



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2018-11-28

MINUTES

22ND MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2018-11-28 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
22ND MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2018-11-28
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MINUTES OF THE 22ND MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2018-11-28 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)	
COUNCILLORS	F Adams FJ Badenhorst GN Bakubaku-Vos (Ms) Ald PW Biscombe G Cele (Ms) PR Crawley (Ms) JN De Villiers MB De Wet A Florence AR Frazenburg E Fredericks (Ms) E Groenewald (Ms) JG Hamilton AJ Hanekom DA Hendrickse JK Hendriks LK Horsband (Ms) MC Johnson	DD Joubert N Mananga-Gugushe (Ms) C Manuel NE Mcombring (Ms) XL Mdemka (Ms) (until 15:15) N Olayi MD Oliphant SA Peters MM Pietersen WF Pietersen SR Schäfer Ald JP Serdyn (Ms) N Sinkinya (Ms) P Sitshoti (Ms) Q Smit LL Stander E Vermeulen (Ms) (from 11:40)

Officials:	Municipal Manager (Ms G Mettler) Chief Financial Officer (M Wüst) Director: Community and Protection Services (G Esau) Director: Economic Development and Planning (T Mfeya) Director: Infrastructure Services (D Louw) Senior Manager: Governance (Ms S De Visser) Chief Audit Executive (F Hoosain) Manager: Communications (S Grobbelaar) Manager: Secretariat/Committee Services (EJ Potts) Senior Administration Officer (Ms T Samuels) Committee Clerk (Ms N Mbali) Interpreter (J Tyatyeka)
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1.	OPENING AND WELCOME
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The Speaker, Cllr WC Petersen (Ms) welcomed all present at the 22nd Council meeting. A moment of silence was observed.

2.	COMMUNICATIONS
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2.1	MAYORAL ADDRESS
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“Goeiedag, Good day, Molweni, Assalaam-Alaikum

- Dit is ons laaste geskeduleerde raadsvergadering vir 2018!
- Voor ons by die lekker kom, moet ons egter ernstig raak.
- Sondag het die jaarlikse 16de Veldtog teen geslagsweld begin.
- Ons het vanoggend ook die ons 16dae veldtog amptelik geloods.
- Hierdie veldtog duur van 25 November tot 10 Desember en fokus spesifiek op die geweld teenoor vroue en kinders.
- Gedurende die tydperk werk die Munisipaliteit saam met verskillende rolspelers om bewustheid te kweek in ons gemeenskappe oor hierdie uitdaging.
- Dit is so hartseer dat die probleem steeds, wêreldwyd, so ernstig is, dat ons veldtogte daarvoor nodig het om die slagoffers te herinner dat hulle nie alleen is nie, en dat daar hulp vir hulle beskikbaar is.
- N studie wat gedoen is deur Stats SA en die Suid-Afrikaanse Mediese Navorsingsraad wys dat 21% van vroue in Suid-Afrika ouer as 18, het gesê dat hulle seksuele geweld ervaar het vanaf hul lewensmaat. Dit is ongeveer 1 uit elke 5 vroue.
- ‘n Studie van Stats SA wat gedoen is oor misdaad teen vroue in Suid-Afrika, wat in Junie vanjaar verskyn het, het egter nog steurende resultate gewys.
 - 3.3% mans en 2.3% vrouens in Suid-Afrika dink dit is aanvaarbaar vir ‘n man om ‘n vrou te slaan.
- Dit is ONMOONTLIK om geweld teen vroue en kinders te stop as die slagoffers dink die gewelddadige optrede is gereverdig.
- Huishoudelike geweld is nie die enigste uitdaging nie
 - Bendemisdaad en dwelms maak slagoffers van veral ons kinders
- Ons moet hieroor praat! Ons kan nie die probleem ignoreer nie.
- Ons moet nooit stilbly as ons dit sien gebeur met iemand anders nie. Ons het almal ‘n verantwoordelikheid teenoor mekaar om die geweld te stop!
- This Afternoon, it is my privilege to welcome representatives from various university towns from across the world for the Town and Gown conference
- This is part of the Centenary Celebrations of the University of Stellenbosch
- The conference will focus on the functioning between local governments and universities, in university towns, like Stellenbosch
- It is a unique opportunity for us to learn from other towns like Bath in Britain, where the university and the town share a space, like in Stellenbosch.

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- We will share challenges and solutions that will enable us to continue to successfully work with our own institutions for years to come.
 - On 5 December we will commemorate the 5th year of the passing of former South African President, Nelson Rolihlahla Mandela.
 - We continue to remember the father of our nation, his legacy and the values he fought so hard for.
 - Let us remember his legacy, his generous spirit, loving heart and wonderful vision for South Africa.
 - Met die Feesseisoen voor die deur wil ek ook al ons inwoners vra om asseblief veilig te wees
 - Ons nooddienste is slag gereed vir die Feesseisoen
 - Elk inwoner se samewerking is egter noodsaaklik.
 - Wees versigtig op die paaie en hou by die padreëls
 - Wees versigtig met oop vlamme en wanneer u vuurmaak om fees te vier.
 - Ek wil graag hê dat ons almal die feesseisoen verantwoordelik saam geniet, en mekaar in ag sal neem
 - The IEC announced that the National and Provincial Elections will be held in May 2019. An exact date is yet to be determined
 - The last registration weekend will be 26-27 January 2019
 - All residents who will be 18 years and older, with a valid South African ID, by the time of the election, must make sure they are registered.
 - Especially important for first time eligible voters to make sure they register.
 - New students, moving to Stellenbosch next year, must also make use of this registration opportunity to register correctly.
 - Please remember to take a proof of address with you when you register, so that the IEC can correctly update your registration details.
 - You do not have to wait for registration weekend to register, you can contact your nearest IEC office and go to register at the IEC.
 - The voters roll remains open until the president declares a voting date, where after the voting roll closes.
 - If you are unsure about your registration or where you are registered, you can SMS your ID number to 32810.
 - Or visit the IEC website on www.elections.org.za
 - It is a very useful resource, to find out everything you need to know.
 - Op Saterdag, 1 Desember skakel ons weer die liggies aan, hier op die Braak en vier ons die begin van die feesseisoen saam met ons inwoners.
 - Ek wil al die raadslede en ook die inwoners nooi om die geleentheid te kom geniet!
 - Ek wil aan al ons personeel, raadslede, amptenare en inwoners 'n wonderlike en geseënde Feesseisoen toewens
 - Mag u 'n wonderlike Feesseisoen saam met u vriende en familie deurbring
 - Vlr die wat op verlof en/of op vakansie gaan, rus uit.
 - 2019 gaan 'n jaar vir die geskiedenisboeke wees!

“Thank You.”

2.2	COMMUNICATION BY THE SPEAKER
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2.1 The Speaker's communication can be summarized as follows:

"The following Councillors celebrated birthdays during November:

Cllr Johannie Serdyn	01 November
Cllr Jan Hendriks	19 November
Cllr Malcolm Johnson	23 November
Cllr Xoliswa Mdemka	26 November
Cllr Manie Pietersen	27 November

2.2 You are encouraged to embrace the 16 Days of activism of violence against women and children. Good luck to all Councillors with the events that have been planned relating to this all important mission.

2.3 Kindly be reminded about World Aids Day on 01 December. This year's theme for World AIDS Day, which will be marking its 30th anniversary, will be "Know your status".

2.4 The annual Festival of Lights hosted by the Executive Mayor will be taking place this coming Saturday and Sunday. Our appeal is that you encourage those parents that will be in attendance to take special care of their children.

2.5 All Councillors are reminded of the Integrated Zoning Scheme Presentation to be done at the start of the All Ward Councillors Meeting tomorrow afternoon at 14:00 here in the Council Chamber.

2.6 A Ward Committee Summit will be hosted by the Office of the Speaker tomorrow afternoon starting at 18:00. The signing of the Code of Conduct for Ward Committee members will be one of the more important items on the programme.

2.7 Lunch time will be at 13:00.

2.8 Today will be Director Esau's last Council meeting as he prepares to take up a new position at Drakenstein Municipality. We hereby express our heartfelt thanks to him for the services rendered over the years in the employ of this Municipality especially his last three years as Director: Community and Protection Services.

Thank you."

2.3	COMMUNICATION BY THE MUNICIPAL MANAGER
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2.3.1 The Municipal Manager gave a short history on the 16 days of Activism campaign and how this campaign came about.

2.3.2 The festive season is the start of the Traffic and Road Safety Initiative. The Municipal Manager wished all the traffic officials, who will be working over this busy period, well and thanked them for the important role they will be playing to keep the community safe.

