



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2018-09-26

MINUTES

20TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2018-09-26 AT 10:00

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

MINUTES
20TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2018-09-26
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MINUTES
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OF STELLENBOSCH MUNICIPALITY
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MINUTES OF THE 20TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2018-09-26 AT 10:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH

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

ALDERMEN/WOMAN Ald PW Biscombe Ald JP Serdyn (Ms)

COUNCILLORS PRESENT

F Adams	C Manuel
FJ Badenhorst	NE Mcombring (Ms)
GN Bakubaku-Vos (Ms)	XL Mdemka (Ms)
G Cele (Ms)	RS Nalumango (Ms)
PR Crawley (Ms)	N Olayi
JN De Villiers	MD Oliphant
R Du Toit (Ms)	SA Peters
E Fredericks (Ms)	WF Pietersen
E Groenewald (Ms)	SR Schäfer
JG Hamilton	N Sinkinya (Ms)
JK Hendriks	P Sitshoti (Ms)
MC Johnson	Q Smit
DD Joubert	LL Stander
NS Louw	E Vermeulen (Ms)
N Mananga-Gugushe (Ms)	

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

1.	OPENING AND WELCOME
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The Speaker, Cllr WC Petersen (Ms) welcomed everyone present at the 20th Council meeting. Cllr G Cele (Ms) opened the meeting with a prayer.

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

- On a sad note – Local football legend, Reggie Jantjies recently passed.
 - Condolences to his family and friends
 - He has left behind an enduring legacy of football in Stellenbosch.
- Councillor Frazenburg's mother passed away early on Tuesday.
 - Our deepest sympathies and condolence to Councillor Frazenburg.
 - Thoughts and prayers are with them during this difficult time.
- Hope everyone celebrated Heritage Day on Monday, and made the most of the beautiful weather.
- U sou al in die plaaslike media en in ons dorpe gesien het dat e'Bosch se jaarlikse erfenisfees, as deel van erfenis maand in volle swang is.
- Deel van die fees sluit in staptogte, koorfeeste.
- Tydens die loodsfees is verskeie inwoners van regoor ons area vereer vir hul besondere bydrae tot erfenis in ons gemeenskappe.
- Voorreg om die wenners van die Erfenistoekennings te ontmoet.
 - Matthew Cyster,
 - Marietjie Kritzinger,
 - Dr Peter Martens,
 - Moses Muller,
 - Dennis Moss,
 - Antoinette Parks,
 - Pietman Retief en
 - Leatitia Solomons-Manuel
- Harbour week and month during September
- Planted trees across our region.
- Also replaced two Oak Trees with new saplings in the heart of town
 - Had to remove two of our giants because they became a danger due to age and disease.
 - Replaced with new saplings.
- Privilege of opening two libraries recently.

- Our own Groendal Library in Franschoek and school library at St Vincent Roman Catholic Primary School
 - Groendal Library built with the assistance of Provincial Department of Cultural Affairs and Sport
 - Has an ECD section and services for visually impaired persons
- St Vincent Roman Catholic Primary School
 - Contains a library and computer room
 - Our library services helped to train the staff at the school library.

“Thank You.”

After the Executive Mayor’s communications, Cllr F Adams requested clarity with regard to the status of this unscheduled meeting (i.e. is this an Ordinary, Special or Urgent Council meeting). The Municipal Manager responded that this is a Normal Council meeting. She referred to the 2017-11-29 Council resolution, Item 8.2.2 (a) which states that “the schedule of **PROPOSED** meeting dates.....be approved”, with the emphasis on “**PROPOSED**”. In that meeting the Executive Mayor extensively explained that, should there be a need for additional meetings, such shall be called in terms of Council’s Rules of Order (Rule 6.1 and 6.3), as well as Section 19 of the Municipal Systems Act, Act No. 32 of 2000 which obliges municipalities to give notice to the public, of the time, date and venue of every Ordinary meeting of the Council; Special or Urgent Meeting of the Council, except when time constraints make this impossible.

Cllr F Adams further enquired if the Speaker will accept his 2 Motions which he handed in prior to the Council meeting. The Speaker **RULED** that Cllr F Adams’s Motions are noted and will be dealt with at the next Council meeting. Cllr F Adams expressed his dissatisfaction with the Speaker’s ruling and requested that it be minuted that he was deprived of an opportunity for his Motions to serve.

