



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2018-08-22

MINUTES

19TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2018-08-22 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
19TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2018-08-22
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MINUTES OF THE 19TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2018-08-22 AT 10:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH

PRESENT The Acting Speaker, Cllr Q Smit [Chairperson]
The Executive Mayor, Ald G Van Deventer (Ms) (until 12:20)
The Deputy Executive Mayor, Cllr N Jindela

ALDERWOMAN JP Serdyn (Ms)

COUNCILLORS

F Adams	LK Horsband (Ms)
FJ Badenhorst	MC Johnson
GN Bakubaku-Vos (Ms)	DD Joubert
PW Biscombe	C Manuel
G Cele (Ms)	NE Mcombring (Ms)
PR Crawley (Ms)	XL Mdemka (Ms)
JN De Villiers	N Olayi
MB De Wet	MD Oliphant
R Du Toit (Ms)	SA Peters
AR Frazenburg	MM Pietersen
E Fredericks (Ms)	SR Schäfer
E Groenewald (Ms)	N Sinkinya (Ms)
JG Hamilton	P Sitshoti (Ms) (until 12:00)
AJ Hanekom	LL Stander
DA Hendrickse (until 12:00)	E Vermeulen (Ms)
JK Hendriks	

Officials:

- Municipal Manager (Ms G Mettler)
- Chief Financial Officer (M Wüst)
- Director: Community and Protection Services (G Esau)
- Director: Corporate Services (Ms A De Beer)
- Director: Economic Development and Planning (T Mfeya)
- Director: Infrastructure Services (D Louw)
- Senior Manager: Governance (Ms S De Visser)
- Manager: Communications (S Grobbelaar)
- Manager: Secretariat/Committee Services (EJ Potts)
- Senior Administration Officer (T Samuels (Ms))
- Committee Clerk (N Mbali (Ms))
- Interpreter (J Tyatyeka)

1.	OPENING AND WELCOME
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The Municipal Manager, Ms G Mettler, welcomed all present at the 19th Council meeting. She notified Council that the Speaker, Cllr WC Petersen (Ms) submitted an apology for leave of absence. In terms of Section 41 of the Structures Act, an Acting Speaker must be elected for the duration of the meeting.

In line with Rule 5.1.1 of Council's Rules of Order By-Law, the Municipal Manager called for nominations for an Acting Speaker. Cllr PW Biscoombe nominated Cllr Q Smit and Cllr F Adams nominated Cllr DD Joubert, but he (Cllr DD Joubert) declined. There were no other nominations, and Cllr Q Smit was duly elected as the Acting Speaker for the duration of the meeting.

The elected Acting Speaker, Cllr Q Smit, took the chair and presided over the meeting.

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

- Start off by saying Eid Mubarak to all our Muslim residents, councillors and officials who are celebrating Eid ul Adha. May this be a time of blessing, peace and happiness.
- Gemeenskap die afgelope twee weke geruk deur dood van jongmense in ons gemeenskap deur selfmoord asook deur bendegeweld.
- Hierdie gebeure raak nie net enkele inwoners in ons gemeenskap nie, maar het 'n impak op ons almal.
- Namens die Raad, ons innige medelye aan die familie en vriende van die oorledenes.
- It has been reported this week that our average dam levels are now at 53% in the Western Cape versus last year's 30%.
- This is fantastic news, and we are hoping for more rain in the coming weeks.
- Level 6B restrictions will however remain in place.
- As proclaimed in the Government Gazette, water restrictions will not be lifted until the dam levels reach 85%.
- Every resident must therefore continue to save water every day!
- Every drop counts!
- As you know, our town was recently shaken by illegal land occupation and protests.

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- A meeting between the Municipality, representatives of the Kayamandi community, the South African Human Rights Commission, the South African Police Service (SAPS) and the Sheriff of the Court took place on Monday, 13 August where an agreement was reached on the way forward.
 - All stakeholders resolved that differences must be set aside to find a way forward to the illegal occupation of the piece of private land. As a result of this agreement, the Municipality can continue service delivery to the residents of Kayamandi.
 - I have also talked with the business owners affected by illegal looting
 - I am asking all parties to please cooperate with us as we continue to go forward and working together to find a solution.
 - We continue to talk and engage with stakeholders as the situation develops.
 - Hawelose en straatmense bly 'n kommerwekkende tendens.
 - Hierdie mense is weerloos en kan maklik slagoffers word van misdaad.
 - Hulle word ook maklik betrek by misdaad.
 - Om suksesvolle oplossings te vind om hierdie mense te help en die sosiale probleme wat daarmee gepaard gaan aan te spreek, beplan ons 'n beraad aan die einde van die maand.
 - Ons nooi alle rolspelers uit om by ons aan te sluit op 30 Augustus, sodat ons hierdie mense kan help en oplossings kan vind om die maatskaplike probleme aan te spreek.
 - Groepe of individue wat belangstel, kan Michelle Aalbers kontak vir meer inligting.
 - Vanaf 1 tot 7 September vier ons weer Boomplantweek.
 - Die algemene boom van die jaar vir 2018 is die Geelhoutboom.
 - Die rare boom vir hierdie jaar is die Witgatboom of Shepard's Tree, soos hy in Engels bekend staan.
 - Wil inwoners aanmoedig om bome te plant. Bome is deel van Stellenbosch se identiteit.
 - Ons werk slimmer met ons bome en fokus op inheemse bome wat meer geskik is vir ons klimaat en gebruik waar nodig, gryswater om ons bome nat te lei.
 - You would have seen the posters for Casual Day on 7 September
 - This is a national fundraiser for people with disabilities and takes place annually.
 - The theme for this year is Everyday Super Heroes (Like teachers, policemen, firemen ect).
 - I want to encourage all councillors, officials and residents to please buy a sticker at any of the participating outlets and support the charity
 - All the funds go to help people with disabilities.

