



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2019-01-30

MINUTES

23RD MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2019-01-30 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
23RD MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2019-01-30
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MINUTES OF THE 23RD MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2019-01-30 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

COUNCILLORS

F Adams (until 10:05)	LK Horsband (Ms)
FJ Badenhorst	MC Johnson
GN Bakubaku-Vos (Ms)	C Manuel
FT Bangani-Menziwa (Ms)	NE Mcombring (Ms)
Ald PW Biscombe	XL Mdemka (Ms)
G Cele (Ms)	RS Nalumango (Ms)
PR Crawley (Ms)	N Olayi
A Crombie (Ms)	SA Peters
JN De Villiers	MM Pietersen
R Du Toit (Ms)	WF Pietersen
A Florence	SR Schäfer
AR Frazenburg	Ald JP Serdyn (Ms)
E Fredericks (Ms)	N Sinkinya (Ms)
T Gosa	P Sitshoti (Ms)
E Groenewald (Ms)	Q Smit
AJ Hanekom	LL Stander
DA Hendrickse (until 15:20)	E Vermeulen (Ms)
JK Hendriks	

Officials: Municipal Manager (Ms G Mettler)
Director: Human Settlements (T Mfeya)
Director: Strategic and Corporate Services (Ms A De Beer)
Director: Infrastructure Services (D Louw)
Director: Planning and Economic Development (T Mfeya)
Acting Chief Financial Officer (K Carolus)
Acting Director: Community and Protection Services (A vd Merwe)
Chief Audit Executive (F Hoosain)
Senior Manager: Governance (Ms S De Visser)
Manager: Secretariat (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 all present at the 23rd Council meeting and extended a warm welcome to Mr Lizo Ndzamela of the Office of the Auditor-General. Cllr GN Bakubaku-Vos (Ms) opened the meeting with a prayer.

Cllr F Adams (at 10:05) raised a Point of Order that he submitted two Motions, in line with Rule 18 of Council's Rules of Order By-Law, and wanted clarity if his two Motions (submitted on 2019-01-08), which were not included on the Council Agenda, will serve as additional items. The Speaker has acknowledged receipt of Cllr F Adams's two Motions (on 2019-01-14 after the recess), but stated that the Motions were not duly seconded, nor signed, and based on that, and as per Rule 20.1.2.3 of Council's Rules of Order By-Law, she will disallow those two Motions to serve before Council.

Cllr F Adams reiterated that the two Motions he submitted were indeed duly seconded. The Speaker warned Cllr F Adams that she already made a ruling that the Motions will not serve and that she won't allow further debate on the matter. After 2 warnings, the Speaker requested Cllr F Adams to leave the Chambers in terms of Council's Rules of Order By-Law, and requested Law Enforcement to assist with the removal of Cllr F Adams from the Chambers. Cllr DA Hendrickse requested that it be minuted that he duly seconded the Motions which Cllr F Adams referred to, whereafter it was handed in to the Administration. After several Points of Orders, the Speaker responded that all concerns are noted and will be dealt with by the Office of the Speaker.

2.	COMMUNICATIONS
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2.1	MAYORAL ADDRESS
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"Goeiedag, Good Morning, Molweni, As-salaam Alaikum

- Welkom terug aan al die raadslede, direkteure, amptenare
 - Hoop almal het 'n lekker vakansie gehad en goed gerus
 - Verseker van 'n besige jaar met baie opwinding en harde werk wat voorlê
- Tydens die Burgemeesterskomitee het ek reeds ons amptenare wat deur die Feestyd gewerk het, bedank maar ek wil graag dit weer noem vir al die Raadslede en ook lede van die publiek ook wat vandag hier is.
 - 'n Opregte Dankie namens die Raadslede en ook van ons gemeenskap aan al ons amptenare wat hard gewerk het tydens die Feesseisoen, terwyl almal vakansie gehou het en fees gevier het.
 - Spesiale dank aan ons Brandweerdienste wat binne ons Munisipaliteit, asook by ons bure hand by gesit het met brandbestryding.
 - Dankie vir julle toewyding en harde werk.
 - Die Burgemeester van Overstrand het 'n brief gestuur waar hy vra dat ek sy dank aan julle oordra vir julle harde werk.
- Throughout the Western Cape, we have had several serious fires since the start of the summer fire season.
- This has resulted in loss of life, property and livelihoods.

- I urge every resident to be careful with open fires, braaivleis fires, fireworks, cigarette buds or any sort of flame or spark. We are still facing a dry season and one spark is all it takes to burn down an entire town.
- When you see any sort of activity that can possibly lead to a fire, call our fire department or the police.
- Remember that we are still amidst a drought and even though our water restrictions have relaxed, the vegetation everywhere is very dry and will easily catch fire and spread.
- For councillors, officials and residents, when you see smoke or fire, please call the following number immediately: **021 808 8888 / 0861 808 911**
- Please write it down and make sure you have it saved on your phone.
- Sedert Woensdag is die Universiteitskampus weer vol lewe.
 - Eerste jaars het gearriveer en die ouer student sal hierdie week terugkeer.
 - Welkom aan die nuwe studente en welkom terug aan die ouer student!
 - Ek het die voorreg gehad om, as deel van die universiteitsproses, die nuwe student en hul ouers te verwelkom en saam met hulle deur die dorp te stap as deel van 'n nuwe tradisie wat die universiteit vestig.
- Die skole is reeds 3 weke aan die gang en ek is doodseker die leerders wens dit was al vakansie
 - Welkom terug aan al ons leerders en onderwysers.
 - Sterkte ook vir die 2019 matriek leerders. Dit is 'n kort jaar wat vir julle voorlê en ek wil julle aanmoedig om nie vir 'n oomblik te laat slap lê nie.
- The first semester is always a busy one for our towns
 - This coming weekend is the annual harvest parade through town
 - We are also looking forward to the US Wordfees, the Cape Epic Cycle Race and several other events taking place in and around our towns.
 - I want to encourage our residents, as well as our councillors to support and participate in these events.
 - These events, although they challenge us logistically, brings visitors and tourists to our town, which in turn helps with the creation of job opportunities.
- Ek wil ook net almal herinner dat ons sedert Desember op vlak 2 water beperkings is.
 - Die winter reën het baie gedoen om ons damvlakke te verbeter.
 - Steeds nie waar dit moet wees nie en die somer is nog nie verby nie.
 - Alle inwoners aanmoedig om asseblief aan te hou water spaar.
 - Behou asseblief die waterbesparende gewoontes wat u aangeleer het die afgelope jaar!

2.2**COMMUNICATION BY THE SPEAKER**

The Speaker's communication can be summarized as follows:

"The following Councillors celebrated birthdays during December:

1. Councillors celebrated birthdays during December

Cllr Franklin Adams	17 December
Cllr Phelisha Sitshoti	20 December
Cllr Wilfred Pietersen	22 December
Cllr Nosibulele Sinkinya	24 December
Cllr Charles Manuel	25 December
Cllr Siegfried Schafer	28 December
Cllr Rozette du Toit	31 December

2. Councillors celebrated birthdays during January
 - Cllr Nokuthula Mananga-Gugushe 5 January
 - Cllr Derrick Hendrickse 12 January
 - Cllr Marnes de Wet 17 January
3. Welcome to everyone and a special welcome to the Acting Director: Community and Protection Services. We trust that you will be working in pursuit of effective service delivery which is paramount for sustainable and good governance.
4. I trust that you all had a peaceful and festive time with family and friends during the Council recess. You all look refreshed to face the challenges 2019 will hold for us as Councillors and officials. A big thank you to those who had to work over the festive season, especially the fire fighters, essential and emergency services employees.
5. We remember those who lost their lives and especially pray for their next of kin who mourns the passing on of their loved ones.
6. Most Councillors, except a few PR Councillors, have received a 2019 diary from Mr Nicky Ceasar. Diaries will be issued to those that have not yet received theirs. The diaries of ward councillors have been delivered to the ward offices. Business cards for some of the Councillors are available and the business cards will be handed over to the Councillors concerned.
7. The payslips (some dating back to December) is available from Nicky Ceasar.
8. Councillors are again requested to adhere to the Rules of Order By-law which will be strictly applied during this sitting. Kindly note that it is incumbent upon the Speaker to maintain order throughout the duration of the meeting.

Thank you.”

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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Cllr P Sitshoti (Ms) was requested to recuse herself from Chamber when Item 7.6.3 on the Agenda was dealt with.