2.3.2 She expressed her gratitude towards the Director: Community and Protection Services, Mr Gerald Esau, who leaves the services of Stellenbosch Municipality on 30 November 2018, and wished him well with his new position at Drakenstein Municipality.

3.	OFFICIAL NOTICES
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3.1	DISCLOSURE OF INTEREST
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The following Councillors declared an interest in items on the Agenda and requested to be recused when these matters are dealt with.

Cllr MB De Wet - Item 13.1.1
Cllr N Olayi - Item 13.1.3
Cllr DD Joubert - Item 13.1.3

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

Deputy Executive Mayor, Cllr N Jindela – 28 November 2018
Cllr FT Bangani-Menziwa (Ms) – 28 November 2018
Cllr A Crombie (Ms) – 28 November 2018
Cllr R Du Toit (Ms) – 28 November 2018
Cllr RS Nalumango (Ms) – 28 November 2018

3.2.2 Permission was granted to Councillor E Vermeulen (Ms) to join the meeting later (at 11:40).

3.2.3 Permission was granted to Councillor XL Mdemka (Ms) to leave the meeting earlier (until 15:15).

4.1	CONFIRMATION OF MINUTES: 2018-10-31	(3/4/1/5)
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4.1 The minutes of the 21st Council Meeting: 2018-10-31 were **confirmed as correct.**

4.2	CONFIRMATION OF MINUTES: 2018-11-09	(3/4/1/5)
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4.2 The minutes of an Urgent Council Meeting: 2018-11-09 were **confirmed as correct.**

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

6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS COUNCIL MEETINGS
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ITEM	Pg	INPUT	MM'S RESPONSE
<u>CLLR F ADAMS</u>			
<u>8th Council meeting:</u> <u>2017-04-26:</u> 7.3.1 The future use and maintenance of Council Heritage Buildings	84	Is there any outstanding litigation regarding this matter?	MM will provide feedback in due course.
<u>14th Council meeting:</u> <u>2017-11-29:</u> 7.5.3 Various issues: Vlotenburg Housing Projects: Way Forward	91	This item served before Council the same time last year, and promises were then made that the water would be brought closer to the residents. Up until today, this still did not materialize. Want to place it on record that we should stop making false promises to people.	Input noted. NB: The Executive Mayor requested that it be placed on record that Cllr F Adams is abusing his privilege by making incorrect statements. The Speaker instructed Cllr F Adams to retract his inference regarding false promises, which he did.
<u>17th Council meeting:</u> <u>2018-05-23:</u> 7.5.1 Proposed renewal of lease agreement: Erf 52, Stellenbosch, Supergroup dealership	101	Where is the Progress Report that was supposed to serve before the November 2018 Council as indicated in the feedback comment on pg. 101?	The item missed the timeframe, but will still serve before Council.
<u>CLLR DA HENDRICKSE</u>			
<u>21st Council meeting:</u> <u>2018-10-31:</u> Item 7.2.4 Millstream Corridor: Progress report		<u>Cllr DA Hendrickse made the following statements:</u> No mention is made on what actions were taken on this matter or if letters were served on these people.	Letters were served on the residents and they had 3 months to remove the obstructions.
<u>21st Council Meeting:</u> <u>2018-10-31:</u> 7.6.2 Poster By-Law relating to Outdoor Advertising and Signage	110	This is in contradiction with the public resolution notice that was published.	No public participation processes will be run during the period 15 Dec 2018 until 15 Jan 2019 to make provision for the holiday period.

NOTED

The concerns raised and the feedback report on Outstanding Resolutions.

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: (ALD G VAN DEVENTER (MS))
7.1	COMMUNITY AND PROTECTION SERVICES: (PC : CLLR J DE VILLIERS)
7.1.1	REVIEW OF SAFETY AND SECURITY STRATEGY

Collaborator No: 595704
IDP KPA Ref No: Safest Valley
Meeting Date: 09 November 2018

1. SUBJECT: REVIEW OF SAFETY AND SECURITY STRATEGY

2. PURPOSE

To submit the reviewed Safety and Security Strategy report to Council.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Safety and Security Strategy is a living document which is annually reviewed and adapted to meet the demands and challenges of promoting a safe and healthy environment as determined by Section 152 of the Constitution.

During 2015 the Stellenbosch Municipality has adopted a renewed Safety Plan for the WC024 area of Stellenbosch and re-affirmed the Community Safety Forum which is a key component of the Safety Plan.

The reviewed strategy sets the strategic direction of Stellenbosch Municipality in creating a safer environment for all residents, visitors and tourists.

22ND COUNCIL MEETING: 2018-11-28: ITEM 7.1.1

NOTED

the reviewed Safety and Security Strategy Report.

FOR FURTHER DETAILS CONTACT:

NAME	GERALD ESAU
POSITION	DIRECTOR COMMUNITY & PROTECTION SERVICES
DIRECTORATE	COMMUNITY & PROTECTION SERVICES
CONTACT NUMBERS	X8437
E-MAIL ADDRESS	Gerald.esau@stellenbosch.gov.za
REPORT DATE	24 May 2018

7.1.2	STELLENBOSCH MUNICIPALITY CLOSED CIRCUIT TELEVISION POLICY
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Collaborator No: 599452
 IDP KPA Ref No: *Safest Valley*
 Meeting Date: 09 November 2018

1. SUBJECT: STELLENBOSCH MUNICIPALITY CLOSED CIRCUIT TELEVISION POLICY

2. PURPOSE

To submit the Stellenbosch Municipality Closed Circuit Television (CCTV) Policy to Council for approval.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

This policy has been drafted to ensure that Stellenbosch Municipality, its employees and contractors comply with good practice, transparency and accountability in respect of the requirements of The Protection of Personal Information Act, Act No.4 of 2013 when operating Council CCTV and LPR cameras.

It also outlines the process for managing all access to CCTV and LPR data, the delegated authorities of Municipal staff and Municipal obligations in regard to CCTV and LPR data storage, security and signage.

22ND COUNCIL MEETING: 2018-11-28: ITEM 7.1.2

RESOLVED (majority vote with abstentions)

- (a) that Council approves the Stellenbosch Municipality Closed Circuit Television (CCTV) Policy, in principle; and
- (b) that said policy be advertised for public comments and be re-submitted to Council for final approval.

FOR FURTHER DETAILS CONTACT:

NAME	GERALD ESAU
POSITION	<i>DIRECTOR COMMUNITY & PROTECTION SERVICES</i>
DIRECTORATE	<i>COMMUNITY & PROTECTION SERVICES</i>
CONTACT NUMBERS	<i>X8437</i>
E-MAIL ADDRESS	<i>Gerald.esau@stellenbosch.gov.za</i>
REPORT DATE	<i>21 May 2018</i>

7.1.3	REVIEW OF DISASTER MANAGEMENT PLAN
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Collaborator No: 597988
IDP KPA Ref No: Safest Valley
Meeting Date: 09 November 2018

1. SUBJECT: REVIEW OF DISASTER MANAGEMENT PLAN

2. PURPOSE

To present a reviewed Disaster Management Plan (**ANNEXURE A**) to Council.

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

The revision of the Disaster Management Plan is done annually in accordance with *Section 53 (1) of the Disaster Amendment Act, 16 of 2015 to:*

g) regularly review and update its plan; and

h) through appropriate mechanisms, processes and procedures established in terms of Chapter 4 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), consult the local community on the preparation or amendment of its plan.”

Stellenbosch Municipality also endeavors to sustain a state of readiness through a continuous and integrated multi sectoral, multi-disciplinary process of planning and implementation of measures aimed at:

- Preventing or reducing the risk of disasters;
- Mitigating the severity or consequences of disasters;
- Emergency preparedness;
- A rapid and effective response to disasters; and
- Post- disaster recovery and rehabilitation.

22ND COUNCIL MEETING: 2018-11-28: ITEM 7.1.3

Pages 192-194 of the Agenda were updated and replaced.

RESOLVED (majority vote with abstentions)

that the revised Disaster Management Plan be approved.

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

Cllrs F Adams, DA Hendrickse and LK Horsband (Ms).

FOR FURTHER DETAILS CONTACT:

NAME	Wayne Smith
POSITION	Manager: Fire Services and Disaster Management
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	Ext 8771
E-MAIL ADDRESS	wayne.smith@stellenbosch.gov.za
REPORT DATE	13 June 2018

7.2	CORPORATE SERVICES: (PC: CLLR E GROENEWALD (MS))
7.2.1	EXTENTION OF LEASE AGREEMENT: STELLENBOSCH ANIMAL HOSPITAL: ERVEN 2498 AND 2499, STELLENBOSCH

Collaborator No:

IDP KPA Ref No:

Animal

Meeting Date:

Institutional Transformation

Hospital in relation to erven 2498 and 2499, Stellenbosch.