- Stickers are available at various offices in the municipality (including my own) as well as at shops display the Casual Day sign.
- Wear your sticker on Casual Day and dress up like your favourite everyday superhero.
- Vrouemaand is amper verby maar ek hoop u het almal Vrouedag en Maand gevier.
- Vrouedag is 'n herdenking van die 1956 optog deur vroue na die Uniegebou, in protes teen die paswette van die apartheidsregering.
- Amerikaanse skrywer, RS Grey het die volgende van die krag van vroue gesê: She believed she could, so she did.
- Gedurende die vele Vrouedagviering, het ek weereens besef hoe ver ons al gekom het, maar ook hoe ver ons nog moet gaan.
- Ek wil tog al ons vroue aanmoedig om op te staan en hul stem te verhef teen enige diskriminasie wat hul mag ervaar. Ons het 'n verantwoordelikheid om rolmodelle te wees vir ons dogters en die vroue van more.

“Thank You.”

2.2	COMMUNICATION BY THE SPEAKER
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- The Acting Speaker congratulated all Councillors who celebrated and will celebrate their birthdays during August.
- An All Wards Councillors' Committee Meeting will be held on 2018-08-30 in the Council Chamber at 10:00. It is imperative for Ward Councillors to attend this meeting.
- Additional Item 8.2.2 ROLL-OVER ADJUSTMENTS BUDGET FOR 2018/2019, will be dealt with after item 7.4.1 on the Agenda to cluster items together.

2.3	COMMUNICATION BY THE MUNICIPAL MANAGER
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- On behalf of the Administration, the Municipal Manager wished all the Muslim citizens, staff members and Councillors a blessed Eid Mubarak.
- She wished all women a happy Women's Month and read a quote: “Still I'll Rise” by the Poet, Maya Angelou, encouraging all women to rise and take up their role in society.
- The Municipal Manager urged Councillors to ensure that they are registered for SASRIA. Forms in this regard were distributed to Councillors present for completion.
- Stellenbosch Municipality spent 100% of the MIG funding.

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 FT Bangani-Menziwa (Ms)	–	22 August 2018
Cllr A Crombie (Ms)	–	22 August 2018
Cllr A Florence	–	22 August 2018
Cllr NS Louw	–	22 August 2018
Cllr Mananga-Gugushe (Ms)	–	22 August 2018
Cllr RS Nalumango (Ms)	–	22 August 2018
Cllr WC Petersen (Ms) (Speaker)	–	22 August 2018
Cllr WF Pietersen	–	22 August 2018

- (2) Permission was granted to the Executive Mayor, Ald G Van Deventer and Councillor P Sitshoti (Ms) to leave the meeting earlier (at 12:00 and 12:20 respectively).

4.	CONFIRMATION OF MINUTES	(3/4/1/5)
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- 4.1 The minutes of the 18th Council meeting dated 2018-07-25 were **confirmed as correct.**

- 4.1 The minutes of an Urgent Council meeting dated 2018-07-30 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	MM'S RESPONSE
<u>CLLR F ADAMS</u>		Expressed his dissatisfaction with unresolved issues. Referred to the 2 outstanding follow-up questions in the minutes of the 17 th Council meeting dated 2018-05-23 on which the MM never responded.	Cllrs should note that the report on Outstanding Resolutions is in fact a written response to the issues raised by Councillors.
<u>CLLR N JINDELA</u>		Raised his concern with the slow process flow of items or no timeframes on when targets will be reached.	If the municipality is dependent on other departments for feedback on queries, this process might take long, because some departments do not respond. Hence the delay in finalizing matters.
<u>CLLR DA HENDRICKSE</u>		Raised his concerns with regard to items that disappear from the list without it being dealt with 100% completed, i.e. (i) the disposal of various sites in Kayamandi through a tender process ±2 yrs ago; (ii) Why is Item 7.5.5 that dealt with the disposal of a portion of remainder Farm 1653, Paarl La Motte that served at Council on 2018-07-25, not listed in the outstanding resolutions? Why is there no report on this? Also raised a concern that no responses are given on follow-up questions? These responses should be given in writing for record purposes.	Councillors should note that the report on Outstanding Resolutions is in fact a written response to the issues raised by Councillors.
<u>CLLR F ADAMS</u> <u>12th Council: 2017-09-27: Item 7.3.2</u> Identifying of municipal agricultural land for implementation of farmer production support unit (FPSU)	10	What is the current status of the draft MOU from National Department of Rural Development & Land Reform?	MM will respond in due course.
<u>14th Council: 2017-11-29: Item 7.5.3</u> Various issues: Vlottenburg Housing Projects: Way Forward	14	What was the motivation/reason for changing/ withdrawal from the old agreement?	MM will respond in due course.
<u>18th Council: 2018-07-25: Item 7.3.1</u> The awarding of rights to the Local Economic Development Hubs	22/ 23	How will the information of the successful bidders be made available to Councillors?	MM will respond in due course.
<u>CLLR DA HENDRICKSE</u> <u>8th Council: 2017-04-26: Item 7.3.1</u> The Future Use and Maintenance of Council Heritage Buildings	6	Why is this item still on 30% resolved after more than 1 year? What is the explanation?	MM will respond in due course.
<u>12th Council: 2017-09-27: Item 7.5.2</u> Future of the Ex-Kleine Libertas Theatre	12	Why did this matter not serve before MPAC to inform them that plans were drawn up without following due process and a new specification was applied for as recorded on Agenda?	MM will respond in due course.

