



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2020-08-24

## MINUTES

### 37<sup>TH</sup> MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

**2020-08-24 AT 10:00**

**Detailed account of the meeting proceedings is available on audio recording, which is obtainable from The Municipal Manager's Office per Request for Information (RFI)**

# MINUTES

## MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2020-08-24

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**PRESENT** The Speaker, Cllr N Jindela [Chairperson]  
The Executive Mayor, Ald G Van Deventer (Ms)  
The Deputy Executive Mayor, Cllr WC Petersen (Ms)

<b>COUNCILLORS</b>	F Adams (until 11:40)	DD Joubert
	FJ Badenhorst	C Manuel
	FT Bangani-Menziwa (Ms)	NE Mcombring (Ms)
	Ald PW Biscombe	XL Mdemka (Ms)
	G Cele (Ms)	C Moses (Ms)
	PR Crawley (Ms)	RS Nalumango (Ms)
	A Crombie (Ms)	N Olayi
	Z Dalling (Ms)	SA Peters
	R Du Toit (Ms)	MM Pietersen
	J Fasser	WF Pietersen
	A Florence	SR Schäfer
	AR Frazenburg	Ald JP Serdyn (Ms)
	E Fredericks (Ms)	N Sinkinya (Ms)
	T Gosa	P Sitshoti (Ms)
	E Groenewald (Ms)	Q Smit
	AJ Hanekom	LL Stander
	JK Hendriks	E Vermeulen
	MC Johnson	

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**Officials:** Municipal Manager (Ms G Mettler)  
Chief Financial Officer (K Carolus)  
Director: Corporate Services (Ms A De Beer)  
Director: Infrastructure Services (D Louw)  
Director: Planning and Economic Development (AP Barnes)  
Director: Community and Protection Services (G Boshoff)  
Chief Audit Executive (F Hoosain)  
Senior Manager: Governance (S de Visser (Ms))  
Manager: Secretariat (EJ Potts)  
Senior Administration Officer (T Samuels (Ms))

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<b>1.</b>	<b>OPENING AND WELCOME</b>
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The Speaker, Cllr N Jindela, welcomed everyone present to the 37<sup>th</sup> Council meeting, which is hosted and streamed via MS Teams.

<b>2.</b>	<b>MAYORAL ADDRESS</b>
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“Deputy Mayor,  
Municipal Manager,  
Mayco Members  
Directors

Good Morning, Goeie more, Molweni, As salaam Alaikum

- Wish the Deputy Mayor, the Municipal Manager, female councillors and directors and staff a very happy Women’s Month.
  - As a municipality, we are one of the few who have an all women team as Mayor, Deputy Mayor and MM.
  - Never been more important to represent women and be a voice for women in South Africa
  - As I mentioned last month, our news continues to be dominated by stories of abuse and murder of women and children.
  - We all have a responsibility to stand up, speak out and speak up to raise awareness and to let victims know, they are not alone, there is help available.
- Welcome the move to level 2 lock down restrictions by President Rhamaposa over the weekend.
  - Bring much needed and welcome relief to our own restaurant and hospitality industry.
  - As businesses reopen their doors, I want to urge all managers and owners to adhere to the safety regulations.
  - This is not the time to become complacent with regards to COVID-19.
  - Although the Western Cape and our own region has shown improvement with regards to infection rates as well as recovery rates, the threat is still very real.
  - As we move towards more social interaction, I want to urge every resident to please adhere to all safety precautions and also to take responsibility in ensuring your own safety.
  - We have seen in countries across the world how infections increase once lockdown regulations are relaxed.
  - Countries like New Zealand, Germany and Australia have even opted to impose additional lockdown restrictions in affected regions.
- Please wear a mask when you go out and move about in public spaces
- Sanitise or wash your hands frequently.
- Maintain social distancing
- Remember gatherings are still limited to 50 people with appropriate social distancing measures.
- Have you seen the 5 beautiful public art installations across Stellenbosch?
- The #MaskedMasterpieces are prints based on 5 portraits by famous South African artists and encourage the wearing of a mask in public.
- These prints are sponsored by private individuals or companies supporting the #MaskedMasterpieces initiative aimed at promoting art and creating a platform to donate to a bursary fund for University of Stellenbosch students who have been financially affected by COVID-19.
  - Residents and visitors can make a contribution to the fund via SnapScan code located at the installations. These donations will enable students to continue their studies.

