



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2019-07-24

MINUTES

29TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2019-07-24 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
29TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2019-07-24

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MINUTES OF THE 29TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2019-07-24 AT 10:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH

PRESENT	The Acting Speaker, Cllr Q Smit [Acting Chairperson] The Executive Mayor, Ald G van Deventer (Ms) (until 13:30) The Deputy Executive Mayor, Cllr N Jindela	
COUNCILLORS	F Adams (until 11:00) FJ Badenhorst FT Bangani-Menziwa (Ms) Ald PW Biscombe G Cele (Ms) PR Crawley (Ms) R Du Toit (Ms) J Fasser A Florence AR Frazenburg E Fredericks (Ms) T Gosa E Groenewald (Ms) JG Hamilton (left between 12:00-12:30) DA Hendrickse JK Hendriks LK Horsband (Ms)	MC Johnson DD Joubert (left between 12:10-14:00) N Mananga-Gugushe (Ms) NE Mcombring (Ms) XL Mdemka (Ms) C Moses (Ms) RS Nalumango (Ms) N Olayi MD Oliphant SA Peters MM Pietersen WF Pietersen SR Schäfer Ald JP Serdyn (Ms) N Sinkinya (Ms) E Vermeulen (Ms)

Officials:	Municipal Manager (Ms G Mettler) Director: Corporate Services (Ms A De Beer) Director: Infrastructure Services (D Louw) Director: Planning and Economic Development (T Mfeya) Chief Financial Officer (K Carolus) Director: Community and Protection Services (G Boshoff) Senior Manager: Governance (Ms S De Visser) Manager: Communications (S Grobbelaar) Manager: Secretariat (EJ Potts) Senior Administration Officer (T Samuels (Ms)) Committee Clerk (N Mbali (Ms)) Interpreter (J Tyatyeka)
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1.	OPENING AND WELCOME
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The Municipal Manager, Ms G Mettler, welcomed all present at the 29th Council meeting. She notified Council that the Speaker, Cllr WC Petersen (Ms) submitted an apology for leave of absence. In terms of Section 41 of the Structures Act, an Acting Speaker must be elected for the duration of the meeting.

In line with Rule 5.2 of Council's Rules of Order By-Law, the Municipal Manager called for nominations for an Acting Speaker. Cllr PW Biscombe nominated Cllr Q Smit.

There were no other nominations, and Cllr Q Smit was duly elected as the Acting Speaker for the duration of the meeting.

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

The Acting Speaker, Cllr Q Smit welcomed all present, especially the newly elected Councillor of the ANC, Cllr C Moses (Ms), who replaces Cllr GN Bakubaku-Vos (Ms). He also welcomed Cllr J Fasser who attended his 3rd Council meeting and wished him well on his birthday which he celebrated on 13 July.

Cllr F Adams expressed his dissatisfaction for receiving his Council Agenda less than 24 hours prior to the Council meeting and requested either time off or to be excused from the meeting, because he were not allowed ample time to study the Agenda. In response to Cllr F Adams's request, the Acting Speaker confirmed that Cllr F Adams indeed received his Agenda late, but it was not deliberately, and allowed him to be excused from the meeting (at 10:20).

2.	COMMUNICATIONS
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2.1	MAYORAL ADDRESS
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“Goeiedag, Good morning, Molweni, As-salaam Alaikum

- Lekker om te begin met goeie nuus.
 - Baie geluk aan die Springbokke met hul sege oor Australië, Saterdag.
 - Die ster van die wedstryd Saterdag was een van ons streek se eie seuns – Herschel Jantjies!
 - Herschel het twee drieë gedruk in sy debuutwedstryd Saterdag en was ook gekroon as speller van die wedstryd.
 - Herschel kom van Kylemore en het skoolgegaan in Paul Roos.
 - Baie geluk aan Herschel en sy gesin en alle sterkte vir die komende wedstryde.
 - Ons is baie trots op jou!
- On 3 August, Stellenbosch FC will be playing in its first PSL game against Chippa United.
 - The game will be played in Port Elizabeth, Nelson Mandela Stadium
 - All the best for this first game and know that the support of the entire Stellenbosch Community and the best wishes of this Council goes with you.
- Baie opgewonde oor ons nuwe hidrolise platform voertuig wat ons Vrydag amptelik in ontvangs gaan neem.
 - Belangrike aanwinst tot ons brandbestryding en reddingskapasiteit.
 - Die voertuig sal ons in staat stel om brande en reddingsoperasies in hoër geboue meer effektief te hanteer.
 - Voertuig kan tot 30m hoog werk (ongeveer 10 verdiepings)
 - Die provinsiale regering het ook 'n bydrae gemaak tot die aanskaffing van die voertuig.
 - Die tenderproses is gevolg en Rosenbauer, 'n wêreldbekende vervaardiger van hierdie tipe voertuie, het die bod gekry.
 - Die voertuig is in Duitsland vervaardig en is verskeep na Suid-Afrika.
 - Die voertuig is spesifiek vervaardig vir Stellenbosch, met ons nouer strate in gedagte.
- The first ever meeting of the School Principal's Forum was held on Thursday evening, 18 July 2019. Mayor van Deventer established this forum.
- Important forum to bring school principals from the entire municipal area together on a regular basis.

- The forum aims to facilitate networking, encourage cooperation, expedite the resolving of issues and create a direct link between our schools and the municipality.
- Although education is not a municipal competency, our schools are also our clients and receive services from us.
- This forum will provide schools with a platform to raise issues that we can potentially help resolve.
- On 9 August, we will commemorate the role South African women played in establishing our democracy and continues to play in upholding our constitutional values.
- Despite our constitutionally guaranteed rights and freedoms, many women in South Africa are still treated as second class citizens facing abuse, discrimination and violence.
- I want to encourage all members of this council to celebrate Women's Day by sharing the message of empowerment and justice for women with your children, your wives, mothers, sisters and neighbours.
- Let's break the silent discrimination based on gender and celebrate the role of women as founding mothers in our country!
- Inwoners en raadslede word daaraan herinner dat ons steeds op vlak 2 waterbeperkings is, ten spyte van die goeie reënval van die afgelope paar weke.
- Die gemiddelde damvlakke in die provinsie is tans 49% terwyl die Stad Kaapstad se damme tans op 63% staan.
- Hou dus asseblief aan om water te spaar.
- Alhoewel ons watersituasie verbeter het vanaf verlede jaar, is daar steeds baie onsekerheid oor wat die res van die Winter asook die Somer vir ons gaan inhou.

Thank you.”

2.2	COMMUNICATION BY THE SPEAKER
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The Acting Speaker, Cllr Q Smit raised his concern regarding the different lists that were submitted by parties to speak on. He urged Party Whips to kindly attend the Chief Whips meeting which are held prior to Council meetings.

Two Urgent items will be submitted under item 12 of the Agenda, and additional time will be given to Councillors to peruse the documents.

2.3	COMMUNICATION BY THE MUNICIPAL MANAGER
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The Municipal Manager, on behalf of Council, expressed her sincere condolences with the passing of an employee in the Planning and Economic Development Department, Mr Noor Daniels. A minute of silence was observed.

3.	OFFICIAL NOTICES
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3.1	DISCLOSURE OF INTEREST
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NONE

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

Cllr A Crombie (Ms)	– 24 July 2019
Cllr Z Dalling (Ms)	– 24 July 2019
Cllr AJ Hanekom	– 24 July 2019
Cllr C Manuel	– 24 July 2019
Cllr WC Petersen	– 24 July 2019
Cllr LL Stander	– 24 July 2019
Cllr P Sitshoti (Ms)	– 24 July 2019

3.2.2 Permission was granted to the following Councillors to leave the meeting earlier:

Cllr F Adams	– (left at 10:20)
Cllr A Florence	– (left at 13:00)
Cllr J Hamilton	– (left between 12:00-12:30)
Cllr DD Joubert	– (left between 12:10-14:00)
Ald G Van Deventer (Ms)	– (left at 13:30)

4.	CONFIRMATION OF MINUTES	(3/4/1/5)
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4.1	CONFIRMATION OF MINUTES OF THE 27TH COUNCIL: 2019-05-29	(3/4/1/5)
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The minutes of the 27th Council Meeting: 2019-05-29 were **confirmed as correct, subject to the following amendments:**

Under 3.2.1 application for leave of absence

that the name of Cllr MD Oliphant be added to the names granted apology for leave of absence, because he submitted a doctor's certificate to the Office of the Speaker.