09 November 2018

1. **SUBJECT: EXTENTION OF LEASE AGREEMENT: STELLENBOSCH ANIMAL HOSPITAL: ERVEN 2498 AND 2499, STELLENBOSCH**

2. **PURPOSE**

To obtain Council's approval to conclude a Lease Agreement with Stellenbosch

3. **DELEGATED AUTHORITY**

The Municipal Council must consider the matter.

4. **EXECUTIVE SUMMARY**

On 2018-05-23 Council considered a report dealing with the possible renewal of a Lease Agreement with Stellenbosch Animal Hospital, without following a public competitive process.

Council approved the request, subject to Council's intention so to act being advertised for public comment/counter proposals. Council's intention to lease the land to the animal hospital was published only 10 Inputs from the public was received and it is listed under discussion below. Most of the inputs support the lease agreement.

Council must now consider the inputs/objections received and make a final decision on a way forward.

22ND COUNCIL MEETING: 2018-11-28: ITEM 7.2.1

RESOLVED (majority vote)

- (a) that Council takes note of the inputs/comments received;
- (b) that Council approves the conclusion of a Lease Agreement with the Stellenbosch Animal Hospital for the use of erven 2498 and 2499 for a period of 5 years at a rate of R19 720/month, with an escalation of 6% p.a, as from 1 December 2018; and
- (c) that the Municipal Manager be authorised to sign all documents necessary to effect the lease.

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

Cllrs F Adams, DA Hendrickse and LK Horsband (Ms).

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2018-11-01

7.2.2	POSSIBLE DISPOSAL OF A PORTION OF PORTION 15 OF FARM 292 (NOW KNOWN AS ERF 16489), STELLENBOSCH
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Institutional Transformation

09 November 2018

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

2. PURPOSE

To approve the transfer of portion 15 of Farm 292 (now known as erf 16489) to the Provincial Department of Education for educational purposes after the public participation process.

3. DELEGATED AUTHORITY

The Municipal Council must decide on the matter.

4. EXECUTIVE SUMMARY

On 2018-08-22 Council approved an in principle transfer of a portion of portion 15 of Farm 292, Stellenbosch to the Provincial Government of the Western Cape, for educational purposes, subject thereto that Council's intention so transfer be advertised for public comment/inputs/objections.

The notice was published on 27 September 2018 (**attached hereto as APPENDIX 2**).

No inputs/objections or counter proposals were received.

Following the public notice period, Council must now make a final determination.

22ND COUNCIL MEETING: 2018-11-28: ITEM 7.2.2

RESOLVED (majority vote with abstentions)

- (a) that it be noted that no comment/inputs/objections have been received following the public notice period; and
- (b) that Council resolves to dispose of a portion of portion 15 of Farm 292, Stellenbosch, measuring approximately 9080m² in extent to the Provincial Government of the Western Cape, at no cost to the Department subject to the following conditions:
 - (i) that the property only be used for educational purposes;
 - (ii) that the Provincial Government of the Western Cape be responsible for the subdivision and rezoning of the land to educational purposes, at their cost;
 - (iii) that the area as depicted on **APPENDIX 3** as parking area, be developed as a public parking area;

-
- (iv) that, should the proposed development require any upgrading to existing bulk infrastructure, that such upgrading be for the account of the Provincial Government, at the then applicable tariffs;
 - (v) that no potable water be used to fill or top-up any of the (to be constructed) swimming pools, and that the school must use its existing ground-water source for this purpose.

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

Cllrs F Adams, DA Hendrickse and LK Horsband (Ms).

FOR FURTHER DETAILS CONTACT:

NAME	<i>Piet Smit</i>
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-8088189</i>
E-MAIL ADDRESS	<i>Piet.Smit@stellenbosch.gov.za</i>
REPORT DATE	<i>2018-10-31</i>

7.2.3	UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (ECD CENTRE)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Institutional Transformation

09 November 2018

1. SUBJECT: UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (ECD CENTRE)

2. PURPOSE

To obtain Council's approval for entering into a Lease Agreement with Mr C Goosen, following the conditional awarding of a tender by the BAC.

3. DELEGATED AUTHORITY

Municipal Council must consider the matter.

4. EXECUTIVE SUMMARY

On 2017-07-26 Council authorised a public competitive process (tender) to be followed for the purpose of awarding rights for the development of an ECD Centre on a portion of the Community Hall in Wemmershoek. The call for proposals was put out for a one (1) year lease at 20% of the market related rental.

Only one proposal was received when the tender closed. The tenderer proposed a 5 year lease agreement at 10% of the market value. The bidder is proposing a minimum period of 5 years, taking into account their capital investment of between R200 000 and R300 000 and the BAC recently accepted the proposal, subject to Council's accepting the proposal. Council must now decide whether to proceed with the lease based on the proposal received or not.

22ND COUNCIL MEETING: 2018-11-28: ITEM 7.2.3

RESOLVED (majority vote with abstentions)

- (a) that Council notes that a tender call for proposal was advertised and dealt with through the Supply Chain Process;
- (b) that Council now proceed with the lease based on the proposal received;
- (c) that, should Council accept the proposal, an agreement be entered into with Mr Goosen that stipulates that the property may only be used for the purposes of an ECD centre; and
- (d) that the Municipal Manager be authorised to sign all documents necessary to effect the lease agreement.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2017-11-15

7.2.4	PROPOSED SERVICE DELIVERY IN JONKERSHOEK
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Dignified Living

09 November 2018

1. SUBJECT: PROPOSED SERVICE DELIVERY IN JONKERSHOEK

2. PURPOSE

The purpose of this agenda item is two-fold:

- a) To provide Council with a progress report; and
- b) To obtain the necessary authorisation to start with service delivery in Jonkershoek.

3. DELEGATED AUTHORITY

Council's approval is required.

4. EXECUTIVE SUMMARY

During 2006 the National Department of Public Works requested Stellenbosch Municipality to take over the responsibility of service delivery to the Op-die-Bult settlement in Jonkershoek, until such time as township establishment would occur, where after it would become the Stellenbosch municipality's responsibility in law.

In considering this request the Municipality (Mayoral Committee meeting 2007-11-21) made it clear that they would only take over this responsibility if the various role players, i. e Stellenbosch Municipality, MTO, Cape Nature and National and Provincial Departments of Public Works conclude a Memorandum of Understanding (MOU), setting out the roles and responsibilities on the medium to long term future of the mixed-use area in Jonkershoek.

Since the above decision was taken, all the parties, except the National Department of Public Works, have indicated their willingness to conclude the M.O.U.

During 2017 the process was put back on the agenda, when we received a letter from the National Department of Public Works, urging us to complete the process.

Notwithstanding their indicated during a public meeting scheduled by the Municipal Manager during August 2017 that they are now ready to sign the M.O.U, they have not signed it to date.

Following various service delivery protests over the past 6 months and following a request (as an interim arrangement until the MOU is signed) by Stellenbosch Municipality to the NDPW to give us a Power of Attorney, they have now issued a Power of Attorney authorising Stellenbosch Municipality to provide municipal services to the area.

Council must now decide on a way forward.

22ND COUNCIL MEETING: 2018-11-28: ITEM 7.2.4**RESOLVED** (majority vote with abstentions)

- (a) that the Power of Attorney from the National Department of Public Works, authorising Stellenbosch Municipality to commence with service delivery in Jonkershoek, be noted;
- (b) that the Administration be authorised to render interim municipal services in the Mixed Use Precinct in Jonkershoek on a cost recovery basis from the users who receive the services, except to those households that qualify for free basic services in terms of the Municipality's Indigent Policy;
- (c) that the Administration be authorised to provide/upgrade Access to Basic Services (Communal services) in informal areas, free of charge;
- (d) that the Director: Planning and Economic Development be requested to commission a feasibility study with the view of identifying a possible site(s) for possible township establishment, taking into account the Draft SDF for Jonkershoek, but also taking into account the positioning of bulk infrastructure and access to the site(s);
- (e) that the National Department of Public Works be requested to transfer the land to Stellenbosch Municipality;
- (f) that the National Department of Public Works be requested to transfer the land on which the office space previously used by Cape Nature, either by way of acquisition or by way of a Lease Agreement, to the Municipality;
- (g) that the Director: Infrastructure Services be requested to compile a *status quo* report regarding the availability of bulk infrastructure but also indicating the cost of possible interim upgrading of such bulk infrastructure;
- (h) that the Director: Planning & Economic Development be requested to finalise the SDF for Jonkershoek in terms of the SPLUMA Act 16 of 2013;
- (i) that the Municipal Manager be authorised to conclude an agreement(s) with the relevant authorities to ensure that Stellenbosch Municipality is in a position to do law enforcement in the Jonkershoek Valley, with specific reference to the prevention of further unauthorised structures being constructed/erected;
- (j) that a progress report be tabled to Council within 6 months, including an environmental impact report and indicating progress that has been made regarding the provision of services; and
- (k) that, in the mean-time, all expenditure be incurred within the existing, approved budget.