2.2	COMMUNICATION BY THE SPEAKER
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- The Speaker, Cllr WC Petersen (Ms), congratulated all Councillors who celebrated and will celebrate their birthdays during September;
- She expressed her heartfelt condolences towards Cllr AR Frazenburg, who lost his mother;
- Cllr WC Petersen wished Groendal High School in Franschoek and other schools in the area, well with their matric ball later the evening;
- Ward Councillors are reminded about the cut-off date for the submission of inputs relating to the legislative framework of ward committees and public participation is on Friday, 28 September 2018;
- It is Council’s endeavours to go paperless and the Speaker requested patience with the transition of Agendas from hard copies into electronic format.

2.3	COMMUNICATION BY THE MUNICIPAL MANAGER
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NONE

3.	OFFICIAL NOTICES
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3.1	DISCLOSURE OF INTEREST
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NONE

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

Cllr FT Bangani-Meziwa	–	26 September 2018
Cllr A Crombie (Ms)	–	26 September 2018
Cllr MB De Wet	–	26 September 2018
Cllr A Florence	–	26 September 2018
Cllr AR Frazenburg	–	26 September 2018
Cllr AJ Hanekom	–	26 September 2018
Cllr DA Hendrickse	–	26 September 2018
Cllr LK Horsband	–	26 September 2018
Cllr MM Pietersen	–	26 September 2018

4.	CONFIRMATION OF MINUTES	(3/4/1/5)
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4.1 The minutes of the 19th Council Meeting: 2018-08-22 refers were **confirmed as correct.**

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

6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS COUNCIL MEETINGS
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The report by the Municipal Manager re outstanding resolutions taken at previous meetings of Council will be tabled at the Council meeting in October 2018.

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

7.2	CORPORATE AND STRATEGIC SERVICES: (PC: CLLR E GROENEWALD (MS))
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7.2.1	REVISED EMPLOYEE BURSARY POLICY (INTERNAL) FOR THE STELLENBOSCH MUNICIPALITY
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Collaborator No:

File No:

3/3/3/6/7 X 4/12/3/3

IDP KPA Ref No:

Good Governance / Institutional Development

Meeting Date:

12 September 2018

1. SUBJECT: REVISED EMPLOYEE BURSARY POLICY (INTERNAL) FOR THE STELLENBOSCH MUNICIPALITY

2. PURPOSE

To obtain approval for the implementation of the revised Employee Bursary Policy (Internal).

3. DELEGATED AUTHORITY

The delegated authority for the approval of policies is Council.

4. EXECUTIVE SUMMARY

At present, the Stellenbosch Municipality has an existing Study Bursary Scheme Policy Document. The policy has been revised by the Training Committee on Wednesday, 25 July 2018, and will be termed the Employee Bursary Policy (Internal).

The initial Study Bursary Scheme Policy Document was approved during April of 2001 and is out-dated; hence the review of same. See **ANNEXURE 1**.

The revised policy was consulted at the Human Resources sub-committee and approved by the LLF.

The Revised Bursary Policy is attached as **ANNEXURE 2**.

20TH COUNCIL MEETING: 2018-09-26: ITEM 7.2.1

RESOLVED (nem con)

that Council approves the revised Employee Bursary Policy (Internal).

7.2.2	TIME AND ATTENDANCE MANAGEMENT POLICY
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Collaborator No: 597929
IDP KPA Ref No: Good Governance / Institutional Development
Meeting Date: 12 September 2018

1. SUBJECT: TIME AND ATTENDANCE MANAGEMENT POLICY

2. PURPOSE

To submit the draft Time and Attendance Management Policy for approval.

3. DELEGATED AUTHORITY

The delegated authority for the approval of policies is Council.

4. EXECUTIVE SUMMARY

The legislative provisions link an employee's remuneration to attendance at work of which the employer is required to keep record. The Stellenbosch Municipality has elected to use the Biometrics systems for purposes of keeping record of time worked by each employee.

The trade unions requested that a Policy on the Implementation of the Biometrics system be drafted and submitted to the Local Labour Forum. The draft Time and Attendance Management Policy is herewith tabled for consideration. **APPENDIX 1.**

20TH COUNCIL MEETING: 2018-09-26: ITEM 7.2.2

RESOLVED (nem con)

- (a) that Council approves the Time and Attendance Policy;
- (b) that the Policy be implemented for all workplaces that have the time and attendance clocking units; and
- (c) that the Time and Attendance Management Policy replaces the Attendance and Punctuality Policy (2015).

