



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

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2016-08-19

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MINUTES

**1ST MEETING OF THE
COUNCIL OF STELLENBOSCH MUNICIPALITY**

2016-08-15 AT 11:00

MINUTES

FIRST MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2016-08-15

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**MINUTES OF THE 1ST MEETING OF STELLENBOSCH COUNCIL HELD ON
2016-08-15 AT 11:00 IN THE TOWN HALL, PLEIN STREET, STELLENBOSCH**

PRESENT**COUNCILLORS**

F Adams	DD Joubert
DS Arends	NS Louw
FJ Badenhorst	N Mananga-Gugushe (Ms)
GN Bakubaku-Vos (Ms)	C Manuel
FT Bangani-Menziwa (Ms)	LM Maqeba
PW Biscombe	NE McOmbring (Ms)
PR Crawley (Ms)	XL Mdemka (Ms)
A Crombie (Ms)	RS Nalumango (Ms)
JN De Villiers	N Olayi
MB De Wet	MD Oliphant
R Du Toit (Ms)	SA Peters
E Groenewald (Ms)	WC Petersen (Ms)
A Florence	MM Pietersen
AR Frazenburg	WF Pietersen
E Fredericks (Ms)	SR Schàfer
JG Hamilton	JP Serdyn (Ms)
AJ Hanekom	N Sinkinya (Ms)
DA Hendrickse	P Sitshoti (Ms)
JK Hendriks	Q Smit
LK Horsband (Ms)	GM Van Deventer (Ms)
N Jindela	E Vermeulen
MC Johnson	

ALSO PRESENT Ms J Beerwinkel: Representative from IEC
M Swartland: Representative from IEC
Ms L Williams: Representative from IEC

OFFICIALS

Acting Municipal Manager (R Bosman)
Chief Financial Officer (M Wüst)
Director: Community and Protection Services (G Esau)
Director: Planning, Economic & Community Development (D Lombaard)
Director: Strategic and Corporate Services (R Esau)
Acting Director: Engineering Services (W Pretorius)
Senior Audit Executive (F Hoosain)
Senior Legal Advisor: (M Williams)
Senior Legal Advisor: (Ms ER Rhoda)
Head: Committee Services (EJ Potts)
Senior Admin Officer (Ms T Samuels)
Senior Admin Officer (Ms B Mgcushe)
Interpreter (J Tyatyeka)

1. OPENING AND WELCOME: ACTING MUNICIPAL MANAGER (3/4/1/6)

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

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

1ST MEETING OF COUNCIL: 2016-08-15: ITEM 1

The Acting Municipal Manager, Mr. R Bosman, officiating as Chairperson for the election of Speaker, welcomed and acknowledged all dignitaries, Councillors, officials, media, and members of the public to the inaugural meeting of the Stellenbosch Municipal Council. The Acting Municipal Manager congratulated all Councillors for being elected as Councillors.

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2. CONSTITUTING AND REPRESENTATION OF COUNCIL: INTRODUCTION OF COUNCILLORS

File number : 3/3/1/2

Report by : Acting Municipal Manager

Compiled by : Director: Strategic & Corporate Services

Delegated Authority : Council

1. PURPOSE OF THE REPORT

To formally introduce the newly elected Councillors.

A schedule of the outcome of the elections held on 2016-08-03, received from the IEC, is **APPENDED** hereto.

The Municipal Manager will introduce all elected Councillors.

RECOMMENDED

that cognisance be taken of the results of the election held on 2016-08-03.

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 2

The Acting Municipal Manager alluded to the IEC schedule containing the outcomes of the elections.

RESOLVED (nem con)

that, in terms of the IEC schedule containing the outcomes of the elections, the Stellenbosch Council is constituted as follows:

Democratic Alliance (DA)	=	30 seats (18 Ward & 12 PR)
African National Congress (ANC)	=	8 seats (4 Ward & 4 PR)
Economic Freedom Fighters (EFF)	=	2 seats (0 Ward & 2 PR)
African Christian Democratic Party (ACDP)	=	1 seat (0 Ward & 1 PR)
Democratic New Civic Association (DNCA)	=	1 seat (0 Ward & 1 PR)
People's Democratic Movement (PDM)	=	1 seat (0 Ward & 1 PR)
	=	TOTAL: 43 SEATS

(ACTING MUNICIPAL MANAGER TO ACTION)

3. APPLICATION FOR LEAVE OF ABSENCE (3/4/1/3)

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

1st COUNCIL MEETING: 2016-08-15: ITEM 3

NONE

(ACTING MUNICIPAL MANAGER TO ACTION)

4. NOTICES AND COMMUNICATIONS: ACTING MUNICIPAL MANAGER**4.1 TYPE OF MUNICIPALITY: SECTION 12 ESTABLISHMENT NOTICE**

File number : 3/1/1

Report by : Acting Municipal Manager

Compiled by : Director: Strategic & Corporate Services

Delegated Authority : Council

1. LEGAL FRAMEWORK**1.1 Types of category B Municipalities**

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

- (a) a municipality with a collective executive system;
- (b) a municipality with a collective executive system combined with a ward participatory system;
- (c) a municipality with a mayoral executive system;
- (d) a municipality with a mayoral executive system; combined with a ward participatory system;
- (e) a municipality with a plenary executive system; and
- (f) a municipality with a plenary executive system; combined with a ward participatory system.

1.2 Determination of types for provinces

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

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

1.3 Establishment Notice

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

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

- the type of municipality that is established;

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

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

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

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

- (a) Stellenbosch Municipality is a municipality with a mayoral executive system combined with a ward participatory system, as provided for in Section 9 (d) of the Municipal Structures Act;
- (b) Stellenbosch Municipality has 43 Councillors; and
- (c) Stellenbosch Municipality may designate the following Councillors as full-time Councillors:-
 - the Executive Mayor;
 - the members of the Mayoral Committee;
 - the Speaker;
 - Single Whip; and
 - the Chairperson of MPAC (Municipal Public Accounts Committee).

Attached as **APPENDIX 1** is the original Establishment Notice dated 22 September 2000 as well as **APPENDIX 2** which is the Stellenbosch Municipality Establishment Notice amended as per Government Gazette no. 6852, 25 February 2011, P.N 55/2011.

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

RECOMMENDED

that cognisance be taken that in terms of the Section 12 Notice, Stellenbosch Municipality is a Type 9 (d) municipality, namely a municipality with an Executive Mayoral System with a Ward Participatory System, it has 43 (forty three) Councillors of which 22 (twenty two) are Ward Councillors (in its 22 wards), and 21 (twenty one) are proportionally elected councillors, and Stellenbosch Municipality has an Executive Mayoral Committee consisting of 8 members besides the Executive Mayor and the Deputy Executive Mayor.

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 4.1**RESOLVED** (nem con)

that cognisance be taken that, in terms of the Section 12 Notice, Stellenbosch Municipality is a Type 9 (d) municipality, namely a municipality with an Executive Mayoral System with a Ward Participatory System, it has 43 (forty three) Councillors of which 22 (twenty two) are Ward Councillors (in its 22 wards), and 21 (twenty one) are proportionally elected councillors, and Stellenbosch Municipality has an Executive Mayoral Committee consisting of 8 members besides the Executive Mayor and the Deputy Executive Mayor.

(ACTING MUNICIPAL MANAGER TO ACTION)

5. ELECTION OF THE SPEAKER**5.1 ELECTION PROCESS***File number : 3/3/2/3**Report by : Acting Municipal Manager**Compiled by : Director: Strategic & Corporate Services**Delegated Authority : Council***THE ACTING MUNICIPAL MANAGER CONDUCTS ELECTION AND HANDS OVER CHAIR TO SPEAKER AFTER ELECTION PROCESS IS CONCLUDED****1. LEGAL FRAMEWORK**

In terms of Section 36 of the Local Government: Municipal Structures Act, 117/98:-

- Each municipal Council must have a chairperson who will be called the Speaker;
- At its first sitting after its election, a municipal Council must elect its Speaker from among the Councillors;
- The Municipal Manager of the municipality or, if the Municipal Manager is not available, a person designated by the MEC for local government in the province, presides over the election of a Speaker;
- The procedure set out in Schedule 3 of the Structures Act applies to the election of a Speaker; and
- A Councillor may not hold office as Speaker and Mayor at the same time.

In terms of Section 38 of the said Act, the Speaker is elected for a term ending when the next Council is declared elected, subject thereto that a Speaker vacates office during a term if that person, in terms of Section 39-

- resigns as Speaker;
- is removed from office by a resolution of Council; or
- ceases to be a Councillor.

2. ELECTION PROCEDURE

Schedule 3 of the said Act, which deals with the election of municipal office bearers, reads as follows:

"Application

1. *The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker.*

Nominations

2. *The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.*

Formal requirements

- 3.(1) *A nomination must be made on the form determined by the municipal manager.*
- (2) *The form on which a nomination is made must be signed by two members of the municipal council.*
- (3) *A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.*

Announcement of names of candidates

4. *At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.*

Single candidate

5. *If only one candidate is nominated, the person presiding must declare that candidate elected.*

Election procedure

6. *If more than one candidate is nominated-*
 - (a) *a vote must be taken at the meeting by secret ballot;*
 - (b) *each councillor present at the meeting may cast one vote; and*
 - (c) *the person presiding must declare elected the candidate who receives a majority of the votes.*

Elimination procedure

- 7.(1) *If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with item 6. This procedure must be repeated until a candidate receives a majority of the votes.*
- (2) *When applying subitem (1), if two or more candidates each have the lowest number of votes, a separate vote must be*

taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.

Further meetings

- 8.(1) *If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.*
- (2) *If a further meeting is held in terms of subitem (1), the procedure in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.*
- (3) *If at the further meeting held in terms of subitem (1) only two candidates are nominated or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place."*

Hereto attached as **APPENDIX 1** is the prescribed form for the nomination of the Speaker. Copies of the form, as well as ballot papers, will be available at the meeting.

RECOMMENDED

that Council elects a Speaker from among the Councillors in terms of the procedure set out in Schedule 3 of the Municipal Structures Act (*supra*).

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 5.1

The Acting Municipal Manager called for nominations for the office of Speaker. Two duly signed nominations were received, i.e. Councillor DD Joubert (form attached as **APPENDIX 2**) and Councillor MD Oliphant (form attached as **APPENDIX 3**).

A secret ballot in terms of item 6 of Schedule 3 of the Local Government: Municipal Structures Act took place, yielding the following results:

Councillor DD Joubert = 32 votes

Councillor MD Oliphant = 8 votes

43 Ballot papers were handed out, of which 3 papers were spoilt.

The Acting Municipal Manager then

DECLARED

Councillor DD Joubert as duly elected Speaker.

(ACTING MUNICIPAL MANAGER TO ACTION)

HAVING CONCLUDED THE ELECTION OF THE SPEAKER, THE ACTING MUNICIPAL MANAGER HANDED OVER THE CHAIR TO THE DULY ELECTED SPEAKER OF THE STELLENBOSCH MUNICIPAL COUNCIL.