The following Councillors requested that it be minuted that they abstained from voting on the matter:

Cllrs F Adams, DA Hendrickse and LK Horsband (Ms).

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2018-10-30

7.2.5	PAYMENT OF TRANSPORT ALLOWANCE TO EMPLOYEES ON TASK LEVEL 15 AND HIGHER
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

09 November 2018

1. SUBJECT: PAYMENT OF TRANSPORT ALLOWANCE TO EMPLOYEES ON TASK LEVEL 15 AND HIGHER

2. PURPOSE

To request Council to approve the payment of a car allowance to permanent employees from Task Level 15 and higher.

3. DELEGATED AUTHORITY

FOR DECISION BY THE COUNCIL

4. EXECUTIVE SUMMARY

Council currently pays some permanent employees a (perk) car allowances. This applies to employees who used to be in the post levels 1 to 4 under the old Van der Merwe job gradings. Since 1 July 2013 Council has accepted the SALGA approved TASK Job evaluation system and although no official comparison was done the Task Levels of 16 and higher potentially equates to the old post levels of 1 to 4. The posts of people who received the allowances have however graded on TASK levels from as low as T14. They retained the allowances. With the acceptance of the new organogram on 25th October 2017 and the implementation of the structure it has become necessary to also adjust the policies dealing with the car allowance.

In order to attract skilled and qualified employees in the more senior positions the administration needs to use additional benefits, such as a car allowances to attract the best possible candidates. Investigations at nearby and comparative municipalities have revealed that a car allowance is one of the benefits offered to employees on TASK levels T15 and above.

A new policy was drafted with the intention to replace the existing policy. The policy was tabled at the LLF and the policy was consulted in the LLF and Human resources Sub-committee of the LLF. Parties could not reach consensus on all the provisions of the new policy mainly due to conflicting interests that the unions have to protect.

22ND COUNCIL MEETING: 2018-11-28: ITEM 7.2.5

RESOLVED (majority vote with abstentions)

- (a) that Council notes the criteria for qualification for the car allowance as indicated in the policy;

- (b) that the following allowances be approved for T grade T15 and above as per the provisions of the policy:

TASK LEVEL	AMOUNT
T15	R 11000
T16	R 12000
T17	R 14000
T18	R 15000
T19 and higher	R 16000

- (c) that the new Motor Vehicle Allowance Scheme be approved for implementation.

NOTE: There were concerns raised in the Executive Committee around the employees that potentially may lose their car allowance if they do not grade on T15 and higher and who, when they were appointed, fell within the 0-4 (van der Merwe) scales. After consultation with the Municipal Manager and the unions, clause 4.2 of the Motor Vehicle Allowance Scheme was adjusted to accommodate this concern.

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

Cllrs F Adams, DA Hendrickse and LK Horsband (Ms).

FOR FURTHER DETAILS CONTACT:

NAME	GERALDINE METTLER
POSITION	MUNICIPAL MANAGER
DIRECTORATE	MUNICIPAL MANAGER'S OFFICE
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	mm@stellenbosch.gov.za
REPORT DATE	6 November 2018

7.2.6	NEW OVERTIME POLICY
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

09 November 2018

1. SUBJECT: NEW OVERTIME POLICY**2. PURPOSE**

To obtain approval for the New Overtime Policy.

3. DELEGATED AUTHORITY

The delegated authority for the approval of policies is Council.

4. EXECUTIVE SUMMARY

The new Overtime Policy was tabled at the Local Labour Meeting on 26 February 2018 and was referred to the Human Resources Development Sub-Committee for consultation and re-submission to the Local Labour Forum.

The Human Resources Development Sub-Committee worked through all the provisions of the policy during the consultation process.

Then consulted Overtime Policy was re-submitted to the Local Labour Forum on 29 October 2018 where the parties confirmed that the policy was consulted and can be referred to MAYCO and COUNCIL for approval.

The new overtime Policy is attached as **APPENDIX 1**.

22ND COUNCIL MEETING: 2018-11-28: ITEM 7.2.6

RESOLVED (majority vote with abstentions)

that the New Overtime Policy be approved.

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	<i>Annalene.DeBeer@ Stellenbosch.gov.za</i>
REPORT DATE	<i>6 November 2018</i>

7.2.7	NEW ACTING POLICY
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

09 November 2018

1. SUBJECT: NEW ACTING POLICY

2. PURPOSE

To obtain approval for the New Acting Policy.

3. DELEGATED AUTHORITY

The delegated authority for the approval of policies is Council.

4. EXECUTIVE SUMMARY

Acting and the payment of acting allowance is regulated in terms of the Basic Conditions of Employment Act read with the Conditions of Service Collective Agreement for the Western Cape Division of the SALGBC. Acting provisions for Section 56 managers and the Municipal Manager is dealt with in the Municipal Systems Act (section 54 A and Section 56).

The appointment of an employee in an acting capacity is subject to very strict control measures and therefore, an employee will only be considered to act in a position if he or she has been appointed by his or her Director or authorised representative to act in a higher position. In the case of acting as Municipal Manager and Section 56 Manager Council must approve the acting arrangements. It is normally done through a roster that Council approves.

The New Acting Policy was submitted to the Local Labour Forum on in August 2018 who in turned referred same to the Human Resources Development Sub-Committee for consultation. The Human Resources Development Sub-Committee worked through all the provisions in the consultation process and referred the policy back to the Local Labour Forum for adoption. The policy is attached as Appendix A.

The Local Labour Forum meeting confirmed that the New Acting Policy was properly consulted and supported the policy. It was resolved to be forwarded to MAYCO and COUNCIL for approval.

22ND COUNCIL MEETING: 2018-11-28: ITEM 7.2.7

During deliberations on the matter, Cllr DA Hendrickse moved a Procedural Motion that this matter be removed from the Agenda. The Motion was put to the vote, but was defeated by a majority vote, and the matter was debated further.

RESOLVED (majority vote)

that the New Acting Policy be approved.

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

Cllrs F Adams, DA Hendrickse and LK Horsband (Ms).

7.2.8	REVISED FIREARM POLICY
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

09 November 2018

1. SUBJECT: REVISED FIREARM POLICY**2. PURPOSE**

To obtain approval for the Revised Firearm Policy applicable to employees to whom firearms are issued as part of their functions.

3. DELEGATED AUTHORITY

The delegated authority for the approval of policies is Council.

4. EXECUTIVE SUMMARY

A request was made to revise the firearms Policy. A revised policy was tabled at the Local Labour Meeting of 8th of June 2017 and was referred to the Human Resources Development Sub-Committee for consultation and re-submission to the Local Labour Forum.

The Human Resources Development Sub-Committee worked through the policy during the consultation. The Fire Arms Policy was re-submitted to the Local Labour Forum for adoption on the 29th of October 2018.

The Local Labour Forum confirmed that the policy was consulted and recommended that it be referred to MAYCO and COUNCIL for approval.

22ND COUNCIL MEETING: 2018-11-28: ITEM 7.2.8**RESOLVED** (majority vote with abstentions)

that the Firearm Policy (as revised in 2018) be approved.

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	<i>Annalene.DeBeer@ Stellenbosch.gov.za</i>
REPORT DATE	<i>6 November 2018</i>

7.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]
7.3.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR OCTOBER 2018

Collaborator No:

File No:

8/1

BUDGET KPA Ref No:

Good Governance and Compliance

Meeting Date:

09 November 2018

1. **SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR OCTOBER 2018**
2. **PURPOSE**
To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2018/2019 to report the deviations to Council.
3. **DELEGATED AUTHORITY**
Noted by Municipal Council