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene De Beer</i>
POSITION	<i>Director: Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-808 8018</i>
E-MAIL ADDRESS	Annalene.DeBeer@stellenbosch.gov.za
REPORT DATE	<i>7 September 2018</i>

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

IDP KPA Ref No:

Meeting Date: 12 September 2018

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

2. PURPOSE

To obtain Council's decision in regard to the proposed exchange of land.

3. DELEGATED AUTHORITY

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

4. EXECUTIVE SUMMARY

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

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

There was also an offer made to purchase the land for an amount of R1 207 500.00. The owner indicated that she is not interested in selling the property. The offer is attached as **ANNEXURE 9**.

The piece of land is needed to enable to Longlands project to continue, and if the parties cannot reach agreement on the acquisition of the land at a fair price, the Municipality will have to follow the process in section 25 Of the Constitution read with section 9(3) of the Housing Act (Act 107/1997) and read with section 1,6,18-23 of the Expropriation Act (Act no 63 of 1975).

Council must now consider how to proceed to acquire the land for the access road and additional housing.

The pieces of property that the owner wants to exchange is closely situated to Technopark, and the Municipality can at this stage not with confidence say that it is not needed to provide the minimum level of basic municipal services as is required in terms of Section 14 of the MFMA.

20TH COUNCIL MEETING: 2018-09-26: ITEM 7.2.3**RESOLVED** (nem con)

- (a) that Council cannot at this stage resolve that the land requested in the exchange of land agreement is not needed for the provision of basic municipal services as required in terms of section 14 of the MFMA;
- (b) that Council, for the reason contained in (a) above, does not approve the agreement to exchange municipal land in exchange for the land needed for the securing of access route for the development of Longlands;
- (c) that the owner be informed that Council is not willing to exchange land and that, should parties not be able to reach agreement on the sale of the property, the process in section 25 of the Constitution will have to be invoked; and
- (d) that, should Ms Bezuidenhout not be willing to sell the land at a fair value, the Municipal Manager be authorised to follow the provisions of section 25 of the Constitution read with section 9(3) of the Housing Act (Act 107/1997) and read with Section 1,6,18-23 of the Expropriation Act (Act no 63 of 1975).

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	Director: Corporate Services
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-808 8106
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.gov.za
REPORT DATE	2018-09-06

7.2.4	PROPOSAL ON APPOINTMENT OF TEMPORARY EMPLOYEES (RESTRUCTURING PROCESS)
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Collaborator No:

File No:

4/1/2

IDP KPA Ref No:

Good Governance / Institutional Development

Meeting Date:

12 September 2018

1. SUBJECT: PROPOSAL ON THE APPOINTMENT OF TEMPORARY EMPLOYEES – RESTRUCTURING PROCESS

2. PURPOSE

To inform Council of the agreement reached by the trade unions and the employer on the appointment of temporary employees within the restructuring process.

3. DELEGATED AUTHORITY

The Municipal Manager appoints staff except the staff in terms of sections 56 and 57 of the Systems Act.

4. EXECUTIVE SUMMARY

Over the years temporary employees were appointed to perform functions in the organisation instead of filling permanent positions. Employees earning salaries above the threshold are excluded from the provisions of section 198B(3) of the Labour Relations Act. The Act also provides for exemptions, and the employer regards the appointment of temporary employees whilst we dealt with the restructuring process, as such an exemption. The employer has invested time and effort in the temporary employees and it would be a loss to the municipality if we do not try to retain the skills that have been developed.

The employer indicated at the start of the placement process that we will make a proposal on a process of how temporary employees, who adhere to certain criteria, can be appointed without a recruitment and selection process. The employer tabled the proposal at the LLF, and after consultation, reached agreement with the unions on the guidelines of the appointment of temporary employees without following the normal recruitment processes.

The temporary employees not complying with all the criteria can apply for the positions they are currently temporary appointed in, when the posts are advertised.

20TH COUNCIL MEETING: 2018-09-20: ITEM 7.2.4

The Municipal Manager noted the concerns raised regarding vacant posts.

RESOLVED (nem con)

that Council notes the guidelines that will be used to appoint temporary employees in the restructuring process.

FOR FURTHER DETAILS CONTACT:

NAME	Annelene de Beer
POSITION	Director: Corporate Services
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-808 8106
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.gov.za
REPORT DATE	2018-09-06

7.3	ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))
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NONE

7.4	FINANCIAL SERVICES: (PC: CLLR S PETERS)
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7.4.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR AUGUST 2018
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Collaborator No: 605798
File No: 8/1
BUDGET KPA Ref No: Good Governance and Compliance
Meeting Date: 12 September 2018

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

2. PURPOSE

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

3. DELEGATED AUTHORITY

Noted by Municipal Council.