5.2 ACCEPTANCE SPEECH BY THE NEWLY ELECTED SPEAKER 3/3/2/3

“Parliamentary representatives,

Leaders,

Community leaders,

Ladies and Gentlemen

Good morning

It is indeed a great privilege for me to stand here today as the newly elected Speaker. First of all, to be elected as a Councillor is indeed a great honour and I give this honour to my Heavenly Father for the health, the strength during this whole election process and from my birth up to now.

I also want to acknowledge my leaders who had the confidence to nominate and elect me as the new Speaker. Thank you very much for that.

I also want to acknowledge my community in Idas Valley, because without them it would not have been possible, therefore, thank you very much.

Last but not least, to the previous leader, Mr. Conrad Sidego who invested in us, thank you.

To our new Mayor to be, thank you very much for the opportunity. We will work with you and achieve great heights in the next 5 years. It is my endeavour to enhance public participation in Stellenbosch, to have more and proper communication with the public so that everyone can understand what is the role of the politician and where do they fit in in the whole Stellenbosch and how do we enhance service delivery in Stellenbosch.

My life is based on 3 principles, namely integrity, fairness and hard work. For this reason, the Speaker’s door is open for all political parties and they are welcome to address problems with the Speaker, should there be any.

Thank you once again for the opportunity and the confidence.”

5.3 POLITICAL PARTIES' RESPONSES**3/3/2/3**

An opportunity is afforded the political parties to offer brief responses.

1st COUNCIL MEETING: 2016-08-15: ITEM 5.3**RESOLVED** (nem con)

that it be noted that the ANC, DNCA, EFF and PDM offered congratulatory remarks.

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6. MATTERS FOR CONSIDERATION**6.1 RULES OF ORDER***File number : 3/4/1/8**Report by : Acting Municipal Manager**Compiled by : Director: Strategic & Corporate Services**Delegated Authority : Council***1. PURPOSE OF REPORT**

To inform Council of the Rules of Order that will apply at the first and subsequent meetings of Council and its Committees, until amended by Council.

2. LEGAL FRAMEWORK

As provided for in Section 160(6) of the Constitution of The Republic of South Africa, a municipal council may make by-laws which prescribe rules and orders for –

- (a) its internal arrangements;
- (b) its business and proceedings; and
- (c) the procedures, powers and functions of its committees.

Such a set of Rules of Order, which governs the way meetings are to be conducted within a municipality, must be formally adopted by Council.

The existing Rules Of Order Regulating The Conduct Of Council And Council Committee Meetings of The Stellenbosch Municipality is **distributed under separate cover as an APPENDIX.**

RECOMMENDED

that the existing Rules of Order as set out in the **APPENDIX** be used as the Rules of Order applicable to the Stellenbosch Municipality's Council and Council Committee meetings.

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 6.1**RESOLVED** (nem con)

that the existing Rules of Order as set out in the **APPENDIX** be used as the Rules of Order applicable to the Stellenbosch Municipality's Council and Council Committee meetings.

(ACTING MUNICIPAL MANAGER TO ACTION)

6.2 ELECTION OF THE EXECUTIVE MAYOR**6.2.1 ELECTION PROCESS***File number : 3/3/2/1**Report by : Acting Municipal Manager**Compiled by : Director: Strategic & Corporate Services**Delegated Authority : Council***1. LEGAL FRAMEWORK**

In terms of the Stellenbosch Municipality (WCO24) Establishment Notice, read with the subsequent amendment notices, Stellenbosch Municipality is a municipality with a mayoral executive system combined with a ward participatory system.

Section 55(1)(c) of the Municipal Structures Act states that:-

“If a Municipal Council chooses to have an Executive Mayor, it must elect an Executive Mayor, from among its members at a meeting that must be held within 14 days after the Council's election”. The procedures set out in Schedule 3 of the Municipal Structures Act apply to the election of an Executive Mayor.

2. ELECTION PROCEDURE**"SCHEDULE 3*****Election of municipal office-bearers******Application***

1. *The procedure set out in this Schedule applies whenever a municipal Council meets to elect a Speaker, an Executive Mayor, a Deputy Executive Mayor, a Mayor or Deputy Mayor.*

Nominations

2. *The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.*

Formal requirements

3. (1) *A nomination must be made on the form determined by the Municipal Manager.*
- (2) *The form on which a nomination is made must be signed by two members of the Municipal Council.*
- (3) *A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.*

Announcement of names of candidates

4. At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate

Single candidate

5. If only one candidate is nominated, the person presiding must declare that candidate elected.

Election procedure

6. If more than one candidate is nominated –
- (a) a vote must be taken at the meeting by secret ballot;
 - (b) each Councillor present at the meeting may cast one vote; and
 - (c) the person presiding must declare elected the candidate who receives a majority of the votes.

Elimination procedure

7. (1) If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with Item 6. This procedure must be repeated until a candidate receives a majority of the votes.
- (2) When applying subitem (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.

Further meetings

8. (1) If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.
- (2) If a further meeting is held in terms of subitem (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.
- (3) If at the further meeting held in terms of subitem (1) only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must

determine by lot who of the two candidates will hold the office for which the election has taken place."

In terms of Item 3(1) of Schedule 3, a nomination must be made on a form determined by the Municipal Manager. A pro-forma form for the nomination of an Executive Mayor is attached as **APPENDIX 1**. Ballot papers will be available at the meeting.

RECOMMENDED

that Council elects an Executive Mayor in terms of the procedures set out in Schedule 3 of the Municipal Structures Act (*supra*).

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 6.2.1

The Speaker called for nominations for the office of Executive Mayor.

The following duly signed nominations were received:

GM Van Deventer (Ms) (nomination attached as **APPENDIX 2**)

LM Maqeba (Ms) (nomination attached as **APPENDIX 3**).

A secret ballot in terms of item 6 of Schedule 3 of the Local Government: Municipal Structures Act took place, yielding the following results:

GM Van Deventer (Ms) = 32 votes

LM Maqeba (Ms) = 8 votes

43 Ballot papers were handed out, of which 3 papers were spoilt.

The Speaker then

DECLARED

Councillor GM Van Deventer (Ms) as duly elected Executive Mayor.

The Speaker congratulated Councillor GM Van Deventer (Ms) on her election as Executive Mayor.

(ACTING MUNICIPAL MANAGER TO ACTION)

**6.2.2 ACCEPTANCE SPEECH BY THE NEWLY ELECTED EXECUTIVE MAYOR
11/2/3****(i) Speech:**

“Lede van die Provinsiale Kabinet

Leier van die DA in die Wes-Kaap en Burgemeester van die Stad Kaapstad,
Patricia de Lille

Member of Parliament

West Region Chairperson of DA – Erik Marais

Raadshere/Councillors

Acting Municipal Manager of Stellenbosch, Richard Bosman and all officials
present

Chairperson & members of the various interest group

Geëerde gaste/ Honourable guest

Dames en Here/ Ladies and gentlemen

Goeie môre, good morning, molweni, as-salaam alaikum

Wat ‘n groot eer om vandag hier te staan en my amp as Burgemeester van Stellenbosch te aanvaar! What a priviledge and honour to become the Mayor of Stellenbosch! Baie dankie aan al die kiesers van die groter Stellenbosch area wat hulle vertroue in my en die Demokratiese Alliansie geplaas het om hulle vir die volgende termyn te dien en te verseker dat die beste dienste aan almal in die groter Stellenbosch area gelewer word.

I would like to thank the people of Stellenbosch: baie dankie, enkosi kakhulu, shukran.

I must also thank all the volunteers, councillors, public representatives and everyone who helped to ensure the almost 70% victory in this council. Your dedication, hard work and support will always be appreciated. Without you, we would not have been able to achieve the outstanding result in the local government election.

It was a long campaign running up to the elections, and I admit that everyone was tired at the end but this long campaign also tested the strength and the commitment of the new team of leaders and councillors elected for this municipality.

Die uitslag van die verkiesing van 3 Augustus is weereens ‘n aanduiding dat demokrasie seevier en die kiesers het dan ook hulle demokratiese reg uitgeoefen om te bepaal wie hulle leierskap vir die munisipaliteit moet wees. The voters of Stellenbosch have spoken and I appeal to all to respect the outcome.

Dankie aan my voorganger, Conrad Sidego wat die grondwerk gelê het en die munisipaliteit na sy eerste skoon oudit gelei het. Dit is belangrik dat die belastingbetaler weet sy of haar belastinggeld word deursigtig, met verantwoording en agting bestuur en aangewend. Good fiscal governance shall be a cornerstone of our Administration.

Ek en my komitee sal julle nie teleurstel nie, en ek versoek julle om ons verantwoordelik te hou om die beste dienste aan julle beskikbaar te stel, en julle probleme en belange eerste te stel. U deelname en insette is vir my van kardinale belang. You as residence should keep us accountable. Please do so.

Dit is wonderlik om deel te wees van 'n era van verandering in die politieke landskap van Suid-Afrika. Hierdie verandering moet ook in Stellenbosch ervaar word. En u kan seker wees ek sal omsien daarna.

You can be assured I will strive to do my absolute best and will to focus on all the key problem areas. Some of these are Housing, the plight of the backyarders and informal settlers, safety, transport, providing the best possible basic services and sanitation, to create the environment for investment and job creation in the greater Stellenbosch and to deal with empowerment issues. I am known for my zero-tolerance approach to corruption and will not tolerate fruitless and wasteful expenditure.

The DA is not the only party in the political system here, even though we have more than a two-thirds majority in council. Congratulations to all Councillors from all other political parties on your election. I now call on the opposition to put politics aside and work together with us to ensure that we build a successful Stellenbosch, delivering quality services to all in the greater Stellenbosch. We must now work together as a team of public representatives to ensure progress, development and that the voices of our communities are heard and represented.

I invite each one of you to take up your role as public representative with vigour, commitment and passion. Be the best public representative you can possibly be. Respect council, respect your fellow councillors and respect the electorate that elected you into this position. However, be reminded that you are councillors serving every resident of the greater Stellenbosch.

Ek wil ook die waarnemende Munisipale Bestuurder, Richard Bosman en elke lid van die Administrasie bedank vir die harde werk wat hulle die afgelope tyd verrig het en om te verseker dat dienste nie agteruit gaan nie en probleme steeds aangespreek word.

Baie dankie aan my familie wat ook vandag hier teenwoordig is: My Man, my Ma, my Skoonma en ook ons seuns.

Laastens, dit is my wens dat ons as raad sal saamwerk om die groter Stellenbosch area voortdurend te verbeter en na hoër hoogtes te neem. Onder my leierskap verseker ek u dat ons vooruitgang vir Stellenbosch sal verseker en dat ek deurentyd hard sal werk. My persoonlike motto, dié van Zigler sal my altyd lei: "Life is like a ladder and no-one has ever climbed a ladder with his hands in his pockets".

