



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2016-10-07

MINUTES

2nd COUNCIL MEETING

2016-10-05 AT 15:00

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).

A G E N D A
2ND MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2016-10-05
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**MINUTES OF THE 2ND MEETING OF STELLENBOSCH COUNCIL HELD ON
2016-10-05 AT 15:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET,
STELLENBOSCH**

PRESENT: The Speaker, Cllr DD Joubert [**Chairperson**]
The Executive Mayor, Alderwoman G Van Deventer (Ms)

ALDERWOMAN JP Serdyn (Ms)

COUNCILLORS

F Adams	LK Horsband (Ms)
DS Arends	MC Johnson
FJ Badenhorst	NS Louw
GN Bakubaku-Vos (Ms)	N Mananga-Gugushe (Ms)
FT Bangani-Menziwa (Ms) (from 15:05)	LM Maqeba
PW Biscombe	NE McOmbring (Ms)
PR Crawley (Ms)	XL Mdemka (Ms)
A Crombie (Ms)	RS Nalumango (Ms)
JN De Villiers	N Olayi
MB De Wet	MD Oliphant
R Du Toit (Ms)	SA Peters
E Groenewald (Ms)	WC Petersen (Ms)
A Florence	MM Pietersen
AR Frazenburg	WF Pietersen
E Fredericks (Ms)	SR Schäfer
JG Hamilton	N Sinkinya (Ms)
AJ Hanekom	P Sitshoti (Ms)
DA Hendrickse	Q Smit
JK Hendriks	E Vermeulen (Ms)

Officials: Acting Municipal Manager (R Bosman)
Chief Financial Officer (M Wüst)
Director: Community and Protection Services (G Esau)
Director: Economic Development and Planning (D Lombaard)
Director: Human Settlements (T Mfeya)
Acting Director: Strategic and Corporate Services (V Bowers)
Acting Director: Infrastructure (W Pretorius)
Chief Audit Executive (F Hoosain)
Committee Clerk (T Samuels (Ms))
Committee Clerk (B Mgcushe (Ms))
Interpreter

1.	OPENING AND WELCOME
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The Speaker, Councillor DD Joubert welcomed all present. He granted a moment of reflection. Cllr MC Johnson then opened the meeting with a prayer.

2.	COMMUNICATIONS
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2.1	MAYORAL ADDRESS
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Goeie middag, good afternoon, molweni, as-salaam alaikum.

Ons is alreeds verby Erfenismaand, en ek hoop almal van u het 'n wonderlike Erfenisdag beleef. As deel van Erfenismaand het ons ook Boomplantweek gevier, en ek was bly ek kon help om Boomplantweek 'n sukses te maak in samewerking met Wildlands.

September was also Tourism month, and this year the theme for Tourism month is "Tourism for All – Promoting Universal Accessibility". The "Tourism for All" theme gives us an opportunity to promote universal accessibility while encouraging the tourism industry to cater for all South Africans.

Tourism Month provides the tourism industry with the opportunity for a heightened focus on the importance of tourism to the local economy. It also serves as an opportunity to promote domestic tourism and create a culture of travel amongst South Africans.

Tourism Month also aims to generate awareness on the enormous contribution that the tourism industry makes to provincial and national economic growth and job creation. The greater Stellenbosch area is very dependent on tourists visiting our region, and we must all become ambassadors for our towns.

Een van my doelwitte vir hierdie termyn is om baie meer sigbaar in alle areas van die munisipaliteit te wees, en daarom het ek besluit om die eerste Vrydag van elke maand in Franschoek deur te bring. Die inwoners van Franschoek moet dieselfde toeganklikheid en dienslewering beleef as die inwoners van Stellenbosch.

As part of my focus on good governance and as I had requests for information from councillors, I must clarify the unauthorised expenditure of R49,8 million during the financial period of 2014 / 15 that has been written about in the media this past week.

The explanation received from the CFO is that unauthorised expenditure of R49,8 million disclosed in the annual financial statements is defined in the Municipal Finance Management Act as overspending of the total amount appropriated for a vote (a directorate) in the approved budget.

What it means is that the municipality overspent on the amount budgeted for a directorate (a vote) in this case Engineering Services including depreciation and provisions.

The unauthorised expenditure does not relate to non-compliance with the legislative framework or fraud and corruption. The expenditure is a result of the accounting treatment for employee benefits and the provisions. These assessments are done at year-end and are very difficult to predict when preparing the budget.

I trust this suffice to explain the concern amongst councillors regarding the view expressed in the media and will reinforce the trust and confidence in the municipality and administration to ensure accountability and good governance.

As part of good governance I have requested Speaker and all officials to cut down on catering for councillors and staff at all official meetings. We are privileged to have jobs and the tax payer's money so saved can rather be used to take care of vulnerable groups.

As deel van die visie om inwoners van Stellenbosch met die internet te konnekteer en sodoende te verseker mense kan verniet Wi-Fi gebruik om CV's te stuur en aansoek te doen vir werk, is die "Isabelo bench" naby die taxi-staanplek op Bergzicht opgerig. Dit is 'n loodsprojek en daar word gehoop meer van die "benches" sal opgerig kan word in ander areas van die munisipaliteit.

It is wonderful to welcome here today the following persons, who are all staff members who participated in the national Toughest Firefighter Alive Championship. This was hosted by the Eden District Municipality in George.