4. RECOMMENDATION

that Council notes the deviations and ratifications as listed for August 2018.

20TH COUNCIL MEETING: 2018-09-20: ITEM 7.4.1

NOTED

the deviations and ratifications as listed for August 2018:

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE (R)
D/SM 04/19	07/08/2019	JVZ Construction	B/SM 04 Bulk water supply lines, pump stations and reservoir for the Dwarsrivier valley area (Pniel, Johannesdal and Kylemore)	<ul style="list-style-type: none"> Exceptional case and it is impractical or impossible to follow the official procurement process 	JVZ Construction is currently the appointed contractor on site and performing project related tasks. It will be impractical to appoint another contractor to complete the additional work	R 3 445 713.20

D/SM 05/19	09/08/2019	Liquid Telecom	Appointment of Liquid Telecom for the provision of voice services for a period not exceeding 6 months starting from 01 July 2018 - 31 December 2018	<ul style="list-style-type: none"> • Exceptional case and it is impractical or impossible to follow the official procurement process 	<p>Stellenbosch Municipality approached Telkom SA SOC on the basis of sole provider and preferred bidder for the required pure PRI service to conduct a needs analysis and site visit. Based on the needs analysis, a proposal was submitted by Telkom SA SOC for a voice service solution that is highly configurable and scalable solution and that will deliver tailored PABX capabilities and features to individual end users through feature packages that are closely aligned to the requirements of the Stellenbosch Municipality.</p> <p>Upon enquiry about delivery and implementation timelines of the proposed solution above, on the 6th June 2018, Telkom SA SOC provided us with a formal letter stating that the required voice services for the Stellenbosch Municipality including t-carrier grade links between the Main office in Stellenbosch, Pniel and Franschhoek will most likely take between 3 to 6 months to implement subject to onsite feasibility study and network installation.</p> <p>It is rather impractical under the current circumstances to go out on a normal procurement process. It is recommended that a contract is concluded for a period of six (6) months with Liquid Telecom to bridge the time for implementation of the preferred bidder process.</p>	R 515 959.60
D/SM 06/19	07/08/2019	Interwaste Environmental Solutions	Operations and management of the Devon Valley Landfill site	<ul style="list-style-type: none"> • Exceptional case and it is impractical or impossible to follow the official procurement process 	<p>The Devon Valley Landfill site is still not in a position to follow the formal tender process, as the MSA 78(3) process is still not finalised. A service provider, JPCE has in the interim been appointed to finalise this process (anticipated to be 3 months). However, the current landfill remaining airspace is estimated at 11 months, and it is thus unreasonable to go through a formal tender process for such a short duration at the completion of the S78(3) process. The municipality is currently engaged in a process with Eskom to relocated overhead cables, which will unlock an</p>	R 7 838 976.00

					estimated 18 years of landfill airspace, and when the new cells are developed, Stellenbosch Municipality will be better placed to go on a long-term tender process for the operation and management of the new cells.	
D/SM 07/19	03/08/2019	Resource Innovations	Collection of recyclables from appointed areas within the Stellenbosch municipal areas and the processing thereof at the mini-MRF situated in Adam Tas Rd.	<ul style="list-style-type: none"> • Exceptional case and it is impractical or impossible to follow the official procurement process 	The construction of the Material Recovery Facility (MRF) and Drop-off facility for Stellenbosch will commence and possibly be completed in the 2018/19 financial year. This will render the current mini-MRF site to be within a construction zone and it is therefore not practical to follow a formal tender process whilst construction is in progress.	R 1 780 669.20
D/SM 08/19	03/08/2018	Aurecon Consulting Engineers	Aurecon - Klappmuts Taxi rank R 526 763,26	<ul style="list-style-type: none"> • Exceptional case and it is impractical or impossible to follow the procurement process 		R 526 081.89
D/SM 09/19	07/08/2019	Naele's Hydraulics	Urgent repairs of Wemmershoek Wastewater Treatment Plant Hydraulic pack unit	<ul style="list-style-type: none"> • Emergency • Exceptional case and it impractical or impossible to follow the official procurement processes. 	At time of contacting the service provider Stellenbosch municipality was under the impression the hydraulic unit was still under warranty as it was completely refurbished by Naele's Hydraulics' late last year	R 29 321.26
D/SM 11/19	01/08/2019	Sowerby Engineering WEC Projects	WH WWTW - Repair Roots RAM 400XLB Blower CL4665	<ul style="list-style-type: none"> • Emergency • Exceptional case and it impractical or impossible to follow the official procurement processes 	Sowerby Engineering Services (Pty) Ltd is the sole suppliers and distributor of dresser and Howden Roots Air Blow for the Sub Saharan African for the past 46 years and they installed and repaired it.	R 77 780.25 R 96 907.05 R 104 687.30
D/SM 15/19	22/08/2019	TSU Protection Services	Amendment of appointment of TSU Protection Services to prevent invasion of municipal land	<ul style="list-style-type: none"> • Emergency • Exceptional case and it impractical or impossible to follow the official procurement processes 	Evidence of illegal land invasion has necessitated the municipality to take immediate steps to address the occupying of municipal land in WC024 area of Stellenbosch and more specifically the informal areas such as Kayamandi, Klappmuts, Langrug area, etc. The appointment of TSU Protection Services is from a specialized tactical force team whom has the necessary skills and specialized resources to effectively deal with the situation at hand and to prevent further invasion of municipal land. TSU Protection Services has been	R 932 650.00