Finally, I am very mindful that I am a mayor for all. I believe in providing opportunities for all and will strive to make a positive difference to all communities in Stellenbosch.

Thank you very much.

Baie dankie.

Enkosi kakhulu."

(ii) (Optional) Announcement of appointment of members of the Executive Mayoral Committee:

Section 60(1) of the Local Government: Municipal Structures Act provides that if a Municipal Council has more than nine members, its Executive Mayor must appoint a Mayoral Committee from among the Councillors to assist the Executive Mayor.

As per Section 60(2) of the Local Government: Municipal Structures Act, the Mayoral Committee must consist of the Deputy Executive Mayor and as many councillors as may be necessary for effective and efficient government, provided that no more than 20 per cent of the councillors or 10 councillors, whichever is the least, are appointed.

In terms of the above, the Executive Mayor of Stellenbosch Municipality may appoint 8 members (in addition to the Deputy Executive Mayor who is an *ex officio* member of the Mayoral Committee by virtue of being elected by the Municipal Council) to serve on the Mayoral Committee. Hence, the Stellenbosch Municipality's Mayoral Committee consists of the Executive Mayor, the Deputy Executive Mayor and eight (8) other councillors appointed by the Executive Mayor.

(The Executive Mayor may choose to announce the appointment of members of the Executive Mayoral Committee at this point, or at a later stage).

1ST COUNCIL MEETING: 2016-08-15: 6.2.2 (ii)

that it be noted that the Executive Mayor chose to announce the appointment of members of the Executive Mayoral Committee at a later stage.

(ACTING MUNICIPAL MANAGER TO ACTION)**6.2.3 POLITICAL PARTIES' RESPONSES****3/3/3/2**

An opportunity is afforded the political parties to offer brief responses.

1ST COUNCIL MEETING: 2016-08-15: ITEM 6.2.3**RESOLVED** (nem con)

that it be noted that the ANC, DNCA, EFF and PDM offered congratulatory remarks.

6.3 ELECTION OF THE DEPUTY EXECUTIVE MAYOR**6.3.1 ELECTION PROCESS**

File number : 3/3/2/2

Report by : Acting Municipal Manager

Compiled by : Director: Strategic & Corporate Services

Delegated Authority : Council

1. LEGAL FRAMEWORK

If a Municipal Council chooses to have an Executive Mayor, it must, in terms of Section 55(1)(c) of the Municipal Structures Act, elect an Executive Mayor and, if the MEC for Local Government in the province so approves, also a Deputy Executive Mayor, from among its members at a meeting that must be held within 14 days after the Council's election, or within 14 days after the date with effect from which the type of the municipality has been changed.

In terms of Section 4 of the Section 16 Amendment Notice, Stellenbosch Municipality is authorised to elect a Deputy Executive Mayor.

The procedures set out in Schedule 3 of the Municipal Structures Act apply to the election of a Deputy Executive Mayor.

2. ELECTION PROCEDURE**"SCHEDULE 3*****Election of municipal office-bearers******Application***

1. *The procedure set out in this Schedule applies whenever a municipal Council meets to elect a Speaker, an Executive Mayor, a Deputy Executive Mayor, a Mayor or Deputy Mayor.*

Nominations

2. *The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.*

Formal requirements

3. (1) *A nomination must be made on the form determined by the Municipal Manager.*
- (2) *The form on which a nomination is made must be signed by two members of the Municipal Council.*

- (3) *A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.*

Announcement of names of candidates

4. *At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.*

Single candidate

5. *If only one candidate is nominated, the person presiding must declare that candidate elected.*

Election procedure

6. *If more than one candidate is nominated –*
- (a) *a vote must be taken at the meeting by secret ballot;*
 - (b) *each Councillor present at the meeting may cast one vote; and*
 - (c) *the person presiding must declare elected the candidate who receives a majority of the votes*

Elimination procedure

7. (1) *If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with Item 6. This procedure must be repeated until a candidate receives a majority of the votes.*
- (2) *When applying subitem (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.*

Further meetings

8. (1) *If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.*
- (2) *If a further meeting is held in terms of subitem (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.*

- (3) *If at the further meeting held in terms of subitem (1) only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place."*

In terms of Item 3(1) of Schedule 3, a nomination must be made on a form determined by the Municipal Manager. A pro-forma form for the nomination of a Deputy Executive Mayor is attached as **APPENDIX 1**. Ballot papers will be available at the meeting.

RECOMMENDED

that Council elects a Deputy Executive Mayor in terms of the procedures set out in Schedule 3 of the Municipal Structures Act (*supra*).

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 6.3.1

The Speaker called for nominations for the office of Deputy Executive Mayor.

The following duly signed nominations were received:

N Jindela (nomination attached as **APPENDIX 2**).

N Sinkinya (Ms) (nomination attached as **APPENDIX 3**).

F Adams (was nominated, but declined).

A secret ballot in terms of item 6 of Schedule 3 of the Local Government: Municipal Structures Act took place, yielding the following results:

GM Van Deventer (Ms) = 31 votes

N Sinkinya (Ms) = 8 votes

43 Ballot papers were handed out, of which 4 papers were spoilt.

The Speaker then

DECLARED

Councillor N Jindela as duly elected Deputy Executive Mayor.

The Speaker congratulated Councillor N Jindela on his election as Deputy Executive Mayor.

(ACTING MUNICIPAL MANAGER TO ACTION)

**6.3.2 ACCEPTANCE SPEECH BY THE NEWLY ELECTED DEPUTY EXECUTIVE
MAYOR** 11/2/3

“Members of Parliament present,

Mr. Speaker,

Our newly elected Executive Mayor of Stellenbosch,

My colleagues from all different political parties,

The Acting Municipal Manager, Mr Bosman,

All Directors and Officials present,

All guests present

Molweni, Goeie dag aan almal, Good afternoon to you all

Mr. Speaker, it is indeed a great honour and a very special day for me and I feel so humbled standing in front of this audience today as a newly elected Deputy Executive Mayor of Stellenbosch. It is really history in the making in the Democratic Alliance, especially in Stellenbosch. I think it is the first time, not with coalition, that the Democratic Alliance has decided or made their mind that they must have a Deputy Executive Mayor of my colour, and I am so humbled by that, and that clears any doubt from anyone here, who is still doubting that the Democratic Alliance is not a diverse party.

All parties went out campaigning; all had beautiful manifestos, and the people of Stellenbosch have spoken. They looked at all our manifestos with a different product that we are selling and it is no doubt and not by mistake that they chose DA as the majority party to lead Stellenbosch Municipality.

A few weeks back the whole area of Stellenbosch were painted in colours of green, red, white and blue and it was a hard battle, and from all the colours Stellenbosch people still decided that blue was the best colour to choose. Some of the colours disappeared on the way before the 3rd of August – may their souls rest in peace. The community of Stellenbosch has spoken, the people of this valley have spoken very clear and very loud to make sure that the DA becomes the party of leadership in this town. However I also want to make it very clear that all the parties that managed to send representatives to the municipality will be part and parcel of this municipality.

I'm standing here as the Deputy Executive Mayor of Stellenbosch municipality and I want to say that the 2016-2021 journey is going to be a very long journey if we do not work together. We are not coming here to use the majority that we have, but I also hope and warn that the other parties will not push us to use the majority that we have, because that will be the politics of today. We want to include each and every Councillor that is onboard to make sure each and every voice in each and every corner of Stellenbosch will be heard.

People from backyards have spoken. People from informal settlements without any electricity have spoken. People with land problems have spoken. On the other side of the valley in Franschoek and Langrug people have chosen their representatives to come and talk for themselves in this municipality. Those

people want their voices to be heard. People in all Klapmuts, Raithby, De Novo, in all other corners of Stellenbosch have spoken, saying we want you to be there so that our voices can be heard.

I also want to send a very clear warning to the DA, that, if you recall back, I was part and parcel of the previous Council. We had so many problems and I'm still in shock trying to understand how we managed to get the support we received from Stellenbosch municipality, and we have to acknowledge that and say thank you to people of Stellenbosch by putting your trust again on us, and this time around we are not going to disappoint you. We know that we might have failed in putting the issues of Stellenbosch community and we were so busy with our internal issues in this Council. Mrs. Mayor, this is the time that we put our differences aside and focus on the issues of the communities of Stellenbosch people. This might be the last time that the DA was given a chance by this community and we cannot afford to misuse it again.

Thank you for allowing me to be part and parcel of the leadership of Stellenbosch. Mr. Speaker you've got my hand, Mrs. Mayor you've got my hand. With all the support we can put this municipality through. Whatever will be coming in front of us, we are 43 Councillors, we can handle it. I know my ANC Councillors can push, and also my fellow Councillor although he is now in red, Councillor DA Hendrickse. I know he's been trying to give a lot of input in this municipality. We hope, Councillor F Adams that you will come again and give us the support so that at the end of the day we don't differ for the sake of trying to show who is better than the other, but trying to make sure that we are here for the common purpose.

I'm so delighted that we also have newcomers onboard and we hope that they are here for the same purpose for the Stellenbosch communities. Let us drive all the issues of Stellenbosch as one team and one municipality not looking to any colours anymore. The campaign is over, it is gone and worn, and it is lost, there is no time to look back. Let us forward all the issues and the challenges of Stellenbosch municipality. I thank you for allowing me to be the Deputy Executive Mayor of Stellenbosch."

6.3.3 POLITICAL PARTIES' RESPONSES

3/3/3/2

An opportunity is afforded the political parties to offer brief responses.

1st COUNCIL MEETING: 2016-08-15: ITEM 6.3.3

Councillor F Adams posed a question whether or not both the Executive Mayor and Deputy Executive Mayor can with absolute conviction say that they are actually living in Stellenbosch and not just having an address here.

RESOLVED (nem con)

that it be noted that the ANC, DNCA, EFF and PDM offered congratulatory remarks.

6.4 DESIGNATION OF COUNCILLORS TO ACT IN THE ABSENCE OF THE EXECUTIVE MAYOR AND THE DEPUTY EXECUTIVE MAYOR

File number : 3/3/2/1 x 3/3/2/2

Report by : Acting Municipal Manager

Compiled by : Director: Strategic & Corporate Services

Delegated Authority : Council

LEGAL FRAMEWORK

In terms of Section 56(6) of the Municipal Structures Act, the Deputy Executive Mayor of a municipality exercises the powers and performs the duties of the Executive Mayor if the Executive Mayor is absent or not available or if the office of the Executive Mayor is vacant.

Section 56(7) of the Act states that: "If the Executive Mayor is absent or not available and the Deputy Executive Mayor is also absent or not available, the Council must designate a Councillor to act as Executive Mayor".

RECOMMENDED

that Council designates a Councillor to, in terms of Section 56(7) of the Municipal Structures Act, act as Executive Mayor in the absence of both the Executive Mayor and the Deputy Executive Mayor.