4.2	CONFIRMATION OF MINUTES OF THE 28TH COUNCIL: 2019-06-12	(3/4/1/5)
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The minutes of the 28th Council Meeting: 2019-06-12 were **confirmed as correct, subject to the following corrections:**

Under Communication by the Municipal Manager, capture the following:

“The Municipal Manager requested Council to take cognizance that on 7 June 2019, the Minister of Finance promulgated the new Municipal Cost Containment Regulations, 2019. The Regulations are applicable to all municipal officials and political office bearers in municipalities and will come into effect as from 1 July 2019. The Regulations will be made available to everyone.”

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
Cllr Serdyn (Ms) THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS	94	Item is 100% complete and not 30% as indicated, and should be allocated to Piet Smit and not Bernabe de la Bat.	MM will follow-up and respond in writing at the August Council meeting.
Cllr DA Hendrickse 7.6 INVESTIGATION WITH REGARD TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE	93	Raised his concern that this resolution was taken on 2015-10-28 and is still on 95% complete, which is unacceptable.	MM will follow-up and respond in writing at the August Council meeting.
Cllr DA Hendrickse THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS	94	Cllr Hendrickse requested the MM to clarify on Cllr J Serdyn's comment that this report is 100% complete according Mr Piet Smit, and not 30% as stated in the report.	MM will follow-up and respond in writing at the August Council meeting.
Cllr DA Hendrickse JAMESTOWN HOUSING PROJECT	99	Requested the MM to provide clarity and more detail to Council on the way forward in terms of this project.	MM will follow-up and respond in writing at the August Council meeting.
Cllr DA Hendrickse APPOINTMENT OF A STRATEGIC ADVISORY COMMITTEE	100	A tender went out, and after 2 years these pieces of land have not been awarded?	MM will follow-up and respond in writing at the August Council meeting.
Cllr DA Hendrickse DRAFT 2 NORTHERN EXTENTION LAND FOR RELOCATION OF SURPLUS HOUSEHOLDS, KAYAMANDI PROGRESS - STATUS REPORT 20.09.2018	103	"Funding for the acquisition of land was received from the Provincial Dept of Human Settlements. Transfer process is under way." This comment has no relation to the item and should be deleted.	MM will follow-up and respond in writing at the August Council meeting.
Cllr DA Hendrickse PROPOSED SERVICE DELIVERY IN JONKERSHOEK	105	Not satisfied with the comment. An item should be submitted to Council reporting on the status of the various departments.	MM will follow-up and respond in writing at the August Council meeting.
Cllr DA Hendrickse ADVERTISING OF DRAFT MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (MSDF) FOR WC024	108	Why is the SDF not serving at this Council as stated in the comment?	MM will follow-up and respond in writing at the August Council meeting.
Cllr DA Hendrickse APPROVAL OF THE DRAFT SECOND REVIEW OF THE FOURTH GENERATION IDP 2017 – 2022	108	IDP was already approved in May as prescribed.	MM will follow-up and respond in writing at the August Council meeting.
Cllr DA Hendrickse APPLICATION TO RELAX DEED OF SALE CONDITION: ANTI-SPECULATION CLAUSE: ERF 9194 TECHNOPARK	110	"Item on outstanding municipal debt will follow." Why is the comment here about the debt being written off? Clarity please?	MM will follow-up and respond in writing at the August Council meeting.
Cllr DA Hendrickse PROPOSED RENEWAL OF EXISTING MOU FOR THE MUNICIPAL COURT OF STELLENBOSCH	114	Based on the comments, what is the legal status of the municipal court if the previous agreement has lapsed and an agreement was sent to Department of Justice for signature?	MM will follow-up and respond in writing at the August Council meeting.
Cllr DA Hendrickse Outstanding resolutions not reported on as per the Urgent Council meeting dated 2019-06-12 RENTAL OF OFFICE SPACE APPROVAL OF DEBT AGREEMENT		What is the status of the following: RENTAL OF OFFICE SPACE? Was it signed? LOAN AGREEMENT WITH NEDBANK? Was agreement signed?	MM will follow-up and respond in writing at the August Council meeting.

NOTED

The concerns raised and the feedback report on Outstanding Resolutions.

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: (ALD G VAN DEVENTER (MS))
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7.1	COMMUNITY AND PROTECTION SERVICES: (PC : CLLR J DE VILLIERS)
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7.1.1	POWERS AND APPOINTMENT OF LAW ENFORCEMENT OFFICERS APPOINTED BY MUNICIPALITIES
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Collaborator No: 646370
IDP KPA Ref No: Safest valley
Meeting Date: 10 July 2019

**1. SUBJECT: POWERS AND APPOINTMENT OF LAW ENFORCEMENT OFFICERS
APPOINTED BY MUNICIPALITIES**

2. PURPOSE

To inform Council of the additional powers and functions of Law Enforcement officers appointed by a municipality.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

On 19 October 2018 the Minister of Justice and Correctional Services published the requirements for the appointment of Law Enforcement officers by municipalities in terms of Declaration no. 1114 of Government Gazette no. 41982. (Refer to attached **ANNEXURES A AND B**).

29TH COUNCIL MEETING: 2019-07-24: ITEM 7.1.1

NOTED

the additional powers and functions of Law Enforcement officers as per Declaration no. 1114 of Government Gazette 41982.

FOR FURTHER DETAILS CONTACT:

NAME	Neville Langenhoven
POSITION	
DIRECTORATE	COMMUNITY & PROTECTION SERVICES
CONTACT NUMBERS	X8497
E-MAIL ADDRESS	Neville.Langenhoven@stellenbosch.gov.za
REPORT DATE	14 May 2019

7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
7.2.1	APPLICATION TO LEASE UNIT 1 OF BOSMANSHUIS (PART OF THE DORP STREET FLATS UNITS) TO THE IEC: CONSIDERATION OF WRITTEN INPUTS RECEIVED

Collaborator No:

IDP KPA Ref No: *Good Governance*

Meeting Date: 10 July 2019

1. SUBJECT: APPLICATION TO LEASE UNIT 1 OF BOSMANSHUIS (PART OF THE DORP STREET FLATS UNITS) TO THE IEC: CONSIDERATION OF WRITTEN INPUTS RECEIVED

2. PURPOSE

To consider the written inputs received as a consequence of the public notice and to make a final determination on whether to conclude a lease agreement with the IEC or not.

3. DELEGATED AUTHORITY

Council must consider the item.

4. EXECUTIVE SUMMARY

An application to lease a premise from Stellenbosch Municipality was received from the IEC. They originally indicated their interest in an office in the Town Hall, but that office is needed for the Municipality's own operations. One of the Dorp street flats was identified as a possible option. The premise that was identified for possible leasing by the IEC is Unit 1 in Bosmanshuis. The IEC inspected the premises and is happy that it will fulfil their needs. The IEC is a chapter 9 institution.

Council considered the matter on 2019-03-27 and, approved the proposed lease in principle, subject to a public participation process. The advertisement of the proposed leased for inputs were published on 9 May 2019. Input was received from the Stellenbosch Interest Group (**APPENDIX 3**).

Council must now consider the written inputs received and must make a final determination in this regard.

29TH COUNCIL MEETING: 2019-07-24: ITEM 7.2.1**RESOLVED** (majority vote)

- (a) that Council takes note of the written submission received from Stellenbosch Interest Group; and
- (b) that approval be granted to enter into a 3 year lease agreement with the IEC at an initial monthly rental of R5940, being 30% of fair market value, subject to the following conditions:
 - (i) IEC to take full responsibility for all internal maintenance as well as any functional upgrades needed for their own purposes;
 - (ii) That no upgrades or changes may take place without approval of the Municipality and taking into account the heritage status of the building;
 - (iii) That an early termination clause be inserted indicating that the contract can be terminated with a six (6) months written notice, should Council need the property for its own use, or should Council decide to dispose of the property or for any other legal reason want to cancel the lease;
 - (iv) An annual escalation on 1 July 2020 and 2021 of 7% apply;
 - (v) That the Municipal Manager be authorised to conclude the Lease Agreement.