I thank you.”

<b>3.</b>	<b>COMMUNICATION BY THE SPEAKER</b>
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“Good Morning:

Executive Mayor, Alderman Van Deventer

Deputy Executive Mayor, Councillor Minnie Petersen

Aldermen and All Councillors

Municipal Manager: Ms G Mettler

All Directors and staff members who are joined to this virtual meeting of councillors

Members of the Public and other dignitaries

A very welcome to this 4<sup>th</sup> Virtual Council Meeting

Madam Mayor, Aldermen and Councillors I would like to draw your attention to the following:

1. I firstly want to us to remember all families who lost loved ones be it as a result of natural or gruesome murders. Our prayers go out to those who lost loved ones as a result of covid-19 over the past month. We share in their dreadful loss and pain.
2. Councillors you are kindly requested to keep on sensitising your communities to stay safe by wearing masks, maintain social distancing, washing hands regularly and sanitising. The fact that we are now on level 2 does not mean that we should be complacent. Medical scientists predict that the coronavirus will still be with us for some time into the future. Stellenbosch is not only known as a University town but also a tourist town. We appreciate the movement to level two enabling the tourist-related business to operate and contribute to boosting the economy of this town.
3. We pay tribute to all women especially during Women’s Month. Gender-based violence is a profound and widespread problem in South Africa impacting on almost every aspect of life. It is disproportionately directed at women and girls. Let us continue to speak out against this evil that permeates our society.
4. Birthdays

Congratulations to those Councillors who celebrate and will celebrate birthdays in August and September:

Councillor Lisenda Horsband on 05 August  
Councillor Ansaaf Crombie on 11 August  
Speaker Jindela on 26 August  
Alderman Paul Biscombe on 28 August

Executive Mayor Van Deventer on 24 September  
Councillor RONALDA NALUMANGO on 27 September

I thank you.”

<b>4.</b>	<b>COMMUNICATION BY THE MUNICIPAL MANAGER</b>
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“Good morning  
Honourable Executive Mayor,  
Honourable Speaker,  
Councillors and  
Colleagues,

It’s an honour for me to be here this morning. As we enter into level 2 (economic activities that start), we must be mindful that the virus is still with us and people must not relax the Covid-19 protocols. It is absolutely imperative that we be more vigilant as we enter into businesses and as more activities open up. We need to adhere to all Covid-19 protocols like wearing a mask in public, keeping social distance and sanitizing our hands as often as possible.

A special thank you to our Councillors for supporting us in this. As Head of the Administration I want to recognize and thank our staff who has been working tirelessly, I am proud of you for your commitment you have shown throughout this Covid-19 period. Without you, we are nothing.

As we are in the last mile of Women’s Month, I want to encourage all women to take up your space in our economy and in our society. More importantly I want to say thank you to the men in the Greater Stellenbosch area as well as our male Councillors who support our women in order to do what we need to do.

I would like to quote one paragraph from the famous poet, *Maya Angelou* which speaks to “*Still I Rise*”. I want to encourage all the women that no matter what you face, we need to rise, rise up to the occasion and rise up to take up our position in society. The poem says:

“You may shoot me with your words,  
You may cut me with your eyes,  
You may kill me with your hatefulness,  
But still, like air, I’ll rise.”

My encouragement to all the women is that no matter what you face, you always have to rise up from that occasion.

Speaker, I would like to add on to the Support Stellenbosch Initiative that was recently launched by the Municipality and Visit Stellenbosch, in collaboration with the University, that it is really to start and revitalize the economy in Stellenbosch area and I would like to encourage everyone to partake in the Support Stellenbosch Initiative.

In the Absa Premiership 2019/20 match held between Kaizer Chiefs and Stellenbosch FC at the Orlando Stadium, Soweto last night, our local soccer team, Stellenbosch FC, had a 1-1 draw against Kaizer Chiefs. The first goal of the match was scored by our local Footballer that grew up in Kayamandi, Lelethu Skelem. It was an absolutely great goal, it’s a pity that we conceded a goal in the dying moments of the match, but notwithstanding, we stand behind our Boys and we are very proud of them and their achievements, given it is their first year in the ABSA Premier League. They’ve been doing very well and we wish them well for their upcoming match.