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:-

Cllr MB De Wet	– 30 January 2019
Cllr JG Hamilton	– 30 January 2019
Cllr DD Joubert	– 30 January 2019
Cllr N Mananga-Gugushe (Ms)	– 30 January 2019
Cllr MD Oliphant	– 30 January 2019

4.	CONFIRMATION OF MINUTES	(3/4/1/5)
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4.1	CONFIRMATION OF MINUTES: 2018-11-28	(3/4/1/5)
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The minutes of the 22nd Council Meeting: 2018-11-28 were **confirmed as correct.**

4.2	CONFIRMATION OF MINUTES: SPECIAL COUNCIL: 2018-12-10	(3/4/1/5)
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The minutes of the Special Council Meeting: 2018-12-10 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 DA HENDRICKSE</u> 20 th Council meeting: 2018-09-26: <u>Item 7.2.3</u> PROPOSED EXCHANGE OF LAND: A PORTION OF REMAINDER FARM 387, STELLENBOSCH FOR A PORTION OF LEASE AREA 377A: VREDENHEIM (PTY) LTD	90	What is the cost of the Offer to Purchase that was signed by Vredenheim and who decided on the amount?	Noted. MM will follow-up and respond.
<u>CLLR DA HENDRICKSE</u> Raised concerns re outstanding resolutions not listed		Van der Stel	Noted and will follow-up

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	SHARED SERVICE AGREEMENT WITH SURROUNDING MUNICIPALITIES TO RENDER SUPPORT AND ASSISTANCE FOR CERTAIN SERVICES

Collaborator No: 614821
IDP KPA Ref No: Safest Valley
Meeting Date: 23 & 30 January 2019

1. **SUBJECT: SHARED SERVICE AGREEMENT WITH SURROUNDING MUNICIPALITIES TO RENDER SUPPORT AND ASSISTANCE FOR CERTAIN SERVICES**
2. **PURPOSE**
To obtain a shared service agreement with surrounding municipalities to lend support to each other in respect of certain service delivery areas.
3. **DELEGATED AUTHORITY**
Council
4. **EXECUTIVE SUMMARY**
The shared service agreement has been drafted to render support and assistance to surrounding municipalities in need of assistance in respect of certain service delivery areas. Stellenbosch Municipality can benefit from such an agreement in the sense that we will be able to rely on surrounding municipalities to assist us in service delivery areas, when needed.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.1.1

RESOLVED (majority vote with abstentions)

- (a) that the proposed draft agreement be considered and approved by Council;
- (b) that the Municipal Manager be authorized to sign the agreement on behalf of Council; and
- (c) that the Director: Community and Protection Services be represented on the Committee as per clause 9 of the agreement.

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

Councillors GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
7.2.1	APPOINTMENT OF ACTING DIRECTORS WHEN THE DIRECTORS ARE NOT AVAILABLE

Collaborator No: 624841
 IDP KPA Ref No: *Good Governance and Compliance*
 Meeting Date: 23 January 2019

1. SUBJECT: APPOINTMENT OF ACTING DIRECTORS WHEN THE DIRECTORS ARE NOT AVAILABLE

2. PURPOSE

To appoint acting Directors when the Directors are not available.

3. DELEGATED AUTHORITY

COUNCIL.

Council has to appoint acting section 56 managers when the appointed managers are not available. It is not practical to call a council meeting every time a person must act when a director is on leave, on sick leave or out of office. Council therefore appoints acting managers on a roster similar to the acting municipal manager appointments that were approved.

4. EXECUTIVE SUMMARY

The Local Government Systems Act is silent on acting arrangements other than determining that Council must appoint a suitably qualified person to act as Manager that reports directly to the Municipal Manager (the Section 56 Managers), (section 56(1)(a)(ii)). It has to be noted that when acting, the incumbent is still responsible for his/her own functions. An acting allowance is therefore paid for the additional workload and responsibilities taken on of a higher position, given that the person in the higher position is paid a higher salary than the acting incumbent. Council approved an acting policy in November 2018 in terms of which the acting allowances are set out.

In 2012 Council approved a roster of Directors to act when the Municipal Manager is out of office. In the meantime, some of the individuals have left and the new organisational structure was approved in October 2017. The new structure is implemented on an operational level after placements, and the acting arrangements must therefore be updated.

Section 56 (1) (a) of the Municipal Systems Act provides that the Municipal Council must appoint an acting Municipal Manager under circumstances and for a period as prescribed. Section 56 (1) (b) provides that such an acting person must at least have the skills, expertise, competencies and qualifications as prescribed.

It must be noted that the requirements are contained in the regulations published by the Department of Finance, a copy of which is attached as **APPENDIX A**, for reference purposes.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.2.1**RESOLVED** (nem con)

(a) that the following acting arrangements be approved:

SECTION 56 POST	PERSON ACTING	POST OF ACTING INCUMBENT	ACTING PERIOD APPROVED
DIRECTOR: CORPORATE SERVICES: ANNALENE DE BEER			
	Alexander Kannemeyer	Senior Manager: Human Resources	January; March; May; July; September; November
	Piet Smit	Manager: Property Management and Building Maintenance	February; April; June; August; October; December
DIRECTOR: INFRASTRUCTURE SERVICES: DEON LOUW			
	Saliem Haider	Senior Manager: Waste Management	December; January; June; July
	Nombulelo Zwane	Senior Manager: Electrical Services	February; March; August; September
	Johan Fullard	Senior Manager: Transport, Roads & Stormwater	April; May; October; November
DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT: TABISO MFEYA			
	Johru Robyn	Manager: Informal Settlements	January; February; November
	Hedre Dednam	Manager: Land Use Management	March; April; December
	Widmark Moses	Manager: Local Econ. Dev. & Tourism	May; June
	Nona Swartbooi	Manager: Housing Administration	July; August
	Bernabe De La Bat	Manager: Spatial Planning	September; October
DIRECTOR: FINANCIAL SERVICES (CFO): CURRENT VACANT POST			
	Kevin Carolus	Senior Manager:	January – March 2019; Council resolution dated 10/12/2018
	Kevin Carolus	Senior Manager:	January – December
DIRECTOR: PROTECTION AND COMMUNITY SERVICES: CURRENT VACANT POST			
	Albert van der Merwe	Senior Manager:	1 December 2018 – 28 Feb. 2019; Council resolution dated 09/11/2018
	Albert van der Merwe	Senior Manager:	January; March; April; July; September; November
	Charl Kitching	Senior Manager:	February; May; June; August; October; December

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- (b) that the Manager next on the rotation schedule acts when the relevant Manager for that month is not available as per the schedule;
 - (c) that an acting allowance be paid in terms of the Acting Policy approved by Council;
 - (d) that the acting arrangements be reviewed every 6 months to ensure it remains relevant, and when changes are necessary, a revised proposal be brought to Council for approval; and
 - (e) that the acting arrangements approved by council whilst the posts are vacant will take preference over the normal roster arrangements.

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>8 January 2019</i>

7.2.2	IMPLEMENTATION OF THE DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

23 January 2019

1. SUBJECT: IMPLEMENTATION OF THE DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS

2. PURPOSE OF REPORT

To inform Council of the provisions of Notice 1426 dated 21 December 2018, published in Government Gazette 42134 dated 21 December 2018 in regard to the determination of the upper limits of salaries, allowances and benefits for different members of Municipal Councils, and to request Council to resolve on the implementation of the provisions.

3. DELEGATED AUTHORITY

COUNCIL.

The notice is published on a yearly basis in terms of the Remuneration of Public Office Bearers Act, Act 20 of 1998. The notice requires full council to resolve on the implementation of the provisions in the Upper Limits Notice.

4. EXECUTIVE SUMMARY

The Minister of Local Government, on a yearly basis, publishes a notice that provides for the upper limits of salaries, allowances and benefits of different members of Municipal Councils. The notice that provides for the period 1 July 2018 to 30 June 2019, or until a new notice is published and implemented, was published on 21 December 2018 and is attached hereto as **APPENDIX A**.

The provisions indicate an increase of around 4% for the full-time Councillors and part-time Councillors. The cell phone allowances indicated in the provisions stayed the same as indicated in 2017 at R3 400.00 per month. Council did not implement the full allowance last year, and it is recommended that the allowance be implemented this year. The data allowance also stayed the same as the previous year at R300 per month.

Council resolved during 2017 to provide laptops to all councillors as a tool of the trade, which was implemented during the 2017/18 financial year. Agendas are now distributed electronically.

The notice requires Council to consider the provisions and by resolution of a supporting vote of the majority of its members to determine the implementation of the provisions as set out in the Notice. Stellenbosch Municipality is a category 4 (58.33%) municipality as indicated in the calculations in **APPENDIX B**. In making the decision the Municipal Council must have regard for the financial situation of the municipality and the affordability of implementing the provisions set out in the Notice. A copy of the financial implications is attached as **APPENDIX B**. The Municipality must obtain the concurrence of the Member for Local Government in the Province before the Council resolution can be implemented.