					recommended by the South African Police Services as they have on a regular basis assisted SAPS successfully in managing and prohibiting illegal land invasion. Their team members are registered peace officers, and as such minimize the risk factors for Stellenbosch Municipality.	
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The following ratification(s) were approved with the reasons as indicated below:

RATIFICATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
R/SM 01/19	07/08/2018	Orrie, Welby-Solomon & Associates	Orrie, Welby-Solomon & Associates - Bergzicht Taxi Rank for R 225 806,93	4.36.1(b) to ratify any minor breaches of the procurement processes	The nature of the breach was purely technical, not impacting in any way on the essential fairness, equity, transparency. OWS had demonstrated best value for money, when compared to other service providers, and had continued by default, rendering a consultancy service fulfilling all obligations stated in the FQ Letter of Appointment. The consultancy fees, including amounts in excess of R165 000 are based on the provisions stipulated in the FQ and letter of appointment, ensuring for money and essential and fair consulting.	R 225 806.93
R/SM 02/19	07/08/2019	CBI Electric	CBI Electric - R 75 879,05	4.36.1(b) to ratify any minor breaches of the procurement processes	The construction phase for the upgrading and realignment of Marais Street, between Merriman Circle and Van Riebieck Street, was implemented between 2014 and 2016. During this period, an electrical cable had incurred damage, resulting in a blackout, CBI was called out to undertake emergency repairs The nature of the breach is it therefore purely technical and has arisen from a need to provide essential services	R 75 879.05

FOR FURTHER DETAILS CONTACT:

NAME	Marius Wüst
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Marius.wust@stellenbosch.gov.za
REPORT DATE	06 September 2018

7.5	INFRASTRUCTURE: [CLLR J DE VILLIERS]
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NONE

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

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

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

7.9	REPORT(S) BY THE MUNICIPAL MANAGER
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NONE

8.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER
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8.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]
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8.1.1	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO MATERIAL SUPPLIED BY NEON LIGHTING
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Collaborator No: 601335
IDP KPA Ref No: Good Governance
Meeting Date: 14 August 2018

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO MATERIAL SUPPLIED BY NEON LIGHTING

2. PURPOSE OF REPORT

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

3. DELEGATED AUTHORITY

Council to ratify the expenditure as the specific nature of the breach is a minor breach of the procurement process, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness of the procurement process relating to the procurement of the lighting material for the festival of lights function.

4. EXECUTIVE SUMMARY

Funding for the sourcing of the lighting material for the festival of lights was made available very late in 2017. The lights needed to be installed and tested before the first weekend of December 2017, when the municipality switches on the lights as start of the festive season.

In order to ensure that lights were installed in time to meet the deadline, following the advice from Finance, the Electro-Technical Services Department sourced the material through a deviation process.

20TH COUNCIL MEETING: 2018-09-26: ITEM 8.1.1

RESOLVED (nem con)

- (a) that Council takes note of the circumstances as provided in the report, and that the ratification of the expenditure to the amount of R 336 932.70 (Excluding VAT) be approved; and
- (b) that Council ratifies the expenditure in terms of Section 4.36.1a (i) of Stellenbosch Municipality Supply Chain Policy (2017/2018).