The Fire Fighters are really making us proud as they are trending on social media with the Jerusalem Challenge which the municipality took on as part of Women’s Month. It’s encouraging to see that the staff are partaking and have requested an extension of the deadline. This is great for uplifting staff morale.

I again just want to emphasize the fact that in Women’s Month we have seen an increase in gender-based violence. This is something that we need to address as a community and we have to stand up for our women and we need to speak up when we see that.

Thank you.”



<b>5.</b>	<b>DISCLOSURE OF INTERESTS</b>
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Cllr R Du Toit (Ms) – Item 17.2  
 Cllr DD Joubert – Item 17.1 & 17.2  
 Municipal Manager – Item 17.3

<b>6.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>
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6.1 The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

Cllr DA Hendrickse – 24 August 2020  
 Cllr LK Horsband (Ms) – 24 August 2020  
 Cllr N Mananga-Gugushe (Ms) – 24 August 2020

6.2 Permission was granted to Cllr F Adams to leave the meeting earlier at 11:40.

6.3 ABSENT

Cllr JG Hamilton – 24 August 2020  
 Cllr MD Oliphant – 24 August 2020

<b>7.</b>	<b>APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING</b>
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<b>7.1</b>	<b>CONFIRMATION OF MINUTES OF THE 36<sup>TH</sup> COUNCIL MEETING: 2020-07-29</b>
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The minutes of the 36<sup>th</sup> Council Meeting: 2020-07-29 were **confirmed as correct.**

<b>8.</b>	<b>STATUTORY MATTERS</b>
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<b>8.1</b>	<b>SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2021/22 TO GUIDE THE FOURTH REVIEW OF THE FOURTH GENERATION INTEGRATED DEVELOPMENT PLAN 2017 – 2022</b>
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Collaborator No: 690117  
 IDP KPA Ref No: Good Governance and Compliance  
 Date: 24 August 2020

**1. SUBJECT: SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2021/22 TO GUIDE THE FOURTH REVIEW OF THE FOURTH GENERATION INTEGRATED DEVELOPMENT PLAN 2017 – 2022**

**2. PURPOSE**

To table to Council for consideration:

The Time Schedule / Process Plan 2021/22 of key activities and deadlines for the fourth and final Review of the Fourth Generation Integrated Development Plan (IDP) 2017 – 2022, Budget and Spatial Development Framework (SDF).

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

Each municipality is legally required to adopt a time schedule listing key activities and deadlines 10 months before the start of the new financial year.

The SDF / IDP / Budget Time Schedule 2021/22 endeavours to outline the key strategic activities and consultative processes that will contribute to the finalisation of the SDF / IDP and Budget revisions to be implemented in the 2021/22 financial year.

The SDF / IDP/ Budget Time Schedule 2021/22 is, therefore, compiled in terms of Section 21(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), which states that “the mayor of a municipality must-

at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for-

- (i) the preparation, tabling and approval of the annual budget;
- (ii) the annual review of-
  - (aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and
  - (bb) the budget-related policies;
- (iii) the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and
- (iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).

The SDF / IDP / Budget Time Schedule 2021/22 is also compiled in terms of Sections 28 and 29 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA).

Section 28 specifies of the MSA further specifies that:

- “(1) Each municipal council, within a prescribed period after the start of its elected term, must adopt a process set out in writing to guide the planning, drafting, adoption and review of its IDP.
- (2) The municipality must through appropriate mechanisms, processes and procedures established in terms of Chapter 4, consult the local community before adopting the process.
- (3) A municipality must give notice to the local community of particulars of the process it intends to follow.”

Section 29(1) of the MSA further specifies that:

The process followed by a municipality to draft its integrated development 15 plan, including its consideration and adoption of the draft plan, must-

- (a) be in accordance with a predetermined programme specifying timeframes for the different steps;
- (b) through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for
- (i) the local community to be consulted on its development needs and priorities;
  - (ii) the local community to participate in the drafting of the integrated development plan; and
  - (iii) organs of state, including traditional authorities and other role players to be identified and consulted on the drafting of the integrated development plan;
- (c) provide for the identification of all plans and planning requirements binding on the municipality in terms of national and provincial legislation; and
- (d) be consistent with any other matters that may be prescribed by regulation.