The tools of the trade make provision that security may be provided to the Executive Mayor, Speaker, and other councillors subject to a threat and risk analysis by the South African Police Service. In deciding on whether to grant tools of the trade

Council has to take into account accessibility, affordability and cost control, equity, flexibility, simplicity, transparency, accountability and value of tools of trade.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.2.2

RESOLVED (majority vote)

- (a) that Council notes the provisions of Notice 1426 dated 21 December 2018;
- (b) that Council approves the implementation of the Upper Limits of the annual remuneration packages of full-time and part-time councillors as set out in paragraphs 5 to 8 of Government Notice 1426 dated 21 December 2018, as from 1 July 2018;
- (c) that the implementation will be effected by the Administration after due process has been followed and the MEC has given his concurrence with Council's resolutions;
- (d) that Council approves a cell phone allowance of R3 400.00 per month to all councillors (including all office bearers);
- (e) that Council notes that the total cost for the Municipality of all councillor salaries, allowances and reimbursement benefits will amount to R18 807 706.00 which expenditure is R114 966 more than the budgeted amount, and the shortfall will be covered through a correction in the 2018/19 adjustment budget from savings within the 2018/2019 operating budget;
- (f) that it be noted that all councillors have been provided with the opportunity to receive a laptop as a tool of trade, and that the tools of trade as set out in paragraph 15(1)(b),(d) be extended to councillors as indicated in the Notice, as well as business cards and diaries to all councillors;

Part-time PR Councillors to have access to multi-digital facilities including facsimile, printer, photocopier and scanner through the Office of the Speaker or Chief Whip. It is noted that such facilities are available to part-time ward councillors at the Ward Office;

- (g) that it be noted that Councillors are entitled to a R300 per month data allowance (paragraph 12 of the Notice) to provide for data bundles for, inter alia the laptop as all cell phone contracts cater for data as part of the contract;
- (h) that Council considers the provision of security under the circumstances set out in item 15(g) in the Notice, subject to a threat and risk assessment as and when required and after the elements referred to that have to be taken into account, is available for Council consideration; and
- (i) that the written concurrence from the Minister of Local Government in the Western Cape be obtained for the payment of the above salaries, allowances and reimbursement benefits retrospectively as from 1 July 2018 and the extension of the tools of trade as indicated above, before it be implemented.

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

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	DIRECTOR: CORPORATE SERVICES
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-808 8018
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.gov.za
REPORT DATE	16 January 2019

7.2.3	PROPOSED LEASE AGREEMENT: AITSA! AFTER-CARE CENTRE: ERF 192, KYLEMORE
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Institutional Transformation

23 January 2019

1. SUBJECT: PROPOSED LEASE AGREEMENT: AITSA! AFTER-CARE CENTRE: ERF 192, KYLEMORE

2. PURPOSE

To consider a request from Aitsa After-care Centre for the lease of a portion of Erf 192, being used as the municipal sportsground in Kylemore.

3. DELEGATED AUTHORITY

Council to consider the request.

4. EXECUTIVE SUMMARY

Aitsa After-care Centre in Kylemore submitted a request to put up temporary structures on a portion of the Sportsgrounds, situated on erf 192, Kylemore, for the use of an after-care centre.

The request is supported by the Department of Community Services, the sporting body, as well as the two adjacent schools.

The land, however, is still registered in the name of the National and Provincial departments of public works. Council will therefore not be in a position to make a decision until the registration in Stellenbosch Municipality's name has taken place.

The sportsground is therefore also not registered in the name of the Municipality, although the Municipality has been using it as such since 1989. The Department of Public Works did not as yet register the consolidated erf 192 in the name of the Municipality.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.2.3

RESOLVED (nem con)

- (a) that Council takes note of the application from Aitsa After-care Centre;
- (b) that the Municipality requests the Departments of National and Provincial government to urgently finalize the transfer of the consolidated erf 192, Kylemore, to Stellenbosch Municipality;
- (c) that the applicants be requested to get permission from the Department of Public Works to lease the land, subject to the transfer to the Municipality;
- (d) that it be noted that Council noted the importance of the establishment of the proposed after-care centre and supports the establishment of the centre; and
- (e) that the applicants will be responsible for the payment of any services used by the applicants, irrespective of who the owner of the land is.

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	2019-01-17

7.2.4	PROPOSED RENEWAL OF LEASE AGREEMENT: ERF 52, STELLENBOSCH, SUPERGROUP DEALERSHIP
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

23 January 2019 & 30 January 2019

1. SUBJECT: PROPOSED RENEWAL OF LEASE AGREEMENT: ERF 52, STELLENBOSCH, SUPERGROUP DEALERSHIP

2. PURPOSE

To consider the renewal of the lease agreement in the light of the objections/counter proposals received during the public participation process after the official notice was published to invite same and to determine a fair market rental.

3. DELEGATED AUTHORITY

For decision by the Municipal Council.

4. EXECUTIVE SUMMARY

Council on 2018-05-23 resolved to, in principle; approve the renewal of the lease agreement with the Supergroup Dealership in relation to Erf 52, Stellenbosch. A notice was published, as the public participation process, calling for objections or alternative proposals.

Two objections/alternative proposals were received, which must now be considered by Council.

Council must also determine the fair market rental. HCB Property Valuations was appointed to advise on a market-related rental. A valuation report was received on 16 January 2019, a copy of which is attached as **APPENDIX G**. In terms thereof the market-related rental for Erf 52 was determined at between R21 120.00 and R30 166.00, but it is advised that a 10% rate of return be approved, i.e. a monthly rental of R30 166.00.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.2.4

RESOLVED (majority vote)

- (a) that Council notes the objections/counter proposal; and
- (b) that Council approves the renewal of the Lease Agreement with the Supergroup Dealership for a period of 5 years, at a monthly rental of R30 160.00 (Inclusive of VAT), with an annual escalation of 7%.

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

Councillors GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

7.2.5	PROPOSED EXCHANGE OF LAND: A PORTION OF FARM 183 (CLOSED STREET) FOR A PORTION OF FARM 183/7: WOODMILL DEVELOPMENT
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Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 23 January 2019 & 30 January 2019

1. SUBJECT: PROPOSED EXCHANGE OF LAND: A PORTION OF FARM 183 (CLOSED STREET) FOR A PORTION OF FARM 183/7: WOODMILL DEVELOPMENT

2. PURPOSE

To consider inputs/objections received during the public participation process and to consider the fair market values.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

On 2018-03-28 Council decided, *inter alia*, to approve the exchange of two portions of land, as to enable the construction of a new intersection at the proposed Woodmill Development.

Following the above decision:

- (a) a notice was published, calling on interested and affected parties to submit comments/input on the proposed exchange of land; and
- (b) a valuer was appointed to determine a fair market value for the two portions of land.

Council must now consider these objections and must make a determination on the fair market value of the respective properties.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.2.5

RESOLVED (majority vote)

- (a) that Council notes the objection(s) received; and
- (b) that Council approves the exchange of Portion A, measuring 5560m², for Portion B, measuring 5560m², at equal value, i.e. R6 120 000.00 per portion, on condition that:
 - (i) the Developer be responsible for all associated cost, such as the rezoning and subdivision, transfer cost, etc.; and
 - (ii) that portion A be consolidated with Farm 183/57.

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

Councillors GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

7.2.6	PROPOSED CONCLUSION OF LEASE AGREEMENTS: LEASE FARMS 502 AX AND 502 AY
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Collaborator No:
IDP KPA Ref No: Institutional Transformation
Meeting Date: 23 and 30 January 2019

1. SUBJECT: PROPOSED CONCLUSION OF LEASE AGREEMENTS: LEASE FARMS 502 AX AND AY

2. PURPOSE

To obtain Council approval for the cancellation of the lease agreements with HC Myburgh Boerdery and the in principle approval of a lease agreement for the identified properties be concluded with Mr Jacques Olivier.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

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

During 2013 Mr Myburgh approached the Municipality with a written request to cede the lease agreements to the Heldervalley Farming Association, which, at the time included Mr Jacques Olivier. Before a formal agreement in this regard could be reached, Mr Myburgh passed away. Although the ceding was never formalised, women used the land for farming purposes as from 2008 under the supervision of Mr Olivier. The lease agreements with HC Myburgh Boerdery have not been formally terminated nor has the estate chosen to take over the rights and responsibilities in terms of the agreements.

We received a request from Heldervalley Farming Association to rent the farm (**APPENDIX A**). Item served before Mayco and was referred back to determine exactly who the members of Heldervalley Farming Association are and what type of legal entity is applicable. We have, despite several attempts, not received feedback from the association. Councillors on Mayco were requested to investigate the matter, including the reference to the Eco-sensitive area. It is confirmed that the land pieces referred to above exclude the eco-sensitive area.

We have received feedback from Councillor Crawley and also received a letter from Mr Jacques Olivier explaining his involvement and the empowerment farming currently done by women. **APPENDICES B-D**.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.2.6

RESOLVED (majority vote with abstentions)

- (a) that it is noted that Mr H C Myburgh passed away and that the current lease agreements with HC Myburgh Boerdery with regard to the lease agreements for Lease Farms 502AY; AX and BC, therefore be cancelled;

- (b) that the following properties be identified as land **not needed for own use** during the period for which such rights are to be granted, as provided for in Regulation 36 of the Asset Transfer Regulation 5:

Property description	Size	Water rights
Farm 502 AX	6.96 ha	2.3ha
Farm 502AY	4.28 ha	1.3ha

- (c) that Council, in principle, approves the leasing of the properties to Mr Jacques Olivier provided that the current farming continues and that the land is only used for bona fide farming for a period of 9 years and 11 months, subject thereto that Council's intention to lease the properties be advertised for public inputs, as provided for in paragraph 9.2.2 of the Property Management Policy;
- (d) that Council determines the rental at 20% of market value, that is R438.85 ha/per annum, as provided for in paragraph 22.1.4 of the Property Management Policy (below market value rental);
- (e) that the matter be referred back to Council after the public participation process indicated in (c) above; and
- (f) that the outstanding debt in relation to Lease Farms 502AY, AX and BC be investigated by the acting CFO and a report be provided as to whether it can be recovered or should be written off as irrecoverable.