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

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	2019-07 -03

7.2.2	PROPOSED EXCHANGE OF LAND: DISPOSAL OF ERF 1523 TO THE SEVENTH DAY ADVENTIST CHURCH IN EXCHANGE FOR ERF 718, KAYAMANDI: CONSIDERATION OF INPUTS RECEIVED
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

10 July 2019

1. SUBJECT: PROPOSED EXCHANGE OF LAND: DISPOSAL OF ERF 1523 TO THE SEVENTH DAY ADVENTIST CHURCH IN EXCHANGE FOR ERF 718, KAYAMANDI: CONSIDERATION OF INPUTS RECEIVED

2. PURPOSE

To make a final determination on the proposed exchange of land after considering the inputs received as a consequence of the public notice.

3. DELEGATED AUTHORITY

The Municipal Council must consider the matter.

4. EXECUTIVE SUMMARY

Following the allocation of erf 718 to the Seventh Day Adventist Church in 1997, they paid the sales price of R11 286.00 in full during 2002. Before the property could be transferred to them, it became evident that the Municipal Clinic Building (now a Provincial clinic) was encroaching onto erf 718. Following a request by the Provincial Government of the Western Cape to acquire erf 718, in order for them to extend the current building, the Seventh Day Adventist Church was approach to accept an alternative site (erf 1523, Kayamandi).

They have subsequently confirmed in writing that they will accept the exchange of land, subject to certain conditions.

When Council considered the matter on 2019-02-27, they resolved, as follows:

RESOLVED (nem con)

- a) *that erf 1523 be identified as land not needed to provide the minimum level of Municipal Services;*
- b) *that Council in principle approve the exchange of erf 718 for erf 1523 at equal value;*
- c) *that Council's intention to do the exchange of land be advertise for public inputs/objections.*
- d) *that following the public notice period, Council make a final decision in this regard".*

A notice was published on 25 April 2019 and one (1) input was received. Council must now consider this input and make a final determination on the proposed exchange of land.

The objection raised was on the availability of a play area for children that will be affected. Erf 1522 zoned a public open space will not be affected and can still be used as a play park.

29TH COUNCIL MEETING: 2019-07-24: ITEM 7.2.2**RESOLVED** (nem con)

- (a) that Council takes note of the written submission received and the concerns raised therein;
- (b) that Council approves the exchange of erf 718, Kayamandi for erf 1523 at equal value to the Seventh Day Adventist Church, subject to a fall-back clause, should the church not use the property for institutional use anymore; and
- (c) that the Municipal Manager be authorised to sign all documents necessary to attend to the transfer of erf 1523 to the Seventh Day Adventist Church.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2019-06-12

7.2.3	PROPOSED CONCLUSION OF LEASE AGREEMENTS: LEASE FARMS 502 AX AND AY
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

10 July 2019

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

2. PURPOSE

To obtain Council approval for the conclusion of a lease agreement with Mr Jacques Olivier in relation to Lease Farms 502 AX and AY, following the public participation process.

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.

On 2019-01-30 Council considered a report, to approve, in principle, the leasing of the properties to Mr Jacques Olivier for a period of 9 years and 11 months, subject thereto that Council's intention so to act be advertised for public inputs. Council approved the recommendations, subject thereto that Council's intention to enter into the lease agreement be advertise for public inputs.

A formal notice was published; inviting interested and effected parties/individuals to submit written inputs by not later than 23 April 2019.

No such input/objections/comments were received and Council must now make a final determination.

29TH COUNCIL MEETING: 2019-07-24: ITEM 7.2.3

RESOLVED (majority vote)

- (a) that it be noted that no written submissions/input/objections were received, following the public notice;
- (b) that Council approves the leasing of Lease Farms 502 AX and AY to Mr Jacques Olivier for a period of 9 years and 11 months at a rate of 20% of market value, (R438.85 ha/per annum), provided that the current farming continues and that the land only be used for bona fide farming purposes;
- (c) that the rental be increased by CPI (based on 12 months July to June) on a yearly basis. That it be noted that when a new evaluation (every 5 years) takes place the rental be 20% of that market value with the same escalation provision until the end of the contract;

-
- (d) that Mr Olivier ensures as far as is reasonably possible that the current people who farm on the land under his supervision continue to farm;
- (e) that Mr Olivier provides the Municipality with the list of people who currently form part of the farming on the property; and
- (f) that a separate report on the outstanding debt be provided to council by the Finance Department.

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

Cllrs FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); C Moses (Ms); RS Nalumango (Ms); N Mananga-Gugushe (Ms); MD Oliphant and N Sinkinya (Ms);

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	2019-06-14

7.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]
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NONE

7.4	HUMAN SETTLEMENTS: [CLLR N JINDELA]
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7.4.1	PROPOSED DEVELOPMENT OF ERF 81/2 AND ERF 81/9, STELLENBOSCH, FOR BACKYARDERS OF STELLENBOSCH
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Collaborator No: 653153
IDP KPA Ref No:
Meeting Date: 17 July 2019

1. SUBJECT: PROPOSED DEVELOPMENT OF ERF 81/2 AND ERF 81/9, STELLENBOSCH, FOR BACKYARDERS OF STELLENBOSCH

2. PURPOSE

To motivate for the proposed development of Erf 81/2 and Erf 81/9, Stellenbosch, henceforth “the property”, as a residential development that can potentially address the housing needs of backyarders in Stellenbosch.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Stellenbosch Municipality has over the last number of years developed a housing pipeline that addresses all types of housing delivery that takes into consideration all social and financial requirements of the residents.

Against this background Stellenbosch Municipality is desirous to commence with a project that could address the housing needs of residents that reside primarily in the backyards of privately owned properties. The areas that are targeted for this projects are Ida’s Valley, Cloeteville and Khayamandi and to a lesser extent Jamestown and Klapmuts. The purpose of the project is to make provision for essentially residents who would not under ordinary circumstances qualify for subsidised housing, for example backyard dwellers that earn higher than the earnings threshold for a housing subsidy or are not in a position to obtain a mortgage loan from a financial institution.

It is therefore imperative that the proposed development must be sensitive to the general built and landscaping vernacular of the Stellenbosch area. The proposed site for this project is Erf 81/2 and Erf 81/9. The site has several constraints for development. A desktop study using Google Earth indicated that a developable area ranging between 1ha and 3ha could be realised on the property. The latter area takes into consideration all the physical constraints on the property.

The site lends itself to a similar kind of development as in the Nuutgevonden Estate which is north of the Mount Simon development. The housing typologies that are part of the latter developments are all included under any social housing development, e.g. duplex apartments and single residential properties.

**29TH COUNCIL MEETING: 2019-07-24: ITEM 7.4.1****RESOLVED** (majority vote)

- (a) that a feasibility study as a matter of urgency must be concluded to determine the exact extent of the developable area;
- (b) that the appropriate land use rights as a matter of urgency be obtained;
- (c) that any development on the property be sensitive and complementary to enhancing the aesthetics of the entrance of Stellenbosch;
- (d) that the proposed development be earmarked for backyarders in Cloetesville, Ida's Valley and Kayamandi; and
- (e) that the report be brought to Council as soon as possible.

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

7.5	INFRASTRUCTURE: [CLLR Q SMIT]
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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	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
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7.10.1	APPROVED TOP LAYER (TL) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2019/20
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

10 July 2019

1. SUBJECT: APPROVED TOP LAYER (TL) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2019/20

2. PURPOSE

To inform Council that the Executive Mayor has approved the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2019/20.

3. DELEGATED AUTHORITY

According to Section 53(1)(c)(ii) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (the MFMA), the Executive Mayor must approve the TL SDBIP within 28 days after the approval of the municipal budget.

