



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2022-01-28

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MINUTES

2ND MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2022-01-28 AT 10:00

MINUTES

2ND MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2022-01-28

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PRESENT

The Speaker, Cllr Q Smit [Chairperson]
 The Executive Mayor, Ald GMM Van Deventer (Ms)
 The Deputy Executive Mayor, Cllr JS Fasser

COUNCILLORS

RA Adams	XL Mdemka (Ms)
Ald JC Anthony	NM Mkhontwana (Ms)
FJ Badenhorst	ZR Ndalasi
PR Crawley (Ms)	CD Noble
A Crombie (Ms)	L Nkamisa
ZJ Dalling (Ms)	M Nkopane [Ms]
MM Danana	N Ntsunguzi (Ms)
I De Taillerfer (Ms)	WC Petersen [Ms]
R Du Toit (Ms)	RO Pheiffer
A Ferns (Ms)	WF Pietersen
E Groenewald (Ms)	MG Rataza
AJ Hanekom	JP Serdyn [Ms]
RB Hendrikse (Ms)	A Tomose [Ms]
P Johnson	RB Van Rooyen
J Joon	CA Van Wyk
X Kalipa	E Vermeulen
N Mananga-Gugushe (Ms)	J Williams
C Manuel	

OFFICIALS

Municipal Manager (Ms G Mettler)
 Chief Financial Officer (K Carolus)
 Director: Community and Protection Services (G Boshoff)
 Director: Corporate Services (Ms A De Beer)
 Director: Infrastructure (D Louw)
 Director: Planning and Economic Development (A Barnes)
 Chief Audit Executive (F Hoosain)
 Senior Administration Officer (T Samuels (Ms))

1.	OPENING AND WELCOME
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The Speaker, Cllr Q Smit, welcomed all present at the 2nd Council meeting.

2.	MAYORAL ADDRESS
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“Speaker;

Executive Deputy Mayor;

Council Whip;

Members of the Mayoral Committee;

Members of Council;

Municipal Manager and Senior Management;

Members of the public;

Members of the media present; and

All protocol observed.

Goeiemore, good morning, molweni, as-salamu alaykum

ESKOM

- On the 14th of January I submitted an objection to NERSA in respects of the proposed 20.5% electricity price increase by Eskom;
- I wish to reiterate my stance on this matter at this meeting;
- Our residents simply cannot afford to pay more for a service they are not receiving;
- Over the years, electricity prices have sky-rocketed, and yet we have yet to experience/enjoy any relieve from the devastating effects of load shedding;
- We also have to consider the dire effects that COVID had on each and every person, not just in South Africa, but the entire world;
- Very few have managed to recover financially, and to expect people to fork out more money on a daily, weekly and monthly basis for a basic service is unreasonable;
- I would like to encourage every resident, student and visitor to visit our Website, Facebook and Twitter pages to sign our petition against this injustice and have their say;
- I would also like to thank the media for their assistance the past two weeks, ensuring that we drive this issue;
- This is an issue that affects all of us, and the time is now to take a stand;
- Our plan to rid Stellenbosch of Load shedding is well underway and I will release a statement in the coming week, outlining more details in this regard.

Condolences

- Speaker, on the morning of 24 January we were informed of the passing of Prof. Jaap Durand;
- Just less than a year ago, I had the privilege to bestow Honorary Citizenship upon this larger than life person;
- Professor Durand, an alumnus of Stellenbosch University and long-time resident of Stellenbosch, was a distinguished academic, theologian, writer, struggle activist and the first Vice-Rector of The University of the Western Cape;

- Throughout his life and career, he made significant contributions in unifying South Africa and speaking out against the injustices of our past;
- Professor Durand was well-known in theological circles and was also highly regarded in the academic community for his role at UWC and for his work in creating inclusive spaces for students and academics;
- I would like to again express our heart-felt condolences to his family and friends in this difficult time;
- Let's never forget the immense contribution he made to Stellenbosch and our Country.

Facilities

- During the past three weeks, the Western Cape has experienced severe hot conditions;
- Reaching record high temperatures in the high 40°C;
- I'm proud that regardless of all the matters outside of our control, we were able to open the newly upgraded pool in Cloetesville;
- This project has been planned for a while, but I'm extremely happy that the various communities can now enjoy some relief on these warmer than normal days we've been experiencing.

Achievements

- This week we also celebrated placing in the 23rd position on the tourism destinations list in South Africa;
- The Western Cape has claimed four of the positions on this prestigious list – Knysna #19, Stellenbosch #24, Hermanus #41 and Cape Town #54;
- This is a testament to the great work being done in our Municipality;
- We should always remember the importance of tourism and the positive impact it has on stable economic growth;
- I would like to thank all the role players for their exceptional work, and congratulate them on this achievement;
- This should also be used as a motivator to do more and improve on our ranking.