<p>CLLR DA HENDRICKSE 14th Council: 2017-11-29: item 7.5.3 Various issues: Vlotenburg Housing Projects: Way Forward</p> <p>16th Council: 2018-03-28: Item 7.5.1 Proposed exchange of land a portion of Farm 183 (Closed Street) for a portion of Farm 183/7: Woodmill Development Project.</p> <p>17th Council: 2018-05-23: Item 7.5.1 Proposed renewal of lease agreement: Erf 52 Stellenbosch, Supergroup Dealership</p> <p>18th Council: 2018-07-25: Item 7.5.2 Proposed exchange of land: Portion of Remainder Farm 387, Stellenbosch for portion of Lease 377A: Vredenheim (Pty) Ltd</p>	<p>14</p> <p>20</p> <p>22</p> <p>24</p>	<p>This item was withdrawn to allow the Admin to prepare an updated item, but why is the previous Council resolution being ignored?</p> <p>Did Council consider the municipal valuation when they disposed of the land?</p> <p>This matter was raised in the previous Council dated 2018-07-25. When will the amendment notice be published? No timeline.</p> <p>The 18th Council Resolution reads that this item be withdrawn for further refinement. Why was a new offer given?</p>	<p>MM will respond in due course.</p> <p>MM will respond in due course.</p> <p>MM will respond in due course.</p> <p>Council gave the MM the authority to either enter into an agreement for the purchase or for an exchange. The initial agreement was for an exchange, MM decided to put in an offer for a purchase. This is in line with the Council resolution.</p>
<p>CLLR N SINKINYA (MS) 14th Council: 2017-11-29: Item 7.5.2 Development of Zone O and the housing allocation criteria for the phase 2B and 2C (277 sites, Watergang, Kayamandi</p>	<p>13</p>	<p>What is the plan for the development of Zone O?</p>	<p>The meeting of 2018-08-20 was postponed on the request of the beneficiaries. The meeting was postponed until a date in September 2018.</p>

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	POSSIBLE DISPOSAL OF A PORTION OF PORTION 15 OF FARM 292 (NOW KNOWN AS ERF 16489), STELLENBOSCH
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Collaborator No: 600950
IDP KPA Ref No:
Meeting Date: 08 August 2018

1. SUBJECT: POSSIBLE DISPOSAL OF A PORTION OF PORTION 15 OF FARM 292 (NOW KNOWN AS ERF 16489), STELLENBOSCH

2. PURPOSE

To obtain Council's approval for the possible disposal of a portion of Portion 15 of Farm 292, Stellenbosch, for educational purposes.

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL.

The Municipal Council must decide on the disposal of Municipal Land in terms of the Asset Transfer Regulations.

4. EXECUTIVE SUMMARY

Rhenish Girls High School is utilising a portion of Portion 15 of Farm 292 (Public Street) for a hockey field in terms of a Lease Agreement. The Provincial Department of Transport and Public Works has now requested that the subject property be transferred to them for educational purposes.

19TH COUNCIL MEETING: 2018-08-22: ITEM 7.2.1**RESOLVED** (majority vote)

- (a) that the portion of Portion 15 of Farm 292, measuring approximately 9080m², as indicated as ABCD in Fig 3, be identified as land not needed for the provision of the minimum level of basic municipal services and to be surplus to the requirements of the Municipality, as required by regulation 20 (f) (i) of the Asset Transfer Regulations;
- (b) that the property be transferred to the Provincial Government of the Western Cape at no cost, seeing that no compensation was paid (historical cost) when the property was transferred to Stellenbosch Municipality by the Provincial Government (vesting transfer) and taking into account the community benefit (gain) should the property be developed as envisaged, as provided for in regulation 20 (f) (ii) of the Asset Transfer Regulation, subject to the following conditions:
- (i) that the property only be used for educational purposes;
 - (ii) that the Provincial Government of the Western Cape be responsible for the subdivision and rezoning of the land to educational purposes, at their cost;
 - (iii) that the area as depicted on **APPENDIX E** as parking area, be developed as a public parking area;
 - (iv) that, should the proposed development require any upgrading to existing bulk infrastructure, that such upgrading be for the account of the Provincial Government, at the then applicable tariffs;
 - (v) that no potable water be used to fill or top-up any of the (to be constructed) swimming pools, and that the school must use its existing ground-water source for this purpose.
- (c) that Council's intention to dispose of the property at no charge to the Provincial Government of the Western Cape for educational purposes, be advertised for public comment/inputs/objections; and
- (d) that, any comments/inputs/objections be considered by Council before making a final decision.

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

Cllr F Adams; GN Bakubaku-Vos (Ms); DA Hendrickse; LK Horsband (Ms); MD Oliphant; N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.Smit@stellenbosch.gov.za
REPORT DATE	2018-08-10

7.3	ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))
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7.3.1	STELLENBOSCH MUNICIPALITY AIR QUALITY BY-LAW
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Collaborator No: 600749
IDP KPA Ref No:
Meeting Date: 08 August 2018

1. SUBJECT: STELLENBOSCH MUNICIPALITY AIR QUALITY BY-LAW

2. PURPOSE

The Stellenbosch Municipality Air Quality By-Law (June 2018) (**ANNEXURE A**) has been prepared to give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa, 1996, by controlling air pollution within the area of the municipality's jurisdiction as well as to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied. Following a process of public participation the purpose of this item is to request Council to adopt the attached By-law.

3. DELEGATED AUTHORITY

(FOR DECISION BY MUNICIPAL COUNCIL AND EXECUTIVE MANAGEMENT)

There is no clear delegation in the current System of Delegations dated 2015/05/01 for this item. Stellenbosch Municipality has, however, defined obligations as contained in the National Environmental Management: Air Quality Act, 39 of 2004, to:

- a) Compile an Air Quality Management Plan (AQMP)
- b) Designate an Air Quality Officer (AQO)
- c) Report on the implementation of the AQMP

In terms of the Constitution of the Republic of South Africa, 1996, Section 156, a municipality has executive authority in respect of, and has the right to administer -

- i. local government matters listed in Part B of Schedule 4 and Part B of Schedule 5; and
- ii. any other matter assigned to it by national or provincial legislation.