They are:

- Ruaan Opperman;
- Rohan Brand;
- Nicole Smit;
- Taswell Baartman, who placed second in his age group;
- Leonie Deysel, who placed third overall;
- Jurgens Williams, who placed second in his age group;
- Theodore Ramat.

On behalf of Council and the municipality I want to congratulate everyone who participated and especially the three who received accolades. You make us really proud!

Oktober is ook Borskankermaand, en dit is 'n wêreldwye veldtog om mense bewus te maak van die belangrikheid om nie net getoets te word nie maar ook om navorsing en opvoeding te ondersteun. Volgens die Nasionale register van die Kankervereniging affekteer borskanker 1 in elke 29 vroue in Suid-Afrika. Hierdie risiko kan verminder word deur gereelde ondersoeke en bewusmaking.

Ek moedig almal aan om hierdie veldtogte te ondersteun, en veral te help dat ons vallei 'n gesonder vallei word, en bly.

Baie dankie, thank you, enkosi khakulu.

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2.2	COMMUNICATION BY THE SPEAKER
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2.2.1 The Speaker alluded to Rules 10.4.1 and 10.4.4 of the Rules of Order By-law (Sanction for non-attendance of meetings) and urged Councillors to be timeous for meetings.

2.2.2 He further urged Councillors to indicate well in advance, should they be unable to attend training sessions, in order to cut unnecessary expenses which may occur.

2.2.3 He extended Council's gratitude towards the Western Province Council for the libraries of legislation which all Councillors received. He also thanked Mr Bosman for his assistance in this regard.

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2.3	COMMUNICATION BY THE ACTING MUNICIPAL MANAGER
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NONE

3.	OFFICIAL NOTICES
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3.1	DISCLOSURE OF INTERESTS	(3/6/2/2)
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NONE

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

- | | | | |
|-----|--|---|----------------|
| (1) | Deputy Executive Mayor, Cllr N Jindela | - | 5 October 2016 |
| (2) | Cllr C Manuel | - | 5 October 2016 |

4.	CONFIRMATION OF MINUTES	(3/4/1/5)
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4.1 The minutes of the 1ST Council (Inaugural) Meeting held on 2016-08-15 was **confirmed as correct.**

4.2 The minutes of a Special Council Meeting held on 2016-08-25 was **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	(3/4/2/5)
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NOTED

7.1	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER]
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NONE

7.2	COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: [CLLR AR FRAZENBURG]
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7.2.1	POWER OUTAGES: PROGRESS REPORT ON CONTINGENCY PLANNING
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1. PURPOSE OF REPORT

To inform Council of the contingency planning in the event of power outages. The current situation has dramatically improved since 2014/2015 however the Disaster Management Unit is on high alert should these adverse events reoccur.

2. BACKGROUND

Continuous load shedding and power shedding have been experienced since as early as 2010 due to severe pressure and demand on generating ability by ESKOM. The latest information is that load shedding and power outages will continue for the next few years. This has had a severe impact on trade and industry and also communities in the past months.

Due to the expected power outages, pro-active planning is vital and all spheres of government must look at all obstruction and challenges in ensuring vital services delivery.

41ST COUNCIL MEETING: 2016-05-25: ITEM 8.6

RESOLVED (nem con)

- (a) that the Contingency Plan for power outages be adopted;
- (b) that Council takes note of the fiscal implications of the power mitigation needs in the Greater Stellenbosch;
- (c) that note be taken of the proposed risk mitigation cost of R 11 984 500.00; and
- (d) that the Administration submit a Risk Mitigation Project- and Business Plan to Council for implementation over a 2-year period, during the September 2016 cycle of Council.

FURTHER COMMENTS BY THE DIRECTOR: COMMUNITY AND PROTECTION SERVICES

Pursuant to the resolution depicted in (d) above, the Risk Mitigation Project- and Business Plan is hereby attached as **APPENDIX 4**.

2ND COUNCIL MEETING: 2016-10-05: ITEM 7.2.1

RESOLVED (nem con)

that the Risk Mitigation Project- and Business Plan, **be noted**.

Meeting: Ref No:	<i>Council: 2016-10-05 16/2/6/6</i>	Submitted by Directorate: Author: Referred from:	<i>Community Dev & Community Services Manager: Fire & Disaster: W Smith Council: 2016-05-25</i>
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7.3	CORPORATE AND STRATEGIC SERVICES: [CLLR E GROENEWALD (MS)]
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NONE

7.4	ECONOMIC DEVELOPMENT AND PLANNING: [CLLR JP SERDYN (MS)]
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7.4.1	PROPOSAL FOR AMENDMENT OF MUNICIPAL BOUNDARY
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1. PURPOSE OF REPORT

To enable Council to make an informed decision on the proposal to consider the exclusion of portion 112 of Farm 222, Stellenbosch from the Stellenbosch area of justification to enable inclusion into the City of Cape Town area of jurisdiction.

Council's decision will be submitted to the Demarcation Board. The proposal is recommended to be supported.

2. BACKGROUND

A proposal has been received by Terraplan Town & Regional Planners for the amendment of municipal boundary, the particulars of which is discussed below.

2ND COUNCIL MEETING: 2016-10-05: ITEM 7.4.1

RESOLVED (nem con)

that the Proposal for an Amendment of the Municipal Boundary **not be approved**.