8.1.2	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY DP TRUCKHIRE (B/SM 84/16)
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Collaborator No: 605321
IDP KPA Ref No: Good Governance
Meeting Date: 18 September 2018

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY DP TRUCKHIRE (B/SM 84/16)

2. PURPOSE OF REPORT

To provide information regarding the expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to ratify the expenditure in terms of the MFMA Section 32 (2). The expenditure with regard to the procurement of services for the transport of containerized waste during the months of July and August 2018 is regarded as irregular because it breached the procurement process.

3. DELEGATED AUTHORITY

Council to ratify the expenditure as the specific nature of the breach is a minor breach of the procurement process, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness, for the payment to DP Truckhire.

4. EXECUTIVE SUMMARY

Tender B/SM 84/16 was awarded to DP Truckhire in May 2017 for a contract period of 12 months (with no specific commencement date mentioned). There was still an FQ in place for the transport of containerized waste and the department felt it prudent to first let the FQ run its course before initiating the tender, as the same service provider (DP Truckhire) had been appointed for both the FQ and the tender B/SM 84/16. The Solid Waste Management Department was under the impression that the first work was done on B/SM 84/16 on 01 September 2017 and therefore allowed the service to continue until 31 August 2017.

20th COUNCIL MEETING: 2018-09-26: ITEM 8.1.2

RESOLVED (majority vote)

- (a) that Council takes note of the circumstances as provided in the report, and approves the ratification of the expenditure to the amount of R 55 290.00 (VAT incl) to DP Truckhire; and
- (b) that Council ratifies the expenditure in terms of the MFMA Section 32 (2).

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director: Infrastructure Services</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	Deon.louw@Stellenbosch.gov.za
REPORT DATE	2018/08/27

8.1.3	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY APPOINTMENT OF ENVIRONMENTAL CONSULTANT
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Collaborator No: 604630
IDP KPA Ref No: Good Governance
Meeting Date: 18 September 2018

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY APPOINTMENT OF ENVIRONMENTAL CONSULTANT

2. PURPOSE OF REPORT

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

3. DELEGATED AUTHORITY

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

4. EXECUTIVE SUMMARY

Stellenbosch Municipality received a pre-directive reference: 14/1/1/E2/4/8/4/0297/17 from the Department of Environmental Affairs and Development Planning dated 12th May 2017 (see attached). The Municipality was instructed via the pre-directive to provide the Department of Environmental Affairs and Planning within seven (7) days with a written report compiled by a registered environmental specialist and input from a freshwater specialist.

The service provider was instructed to inspect the affected area immediately and commence with the compilation of said report due to the timeframe and urgency of the work that needed to be performed as outlined in the pre-directive. Delays in submitting the required quotation resulted in the administrative requirements not being adhered to.

20th COUNCIL MEETING: 2018-09-26: ITEM 8.1.3

RESOLVED (nem con)

- (a) that Council takes note of the technical circumstances of the breach as provided in the report, and that the ratification of the expenditure to the amount of R 62 905.00 (Incl. VAT) be approved; and
- (b) that Council ratifies the expenditure in terms of Section 4.36.1a (i) of Stellenbosch Municipality Supply Chain Policy (2017/2018).

8.1.4	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY KILOTREADS
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Collaborator No: 605320
 IDP KPA Ref No: Good Governance
 Meeting Date: 18 September 2018

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY KILOTREADS

2. PURPOSE OF REPORT

To provide information regarding the expenditure incurred for investigation by MPAC and to be recommended to and considered by Council to ratify the expenditure in terms of the MFMA Section 32 (2). The expenditure with regard to the procurement of services for the supply, delivery, repair and fitment of tyres on various vehicles for Solid Waste Management during the month of July 2017 is regarded as irregular because it breached the procurement process.

3. DELEGATED AUTHORITY

Council to ratify the expenditure as the specific nature of the breach is a minor breach of the procurement process, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness, for the payment of Kilotreads (FQ 303/17).

4. EXECUTIVE SUMMARY

FQ 303/17 was awarded to Kilotreads on 28 April 2017 for the supply, deliver, repair and fitment of tyres on various vehicles for Solid Waste Management. Order number 336317 was generated on 5 May 2017 for a total amount of R200 000 (incl VAT) for all tyres on the FQ. By 30 June 2017, only R24 561.40 (incl VAT) had been spent of the order and the remaining R175 438.60 was still available on the FQ. As the FQ had this balance, the work continued as per normal from 01 July 2017. A requisition for the balance was made out on 25 July 2017 by Ms M Williams on behalf of Mr A Heyns, but this was subsequently turned down by Supply Chain Management as FQ 303/17 had expired on 30 June 2017. Mr Heyns was not aware that this was the case. The services of Kilotreads were immediately terminated once this information came to light and a new FQ process was initiated. The work performed was thus based on the expired FQ and the service rendered continued by default.