Schedule 4, Part B, referred to above include air pollution.

4. EXECUTIVE SUMMARY

The Stellenbosch Municipality Air Quality By-Law (June 2018) has been prepared to give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa, 1996 by controlling air pollution within the area of the municipality's jurisdiction as well as to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied.

The need for the proposed By-law (regulatory framework) has been identified in the Air Quality Management Plan (2013) of Stellenbosch Municipality.

The Draft Stellenbosch Municipality Air Quality By-Law was advertised in the Eikestad News on the 26th of April 2018, inviting written comment by 31 May 2018. In addition hard copies of the above document were made available at the advice centers in both Stellenbosch and Franschhoek as well as libraries in both Stellenbosch and Franschhoek.

Apart from requests to provide clarity on some aspects of the above proposed By-law, no comment on the content or proposed amendments to the document was received.

Following the above process of public participation the above document is now brought to Council for adoption as the Stellenbosch Municipality Air Quality By-Law.

19TH COUNCIL MEETING: 2018-08-22: ITEM 7.3.1

RESOLVED (majority vote with 1 abstention)

that Council approves the Draft Stellenbosch Municipality Air Quality By-Law (June 2018) and adopts it as the Stellenbosch Municipality Air Quality By-Law.

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Environmental Planner
DIRECTORATE	Planning & Economic Development
CONTACT NUMBERS	021 808 8679
E-MAIL ADDRESS	schalk.vandermerwe@stellenbosch.gov.za
REPORT DATE	08 August 2018

7.3.2	STELLENBOSCH MUNICIPALITY NOISE CONTROL POLICY
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Collaborator No: 600752
IDP KPA Ref No:
Meeting Date: 08 August 2018

1. **SUBJECT: STELLENBOSCH MUNICIPALITY NOISE CONTROL POLICY**
2. **PURPOSE**

The Stellenbosch Municipality Noise Control Policy (July 2018) (**ANNEXURE A**) relating to the implementation of the Provincial Noise Control Regulations PN 200/2013 has been prepared. Following a process of public participation the purpose of this item is to request Council to adopt the attached policy.

3. **DELEGATED AUTHORITY**

(FOR DECISION BY MUNICIPAL COUNCIL AND EXECUTIVE MANAGEMENT)

There is no clear delegation in the current System of Delegations dated 2015/05/01. However, Section C (e) Environmental Management, of the above System of Delegations, Item 392, makes provision for certain aspects (Noise Impact Assessments and Exemptions) as contained in the Provincial Cape Noise Control Regulations.

4. **EXECUTIVE SUMMARY**

The Stellenbosch Municipality Noise Control Policy (July 2018) has been prepared to regulate the internal implementation of the Provincial Noise Control Regulations PN 200/2013.

The need for such a policy is borne from the fact that various municipal departments deal with different aspects of noise control. The Policy will clearly direct all relevant departments as to its function in dealing with the issue of noise and noise complaints.

19TH COUNCIL MEETING: 2018-08-22: ITEM 7.3.2

RESOLVED (majority vote with 1 abstention)

that Council approves the Draft Stellenbosch Municipality Noise Control Policy (July 2018) and adopts it as the Stellenbosch Municipality Noise Control Policy.

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	<i>schalk.vandermerwe@stellenbosch.gov.za</i>
REPORT DATE	<i>08 August 2018</i>

7.4	FINANCIAL SERVICES: (PC: CLLR S PETERS)
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7.4.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2018
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Collaborator No: 600958
 File No: 8/1
 BUDGET KPA Ref No: Good Governance and Compliance
 Meeting Date: 08 August 2018

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 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.

19TH COUNCIL MEETING: 2018-08-22: ITEM 7.4.1

NOTED

the deviations as listed below for the month of July 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 01/19	11/07/2018	Aberdare Cables	Low voltage cable feeders to the MTN/Municipality tower on Papegaaiberg	1.Emergency 5.Exceptional case and it is impractical or impossible to follow the official procurement process	Due to the urgency of the supply having to be restored in the shortest period to time, This was an emergency as the tower hosts all the cellular networks as well as the Stellenbosch Municipality's IT networks.	R198 324.00 (VAT EXCL.)
D/SM 02/19	13/07/2018	Xaba Engineering & Consulting	Consultant: 332 Temporal housing units	5.Exceptional case and it is impractical or impossible to follow the official procurement process	Xaba Engineering & Consulting were appointed as Consultant for the Construction of 332 Temporal Housing Units at the Temporary Relocation Area (TRA) at Watergang, Kayamandi The scope increased and it would be impractical and not cost effective to appoint a new Engineer.	R120 647.40 (VAT EXCL.)
D/SM 03/19	25/07/2018	Avalo Technology Group	Pniel Highsite Failure	1.Emergency	The Stellenbosch Municipality ICT wireless network failed at the Pniel Highsite, Johannesburg Reservoir as a result of the theft and burglary.	R61 584.00 (VAT EXCL.)

7.5	INFRASTRUCTURE: [CLLR J DE VILLIERS]
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NONE

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

7.7	PROTECTION SERVICES: [PC: CLLR Q SMIT]
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NONE

7.8	YOUTH, SPORTS AND CULTURE: [PC: XL MDEMKA (MS)]
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7.8.1	APPLICATION OF LOTTO FUNDING RECEIVED
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Collaborator No: 596157
IDP KPA Ref No:
Meeting Date: 08 August 2018

1. **SUBJECT: APPLICATION OF LOTTO FUNDING RECEIVED**

2. **PURPOSE**

To inform Council about the distribution of the Lotto funding that was received via a successful application to the Lotto Board.