REASONS FOR REFUSAL

1. In the long term the land would be more suitable for small scale agricultural cultivation and land reform than for low density residential use.
2. Stellenbosch has limited agricultural land for the cultivation of food. Considering the high level of the water table, as well as the surrounding agricultural activities, this land could be used for agricultural related activities.
3. Any surrendering of municipal land on the municipal boundaries would create a precedent in view of the fact that similar applications still await a decision.

4. The application is not sufficiently motivated, and the impact is not adequately addressed.

Meeting: Ref No:	<i>Council: 2016-10-05 PL 222/112S</i>	Submitted by Directorate: Author: Referred from:	<i>Economic Development & Planning B Henning (Ms) EM 2016-09-21</i>
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7.4.2	COMMUNITY WORKS PROGRAM APPROVAL: 2016/17 AND BEYOND
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1. PURPOSE OF REPORT

To obtain Council's approval of the Community Works Program (CWP) for the 2016/17 financial year and subsequent years. Item is recommended for approval.

2. BACKGROUND

The Municipality faces specific challenges in consistently delivering services to the community as is obvious from the Integrated Development Plan (IDP) feedback. Certain functions cannot be executed as they fall outside of the mandate / functions of the Municipality, but communities struggle to understand the statutory distinctions. The CWP allows the Municipality to identify work in consultation with the local communities outside of its functional area and to execute same through labour based community initiatives.

The purpose of the program is to supplement people's existing livelihood strategies (i.e. allowing employment of under-employed and/or unemployed citizens) by offering a basic level of income security through work in identified communities. It is an on-going programme that does not replace any of the existing government social grant / job creation programs, e.g. the Expanded Public Works Program (EPWP).

Department of Cooperative Governance (DCoG) is the program sponsor. According to the program prescripts, it provides a bridging opportunity for unemployed, youth, disabled and others who are actively looking for employment opportunities, hence the limitation on only employing people two days of a week. The program provides them with needed / extra income to support them in their search for full-time or part-time employment. Program participants also have to do community work, to avoid travel and other costs and thus contributing to improvements in their own communities.

The program gives participants a maximum of two days a week employment, i.e. eight days a month, or 100 days a year at R81,00 / day for labourers. CWP sites have to be established in marginalised economic areas, rural and urban, where unemployment and community needs are high. From and by the participants, supervisors, administrators and storekeepers are elected, who earn R105,00 / day and who may work four days a week. Initially this CWP will only provide 500 opportunities for Stellenbosch, whereas the typical program employs 1 000 opportunities. Should the program be implemented successfully, then, within two years, the municipality can expect a program providing 1 000 opportunities.

The DCoG, through its regional agents, undertakes overall management and contracting, with the assistance of the local municipality. Implementing Agents (IA's) contracted by DCoG roll out the program at local level. The IA is appointed to develop the site, provide financial, logistics and project management, while building local capacity through partnerships with local non-governmental organisations (NGO) and community-based organisations (CBO's). It is thus clearly not a municipal program with municipal projects. It is a community based program

focused on projects highlighted in and by communities in the IDP, facilitated by the Municipality.

The IA's also work with the community and other stakeholders to identify "useful work" that will benefit the community as a whole, i.e. the projects that have to respond to the IDP needs / priorities.

2ND COUNCIL MEETING: 2016-10-05: ITEM 7.4.2

RESOLVED (nem con)

- (a) that the Municipality participates in the Community Works Program (CWP) for two cycles, up to March 2018;
- (b) that the Director: Local Economic Development and Planning be designated as the CWP Coordinator to participate in all the relevant activities required in terms of the program;
- (c) that the Portfolio Chairperson for Planning and Economic Development also be designated as the council representative on the CWP Local Representative Committee; and
- (d) that the projects listed in paragraph 3.5 (including wards 9 and 22 in 3.5.9 and ward 22 in 3.5.11) be accepted as the projects for the first two cycles of the CWP, whereafter the ward committees will identify the projects for the subsequent cycles, if the program continues.

Meeting: Ref No:	<i>Council: 2016-10-05 9/2/1/1/1/5</i>	Submitted by Directorate: Author: Referred from:	<i>Economic Development & Planning D Lombaard EM 2016-09-21</i>
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7.4.3	MFMA SECTION 116(3) – PROPOSAL TO EXTEND THE INTEGRATED ZONING SCHEME CONTRACT
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1. PURPOSE OF REPORT

To obtain Council approval for the extension of the contract of the service provider to perform additional work in respect of the Integrated Zoning Scheme (IZS).

2. BACKGROUND

A zoning scheme is a legal document that records all land use rights on properties within the area of jurisdiction of a municipality. The purpose of a zoning scheme is to allocate rights to a property with respect to:

- (i) the use which may be conducted from the property;
- (ii) the extent to which buildings may be developed on the property; and
- (iii) any other related matters, eg heritage, parking, etc.

In 2012 Stellenbosch Municipality embarked on a project to prepare an Integrated Zoning Scheme (IZS) for Stellenbosch Municipality (WC024). This project was aimed at standardising, reviewing and addressing the main shortcomings of the various “legacy” zoning and scheme regulations of earlier administrations. These older schemes, amongst other, include Franschoek, Stellenbosch, Kayamandi and rural area which regulated land in different ways. Amongst others the Municipality has no delegation to consider land use planning applications in Kayamandi under the existing old zoning scheme applicable to the area.