4. EXECUTIVE SUMMARY

Section 53(1)(c)(ii) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (the MFMA) compels the Mayor of a municipality to take all reasonable steps to ensure that the municipality's Service Delivery and Budget Implementation Plan (SDBIP) is approved by the mayor within 28 days after the approval of the budget.

The TL SDBIP 2019/20 was approved by the Executive Mayor on 26 June 2019, which falls within the prescribed 28 days after the approval of the Budget.

The TL SDBIP 2019/20 is herewith submitted to Council for notification.

29TH COUNCIL MEETING: 2019-07-24: ITEM 7.10.1

RESOLVED (majority vote with abstentions)

- (a) that Council takes note of the approved Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2019/20 attached hereto as **ANNEXURE A**;
- (b) that Council takes note that the approved TL SDBIP 2019/20 has been made public within 10 working days after the approval of the TL SDBIP 2019/20 and duly submitted to the MEC for Local Government in the Province; and
- (c) that Council approves that the performance indicators and targets as contained in the approved Integrated Development Plan (2017/2022) be adjusted in accordance with the performance indicators and targets contained in the approved TL SDBIP 2019/20 to ensure accurate technical alignment between the IDP 2017/2022 and TL SDBIP 2019/20.

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

7.10.2	REVISED PERFORMANCE MANAGEMENT POLICY 2019/20
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Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **10 July 2019**

1. SUBJECT: REVISED PERFORMANCE MANAGEMENT POLICY 2019/20

2. PURPOSE

To submit the Revised Performance Management Policy 2019/20 to Council for adoption.

3. DELEGATED AUTHORITY

The executive mayor must, in terms of section 39 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (the MSA), manage the development of a performance management system and submit it to Council for adoption.

4. EXECUTIVE SUMMARY

To table the Revised Performance Management Policy 2019/20 for consideration and adoption by Council. This policy has been revised to be applicable for the 2019/20 financial year to monitor the improvement of services in the Stellenbosch Municipal Area.

29TH COUNCIL MEETING: 2019-07-24: ITEM 7.10.2

RESOLVED (majority vote)

that Council adopts the Revised Performance Management Policy 2019/20.

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

FOR FURTHER DETAILS CONTACT:

NAME	Shireen De Visser
POSITION	Senior Manager: Governance
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8035
E-MAIL ADDRESS	shireen.devisser@stellenbosch.gov.za
REPORT DATE	04 July 2019

7.10.3	PERFORMANCE AGREEMENTS 2018/19 OF THE CHIEF FINANCIAL OFFICER AND THE DIRECTOR: COMMUNITY AND PROTECTION SERVICES
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

10 July 2019

1. SUBJECT: PERFORMANCE AGREEMENTS 2018/19 OF THE CHIEF FINANCIAL OFFICER AND THE DIRECTOR: COMMUNITY AND PROTECTION SERVICES

2. PURPOSE

To submit to Council, for notification, the following:

- a) the Performance Agreement 2018/19 as concluded between the Municipal Manager and the Director: Community and Protection Services; and
- b) the Performance Agreement 2018/19 as concluded between the Municipal Manager and the Chief Financial Officer.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

According to Section 57(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) the performance agreement must:

- “(a) be concluded within a reasonable time after a person has been appointed as the municipal manager or as a manager directly accountable to the municipal manager and thereafter within one month after the beginning of the financial year of the municipality”.*

29TH COUNCIL MEETING: 2019-07-24: ITEM 7.10.3

NOTED

- (a) the Performance Agreement 2018/19 as concluded between the Municipal Manager and the Chief Financial Officer; and
- (b) the Performance Agreement 2018/19 as concluded between the Municipal Manager and the Director: Community and Protection Services.

FOR FURTHER DETAILS CONTACT:

NAME	Shireen De Visser
POSITION	Senior Manager: Governance
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8035
E-MAIL ADDRESS	shireen.devisser@ Stellenbosch.gov.za
REPORT DATE	04 July 2019

8.2	OFFICE OF THE MUNICIPAL MANAGER
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8.2.1	STELLENBOSCH MUNICIPALITY STANDING RULES OF ORDER BY-LAW FOR THE MEETINGS OF THE COUNCIL AND ITS COMMITTEES
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Collaborator No:

File number:

1/3/1/20

IDP KPA Ref No:

Institutional Transformation

Meeting Date:

24 July 2019

1. SUBJECT: STELLENBOSCH MUNICIPALITY STANDING RULES OF ORDER BY-LAW FOR THE MEETINGS OF THE COUNCIL AND ITS COMMITTEES

2. PURPOSE

To request Council to approve the Stellenbosch Municipality Standing Rules of Order By-Law for the meetings of the Council and its Committees, after publication for input and before the promulgation of the by-law takes place

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

When the current council constituted in 2016, it resolved *“that the existing Rules of Order as set out in the APPENDIX be used as the Rules of Order applicable to the Stellenbosch Municipality’s Council and Council Committee meetings”*.

After the election of the current Speaker, Councillor Wilhelmina Petersen a new process was started to review the 2013 Rules of Order. SALGA published a standard draft Rules of Order By-law late in 2018 and the Rules Committee, under the Chairmanship of the Speaker, decided to use that as a basis for the new Rules of Order for Stellenbosch Municipality’s Council and Committees. The Rules Committee met on several occasions over the months from 18 February 2019 to March 2019 the last meeting being on 25 March 2019 to discuss the draft Rules of Order published by SALGA.

Several changes was made during these discussions and the draft rules were send out to all councillors on 2 March 2019 to provide input on before 20 March 2019. The input received within the time frame was discussed on 25 March 2019 and it was resolved that the final draft must be submitted for editing. The final draft has been submitted to the Stellenbosch University for editing. They have indicated that the final edited version will only be ready after 15 April 2019. The draft by-law was advertised for comment (**APPENDIX 1**) and comments closed on 1 July 2019. If a person wanted to comment, the comments should have been directed to the office of the Municipal Manager. They received no comments (**APPENDIX 1A**). Attached hereto as **APPENDIX 2** find the final Stellenbosch Municipality Standing Rules of Order By-Law for the meetings of the Council and its Committees for consideration and approval.

29TH COUNCIL MEETING: 2019-07-24: ITEM 8.2.1**RESOLVED** (majority vote)

- (a) that it be noted that no comments were received when the By-Law was advertised;
- (b) that the Stellenbosch Municipality Standing Rules of Order By-Law for the meetings of the Council and it's Committees (**APPENDIX 2**) be adopted; and
- (c) that the Municipal Manager be requested to take the necessary steps to promulgate the said Stellenbosch Municipality Rules of Order By-law.

Cllrs 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 6006
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.gov.za
REPORT DATE	12 July 2019

8.2.2	UPDATE OF TREE REGISTER FOR THE COMMUNITY SERVICES DEPARTMENT FOR THE 2018/2019 FINANCIAL YEAR
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Collaborator No: 653219
IDP KPA Ref No: Strategic Focus Area 2
Meeting Date:

- 1. SUBJECT: UPDATE OF TREE REGISTER FOR THE COMMUNITY SERVICES DEPARTMENT FOR THE 2018/2019 FINANCIAL YEAR**
- 2. PURPOSE**
To inform Council about the updated tree register for the 2018/2019 financial year.
- 3. DELEGATED AUTHORITY**
Standing Committee.
- 4. EXECUTIVE SUMMARY**
The tree register is a record keeping document that is used to record trees that are being sponsored within the WC024. The capturing of tree information ensures that the basic information of each tree is logged for control and monitoring purposes.

29TH COUNCIL MEETING: 2019-07-24: ITEM 8.2.2

NOTED

the updated Tree Register for the Community Services Department for the 2018/2019 Financial year.