3. **DELEGATED AUTHORITY**

FOR INFORMATION TO THE EXECUTIVE MAYOR AND COUNCIL

4. **EXECUTIVE SUMMARY**

To provide feedback on the upgrades and purchasing of the LOTTO funding.

19TH COUNCIL MEETING: 2018-08-22: ITEM 7.8.1

NOTED

the upgrades completed and the sporting equipment purchased.

FOR FURTHER DETAILS CONTACT:

NAME	Garth Abrahams
POSITION	<i>Head: Sport and Facilities</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	<i>021 808 8162</i>
E-MAIL ADDRESS	<i>Garth.abrahams@stellenbosch.gov.za</i>
REPORT DATE	<i>07 May 2018</i>

7.9	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
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7.9.1	REVISED STRATEGIC RISK REGISTER 2018/19 FINANCIAL YEAR WITH RISK APPETITE
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Collaborator No: 600831
IDP KPA Ref No: All Strategic Objectives
Meeting Date: 08 August 2018

1. SUBJECT: REVISED STRATEGIC RISK REGISTER 2018/19 FINANCIAL YEAR WITH RISK APPETITE

2. PURPOSE

To submit the Revised Strategic Risk Register for the 2018/19 financial year for approval by the Council to establish the inherent risk exposure and risk appetite for Stellenbosch Municipality.

3. DELEGATED AUTHORITY

For approval by Council.

4. EXECUTIVE SUMMARY

Corporate Governance best practice as well the Municipal Finance Management Act (MFMA), Act 56 of 2013, requires municipalities to have an effective risk management mechanism to stay abreast of prevalent risks and to determine the risk appetite. Inherent risk exposure means impact in relation to likelihood of a risk occurring. Risk appetite means the amount (level) of risk a municipality is willing to accept. Municipalities are required to formally assess risk annually to determine the risk appetite and decide on the appropriate risk appetite for the municipality. To ensure effectiveness, a municipality must focus its attention and resources on the areas of most significant risk and concern to stakeholders. The risk assessment process is therefore a fundamental element of the risk management process.

The principal aims of the risk assessments process are to:

- Identify the risks threatening the achievement of the IDP's objectives of each directorate;
- Assess the key risks facing the directorate; and
- Identify the processes / functions / directorates / persons which the municipality and top management rely upon to manage the identified risks.
- Align the mentioned process with processes as established by provincial and national government as communicated to the municipality.

The Strategic Risks as well as the operational risks that were identified, discussed in detail by senior management on 26 June at the Risk Management Committee, and further workshopped on 10 July 2018 to finalise and approve the municipal strategic risk appetite. In terms of the COSO Integrated Framework (National Treasury Enterprise Risk Management Framework), defines risk appetite as the amount of risk an organisation is broadly willing to accept in pursuit of value. Risk appetite guides resource allocation and assists in aligning the organisation, people and processes.

The inherent risk exposure was calculated at 15, which is considered as moderate. A score of 9 to 15 is considered moderate. The risk appetite Stellenbosch is willing to accept is 12. This means the current risk exposure needs to be actively managed to reduce the acceptance level.

19TH COUNCIL MEETING: 2018-08-22: ITEM 7.9.1

RESOLVED (majority vote)

that Council approves the Strategic Risk Register and the Risk Appetite as mutually agreed to by the senior management of the municipality.

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

Cllrs F Adams and LK Horsband (Ms).

FOR FURTHER DETAILS CONTACT:

NAME	Helena Priem
POSITION	Chief Risk Officer
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 – 808 8157
E-MAIL ADDRESS	Helena.priem@stellenbosch.gov.za
REPORT DATE	14 August 2018

7.9.2	IDP/BUDGET/SDF PROCESS PLAN (TIME SCHEDULE) TO GUIDE THE PLANNING, DRAFTING, ADOPTION AND SECOND REVIEW OF THE FOURTH GENERATION INTEGRATED DEVELOPMENT PLAN FOR 2017/18 – 2021/22
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Collaborator No: 600874
 IDP KPA Ref No: All Strategic Objectives
 Meeting Date: 08 August 2018

1. SUBJECT: IDP/BUDGET/SDF PROCESS PLAN (TIME SCHEDULE) TO GUIDE THE PLANNING, DRAFTING, ADOPTION AND SECOND REVIEW OF THE FOURTH GENERATION INTEGRATED DEVELOPMENT PLAN FOR 2017/18 – 2021/22

2. PURPOSE

To table the following to Council for consideration: The Time Schedule of key deadlines for the Integrated Development Plan (IDP), Budget and Spatial Development Framework (SDF) processes. The Time Schedule guides the planning, drafting and adoption of the IDP (2017/18 – 2021/22).

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL.

4. EXECUTIVE SUMMARY

Section 21 (1) of the Municipal Finance Management Act states that the Mayor of the Municipality must-

- (b) *at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for-*
- (i) *the preparation, tabling and approval of the annual budget;*
 - (ii) *the annual review of –*
 - aa) *the integrated development plan in terms of section 34 of the Municipal Systems Act; and*
 - bb) *the budget related policies.*
 - (iii) *the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and*
 - (iv) *any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).*

The IDP Process Plan is compiled in terms of Sections 28 and 29 of the Municipal Systems Act, No 32 of 2000.

Section 28 specifies that:

“(1) Each municipal council must adopt a process set out in writing to guide the planning, drafting, adoption and review of its IDP.

(2) The municipality must through appropriate mechanisms, processes and procedures established in terms of Chapter 4, consult the local community before adopting the process.

(3) A municipality must give notice to the local community of particulars of the process it intends to follow.”