2ND COUNCIL MEETING: 2016-10-05: ITEM 7.4.3**RESOLVED** (nem con)

- (a) that Council takes note of the prescriptive provisions of Section 116(3) of the Local Government: Municipal Finance Management Act, 56 of 2003 enabling local government institutions to amend contracts with service providers under certain conditions, being:
 - (i) the reasons for the proposed extension of the contract have been submitted to Council for consideration;
 - (ii) the public was given reasonable notice of the intention to amend and extend the contract;
 - (iii) the public has been invited to make submissions to the municipality;
- (b) that permission be granted to advertise in local newspapers in terms of Section 116(3)(b) of the MFMA for comments to extend the contract of June 2015 until June 2017 with reasons mentioned in this report; and

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- (c) that the Administration be commissioned to make budgetary provision during the adjustment budget process to the amount of R105 000 (excluding vat) for the additional work.

Meeting: Ref No:	<i>Council: 2016-10-05 1/1/1/40</i>	Submitted by Directorate: Author: Referred from:	<i>Economic Development & Planning SPLUMA Compliance Officer: (J Jansen v Rensburg EM 2016-09-21</i>
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7.4.4	AMENDMENT OF 2013 APPROVED MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK AND COMMENCEMENT OF A MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK IN TERMS OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT (ACT 32 OF 2000) FOR STELLENBOSCH MUNICIPALITY WC024 IN LINE WITH THE NEW PLANNING DISPENSATION WHICH INCLUDE THE LAND USE PLANNING BY-LAW (2015), THE WESTERN CAPE LAND USE PLANNING ACT (ACT 3 OF 2014) AND THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (ACT 16 OF 2013)
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1. PURPOSE OF REPORT

- (a) To obtain approval from Council to commence with the drafting of a Municipal Spatial Development Framework for Stellenbosch Municipality (WC024) in line with the Municipal Systems Act (2000) read together with the new planning dispensation which includes the Municipal Land Use Planning By-Law (2015), the Western Cape Land Use Planning Act No 3 of 2014 and the Spatial Planning and Land Use Planning Act, No 16 of 2013; and
- (b) To obtain approval from Council to commence with the amendment of the current Municipal Spatial Development Framework for Stellenbosch Municipality (WC024) approved in February 2013 that forms part of the current 3rd generation Integrated Development Plan (IDP).

2. BACKGROUND

With the enactment of the new planning dispensation which include the Municipal Land Use Planning By-Law, 2015 (By-law), the Western Cape Land Use Planning Act, No 3 of 2014 (LUPA) and the Spatial Planning and Land Use Planning Act, No 16 of 2013 (SPLUMA) Council must adopt a Municipal Spatial Development Framework (MSDF) within five years of implementation.

Stellenbosch Municipality implemented the above new planning dispensation on the 1st of December 2015 through Provincial Gazette Notice, number 7539 by repealing the Land Use Planning Ordinance of 1985 (LUPO). All applications thus submitted since 01 December 2015 have to be submitted in terms of the By-law which is line with the new land use and spatial planning requirements as set out in LUPA and SPLUMA.

Stellenbosch Municipality's current MSDF was approved by Council on 28 February 2013, Item 7.7. The current MSDF however need to be aligned with the requirements of the new planning dispensation and must also be brought in line with the new products currently being developed at this stage to form part of the MSDF process for the entire WC024.

The products that are currently being developed parallel to this process include:

- 2.1 Strategic Environmental Management Framework (SEMF)
- 2.2 Rural Area Plan (RAP)
- 2.3 Urban Development Strategy (UDS)
- 2.4 Heritage Resources Inventory

- 2.5 Integrated Human Settlement Plan
- 2.6 Klappmuts Local Spatial Development Framework (LSDF)
- 2.7 Stellenbosch (Town) LSDF
- 2.8 Jonkershoek LSDF

It is imperative that the above-mentioned products be strategically integrated in the development of an updated MSDF for WC024 by aligning the different projects and applicable policies to be approved by Council for the development of the first draft for Council approval obligated in terms of the Municipal Systems Act, No 32 of 2000 (MSA).

As the current MSDF was approved in terms of the MSA as part of the current IDP and will form part of the 2017/18 IDP minor amendments to rectify existing and known anomalies to the current MSDF is possible and desirable through the current IDP process culminating in the approval of the last cycle of the 3rd generation IDP in 2017.

Despite the amendment of the current MSDF as set out above the alignment of the MSDF with the new legislative environment remains a longer term legislative requirement. The following section will deal with the legal requirements to design and setup such a process for Council's consideration and approval.

2ND COUNCIL MEETING: 2016-10-05: ITEM 7.4.4

RESOLVED (majority vote)

that Council authorises the Municipal Manager to:

- (a) proceed with the development of a Municipal Spatial Development Framework for Stellenbosch Municipality (WC024) (MSDF);
- (b) establish an intergovernmental steering committee (IGSC) to compile or amend its municipal spatial development framework in terms of Section 11 of the Land Use Planning Act;
- (c) establish a project committee;
- (d) proceed with all administrative functions to oversee the compilation of a first draft of the Municipal Spatial Development Framework for Council approval in terms of the Municipal Systems Act (2000); the Land Use Planning By-law (2015), Land Use Planning Act (2014) and the Spatial Planning Land Use Management Act (2013); and
- (e) use the MSDF as a platform to consider and align the following:
 - (i) Strategic Environmental Management Framework (SEMF)
 - (ii) Rural Area Plan (RAP)
 - (iii) Urban Development Strategy leading to a Stellenbosch WCO24 SDF
 - (iv) Heritage Resources Inventory
 - (v) Integrated Human Settlement Plan
 - (vi) Klappmuts Local Spatial Development Framework (LSDF)
 - (vii) Stellenbosch LSDF amendment to be compliant with SPLUMA
 - (viii) Jonkershoek LSDF amendment to be compliant with SPLUMA

-
- (f) proceed with the amendment of the current approved MSDF to be aligned with the 2017/18 IDP; and
- (g) both the amendment of the existing MSDF and the compilation of the new MSDF run concurrently with the Integrated Development Planning cycle.