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 6.4

RESOLVED (nem con)

that this matter stand over until a next Council meeting.

(ACTING MUNICIPAL MANAGER TO ACTION)

6.5 DESIGNATION OF FULL-TIME COUNCILLORS

File number : 3/3/3/2

Report by : Acting Municipal Manager

Compiled by : Director: Strategic & Corporate Services

Delegated Authority : Council

1. LEGAL FRAMEWORK

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

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

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

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

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

A Proclamation Notice, published by the Minister for Co-operative Governance and Traditional Affairs, on 14 December 2011, in the Government Gazette no. 34868, attached as **APPENDIX 1**, states that "The member of the Executive Council of a Province responsible for local government may determine that councillors who have been elected or appointed to any of the following offices in a municipal council, may be designated as full-time:

- The Speaker;
- The Executive Mayor;
- The Deputy Executive Mayor;
- A member of a Mayoral Committee;
- Chairperson of a committee established in terms of Section 79 in a municipality with 40 or more Councillors;
- A single Whip appointed for Council in municipalities with 40 or more councillors."¹

¹ Note selective quotation, based on applicability.

In terms of Section 18(4) of the Municipal Structures Act, Act 117/1998 a municipality has the power to designate Councillors determined by the MEC for Local Government as full-time.

2. SECTION 12 NOTICE

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

- (a) Stellenbosch Municipality is a municipality with a mayoral executive system combined with a ward participatory system (type of municipality), as provided for in Section 9 (d) of the Municipal Structures Act;
- (b) Stellenbosch Municipality may designate the following Councillors as full-time Councillors:-
- the Executive Mayor;
 - the members of the Mayoral Committee;
 - the Speaker;
 - the Single Whip; and
 - the Chairperson of MPAC (Municipal Public Accounts Committee).

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

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

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

3. CODE OF CONDUCT

In terms of Item 8 of the Code of Conduct for Councillors, a councillor who is full-time may not undertake any other paid work, except with the consent of a municipal council, which consent shall not unreasonably be withheld.

RECOMMENDED

that the following Councillors as determined by the MEC be designated by Council as full-time Councillors:-

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

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 6.5**RESOLVED** (majority vote)

that the following Councillors as determined by the MEC be designated by Council as full-time Councillors:-

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

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

Councillors F Adams; DA Hendrickse; and LK Horsband (Ms)

(ACTING MUNICIPAL MANAGER TO ACTION)

6.6 APPOINTMENT OF SINGLE WHIP FOR STELLENBOSCH COUNCIL

<i>File number</i>	: 3/3/2/4
<i>Report by</i>	: Acting Municipal Manager
<i>Compiled by</i>	: Director: Strategic & Corporate Services
<i>Delegated Authority</i>	: Council

1. LEGAL FRAMEWORK

Section 18(4) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) prescribes that “A municipality has the power to designate councillors determined by the MEC for Local Government as full-time Councillors. An MEC’s determination must be in accordance with the policy framework, as may be determined by the Minister after consulting the MEC’s for Local Government.”

The relevant Proclamation Notice was published by the Minister for Co-operative Governance and Traditional Affairs, on 14 December 2011, in the Government Gazette no. 34868. (Refer APPENDIX 1 under Agenda Item 6.5). In terms of said notice “The member of the Executive Council of a Province responsible for local government may determine that councillors who have been elected or appointed to any of the following offices in a municipal council, may be designated as full-time:

- The Speaker;
- The Executive Mayor;
- The Deputy Executive Mayor;
- A member of a Mayoral Committee;
- Chairperson of a committee established in terms of Section 79 in a municipality with 40 or more Councillors;
- A single Whip appointed for Council in municipalities with 40 or more councillors.”²

Stellenbosch Municipal Council had sent a request to the Office of the MEC for Local Government for the appointment of a Single Whip. The MEC had responded and provided the requisite approval for the appointment of a single whip. (refer APPENDIX 2 under Agenda Item 6.5, the Provincial Gazette: 7460, dd 31 July 2015, confirming the designation of a Single Whip for Stellenbosch as a full-time councillor).

The majority party appoints the Single Whip.

RECOMMENDED

that a Single Whip for Stellenbosch Municipal Council be appointed.

(ACTING MUNICIPAL MANAGER TO ACTION)

² Note selective quotation, based on applicability.

1st COUNCIL MEETING: 2016-08-15: ITEM 6.6

The Executive Mayor nominated Councillor WC Petersen (Ms) for the position of Single Whip.

RESOLVED (majority vote)

that Councillor WC Petersen be the Single Whip for the Stellenbosch Municipal Council.

(ACTING MUNICIPAL MANAGER TO ACTION)

6.7 ELECTION OF REPRESENTATIVES TO CAPE WINELANDS DISTRICT COUNCIL

File number : 3/3/1/7
Report by : Acting Municipal Manager
Compiled by : Director: Strategic & Corporate Services
Delegated Authority : Council

**TO BE CONDUCTED BY THE INDEPENDENT ELECTORAL COMMISSION:
THE MUNICIPAL ELECTORAL OFFICER (MEO)**

1. BACKGROUND

Sixty percent of the members of a District Council are representatives of local Councils and district management areas within its area of jurisdiction. District management area representatives are elected by voters from that area on voting day. Representatives from local Councils are however elected by the Councils themselves from amongst their members.

2. LEGAL FRAMEWORK

Schedule 2 of the Local Government: Municipal Structures Act is applicable. This election must be conducted by the Chief Electoral Officer who has delegated this task to the Municipal Electoral Officer (MEO) of every local municipality.

Every MEO for a local municipality must therefore at a meeting of the Council of that municipality (as soon as possible but within fourteen days after its election) conduct the election of that Council's representatives to the District Council in terms of Part 2 of Schedule 2 of the Local Government: Municipal Structures Act, which reads as follows:

"Allocation and election of representatives of local Councils and district management areas to district Councils

16. Electing local Councils' representatives to district Councils

- (1) *The Chief Electoral Officer must manage the election of representatives of a local Council to the district Council.*
- (2) *If a local Council has been awarded one seat-*
 - (a) *any Councillor may nominate a candidate;*
 - (b) *each Councillor has one vote; and*
 - (c) *the candidate who receives the most votes is elected.*
- (3) *If the Council has been awarded more than one seat, the Council must elect that number of members according to proportional representation as set out in items 17 to 22.*

17. Candidates lists

- (1) *Every party or independent Ward Council may submit a candidates' list containing the names of Councillors, accompanied by a written acceptance by each listed candidate.*

[Subitem (1) substituted by Section 31(1) of Act 51 of 2002].

- (2) *A party or independent Ward Councillor may not submit more than one list.*

[Subitem (2) substituted by Section 31(1) of Act 51 of 2002].

- (3) *The candidates' names must appear on the list in order of preference, starting with the first in order of preference and ending with the last.*

- (4) *The name of a Councillor may appear on one list only.*

- (5) *Every party or independent Ward Councillor must seek to ensure that fifty percent of the candidates on the candidates list are women and that women and men candidates are evenly distributed through the list.*

[Subitem (5) amended by Section 31(c) of Act 51 of 2002].

18. Number of votes

Each Councillor casts one vote for one list only.

19. Determining the quota

In a local Council, the quota of votes for a seat to the district Council must be determined in accordance with the following formula (fractions to be disregarded)-

$$\frac{A}{B} + 1$$

Where-

*A represent the number of members of the local Council;
and*

B represents the number of seats that the local Council has been awarded on the district Council in accordance with Item 15.

20. Allocating seats

- (1) *The number of votes cast in favour of each list must be divided by the quota of votes for a seat and the result is the number of seats allocated to that list.*

(2)(a) *If the calculation in subitem (1) gives a surplus, that surplus must compete with other similar surpluses of any other lists, and any seat or seats not allocated under subitem (1) must be awarded in sequence of the highest surplus.*

(b) *If the surplus on one list is equal to the surplus on any other list, the seat or seats must be awarded in sequence of the highest number of votes cast for those lists.*

[Paragraph (b) added by Section 32 of Act 51 of 2002].

21. Selecting names from the list

The Chief Electoral Officer, in accordance with the order of preference on a list, must select the number of candidates from the list that is equal to the number of seats allocated to that list.

22. Insufficient lists

In the case of a list containing fewer names than the number of seats allocated to that list, the corresponding provisions of Item 10 must be applied to the extent that that item can be applied.

23. Filling of vacancies

If a Councillor elected from a candidates' list ceases to hold office or the list has become exhausted, the corresponding provisions of Item 11 must be applied to the extent that that item can be applied.

24. Electing members representing a district management area

The Councillors representing a district management area must be elected in accordance with the proportional electoral system set out in Part 1 of the Schedule."

The MEO must arrange with the Municipal Manager of the local municipality for a meeting of the newly elected Council to be called for the purpose of the election of representatives.

3. NUMBER OF REPRESENTATIVES TO BE ELECTED

Section 12 of the Local Government: Municipal Structures Act 1998, requires the MEC to specify in the notice establishing the municipality the number of representatives to be elected by each local Council to serve as representatives on the District Council. The MEO works on the number of representatives specified in the section 12 notices.

A copy of the ninth Establishment Amendment Notice (published in the Provincial Gazette No. 7597, promulgated on 2016-04-08) pertaining to the Cape Winelands District Municipality, is attached as **APPENDIX 1**.

In terms of this amendment notice:

- Cape Winelands District Municipality has 41 Councillors, of which

- 17 proportionally represent the parties contesting the election; and
- 24 directly represent the Local Municipalities, of which 5 directly represent Stellenbosch Municipality.

4. ELECTION OF REPRESENTATIVES

Where a local Council has more than one representative in the District Council, every party or independent Ward Councillor may submit one candidates' list containing the names of Councillors in order of preference. Every list must be accompanied by a written acceptance by each listed candidate. A Councillor's name may appear on one list only.

In the election, each Councillor may cast one vote for one list only.

The number of votes cast for each list is divided by a prescribed quota of votes for a seat and the result indicates the number of seats allocated to that list. From every list to which seats have been allocated, the number of candidates in order of preference is then selected and they are the local Council's representatives on the District Council.

In the case of a list containing fewer names than the number of seats allocated to that list, the corresponding provisions of item 10 of Schedule 2 of the Municipal Structures Act must be applied to the extent that the item can be applied.

5. ELECTION PROCEDURE

The following procedure is suggested:

- the quota of votes for a seat is determined beforehand. (The number of Councillors on the local Council divided by the number of seats that Council has on the District Council, plus one);
- on the day prior to the meeting for the election, the venue for the meeting is visited and prepared for the election by-
 - determining a voting route for Councillors to leave their seats from one side of the venue, approach a table where their names are marked off on a list of Council members and they are given a ballot paper, then move to a next table where a pencil is available for them to mark their ballot paper and a ballot box in which they place their marked ballot papers and move back to their seats from the other side of the venue;
- on the day of the meeting, the purpose of the election and the procedures thereof are explained to the Councillors;
- the Councillors are then given adequate time to prepare their nomination documents and the meeting is adjourned for that purpose; and
- on the resumption of the meeting nominations by the submission of lists on the appropriate form are called for and received by the MEO.