Section 29(1) further requires that:

The process “must—

- (a) be in accordance with a predetermined programme specifying timeframes for the different steps;*
- (b) through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for –*
 - (i) The local community to be consulted on its development needs and priorities;*
 - (ii) The local community to participate in the drafting of the integrated development plan; and*
 - (iii) Organs of state, including traditional authorities, and other role players to be identified and consulted on the drafting of the integrated development plan.*
- (c) provide for the identification of all plans and planning requirements binding on the municipality in terms of national and provincial legislation; and*
- (d) be consistent with any other matters that may be prescribed by regulation.*

(2) A district municipality must-

- (a) plan integrated development for the area of the district municipality as a whole but in close consultation with the local municipalities in that area;*
- (b) align its integrated development plan with the framework adopted in terms of section 27; and*
- (c) draft its integrated development plan, taking into account the integrated development processes of, and proposals submitted to it by the local municipalities in that area.*

(3) A local municipality must-

- (a) align its integrated development plan with the framework adopted in terms of section 27; and*
- (b) draft its integrated development plan, taking into account the integrated development processes of and proposals submitted to it by the district municipality.”*

19TH COUNCIL MEETING: 2018-08-22: ITEM 7.9.2

RESOLVED (majority vote with abstentions)

- (a) that Council notes and adopts the IDP, Budget and SDF Time Schedule of key deadlines to guide the planning, drafting, adoption and review of the Stellenbosch Second Revision of the Fourth Generation Integrated Development Plan (2017/18 – 2021/22) ; and
- (b) that the Time Schedule be placed on the official website of the municipality, municipal notice boards and libraries, notifying the public of the planned process.

FOR FURTHER DETAILS CONTACT

NAME	Takeema Salie
POSITION	Manager IDP/PM/IGR
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 808 8171
E-MAIL ADDRESS	Takeema.Salie@Stellenbosch.gov.za
REPORT DATE	8 and 22 August 2018

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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NONE

8.2	OFFICE OF THE MUNICIPAL MANAGER
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8.2.1	MILLSTREAM CORRIDOR: PROGRESS REPORT
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Collaborator No: 602799
File No: 17/13/2
IDP KPA Ref No: Good Governance and compliance
Meeting Date: 22 August 2018

1. SUBJECT: MILLSTREAM CORRIDOR: PROGRESS REPORT

2. PURPOSE

To provide Council with a progress report in regard to the Millstream Corridor.

3. DELEGATED AUTHORITY

FOR INFORMATION

4. EXECUTIVE SUMMARY

Council considered a report in regard to the future of the Millstream Corridor on 28 March 2018.

Council resolved as follows on that occasion:

“RESOLVED (majority vote)

- (a) that Stellenbosch Municipality commences with a public participation process, requesting the public to give their input on the future use of Erf 1771, in particular what the public would like to see with regard to the use thereof;*
- (b) that the Municipality obtains a legal opinion on its rights and obligations in terms of Erf 1771, if and when it is deemed necessary; and*
- (c) that the Municipal Manager be authorised to submit a plan on the best public use and aesthetics, and if necessary, to appoint a specialist(s) to assist in this regard.”*

A notice was published in a local newspaper, soliciting inputs from the public and affected parties.

A number of comments/inputs were received and will be provided to Council as part of the report that will include the proposals on "*a plan on the best public use and aesthetics*".

Administration was requested by the Municipal Manager to appoint a specialist to advise her, as per the council resolution. A legal opinion must however first be obtained in regard to the rights of the Municipality and possible rights of land owners as that would influence any proposal on the plan. Both these processes are in process, taking into account the following aspects:

- The historical context;
- Inputs received as a consequence of the notice;
- Practical/functional issues;
- Security issues; and
- Aesthetics

The Department is in the process of appointing such person(s).

19TH COUNCIL MEETING: 2018-08-22: ITEM 7.9.2

The Municipal Manager made a commitment that a finalised report will be submitted at the next Council meeting. Cllr F Adams requested that the report (with recommendations) by September and Associates also be submitted to Council.

NOTED

the Millstream Corridor: Progress Report.

FOR FURTHER DETAILS CONTACT:

NAME	PIET SMIT
POSITION	MANAGER: PROPERTY MANAGEMENT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	PIET.SMIT@STELLENBOSCH.GOV.ZA
REPORT DATE	2018-08-16

8.2.2	ROLL-OVER ADJUSTMENTS BUDGET FOR 2018/2019
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Collaborator No: 602797
File No: 5/1/1/2018-2019
BUDGET KPA Ref No: Good Governance and Compliance
Meeting Date: 22 August 2018

1. SUBJECT: ROLL-OVER ADJUSTMENTS BUDGET 2018/2019

2. PURPOSE

To present the Roll-over Adjustments Budget for the 2018/2019 financial year to Council for approval.

3. DELEGATED AUTHORITY

FOR APPROVAL BY MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

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

19TH COUNCIL MEETING: 2018-08-22: ITEM 8.2.2

After 3 warnings during debate on the matter, the Acting Speaker ordered Cllr DA Hendrickse to recuse himself from the Chamber (at 12:00), for violating Rule 28 of the Rules of Order By-law.

RESOLVED (majority vote)

- (a) that the Adjustments Budget for 2018/2019 as set out in **APPENDIX 2**, be approved;
- (b) that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 3**, be approved; and
- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly, inclusive of the non-financial information (performance measurement).

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

Councillors F Adams and LK Horsband (Ms).

FOR FURTHER DETAILS CONTACT:

NAME	KEVIN CAROLUS
POSITION	MANAGER: BUDGET OFFICE
DIRECTORATE	FINANCIAL SERVICES
CONTACT NUMBERS	021 808 8509
E-MAIL ADDRESS	kevin.carolus@stellenbosch.gov.za
REPORT DATE	2018-08-16

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

Collaborator No:
 File No: 10/5/33
 IDP KPA Ref No: Good Governance
 Meeting Date: 22 August 2018

1. SUBJECT: REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 24 MAY 2018

2. PURPOSE

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

3. DELEGATED AUTHORITY

FOR INFORMATION

4. EXECUTIVE SUMMARY

The Executive Mayor has since her election reported to the Council on discussions that take place at the regular meetings of the Mayor – Rector Forum. She presented a report to Council at the Council meeting on 25 July 2018, and was requested to adjust the report. The adjusted report is herewith presented. The Executive Mayor was requested to provide the minutes of the meeting. The minutes are attached as **ANNEXURE A**.