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

Councillors F Adams; GN Bakubaku-Vos (Ms); DA Hendrickse; LK Horsband (Ms); FT Bangani-Menziwa (Ms); N Mananga-Gugushe (Ms); LM Maqeba; RS Nalumango (Ms); MD Oliphant; N Sinkinya (Ms) and P Sitshoti (Ms).

Meeting: Ref No:	<i>Council: 2016-10-05 15/10</i>	Submitted by Directorate: Author: Referred from:	<i>Economic Development & Planning Manager: Spatial, Heritage & Environment: B De la Bat Council: 2016-08-25</i>
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7.5	FINANCIAL SERVICES: [CLLR S PETERS]
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7.5.1	FEEDBACK REPORT: WRITING-OFF OF OUTSTANDING HOUSING LOANS
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1. PURPOSE OF REPORT

To obtain approval from Council to write off long outstanding housing loans.

2ND COUNCIL MEETING: 2016-10-05: ITEM 7.5.1

RESOLVED

that the Feedback Report on the Writing-off of outstanding Housing Loans, **be noted.**

Meeting: Ref No:	<i>Council: 2016-10-05 5/18/1/1</i>	Submitted by Directorate: Author: Referred from:	<i>Financial Services Manager: Treasury (A Treurnich) Council: 2016-06-15</i>
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7.6	HUMAN SETTLEMENTS: [CLLR PW BISCOMBE]
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7.6.1	FINAL REPORT ON THE AUDIT OF LEGAL OCCUPATION OF PUBLIC RENTAL MUNICIPAL FLATS
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1. PURPOSE OF REPORT

To inform Council of the outcome of the survey conducted of all Public Rental Municipal Flats in terms of the Council resolution Item 9.3 of 24th June 2015.

2. BACKGROUND

During the 31st meeting of Council held on 24 June 2015, Councillor Biscombe tabled a motion calling for:

- (i) a survey of every dwelling to establish whether the legal occupants are still living there;
- (ii) How many persons are currently occupying each unit and are they legally there. What steps would be put in place to rectify any illegality;
- (iii) Due to complaints lodged, what is currently being done between Housing Administration and Legal Department to attend to anti-social behaviour patterns with the view to removing these elements from Council premises.

2ND COUNCIL: 2016-10-05: ITEM 7.6.1

RESOLVED (nem con)

that the findings of the audit of legal occupation of Public Rental Municipal Flats as set out in paragraph 2 of this final report, **be noted**.

Meeting: Ref No:	<i>Council: 2016-10-05</i> <i>8/1/4/2/3 x 17/4/1</i>	Submitted by Directorate: Author: Referred from:	<i>Human Settlements</i> <i>Manager: Housing Admin (Ms C Lamohr)</i> <i>EM & MC: 2016-09-21</i>
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7.7	INFRASTRUCTURE: [CLLR JN DE VILLIERS]
7.7.1	REPORT BACK ON WASTE WEEK (9-13 MAY 2016) FOR STELLENBOSCH MUNICIPALITY

1. PURPOSE OF REPORT

To provide feedback to Council on the lessons learnt from the inaugural Waste Week held, for noting and approval of the recommendations listed.

2. BACKGROUND

Stellenbosch Municipality's Solid Waste Management Department, together with Youth Jobs in Waste (also locally known as the Green Ants) hosted a Waste Week from 09 to 13 May 2016.

The Youth Jobs in Waste programme is a national programme initiated by the Department of Environmental Affairs (DEA), and the Western Cape implementing agent is Tedcor. Stellenbosch Municipality is one of the municipalities participating in this initiative, and this is the second phase of the national initiative. This phase is predominantly focused on education and awareness-raising pertaining to waste management.

As part of their education and awareness portfolio, the decision was taken in conjunction with the Solid Waste Management Department of this municipality to host a Waste Week, which included surveys undertaken, illegal dumping clean-ups, pledges and conducting a swop shop for waste material.

2ND COUNCIL: 2016-10-05: ITEM 7.7.1

RESOLVED (nem con)

- (a) that the content of this report, **be noted**;
- (b) that the monthly waste awareness campaign to be instituted, integrating recycling collections, information gathering and waste education through mobile swop shops, be supported;
- (c) that this pilot project above be implemented in Klapmuts first, and then rolled out in other areas once the viability thereof has been proved;
- (d) that the campaign be communicated with the respective communities;
- (e) that regular donations of non-perishable goods from the wider WCO24 be encouraged through charities, churches and through official Stellenbosch Municipality communication to assist the swop shops; and
- (f) that Law Enforcement assist, where possible.