FOR FURTHER DETAILS CONTACT:

NAME	TAMMY LEIBRANDT
POSITION	MANAGER: ENVIRONMENTAL MANAGEMENT
DIRECTORATE	COMMUNITY AND PROTECTION SERVICES
CONTACT NUMBERS	021 808 8180
E-MAIL ADDRESS	tammy.leibrandt@ Stellenbosch.gov.za
REPORT DATE	06 JUNE 2019

8.2.3	GRANT ALLOCATION OF TOURISM FUNDING TO TOURISM ENTITIES
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Collaborator No:

File No:

IDP KPA Ref No:

Meeting Date: 24 July 2019

1. SUBJECT: GRANT ALLOCATIONS OF TOURISM FUNDING TO TOURISM ENTITIES

2. PURPOSE

To make a grant allocation based on the applications received from entities/external bodies performing a municipal function.

3. DELEGATED AUTHORITY

COUNCIL

4. EXECUTIVE SUMMARY

In terms of section 6(2) of the Policy for The Financing of External Bodies Performing a Municipal Function, "the Grant Committee will have the power to make recommendations to Council for final appointments and financial allocations", and in terms of section 6(3), "the Grant Committee must submit a report on its decisions to the Council for final approval".

This item deals with the applications received from tourism organisations who applied for funding in terms of the Policy for The Financing of External Bodies Performing a Municipal Function.

29TH COUNCIL MEETING: 2019-07-24: ITEM 8.2.3

RESOLVED (majority vote)

- (a) that Council takes note of the R4.6m grant allocation available for distribution to tourism organisations; and
- (b) that Council approves the allocation as recommended by the Grant Committee (as per its meeting of 2019-07-12 and contained in this report), to the organisation below as follows:

Visit Stellenbosch

R 2 528 511.00

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

FOR FURTHER DETAILS CONTACT:

NAME	Widmark Moses
POSITION	MANAGER: LED & TOURISM
DIRECTORATE	PLANNING AND ECONOMIC DEVELOPMENT
CONTACT NUMBERS	021 808 8179
E-MAIL ADDRESS	Widmark.moses@stellenbosch.gov.za
REPORT DATE	15 July 2019

8.2.4	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MAY AND JUNE 2019
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Collaborator No:

File No: 8/1

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 24 July 2019

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MAY AND JUNE 2019

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

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 be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during May and June 2019.

29TH COUNCIL MEETING: 2019-07-24: ITEM 8.2.4

NOTED

the deviations as listed for the months of May and June 2019.

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

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 46/19	06 May 2019	Smith Tabata Buchanan Boyes (STBB)	Appointment of an appropriately experienced legal service provider for legal assistance with regards to an appeal and implementation of the decision on farm 393/11	Exceptional case and it is impractical or impossible to follow the official procurement processes.	The Municipality received an Appeal on Farm 393/11 Longlands on 28 June 2018. Smith Tabata Buchanan Boyes (STBB) was appointed to assist with the appeal assessment report. Smith Tabata Buchanan Boyes (STBB) was recommended to be	Estimated amount of R 25 872 VAT excluded.

					appointed due to the legal firm's expertise in dealing with these type of issues, pertaining to planning law, and the professionalism in handling and finalisation of Municipal matters.	
D/SM 47/19	28 June 2019	Liquid Telecom	Appointment of Liquid Telecom for the provision of voice services on a month to month basis but not exceeding 3 months starting from 1 July 2019 – 30 September 2019 until the implementation of the Telkom SA SOC voice services.	Exceptional case and it is impractical or impossible to follow the official procurement processes.	There was a tender awarded to Telkom SA SOC for the provision of voice services. Due to the delays in the contractual terms and agreement between Stellenbosch Municipality and Telkom SA SOC, a month-to-month contract not exceeding 30 September 2019, starting from 1 July 2019 is required for the voice services from Liquid Telecom until the next contract with Telkom SA SOC has been implemented. It is not practical to now go through a tender process as a new service provider will not be able to provide the services from 1 July 2019 and the Municipality will have no voice services and will not be contactable.	Estimated amount of - R 270 000.00 VAT excluded
D/SM 48/19	28 June 2019	Avalon Technology Group	Appointment of Avalon Technology Group for the provision of 100 mbps internet services for a period not exceeding 3 months starting from 01 July 2019 – 30 September 2019.	Exceptional case and it is impractical or impossible to follow the official procurement processes	Council approved a tender for the provision of the disaster recovery site, WAN and Internet services. The tenderer to whom the tender was awarded informed the Municipality on 26 June 2019 that they are unable to provide the services as indicated in the tender from 1 July 2019. The municipality to make alternative arrangements for short term to host the Disaster recovery site, but the provision of internet services must continue. It is not practical to on such short notice appoint another service provider to provide internet services to the Municipality.	R 91 500.00 VAT excluded

D/SM 49/19	19 June 2019	Interwaste	Operation and management of landfill site – Interwaste from 01 July 2018 – 30 September 2019	Exceptional case and it is impractical or impossible to follow the official procurement processes	<p>The current deviation expires 30 June 2019, which was approved to allow Section 78 process. Section 78 is taking much longer than initially anticipated and tender can't commence until section 78 process completed.</p> <p>Transfer/ disposal faculty was required to dispose/transfer Stellenbosch, tender had to be cancelled due to non-compliance.</p> <p>The current service provider need to increase slope of the current cell 3 in order to dispose of waste to allow sufficient time for new tender to be put in place.</p> <p>Slope creep requirement and additional handling and material which increased the cost of service provider. This an essential service which we can't do without.</p>	Estimated amount of R2 539 779 VAT excluded until 30 Sept 2019
D/SM 50/19	07 June 2019	Van der Spuy	Gerhard Schalk van Niekerk N.O and Others / Stellenbosch Municipality	Exceptional case and it is impractical or impossible to follow the official procurement processes.	<p>Gerhard Schalk van Niekerk N.O and Others ("the Applicants") instituted review proceedings against Stellenbosch Municipality's resolution of 31 October 2018, which resolved that the owners be instructed to demolish all structures/boundary fences impeding public access to the Millstream, and to move any and all boundary fencing to their own erf boundaries, within a period of 3 (three) months of receipt of the notice.</p> <p>The applicants served papers on the Municipality on 20 May 2019.</p> <p>The normal procurement process will not be completed in time for the</p>	Estimated amount of R490 000.00 VAT excluded

					<p>municipality to file the notice of opposition on 10 June 2019. If no letter of appointment is filed, the matter is enrolled to be load on 19 June 2019</p> <p>Taking this period in consideration it is impractical and impossible to follow the normal procurement processes.</p>	
D/SM 51/19	24 December 2018	Andre Swart of Smit of Tabata Buchanan Boyes Attorneys	La Concorde South Africa (Pty) Ltd / Stellenbosch Municipality And Others	Exceptional case and it is impractical or impossible to follow the official procurement processes.	<p>La Concorde South Africa (Pty) Ltd instituted legal action against Stellenbosch Municipality, which court papers were served on the Municipality on or about 12 December 2018.</p> <p>Should a formal quotation process be followed, the formal quotations needed to be advertised for a period of seven days on the notice boards and website. Taking this period in consideration, the formal quotation would only be considered in the last week of December 2018, pursuant to any offers being received. Furthermore, most of the attorney firms usually closed between 14 December 2018 to 14 January 2019, whilst the senior partners/directors usually return to work during the third week of January 2019.</p> <p>Taking this period in consideration it is impractical and impossible to follow the normal procurement process.</p>	Estimated amount of R200 000.00 VAT excluding

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@stellenbosch.gov.za
REPORT DATE	10 July 2019

8.2.5	MFMA SECTION 52 REPORTING UP TO JUNE 2019
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Collaborator No:

File No: 8/1

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 24 July 2019

1. SUBJECT: MFMA SECTION 52 REPORTING UP TO JUNE 2019

2. PURPOSE

To comply with section 52(d) of the Municipal Finance Management Act and report to Council on the budget; financial and service delivery budget implementation plan by the Municipality for quarter 4 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.

The Section 52 report is a summary of the budget performance. It compares the implementation of the budget to the commitments made and contained in the Service Delivery and Budget Implementation Plan (SDBIP), and is intended to enable Council to give effect to their oversight responsibility.

This report provides the overall performance of the Municipality for the period 1 April 2019 to 30 June 2019.