The relevant nomination forms and ballot papers will be available at the meeting.

RECOMMENDED

that Council elects 5 representatives to the Cape Winelands District Council in terms of the procedure set out in Part 2 of Schedule 2 of the Municipal Structures Act (*supra*).

(ACTING MUNICIPAL MANAGER TO ACTION)**1st COUNCIL MEETING: 2016-08-15: ITEM 6.7**

The Municipal Electoral Officer, Mr. R Esau, chaired this part of the proceedings and explained the procedure to be followed in the election of representatives to the Cape Winelands District Council. He requested the meeting to submit candidates' lists in terms of Item 15 of Schedule 2 of the Local Government Municipal Structures Act.

A secret ballot in terms of item 19 of Schedule 2 of the Local Government: Municipal Structures Act took place.

After the voting process, the MEO, Mr. R Esau, then

INFORMED the meeting

that the seat allocation to represent Stellenbosch Municipality on the Cape Winelands District Council is as follows:

DA : 3 representatives

ANC : 1 representative

EFF : 1 representative

and the MEO further informed the meeting that the above-mentioned seat allocation is preliminary insofar as it is subject to verification by the IEC. The candidates' lists will be forwarded to the IEC, who will then finalise who the candidates will be to represent their respective parties on the Cape Winelands District Council. The results will only become official when the process and outcome is verified and announced by the IEC.

(ACTING MUNICIPAL MANAGER TO ACTION)

6.8 ADOPTION OF SYSTEM OF DELEGATIONS

File number : 3/P/7

Report by : Acting Municipal Manager

Compiled by : Director: Strategic & Corporate Services

Delegated Authority : Council

1. LEGAL FRAMEWORK**1.1 System of Delegation**

In terms of Section 59 of the Local Government: Municipal Systems Act, Act 32/2000, a municipal council must develop a system of delegations that will maximize administrative and operation efficiency and provide for adequate checks and balances, and, in accordance with such system may:-

- (a) delegate appropriate powers, excluding a power mentioned in Section 160(2) of the Constitution and the power to set tariffs, to decide to enter into a service delivery agreement in terms of Section 76(b) and to approve or amend the municipality's IDP, to any of the municipality's political structures, political office bearers, councillors, or staff members;
- (b) instruct any such political structure, political office bearer, councillor, or staff member to perform any of the municipality's duties; and
- (c) withdraw any delegation or instruction.

A copy of Council's current approved System of Delegations is **distributed under separate cover as an APPENDIX.**

1.2 Review of Delegations

In terms of Section 59(2)(f), such System of Delegations must be reviewed when a new Council is elected.

In terms of Section 65, whenever it becomes necessary in terms of Section 59(2)(f)(supra) to review a municipality's delegations, the Municipal Manager must submit to Council:-

- (a) a report on the existing delegations issued in terms of section 59; and
- (b) recommendations on any changes to the existing delegations which the Municipal Manager may consider necessary.

If the municipality has an Executive Committee or Executive Mayor, the Municipal Manager must submit such report and any recommendations to the Council through the Executive Committee or Executive Mayor.

RECOMMENDED

that Council adopts the existing System of Delegations.

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 6.8

the Speaker **RULED**

that Council **NOTES** the existing System of Delegations.

(ACTING MUNICIPAL MANAGER TO ACTION)

6.9 STRUCTURING OF COUNCIL: ESTABLISHMENT OF SECTION 79 COMMITTEES / STATUTORY COMMITTEES**6.9.1 CURRENT STATUS OF STATUTORY COMMITTEE: THE AUDIT AND PERFORMANCE AUDIT COMMITTEE***File number* : 3/3/3/4*Report by* : Acting Municipal Manager*Compiled by* : Chief Audit Executive*Delegated Authority* : Council**1. PURPOSE OF REPORT**

To inform Council of the functions and purpose, as well as the current composition, of the Audit and Performance Audit Committee.

2. LEGAL FRAMEWORK

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

APPLICABLE LEGISLATION

- Section 166 of the Local Government: Municipal Finance Management Act (MFMA) 56 of 2003;
- National Treasury MFMA Circular No 65
- Section 14 of the Local Government: Municipal Planning and Performance Management Regulations, 2001.

3. DISCUSSION

In terms of Section 166 (2) (a) the Audit and Performance Audit Committee must provide advice on matters relating to:

- internal financial control and internal audit;
- risk management;
- accounting policies;
- the adequacy, reliability and accuracy of financial reporting and information;
- performance management;
- effective governance;
- performance evaluation;
- compliance with the MFMA; and
- any issues referred to it by the Council.

The Audit and Performance Audit Committee will also review the annual financial statements in order to advise Council whether its finances are being managed efficiently and effectively. The Audit and Performance Audit Committee may respond to Council on issues raised by the

Auditor-General in the audit report and carry out investigations into the financial affairs of the municipality if requested to do so by Council.

3.1 Functioning of the Audit and Performance Audit Committee

In order to execute its responsibilities effectively, the Audit and Performance Audit Committee will have access to the financial records and all other relevant information of the municipality.

The Committee must have a minimum of three and a maximum of five members who must be appointed by Council. Stellenbosch's Audit and Performance Audit Committee Charter requires that there be five (5) members. The Audit and Performance Audit Committee must meet as often as may be needed but not less than four times a year. No Councillor may be a member of the Audit and Performance Audit Committee. The Audit and Performance Audit Committee is a politically neutral body. The terms of reference for the Audit and Performance Audit Committee is clearly outlined in the Audit and Performance Audit Committee Charter (attached as **APPENDIX 1**) as approved by Council in July 2015.

The Audit and Performance Audit Committee should according to the Municipal Planning and Performance Management Regulations include at least one (1) performance management expert as the Audit and Performance Audit Committee of Stellenbosch Municipality performs the dual role of Audit and Performance Audit Committee.

3.2 The Stellenbosch Municipality's Audit and Performance Audit Committee

The council-appointed members currently serving on the Municipality's Audit and Performance Audit Committee are:

Audit Committee Member	Term expires on:
Ms. R Gani	15 January 2017 (term 1)
Ms. M Van der Merwe	23 March 2017 (term 2)
Ms RLC Strydom	23 March 2017 (term 2)
Mr. J Fairbairn	31 March 2019 (term 1)
Dr. NL Mortimer	31 March 2019 (term 1)

RECOMMENDED

- (a) that cognisance be taken of the current composition of the Audit and Performance Audit Committee of Stellenbosch Municipality; and
- (b) that Council notes the Terms Of Reference of the Audit and Performance Audit Committee as outlined in the approved Charter.

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 6.9.1

RESOLVED (nem con)

that this matter stand over until a next Council meeting.

(ACTING MUNICIPAL MANAGER TO ACTION)

6.9.2 ESTABLISHMENT OF A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) AND OVERSIGHT COMMITTEE

File number : 3/3/3/6/7

Report by : Acting Municipal Manager

Compiled by : Director: Strategic & Corporate Services

Delegated Authority : Council

1. PURPOSE OF REPORT

For Council to establish a Municipal Public Accounts Committee (MPAC) and Oversight Committee.

2. BACKGROUND

The former Council had established an 8-member Municipal Public Accounts Committee (MPAC), which was fully functional.

By virtue of the termination of the 2011-2016 Council's term of office, the former MPAC has also dissolved. Council is obliged to re-establish MPAC as an oversight committee to exercise oversight over the executive obligations of council.

3. LEGAL FRAMEWORK**3.1 Section 79 Committees**

An MPAC is generally a committee of Council established in terms of Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

In terms of Section 79 of the Structures Act, a municipal council may establish one or more Committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers, and appoint the members of such Committee(s) from among its members.

If Council wishes to establish such Committees, it:-

1. must determine the functions of such Committees;
2. may delegate duties and powers to it in terms of Section 59 of the Systems Act;
3. must appoint the Chairperson(s); and
4. may authorise a Committee to co-opt advisory members who are not members of the Council, within the limits determined by Council.

3.2 Composition of Committees

In terms of Section 160(8) of the Constitution of the Republic of South Africa, members of a municipal Council are entitled to participate in its proceedings and those of its Committees in a manner that, inter alia:-

-
- (a) allows parties and interests reflected within the Council to be fairly represented; and
 - (b) is consistent with democracy.

4. SCOPE OF MPAC OPERATIONS

The establishment, overarching purpose, function and Terms of Reference of the Municipal Public Accounts Committee are defined in the SALGA Guideline for the Establishment of MPACs (March 2012) **distributed under separate cover as an APPENDIX.**

Notwithstanding what is contained in the above, the following specific Terms of Reference are highlighted:

1. MPAC shall not be responsible for policy formulation;
2. MPAC is authorised to co-opt members of the public with expertise in specific fields to assist and advise the Committee when deliberating before it, as and when necessary, taking note of the fact that such non-elected members shall enjoy no status in Council and will have no voting rights in any political structure of Council;
3. MPAC may engage directly with the public and consider public comments when received and will be entitled to request documents or evidence from the Accounting Officer;
4. MPAC shall have permanent referral of documents relating to:
 - (i) In-Year reports of Stellenbosch Municipality;
 - (ii) Financial statements of Stellenbosch Municipality as part of its oversight process;
 - (iii) Audit opinion, reports and recommendations from the Audit Committee;
 - (iv) Information relating to compliance in terms of Section 128 and Section 133 of the Local Government: Municipal Finance Management Act, 2003 (MFMA);
 - (v) Information in respect of any disciplinary action taken in terms of the MFMA where it relates to an item that is currently serving or has served before it;
 - (vi) Any other audit report of Stellenbosch Municipality; and
 - (vii) Performance information of Stellenbosch Municipality;
5. MPAC shall consider and evaluate the content of the Annual Report and make recommendations to Council when adopting an Oversight Report on the Annual Report;
6. In order to assist with the conclusion of matters that may not have been finalized, information relating to past recommendations made on the Annual Report, information relating to current in-year reports including quarterly, mid-year and Annual Reports, shall be reviewed by MPAC;

7. MPAC shall examine the financial statements and audit reports of Stellenbosch Municipality, and in doing so, consider improvements from previous statements and reports and evaluate the extent to which the Audit Committee's and the Auditor-General's recommendations have been implemented;
8. MPAC shall promote good governance, transparency and accountability on the use of municipal resources;
9. MPAC shall recommend or undertake any investigation in its area of responsibility, after reviewing any investigation report already undertaken by Stellenbosch Municipality or the Audit Committee;
10. MPAC shall request the support of both the internal and external auditors in an advisory capacity when necessary;
11. MPAC shall conduct investigations into unauthorized, irregular and/or fruitless and wasteful expenditure in accordance with Section 32(2)(a)(ii) of the MFMA and Regulation 74 of the Municipal Budget and Reporting Regulations;
12. MPAC shall perform any other functions within its area of responsibility assigned to it through a resolution of Council; and
13. The Rules of Order of Stellenbosch Council shall be applicable to all meetings of MPAC.