Meeting: Ref No:	<i>Council: 2016-10-05 8/1/Engineering Services</i>	Submitted by Directorate: Author: Referred from:	<i>Infrastructure Manager: Solid Waste (S Haider) EM & MC: 2016-09-21</i>
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7.8	PROTECTION SERVICES: [CLLR Q SMIT]
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NONE

7.9	YOUTH, SPORTS AND CULTURE: [CLLR XL MDEMKA (MS)]
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NONE

8.	MUNICIPAL MANAGER: [MR R BOSMAN]
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8.1	HAND-OVER REPORT TO THE NEW COUNCIL
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1. PURPOSE OF REPORT

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

2. BACKGROUND

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

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

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

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

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

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

2ND COUNCIL: 2016-10-05: ITEM 8.1

RESOLVED (nem con)

that the Hand-Over Report and its Appendices, **be noted**.

Meeting: Ref No:	<i>Council: 2016-09-28 1/1/1/1</i>	Submitted by Directorate: Author: Referred from:	<i>Office of the Municipal Manager Acting MM: R Bosman EM & MC: 2016-09-21</i>
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8.2	STRUCTURING OF COUNCIL: ESTABLISHMENT OF SECTION 79 - / STATUTORY COMMITTEES
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8.2.1	CURRENT STATUS OF AUDIT & PERFORMANCE AUDIT COMMITTEE
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1. PURPOSE OF REPORT

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

2ND COUNCIL: 2016-10-05: ITEM 8.2.1

RESOLVED (nem con)

- (a) that the current composition of the Audit and Performance Audit Committee of Stellenbosch Municipality, **be noted**; and
- (b) that the Terms of Reference of the Audit and Performance Audit Committee as outlined in the approved Charter, **be noted**.

Meeting: Ref No:	Council: 2016-09-28 3/3/3/4	Submitted by Directorate: Author: Referred from:	<i>Office of the Municipal Manager Chief Audit Executive (F Hoosain)</i>
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8.2.2	ESTABLISHMENT OF MPAC AND OVERSIGHT COMMITTEE
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1. PURPOSE OF REPORT

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

2. BACKGROUND

The former Council had established an 8-member Municipal Public Accounts Committee (MPAC), which was fully functional. As per the Establishment Notice of Stellenbosch Municipality the Chairperson of MPAC was a full-time Councillor. For transparency, ethics and good governance, the Chairperson was from an opposition party.

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

2ND COUNCIL: 2016-10-05: ITEM 8.2.2**RESOLVED** (nem con)

that this matter be resubmitted at the next Council meeting scheduled for 26 October 2016.

Meeting: Ref No:	Council: 2016-09-28 3/3/3/6/7	Submitted by Directorate: Author: Referred from:	<i>Office of the Municipal Manager Acting MM: (R Bosman)</i>
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8.2.3	ESTABLISHMENT OF A RULES COMMITTEE
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1. PURPOSE OF REPORT

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

2. BACKGROUND

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

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

2ND COUNCIL: 2016-10-05: ITEM 8.2.3

RESOLVED (nem con)

that this matter be resubmitted at the next Council meeting scheduled for 26 October 2016.

Meeting: Ref No:	<i>Council: 2016-10-05 3/P/8 x 3/4/2/6</i>	Submitted by Directorate: Author: Referred from:	<i>Office of the Municipal Manager Acting MM: (R Bosman)</i>
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8.2.4	ESTABLISHMENT OF A DISCIPLINARY COMMITTEE
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1. PURPOSE OF REPORT

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

2. BACKGROUND

By virtue of the termination of the 2011-2016 Council's term of office, the former 6-member Disciplinary Committee has also dissolved. It is prudent for the newly elected Council to establish a Disciplinary Committee to assist in the discipline of Councillors by conducting disciplinary hearings and to make recommendations to Council in terms of its findings.

2ND COUNCIL: 2016-10-05: ITEM 8.2.4**RESOLVED** (nem con)

that this matter be resubmitted at the next Council meeting scheduled for 26 October 2016.

Meeting: Ref No:	<i>Council: 2016-10-05 3/3/3/6/16</i>	Submitted by Directorate: Author: Referred from:	<i>Office of the Municipal Manager Acting MM: (R Bosman)</i>
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8.2.5	ESTABLISHMENT OF APPEAL AUTHORITY (SEC 62 OF THE SYSTEMS ACT)
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1. PURPOSE OF REPORT

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

2. BACKGROUND

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

2ND COUNCIL: 2016-10-05: ITEM 8.2.5

RESOLVED (nem con)

that this matter be resubmitted at the next Council meeting scheduled for 26 October 2016.

Meeting: Ref No:	<i>Council: 2016-10-05 3/P/8</i>	Submitted by Directorate: Author: Referred from:	<i>Office of the Municipal Manager Acting MM: (R Bosman)</i>
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8.3	STRUCTURING OF COUNCIL: ESTABLISHMENT OF SECTION 80 COMMITTEES
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1. LEGAL FRAMEWORK

1.1 Section 80 Committees

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

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

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

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

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

1.2 Composition of Committees

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

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

The allocation of Councillors to the various Section 80 Committees shall be such that every Councillor, with the exception of the Executive Mayor, the Deputy Executive Mayor, the Speaker and the Single Whip, is allocated to at least one of the Committees.

2ND COUNCIL: 2016-10-05: ITEM 8.3

RESOLVED (nem con)

that this matter be resubmitted at the next Council meeting scheduled for 26 October 2016.