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	2019-01-22

7.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]
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7.3.1	MFMA S116(2)(d) REPORT: MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE FOR THE PERIOD 01 JULY 2018 TO 30 NOVEMBER 2018
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Collaborator No: 624718
IDP KPA Ref No: *Financial Sustainability*
Meeting Date: 23 January 2019

1. SUBJECT: MFMA S116(2)(d) REPORT: MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE FOR THE PERIOD 01 JULY 2018 TO 30 NOVEMBER 2018

2. PURPOSE OF REPORT

To report in accordance with MFMA Section 116(2)(d) on the management of contracts or agreements and the performance of contractors.

3. DELEGATED AUTHORITY

COUNCIL

4. EXECUTIVE SUMMARY

Council must maintain oversight over the implementation of the SCM Policy and Chapter 11 of the MFMA. For the purpose of such oversight the accounting officer must regularly submit a report on the management of contracts or agreements and the performance of contractors to the Council of the municipality in terms of MFMA S116(2)(d).

Council is hereby informed of the performance of service providers who were active on contracts secured by means of a competitive bidding process for the period 01 July 2018 – 30 November 2018. This report also indicates the activities currently being undertaken to improve the current status as well as future endeavors which will ensure compliance with the requirements of MFMA Section 116.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.3.1

NOTED

the MFMA S116(2)(d) Report: Management of contracts or agreements and contractor performance from 01 July 2018 till 30 November 2018.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
CONTACT NUMBERS	021 808 8137
E-MAIL ADDRESS	Kevin.Carolus@ Stellenbosch.gov.za
DIRECTORATE	Financial Services
REPORT DATE	03 January 2019

7.3.2	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR DECEMBER 2018
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Collaborator No: 624715
 IDP KPA Ref No: *Good Governance and Compliance*
 Meeting Date: 23 January 2019

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR DECEMBER 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 and ratifications to Council.

3. DELEGATED AUTHORITY

COUNCIL

FOR NOTING.

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2018/2019) stipulate that SCM deviations and ratifications be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during December 2018.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.3.2

NOTED

the deviations as listed for the month of December 2018.

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

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRAC=TOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE (R)
D/SM 28/19	03/12/2018	Webber Wentzel	Easy Pay (PTY) LTD / Stellenbosch Municipality and two others	Exceptional case and it is impractical or impossible to follow the official procurement processes	Stellenbosch Municipality went out on an invitation for a formal quotation to appoint an attorney firm to oppose the indirect and review application instituted by EasyPay (Pty) Ltd ("EasyPay") against Stellenbosch Municipality under case number 20545/18 with regard to the tender award made by Stellenbosch Municipality under tender B/SM 104/18. Three attorneys firms were informed of the formal quotation. Three formal quotations were received i.e. from Fairbridges, Van Der Spuy Attorneys and Webber Wentzel on 21 November 2018 at 10h00.	Estimate - R 363 200.00 (including VAT)

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE (R)
D/SM 30/19	14/12/2018	Hydro-Tech Systems PTY LTD	Emergency repairs and safeguarding of vandalised Klapmuts water pump station	Emergency Exceptional case and it is impractical or impossible to follow the official procurement processes	Klapmuts water pump station needs immediate repairs after severe vandalism took place. The infrastructure consisting of the building, pumps, motor controls, telemetry station, chlorine equipment, low voltage cabling, security system etc. were demolished leaving the Klappmuts community's essentials water supply under threat. Immediate repair is crucial to sustain the essential water service to the whole of Klappmuts community including the business sector and surrounding farms.	R174 831.73 (Incl. VAT)
D/SM 31/19	21/12/18	I Bester Staal BK	Repairs on the vandalized doors of Mini Substation Bassi/Long & Mini Substation Papegaaiberg	Emergency 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 ever increasing vandalism and electricity theft for these particular miniature substations it is important to repair as soon as possible after occurring, the department must take urgent action to prevent unauthorised entry and vandalism in order to continue to deliver a safe and efficient service to the customers. Papegaaiberg pump station supplies water to the Kayamandi area. As soon as a problem occurs, the power needs to be restored within a few hours.	R 4 025.00 (incl. VAT)
D/SM 32/19	21/12/18	Leelyn Management	Parking Management	Exceptional case and it is impractical or impossible to follow the official procurement processes	The successful bidder that is recently appointed and is not in a position to render the services as from 01 January 2019.	Estimate – R64 625 (Incl. VAT) per month
D/SM 33/19	27/12/18	Liquid Telecom	Appointment of Liquid Telecom for the provision of voice services for a period not exceeding 6 months starting from 1 Jan 2019 – 30 June 2019	Exceptional case and it is impractical or impossible to follow the official procurement processes	Telkom SA SOC is the sole provider that can offer a vendor owned copper based PRI services directly to the Stellenbosch Municipality. Telkom was appointed on the basis of sole provider to provision voice services for a period ending 30 June 2021, implemented by the 1 st January 2019. On the 24 th December 2018, Telkom SA SOC issued a formal letter to the Stellenbosch Municipality stating that they will not be able to meet the deadline to provision and implement voice services by 1 st January 2019 as they require an additional 3-6 months in order to best implement voice services.	R 515 959.60 (Incl VAT)
D/SM 34/19	27/12/18	Farmguard Security	Extension on security contracts	Emergency Exceptional case and it is impractical or impossible to follow the official procurement processes	Tender 87/18 for "Rendering of security services for various areas within the WC024 municipal jurisdiction until 30 June 2018" has been advertised by SCM on 26 April 2018 and closed on 01 June 2018. Currently the municipality is in a legal dispute with the preferred Service provider.	R 197 373.00 (Incl VAT)

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	Acting CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@stellenbosch.gov.za
REPORT DATE	03 JANUARY 2019

7.3.3	REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2: OCTOBER 2018-DECEMBER 2018
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Collaborator No: 624716
 IDP KPA Ref No: *Financial Sustainability*
 Meeting Date: 23 January 2019

1. SUBJECT: REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2: OCTOBER 2018 - DECEMBER 2018

2. PURPOSE

To submit to a report for the period 01 October 2018 – 31 December 2018 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

**3. DELEGATED AUTHORITY
MUNICIPAL COUNCIL**

Section 2(3) & 4 of the SCM Policy 2018/2019 determines that the Accounting Officer must within 10 days of the end of each quarter submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

4. EXECUTIVE SUMMARY

On a quarterly basis the Accounting Officer must submit a report on the implementation of the Supply Chain Management Policy. In terms of the SCM Regulations and Council's SCM Policy the SCM Unit has been delegated to perform powers and functions that relate to the procurement of goods and services, disposal of goods no longer needed, and the selection of contractors to provide assistance in the provision of municipal services. This report contains the details of the implementation of the SCM Policy for Quarter 2: October – December 2018.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.3.3

RESOLVED (majority vote with abstentions)

- (a) that Council takes note of this report and **ANNEXURE A** attached to the report; and
- (b) that the report be made public in accordance with Section 21A of the Municipal Systems Act.

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

FOR FURTHER DETAILS CONTACT:

NAME	Dalleel Jacobs
CONTACT NUMBERS	021 808 8137
E-MAIL ADDRESS	Dalleel.Jacobs@stellenbosch.gov.za
DIRECTORATE	Financial Services
REPORT DATE	03 January 2019

7.3.4	MID-YEAR ADJUSTMENTS BUDGET FOR 2018/2019
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Collaborator No:

File nr:

8/1

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

23 January 2019

1. SUBJECT: MID-YEAR ADJUSTMENTS BUDGET FOR 2018/2019**2. PURPOSE OF REPORT**

To table the adjustments budget as envisaged by section 28 of the Municipal Finance Management Act (Act No.56 of 2003), for the 2018/2019 financial year, for approval.

3. DELEGATED AUTHORITY**FOR APPROVAL BY MUNICIPAL COUNCIL****4. EXECUTIVE SUMMARY**

This adjustments budget addresses adjustments in terms of section 28 (2) a, b, d & f of the MFMA and is further explained as required by section 28 (2) (5) of the legislation.

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

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.3.4

The Executive Mayor's Budget Speech is attached as an **APPENDIX**.

RESOLVED (majority vote)

- (a) that the Adjustments Budget as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX A and B**, be approved;
- (b) that the following capital projects be adjusted over the MTREF (2018/2019) as follows:

Project	2019/2020	2020/2021
Establishment of Informal Trading Sites: Klapmuts	3,000,000	-
Establishment of Informal Trading Sites: Groendal	2,000,000	-
Heritage Tourism Center - Jamestown	640,000	-
Klapmuts: Erf 2181 (298 serviced sites)	1,259,000	-
Smartie Town, Cloetesville	4,900,000	-
Stellenbosch: Social Housing	200,000	2,000,000
Purchasing of land	65,626,490	10,000,000
Structural Upgrading: Community Hall La Motte	1,700,000	-
Upgrading of Stellenbosch Fire Station	7,000,000	-
Hydraulic Ladder Fire Truck	12,000,000	-
Mont Rochelle Nature Reserve: Upgrade of Facilities.	800,000	-

- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly, inclusive of the non-financial information (performance measurement).