5. PROCEDURE FOR THE APPOINTMENT OF MPAC MEMBERS AND MPAC CHAIRPERSON

5.1 Membership of MPAC

The previous MPAC membership (8 members) was determined along the following principles:

1. Membership of MPAC should consist of up to 11 Councillors selected from all parties represented in Council;
2. MPAC must be represented by a wide range of experience and expertise available in Council and should reflect the various political parties represented in Council;
3. The Executive Mayor, Deputy Executive Mayor, Speaker, Whip or a member of the Mayoral Committee must be excluded from membership of MPAC; and
4. Secundi for the members of MPAC should be designated by Council.

5.2 Chairperson of MPAC

As per the amended Stellenbosch Establishment Notice, published in the Government Gazette 7460 on 31 July 2015 (P.N. 261/2015), the Chairperson of MPAC is a designated full-time Councillor.

Accordingly, at the 33rd Council Meeting held on 2015-08-25, Council resolved that the position of the Chairperson of MPAC be that of a full-time Councillor with effect from 31 July 2015.

Taking into account the principles of transparency, ethics and good governance, it is recommended that the Chairperson of MPAC is appointed from members of the political parties represented in Council other than the majority Party.

Due to the fact that no other equivalent procedure has been promulgated in terms of relevant legislation, Council could opt to use any appropriate procedure to determine the appointment of the MPAC Chairperson, or alternatively, Council could decide to use the procedures set out in Schedule 3 of the Municipal Structures Act (see below) during the election of the Chairperson for MPAC.

5.3 MSA Schedule 3 Election Procedure

"SCHEDULE 3

Application

1. *The procedure set out in this Schedule applies whenever a municipal Council meets to elect a Speaker, an Executive Mayor, a Deputy Executive Mayor, a Mayor or Deputy Mayor.*

Nominations

2. *The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.*

Formal requirements

3. (i) *A nomination must be made on the form determined by the Municipal Manager.*
(ii) *The form on which a nomination is made must be signed by two members of the Municipal Council.*
(iii) *A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.*

Announcement of names of candidates

4. *At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.*

Single candidate

5. *If only one candidate is nominated, the person presiding must declare that candidate elected.*

Election procedure

6. *If more than one candidate is nominated –*
 - (a) *a vote must be taken at the meeting by secret ballot;*
 - (b) *each Councillor present at the meeting may cast one vote; and*
 - (c) *the person presiding must declare elected the candidate who receives a majority of the votes.*

Elimination procedure

7. (i) *If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with Item 6. This procedure must be repeated until a candidate receives a majority of the votes.*
- (ii) *When applying sub item (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.*

Further meetings

8. (i) *If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.*
- (ii) *If a further meeting is held in terms of sub item (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.*
- (iii) *If at the further meeting held in terms of sub item (1) only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place."*

In terms of Item 3(1) of Schedule 3, a nomination must be made on a form determined by the Municipal Manager. The nomination form will be distributed in Council.

RECOMMENDED

- (a) that Council establishes a Municipal Public Accounts Committee (MPAC) in accordance with Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and as per the "Guideline for Establishment of Municipal Public Accounts Committees" issued by the Department of Cooperative Governance (CoGTA) and National Treasury;
- (b) that the function of an oversight committee in relation to the Annual Report be incorporated into the roles and responsibilities of MPAC;
- (c) that Council appoints Councillors and their secundi to serve on the Municipal Public Accounts Committee (MPAC), based on the following principles:
 - (i) Membership of MPAC should consist of up to 11 Councillors selected from all parties represented in Council;
 - (ii) MPAC must be represented by a wide range of experience and expertise available in Council and should reflect the various political parties represented in Council;
 - (iii) The Executive Mayor, Deputy Executive Mayor, Speaker, Whip or a member of the Mayoral Committee be excluded from membership of MPAC; and
- (d) that Council elects a Chairperson for the Municipal Public Accounts Committee (MPAC).

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 6.9.2

RESOLVED (nem con)

that this matter stand over until a next Council meeting.

(ACTING MUNICIPAL MANAGER TO ACTION)

6.9.3 ESTABLISHMENT OF A RULES COMMITTEE

<i>File number</i>	: 3/P/8 x 3/4/2/6
<i>Report by</i>	: Acting Municipal Manager
<i>Compiled by</i>	: Director: Strategic & Corporate Services
<i>Delegated Authority</i>	: Council

1. PURPOSE OF REPORT

For Council to establish a Rules Committee for the Stellenbosch Council.

2. BACKGROUND

By virtue of the termination of the 2011-2016 Council's term of office, the former Rules Committee has also dissolved. It is prudent for the newly elected Council to establish a multi-party Rules Committee to be responsible for developing Rules of Order and amendments thereto, and to recommend same to Council for adoption.

The former Council had established an 8-member multi-party Rules Committee, with The Speaker serving as its Chairperson.

3. LEGAL FRAMEWORK**3.1 Section 79 Committees**

In terms of Section 79 of the Structures Act, a municipal council may establish one or more Committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers, and appoint the Committee members from among its members.

If Council wishes to establish such Committees, it:-

1. must determine the functions of such Committees;
2. may delegate duties and powers to it in terms of Section 59 of the Systems Act;
3. must appoint the Chairperson(s); and
4. may authorise a Committee to co-opt advisory members who are not members of the Council, within the limits determined by Council.

The proposed Rules Committee is to be a committee established in terms of Section 79 of the Structures Act. As such, the provisions of Section 79 referred to above are applicable, namely: that the municipal council determines the functions of the Rules Committee and may delegate powers and duties to it, that Council appoints the members of the Rules Committee, and that Council must also appoint the Rules Committee's Chairperson.

Section 79(2) further provides that Council may authorise a committee to co-opt advisory members who are not members of the council within

the limits determined by the council, may remove a member of a committee at any time, and may determine a committee's procedure.

3.2 Composition of Committees

Section 33 of the Structures Act stipulates that, with the establishment of committees, cognisance must be taken of the extent of the functions and powers of the municipality, as well as the need for the delegation of those functions and powers in order to ensure efficiency and effectiveness in their performance.

In terms of Section 160(8) of the Constitution of the Republic of South Africa, members of a municipal Council are entitled to participate in its proceedings and those of its Committees in a manner that, *inter alia*:-

- (a) allows parties and interests reflected within the Council to be fairly represented; and
- (b) is consistent with democracy.

Furthermore, attention is drawn to the fact that in terms of the Stellenbosch Municipality (WCO24) Establishment Notice, read with the Provincial Gazette: 7460, 31 July 2015, only the following office bearers are designated as full-time councillors:-

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

RECOMMENDED

- (a) that Council appoints Councillors to serve on the Rules Committee; and
- (b) that Council appoints a Chairperson for the Rules Committee.

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 6.9.3

RESOLVED (nem con)

that this matter stand over until a next Council meeting.

(ACTING MUNICIPAL MANAGER TO ACTION)

6.9.4 ESTABLISHMENT OF A DISCIPLINARY COMMITTEE

<i>File number</i>	: 3/3/3/6/16
<i>Report by</i>	: Acting Municipal Manager
<i>Compiled by</i>	: Director: Strategic & Corporate Services
<i>Delegated Authority</i>	: Council

1. PURPOSE OF REPORT

For Council to establish a Disciplinary Committee for the Stellenbosch Council.

2. BACKGROUND

By virtue of the termination of the 2011-2016 Council's term of office, the former 7-member Disciplinary Committee has also dissolved. It is prudent for the newly elected Council to establish a Disciplinary Committee to assist in the discipline of Councillors by conducting disciplinary hearings and to make recommendations to Council in terms of its findings.

3. LEGAL FRAMEWORK**3.1 Section 79 Committees**

In terms of Section 79 of the Structures Act, a municipal council may establish one or more Committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers, and appoint the members of such Committee(s) from among its members.

If Council wishes to establish such Committees, it:-

1. must determine the functions of such Committees;
2. may delegate duties and powers to it in terms of Section 59 of the Systems Act;
3. must appoint the Chairperson(s); and
4. may authorise a Committee to co-opt advisory members who are not members of the Council, within the limits determined by Council.

The proposed Disciplinary Committee is to be a committee established in terms of Section 79 of the Structures Act. As such, the provisions of Section 79 referred to above are applicable, namely: that the municipal council determines the functions of the Disciplinary Committee and may delegate powers and duties to it, that Council appoints the members of the Disciplinary Committee, and that Council must also appoint the Disciplinary Committee's Chairperson.

Section 79(2) further provides that Council may authorise a committee to co-opt advisory members who are not members of the council within the limits determined by the council, may remove a member of a committee at any time, and may determine a committee's procedure.

3.2 Composition of Committees

Section 33 of the Structures Act stipulates that, with the establishment of committees, cognisance must be taken of the extent of the functions and powers of the municipality, as well as the need for the delegation of those functions and powers in order to ensure efficiency and effectiveness in their performance.

In terms of Section 160(8) of the Constitution of the Republic of South Africa, members of a municipal Council are entitled to participate in its proceedings and those of its Committees in a manner that, *inter alia*:-

- (a) allows parties and interests reflected within the Council to be fairly represented; and
- (b) is consistent with democracy.

Furthermore, attention is drawn to the fact that in terms of the Stellenbosch Municipality (WCO24) Establishment Notice, read with the Provincial Gazette: 7460, 31 July 2015, only the following office bearers are designated as full-time councillors:-

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

RECOMMENDED

- (a) that Council appoints Councillors to serve on the Disciplinary Committee; and
- (b) that Council appoints a Chairperson for the Disciplinary Committee.

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 6.9.4

RESOLVED (nem con)

that this matter stand over until a next Council meeting.

(ACTING MUNICIPAL MANAGER TO ACTION)

6.9.5 ESTABLISHMENT OF APPEAL AUTHORITY (SECTION 62: SYSTEMS ACT)

<i>File number</i>	: 3/P/8
<i>Report by</i>	: Acting Municipal Manager
<i>Compiled by</i>	: Director: Strategic & Corporate Services
<i>Delegated Authority</i>	: Council

1. PURPOSE OF REPORT

For Council to establish an Appeal Authority in terms of Section 62 of the Municipal Systems Act.

2. BACKGROUND

By virtue of the termination of the 2011-2016 Council's term of office, the former Council Appeal Committee has dissolved, which now necessitates the establishment of a new Appeal Committee. During the previous term, 7 (seven) Councillors were appointed to serve on the Council Appeal Committee, with the Speaker appointed as Chairperson.

3. LEGAL FRAMEWORK**3.1 MUNICIPAL SYSTEMS ACT, Section 62 APPEALS**

In the case of Stellenbosch Municipality which comprises of more than 14 councillors, MSA Section 62(4)(c)(ii) is applicable, which states: *"when the appeal is against a decision taken by a political structure or political office bearer, a committee of councillors who were not involved in the decision and appointed by the municipal council for this purpose is the appeal authority..."*.