22ND COUNCIL MEETING: 2018-11-28: ITEM 7.3.1**NOTED**

the deviations as listed below for the month of October 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 23/19	15/10/18	Transmission Gear Services, MAN Engineering Services and Gorman Rupp	Urgent repairs of inlet screen and floating aerator at Pniel Wastewater Treatment Plant	<ul style="list-style-type: none"> • Exceptional case and it is impractical or impossible to follow the official procurement processes 	Due to the impact of pollution caused by the sub-standard effluent quality the equipment had to be repaired as an emergency. The extent of repairs was unknown and therefore not possible to request more than one service provider for a quotation. This posed a high safety risk.	R 198 055.30
D/SM 26/19	16/10/2018	Kings Catering	Women's Event – Catering – Annual event for all women. Topics included Women Abuse and October Cancer Awareness	<ul style="list-style-type: none"> • Exceptional case and it is impractical or impossible to follow the official procurement processes 	SCM requested quotations from service providers, but the lowest quotation was above R30 000.00. In terms of the SCM regulations, quotations above R30 000.00 must be placed on the website. In order to be compliant with the SCM Regulations SCM	R 97 300.00

					therefore requested that this item be reported as a deviation so that the deviation amount be recorded to ensure compliance.	
D/SM 17/119	09/10/2018	Livewire Engineering and Consulting (Pty) Ltd	Appointment of a service provider to read meters remotely, via automated meter reading (AMR) system and manage metering services for large power users and small scale embedded generation consumers	<ul style="list-style-type: none"> • Emergency 	The procurement process to appoint a new service provider to render the service of reading meters remotely and management of large power users has not yet been concluded. The Department is concerned that the tender process will not be concluded in time to have a service provider operational by 01 October 2018; hence the department requested this deviation to be approved.	R 33 131.00 (Remote meter readings per month) R 4 600 (Meter audits per month)
D/SM 10/19	09/10/2018	Telkom SA SOC	Appointment Of Telkom SaSoc For The Provision Of Pure Pri & Sip Voice Services For A Period Starting 1 January 2019 – 30 June 2021	<ul style="list-style-type: none"> • Goods or services are produced or available from a single provider. • Exceptional case and it is impractical or impossible to follow the official procurement processes 	Due to the non-responsiveness of bidders on tender BSM 40/18, the Stellenbosch Municipality decided to follow a preferred bidder process. Telkom SA SOC is the sole provider that can offer vendor owned copper based PRI services directly to the Stellenbosch Municipality. Other vendors (MTN, Vodacom, Liquid Telecom, and Private Telkom business partners) can offer a similar service, but via microwave/fibre. This is not what the Stellenbosch Municipality requires in terms of access speed, reliability and guaranteed uptime.	R 2 700 000.00 R90 000 per month)

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	November 2018

7.4	HUMAN SETTLEMENTS: [CLLR N JINDELA]
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7.4.1	PROPOSED DEVOLUTION OF RENTAL STOCK: WESTERN CAPE GOVERNMENT, DEPARTMENT OF HUMAN SETTLEMENTS
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Collaborator No: 614819
IDP KPA Ref No:
Meeting Date: 09 November 2018

1. SUBJECT: PROPOSED DEVOLUTION OF RENTAL STOCK: WESTERN CAPE GOVERNMENT DEPARTMENT OF HUMAN SETTLEMENTS

2. PURPOSE

The purpose is two – fold:-

- a) To inform council about the proposed devolution of certain rental stock to Stellenbosch Municipality; and
- b) To obtain approval for the proposed devolution of the said rental stock.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Head of Department for the Provincial Department of Human Settlements approached the Municipality requesting the devolution of immovable asset in favour of Stellenbosch Municipality in terms of the housing legislation and minmec directives. The properties are attached as **ANNEXURE A**.

22ND COUNCIL MEETING: 2018-11-28: ITEM 7.4.1

RESOLVED (majority vote)

- (a) that the Municipal Manager be mandated to negotiate a contribution with Provincial Government to assist the Municipality with the cost for the repair/restoration of the rental stock;
- (a) that the request from the Western Cape Government's Department of Human Settlements to transfer the properties listed in par. 6.1.2.4 to the Municipality, be approved; and
- (c) that the Municipal Manager be authorised to sign all documents necessary to effect transfer of the said properties.

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	Director
DIRECTORATE	Director: Planning & Economic Development
CONTACT NUMBERS	021 808 8491
E-MAIL ADDRESS	tabiso.mfeya@stellenbosch.gov.za
REPORT DATE	5 October 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	PLANNING AND ECONOMIC DEVELOPMENT: [PC: CLLR E GROENEWALD (MS)]
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NONE

7.8	RURAL MANAGEMENT AND TOURISM: [PC: CLLR S PETERS]
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NONE

7.9	YOUTH, SPORTS AND CULTURE: [PC: M PIETERSEN]
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NONE

7.10	REPORT(S) BY THE MUNICIPAL MANAGER
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7.10.1	ADOPTION OF THE REVISED RISK MANAGEMENT POLICY
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Collaborator No: 615972
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 09 November 2018

1. SUBJECT: ADOPTION OF THE REVISED RISK MANAGEMENT POLICY

2. PURPOSE

To adopt the Revised Risk Management Policy of 2018.

3. DELEGATED AUTHORITY

Municipal Council.

4. LEGISLATIVE BACKGROUND

Section 60 of the MFMA

Municipal Managers to be accounting officers

“The Municipal Manager of a municipality is the accounting officer of the municipality for the purposes of this Act, and, as accounting officer, must –

- (a) Exercise the functions and powers assigned to an accounting officer in terms of this Act; and
- (b) Provide guidance and advice on compliance with this Act to –
 - (i) The political structures, political office-bearers and officials of the municipality;

Section 62 of the MFMA

General Financial Management Functions

- (1)The accounting officer of a municipality is responsible for the managing of financial administration of the municipality, and must for this purpose take all reasonable steps to ensure –
 - (c) that the municipality has and maintains effective, efficient and transparent systems–
 - (i) of financial and **risk management** and internal control; and
 - (ii) of internal audit operating in accordance with any prescribed norms and standards;
 - (d) that unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented;
 - (e) that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the municipality who has allegedly committed an act of financial misconduct or an offence in terms of Chapter 15.

22ND COUNCIL MEETING: 2018-11-28: ITEM 7.10.1**RESOLVED** (majority vote with abstentions)

that the Revised Risk Management Policy of 2018, be adopted.

Councillors DA Hendrickse and LK Horsband (Ms) requested that it be minuted that they abstained from voting.

FOR FURTHER DETAILS CONTACT:

NAME	SHIREEN DE VISSER
POSITION	SENIOR MANAGER: GOVERNANCE
DIRECTORATE	OFFICE OF THE MUNICIPAL MANAGER
CONTACT NUMBERS	X8035
E-MAIL ADDRESS	shireen.devisser@ Stellenbosch.gov.za
REPORT DATE	3 November 2018

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

8.2	OFFICE OF THE MUNICIPAL MANAGER
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8.2.1	SCHEDULE OF MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2019 CALENDAR YEAR
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

28 November 2018

1. SUBJECT: SCHEDULE OF MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2019 CALENDAR YEAR

2. PURPOSE

To obtain Council's approval of the schedule of meetings of Council, Mayoral Committee, Standing Committees and other Committees of Council for the 2019 calendar year.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

An annual schedule of meetings is in the interest of good governance, proper order, and it enables effective service delivery. Besides complying with legislated requirements, an annual calendar of meetings will also enable councillors to adequately plan their events, engagements and community activities.

Section 19 of the Local Government: Municipal Systems Act, 32 of 2000, stipulates that:

"The municipal manager of a municipality must give notice to the public, in a manner determined by the municipal council, of the time, date and venue of every -

(a) ordinary meeting of the council; and

(b) special or urgent meeting of the council, except when time constraints make this impossible."

In line with legislated requirements, the publishing of such a schedule of meetings in the media and on the municipal website, seeks to foster a healthy culture of public involvement and participation in Council affairs.

22ND COUNCIL MEETING: 2018-11-28: ITEM 8.2.1

RESOLVED (majority vote with abstentions)

- (a) that the proposed schedule of meetings for Council, Mayoral Committee, Standing Committees and other committees of Council for the 2019 calendar year (attached as **Appendix 1**), be approved;
- (b) that the Municipal Manager be mandated to give notice to the public of the time, date and venue of said meetings in compliance with Section 19 of the Local Government: Municipal Systems Act, 32 of 2000;
- (c) that it be noted, that the Speaker has the prerogative, as provided for in the Rules Of Order, to call additional-, urgent- or special Council meetings over and above the proposed scheduled meetings, as well as to amend the proposed dates as the need may be; and
- (d) that the Whips' meeting takes place (1) one day prior to the Council meeting.

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	<i>Annalene.DeBeer@stellenbosch.gov.za</i>
REPORT DATE	<i>20 November 2018</i>

8.2.2	APPROVAL OF THE DRAFT ELECTRICAL SERVICES BY-LAW
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

28 November 2018

1. SUBJECT: APPROVAL OF THE DRAFT ELECTRICAL SERVICES BY-LAW**2. PURPOSE**

To request approval from Council to approve the revised Draft Electrical Services By-law.

3. DELEGATED AUTHORITY

The Electrical Services By-Law is a document that must, in terms of the Municipal Systems Act (Act 32 of 2000) Section 12, be adopted by the Municipal Council.