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

Councillors GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	KEVIN CAROLUS
POSITION	ACTING CHIEF FINANCIAL OFFICER
DIRECTORATE	FINANCIAL SERVICES
CONTACT NUMBERS	021 808 8512
E-MAIL ADDRESS	Kevin.Carolus@stellenbosch.gov.za
REPORT DATE	21 January 2019

7.3.5	MFMA SECTION 52 QUARTERLY REPORTING FOR THE PERIOD 01 OCTOBER 2018 TO 31 DECEMBER 2018
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Collaborator No: 625237
 File nr: 8/1
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 23 January 2019

1. SUBJECT: MFMA SECTION 52 QUARTERLY REPORTING FOR THE PERIOD 01 OCTOBER 2018 TO 31 DECEMBER 2018

2. PURPOSE

To comply with Section 52(d) of the Municipal Finance Management Act and report to Council on the implementation of the budget as well as the non-financial performance of the municipality for quarter 2 of the 2018/19 financial year.

3. DELEGATED AUTHORITY

THE EXECUTIVE MAYOR TO SUBMIT TO COUNCIL

In terms of section 52 (d) of the Municipal Finance Management Act:

“The mayor of a municipality—

(d) must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget as well as the non-financial performance of the municipality;”

4. EXECUTIVE SUMMARY

The Executive Mayor must provide general political guidance over the fiscal and financial affairs of the Municipality and is required by Section 52(d) of the Municipal Finance Management Act to submit a report on the implementation of the budget and the financial and non-financial performance of the Municipality to the Council within 30 days after end of each quarter.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.3.5

NOTED

the Section 52 Report (including quarterly performance report) – Second Quarter 2018/2019.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	Acting Chief Financial Officer
DIRECTORATE	Financial Services
CONTACT NUMBERS	021 – 807 8528
E-MAIL ADDRESS	Kevin.Carolus@stellenbosch.gov.za
REPORT DATE	17 January 2019

7.4	HUMAN SETTLEMENTS: [CLLR N JINDELA]
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NONE

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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7.6.1	INTRODUCTION OF A CASHLESS REVENUE COLLECTION SYSTEM AT JONKERSHOEK PICNIC SITE
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Collaborator No: 597657
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 23 January 2019

1. SUBJECT: INTRODUCTION OF A CASHLESS REVENUE COLLECTION SYSTEM AT JONKERSHOEK PICNIC SITE

2. PURPOSE

To inform Council about:

- a) The improvement in the revenue collection control systems at the holiday resorts and campsites by designing and implementing of a cashless system.
- b) A comparative report on the revenue and patrons for the 2015/16, 2016/17 and 2017/18 season to date

3. DELEGATED AUTHORITY

COUNCIL

FOR INFORMATION

4. EXECUTIVE SUMMARY

Key Performance Indicator (D757) stipulates the Improvement in the revenue collection control systems at the holiday resorts and campsites by March 2018. To achieve this KPI, a Standard Operating Procedure (SOP) had to be developed.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.6.1**NOTED**

the introduction of a Cashless Revenue Collection System at Jonkershoek Picnic Site.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Leon Lourens/Albert van der Merwe and Tazmynn Linders</i>
POSITION	<i>Superintendent: Nature Conservation</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	<i>021 808 8161</i>
E-MAIL ADDRESS	<i>Leon.lourens@stellenbosch.gov.za</i>
REPORT DATE	<i>24 April 2018</i>

7.6.2	STELLENBOSCH MUNICIPALITY: AIR QUALITY MANAGEMENT PLAN (5-YEAR REVIEW)
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Collaborator No: 617203
IDP KPA Ref No: D 435
Meeting Date: 23 January 2019

1. SUBJECT: STELLENBOSCH MUNICIPALITY: AIR QUALITY MANAGEMENT PLAN (5-YEAR REVIEW)

2. PURPOSE

The Stellenbosch Municipality: Air Quality Management Plan (August 2013) has been reviewed in terms Section 15 (1) of the National Environmental Management: Air Quality Act, 39 of 2004.

The Stellenbosch Municipality: Air Quality Management Plan (October 2018) (**ANNEXURE A**) has been finalized in collaboration with the Cape Winelands District Municipality Air Quality Officer, the Department of Environmental Affairs and Development Planning's Directorate: Air Quality Management and has been advertised for public input for a period of 30 days (**ANNEXURE B**). This process has culminated in the above document herewith being presented to Council for approval.

3. DELEGATED AUTHORITY

COUNCIL.

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

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

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

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

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

4. EXECUTIVE SUMMARY

Section 15 (1) of the National Environmental Management: Air Quality Act, 39 of 2004, places an obligation on municipalities to develop Air Quality Management Plans (AQMPs) to manage air quality in their regions. Stellenbosch Municipality's 1st Generation AQMP dates back to 2013. The Stellenbosch Municipality: AQMP (October 2018) (**ANNEXURE A**) serves as Stellenbosch Municipality's 2nd Generation AQMP, 5-year review and update of the latter. The Stellenbosch Municipality: AQMP (October 2018) is based on the above (2013) plan and is informed by the updated Western Cape AQMP (2016) and the Cape Winelands District Municipality AQMP (2018).

The Stellenbosch Municipality: AQMP, as contained in this item, has been finalized in collaboration with the Cape Winelands District Municipality Air Quality Officer. This document was advertised in the Eikestad News on the 6th of September 2018 inviting written comment by 5 October 2018. Hard copies of the above document were made available at the municipality's advice centres in both Stellenbosch and Franschhoek as well as libraries in both Stellenbosch and Franschhoek.

The Department of Environmental Affairs and Development Planning's Directorate: Air Quality Management submitted comment (**Annexure C**) during the above commenting period, which has been incorporated in the Stellenbosch Municipality: AQMP (October 2018), now being brought to Council for adoption as its 2nd Generation AQMP, which will again be reviewed in 2022.

23RD COUNCIL MEETING: 2019-01-23: ITEM 7.6.2

RESOLVED (majority vote with abstentions)

that Council approves and adopts the Stellenbosch Municipality: Air Quality Management Plan (October 2018) as it's 2nd Generation Air Quality Management Plan.

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Environmental Planner
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8679
E-MAIL ADDRESS	schalk.vandermerwe@stellenbosch.gov.za
REPORT DATE	17 October 2018

7.6.3	FUTURE MANAGEMENT OF STRONGYARD HALL, KAYAMANDI
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Collaborator No: 617415
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 30 January 2019

1. SUBJECT: FUTURE MANAGEMENT OF STRONGYARD HALL, KAYAMANDI

2. PURPOSE

To obtain Council approval to go out on a call for proposals with the intention to enter into a lease agreement for the management of Strongyard Community Hall, Kayamandi.

3. DELEGATED AUTHORITY

COUNCIL

4. EXECUTIVE SUMMARY

Strong Yard Hall is located in the heart of Kayamandi. Since 2000/2001 the hall was utilised by the ZCC Church. The hall belonged to Kuyasa at the time, who rented the hall to the ZCC Church. The hall was handed over to Stellenbosch Municipality. From 2017, major renovations were done at the facility. The Strongyard Hall was used for community activities, church services, workshops and training before the renovations took place. The premises are currently being used illegally, without any payment and has been vandalised. Currently, only one church is utilising the hall, while the hall is used for various community programmes. The keys of the afore-mentioned hall are regulated by a member of the community who allows access to the facility. Due to the fact that there is no proper supervision for the use of the hall it is often dirty and the amenities vandalised. Currently, the management of Strongyard is challenging in terms of capacity and the various conflicting applications which cause tension among community members and -leaders. Due to this situation, it is proposed that a person/organisation be requested, through a call for proposals, to manage this facility under certain conditions.

The Executive Mayor, in consultation with the Mayoral Committee, referred the item that served before them (on 2019-01-23) back to the department and requested that the discussions be incorporated into the item before it is placed before Council. This amended item contains all the revisions.

23RD COUNCIL MEETING: 2019-01-23: ITEM 7.6.3

Before deliberations on the matter, the Speaker requested Cllr P Sitshoti (Ms) to recuse herself for the duration of the item, in view of the fact that she is implicated in the matter.

For record purposes, the Executive Mayor, Alderwoman G Van Deventer (Ms), handed in a hand-written letter dated 2019-01-29 addressed to her, requesting that the agenda item pertaining to "the tendering of the Strongyard Hall", be withdrawn, until a meeting have been scheduled between Ward 14 residents and the Executive Mayor. The letter was signed: "Ward 14 Residents", (see APPENDIX attached). Ald Van Deventer placed it on record that this item is not a tender of the Strongyard Hall, and since the letter does not contain any names or contact details, she does not know who to contact or respond to, in this regard. The Speaker responded that she will take this matter up with the Councillor of Ward 14, Cllr P Sitshoti (Ms).