3.2 Section 79 Committees

In terms of Section 79 of the Structures Act, a municipal council may establish one or more Committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers, and appoint the members of such Committee(s) from among its members.

If Council wishes to establish such Committees, it:-

1. must determine the functions of such Committees;
2. may delegate duties and powers to it in terms of Section 59 of the Systems Act;
3. must appoint the Chairperson(s); and
4. may authorise a Committee to co-opt advisory members who are not members of the Council, within the limits determined by Council.

The Council Appeal Committee is established as per the provisions of Section 79 of the Structures Act. As such, the municipal council determines the functions of the Council Appeal Committee and may

delegate powers and duties to it, and Council appoints the members as well as the Chairperson of the Council Appeal Committee.

3.3 Composition of Committees

Section 33 of the Structures Act stipulates that, with the establishment of committees, cognisance must be taken of the extent of the functions and powers of the municipality, as well as the need for the delegation of those functions and powers in order to ensure efficiency and effectiveness in their performance.

In terms of Section 160(8) of the Constitution of the Republic of South Africa, members of a municipal Council are entitled to participate in its proceedings and those of its Committees in a manner that, *inter alia*:-

- (a) allows parties and interests reflected within the Council to be fairly represented; and
- (b) is consistent with democracy.

Furthermore, attention is drawn to the fact that in terms of the Stellenbosch Municipality (WCO24) Establishment Notice, read with the Provincial Gazette: 7460, 31 July 2015, only the following office bearers are designated as full-time councillors:-

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

RECOMMENDED

- (a) that Council appoints Councillors to serve on the Council Appeal Committee; and
- (b) that Council appoints a Chairperson for the Council Appeal Committee.

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 6.9.5

RESOLVED (nem con)

that this matter stand over until a next Council meeting.

(ACTING MUNICIPAL MANAGER TO ACTION)

6.10 STRUCTURING OF COUNCIL: ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES)

File number : 3/3/3/6/2

Report by : Acting Municipal Manager

Compiled by : Director: Strategic & Corporate Services

Delegated Authority : Council

1. LEGAL FRAMEWORK**1.1 Section 80 Committees**

In terms of Section 80 of the Structures Act, if a municipality has an Executive Committee or Executive Mayor, it may appoint Committees of Councillors to assist the Executive Committee or Executive Mayor.

Such Committees may not in number exceed the number of members of the Executive Committee or Mayoral Committee.

The Executive Committee or Executive Mayor, *inter alia*:-

- appoints a Chairperson for each Committee; and
- may delegate any powers and duties of the Executive Committee or Executive Mayor to the Committee.

Such Committee(s) must report to the Executive Committee or Executive Mayor in accordance with the directions of the Executive Committee or Executive Mayor.

1.2 Composition of Committees

In terms of Section 160(8) of the Constitution of the Republic of South Africa, members of a municipal Council are entitled to participate in its proceedings and those of its Committees in a manner that, *inter alia*:-

- (a) allows parties and interests reflected within the Council to be fairly represented; and
- (b) is consistent with democracy.

2. Status Quo

The Portfolio Committees operational during the 2011-2016 term of office were:-

- Finance, Strategic and Corporate Services;
- Engineering Services and Human Settlements;
- Planning, Economic and Community Development; and
- Community and Protection Services.

RECOMMENDED

- (a) that the establishment of Section 80 portfolio committees be approved in principle;

- (b) that Council confirms that the currently existing Section 80 Portfolio Committees (with its functional areas) be retained, namely:
- Finance, Strategic and Corporate Services Committee;
 - Engineering Services and Human Settlements Committee;
 - Planning, Economic and Community Development Committee; and
 - Community and Protection Services Committee;
- (c) that Council appoints the members of the above-mentioned Section 80 Committees; and
- (d) that the Executive Mayor, in terms of Section 80(3) of the Municipal Structures Act, appoints a Chairperson for each of the Section 80 Committees from the Mayoral Committee.

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 6.10

RESOLVED (nem con)

that this matter stand over until a next Council meeting.

(ACTING MUNICIPAL MANAGER TO ACTION)

6.11 APPOINTMENT OF COUNCILLORS TO SERVE ON THE LOCAL LABOUR FORUM

File number : 3/3/3/6/4

Report by : Acting Municipal Manager

Compiled by : Director: Strategic & Corporate Services

Delegated Authority : Council

1. PURPOSE OF REPORT

For Council to consider the appointment of Councillors to serve on the Local Labor Forum.

2. BACKGROUND

The termination of the 2011-2016 Council's term of office necessitates the appointment of Councillors to represent the Employer on the Local Labour Forum.

As per the SALGBC Main Collective Agreement, the Employer representatives shall consist of at least 2 (two) Councillors and Management.

During the previous term of office, 6 (six) Councillors were appointed to serve on the Local Labour Forum.

RECOMMENDED

that Council appoints Councillors to serve on the Local Labour Forum.

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 6.11

RESOLVED (nem con)

that this matter stand over until a next Council meeting.

(ACTING MUNICIPAL MANAGER TO ACTION)

6.12 APPOINTMENT OF REPRESENTATIVES ON SALGA – WESTERN CAPE

<i>File number</i>	: 3/6/3
<i>Report by</i>	: Acting Municipal Manager
<i>Compiled by</i>	: Director: Strategic & Corporate Services
<i>Delegated Authority</i>	: Council

1. PURPOSE OF REPORT

For Council to appoint representatives and secundi to serve on the various SALGA Provincial Working Groups.

2. BACKGROUND

As prescribed in the SALGA Constitution, Provincial and National Conferences must be held within 60 and 90 days after elections respectively.

The Council must nominate representatives to attend the Provincial and National Conferences, as well as appoint representatives to serve on the various SALGA provincial working groups.

The following are the SALGA Working Groups on which a nominated councillor from Stellenbosch Municipality served:

SALGA Provincial Working Groups	
1	Economic Development and Planning
2	Municipal Finance
3	Community Development
4	Human Resource Development and Collective Bargaining
5	Municipal Infrastructure and Related Services [which includes] – <ul style="list-style-type: none"> • Climate Change, Environmental Affairs and Sustainability • Municipal Infrastructure Planning • Municipal Trading Services
6	Governance, Intergovernmental and International Relations

RECOMMENDED

that Council appoints a representative and secundi for each of the various SALGA Provincial Working Groups.

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 6.12

RESOLVED (nem con)

that this matter stand over until a next Council meeting.

(ACTING MUNICIPAL MANAGER TO ACTION)

6.13 APPOINTMENT OF COUNCILLORS TO SERVE ON EXTERNAL BODIES

File number : 3/6/3

Report by : Acting Municipal Manager

Compiled by : Director: Strategic & Corporate Services

Delegated Authority : Council

1. PURPOSE OF REPORT

For Council to consider the appointment of Representatives of Council to serve on external bodies.

2. BACKGROUND

The table below indicates the various external bodies where the former Council was represented:

BODY/INSTITUTE	Number of Council Reps
Jan Marais Nature Reserve Advisory Committee	1
Mont Rochelle Nature Reserve Advisory Committee	2
Pension Fund and Retirement Fund	1
Stellenbosch Tourism and Information Bureau	2
Stellenbosch Museum Trustee	1
Franschhoek Museum	1
Franschhoek Valley Tourism	2
Community Police Forum Stellenbosch	3
Community Police Forum Kayamandi	3
Community Police Forum Franschhoek	2
Community Police Forum Klapmuts	2
Community Police Forum Cloetesville	2
Community Police Forum Groot Drankenstein	1
SWOKK (Stellenbosch Welsyns en Ontwikkelings-koördinerings Komitee)	3
FREMCO Trust	3
Hospital Board	1
University Board	1
Winelands Water Utilisation Association	1
Dilbeek Trust Committee	3

RECOMMENDED

that Council appoints representatives to serve on the external bodies.

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 6.13

RESOLVED (nem con)

that this matter stand over until a next Council meeting.

(ACTING MUNICIPAL MANAGER TO ACTION)

6.14 ESTABLISHMENT OF WARD COMMITTEES

File number : 3/3/1/1

Report by : Acting Municipal Manager

Compiled by : Director: Strategic & Corporate Services

Delegated Authority : Council

1. LEGAL FRAMEWORK**1.1 Establishment Notice**

In terms of Stellenbosch Municipality's Establishment Notice (as amended), it is a municipality with a mayoral executive system combined with a ward participatory system.

1.2 Choice to establish Ward Committees and its composition

In terms of section 73 of the Municipal Structures Act, if a local council decides to have Ward Committees, it must establish such Committees for each ward in the municipality.

A Ward Committee consists of:-

- (a) the Councillor representing that ward in the Council, who must also be the Chairperson of the Committee; and
- (b) not more than 10 other persons.

1.3 Rules regulating election procedure, membership and frequency of meeting and term of office

In terms of section 73(3) of the Structures Act, a local council must make rules regulating:-

- (a) the procedure to elect the member of a Ward Committee, taking into account the need-
 - (i) for women to be equitably represented; and
 - (ii) for a diversity of interests in the ward to be represented;
- (b) the circumstances under which those members must vacate office; and
- (c) the frequency of meetings.

In terms of section 75 of the Structures Act a Ward Committee is elected for a term determined by the local Council.

Stellenbosch Municipality has approved a policy dealing with the establishment of Ward Committees as well as the matters mentioned above.

2. STATUS QUO

During the previous term, Ward Committees were operational in all 22 wards. However, Ward Committees cease to exist at the end of each term.

Taking into account that Stellenbosch Municipality (in terms of its Establishment Notice, as amended) is a Municipality with a Mayoral Executive System combined with a Ward Participatory System, new Ward Committees will have to be established.

RECOMMENDED

- (a) that Council notes that in terms of Section 73 of the Municipal Structures Act, Ward Committees must be established for each ward;
- (b) that Council designates the Speaker to facilitate the establishment of Ward Committees in line with the provisions and stipulations of the Municipal Structures Act and Council's policy for the establishment of Ward Committees; and
- (c) that the Speaker reports back to Council on the establishment of the Ward Committees within a period of 3 (three) months.

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 6.14

RESOLVED (nem con)

that this matter stand over until a next Council meeting.

(ACTING MUNICIPAL MANAGER TO ACTION)

6.15 DISCLOSURE AND DECLARATION OF INTEREST

File number : 3/6/2/1 x 3/6/2/2
Report by : Acting Municipal Manager
Compiled by : Director: Strategic & Corporate Services
Delegated Authority : Council

1. LEGAL FRAMEWORK

In terms of Item 5 of the Code of Conduct for Councillors (Schedule 1 of the Municipal Systems Act), a Councillor must:-

- (a) disclose to the municipal Council, or to any Committee of which that Councillor is a member, any direct or indirect personal or private business interest that that Councillor, or any spouse, partner or business associate of that Councillor may have in any matter before the Council or the Committee; and
- (b) withdraw from the proceedings of the Council or Committee when that matter is considered by the Council or Committee, unless the Council or Committee decides that the Councillor's direct or indirect interest in the matter is trivial or irrelevant.

