services January 2018	R 5000, 00	Transportation costs towards funeral (dam drowning in Kayamandi)
De Vries Begrafnisdienste March 2018	R 8500, 00	Assistance with funeral arrangements for Klapmuts fire victims

18TH COUNCIL MEETING: 2018-07-25: ITEM 9.3.3**NOTED**

the income and expenditure of the Charitable and Relief Fund (Mayoral Fund) for 2017/2018.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Municipal Manager</i>
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	mm@stellenbosch.gov.za
REPORT DATE	July 2018

9.3.4	PERFORMANCE AGREEMENT 2018 – MUNICIPAL MANAGER
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Collaborator No:

IDP KPA Ref No:

Date:

Good Governance and Compliance

25 July 2018

1. PERFORMANCE AGREEMENT 2018 – MUNICIPAL MANAGER

2. PURPOSE

That Council take note of:

- a) the Performance Agreement as concluded between the Municipal Manager and the Executive Mayor
- b) the Performance Plans, Competency Frameworks and Personal Development Plans of the respective Section 56 Managers.

3. DELEGATED AUTHORITY

According to Section 57(2) of the Local Government: Municipal Systems Act, the the performance agreement must:

“(a) be concluded within a reasonable time after a person has been appointed as the municipal manager or as a manager directly accountable to the municipal manager and thereafter within one month after the beginning of the financial year of the municipality”.

4. EXECUTIVE SUMMARY

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

- (1) *comply with the provisions of Section 57(1)(b),(4A),(46) and (5) of the Act as well as the employment contract entered into between the parties;*
- (2) *specify objectives and targets defined and agreed with the employee and to communicate to the employee the employer’s expectations of the employee’s performance and accountabilities in alignment with the Integrated Development Plan, Service Delivery and Budget Implementation Plan (SDBIP) and the Budget of the municipality;*
- (3) *specify accountabilities as set out in a performance plan, which forms an annexure to the performance agreement;*
- (4) *monitor and measure performance against set targeted outputs;*
- (5) *use the performance agreement as the basis for assessing whether the employee has met the performance expectations applicable to his or her job;*
- (6) *in the event of outstanding performance, to appropriately reward the employee; and*
- (7) *give effect to the employer’s commitment to a performance-orientated relationship with its employee in attaining equitable and improved service delivery.”*

18TH COUNCIL MEETING: 2018-07-25: ITEM 9.3.4**NOTED**

- (a) the Performance Agreement including the Performance Plan, Competency Framework and Personal Development Plan for Geraldine Mettler – Municipal Manager of Stellenbosch Municipality (**APPENDIX 1**); and
- (b) that the Performance Agreements, Performance Plans, Competency Frameworks and Personal Development Plans will be placed on the Municipal Website as legislated.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Shireen de Visser</i>
POSITION	<i>Senior Manager: Governance</i>
DIRECTORATE	<i>Municipal Manager</i>
CONTACT NUMBERS	<i>021 808 8035</i>
E-MAIL ADDRESS	<i>Shireen.devisser@stellenbosch.gov.za</i>
REPORT DATE	<i>18 May 2018</i>

10.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
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10.1	MOTION 1 BY COUNCILLOR WC PETERSEN (MS): SECUNDI – SALGA WOMEN’S COMMISSION
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18TH COUNCIL MEETING: 2018-07-25: ITEM 10.1

After the duly seconded Motion was motivated, the acting Speaker allowed debate on the matter.

The matter was put to the vote, yielding a result of 26 for and 6 against the Motion.

RESOLVED (majority vote)

that Councillor XL Mdemka (Ms) serves as secundi on the SALGA Women’s Commission.

Meeting:	18 th Council meeting: 2018-07-25	Submitted by Directorate:	Office of the Municipal Manager
Ref No:	3/4/1/4	Author:	Municipal Manager: (Ms G Mettler)
Collab:		Referred from:	

10.2	QUESTION 1 BY COUNCILLOR F ADAMS: A LIST AND BREAKDOWN OF ALL MUNICIPAL LAND LEASES THAT EXPIRED
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It was noted that Councillor Adams was satisfied with the written response from the Executive Mayor; and that he had no follow-up questions.

Meeting:	18 th Council meeting: 2018-07-25	Submitted by Directorate:	Office of the Municipal Manager
Ref No:	3/4/1/4	Author:	Municipal Manager: (Ms G Mettler)
Collab:		Referred from:	

11.	CONSIDERATION OF URGENT MOTIONS
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NONE

12.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

13.	CONSIDERATION OF REPORTS
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13.1	REPORTS SUBMITTED BY THE SPEAKER
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NONE

13.2	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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13.2.1	APPOINTMENT OF COUNCILLORS TO SERVE ON EXTERNAL BODIES
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File No.: 10/5/33
 Collaborator No:
 IDP KPA Ref No: N/A
 Meeting Date: 2018-07-25

1. PURPOSE OF REPORT

For Council to consider the appointment of a Representative to the University Stellenbosch (US) Institutional Forum (IF).

2. BACKGROUND

The request for the nomination of a Representative to the University Stellenbosch (US) Institutional Forum (IF) was received on 1 June 2018 [see **APPENDIX 1**].

Delegation 12 read as follows:

“To appoint or nominate Councillors and/or officials to represent Council on outside bodies/public bodies -

EM - Insofar as it relates to Councillors.

MM - Insofar as it relates to officials”

18TH COUNCIL MEETING: 2018-07-25: ITEM 13.2.1

RESOLVED (majority vote)

that Council approves the appointment of Councillor Salie Peters to serve on the University of Stellenbosch Institutional Forum.

14.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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SEE PINK DOCUMENTATION

The meeting adjourned at 17:25.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**