The Office of the CFO is currently, in terms of s126 (1)(a) of the MFMA, preparing the annual financial statements for the financial period ended 30 June 2019. It is important to note that the information in this report are preliminary results and may not be an accurate reflection of the financial position of the municipality as same will materially be influenced by year-end journals and processes still to be finalised which will influence the financial position. The latter process alluded to will only be finalised by the end of August 2019.

29TH COUNCIL MEETING: 2019-07-24: ITEM 8.2.5**NOTED**

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

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Kevin Carolus
<i>POSITION</i>	<i>Director Financial Services</i>
<i>DIRECTORATE</i>	<i>Financial Services</i>
<i>CONTACT NUMBERS</i>	<i>021 – 807 8528</i>
<i>E-MAIL ADDRESS</i>	<i>Kevin.Carolus@stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>24 July 2019</i>

8.2.6	REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: <u>QUARTER 4 (01 APRIL 2019 - 30 JUNE 2019)</u>
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Collaborator No:

File No:

8/1/3/3/2

IDP KPA Ref No:

8: Financial Sustainability (KFA 59: Supply Chain Management

Meeting Date:

24 July 2019

1. SUBJECT: REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 4 (01 APRIL 2019 - 30 JUNE 2019)

2. PURPOSE

To submit to Executive Management a report for the period 01 April 2019 – 30 June 2019 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

For decision by Municipal Council.

Section 2(3) & 4 of the SCM Policy 2018/2019 determines that the Accounting Officer must within 10 days at 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 to the Executive Mayor. In terms of the SCM Regulations and Council's SCM Policy the SCM unit has been delegated to perform powers and functions that related to the procurement of goods and services, disposal of goods no longer needed, the selection of contractors to provide assistance in the provision of municipal services.

29TH COUNCIL MEETING: 2019-07-24: ITEM 8.2.6

NOTED

- (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.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Kevin Carolus</i>
CONTACT NUMBERS	<i>021 808 8528</i>
E-MAIL ADDRESS	<i>Kevin.Carolus@stellenbosch.gov.za</i>
DIRECTORATE	<i>Financial Services</i>
REPORT DATE	<i>10 July 2019</i>

8.2.7	CONTRACTS HAVING FUTURE BUDGETARY IMPLICATIONS – MUNICIPAL VALUER
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Collaborator No:

File No: 8/1

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 24 July 2019

1. SUBJECT: CONTRACTS HAVING FUTURE BUDGETARY IMPLICATIONS – MUNICIPAL VALUER

2. PURPOSE

Council to approve in terms of Section 33(1) (c) MFMA, the contract to be entered into between the municipality and the municipal valuer for the compilation of the General Valuation Roll to be implemented on 1 July 2021.

3. DELEGATED AUTHORITY

Council to approve.

4. EXECUTIVE SUMMARY

A process as envisaged in Section 33, MFMA, is to be followed in order for the municipality to enter into a contract having budgetary implications beyond the three years covered in the current financial year's budget.

This process has been initiated and is to be concluded by the council considering this report and adopting the relevant resolution.

29TH COUNCIL MEETING: 2019-07-24: ITEM 8.2.7

The Speaker **RULED**

that this matter be referred back to the Administration for refinements.

FOR FURTHER DETAILS CONTACT:

NAME	<i>A Treurnich</i>
POSITION	<i>Manager: Treasury</i>
DIRECTORATE	<i>Finance</i>
CONTACT NUMBERS	<i>021 808 8016</i>
E-MAIL ADDRESS	<i>Andre.treurnich@stellenbosch.org.za</i>
REPORT DATE	<i>15 July 2019</i>

8.2.8	RECRUITMENT AND SELECTION PROCESS OF THE DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT
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Collaborator No:

File No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 24 July 2019

1. RECRUITMENT AND SELECTION PROCESS OF THE DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

2. PURPOSE OF REPORT

To obtain Council approval for the commencement of the recruitment and selection process of the Director: Planning and Economic Development.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

The contract period of Mr Tabiso Mfeya, Director Planning and Economic Development comes to an end on 30 September 2019. It is therefore critical to commence with the recruitment and selection process for the Director Planning and Economic Development to cultivate stability within the Directorate. The Portfolio Committee consist of three (3) members responsible for the functions of the Directorate. Council to determine which Mayoral Committee member(s) form part of the selection panel. The selection panel must consist of minimum three (3) members and maximum five (5) members.

29TH COUNCIL MEETING: 2019-07-24: ITEM 8.2.8

RESOLVED (majority vote with abstentions)

- (a) that Council approves the recruitment and selection process of the Director Planning and Economic Development;
- (b) that Council approves the recruitment and selection panel of the Director Planning and Economic Development as set out in the Government Gazette 37245: Local Government Regulations on Appointment and Conditions of Employment of Senior Manager –
 - The Municipal Manager;
 - Member of the Mayoral Committee, Councillor Esther Groenewald, being responsible for the majority of the portfolios falling under the Directorate: Planning and Economic Development;
 - At least one person who is not a councillor or staff member, and who has expertise or experience in the area.
- (c) that the advertisement indicates a term of up to 10 years; and
- (b) that an independent external consultant be appointed to assist with the recruitment and selection process in line with abovementioned Regulations (name to be provided at Council).

8.2.9	2019-2020 GRANT IN AID DONATIONS
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Collaborator No: 529636
 IDP KPA Ref No: Dignified Living: Municipal Focus Area 21
 Meeting Date: 24 July 2019

1. SUBJECT: 2019-2020 GRANT IN AID DONATIONS

2. PURPOSE

To obtain approval for an additional Grant in Aid donation for the 2019-2020 financial year.

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

Council approved Grant in Aid donations as part of the Draft MTREF (Budget) 2019-2022 item at the 27th Council meeting on 29 May 2019. An additional donation is being recommended for approval after it became apparent that the appeal of Nietvoorbij United Football Club was not included in the documents presented to Council on 29 May 2019.

29TH COUNCIL MEETING: 2019-07-24: ITEM 8.2.9

the Speaker **RULED**

that this matter be referred back to the Administration for refinements, whereafter same be resubmitted at the next Council meeting.

FOR FURTHER DETAILS CONTACT:

NAME	Michelle Aalbers
POSITION	Manager Community Development
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	8408
E-MAIL ADDRESS	Michelle.aalbers@stellenbosch.gov.za
REPORT DATE	2019-06-04

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 QUARTER: APRIL 2019 TO JUNE 2019

File No.:

Collaborator No:

IDP KPA Ref No:

N/A

Meeting Date:

2019-07-24

1. PURPOSE OF THE REPORT

To inform Council of the decisions taken by the Executive Mayor from April 2019 to June 2019 (see **ANNEXURE 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

29TH COUNCIL MEETING: 2019-07-24: ITEM 9.1.1**NOTED**

the decisions taken by the Executive Mayor for the Quarter April 2019 to June 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	01 July 2019

9.1.2	REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 30 MAY 2019
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Collaborator No:

File No:

IDP KPA Ref No:

Good Governance

Meeting Date:

24 July 2019

1. **SUBJECT: REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 30 MAY 2019**

2. **PURPOSE**

To inform Council of the matters under discussion at the Mayor – Rector Forum meeting held on 18 February 2019.

3. **DELEGATED AUTHORITY**

FOR INFORMATION

4. **EXECUTIVE SUMMARY**

The Executive Mayor has since her election reported to the Council on discussions that takes place at the regular meetings of the Mayor – Rector Forum. The meeting was held on 30 May 2019. The minutes is attached as **ANNEXURE A**.

29TH COUNCIL MEETING: 2019-07-24: ITEM 9.1.2

NOTED

the report by the Executive Mayor on the Mayor–Rector Forum Meeting dated 30 May 2019.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	OFFICE MANAGER: EXECUTIVE MAYOR
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	Donovan.Muller@stellenbosch.gov.za
REPORT DATE	1 July 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 01 APRIL 2019 UNTIL 30 JUNE 2019
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

24 JULY 2019

1. DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 APRIL 2019 UNTIL 30 JUNE 2019

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 April 2019 until 30 June 2019, 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.