Meeting: Ref No:	Council: 2016-10-05	Submitted by Directorate: Author: Referred from:	Office of the Municipal Manager Acting MM: (R Bosman)
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8.4	APPOINTMENT OF COUNCILLORS TO SERVE ON THE LOCAL LABOUR FORUM
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1. PURPOSE OF REPORT

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

2. BACKGROUND

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

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

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

2ND COUNCIL: 2016-10-05: ITEM 8.4

RESOLVED (nem con)

that this matter be resubmitted at the next Council meeting scheduled for 26 October 2016.

Meeting: Ref No:	<i>Council: 2016-10-05 3/3/3/6/4</i>	Submitted by Directorate: Author: Referred from:	<i>Office of the Municipal Manager Acting MM: (R Bosman)</i>
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8.5	APPOINTMENT OF REPRESENTATIVES ON SALGA - WESTERN CAPE
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1. PURPOSE OF REPORT

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

2. BACKGROUND

The Council must appoint representatives to serve on the various SALGA provincial working groups.

The following are the SALGA Working Groups on which nominated councillors from Stellenbosch Municipality should serve:

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

2ND COUNCIL: 2016-10-05: ITEM 8.5**RESOLVED**

that this matter be resubmitted at the next Council meeting scheduled for 26 October 2016.

Meeting: Ref No:	Council: 2016-10-05 3/6/3	Submitted by Directorate: Author: Referred from:	Office of the Municipal Manager Acting MM: (R Bosman)
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8.6	APPOINTMENT OF COUNCILLORS TO SERVE ON EXTERNAL BODIES
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1. PURPOSE OF REPORT

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

2ND COUNCIL: 2016-10-05: ITEM 8.6

RESOLVED

that this matter be resubmitted at the next Council meeting scheduled for 26 October 2016.

Meeting: Ref No:	<i>Council: 2016-10-05 3/6/3</i>	Submitted by Directorate: Author: Referred from:	<i>Office of the Municipal Manager Acting MM: (R Bosman)</i>
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8.7	ESTABLISHMENT OF WARD COMMITTEES
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1. LEGAL FRAMEWORK

1.1 Establishment Notice

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

2. STATUS QUO

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

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

2ND COUNCIL: 2016-10-05: ITEM 8.7

RESOLVED

- (a) that Council notes that, in terms of Section 73 of the Municipal Structures Act, Ward Committees must be established for each ward;
- (b) that, in terms of the Municipality's System Of Delegations (72-75), Council designates the Speaker to facilitate the establishment of Ward Committees in line with the provisions and stipulations of the Municipal Structures Act and Council's policy for the establishment of Ward Committees; and
- (c) that the Speaker reports back to Council by the end of January 2017 on the establishment of the Ward Committees.

Meeting: Ref No:	Council: 2016-10-05 3/3/1/1	Submitted by Directorate: Author: Referred from:	Corporate Services Acting Director: Mr V Bowers
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8.8	RECRUITMENT AND SELECTION PROCESS OF THE DIRECTOR: STRATEGIC AND CORPORATE SERVICES
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1. PURPOSE OF REPORT

To obtain approval from Council to fill and advertise the post of the Director Strategic and Corporate Services.

2. BACKGROUND

The current Director: Strategic and Corporate Services resigned on 08 August 2016 with his last day being 31 August 2016. (See APPENDIX 1).

FURTHER COMMENTS BY THE MUNICIPAL MANAGER

Due to the unavailability of Mr. Dave Daniels as part of the Selection Panel, Council must approve a new selection panel for the Director Strategic and Corporate Services.

2ND COUNCIL: 2016-10-05: ITEM 8.8

The Executive Mayor gave the undertaking that observer status will be granted to the Unions and representatives of each political party during the interview process.

RESOLVED (nem con)

that a selection panel be appointed as per the Regulations on the appointment and conditions of employment of Senior Managers which must consist of at least three but not more than five members, constituted as follows:

- the municipal manager, who will be the chairperson;
- the Executive Mayor;
- a member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio;
- at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post; and
- that Council delegate the Municipal Manager in consultation with the Executive Mayor to appoint the said person.

Meeting: Ref No:	Council: 2016-10-05 4/3/2/6 x 4/3/3/6	Submitted by Directorate: Author: Referred from:	<i>Acting Municipal Manager R Bosman Council: 2016-08-25</i>
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8.9	RECRUITMENT AND SELECTION PROCESS OF THE DIRECTOR: ENGINEERING SERVICES
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1. PURPOSE OF REPORT

To obtain approval from Council to fill and advertise the post of the Director: Engineering Services. Due to the initial candidate for the Director: Engineering Services withdrawing from the process, it is critical to advertise and fill these positions.

2. BACKGROUND

The post of Director: Engineering Services was advertised for the fourth time in national and provincial papers and the closing date was 25 April 2016. (See **APPENDIX 1**).

The process was completed and interviews held. The preferred applicant withdrew from the process after the offer of employment was made to him by the Municipal Manager (**See APPENDIX 3**).

The Acting Municipal Manager then contacted the next candidate which was approved by Council, Mr Jevon Pekeur, to extend an offer of employment to him. Mr Pekeur also withdrew from the process (the Municipal Manager's office will provide the written withdrawal).

FURTHER COMMENTS BY THE MUNICIPAL MANAGER

Due to the unavailability of Mr. Dave Daniels as part of the Selection Panel, Council must approve a new selection panel for the Director Engineering Services.