In terms of Item 7 of the said Code, a Councillor must within 60 days after being elected as Councillor, declare in writing to the Municipal Manager the following interests held by that Councillor:-

- (i) shares and securities in any company;
- (ii) membership of any close corporation;
- (iii) interest in any trust;
- (iv) directorship;
- (v) partnership;
- (vi) other financial interests in any business undertaking;
- (vii) employment and remuneration;
- (viii) interest in property;
- (ix) pension; and
- (x) subsidies, grants and sponsorships by any organization.

Any change in the nature or detail of the financial interests of a Councillor must be declared in writing to the Municipal Manager annually.

Gifts received by a Councillor above a prescribed amount must also be declared.

The municipal Council must determine which of the financial interests referred to above must be made public, having regard to the need for confidentiality and the public interest for disclosure.

The Disclosure Form for Benefits and Interests is distributed under separate cover as an **APPENDIX**.

RECOMMENDED

that cognisance be taken of the provisions, and effect be given to the requirements, as stipulated in Item 5 of the Code of Conduct for Councillors in respect of Disclosure and Declaration of Interest.

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 6.15

RESOLVED (nem con)

that this matter stand over until a next Council meeting.

(ACTING MUNICIPAL MANAGER TO ACTION)

7. MATTERS FOR NOTIFICATION**7.1 CODE OF CONDUCT FOR COUNCILLORS**

<i>File number</i>	: 3/6/4
<i>Report by</i>	: Acting Municipal Manager
<i>Compiled by</i>	: Director: Strategic & Corporate Services
<i>Delegated Authority</i>	: Council

1. PURPOSE OF REPORT

To bring to the attention of councillors the Code of Conduct as contained in Schedule 1 of the Municipal Systems Act 32 of 2000.

2. LEGAL FRAMEWORK

Schedule 1 of the Municipal Systems Act 32 of 2000 contains the Code of Conduct which must be adhered to by all Councillors.

Specific attention is drawn to the provisions relating to the obligation to attend meetings, disclosure and declaration of interests, the prohibition on receiving rewards, gifts and favours, unauthorized disclosure of information, and the prohibition on intervention in the administration.

A copy of the Code of Conduct for Councillors is distributed under separate cover as an **APPENDIX**.

RECOMMENDED

that cognisance be taken of the Code of Conduct for Councillors.

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 7.1

RESOLVED (nem con)

that cognisance be taken of the Code of Conduct for Councillors.

(ACTING MUNICIPAL MANAGER TO ACTION)

7.2 SECTION 53 ROLES AND RESPONSIBILITIES

<i>File number</i>	: 3/5/1/1
<i>Report by</i>	: Acting Municipal Manager
<i>Compiled by</i>	: Director: Strategic & Corporate Services
<i>Delegated Authority</i>	: Council

1. PURPOSE OF REPORT

To bring to the attention of councillors the respective roles and areas of responsibility of each political structure, political office-bearer and the Municipal Manager.

2. LEGAL FRAMEWORK

Section 53 of the Systems Act requires a municipal Council to define the respective roles and areas of responsibility of each political structure, political office-bearer and the Municipal Manager.

Furthermore, as per Section 53(5) of the Systems Act, the municipality must determine-

- (a) the relationships among those political structures and political office-bearers and the Municipal Manager, and the manner in which they must interact;
- (b) the appropriate lines of accountability and reporting for those political structures and political office-bearers and the Municipal Manager;
- (c) the mechanisms, processes and procedures for minimising cross-referrals and unnecessary overlapping of responsibilities between those political structures and political office-bearers and the Municipal Manager;
- (d) the mechanisms, processes and procedures for resolving disputes between those political structures and political office-bearers and the Municipal Manager; and
- (e) the mechanisms, processes and procedures for interaction, between-
 - (i) those political structures and political office-bearers and the Municipal Manager and other staff members of the municipality; and
 - (ii) Councillors and the Municipal Manager and other staff members of the municipality.

A copy of the Section 53 Roles And Responsibilities Manual is distributed under separate cover as an **APPENDIX**.

RECOMMENDED

that cognisance be taken of the Section 53 Roles And Responsibilities Manual.

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 7.2

RESOLVED (nem con)

that cognisance be taken of the Section 53 Roles And Responsibilities Manual.

(ACTING MUNICIPAL MANAGER TO ACTION)

7.3 HAND-OVER REPORT TO THE NEW COUNCIL

<i>File number</i>	: 1/1/1/1
<i>Report by</i>	: Acting Municipal Manager
<i>Compiled by</i>	: Director: Strategic & Corporate Services
<i>Delegated Authority</i>	: Council

1. PURPOSE OF REPORT

To submit to Council a consolidated Hand-over Report as required in terms of MFMA Circular 78 (dd 2015-12-07) issued by National Treasury.

2. BACKGROUND

Section 6.5 of MFMA Circular 78 (dd 2015-12-07) issued by National Treasury contains the following guidelines in terms of the hand-over reports for the newly elected council:

“The aim of the hand-over report is to provide the new councils important orientation information regarding the municipality, the state of its finances, service delivery and capital programme, as well as key issues that need to be addressed.

It is proposed that the hand-over report should include:

- *An overview of the demographic and socio-economic characteristics of the municipality;*
- *An overview of the organisational structure of the municipality, with the names and numbers of senior managers;*
- *An overview of key municipal policies that councillors need to be aware of, and where they can obtain the full text of such policies;*
- *An overview of issues that still need to be addressed in relation to the municipality’s turnaround strategy;*
- *An overview of the municipality’s financial health, with specific reference to:*
 - *Its cash and investments, and its funding of commitments (Table A8);*
 - *Cash coverage of normal operations (see Supporting Table SA10);*
 - *Creditors outstanding for more than 30 days, along with reasons for delayed settlement;*
 - *Current collection levels and debtors outstanding for more than 30 days; and*
 - *Extent of existing loans, and associated finance and redemption payments.*
- *The municipality’s 2014/15 audit outcome, and its strategy to address audit issues;*
- *An overview of the provision of basic services, including plans to address backlogs;*

-
- *An overview of the state of the municipality's assets, with particular reference to the asset management plan, and repairs and maintenance requirements;*
 - *A list of the main infrastructure projects planned for the 2016/17 budget and MTREF;*
 - *A list of key processes requiring council input over the next six months, e.g. revision of the IDP, approval of specific policies etc. and*
 - *Any other information deemed to be important.*

In addition to the hand-over report, each new councillor should be given the municipality's revised IDP, the adopted 2016/17 budget, the mid-year budget and performance assessment report for 2015/16, and the latest monthly financial statement, and the annual report for 2014/15".

3. KEY DOCUMENTS

Pursuant to the above guidelines, a **CONSOLIDATED HAND-OVER REPORT** as well as the following key documents are distributed separately:

- **IDP 2016/17**
- **2014/15 ANNUAL REPORT**
- **MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK (2016/17 BUDGET)**
- **LATEST ANNUAL FINANCIAL STATEMENT**
- **MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT REPORT FOR 2015/16**

RECOMMENDED

that cognisance be taken of the Hand-Over Report and its Appendices.

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 7.3

Councillor DA Hendrickse requested that this item be opened for discussion, rather than merely taking cognisance of its content.

RESOLVED (nem con)

that this matter stand over until a next Council meeting.

(ACTING MUNICIPAL MANAGER TO ACTION)

7.4 DATES/FREQUENCY OF COUNCIL AND COMMITTEE MEETINGS

<i>File number</i>	: 3/4/1/1 x 3/4/2/1 x 3/4/3/1
<i>Report by</i>	: Acting Municipal Manager
<i>Compiled by</i>	: Director: Strategic & Corporate Services
<i>Delegated Authority</i>	: Council

1. LEGAL FRAMEWORK**1.1 Council meetings**

In terms of Section 29 of the Municipal Structures Act, the Speaker of a municipal Council decides when and where the Council meets, subject to Section 18(2), but if a majority of the Councillors requested the Speaker in writing to convene a Council meeting, the Speaker must convene a meeting at a time set out in the request. However, a municipal Council must meet at least quarterly.

1.2 Mayoral Committee meetings

Although the Municipal Structures Act is silent on the meetings of the Mayoral Committee, the Executive Mayor would determine when and where the Mayoral Committee will meet, as the Committee is established by the Executive Mayor to advise him/her.

1.3 Portfolio/Standing Committee meetings

In terms of Section 79(f), the municipal Council may determine a Committee procedure.

2. STATUS QUO

The current arrangement at Stellenbosch Municipality is that Portfolio/Standing Committee meetings (4 Committees) are generally held on the first Tuesday and Wednesday and the 2nd Tuesday and Wednesday of a month, followed by a Mayoral Committee Meeting on the 3rd Wednesday of a month, and a Council meeting on the last Wednesday of a month.

The schedule of the 2016 calendar year meetings of Council, Mayco, Standing Committees and other Committees of Council as adopted by the former Council at its 35th Meeting on 2015-10-28, is distributed under separate cover as an **APPENDIX**.

RECOMMENDED

that the schedule of meetings as adopted by the former Council on 2015-10-28 be confirmed as applicable to the remainder of the current calendar year.

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 7.4**RESOLVED** (nem con)

that Council NOTES that the schedule of meetings as adopted by the former Council on 2015-10-28, is applicable for the remainder of the current calendar year.

(ACTING MUNICIPAL MANAGER TO ACTION)

7.5 REMUNERATION OF COUNCILLORS

File number : 5/22
Report by : Acting Municipal Manager
Compiled by : Director: Strategic & Corporate Services
Delegated Authority : Council

1. BACKGROUND

On 2015-12-21, the National Minister for Cooperative Governance and Traditional Affairs, Mr. Des van Rooyen published the upper limits of salaries, allowances and benefits of different municipal councils with effect from 01 July 2015.

A copy of the said publication (**Government Notice No 1271, GG 39548**) and schedule is attached as **APPENDIX 1**.

Please note that, in terms of the number of points for rates income and number of registered voters (see paragraph 2 and 3 of schedule attached), Stellenbosch Municipality is a Grade 4 Municipality.

The above-mentioned matter was considered by Council on 2016-01-27. Council resolved to implement the maximum allowances.

The Provincial MEC for Local Government and Planning has subsequently approved the maximum allowances.

RECOMMENDED

that cognisance be taken of the upper limits of salaries, allowances and benefits of different members of municipal councils.

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 7.5**RESOLVED** (nem con)

that cognisance be taken of the upper limits of salaries, allowances and benefits of different members of municipal councils.

(ACTING MUNICIPAL MANAGER TO ACTION)

Meeting adjourned at 14:05.

CONFIRMED

CHAIRPERSON

(Signature & date)