29TH COUNCIL MEETING: 2019-07-24: ITEM 9.1.1

NOTED

the report by the Municipal Manager on decisions taken by the following Section 56 Managers, for the period 01 April 2019 until 30 June 2019:

- Municipal Manager – Ms G Mettler (01 April 2019 – 30 June 2019).
- Director Corporate Services – Ms A de Beer (01 April 2019 – 30 June 2019).
- Director Infrastructure Services – Mr D Louw (01 April 2019 – 30 June 2019).
- Director Community and Protection Services – Mr G Boshoff (01 April 2019 – 30 June 2019).
- Chief Financial Officer – Mr K Carolus (01 April 2019 – 30 June 2019).
- Director Planning and Economic Development – Mr T Mfeya (01 April 2019 – 30 June 2019).

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

11.	CONSIDERATION OF URGENT MOTIONS
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NONE

12.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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12.1	TABLING OF APPLICATION FOR DBSA GRANT FUNDING FOR THE REVISED CAPITAL EXPENDITURE FRAMEWORK (CEF) TO BE SUBMITTED TO DCOG IN 2020
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

Council: 24 July 2019

1. SUBJECT: TABLING OF APPLICATION FOR DBSA GRANT FUNDING FOR THE REVISED CAPITAL EXPENDITURE FRAMEWORK (CEF) TO BE SUBMITTED TO DCOG IN 2020

2. PURPOSE

The purpose is to obtain Council's approval for submission Development Bank of South Africa (DBSA) Funding for revising the Capital Expenditure Framework as part of the integrated Urban Development Grant process to be submitted to DCOG at the end of March 2020.

3. DELEGATED AUTHORITY

Council support required from DBSA as sign of commitment of work to be done.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality qualified for the IUDG for 2019/20 and has been identified as a participating municipality to contribute to the development improvement of Capital Expenditure Frameworks through the DBSA support programme. The Municipality having engaged with COGTA and with the Development Bank of Southern Africa (DBSA) has requested technical and other non-lending support from the DBSA to develop its Capital Expenditure Framework ("the Project").

DBSA Engaged municipal officials at the IUDG Seminar held in at Birchwood Johannesburg on 9 –10 July 2019 indicating willingness to provide financial assistance in revising the CEF for the 2020 submission. In order to facilitate speedy transfer of the grant funding, the municipality was requested to re-submit a new DBSA grant application for the 2020 CEF by the end of the July 2019. The guidelines for the new submission was received at the end of last week from DBSA, which provided insufficient time to submit this item in time. The importance of the application and the potential financial and other benefit to be Stellenbosch Municipality, Council is therefore asked for its indulgence in accepting the late item submission to consider this item as urgent.

5. RECOMMENDATIONS

- (a) that the Council hereby approves/supports the DBSA Grant support and any related technical support, and supports the implementation of the Project for which it will conclude a Grant Agreement with the DBSA;
- (b) that Council duly authorises and mandates the Municipal Manager to sign the Grant Agreement on its behalf, and to sign and/or dispatch all documents and notices in connection with the Agreement.
- (c) that Municipal Manager to provide the DBSA with the Designated and Authorised Signatories, any of whom shall represent the Municipality on the Project Steering Committee for the purposes stated in the Agreement;
- (d) that the Municipality provides the relevant FICA documentation required by the DBSA in terms of regulations 3, 4, 5 and 6 of FICA (the Financial Intelligence Centre Act, 38 of 2001).

6. LEGAL CONTEXT

According to section 21(n) of the Spatial Planning and Land Use Management Act (SPLUMA), Act No. 16 of 2013, the content of a municipal spatial development framework must determine a CEF for the municipality's development programmes. This means that the CEF is informed by the Spatial Development Framework i.e. stating the spatial vision of the municipality where the CEF states the financial vision of the municipality.

7. DISCUSSION / CONTENTS

7.1 Background

Stellenbosch Municipality qualified for the IUDG for 2019/20 and has been identified as a participating municipality to contribute to the development improvement of Capital Expenditure Frameworks through the DBSA support programme. The Municipality having engaged with COGTA and with the Development Bank of Southern Africa (DBSA) has requested technical and other non-lending support from the DBSA to develop its Capital Expenditure Framework ("the Project").

7.2 Discussion

According to section 21(n) of the Spatial Planning and Land Use Management Act (SPLUMA), Act No. 16 of 2013, the content of a municipal spatial development framework must determine a CEF for the municipality's development programmes. This means that the CEF is informed by the Spatial Development Framework i.e. stating the spatial vision of the municipality where the CEF states the financial vision of the municipality.

The purpose of the ICMs support strategy is to help translate IUDF policy into practical programmes of action in the ICMs. Stellenbosch Municipality is participating in the Government's Intermediate City Municipalities Programme which is designed to support the Municipality to respond to the development challenges that it is facing. The Municipality is expected to revise and submit its Capital Expenditure Framework (CEF) to the Department of Cooperative Governance and Traditional Affairs (COGTA) by 30 March 2020. Stellenbosch Municipality qualified for the IUDG for 2019/20 and has been identified as a participating municipality to contribute to the development improvement of Capital Expenditure Frameworks through the DBSA support programme. The Municipality having engaged with COGTA and with the Development Bank of Southern Africa (DBSA) has requested technical and other non-lending support from the DBSA to develop its Capital Expenditure Framework ("the Project").

DBSA Engaged municipal officials at the IUDG Seminar held in at Birchwood Johannesburg on 9 –10 July 2019 indicating willingness to provide financial assistance in revising the CEF for the 2020 submission. In order to facilitate speedy transfer of the grant funding, the municipality was requested to re-submit a new DBSA grant application for the 2020 CEF by the end of the July 2019. The guidelines for the new submission was received at the end of last week from DBSA, which provided insufficient time to submit this item in time. The importance of the application and the potential financial and other benefit to be Stellenbosch Municipality, Council is therefore asked for its indulgence in accepting the late item submission to consider this item as urgent.

Accordingly, the Municipality will be obliged to enter into a Grant Agreement ("the Agreement") with the DBSA, in terms of which the DBSA will make available a grant and/or technical resources to the benefit of the Municipality for the Project. Pursuant to the Agreement, the Municipality acknowledges that the Grant Amount from the DBSA shall be used solely for the Project which is to be executed by the Professional Services Provider appointed by the Municipality, or alternatively, appointed by the DBSA for the provision of the services relating to the Project for the benefit of the Municipality.

7.3 Financial Implications

The financial implications is aligned to the co-funding requirements of DBSA's grant conditions, as outlined in the letter of motivation attached.

7.4 Legal Implications

Compliance with relevant legislation as outlined.

7.5 Staff Implications

No additional staff implications.

7.6 Previous / Relevant Council Resolutions

None.

7.7 Risk Implications

None

29TH COUNCIL MEETING: 2019-07-24: ITEM 12.1.1**RESOLVED** (nem con)

- (a) that the Council hereby approves/supports the DBSA Grant support and any related technical support, and supports the implementation of the Project for which it will conclude a Grant Agreement with the DBSA;
- (b) that Council duly authorises and mandates the Municipal Manager to sign the Grant Agreement on its behalf, and to sign and/or dispatch all documents and notices in connection with the Agreement.
- (c) that Municipal Manager to provide the DBSA with the Designated and Authorised Signatories, any of whom shall represent the Municipality on the Project Steering Committee for the purposes stated in the Agreement;
- (d) that the Municipality provides the relevant FICA documentation required by the DBSA in terms of regulations 3, 4, 5 and 6 of FICA (the Financial Intelligence Centre Act, 38 of 2001).