### 37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 8.1

#### RESOLVED (nem con)

- (a) that Council adopts the SDF / IDP / Budget Time Schedule / Process Plan to guide the fourth and final Review of the Fourth Generation IDP 2017 – 2022, SDF and Budget; and
- (b) that the SDF / IDP / Budget Time Schedule / Process Plan be placed on the official website of the Municipality, municipal notice boards and libraries, notifying the public and municipal stakeholders of the planned process.

#### FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	<b>Shireen De Visser</b>
<b>POSITION</b>	<b>Senior Manager: Governance</b>
<b>DIRECTORATE</b>	<b>Municipal Manager</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8035</b>
<b>E-MAIL ADDRESS</b>	<b>shireen.devisser@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>07 August 2020</b>

8.2	<b>ROLL-OVER ADJUSTMENTS BUDGET 2020/2021</b>
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**Collaborator No:**

**IDP KPA Ref No:** Good Governance and Compliance

**Date:** 24 August 2020

**1. SUBJECT: ROLL-OVER ADJUSTMENTS BUDGET 2020/2021**

**2. PURPOSE**

To present the roll over adjustments budget for the 2020/2021 financial year to Council for approval.

**3. DELEGATED AUTHORITY**

FOR APPROVAL BY MUNICIPAL COUNCIL

**4. EXECUTIVE SUMMARY**

Attached as **APPENDIX 1** is an executive summary by the Accounting Officer.

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 8.2**

**RESOLVED** (majority vote)

- (a) that the Adjustments Budget for 2020/2021 as set out in **APPENDIX 2**, be approved;
- (b) that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 3**, be approved; and
- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly, inclusive of the non-financial information (performance measurement).

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

*Cllr F Adams; FT Bangani-Menziwa (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	MONIQUE STEYL
<b>POSITION</b>	Senior Manager: Financial Management Services
<b>DIRECTORATE</b>	FINANCIAL SERVICES
<b>CONTACT NUMBERS</b>	021 808 8512
<b>E-MAIL ADDRESS</b>	Monique.Steyl@ Stellenbosch.gov.za
<b>REPORT DATE</b>	

<b>8.3</b>	<b>MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2020</b>
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Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Date: 24 August 2020

**1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2020**

**2. PURPOSE**

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2019/2020 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 (2019/2020) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during July 2020.

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 8.3**

**NOTED**

the Monthly Financial Statutory Reporting: Deviations as listed for the month of July 2020.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Kevin Carolus
<b>POSITION</b>	<b>CFO</b>
<b>DIRECTORATE</b>	<b>Finance</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8528</b>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Kevin.Carolus@ Stellenbosch.gov.za">Kevin.Carolus@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<b>07 August 2020</b>