19TH COUNCIL MEETING: 2018-08-22: ITEM 9.1.1

NOTED

the report of the Mayor-Rector Forum meeting on 24 May 2018.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	OFFICE MANAGER: EXECUTIVE MAYOR
DIRECTORATE	CORPORATE AND STRATEGIC SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	Donovan.Muller@stellenbosch.gov.za
REPORT DATE	16 August 2018

9.2	REPORT BY THE SPEAKER
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NONE

9.3	REPORT BY THE MUNICIPAL MANAGER
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NONE

10.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
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10.1	QUESTION 1 BY COUNCILLOR F ADAMS: ONDER PAPAGAAIBERG FENCE
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Collaborator No:

IDP KPA Ref No:

3/4/1/4

Meeting Date:

22 August 2018

NOTED

that Councillor F Adams was satisfied with the written response from the Executive Mayor; and that he had no follow-up questions.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	Municipal.Manager@stellenbosch.gov.za
REPORT DATE	22 August 2018

10.2	QUESTION 1 BY COUNCILLOR DA HENDRICKSE: LIST OF MUNICIPAL IMMOVABLE PROPERTIES LEASED OUT
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In view of the absence of the member,

the Acting Speaker **RULED**

that this matter has lapsed.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>021 808-8025</i>
E-MAIL ADDRESS	Municipal.Manager@ Stellenbosch.gov.za
REPORT DATE	<i>22 August 2018</i>

10.3	QUESTION 2 BY COUNCILLOR DA HENDRICKSE: TOTAL COST: CONSULTANTS AND CONTRACTORS APPOINTED ON WASTE WATER TREATMENT
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In view of the absence of the member,

the Acting Speaker **RULED**

that this matter has lapsed.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	Municipal.Manager@ Stellenbosch.gov.za
REPORT DATE	22 August 2018

11.	CONSIDERATION OF URGENT MOTIONS
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12.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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12.1	REPLACEMENT OF MEMBER OF THE RULES- AND THE APPEALS COMMITTEE AND REPLACEMENT OF MEMBERS ON THE DISCIPLINARY COMMITTEE
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

22 August 2018

1. SUBJECT: REPLACEMENT OF MEMBER OF THE RULES- AND THE APPEALS COMMITTEE AND REPLACEMENT OF MEMBERS ON THE DISCIPLINARY COMMITTEE

2. PURPOSE

To replace a member of the Rules Committee as well as the Appeals Committee and to replace members on the Disciplinary Committee.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Council establish committees to assist the municipal council (section 79 of Municipal Structures Act, Act 117 of 1998). Council established the following section 79 committees on 16 February 2017:

Rules Committee – item 5.2.1

Disciplinary Committee – item 5.2.2

Appeals Committee – item 5.2.3

Councillor DD Joubert, as the Speaker at the time was appointed as the chairperson of both the Rules Committee and the Appeals Committee. Councillor Joubert resigned as Speaker and it is recommended that the elected Speaker, Councillor WC Petersen replace Councillor Joubert as the chairperson, she is a member of the committee already. Councillor WC Petersen served on the committee as single whip of Council and it is recommended that the newly elected single whip, Councillor PW Biscombe, replace Councillor Joubert as a member of the Rules Committee.

Council established an Appeals Committee and inter alia appointed Councillor DD Joubert as a member of the committee and appointed him, as the then Speaker, as the chairperson of the Committee. Following the resignation of Councillor Joubert as Speaker the new elected Speaker should replace Councillor Joubert on the Appeals Committee as a member and as the chairperson.

Council established a Disciplinary Committee and inter alia appointed Councillor WC Petersen as a member of the committee. Councillor WC Petersen has been elected as Speaker on 30 July 2018, after the resignation of Councillor DD Joubert. The Speaker, as the chairperson of Council, receives complaints against councillors and must investigate the facts and circumstances of such complaints before referring the matters to Council or the Disciplinary Committee for investigation (or not). The Speaker can therefore not serve on the Disciplinary Committee as a member as it creates a conflict of interest. Councillor LM Maqeba resigned as a Councillor and was replaced by Councillor LL Stander. The ANC needs to nominate a Councillor to replace Councillor Maqeba as a member on the Disciplinary Committee. Councillor DS Arends resigned as a Councillor and was replaced by councillor G Cele.

5. RECOMMENDATIONS:

- (a) that Council appoints Councillor WC Petersen (Speaker) as the chairperson of the Rules Committee;
- (b) that Council replaces Councillor DD Joubert as a member of the Rules Committee with the newly elected Single Whip, councillor P W Biscombe;
- (c) that Council replaces Councillor DS Arends as a member of the Rules Committee with Councillor G Cele (Ms);
- (d) that Council replaces Councillor DD Joubert as a member of the Appeals Committee with Councillor WC Petersen (Ms);
- (e) that Council appoints Councillor WC Petersen (Ms) (Speaker), as the Chairperson of the Appeals Committee;
- (f) that Council replaces Councillor WC Petersen (Ms) as a member of the Disciplinary Committee with Councillor Esther Groenewald (Ms); and
- (g) that Council replaces Councillor LM Maqeba with a councillor nominated by the ANC as a member of the Disciplinary Committee.

6. DISCUSSION / CONTENTS

6.1. Background

Council established Section 79 Committees on 16 February 2017 to assist Council with its functions. Council appointed members of the committees. With changing circumstances, it has become necessary to replace some of the members on the committees.