3.	COMMUNICATION BY THE SPEAKER
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- **SALGA TRAINING:** Councillors are reminded of the SALGA Training which will commence on Monday, 31 January 2022 until 4 February 2022. Attendees are requested to bring along a certified copy of their ID's for purposes of registration.
- **SASRIA:** The submissions date of SASRIA Insurance Forms was 28 January 2022 @ 09:00am - time extended to 16:30pm on same day.
- **CENSUS 2022:** Census 2022 starts on 1 February 2022. Ward Councillors are requested to share the information on various platforms to the public. It's imperative that we all partake in the Census survey because Stellenbosch Municipality is currently listed as a Grade 4 municipality. If all partake, we might move up to a Grade 5 municipality, that will have huge financial benefits for the municipality. Residents can register online. Thank you to the Executive Mayor and the Municipal Manager for their assistance in promoting the census process. For the first time in the history of Stellenbosch the municipality have managed to convince the Census Board to count the student population of Stellenbosch as well. In the previous Census the student population were not counted because they were not considered rate paying citizens.

- **ESTABLISHMENT OF SECTION 80 COMMITTEES AND DISCIPLINARY COMMITTEE:** The establishment of the Section 80 Committees will serve at a Special Council meeting in February 2022 and the Executive Mayor will announce the members who will serve on these Section 80 Committees. The date of the Special Council meeting will be announced. Thank you in advance to those Councillors who indicated on which Section 80 Committees they would like to serve.
- **ESTABLISHMENT OF WARD COMMITTEES:** The schedule for respective dates, times and venues for the establishment of Ward Committees were communicated to all and the process already begun. Thank you to Mr Nicky Caeser, Director De Beer and the Administration for their hard work. Council agreed to a hybrid model, the current Policy only makes provision for a sectoral and a geographical model. However, the Hybrid model makes it a lot easier because it facilitates both. Within the Policy, the procedure for the voting of members to a Ward Committee has not changed. The fact that we are using a Hybrid model, does not affect the actual process of the election of Ward Committee Members. Therefore, the election of Ward Committee members still remains the same and the Policy remains the same. An item will be submitted to Council to condone the Hybrid Model. Speaker will arrange with the Administration to assist.
- Congratulations to Councillors who celebrated their birthdays during the month of January.

4.

COMMUNICATION BY THE MUNICIPAL MANAGER

“A warm welcome to all Councillors, staff and members of the public attending this meeting, may this year be a fruitful year and let us be proud of being employees of Stellenbosch municipality. We welcome the students back to town and wish all returning students the best for this year. Do remember that your attitude determines your altitude and let’s be grateful for this opportunity to serve the community. We should also give our best in what we do. Similar to all school going children especially the ones who started school for the first year and the matric as they start with their last schooling year.

We mourn the passing of prof Durand whose funeral is on Saturday. A stalwart who played a pivotal role in our fight for democracy and in the religious fraternity. We honour our honorary citizen as he is laid to rest to tomorrow. Covid is still with us and please always remember the Covid protocols - social distancing and sanitizing.

We received an unqualified audit for the 2020/2021 financial year, our 14th unqualified audit. This year it was again a clean audit which means no matter of concern and emphasis. This is indicative of good governance, transparency, and well managed administration. Congratulation to the team Stellenbosch as we aspire to become a well-run and city of excellence.

I thank you!”

5.

DISCLOSURE OF INTERESTS

NONE

6.	APPLICATIONS FOR LEAVE OF ABSENCE
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6.1 The following applications for leave of absence was approved in terms of the Rules and Order By-law of Council: -

Cllr J Andrews	– 28 January 2022
Cllr N Olayi	– 28 January 2022
Cllr O Jooste	– 28 January 2022
Cllr E Masimini	– 28 January 2022
Cllr NE Mcombring (Ms)	– 28 January 2022
Cllr M Van Stade	– 28 January 2022

6.2 ABSENT

Cllr RS Nalumango (Ms) – 28 January 2022

7.	CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING
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7.1	FIRST AND ADJOURNED COUNCIL MEETINGS: 2021-11-15 & 2021-11-23
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The minutes of the First Council Meeting: 2021-11-15 and the Adjourned 1st Council meeting: 2021-11-23 was **confirmed as correct.**

7.2	SPECIAL COUNCIL MEETING: 2021-12-10
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The minutes of a Special Council Meeting: 2021-11-10 was **confirmed as correct.**

8.	STATUTORY MATTERS
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8.1	TABLING OF THE DRAFT ANNUAL REPORT 2020/21
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Collaborator No: 3/4/5/2/32 X 8/1/2/6
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: Council, 28 January 2022

1. SUBJECT: TABLING OF THE DRAFT ANNUAL REPORT 2020/21

2. PURPOSE

- (a) To table to Council the Draft Annual Report 2020/21 for consideration and to be released for public comment.
- (b) Furthermore, it is also the purpose of this submission to, after adoption of the Draft Annual Report 2020/21 by Council, to refer the Draft Annual Report 2020/21 to the Municipal Public Accounts Committee (MPAC) to fulfil the role of an Oversight Committee and to make a recommendation to Council as contemplated in terms of Section 129(1) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA).