4. EXECUTIVE SUMMARY

The current Electricity Supply By-Law (2017) was promulgated on 30 January 2018, but it has become necessary to review this By-Law mainly due to the municipal policy to allow for national standards that have been altered or scrapped and also to adjust conditions to allow the University to develop their electricity network.

The proposed Draft Electrical Supply Services By-Law will in comparison with the existing By-law address a wider spectrum of Electrical Services management matters thus ensuring that the Municipality conforms to its mandate in terms of the Constitution and NERSA Regulations ensuring safe and quality electrical services for its citizens.

It includes:

- a. Co-Generation
- b. Supplies to Backyard Dwellers
- c. Smart Meters
- d. Retail Wheeling
- e. Energy Efficient use
- f. Development Charges policy

A proposed set of admission of guilt fines together with proposed system of delegations will accompany the final draft to Council

22ND COUNCIL MEETING: 2018-11-28: ITEM 8.2.2

The Speaker **RULED** that this matter stand over until a Special Council meeting scheduled for 2018-12-10.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	Deon.louw@ Stellenbosch.gov.za
REPORT DATE	<i>29 October 2018</i>

8.2.3	APPROVAL OF THE DRAFT WATER SERVICES BY-LAW
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

28 November 2018

1. SUBJECT: APPROVAL OF THE DRAFT WATER SERVICES BY-LAW**2. PURPOSE OF REPORT**

The purpose of this submission is to submit the proposed Draft Water Services By-Law for Stellenbosch Municipality to Council for approval.

3. DELEGATED AUTHORITY

Water Services By-Law is a document that must, in terms of the Municipal Systems Act (Act 32 of 2000) Section 12, be adopted by the Municipal Council.

4. EXECUTIVE SUMMARY

The current Water Services By-Law (2017) was promulgated on 11 August 2017, but it has become necessary to review this By-Law mainly to allow for national standards that have been altered or scrapped, to adjust chemical requests and renumber some sections.

The proposed draft Water Service By-Law will in comparison with the existing By-Law address a wider spectrum of Water Services management matters, ensuring that the Municipality conforms to its mandate in terms of the Constitution and Water Services Act to ensure safe, sustainable and quality water for its citizens.

A proposed set of admission of guilt fines together with the proposed system of delegations will accompany the final draft to Council.

22ND COUNCIL MEETING: 2018-11-28: ITEM 8.2.3

The Speaker **RULED** that this matter stand over until a Special Council meeting scheduled for 2018-12-10.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	Deon.louw@stellenbosch.gov.za
REPORT DATE	<i>29 October 2018</i>

8.2.4	OFFICE CLOSURE ON THE WORKDAY DIRECTLY BEFORE 25 AND 31 DECEMBER YEARLY
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

28 November 2018

1. SUBJECT: OFFICE CLOSURE ON THE WORKDAY DIRECTLY BEFORE 25 AND 31 DECEMBER YEARLY

2. PURPOSE

To obtain Council's approval for the early closure of offices on the workday directly before 25 and 31 December every year.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Council does not close our office to the public during the Festive season and all Directorates are obliged to have minimum staff levels available over the festive season to ensure service delivery. Council already resolved to close the offices early on the Thursday before Good Friday every year. Council has also in the past years resolved to close office early on the dates before Christmas and New Year. It is now requested that the offices close early on the workday directly before 25 and 31 December every year. This is traditionally very quiet time and it will enable employees who want to drive to be with loved ones a little more time to get to their destinations.

We have received a request from SAMWU for a closure of all offices between Christmas and New Year – on the current calendar it is 24 December to 1 January with offices reopening on 2 January 2019. This request is not supported as management is of the opinion that service delivery might suffer and Directorates are urged to run all services even if only skeleton staff is available. In certain services where service requests from the public increase over the festive season, such as traffic-, law enforcement-, finance enquiries and fire services, Directorates are requested to ensure that adequate staff is present to deal with the increased demand.

22ND COUNCIL MEETING: 2018-11-28: ITEM 8.2.4

RESOLVED (nem con)

- (a) that all offices close at 12h00 on the workday before the 25th and 31st of December yearly;
- (b) that the public be informed of the early closure of the offices;
- (c) that the Municipal Manager and Directors ensure that the normal arrangements for standby for essential services are in place during the festive season; and
- (d) that the Municipal Manager be delegated to decide on early closure of offices on workdays when requests are made in that regard.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	<i>Director: Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021 808 8018</i>
E-MAIL ADDRESS	<i>Annalene.deBeer@ Stellenbosch.gov.za</i>
REPORT DATE	<i>22 November 2018</i>

8.2.5	NOTICE IN TERMS OF SECTION 116(3) OF THE MFMA. AMENDMENT OF CONTRACT OF LUBUCON CIVILS: ERF 2715 ENKANINI PILOT PROJECT
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

28 November 2018

1. SUBJECT: NOTICE IN TERMS OF SECTION 116(3) OF THE MFMA. AMENDMENT OF CONTRACT OF LUBUCON CIVILS: ERF 2715 ENKANINI PILOT PROJECT

2. PURPOSE

To table the reasons for the intended amendment of a contract concluded with Lubucon Civils in terms of Section 116(3) of the MFMA.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Lubucon Civils were appointed in March 2018 for the electrification of 300 households, construction of access roads; upgrade the existing ablution facilities and the installation of 50 new ablution facilities in Enkanini.

The Enkanini project was linked to the project that was implemented by the New Housing Department, i.e. the 332 Temporal Housing Project. It is imperative to note that the successful implementation of the project was dependant on the relocation of approximately 70 families in order to install the civil services, and construction of the roads. However, during the implementation of the project, community members became disgruntled with the Temporal Housing Project and brought the project to a standstill. Accordingly the pilot project could not commence, as there was no alternative place to relocate 70 affected households.

During this period, the Stellenbosch area experienced a very rainy season which lead to significant soil erosion in the project area and therefore mitigating measures had to be installed to address any future erosion. This necessitated a change in the designs and an increase in the scope of work.

The proposed change in the scope resulted in changes in specifications and additional costs to the contractor. These costs will exceed the allowed 15% in terms of Circular number 62/2012 (National Treasury) as mentioned in paragraph 6.4.3.

22ND COUNCIL MEETING: 2018-11-28: ITEM 8.2.5

RESOLVED (majority vote with abstentions)

- (a) that Council notes the reasons for the change of the contract of the civil contractor (Lubucon Civils) of the Electrification Pilot Project (Erf 2175) in terms of MFMA Section 116(3);

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- (b) that Council notes the envisaged increase in the tender amount for the construction fees from R9 076 642.61 (B/SM 30/18) to R11 625 716.72 due to, *inter alia*, the change of scope of the contract works;
- (c) that reasonable notice of intention to amend the contract/agreement in terms of Section 116(3)(b)(i) be given to the local community;
- (d) that the local community be invited to submit representations to the Municipality in terms of Section 116 (3)(b)(ii); and
- (e) that the Municipal Manager be authorized to conclude the amended contract/agreement after (d) above is finalized in terms of the applicable legislation.

Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	Director
DIRECTORATE	Planning & Economic Development
CONTACT NUMBERS	021 808 8491
E-MAIL ADDRESS	tabiso.mfeya@ Stellenbosch.gov.za
REPORT DATE	22 November 2018

8.2.6	NOTICE IN TERMS OF SECTION 116(3) OF THE MFMA TO AMEND THE CONTRACT OF PLAN ASSOCIATES (ERF 2715, ENKANINI)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

28 November 2018

1. SUBJECT: NOTICE IN TERMS OF SECTION 116(3) OF THE MFMA TO AMEND THE CONTRACT OF PLAN ASSOCIATES (ERF 2715, ENKANINI).

2. PURPOSE

To table the reasons for the intended amendment of a contract concluded with Plan Associates in terms of Section 116(3) of the MFMA.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Plan Associates was initially appointed to design an electricity network and associated service for Erf 2175, Enkanini. The latter appointment included amongst others the design of access roads to Enkanini, designing an electricity network, project management and supervision of the construction of Civil Engineering services.

The Enkanini project was linked to the project that was implemented by the New Housing Department, i.e. the 332 Temporary Housing Project. It is imperative to note that the appointment of Lubucon Civils was dependant on the relocation of approximately 70 families in order to install the civil services. However, during the implementation of the project, community members became disgruntled with the Temporary Housing Project and brought the project to a standstill. Accordingly the pilot project could not commence, as there was no alternative place to relocate 70 affected households.

During this period, the Stellenbosch area experienced a very rainy season which leads to significant soil erosion in the project area and therefore mitigating measures had to be installed to address any future erosion. This necessitated a change in the designs and an increase in the scope of work.