RESOLVED (majority vote with abstentions)

that a call for proposals be advertised with the following conditions, *inter alia*:

- (i) Community-based organisations (for example, a registered CBO, NGO, NPO or church group operating in the Kayamandi area) or persons from within the Kayamandi area be invited to provide proposals on the utilisation and management of the facility;
- (ii) A lease agreement of 3 years;
- (iii) No rental payable provided that the hall is maintained and upgraded;
- (iv) That the hall be used for the benefit of the Kayamandi community for the following types of uses/causes, namely: Early childhood development/After-care / community development programmes / other causes that serve the broader Kayamandi community; and
- (v) The proposed management must provide a proposal on the uses and how the causes and users will be determined.

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

FOR FURTHER DETAILS CONTACT:

NAME	Albert van der Merwe
POSITION	Manager: Community Services
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8161
E-MAIL ADDRESS	albert.vandermerwe@stellenbosch.gov.za
REPORT DATE	04 May 2018 (Revised 24 January 2019)

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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7.9.1	STATUS QUO REPORT ON ALL THE SPORT FACILITIES IN THE GREATER STELLENBOSCH (WC024)
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Collaborator No: 617418
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 23 January 2019

1. **SUBJECT: STATUS QUO REPORT ON ALL THE SPORT FACILITIES IN THE GREATER STELLENBOSCH (WC024)**
2. **PURPOSE**
To inform Council of the status quo of all the sport facilities in the Greater Stellenbosch (WC024).
3. **DELEGATED AUTHORITY**
COUNCIL
FOR INFORMATION
4. **EXECUTIVE SUMMARY**
A Facilities Audit must be conducted on all municipal sport facilities in order to inform Council of the current status and condition of the municipal sport facilities.

23RD COUNCIL MEETING: 2019-01-23: ITEM 7.9.1**NOTED**

the current status of all the sport facilities in the Greater Stellenbosch (WCO24).

FOR FURTHER DETAILS CONTACT:

NAME	Albert van der Merwe
POSITION	<i>Manager: Community Services</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	021 808 8161
E-MAIL ADDRESS	albert.vandermerwe@stellenbosch.gov.za
REPORT DATE	14-11-2018

7.10	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
7.10.1	DRAFT ANNUAL REPORT 2017/18 AND REFERRAL OF DRAFT ANNUAL REPORT TO MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) FOR CONSIDERATION

Collaborator No:

File No:

3/4/5/2/32 X 8/1/2/6

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

23 January 2019 & 30 January 2019

1. SUBJECT: DRAFT ANNUAL REPORT 2017/18 AND REFERRAL OF DRAFT ANNUAL REPORT TO MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) FOR CONSIDERATION

2. PURPOSE

To table to Council the Draft Annual Report for 2017/18, as per legal prescripts and to confirm that the Municipal Public Accounts Committee (MPAC) serve as the Oversight Committee as resolved at the Council meeting of 16 February 2017, item 5.2.5. It is furthermore recommended that the draft Annual Report 2017/18 be referred to the MPAC Committee to fulfill the role of an Oversight Committee and make a recommendation to Council as contemplated in section 129(1) of the Municipal Finance Management Act (MFMA), Act 56 of 2003, as amended.

3. DELEGATED AUTHORITY

The Executive Mayor must table the Annual Report in Council in terms of Section 127(2) read with 121 and 129 of the MFMA. The report must be considered by Council to resolve on the Annual Report as contemplated in section 129(1) of the MFMA. The Oversight Committee must consider the Annual Report and submit an Oversight Report to Council in terms of Section 33 and 79 of the Local Government Municipal Systems Act, 32 of 2000 read with the terms of reference of the MPAC committee.

4. EXECUTIVE SUMMARY

The Annual Report must be tabled by the Executive Mayor within 7 months after the end of the financial year. The draft Annual Report must be made public and the Municipal Manager must invite the public to provide input into the report. It has become practice that the Oversight Committee also invites the public to make verbal representations at meetings where the report is discussed. A schedule with proposed dates for the meetings is also included. Council resolved in 2017 that MPAC has as part of their terms of reference the role to sit as Oversight Committee to consider the Annual Report.

23RD COUNCIL MEETING: 2019-01-23: ITEM 7.10.1

During deliberations on the matter, Cllr DA Hendrickse requested that it be minuted that the A-G's Audit Outcome is not included as an appendix to the Annual Report, and that the item therefore should be withdrawn because it is not in line with legislation.

The Municipal Manager, Ms G Mettler, responded that the Annual Report that is serving before Council is a Draft Annual Report, in terms of legislation and Schedule 63, and that the appendices referred to in the Annual Report, as well as the Audit Outcome, are all included in the hard copy that was distributed to Councillors. The Municipal Manager expressed her concern and stated that she takes serious exception to Cllr DA Hendrickse's statement that the Administration is misleading Council.

RESOLVED (majority vote)

- (a) that Council notes the Draft Annual Report of 2017/18 for Stellenbosch Municipality;
- (b) that Council takes note that the Municipal Manager will make the Draft Annual Report 2017/18 public for comment on the official website of the Stellenbosch Municipality and at the offices of the Municipality for a period of 21 days; the public will be invited through local print media to provide written inputs / comments on the draft report on or before 1 March 2019;
- (c) that Council refers the Draft Annual Report 2017/18 to MPAC to consider the Annual Report 2017/18 and make recommendations to Council as contemplated in Section 129(1) of the MFMA; the following dates are proposed for the MPAC / Oversight meetings, where the Draft Annual Report of 2017/18 will be discussed:

Date *	Agenda	Venue	Time
1 February 2019	Orientation: Annual Report	Stellenbosch Council Chamber	13:00 – 15:00
5 February 2019	Chapters 1 and 2	Stellenbosch Council Chamber	09:00 – 13:00
15 February 2019	Chapter 3	Stellenbosch Council Chamber	12:00 – 18:00
18 February 2019	Chapters 4, 5 and 6	Stellenbosch Council Chamber	12:00 – 18:00
22 February 2019	Public Hearing	Stellenbosch Council Chamber	09:00- 14:00
28 February 2019	Discussion with Municipal Manager, Executive Mayor and Directors	Stellenbosch Council Chamber	09:00-16:00
8 March 2019	Finalising Oversight Report	Stellenbosch Council Chamber	12:00-14:00

* It should be noted that the above are proposed dates which must still be confirmed by the MPAC Chairperson, and the final dates will be advertised in local print media.

- (d) that Council approves MPAC's mandate to co-opt two members of the public with expertise in specific fields to assist and advise the Committee;

Rates for additional nominated community members as per Treasury Regulation 20.2.2: The once-off preparation tariff was used as a guide since the National Treasury does not have guidance in that regard. Consultation must take place to decide if the rate will remain the same.

<i>Tariff</i>	<i>Number of co-opted Members</i>	<i>Not exceeding no. of hours</i>	<i>Remuneration</i>
<i>Per hour tariff for attendance of meeting as a member</i>	2	45 hours	R 327.00 per hour
<i>Once-off Tariff for duties performed in preparation</i>	2	6 hours	R 1500 (for six hours)

- (e) that Council approves that the co-opted members can be remunerated in line with the recommendations of National Treasury Regulation in this regard.

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

Councillors GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms) ; RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	Ms Shireen De Visser
POSITION	Senior Manager: Governance
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 – 808 8035
E-MAIL ADDRESS	Shireen.devisser@ Stellenbosch.gov.za
REPORT DATE	14 January 2019

7.10.2	REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2018/19
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Collaborator No:

File nr:

3/4/5/2/32 X 8/1/2/6

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

23 January 2019

1. SUBJECT: REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2018/19

2. PURPOSE

To obtain Council's approval for the revisions made to the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2018/19.

3. DELEGATED AUTHORITY

Council.

In terms of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), section 54(1)(c) *"the mayor must, consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget..."*

4. EXECUTIVE SUMMARY

The TL SDBIP 2018/19 was approved by the Executive Mayor on 21 June 2018. It is common practice for a municipality, as provided for in the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA), to review its performance indicators and targets in line with the adjustments budget.

The TL SDBIP 2018/19 (as approved by the Executive Mayor) is attached hereto. All changes (for ease of reference) which should be deleted and or amended are indicated with a *strikethrough* and an *underline* respectively.

It must also be noted that the TL SDBIP 2018/19 is the in-year plan of the municipality and amendments made to the TL SDBIP 2018/19 must also be read in conjunction with the Integrated Development Plan (IDP). Therefore, changes made to the TL SDBIP 2018/19 are considered to be made in the IDP as well.

The reasons for the amendments to the following KPIs are as follows:

- a) TL7 contained two deliverables, hence the KPI was split into two indicators;
- b) TL18 was a composite indicator measuring various services (water, sanitation, refuse removal and electricity) in one KPI. This KPI was split into the four services to enable appropriate measurement of these services individually;
- c) TL19 was deleted as it is already being measured on the TL SDBIP 2018/19;
- d) TL23 was deleted from the TL SDBIP 2018/19 as it measures a purely operational activity and has to be shifted to the departmental SDBIP.