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Annual Report must be tabled, by the Executive Mayor, within 7 months after the end of the financial year. The Draft Annual Report must be made public, and the Municipal Manager must invite the public to provide input into the draft report. It has become a practice that the Oversight Committee also invites the public to make verbal representations at meetings where the report is being discussed.

A schedule with proposed dates for the MPAC meetings is also attached hereto as **Annexure A**. Council resolved in 2017 that MPAC has, as part of its terms of reference, the role to sit as the Oversight Committee to consider the Draft Annual Report.

2ND COUNCIL MEETING: 2022-01-28: ITEM 8.1

RESOLVED (nem con)

- (a) that Council takes note of the Draft Annual Report 2020/21;
- (b) that Council takes note that the Municipal Manager will make the Draft Annual Report 2020/21 public for comment on the official website of the Stellenbosch Municipality and at the offices of the municipality for a period of 21 days; the public will be invited through the local print media to provide written inputs;
- (c) that Council refer the Draft Annual Report 2020/21 (**ANNEXURE B**) to the MPAC to consider the Draft Annual Report 2020/21 and to make recommendations to Council as contemplated in terms of Section 129(1) of the MFMA;

- (d) that Council takes note of the proposed dates for the MPAC / Oversight meetings, where the Draft Annual Report 2020/21 will be discussed, as detailed in Annexure A hereto. These dates are subject to change. Final dates will be published on the municipality's website and in the local media;
- (e) that Council approves the MPAC's mandate to co-opt two members of the public with expertise in specific fields to assist and advise the Committee;

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

Tariff	Number of co-opted Members	Not exceeding no. of hours	Remuneration
Per hour tariff for attendance of meeting as a member	2	45 hours	R 327.00 per hour
Once-off Tariff for duties performed in preparation	2	6 hours	R 1 500 (for six hours)

- (f) that Council approve that the co-opted members can be remunerated in line with the recommendations of National Treasury Regulation in this regard;
- (g) that Council take notice that the AGSA has not yet concluded its audit on the Annual Financial Statements 2020/21 and the Annual Performance Report 2020/21; and
- (h) that Council takes notice that the AGSA audit outcome will be made available to Council as soon as it is available.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@ Stellenbosch.gov.za
REPORT DATE	24 January 2022

8.2	MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR 2021/2022
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

21 January 2022 and 28 January 2022

1. SUBJECT: MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR 2021/2022

2. PURPOSE

To submit the Section 72 report (Mid-year Budget and Performance Assessment Report) to Council.

3. DELEGATED AUTHORITY

FOR NOTICE BY MUNICIPAL COUNCIL

In terms of Section 54 of the Municipal Finance Management Act (MFMA), 56 of 2003.

4. EXECUTIVE SUMMARY

This report provides the progress made by the Municipality in terms of the Service Delivery Budget and Implementation Plan (SDBIP) for the period 1 July 2021 to 31 December 2021.

2ND COUNCIL MEETING: 2022-01-28: ITEM 8.2

RESOLVED (nem con)

- (a) that Council take note of the report and more specifically the assessment and forecasts contained in the report;
- (b) that Council take note that an Adjustments Budget will be tabled to Council as a result of the following:
- the appropriation of additional allocations received and increased realistically anticipated revenue during the financial year;
 - the reprioritization of projects in line with being completed by the communicated cut-off dates to facilitate year- end preparation;
- (c) that Council notes the performance of the Municipality against the set objectives contained in Section 2; and
- (d) that the Accounting Officer attend to ensuring that Directors put the necessary corrective measures in place to ensure that projects are managed proactively in a bid to ensure that Council meet its strategic objectives contained in the Service Delivery and Budget Implementation Plan and to report on same at the end of quarter.

FOR FURTHER DETAILS CONTACT:5

NAME	Kevin Carolus
POSITION	Chief Financial Officer
DIRECTORATE	Financial Services
CONTACT NUMBERS	021 – 808 8528
E-MAIL ADDRESS	<u>Kevin.Carolus@ Stellenbosch.gov.za</u>
REPORT DATE	20 January 2020

8.3	MFMA SECTION 52 REPORTING UP TO DECEMBER 2021
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

21 January 2022 and 28 January 2022

1. SUBJECT: MFMA SECTION 52 REPORTING UP TO DECEMBER 2021**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 2 of the 2021/22 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 July 2021 to 31 December 2021.