This proposed change in the scope resulted in changes in specifications and additional costs to the entire professional team under Plan Associates who was appointed for the inter alia the supervise of the Professional team and Project Management of the project, i.e. Occupational Health and Safety Officer, Resident Engineer, Project Management etc. These increased costs will exceed the allowed 15% variation in terms of Circular number 62/2012 (National Treasury) as mentioned in paragraph 6.4.3.

22ND COUNCIL MEETING: 2018-11-28: ITEM 8.2.6

During deliberations on the matter, the ANC requested a caucus, which the Speaker allowed.

When the meeting resumed, it was

RESOLVED (majority vote with abstentions)

- (a) that Council notes the reasons for the amendment to the contract of Plan Associates for the change of scope of Erf 2175, Electrification Pilot Project in terms of MFMA Section 116(3);
- (b) that Council increases the tender amount for the provision of professional services from R1 530 490.57 (B/SM 13/18) to R2 083 990.57;
- (c) that Council furnishes reasonable notice of intention to amend the contract/ agreement in terms of Section 116(3)(b)(i);
- (d) that the local community be invited to submit representations to the Municipality in terms of Section 116 (3)(b)(ii); and
- (e) that the Municipal Manager be authorized to conclude the amended contract/ agreement after (d) above, is finalized in terms of the applicable legislation.

Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	Director
DIRECTORATE	Planning & Economic Development
CONTACT NUMBERS	021 808 8491
E-MAIL ADDRESS	tabiso.mfeya@ Stellenbosch.gov.za
REPORT DATE	22 November 2018

8.2.7	SECTION 116(3) AMENDMENT TO THE EXISTING CONTRACT OF UMTHA STRATEGY PLANNING AND DEVELOPMENT CONSULTANCY
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

28 November 2018

1. SUBJECT: SECTION 116(3) AMENDMENT TO THE EXISTING CONTRACT OF UMTHA STRATEGY PLANNING AND DEVELOPMENT CONSULTANCY

2. PURPOSE

To table the reasons for the intended amendment of a contract / appointment concluded with Umtha Strategy Planning and Development Consultancy for the undertaking of a community survey for Zone O in terms of Section 116(3) of the MFMA include demographic survey of backyard structures in additional areas.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

During the IDP sessions of March 2018, an urgent need for a survey of backyard structures was identified as the information that the survey produced would be a key informant to future planning and budgeting towards addressing the needs of backyard dwellers.

To this end, the Department advertised tender BSM: 03/19 in order to register consultants on a panel for a period of three years up to 2020 to undertake community surveys at Informal Settlements and Backyard Structures.

The SCM process took longer than anticipated primarily due to the highly technical nature of the tender. The technical evaluation of the tender was only recently completed and the tender is not awarded and appointments will only be possible in February or March 2019. This might be too late for the future planning and budgeting towards addressing the needs of backyard dwellers for the of 2019/20 financial year.

In order to address the need identified through the IDP it is imperative to complete the data collection of at least Ida's Valley & Cloetesville during December 2018 and to complete the database during January 2019. This would provide the opportunity for planning for backyarder and to inform the budget.

Umtha Strategy Planning and Development Consultancy (henceforth Umtha) has an existing appointment with the municipality for surveys which the department request that their contracted / appointment be extended and / or amended to include the community survey of Cloetesville and Idasvally.

22ND COUNCIL MEETING: 2018-11-28: ITEM 8.2.7

Councillor DA Hendrickse requested that it be minuted that there are no timeframes attached to the resolutions.

RESOLVED (majority vote abstentions)

- (a) that Council notes in terms of MFMA Section 116(3) the reasons for the change of scope/specification of the Zone O community survey project to include other areas; and notes the intended adjustment of tender B/SM: 60/17 to include the demographic survey of Cloetesville and Ida's Valley for an estimate 5000 backyard structures;
- (b) that Council notes that the additional work will cost the Municipality R696 731 (vat inclusive), at a rate of R139.34 per structure surveyed, which will bring the total value of the contract to R1 135 745 vat inclusive, 62% more of the original tender amount;
- (c) that reasonable notice of intention to amend the contract or agreement in terms of Section 116(3)(b)(i) be given to the public;
- (d) that the local community be invited to submit representations to the Municipality in terms of Section 116 (3)(b)(ii); and
- (e) that the Municipal Manager be authorized to conclude the awarded contract/ agreement after (d) above is finalized in terms of the applicable legislation.

Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	Director
DIRECTORATE	Planning & Economic Development
CONTACT NUMBERS	021 808 8491
E-MAIL ADDRESS	tabiso.mfeya@stellenbosch.gov.za
REPORT DATE	22 November 2018

8.2.8	WATER TARIFFS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

28 November 2018

1. SUBJECT: WATER TARIFFS

2. PURPOSE

To obtain Council's approval for the NEW reduced water tariffs/rates as per the table below for domestic water consumptions.

3. DELEGATED AUTHORITY

Municipal Council according to s24(2) of the MFMA.

4. EXECUTIVE SUMMARY

On 31 October 2018 Council resolved:

- a) that Council approves the NEW rates as per the table below for domestic water consumptions;
 - b) that the NEW rates as per the table below be advertised for public comment.
- The new water tariffs were advertised per Municipal Notice 40/2019 on 6 November 2018 in the Eikestad Gazette and the Eikestadnuus of 8 November 2018 and comments closed on 12 November 2018;
 - As per Annexure A comments were received from:
 - i) Rev Daniel Bock; URCSA Stellenbosch
 - ii) Mr Nico Rowland
 - iii) Ms Jane Sampson
 - iv) Cllr D Hendrickse
 - As per Annexure B input was also requested / received from Treasury regarding the downward adjustment of water tariffs/rates for Stellenbosch Municipality domestic consumers.
 - It is advised that the water restriction levels and criteria associated remain at level 5 for the time being.

22ND COUNCIL MEETING: 2018-11-28: ITEM 8.2.8

RESOLVED (majority vote with abstentions)

- (a) that Council notes the comments received during the public participation process in the media;
- (b) that Council approves the NEW reduced water tariffs/rates as per the table below for domestic water consumption from the December 2018 billing which is payable 7 January 2019;
- (c) that Council approves the implementation of the new 20% water restriction period tariffs/rates with immediate effect;

Monthly consumption	Current Rates (Rand per KI excl VAT)				Proposed NEW Rates (Rand per KI excl VAT)			
	Normal consump tion periods	20% water restriction periods	30% water restriction periods	40% water restriction periods	Normal consump tion periods	20% water restriction periods	30% water restriction periods	40% water restriction periods
DOMESTIC								
Includes single residential erven as well as single residential erven managed by body corporates.								
0 kiloliters to 6 kiloliters	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
> 6 kiloliters to 12 kiloliters	8.12	8.91	9.71	10.50	8.12	8.91	9.71	10.50
> 12 kiloliters to 18 kiloliters	13.74	22.46	31.18	39.90	13.74	18.50	22.46	31.18
> 18 kiloliters to 25 kiloliters	23.54	39.03	54.51	70.00	23.54	29.50	39.03	54.51
> 25 kiloliters to 40 kilolitres	31.99	53.58	75.16	96.75	31.99	37.00	53.58	75.16
> 40 kiloliters to 70 kilolitres	50.00	108.33	166.67	225.00	50.00	70.00	108.33	166.67
70 kiloliters and above	75.00	155.00	235.00	315.00	75.00	155.00	235.00	315.00
DOMESTIC CLUSTER								
Refers to a cluster (block of flats) served by a single water connections								
0 kiloliters to 6 kiloliters	5.37	5.37	5.37	5.37	5.37	5.37	5.37	5.37
> 6 kiloliters to 12 kiloliters	8.12	8.91	9.71	10.50	8.12	8.91	9.71	10.50
> 12 kiloliters to 18 kiloliters	13.74	22.46	31.18	39.90	13.74	18.50	22.46	31.18
> 18 kiloliters to 25 kiloliters	23.54	39.03	54.51	70.00	23.54	29.50	39.03	54.51
Above 25 kiloliters	31.99	53.58	75.16	96.75	31.99	37.00	53.58	75.16

Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Marius Wüst
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	0218088528
E-MAIL ADDRESS	Marius.wust@stellenbosch.gov.za
REPORT DATE	26 November 2018

9.	MATTERS FOR NOTIFICATION
9.1	REPORT BY THE EXECUTIVE MAYOR
9.1.1	REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 12 OCTOBER 2018

Collaborator No:
 File No: 10/5/33
 IDP KPA Ref No: Good Governance
 Meeting Date: 28 November 2018

1. **SUBJECT: REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 12 OCTOBER 2018**

2. **PURPOSE**

To inform Council of the matters under discussion at the Mayor – Rector Forum meeting held on 12 October 2018.