- e) TL16 was deleted from the TL SDBIP 2018/19 as it measures a purely operational activity and has to be shifted to the departmental SDBIP.
- f) TL40 was deleted from the TL SDBIP 2018/19 as it measures a purely operational activity and has to be shifted to the departmental SDBIP.
- g) TL44 was moved from the TL SDBIP 2018/19 to the Departmental SDBIP 2018/19. This is due to the fact that Council eased water restrictions. However, this KPI will still be measured on the Departmental SDBIP 2018/19.

The balance of the indicators, unit of measurements and targets were revised in accordance with the SMART principle. This is in an attempt to ensure that the Municipality's TL SDBIP 2018/19 conforms to the requirements of both Internal Audit and the Auditor-General of South Africa.

23RD COUNCIL MEETING: 2019-01-23: ITEM 7.10.2

RESOLVED (majority vote with abstentions)

- (a) that the Revised TL SDBIP 2018/19 be approved;
- (b) that the Revised TL SDBIP 2018/19 be published on the Municipal Website; and
- (c) that the Revised TL SDBIP 2018/19 be submitted to:
- (i) Internal Audit Unit (for notification);
 - (ii) Department of Local Government: Western Cape;
 - (iii) Provincial Treasury: Western Cape;
 - (iv) Auditor General of South Africa; and
 - (v) National Treasury.

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

FOR FURTHER DETAILS CONTACT:

NAME	Gurswin Cain
POSITION	Manager: IDP and PMS
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 – 808 8717
E-MAIL ADDRESS	Gurswin.cain@stellenbosch.gov.za
REPORT DATE	14 January 2019

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	MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR 2018/19
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File No.: 8/1/3/3/8
 Collaborator No: 626282
 IDP KPA Ref No: N/A
 Meeting Date: 2019-01-30

1. SUBJECT: MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR 2018/19

2. PURPOSE

To submit the Local Government: Municipal Finance Management Act, No. 56 of 2003 (MFMA) Section 72 report (Mid-year Budget and Performance Assessment) to Council.

3. DELEGATED AUTHORITY

FOR NOTICE BY MUNICIPAL COUNCIL

In terms of Section 54 of the MFMA.

4. EXECUTIVE SUMMARY

This report provides the progress made by the Municipality in terms of the Service Delivery Budget and Implementation Plan (SDBIP) for the period 01 July 2018 to 31 December 2018.

This report contains both the financial (**APPENDIX A**) and non-financial performance (**APPENDIX B**) of the Stellenbosch Municipality.

23RD COUNCIL MEETING: 2019-01-23: ITEM 8.2.1

NOTED

- (a) the report and more specifically the assessment and forecasts contained in the report, and
- (b) that an Adjustments Budget will be tabled to Council.

9.	MATTERS FOR NOTIFICATION
9.1	REPORT BY THE EXECUTIVE MAYOR
9.1.1	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE PERIOD: MARCH 2018 TO SEPTEMBER 2018

File No.: 8/1/3/3/8
 Collaborator No: 624280
 IDP KPA Ref No: N/A
 Meeting Date: 2019-01-30

1. PURPOSE OF THE REPORT

To inform Council of the decisions taken by the Executive Mayor from March 2018 to September 2018 (see **APPENDIX 1**).

2. BACKGROUND

In terms of the Municipal Structures Act 117 of 1998 Section 56 (5) it is stated that:

“An Executive Mayor must report to the municipal council on all decisions taken by the Executive Mayor.”

According to the Municipal Systems Act 60 (1)(b)

“(1) the following powers may, within policy framework determined by the municipal council be delegated to an executive committee or executive mayor only (b) the determination or alternation of the remuneration, benefits or other conditions of service of the municipal manager or managers directly responsible to the municipal manager.

3. FINANCIAL IMPLICATIONS

None

23RD COUNCIL MEETING: 2019-01-23: ITEM 9.1.1

NOTED

the decisions taken by the Executive Mayor for the period March to September 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	07 January 2019

9.1.2	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE PERIOD: OCTOBER 2018 TO DECEMBER 2018
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File No.: 8/1/3/3/8
 Collaborator No: 624283
 IDP KPA Ref No: N/A
 Meeting Date: 2019-01-30

1. PURPOSE OF THE REPORT

To inform Council of the decisions taken by the Executive Mayor from October 2018 to December 2018 (see **APPENDIX 1**).

2. BACKGROUND

In terms of the Municipal Structures Act 117 of 1998 Section 56 (5) it is stated that:

“An Executive Mayor must report to the municipal council on all decisions taken by the Executive Mayor.”

According to the Municipal Systems Act 60 (1)(b)

“(1) the following powers may, within policy framework determined by the municipal council be delegated to an executive committee or executive mayor only (b) the determination or alternation of the remuneration, benefits or other conditions of service of the municipal manager or managers directly responsible to the municipal manager.

3. FINANCIAL IMPLICATIONS

None

23RD COUNCIL MEETING: 2019-01-23: ITEM 9.1.2

NOTED

the decisions taken by the Executive Mayor for the period October 2018 to December 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	07 January 2019

9.1.3	DECISIONS TAKEN BY THE EXECUTIVE MAYOR DURING COUNCIL RECESS: 2018/2019
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File No.: 8/1/3/3/8
 Collaborator No: 624285
 IDP KPA Ref No: N/A
 Meeting Date: 2019-01-30

1. PURPOSE OF THE REPORT

To inform Council of the decisions taken by the Executive Mayor during the Council recess of 2018/2019.

2. BACKGROUND

In terms of the System of Delegations the Executive Mayor has the duty to report to delegating authority on decisions taken in terms of that delegated power.

Delegation 34 of the current System of Delegations provides a delegation to the Executive Mayor in consultation with the Municipal Manager to exercise during the recess any power of Council if the failure to exercise such power having a substantial detrimental impact on the Municipality.

Council approved the new organisational structure and approved a new acting policy on 28 November 2018.

The appointment of acting section 56 Managers is needed to ensure that decisions that are taken by the employees who act are in line with legislative requirements as far as their delegations are concerned. An item will be brought to council in January 2019 on acting arrangements to replace the arrangements Council resolved on under the previous organisational structure.

3. LEGISLATIVE FRAMEWORK

Council approves the acting arrangements for managers who reports directly to the Municipal Manager in terms of section 56 of the Municipal Systems Act.

4. FINANCIAL IMPLICATIONS

The employees who act for a period of more than 10 consecutive workdays will receive an acting allowance in terms of the Acting Policy.

23RD COUNCIL MEETING: 2019-01-23: ITEM 9.1.3

NOTED

the decisions taken by the Executive Mayor during the Council recess of 2018/2019.

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	04 January 2019

9.1.4	DECISIONS TAKEN BY THE EXECUTIVE MAYOR DURING COUNCIL RECESS: 2018/2019: ADJUSTMENTS BUDGET
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Collaborator No: 624289
IDP KPA Ref No: Good governance and Compliance
Meeting Date: 30 January 2019

1. PURPOSE OF THE REPORT

To inform Council of the decisions taken by the Executive Mayor during the Council recess of 2018 / 2019.

2. BACKGROUND

In terms of the system of delegations the Executive Mayor has the duty to report to delegating authority on decisions taken in terms of that delegated power.

Delegation 34 of the current System of Delegations provides a delegation to the Executive Mayor in consultation with the Municipal Manager to exercise during the recess any power of Council if the failure to exercise such power having a substantial detrimental impact on the Municipality.

Roll-over of unspent provincial conditional grants:

The Western Cape Provincial Minister of Finance has granted approval, in terms of section 10(2) of the Western Cape Appropriation Act (WCAA) 2017 (Act No. 1 of 2017) to roll-over the unspent amount of R240 000 for Western Cape Financial Management Capacity Building Grant.

2018/19 Municipal adjustments budget allocations:

Minister Ivan Meyer tabled the 2018/19 Western Cape Provincial Adjustment Budget in the Provincial Parliament on 22 November 2018 and arising from this, for the 2018/19 financial year, Stellenbosch Municipality receives the following additional grant allocations:

Grant	Type	Amount
Provincial Contribution Towards The Acceleration of Housing Delivery	Capital	9 686 000
Title-Deeds Restoration Grant	Operational	1 650 000
Local Government Internship Grant	Operational	72 000
		11 408 000

3. LEGISLATIVE FRAMEWORK

Section 28 of the Municipal Finance Management Act states that:

“(1) The municipality may revise an approved annual budget through an adjustments budget.

(2) An adjustments budget -

(b) may appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmes already budgeted for.”

Regulation 23 (3) of the Municipal Budget and Reporting Regulations states that:

“If a national or provincial adjustments budget allocates or transfers additional revenues to a municipality, the mayor of a municipality must, at the next available council meeting, but within 60 days of the approval of the relevant national or provincial adjustments budget, table an adjustments budget referred to in Section 28 (2) (b) of the Act in the municipal council to appropriate these additional revenues.”