2ND COUNCIL MEETING: 2022-01-28: ITEM 8.3**NOTED**

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

FOR FURTHER DETAILS CONTACT:

NAME	Monique Steyl
POSITION	Senior Manager Financial Management Services
DIRECTORATE	Financial Services
CONTACT NUMBERS	021 – 808 8516
E-MAIL ADDRESS	Monique.Steyl@Stellenbosch.gov.za
REPORT DATE	January 2022

8.4	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2 (01 OCTOBER 2021 - 31 DECEMBER 2021)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

21 January 2022 and 28 January 2022

1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2 (01 OCTOBER 2021 - 31 DECEMBER 2021)

2. PURPOSE

To submit to Executive Management a report for the period 01 October 2021 - 31 December 2021 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. FOR DECISION BY MUNICIPAL COUNCIL

Section 6 (3) & 4 of the SCM Policy 2021/2022, 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.

2ND COUNCIL MEETING: 2022-01-28: ITEM 8.4

NOTED

- (a) the 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.

8.5	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR DECEMBER 2021
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

21 January 2022 and 28 January 2022

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR DECEMBER 2021

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2021/2022 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 (2021/2022) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during December 2021.

2ND COUNCIL MEETING: 2022-01-28: ITEM 8.5

NOTED

the deviations as listed for the month of December 2021.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	<u>Kevin.Carolus@ Stellenbosch.gov.za</u>
REPORT DATE	November 2021

9.	REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS
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As per Council directive (2021-01-27: Item 9) the Report by the Municipal Manager re Outstanding Resolutions taken at previous meetings of Council, is referred to the Section 80 Committees for scrutiny and interrogation.

The report attached hereto as **APPENDIX 1, IS FOR INFORMATION ONLY.**

2ND COUNCIL MEETING: 2022-01-28: ITEM 9

NOTED

the report by the Municipal Manager re outstanding resolutions taken at previous meetings of Council and that the Outstanding Resolutions be submitted to the different Section 80 Committees.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	<i>Geraldine Mettler</i>
<i>POSITION</i>	<i>Municipal Manager</i>
<i>DIRECTORATE</i>	<i>Office of the Municipal Manager</i>
<i>CONTACT NUMBERS</i>	<i>021 808 8025</i>
<i>E-MAIL ADDRESS</i>	municipal.manager@stellenbosch.gov.za
<i>REPORT DATE</i>	<i>28 January 2022</i>

10.	ITEMS FOR NOTING
10.1	REPORT/S BY THE EXECUTIVE MAYOR
10.1.1	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER OCTOBER 2021 UNTIL DECEMBER 2021

Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

28 January 2022

1. **SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER OCTOBER 2021 UNTIL DECEMBER 2021**

2. **PURPOSE**

To inform Council of the decisions taken by the Executive Mayor from October 2021 to December 2021 (see **APPENDIX 1**).

3. **DELEGATED AUTHORITY**

As per the delegations from Council and powers vested in the Executive Mayor by legislation.

For Notification

4. **EXECUTIVE SUMMARY**

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.”

2ND COUNCIL MEETING: 2022-01-28: ITEM 10.1.1

NOTED

the decisions by the Executive Mayor for the quarter October 2021 until December 2021.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	MANAGER: COUNCILLOR SUPPORT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021 808 8314
E-MAIL ADDRESS	<u>Donovan.Muller@stellenbosch.gov.za</u>
REPORT DATE	5 January 2022

10.1.2	REQUEST TO NOMINATE COUNCILLORS TO SERVE IN CLINIC COMMITTEES: AAN-HET-PAD CLINIC; CLOETESVILLE COMMUNITY DAY CENTRE; DON AND PAT BILTON CLINIC (JAMESTOWN); GROENDAL CLINIC; DIRKIE UYS STREET SATELLITE CLINIC; IDAS VALLEY CLINIC; KAYAMANDI CLINIC; KLAPMUTS CLINIC; KYLEMORE CLINIC
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Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 28 January 2022

1. **SUBJECT: REQUEST TO NOMINATE COUNCILLORS TO SERVE IN CLINIC COMMITTEES: AAN-HET-PAD CLINIC; CLOETESVILLE COMMUNITY DAY CENTRE; DON AND PAT BILTON CLINIC (JAMESTOWN); GROENDAL CLINIC; DIRKIE UYS STREET SATELLITE CLINIC; IDAS VALLEY CLINIC; KAYAMANDI CLINIC; KLAPMUTS CLINIC; KYLEMORE CLINIC**

2. **PURPOSE**

To inform Council of nomination of the ward Councillors to serve on the respective Clinic Committees.