20th COUNCIL MEETING: 2018-09-26: ITEM 8.1.4

RESOLVED (nem con)

- (a) that Council takes note of the circumstances as provided in the report, and approves the ratification of the expenditure to the amount of R16 650.84 (VAT incl) to Kilotreads; and
- (b) that Council ratifies the expenditure in terms of the MFMA Section 32 (2).

8.1.5	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO CONSULTANCY SERVICES FOR UPGRADING OF BERZICHT TAXI RANK
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Collaborator No: 605528
IDP KPA Ref No: Good Governance
Meeting Date: 18 September 2018

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO CONSULTANCY SERVICES FOR UPGRADING OF BERZICHT TAXI RANK

2. PURPOSE OF REPORT

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

3. DELEGATED AUTHORITY

Council to ratify the expenditure as the specific nature of the breach is a minor breach of the procurement process, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness, for the payment of Orrie, Welby-Solomon (OWS) for consultancy services rendered.

4. EXECUTIVE SUMMARY

OWS was appointed to render consulting services, through a Formal Quotation (FQ) procedure. With the increase in construction cost, the initial estimate for consultancy fees was exceeded. The FQ process, initially followed, could not make allowance for further payment.

20th COUNCIL MEETING: 2018-09-26: ITEM 8.1.5

RESOLVED (nem con)

- (a) that Council takes note of the circumstances as provided in the report, and approves the ratification of the expenditure to the amount of R 225 806.93 (VAT incl.) to Orrie, Welby-Solomon & Associates; and
- (b) that Council ratifies the expenditure in terms of Section 4.36.1a (i) of Stellenbosch Municipality Supply Chain Policy (2017/2018).

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director: Infrastructure Services</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	Deon.louw@stellenbosch.gov.za
REPORT DATE	2018/07/27

8.1.6	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE PROVISION OF EMERGENCY SERVICES BY CBI ELECTRIC
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Collaborator No: 605801
IDP KPA Ref No: Good Governance
Meeting Date: 18 September 2018

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE PROVISION OF EMERGENCY SERVICES BY CBI ELECTRIC

2. PURPOSE OF REPORT

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

3. DELEGATED AUTHORITY

Council to ratify the expenditure as the specific nature of the breach is a minor breach of the procurement process, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness of the payment of CBI for services rendered.

4. EXECUTIVE SUMMARY

During the construction of the Marais Street, an electrical cable incurred damage resulting in a power outage. CBI was approached to carry out the necessary repairs and restore electrical supply.

20th COUNCIL MEETING: 2018-09-26: ITEM 8.1.6

RESOLVED (nem con)

- (a) that Council takes note of the circumstances as provided in the report, and that the ratification of the expenditure to the amount of R 75 879.05 (including Vat) be approved; and
- (b) that Council ratifies the expenditure in terms of Section 4.36. 1a (i) of Stellenbosch Municipality Supply Chain Policy (2017/2018).

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director: Infrastructure Services</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	Deon.louw@stellenbosch.gov.za
REPORT DATE	2018/07/27

8.2	OFFICE OF THE MUNICIPAL MANAGER
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8.2.1	APPOINTMENT OF MPAC MEMBER – RESIGNATION OF COUNCILLOR NS LOUW AS MEMBER OF MPAC
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

26 September 2018

1. **SUBJECT: APPOINTMENT OF MPAC MEMBER – RESIGNATION OF COUNCILLOR NS LOUW AS MEMBER OF MPAC**

2. **PURPOSE OF REPORT**

To elect another member of Council to represent the DA on MPAC in light of the resignation of Councillor NS Louw as member of MPAC.

3. **DELEGATED AUTHORITY**

Municipal Council

4. **EXECUTIVE SUMMARY**

Council, at an Urgent meeting held on 16 February 2017, constituted MPAC in line with legislation.

Councillor NS Louw however, resigned as MPAC member on 13 September 2018. Resignation letter attached as **APPENDIX A**.