3. **DELEGATED AUTHORITY**

FOR INFORMATION

4. **EXECUTIVE SUMMARY**

The Executive Mayor has since her election reported to the Council on discussions that take place at the regular meetings of the Mayor – Rector Forum. The meeting was initially scheduled for 13 August 2018 but was postponed until 12 October 2018. The minutes are attached as **ANNEXURE A**.

22ND COUNCIL MEETING: 2018-11-28: ITEM 9.1.1

NOTED

the report of the Mayor-Rector Forum meeting on 12 October 2018.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	OFFICE MANAGER: EXECUTIVE MAYOR
DIRECTORATE	CORPORATE AND STRATEGIC SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	Donovan.Muller@ Stellenbosch.gov.za
REPORT DATE	21 November 2018

9.2	REPORT BY THE SPEAKER
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NONE

9.3	REPORT BY THE MUNICIPAL MANAGER
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NONE

10.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
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10.1	MOTION BY CLLR F ADAMS: NAME CHANGES WITHIN WCO24
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22ND COUNCIL MEETING: 2018-11-28: ITEM 10.1

The Speaker allowed Councillor F Adams to put his Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter.

The matter was put to the vote, yielding a result of 7 in favour and 27 against.

RESOLVED (majority vote)

that this Motion not be accepted.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	Municipal.Manager@stellenbosch.gov.za
REPORT DATE	28 November 2018

10.2	QUESTION BY CLLR F ADAMS: 10 YEARS CONTRACT OF DIRECTOR: CORPORATE SERVICES (MS A DE BEER)
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22ND COUNCIL MEETING: 2018-11-28: ITEM 10.2

that it be confirmed that Cllr F Adams responded that he is not satisfied with the response and he submitted a follow-up question in writing, namely:

“When did the Municipal Manager make the decision on the 10 year contract, and where is the proof thereof?”

NOTED

that the Municipal Manager will respond on Cllr F Adams’ follow-up question in writing in due course.

NB: The Executive Mayor requested that it be placed on record that Cllr F Adams’ written question states that the Executive Mayor had put forth a motion pertaining to the term of the contract. This is totally incorrect because the Executive Mayor had not submitted any such motion.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>021 808-8025</i>
E-MAIL ADDRESS	<i>Municipal.Manager@stellenbosch.gov.za</i>
REPORT DATE	<i>28 November 2018</i>

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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13.1.1	REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR MB DE WET
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

28 November 2018

1. SUBJECT: REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR MB DE WET

2. PURPOSE

To obtain Council resolution on the allegation of misconduct against Councillor MB De Wet.

3. DELEGATED AUTHORITY

For decision by Council.

4. EXECUTIVE SUMMARY

The Office of the Speaker received a formal complaint from Councillor DA Hendrickse regarding additional remuneration received by Councillor MB de Wet in his capacity as Chairperson of a Section 79 Committee. Subsequent to receiving the e-mail various actions were performed by the Office of the Speaker and the Municipal Manager to resolve this matter.

22ND COUNCIL MEETING: 2018-11-28: ITEM 13.1.1

Before deliberations on the matter, Cllr MB De Wet recused himself from the Chamber for the duration of the matter.

RESOLVED (majority vote)

- (a) that Council has considered the information provided in the report;
- (b) that, based on the information provided to Council in this report, this Council is not satisfied that Cllr MB De Wet contravened the Code of Conduct for Councillors; and
- (c) that Council shall not exercise its power in terms of Item 14.1 of the aforementioned Code to investigate the matter further.

FOR FURTHER DETAILS CONTACT:

NAME	Office of the Speaker
POSITION	<i>Office of the Speaker</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021 808 8618</i>
E-MAIL ADDRESS	<i>Nicky.ceaser@stellenbosch.gov.za</i>
REPORT DATE	<i>22 November 2018</i>

13.1.2	REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR DA HENDRICKSE
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Collaborator No:

IDP KPA Ref No:

Meeting Date: 28 November 2018

1. SUBJECT: REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR DA HENDRICKSE

2. PURPOSE

To inform Council of the outcome of an alleged allegation of misconduct against Councillor DA Hendrickse. The outcome of the matter is reported to Council as a statutory requirement, in terms of Item 13 (1)(c).

3. DELEGATED AUTHORITY

Council is the decision making authority on disciplinary matters against Councillors.

4. EXECUTIVE SUMMARY

The Disciplinary Committee of Council was commissioned to conduct an investigation into allegations against Councillor DA Hendrickse.

Adv Ettiene Vermaak was appointed to assist the office of the Speaker with the investigation into this allegation and to act as initiator in the disciplinary matter before the committee.

The hearing was held on 01 November and 12 November 2018.

22ND COUNCIL MEETING: 2018-11-28: ITEM 13.1.2

Before deliberations on the matter, Cllr DA Hendrickse recused himself from the Chamber for the duration of the matter.

RESOLVED (majority vote with abstentions)

- (a) that Council notes the finding by the Disciplinary Committee against Cllr DA Hendrickse;
- (b) that Councillor Hendrickse be informed, in writing, of the outcome of the hearings; and
- (c) that the MEC for Local Government and Development Planning be informed of the outcome of the disciplinary hearing.

FOR FURTHER DETAILS CONTACT:

NAME	Nicky Ceasar
POSITION	Council Executive Support
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021 8088618
E-MAIL ADDRESS	Nicky.ceasar@ Stellenbosch.gov.za
REPORT DATE	26 November 2018

13.1.3	REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR F ADAMS
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Collaborator No:

IDP KPA Ref No:

Meeting Date: 28 November 2018

1. SUBJECT: REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR F ADAMS

2. PURPOSE

To report to Council the factual findings by the Disciplinary Committee in respect of an allegation of misconduct against Councillor F Adams, and for Council to decide on the appropriate sanction for the findings.

3. DELEGATED AUTHORITY

Council is the decision-making authority.

4. EXECUTIVE SUMMARY

The Office of the Speaker received a formal complaint from Councillor N Olayi regarding an alleged insult to him and his family, that Councillor Adams allegedly threatened Councillor N Jindela and that he allegedly tried to forcefully move Councillor Crawley out of the way. The Disciplinary Committee found Councillor Adams guilty on all three charges and recommended his removal from office.

22ND COUNCIL MEETING: 2018-11-28: ITEM 13.1.3

Before deliberations on the matter, Cllrs F Adams, DD Joubert and N Olayi recused themselves from the Chamber for the duration of the matter.

During deliberations on the matter, the Speaker ordered Cllr DA Hendrickse to leave the Chamber for violating Rule 27.1 of Council's Rules of Order By-Law.

RESOLVED (majority vote with abstentions)

- (a) that Council notes that Councillor F Adams has been found guilty on all three charges against him; and
- (b) that it be recommended to the MEC to remove Councillor F Adams from Office.

FOR FURTHER DETAILS CONTACT

NAME	Nicky Ceasar
POSITION	<i>Executive Support Officer</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	021 808 8618
E-MAIL ADDRESS	Nicky.ceasar@stellenbosch.gov.za
REPORT DATE	23 November 2018

13.2	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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13.2.1	REQUEST TO NOMINATE A NEW COUNCILLOR TO SERVE ON THE STELLENBOSCH MUSEUM TRUSTEE BOARD
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1. **SUBJECT: REQUEST TO NOMINATE A NEW COUNCILLOR TO SERVE ON THE STELLENBOSCH MUSEUM TRUSTEE BOARD**

2. **PURPOSE**

To inform Council of the nomination of a new councillor to serve on the Stellenbosch Museum Trustee Board in the place of Cllr NS Louw.

3. **DELEGATED AUTHORITY**

FOR INFORMATION

4. **EXECUTIVE SUMMARY**

Cllr NS Louw resigned as councillor on 25 October 2018. Cllr NS Louw served on the Stellenbosch Museum Trustee Board. Council approved the nomination on 23 November 2016.

Due to his resignation, a new councillor must be nominated and the nomination be approved by Council to replace Cllr NS Louw on the Stellenbosch Museum Trustee Board. The letter of resignation of Cllr NS Louw is attached as **ANNEXURE A**.

22ND COUNCIL MEETING: 2018-11-28: ITEM 13.2.1

RESOLVED (majority vote with abstentions)

- (a) that Council notes the nomination of Cllr Siegfried Schäfer to replace Cllr NS Louw on the Stellenbosch Museum Trustee Board; and
- (b) that Council approves the nomination of Cllr Siegfried Schäfer to replace Cllr NS Louw on the Stellenbosch Museum Trustee Board.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	OFFICE MANAGER: EXECUTIVE MAYOR
DIRECTORATE	CORPORATE AND STRATEGIC SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	Donovan.Muller@stellenbosch.gov.za
REPORT DATE	15 November 2018

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

The meeting adjourned at 15:40.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**