3. **DELEGATED AUTHORITY**

According to the Stellenbosch Municipality System of Delegations (2019), delegation CL2 [section 59(1) of the Systems Act], Council delegated the Executive Mayor the “*nomination / appointment of councillors to represent the municipality at meetings, functions and on outside bodies, etc. or to open projects, events, facilities and new buildings, etc*”.

4. **EXECUTIVE SUMMARY**

The Executive Mayor was requested to nominate Councillors to serve in the following clinic committees, namely Aan-Het-pad Clinic (Cloetesville), Cloetesville Community Day Centre (Tennantville), Don and Pat Bilton Clinic (Jamestown), Groendal Clinic (Groendal, Franschhoek), Dirkie Uys Street satellite Clinic (Franschhoek), Idas Valley Clinic (Idas Valley), Kayamandi Clinic (Kayamandi), Klapmuts Clinic (Klapmuts) and Kylemore Clinic (Kylemore).

After the Local Government elections on 1 November 2021, new ward Councillors were elected in certain wards. The new ward Councillors must replace the non-returning ward councilors on the clinic committees for the clinic situated in the respective ward.

The letter of request from the Western Cape Provincial Minister of Health as well as communication from the Community Outreach Officer, Ministry of Health, Western Cape Government are attached as **ANNEXURE A**.

2ND COUNCIL MEETING: 2022-01-28: ITEM 10.1.2**RESOLVED** (nem con)

- (a) that Council note the nomination of the following councillors to the respective Clinic Committees:
- Aan-het-Pad Clinic (Cloetesville) – Cllr E Vermeulen;
 - Cloetesville Community Day Centre (Tennantville) – Cllr R du Toit;
 - Don And Pat Bilton Clinic (Jamestown) – Cllr R Badenhorst;
 - Groendal Clinic – Cllr W Petersen;
 - Dirkie Uys Street Satellite Clinic – Cllr R Pheiffer;
 - Idas Valley Clinic – Cllr N Mcombring;
 - Kayamandi Clinic – Cllr E Masimini;
 - Klapmuts Clinic – Cllr JC Anthony; and
 - Kylemore Clinic – Cllr R Adams
- (b) that the office of Western Cape Provincial Minister of Health be informed of the respective Ward Councillors that will serve on the respective clinic committees, as per the request from the Western Cape Provincial Minister of Health.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	DONOVAN MULLER
<i>POSITION</i>	<i>MANAGER: COUNCILLOR SUPPORT</i>
<i>DIRECTORATE</i>	<i>CORPORATE SERVICES</i>
<i>CONTACT NUMBERS</i>	<i>021 808 8314</i>
<i>E-MAIL ADDRESS</i>	<i><u>Donovan.Muller@ Stellenbosch.gov.za</u></i>
<i>REPORT DATE</i>	<i>5 January 2022</i>

10.2	REPORT/S BY THE SPEAKER
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NONE

10.3	REPORT/S BY THE MUNICIPAL MANAGER
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10.3.1	DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 APRIL 2021 UNTIL 30 JUNE 2021
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Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 28 January 2022

1. **SUBJECT: DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 1 OCTOBER 2021 UNTIL 31 DECEMBER 2021**

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 1 October 2021 until 31 December 2021, 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

2ND COUNCIL MEETING: 2022-01-28: ITEM 10.3.1

NOTED

the decisions taken, for the period 1 October 2021 until 31 December 2021, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler (1 October 2021 – 31 December 2021)
- Chief Financial Officer – Mr K Carolus (1 October 2021 – 31 December 2021)
- Director Infrastructure Services – Mr D Louw (1 October 2021 – 31 December 2021)
- Director Planning and Economic Development – Mr A Barnes (1 October 2021 - 31 December 2021)
- Director Corporate Services – Ms A de Beer (1 October 2021 – 31 December 2021)
- Director Community and Protection Services - Mr G Boshoff (1 October 2021 - 31 December 2021).

11.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]
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11.1	COMMUNITY AND PROTECTION SERVICES: (PC: CLLR R BADENHORST)
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11.1.1	GRANT IN AID POLICY REVIEW
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Collaborator No: 722001
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 21 January 2022 and 28 January 2022

1. SUBJECT: GRANT IN AID POLICY REVIEW

2. PURPOSE

To obtain Council approval for the Grant in Aid Policy Review.

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

Council approved the Grant in Aid 2021-2022 Policy in May 2021 as part of the policies with financial implications. To ensure that every effort is made to provide each child access to good quality education during the early childhood development phase, the municipality needs to ensure that all policies are aligned to this desired outcome.

2ND COUNCIL MEETING: 2022-01-28: ITEM 11.1.1

RESOLVED (nem con)

that the reviewed Grant-in-Aid Policy be approved.