20TH COUNCIL MEETING: 2018-09-26: ITEM 8.2.1

NOTED

that Cllr E Fredericks replaces Cllr NS Louw as member on the MPAC Committee.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Municipal Manager</i>
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	mm@stellenbosch.gov.za
REPORT DATE	2018-09-19

8.2.2	CONFERMENT OF CIVIC HONOURS: ALDERMANSHIP ON CLLR PW BISCOMBE
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Collaborator No:

File number

IDP KPA Ref No:

Good Governance

Meeting Date:

26 September 2018

1. **SUBJECT: CONFERMENT OF CIVIC HONOURS: ALDERMANSHIP ON CLLR PW BISCOMBE**

2. **PURPOSE**

To obtain Council's approval for the conferment of Aldermanship on Councillor PW Biscombe in terms of the Stellenbosch Municipal Honours By-Law of April 2002.

3. **DELEGATED AUTHORITY**

Municipal Council.

4. **EXECUTIVE SUMMARY**

In terms of the guidelines and criteria reflected in the Stellenbosch Municipal Honours By-Law (April 2002), Council may decide to bestow municipal honours on individuals.

An application was received from Councillor PW Biscombe, requesting that the title of Alderman be conferred on him as he qualifies for such honours in terms of the Stellenbosch Municipal Honours By-Law (April 2002).

According to Council's records, Councillor Biscombe's service as a Councillor has scored him a total of 20 points, and in accordance with the prescribed criteria, he therefore qualifies for Aldermanship.

20TH COUNCIL MEETING: 2018-09-26: ITEM 8.2.2

RESOLVED (nem con)

- (a) that, in terms of Section 6(4)(c) of the Stellenbosch Municipal Honours By-Law promulgated in Provincial Gazette 5859 of 19 April 2002, the title of Alderman be conferred upon Councillor PW Biscombe; and
- (b) that, following the approval of Council, the Executive Mayor, as patron of the Stellenbosch Municipal Honours, confers the honour on Councillor PW Biscombe in an appropriate manner.

FOR FURTHER DETAILS CONTACT:

NAME	AMC de Beer
POSITION	<i>Director: Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021 807 8018</i>
E-MAIL ADDRESS	<i>Annalene.deBeer@stellenbosch.org.za</i>
REPORT DATE	<i>20 September 2018</i>

8.2.3	NORTHERN EXTENSION / LAND FOR RELOCATION OF SURPLUS HOUSEHOLDS, KAYAMANDI: PROGRESS / STATUS REPORT
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Collaborator No: 608851
IDP KPA Ref No: D616
Meeting Date: 26 September 2018

1. SUBJECT: NORTHERN EXTENSION / LAND FOR RELOCATION OF SURPLUS HOUSEHOLDS, KAYAMANDI: PROGRESS / STATUS REPORT

2. PURPOSE

To provide Council with a progress / status report and to advise on a way forward.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

On 29 November 2017 Council considered a report recommending the acquisition of certain portions of land for the relocation of “*surplus households*”.

Having considered the report, the Municipal Manager was, *inter alia* authorised to investigate / negotiate the acquisition of the land identified in the report.

Seeing that the majority of the land that was identified at the time has subsequently been sold to a third party, Council now needs to decide on a way forward, taking into account the peculiar position of Council’s own land.

20 TH COUNCIL MEETING: 2018-09-26: ITEM 8.2.3

During deliberations on the matter, the Speaker ordered Cllr F Adams to leave the chambers (at 11:20) for violating Rule 27 of the Rules of Order By-law.

RESOLVED (majority vote with 7 abstentions)

- (a) that the progress to date (lack thereof), be noted;
- (b) that the Municipal Manager be authorised to further investigate the options as set out in paragraph 6.2.2 and to enter into preliminary discussions / negotiations with the relevant stakeholders, with the view of finding solutions for the future development of the Northern Extension;
- (c) that the Municipal Manager reports back on progress within 3 months; and
- (d) that no definitive agreement(s) be concluded without Council’s approval.

NAME	Tabiso Mfeya
POSITION	Director
DIRECTORATE	Director: Planning & Economic Development
CONTACT NUMBERS	021 808 8491
E-MAIL ADDRESS	<i>tabiso.mfeya@stellenbosch.gov.za</i>
REPORT DATE	21 September 2018

9.	MATTERS FOR NOTIFICATION
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9.1	REPORT BY THE EXECUTIVE MAYOR
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NONE

9.2	REPORT BY THE SPEAKER
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NONE

9.3	REPORT BY THE MUNICIPAL MANAGER
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NONE

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

11.	CONSIDERATION OF URGENT MOTIONS
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NONE

12.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

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

13.2	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

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

The meeting adjourned at 11:50.

CHAIRPERSON:

DATE:

Confirmed on **with/without**