ANNEXURES

Annexure A: Stellenbosch Municipality DBSA Grant Application

FOR FURTHER DETAILS CONTACT:

NAME	<i>Shireen de Visser</i>
POSITION	<i>Senior Manager: Governance</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>021 808 8035</i>
E-MAIL ADDRESS	shireen.devisser@stellenbosch.gov.za
REPORT DATE	<i>23 July 2019</i>

The content of this item was discussed with the Executive Mayor

12.2	VAN DER STEL SPORT FACILITY: REVIEW OF THE AGREEMENTS BETWEEN STELLENBOSCH MUNICIPALITY (WC024), STELLENBOSCH SPORT AND RECREATION ASSOCIATION (SSRA) AND VAN DER STEL SPORT COUNCIL
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

24 July 2019

1. SUBJECT: VAN DER STEL SPORT FACILITY: REVIEW OF THE AGREEMENTS BETWEEN STELLENBOSCH MUNICIPALITY (WC024), STELLENBOSCH SPORT AND RECREATION ASSOCIATION (SSRA) AND VAN DER STEL SPORT COUNCIL

2. PURPOSE

To inform Council of:

- 2.1 The draft lease agreement between the Stellenbosch Municipality (WC024) and the Van Der Stel Sport Council.
- 2.2 The draft memorandum of understanding (MOU) between the Stellenbosch Municipality and the Stellenbosch Sport and Recreation Association (SSRA).
- 2.3 The intended review of the respective role functions and obligations of the SSRA and its affiliated structures in respect of municipal sport facilities, in partnership with the Stellenbosch Municipality.

3. DELEGATED AUTHORITY

For the Municipal Council

4. EXECUTIVE SUMMARY

Since the adoption and implementation of the Municipal Sport Plan (2016) it became apparent that it has certain shortcomings, particularly where it is supposed to direct the relationship between the Stellenbosch Municipality, the SSRA and its affiliated sport councils. It is imperative that the municipality identifies the gaps and address it forthwith.

After consultation with the SSRA it was agreed that the revised lease agreements (with Sport Councils) and memorandum of understanding (MOU) with the SSRA, be renewed for 6 months. During the six-month period the municipality, in consultation with the SSRA, will review the Municipal Sport Plan, conduct a forensic audit of the Van Der Stel Sport Club (as per the request of the SSRA), develop a process to deal with the outstanding debt of the Area Sport Councils and commence with the process to transfer management control of the Van Der Stel Sport Facility, back to the municipality. The SSRA and the Community Services Department have agreed that the implementation and execution of the resolutions as contained in this item should be directly linked to specific timelines and be finalised as soon as practically possible.

5. RECOMMENDATIONS

- 5.1 that the draft MOU between the Stellenbosch Municipality and the SSRA be approved for a six month period;
- 5.2 that, upon the dissolution of the lease agreement between the SSRA and Van Der Stel Sport Council, the Director Community & Protection Services be mandated to conclude a lease agreement between the Stellenbosch Municipality and Van Der Stel Sport Council for a period not longer than six months;
- 5.2.1 that Council takes note of paragraph 8.1. in the draft lease Agreement, which specifically prohibits the Van Der Stel Sport Council from concluding any sub-lease agreement without consultation with and written approval of, the Stellenbosch Municipality;
- 5.3 that Council agrees that the Community Services Department review the Sport Policy and Facilities Management Model (Plan) of the Stellenbosch Municipality, in consultation with the SSRA;
- 5.4 that Council notes that the Municipality will appoint a service provider to conduct a forensic audit of the financial (accounts), operational systems and processes in operation at the Van Der Stel Sport Club; and that the Senior Manager Community Services report back to Council on the forensic investigation's outcome;
- 5.5 that Council notes that the Community Services Department will commence with the process to develop an alternative management model for the Van Der Stel Sport facility, in consultation with the SSRA; and
- 5.6 that a separate report on the outstanding debt of Area Sport Councils be submitted to the next Council Meeting.

6 DISCUSSION / CONTENTS**6.1 Background**

In 2017 the Stellenbosch Municipality revised the lease agreements with the various Sport Councils and concluded one-year contracts with the Sport Councils, except for the Van Der Stel and Kayamandi Sport Councils. Unfortunately the lease agreements with both Kayamandi and Van Der Stel Sport Councils were never concluded and is still outstanding. In the interim, the one-year lease agreements with the other sport councils have also expired and must be renewed.

6.2 Discussion

It is clear from the recent court case between Van Der Stel Sport Club and one of its lessees, that there are certain shortcomings in the current sport and facilities management model which governs the relationship between the Stellenbosch Municipality, the SSRA and its affiliated sport councils. It is critical that the municipality identify the shortcomings in the Sport Management Plan – the plan which was adopted by Council in January 2016 and which paved the way for the categorisation of municipal sport facilities and the drafting of lease agreements per category.

After consultation with the SSRA it was agreed that the revised lease agreements (with Sport Councils) and the Memorandum of Understanding (MOU) with the SSRA, be renewed for six months. During the six-month period the municipality in consultation

with the SSRA, will review the Municipal Sport Plan with the objective to identify the gaps and weaknesses that might have contributed to the management and control challenges presently experienced by both the SSRA and the Municipality in relation to the sport facilities. Based on the earlier request of the SSRA, it was agreed that the municipality will conduct a forensic audit of the financial records, as well as the operational and administrative systems of the Van der Stel Sport Club. The forensic audit will investigate allegations of fraud, mismanagement of resources, preferential treatment, etc. The results of the forensic audit will direct further action where it is deemed necessary.

The SSRA and the Community Services Department have agreed that the implementation and execution of the resolutions as contained in this item should be directly linked to specific timelines so that the forensic audit, review of the Sport and Facilities Management Plan, the implementation of a process to deal with the outstanding debt of Sport Councils and the transfer of management control of the Van Der Stel sport facility, be concluded as soon as practically possible.

6.3 Financial Implications

The municipality will incur costs for the appointment of a service provider to conduct the forensic audit. The potential appointment of additional staff to manage Van Der Stel sport facility will have significant financial implications for the municipality.

6.4 Legal Implications

The recommendations in this report comply with Council's policies and all applicable legislation.

6.5 Staff Implications

This potential take-over of the management of the Van Der Stel sport facility will require additional personnel.

6.6 Previous / Relevant Council Resolutions

November 2017

6.7 Risk Implications

This transfer of direct management control of the Van Der Stel facility will require the municipality to review its risk management plan for sport facilities.

29TH COUNCIL MEETING: 2019-07-24: ITEM 12.2

RESOLVED (majority vote)

- (a) that the draft MOU between the Stellenbosch Municipality and the SSRA be approved for a six month period;
- (b) that, upon the dissolution of the lease agreement between the SSRA and Van Der Stel Sports Council, the Director: Community & Protection Services be mandated to conclude a lease agreement, in line with a rental amount in line with relevant tariffs for rental of municipal property, as amended, from time to time;

-
- (c) that Council agrees that the Community Services Department review the Sport Policy and Facilities Management Model (Plan) of the Stellenbosch Municipality, in consultation with the SSRA;
- (d) that Council notes that the Municipality will appoint a service provider to conduct a forensic audit of the financial (accounts), operational systems and processes in operation at the Van Der Stel Sport Club; and that the Senior Manager Community Services report back to Council on the forensic investigation's outcome;
- (e) that Council notes that the Community Services Department will commence with the process to develop an alternative management model for the Van Der Stel Sport facility, in consultation with the SSRA;
- (f) that a separate report on the outstanding debt of Area Sport Councils be submitted to the next Council Meeting; and
- (g) that the period of the aforementioned lease agreement period not exceed six (6) months and that the draft Lease Agreement be updated to reflect same.

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

Cllrs FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); C Moses (Ms); RS Nalumango (Ms); N Mananga-Gugushe (Ms); MD Oliphant and N Sinkinya (Ms);

Cllr J Hamilton requested that his vote of support be minuted.

ANNEXURES:

Annexure A: Draft Revised MOU with SSRA

Annexure B: Draft Revised Lease Agreement with Van Der Stel Sport Council

FOR FURTHER DETAILS CONTACT:

NAME	Albert van der Merwe
POSITION	Manager: Community Services
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8165
E-MAIL ADDRESS	Albert.vandermerwe@stellenbosch.gov.za
REPORT DATE	19 July 2019

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

13.2	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

14.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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(See pink documentation)

The meeting adjourned at 15:00.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**