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	2021-11-30

11.2	CORPORATE SERVICES: (PC: CLLR L NKAMISA)
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NONE

11.3	FINANCIAL SERVICES: (PC: CLLR P JOHNSON)
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NONE

11.4	HUMAN SETTLEMENTS: (PC: CLLR J FASSER)
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NONE

11.5	INFRASTRUCTURE SERVICES : (PC : CLLR Z DALLING (MS))
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11.5.1	THE ORGANIC WASTE DIVERSION PLAN FOR STELLENBOSCH MUNICIPALITY
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Collaborator No: 721413
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 21 January 2022

1. SUBJECT: THE ORGANIC WASTE DIVERSION PLAN FOR STELLENBOSCH MUNICIPALITY

2. PURPOSE

to obtain Council's approval to circulate the draft Organic Waste Diversion Plan (OWDP) for public comment (**APPENDIX 1**).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Department of Environmental Affairs and Development Planning (DEA&DP) took a policy decision to implement a 50% restriction on organic waste being disposed to landfill by 2022 and a full prohibition of organic waste disposed to landfill by 2027. The Western Cape Integrated Waste Management Plan (IWMP) (2017- 2022) puts an obligation on municipalities to divert 50% of organic waste streams away from landfill sites by 2022 and a complete ban on organic waste disposed at landfill sites by 2027.

DEA&DP subsequently amended the conditions of authorisations (Permits/Licenses) for Waste Disposal Facilities (WDFs) in the Western Cape to include diversion of organic waste. To enable this diversion the Municipality has compiled an OWDP to reach these organic diversion targets. This OWDP will form part of the approved IWMP.

The OWDP has been internally reviewed and requires public comment to be finalised.

2ND COUNCIL MEETING: 2022-01-28: ITEM 11.5.1**RESOLVED** (nem con)

- (a) that Council accept the draft OWDP and approve that the draft OWDP be circulated for public comment;
- (b) that the draft OWDP be submitted to DEA&DP (Department of Environmental Affairs & Development Planning) for comment, and
- (c) that relevant comments be incorporated into the document for it to become final.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	DIRECTOR: INFRASTRUCTURE SERVICES
DIRECTORATE	INFRASTRUCTURE SERVICES
CONTACT NUMBERS	021 -808 8213
E-MAIL ADDRESS	<u>Deon.louw@ Stellenbosch.gov.za</u>
REPORT DATE	9 December 2021

11.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: J JOON)
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NONE

11.7	PLANNING :(PC: CLLR C VAN WYK (MS)
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11.7.1	PROPOSED RESTRUCTURING OF THE INTERNAL MEMBERSHIP OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL
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Collaborator No: 721983
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 21 January 2022

1. SUBJECT: PROPOSED RESTRUCTURING OF THE INTERNAL MEMBERSHIP OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL

2. PURPOSE

To provide Council with the pertinent facts to consider the Removal and Replacement of the internal (municipal employees) serving on the Stellenbosch Municipal Planning Tribunal ("MPT") in terms of Sections 38(5)(a) and 38(6) of the Spatial Planning and Land Use Management Act, Act No. 16 of 2013 ("SPLUMA") and Sections 73(2)(c), 73(7) and 74(5)(a) of the Stellenbosch Municipality Land Use Planning Bylaw, August 2015.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The report and proposed recommendations are aimed at ensuring that the Stellenbosch MPT and the Stellenbosch Municipality, as an organisation, is more efficient and effective. As such, it is proposed to reconstitute the internal municipal membership of the current MPT.

The internal membership of the current MPT includes the following post designations (and employees):

- Manager: Spatial Planning, Directorate Planning and Economic Development - Currently represented by Mr. B de la Bat
- Senior Manager: Infrastructure Planning, Development and Implementation, Directorate Infrastructure Services - Currently vacant
- Senior Legal Advisor, Directorate Corporate Services - Currently represented by Mr. M Williams
- Senior Manager: Community Services, Directorate Community and Protection Services - Currently represented by Mr. A van der Merwe
- Senior Environmental Planner, Environmental Management, Directorate Community and Protection - Currently represented by Mr. S van der Merwe

- Manager: IDP and Performance Management, Department Governance, Office of the Municipal Manager - Currently represented by Mr. G Cain – Manager
- Manager Infrastructure Implementation Services, Directorate Infrastructure Services - Currently represented by Ms. M. Francis

The proposed new internal membership of the MPT includes the following post designations:

- Senior Manager: Infrastructure Planning, Development and Implementation, Directorate Infrastructure Services - Incumbent to this position resigned during 2021, and the position is currently vacant.
- Senior Legal Advisor, Directorate Corporate Services - Currently represented by Mr. M Williams
- Senior Manager: Community Services, Directorate Community and Protection Services - Currently represented by Mr. A van der Merwe.
- Senior Manager: Development Planning – To be represented by Mr C Alexander.