6.2 Discussion

Council established the Rules Committee through a resolution on 16/02/2017. Council inter alia resolved:

- (a) *that Council establishes a Rules Committee in accordance with Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);*
- (b) *that the composition of the Rules Committee be a total of 6 members of which the DA has 4 members and the Opposition has 2 members;*
- (c) *that Council appoints the following councillors to serve on the Rules Committee:*

DA (4) Cllr PR Crawley
Cllr JG Hamilton
Cllr DD Joubert
Cllr WC Petersen
Opposition (2): Cllr DS Arends (ACDP)
Cllr P Sitshoti (ANC)

- (d) *that Council appoints the Speaker, Cllr Donovan Joubert as Chairperson for the Rules Committee; “*

Councillor DD Joubert resigned as Speaker and Councillor WC Petersen was elected as Speaker. Council also elected a new single whip when Councillor WC Petersen was elected as Speaker namely Councillor Biscombe. It is recommended that he replaces Councillor Joubert as a member of the Rules Committee. Councillor DS Arends resigned as a Councillor and was replaced by councillor G Cele.

Council established an Appeals Committee on 16/02/2017 and resolved inter alia the following:

- “(a) *that Council establishes an Appeals Committee in accordance with Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);*
- (b) *that the composition of the Appeals Committee be a total of 5 members of which the DA has 3 members and the Opposition has 2 members;*
- (c) *that Council appoints the following councillors to serve on the Appeals Committee:*
- DA (3) : Cllr MB de Wet
: Cllr DD Joubert
: Cllr Q Smit
- Opposition (2) : Cllr GN Bakubaku-Vos (ANC)
: Cllr MD Oliphant (ANC)
- (d) *that Council appoints the Speaker Cllr Donovan Joubert as Chairperson for the Appeals Committee;”*

With the resignation of Councillor Joubert as Speaker and his nomination on the District Council it is recommended that he be replaced with the newly elected Speaker, Councillor WC Petersen.

Council established a Disciplinary Committee and inter alia resolved as follows:

- “(a) *that Council establishes a Disciplinary Committee in accordance with Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);*
- (b) *that the composition of the Disciplinary Committee be a total of 5 members of which the DA has 3 members and the Opposition has 2 members;*
- (c) *that Council appoints the following councillors to serve on the Disciplinary Committee:*
- DA (3) : Cllr MB de Wet
: Cllr WC Petersen
: Cllr Q Smit
- Opposition (2): Cllr LM Mqheba (ANC)
Cllr N Sinkinya (ANC)
- (d) *that Council appoints Cllr Marnes De Wet as Chairperson for the Disciplinary Committee;”*

Councillor WC Petersen has been elected as Speaker on 30 July 2018 after the resignation of Councillor DD Joubert as Speaker. The Speaker, as the chairperson of Council, receives complaints against councillors and must investigate the facts and circumstances of such complaints before referring the matters to Council or the Disciplinary Committee for investigation (or not). The Speaker can therefore not serve on the Disciplinary Committee as a member as it creates a conflict of interest and should be replaced as a member. Councillor LM Maqeba resigned as a Councillor and was replaced by Councillor LL Stander. The ANC needs to nominate a Councillor to replace Councillor Maqeba as a member on the Disciplinary Committee.

6.3 Financial Implications

No additional financial impact.

The Government Gazette relating to the Determination of Upper Limits of Salaries, Allowances and Benefits of different members of Municipal Councils, determines that a chairperson of Section 79 Committee is entitled to the payment as determined in the upper limits.

Councillor WC Petersen is a Full-time Councillor in her capacity as Speaker and will therefore not receive additional remuneration as Chairperson of the Rules Committee or the Appeals Committee.

The only councillor who receives additional payment for his role as chairperson of a section 79 committees is the chairperson of the Disciplinary Committee.

6.4 Legal Implications

Council establishes the section 79 Committees and appoints the members of the committees and may therefore at any time replace members on the committees when necessary.

6.5 Staff Implications

No staff implications.

6.6 Previous / Relevant Council Resolutions

Council resolution on 16 February 2017:

Rules Committee – item 5.2.1

Disciplinary Committee – item 5.2.2

Appeals Committee – item 5.2.3

6.7 Risk Implications

Council must ensure that the members appointed to serve on the section 79 committees are updated when necessary to ensure their optimal functioning.

6.8 Comments from Senior Management

The item was not circulated for comment.

19TH COUNCIL MEETING: 2018-08-22: ITEM 12

The item was distributed in the meeting and the Acting Speaker, Cllr Q Smit allowed a short break to allow Councillors an opportunity to peruse the document.

When the meeting resumed, the ANC informed the Acting Speaker that they needed more time (by 2018-08-29) to nominate a member from the ANC to serve on the Disciplinary Committee.

RESOLVED (nem con)

- (a) that Council appoints Councillor WC Petersen (Speaker) as the Chairperson of the Rules Committee;
- (b) that Council replaces Councillor DD Joubert as a member of the Rules Committee with the newly elected Single Whip, councillor P W Biscombe;
- (c) that Council replaces Councillor DS Arends as a member of the Rules Committee with Councillor G Cele (Ms);
- (d) that Council replaces Councillor DD Joubert as a member of the Appeals Committee with Councillor WC Petersen;
- (e) that Council appoints Councillor WC Petersen (Ms) (Speaker) as the chairperson of the Appeals Committee;
- (f) that Council replaces Councillor WC Petersen as a member of the Disciplinary Committee with Councillor Esther Groenewald (Ms); and
- (g) that Council replaces Councillor LM Maqeba with a councillor nominated by the ANC (by 29 August 2018) as a member of the Disciplinary Committee.

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	<i>Geraldine.Mettler@stellenbosch.gov.za</i>
REPORT DATE	21 August 2018

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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NONE

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

The meeting adjourned at 12:40.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**