2ND COUNCIL MEETING: 2016-10-05: ITEM 8.9

The Executive Mayor gave the undertaking that observer status will be granted to the Unions and representatives of each political party during the interview process.

RESOLVED (nem con)

that a selection panel be appointed as per the Regulations on the appointment and conditions of employment of Senior Managers which must consist of at least three but not more than five members, constituted as follows:

- the municipal manager, who will be the chairperson;
- the Executive Mayor;
- a member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio; and

-
- at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.
 - that Council delegate the Municipal Manager in consultation with the Executive Mayor to appoint the said person.

Meeting: Ref No:	<i>Council: 2016-10-05</i> <i>4/3/2/6 x 4/3/3/6</i>	Submitted by Directorate: Author: Referred from:	<i>Acting Municipal Manager</i> <i>R Bosman</i> <i>Council: 2016-08-25</i>
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9.1	REPORT ON DECISIONS TAKEN BY THE EXECUTIVE MAYOR
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NONE

9.2	REPORT BY THE MUNICIPAL MANAGER
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9.2.1	KNYSNA EXPERIENCE
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1. PURPOSE OF REPORT

To inform Council of a visit, during April 2016 by the Portfolio Councillor for Human Settlements and Property Management, Cllr V Fernandez and Officials of the Directorate: Human Settlements and Property Management to Knysna Municipality. The purpose of this visit was to investigate other options for Upgrading of Informal Settlements.

2. BACKGROUND

Knysna Municipality won several housing awards over the past three (3) years with this methodology and therefore the Provincial Department of Human Settlements (PDoHS) encouraged Stellenbosch Municipality to visit a few of their housing projects.

According to statistics provided by PDoHS Knysna Municipality has a high conversion rate of turning Informal Settlements into subsidised housing projects. It was therefore imperative to investigate the implementation strategies of the various housing programmes by Knysna Municipality.

Therefore the primary reason for the site visit was to investigate and experience first-hand the methodology employed in the Upgrading of Informal Settlements by Knysna Municipality and converting it into housing projects with the implementation of smaller decanting sites within existing informal areas.

2ND COUNCIL MEETING: 2016-10-05: ITEM 9.2.1

RESOLVED (nem con)

that the report regarding the site visit to Knysna Municipality for the Upgrading of Informal Settlements, **be noted**.

Meeting: Ref No:	Council: 2016-10-05 17/4/8	Submitted by Directorate: Author: Referred from:	Human Settlements T Mfeya EM&MC: 2016-06-10
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9.2.2	REPORT BY THE MUNICIPAL MANAGER – DELEGATED POWERS
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1. PURPOSE OF REPORT

That Council notes the delegated authority exercised by the Acting Executive Mayor during the July 2016 recess period.

2. BACKGROUND

All powers and functions that vests with Council, excluding those powers mentioned in s 160(2) of the Constitution, as well as the power to approve or amend the IDP, the power to set tariffs, the power to enter into a service delivery agreement in terms of S 76(b) of the Municipal Systems Act and any other power which may be delegated in terms of national or provincial legislation.

The Executive Mayor is obliged to report to Council on the above powers, as a general rule.

2ND COUNCIL MEETING: 2016-10-05: ITEM 9.2.2**RESOLVED**

that this matter be resubmitted at the Council meeting scheduled for November 2016.

Meeting: Ref No:	<i>Council: 2016-09-28 17/4/8</i>	Submitted by Directorate: Author: Referred from:	<i>Office of the Municipal Manager Acting MM: (R Bosman)</i>
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10.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
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NONE

11.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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11.1	APPROVAL OF BUILDING PLANS FOR THE COMMUNITY HALL/ MULTI-PURPOSE CENTRE ON ERF 342, KLAPMUTS
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1. PURPOSE OF REPORT

To enable Council to make a decision on the building plans submitted for the community hall/multipurpose centre in Klapmuts.

2. BACKGROUND

The Department: Property Management submitted an application for the rezoning and subdivision of a portion of Erf 342, Klapmuts for purposes of a multipurpose centre. However, following pre-advertising discussions with the relevant departments, it was agreed that the proposed location of the centre is not the best option and that an integrated approach to the planning of the property is necessary. This will include clustering the centre, the extension of the existing clinic as well as a proposed taxi rank together. A driver's license testing centre and housing component (approved Item 7.3, 42nd Council Meeting dated 15 June 2016) also form part of the overall proposal for the property.

Application for consideration

Application is made in terms of Section 7 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) for the consideration of the building plans for a community hall/multipurpose centre on Erf 342, Klapmuts. **The building plans will be distributed under separate cover.**

2ND COUNCIL MEETING: 2016-10-05: ITEM 11.1

RESOLVED

that Council approves the recommendation of the Building Control Officer on the building plans for the Community Hall/Multi-purpose Centre on Erf 342, Klapmuts, as contained in the Building Control Officer's report, subject to any further conditions determined by Council.

Meeting: Ref No:	Council: 2016-10-05 KL342	Submitted by Directorate: Author: Referred from:	Economic Development and Planning C Charles
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12.	CONSIDERATION OF MOTIONS OF EXIGENCY
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NONE

13.1	CONSIDERATION OF REPORTS SUBMITTED BY THE SPEAKER
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NONE

13.2	CONSIDERATION OF 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 18:20.

CHAIRPERSON:

DATE:

Confirmed on with/without amendments.