The proposal will improve the efficiency of Stellenbosch Municipality in that the number of internal members (municipal employees) on the MPT is proposed to be decreased from seven (7) to four (4), thus releasing staff to perform their core functions. The proposal will also promote the effectiveness of Stellenbosch Municipality in that the proposed internal MPT membership will all be at senior manager level.

No changes are proposed to the external membership of the Stellenbosch MPT.

2ND COUNCIL MEETING: 2022-01-28: ITEM 11.7.1

RESOLVED (nem con)

that the following amendment to the internal membership of the Stellenbosch MPT **BE APPROVED**:

- (a) The **Removal** in terms of Section 38(5)(a) of the Spatial Planning and Land Use Management Act (Act 16 of 2013) and Sections 73(2)(c), 73(7) and 74(5)(a) of the Stellenbosch Municipality Land Use Planning Bylaw, August 2015, of the following post designations as municipal employee members from the current membership of the Stellenbosch Municipal Planning Tribunal:
 - (i) Manager: Spatial Planning, Directorate Planning and Economic Development - Currently represented by Mr. B de la Bat
 - (i) Senior Environmental Planner, Environmental Management, Directorate Community and Protection - Currently represented by Mr. S van der Merwe
 - (ii) Manager: IDP and Performance Management, Department Governance, Office of the Municipal Manager - Currently represented by Mr. G Cain – Manager
 - (iii) Manager Infrastructure Implementation Services, Directorate Infrastructure Services - Currently represented by Ms. M. Francis
- (b) The **Retention** of the following post designations as municipal employee members of the Stellenbosch Municipal Planning Tribunal in terms of their appointment by the Acting Municipal Manager on 15 May 2019 in terms of an authorisation and delegation of a Council decision vide item 7.3.3 and dated 26 July 2017:

-
- (i) Senior Manager: Infrastructure Planning, Development and Implementation, Directorate Infrastructure Services - Currently vacant
 - (ii) Senior Legal Advisor, Directorate Corporate Services - Currently represented by Mr. M Williams
 - (iii) Senior Manager: Community Services, Directorate Community and Protection Services - Currently represented by Mr. A van der Merwe
- (c) The **Appointment** in terms of Section 38(5)(a) of the Spatial Planning and Land Use Management Act (Act 16 of 2013) and Section 71(1) of the Stellenbosch Municipality Land Use Planning Bylaw, August 2015 of the following a post designation as a municipal employee member of the Stellenbosch Municipal Planning Tribunal:
- (i) Senior Manager: Development Planning, Directorate Planning and Economic Development – To be represented by Mr. Craig Alexander
- (d) that, in terms of Section 72(11) of the Stellenbosch Municipality Land Use Planning By-law, August 2015 the Municipal Manager publish the Reconstituted MPT in the Provincial Gazette as stipulated in Section 72(11)(c) of the said By-law.

FOR FURTHER DETAILS CONTACT:

NAME	Anthony Barnes
POSITION	Director Planning and Economic Development
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 4006
E-MAIL ADDRESS	Anthony.Barnes@stellenbosch.gov.za
REPORT DATE	18 January 2022

11.8	LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR R DU TOIT (MS))
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NONE

11.9	RURAL MANAGEMENT: (PC: CLLR J WILLIAMS)
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NONE

11.10	YOUTH, SPORT AND CULTURE: (PC: CLLR R ADAMS)
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NONE

11.11	MUNICIPAL MANAGER
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NONE

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

13.	REPORTS BY THE MUNICIPAL MANAGER
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13.1	APPOINTMENT OF COUNCILLORS TO SERVE ON THE LOCAL LABOUR FORUM
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1. SUBJECT: APPOINTMENT OF COUNCILLORS TO SERVE ON THE LOCAL LABOUR FORUM

2. PURPOSE

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

3. DELEGATED AUTHORITY

(FOR DECISION BY MUNICIPAL COUNCIL, EXECUTIVE MAYOR AND MAYORAL COMMITTEE, PORTFOLIO COMMITTEE, EXECUTIVE MANAGEMENT, ETCETERA)

Council

4. EXECUTIVE SUMMARY

The termination of the 2016-2021 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.

The Local Labour Forum consists of a total number of 12 members per party (employer/employee).

Employer = 12 members

SAMWU = 6 members

IMATU = 6 members

The administration is represented by the following six (6) officials:

Director Infrastructure; CFO; Director Corporate Services; Senior Manager Human Resources; Manager Labour Relations; Director Community Services. Council will chair the LLF during the next year. The chairpersonship is rotated between the employer and the unions on an annual basis.

The item was on the agenda of the inauguration meeting but stood over to the January 2022 council meeting.