4. FINANCIAL IMPLICATIONS

The proposed Capital Adjusted Budget for the 2018/2019 financial year, inclusive of additional allocations as approved by the Western Cape Provincial Treasury of R 9 686 000, amounts to R597 434 280.

The proposed Adjusted Operational Expenditure Budget for the 2018/2019 financial year, inclusive of additional grant funding as well as the unspent conditional grants, amounts to R1 724 673 770.

The proposed Adjusted Budget for the 2018/2019 financial year amounts to R1 755 654 264.

23RD COUNCIL MEETING: 2019-01-23: ITEM 9.1.4

NOTED

the decisions taken by the Executive Mayor during the Council recess of 2018 / 2019: Adjustments Budget.

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	04 January 2019

9.2	REPORT BY THE SPEAKER
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NONE

9.3	REPORT BY THE MUNICIPAL MANAGER
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9.3.1	DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY: OCTOBER 2018 – DECEMBER 2018
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

30 January 2019

1. DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY OCTOBER 2018 – DECEMBER 2018

2. PURPOSE OF REPORT

To report to Council on the decisions taken by the Municipal Manager and Directors in terms of Council's System of Delegations for the period 01 October 2018 to 31 December 2018, in compliance with Section 63 of the Local Government: Municipal Systems Act read in conjunction with the System of Delegations as approved by Council.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

In view of the legislative stipulations, attached is a summary as **ANNEXURE 1** of decisions taken by each Directorate. The report is for noting purposes.

Please note that these delegations only indicate the delegations exercised as delegated by Council to the various Senior Managers.

23RD COUNCIL MEETING: 2019-01-23: ITEM 9.3.1

NOTED

the decisions taken, for the period 01 October 2018 to 31 December 2018, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler (01 October 2018 – 31 December 2018)
- Director: Corporate Services – Ms A de Beer (01 October 2018–31 December 2018)

-
- Director: Engineering Services – Mr D Louw (01 October 2018–31 December 2018)
 - Director Community and Protection Services – Mr G Esau (01 October 2018–30 November 2018)
 - Acting Director: Community and Protection Services – Mr A van de Merwe (01 – 31 December 2018)
 - Chief Financial Officer – Mr M Wüst (01 October 2018 – 31 December 2018)
 - Director: Planning and Economic Development (1 October 2018–31 December 2018)

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Municipal Manager</i>
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	mm@stellenbosch.gov.za
REPORT DATE	24 January 2019

NB: At the conclusion of this item, the Speaker called Cllr DA Hendrickse's attention to Rule 27.1, which he had breached, whereupon the Speaker ordered Cllr DA Hendrickse to leave the Chamber (at 15:20).

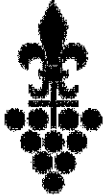
[The verbal exchange that preceded the Speaker's ruling, relates to the membership of the Section 80 Committees as referred to in e-mail correspondence which was read out at the meeting; for the record, the relevant e-mails are attached hereto as an **APPENDIX**].

APPENDIX

Paul Biscombe (Whip)

From: Paul Biscombe (Whip)
Sent: Thursday, 17 January 2019 12:40
To: 'Derrick Hendrickse'
Subject: RE: [EX] Re: re. Submission of names to serve on section 80 comm.

Thank you clr Hendrickse I will convey this to council.



Kind regards/Vriendelike groete,

Paul Biscombe

Chief Whip/Hoofsweep

T: +27 21 808 8030
Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za



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From: Derrick Hendrickse [mailto:derrickpal@telkomsa.net]
Sent: Wednesday, 16 January 2019 09:35
To: Paul Biscombe (Whip); Wilhelmina Petersen (Speaker); Mayor (Gesie Van Deventer); mm; Shireen De Visser; Faiz Hoosain
Cc: EFF Clr Lusenda Horsband; Melikhaya Xego EFF Prov Chairman; MEC Anton Bredell
Subject: Re: [EX] Re: re. Submission of names to serve on section 80 comm.
Importance: High

Dear Whip and Speaker

I take this opportunity to inform you that following a discussions with Clr L Horsband, that we as the EFF shall not take up any positions on the committees as indicated in your email below.

Please note that we are of the view that even the existing section 80 committee we as EFF councillors serve , are of any use to council . In this regard over the past two years since the February 2018 when the section 80 committees that we were allocated by the DA to serve on , only met about 3 to 4 times . And when these committees met no items of substance served on it too. Likewise the section 80 committees did not even meet as per the schedule approved by council.

Regards

Derrick Hendrickse

From: Paul Biscombe (Whip)
Sent: Tuesday, January 15, 2019 8:30 AM

To: 'Derrick Hendrickse'

Subject: RE: [EX] Re: re. Submission of names to serve on section 80 comm.

Noted cllr Hendrickse.



Kind regards/Vriendelike groete,

Paul Biscombe

Chief Whip/Hoofsweep

T: +27 21 808 8030

Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



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About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.



Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za

Disclaimer:

The information contained in this communication from paul.biscombe@stellenbosch.gov.za sent at 2019-01-15 08:30:27 is confidential and may be legally privileged. It is intended solely for use by derrickpal@telkomsa.net and others authorized to receive it. If you are not derrickpal@telkomsa.net you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by [Afrovation](#)

From: Derrick Hendrickse [<mailto:derrickpal@telkomsa.net>]

Sent: Friday, 11 January 2019 16:03

To: Paul Biscombe (Whip)

Cc: EFF Lusenda Horsband

Subject: [EX] Re: re. Submission of names to serve on section 80 comm.

Dear Whip . Can you please provide us with the terms of reference of the various committees mentioned in your email below. Once we have this we shall refert back to you on our availability to serve on these committees. Regards
Derrick Hendrickse

Sent from my iPhone

On 10 Jan 2019, at 13:28, Paul Biscombe (Whip) <Paul.Biscombe@stellenbosch.gov.za> wrote:

Cllr Hendrickse could you please submit the names of your party to serve on the Parks, Open spaces and Environment and Rural management and Tourism committees to the Speakers office asap. Remember it is one name per committee.

<image001.png> Kind regards/Vriendelike groete,

Paul Biscombe

Chief Whip/Hoofsweep

10.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
10.1	QUESTION 1 BY CLLR LK HORSBAND (MS): MUNICIPAL ASSISTANCE TO BACKYARD FIRE VICTIMS

23RD COUNCIL MEETING: 2019-01-30: ITEM 10.1

It is noted that Cllr LK Horsband (Ms) was satisfied with the written response from the Municipal Manager and that she had no follow-up question.

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>24 January 2019</i>

10.2	QUESTION 2 BY CLLR LK HORSBAND (MS): TERMS AND CONDITIONS GIVEN OF CAPITEC RE DUMPING OF EXCAVATED MATERIAL IN JAMESTOWN
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23RD COUNCIL MEETING: 2019-01-30: ITEM 10.2

It is noted that Cllr LK Horsband (Ms) will submit her follow-up question in writing.

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	24 January 2019

10.3	QUESTION 1 BY CLLR DA HENDRICKSE: TENDER AMOUNT AWARDED TO ASLA
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23RD COUNCIL MEETING: 2019-01-30: ITEM 10.3

It is noted that, notwithstanding the absence of Cllr DA Hendrickse from the Chamber, the question was tabled and a written reply had been provided.

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	24 January 2019

10.4	QUESTION 2 BY CLLR DA HENDRICKSE: REASONS FOR NON-DISCLOSURE OF A-G MANAGEMENT REPORT TO FULL COUNCIL
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23RD COUNCIL MEETING: 2019-01-30: ITEM 10.4

It is noted that, notwithstanding the absence of Cllr DA Hendrickse from the Chamber, the question was tabled and a written reply had been provided.

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	24 January 2019

11.	CONSIDERATION OF URGENT MOTIONS
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NONE

12.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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- 12.1 The Municipal Manager, Ms G Mettler, submitted an Urgent item, and Speaker gave permission that the matter could be dealt with as an Urgent matter [In-Committee].

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

13.2	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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13.2.1	REQUEST TO NOMINATE A NEW COUNCILLOR TO SERVE ON THE DISTRICT HEALTH COUNCIL
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File No.:

Collaborator No: 626468

IDP KPA Ref No: N/A

Meeting Date: 2019-01-30

1. SUBJECT: REQUEST TO NOMINATE A NEW COUNCILLOR TO SERVE ON THE DISTRICT HEALTH COUNCIL

2. PURPOSE

To inform Council of the nomination of a new councillor to serve on the District Health Council in the place of Cllr NS Louw.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Cllr NS Louw resigned as councillor on 25 October 2018. Cllr NS Louw served on the District Health Council. 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 District Health Council. The letter of resignation of Cllr NS Louw is attached as **ANNEXURE A**.

23RD COUNCIL MEETING: 2019-01-30: ITEM 13.2.1**RESOLVED** (nem con)

- (a) that Council notes the nomination of Cllr Johanna Serdyn (Ms) to replace Cllr NS Louw on the District Health Council; and
- (b) that Council approves the nomination of Cllr Johanna Serdyn (Ms) to replace Cllr NS Louw on the District Health Council.

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	24 January 2019

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

The meeting adjourned at 15:35.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**