2ND COUNCIL MEETING: 2022-01-28: ITEM 13.1**RESOLVED** (nem con)

that Council appoint the following Councillors to serve on the LLF:

1. Cllr L. Nkamisa (DA)
2. Cllr C. Van Wyk (Ms) (DA)
3. Cllr R. Pheiffer (DA)
4. Cllr N. Mananga-Gugushe (Ms) (ANC) and
5. Cllr I. De Taillfer (Ms) (VF+)

FOR FURTHER DETAILS CONTACT

NAME	Annalene de Beer
POSITION	<i>Director</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021808 8018</i>
E-MAIL ADDRESS	<i>Annalene.deBeer@ Stellenbosch.gov.za</i>
REPORT DATE	<i>25/01/2022</i>

13.2	ESTABLISHMENT OF A RULES COMMITTEE
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Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: Council: 15 November 2021

1. SUBJECT: ESTABLISHMENT OF A RULES COMMITTEE

2. PURPOSE

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

3. DELEGATED AUTHORITY

(FOR DECISION BY MUNICIPAL COUNCIL, EXECUTIVE MAYOR AND MAYORAL COMMITTEE, PORTFOLIO COMMITTEE, EXECUTIVE MANAGEMENT, ETCETERA)

Council

4. EXECUTIVE SUMMARY

The termination of the 2016-2021 Council's term brought to a close the previously established Rules of Order Committee. 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.

The item was on the agenda of the inauguration meeting but stood over to the January 2022 council meeting.

2ND COUNCIL MEETING: 2022-01-28: ITEM 13.2

RESOLVED (nem con)

- (a) that Council establishes an 8 (eight) member multi-Party Rules Committee consisting of the whips of the following parties: GOOD, ACDP, PA, ANC, EFF, DA, FF+ & PDM;
- (b) that Council appoints the Speaker, Cllr. Quintin Smit as Chairperson of the Rules Committee; and
- (c) that it be noted that the Chairperson of this Committee is not a full-time Councillor flowing from the Chairmanship of this Committee.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Geraldine Mettler</i>
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Municipal Manager</i>
CONTACT NUMBERS	<i>021 808 8025</i>
E-MAIL ADDRESS	<i>municipal.manager@stellenbosch.gov.za</i>
REPORT DATE	<i>10 November 2021</i>

13.3	RECRUITMENT AND SELECTION PROCESS OF THE DIRECTOR: INFRASTRUCTURE SERVICES – SELECTION PANEL
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Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 2nd Council: 28 January 2022

**1. SUBJECT: RECRUITMENT AND SELECTION PROCESS OF THE DIRECTOR:
INFRASTRUCTURE SERVICES – SELECTION PANEL**

2. PURPOSE OF REPORT

Council to approve the recruitment and selection panel of the Director Infrastructure Services as set out in the Government Gazette 37245: Local Government Regulations on Appointment and Conditions of Employment of Senior Manager.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

Council at the Special Council Meeting: 2021-12-10 approved the commencement of the recruitment and selection process for the Director Infrastructure Services.

2ND COUNCIL MEETING: 2022-01-28: ITEM 13.3

RESOLVED (nem con)

that Council approves the recruitment and selection panel of the Director Infrastructure Services as set out in the Government Gazette 37245: Local Government Regulations on Appointment and Conditions of Employment of Senior Manager that constitute as follows:

- The Municipal Manager who will be the Chairperson (Ms Geraldine Mettler);
- A member of the Mayoral Committee responsible for the Portfolio under this directorate (Cllr Zelda Dalling);
- At least one person who is not a councillor or staff member, and who has expertise or experience in the area of the advertised post (Mr Gerhard Smit from Saldanha Municipality).

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@ Stellenbosch.gov.za
REPORT DATE	25 January 2022

14.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
14.1	MOTION BY COUNCILLOR M RATAZA (ANC): REVIEW OF THE INDIGENT AND DEBT COLLECTION POLICY

A Notice of a Motion dated 2022-01-17 was received from Councillor M Rataza regarding the Review of the Indigent and Debt Collection Policy.

The said Motion is attached as **APPENDIX 1**.

FOR CONSIDERATION

2ND COUNCIL MEETING: 2022-01-28: ITEM 14.1

NOTED

The Speaker allowed Cllr M Rataza to put his Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter.

The matter was put to the vote, yielding a result of majority of Councillors not in support of the Motion.

RESOLVED (majority vote)

that this Motion not be accepted.

15.	CONSIDERATION OF URGENT MOTIONS
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NONE

16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

17.	REPORTS SUBMITTED BY THE SPEAKER
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NONE

18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

19.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

The meeting adjourned at 11:35.

CHAIRPERSON:

DATE:

Confirmed on **with**