<b>9.</b>	<b>REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS</b>
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ITEM	Pg	INPUT	MM'S RESPONSE
<p><u>Cllr F Adams</u></p> <p>7.2.4 PROPOSED SERVICE DELIVERY IN JONKERSHOEK</p> <p>22ND COUNCIL MEETING: 2018-11-28: ITEM 7.2.4</p> <p>PROPOSED SERVICE DELIVERY IN JONKERSHOEK</p>	218	<p><u>The feedback column reads as follows:</u></p> <p>“The National Department of Public Works was requested the use of the office space.</p> <p>A meeting in this regard was scheduled for 29 January 2020. Water Services is already available, a sanitation service is now provided as well as a waste service. Electricity is provided by Eskom.</p> <p><b><u>Question:</u></b></p> <p>Did the meeting with Public works take place and was the office space dealt with?</p>	<p>Due to Covid these meetings could not take place.</p> <p>Not certain what office accommodation the Cllr is referring to, as the item does not deal with office accommodation but with proposed service delivery in Jonkershoek area, in particular the engagement with the Department of Public works.</p>
<p><u>Cllr F Adams</u></p> <p>7.10.2 PROPOSED TRANSFER OF MANAGEMENT AND OWNERSHIP OF VAALDRAAI (ELSENBURG) FROM PROV. GOVT. OF THE W.C. TO STELLENBOSCH MUNICIPALITY</p> <p>27TH COUNCIL MEETING: 2019-05-29: ITEM 7.10.2</p>	221	<p><u>The feedback column reads as follows:</u></p> <p>The service provider concluded the feasibility study and submitted it to the user department as per their timeframe. An item was prepared and submitted in April 2020. In accordance with the Council decision, a funding application is being compiled to be submitted to PDoHS at the end of August 2020.</p> <p><b><u>Question:</u></b></p> <p>There is a funding application – what is the position, are you still going to submit it, has it been submitted?</p>	<p>In the process of finalization; it has not been submitted yet.</p>
<p><u>Cllr RS Nalumango (Ms)</u></p> <p>7.3.1 THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS</p> <p>8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.1</p>	213	<p><u>The feedback column reads as follows:</u></p> <p>Information Statement was compiled and submitted to DCS for approval, where after it must be advertised. Council must then consider inputs/objections received as a consequence of the notice (if any) before making a decision on the future use of the properties.</p> <p><b><u>Question:</u></b></p> <p>This is just one example of items that date back as far as 2017, but is still at 30% completed. We would like to see some of the items implemented and dealt with before the end of term for Councillors in 2021. This is not acceptable and all these items at the DCS should be looked at as a matter of urgency for implementation.</p>	<p>Comments by the ANC are noted, and feedback of movement of the items will be provided at the next Council meeting.</p>

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 9**

**NOTED**

The report by the Municipal Manager re outstanding resolutions taken at previous meetings of Council.

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<b>10.</b>	<b>ITEMS FOR NOTING</b>
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<b>10.1</b>	<b>REPORT/S BY THE EXECUTIVE MAYOR</b>
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NONE

<b>10.2</b>	<b>REPORT/S BY THE SPEAKER</b>
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NONE

<b>10.3</b>	<b>REPORT/S BY THE MUNICIPAL MANAGER</b>
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NONE

11.	ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE: [ALD. G VAN DEVENTER (MS)]
11.1	COMMUNITY DEVELOPMENT AND PROTECTION SERVICES: (PC : CLLR R BADENHORST)
11.1.1	STELLENBOSCH MUNICIPAL HUMANITARIAN RESPONSE TO COVID-19

Collaborator No: 690339

IDP KPA Ref No: Good Governance

Meeting Date: 24 August 2020

**1. SUBJECT: STELLENBOSCH MUNICIPAL HUMANITARIAN RESPONSE TO COVID-19**

**2. PURPOSE**

To present a report on the humanitarian relief and aid provided by Stellenbosch Municipality since the start of lock down.

**3. DELEGATED AUTHORITY**

For information.

**4. EXECUTIVE SUMMARY**

The citizens of Stellenbosch Municipal area faced many hardships since the start of lock down in March 2020 due to the Covid-19 pandemic and state of disaster. The hardships included job loses, hunger and additional expenses to comply with the regulation requirements as part of the readiness to access "normal" and economic activities. Stellenbosch Municipality as a caring municipality together with civil society and the university assisted where we could.

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 11.1.1**

**NOTED**

the report and collective efforts.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Michelle Aalbers
<b>POSITION</b>	Manager Community Development
<b>DIRECTORATE</b>	Community and Protection Services
<b>CONTACT NUMBERS</b>	8408
<b>E-MAIL ADDRESS</b>	Michelle.aalbers@stellenbosch.gov.za
<b>REPORT DATE</b>	12-08-2020



11.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
11.2.1	RETURN ITEM: APPLICATION FOR A LONG-TERM LEASE AGREEMENT BETWEEN STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB: PORTION L OF FARM 502, STELLENBOSCH

Collaborator No: 689949  
 IDP KPA Ref No: Good Governance  
 Meeting Date: 24 August 2020

1. **SUBJECT: RETURN ITEM: APPLICATION FOR A LONG-TERM LEASE AGREEMENT BETWEEN STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB: PORTION L OF FARM 502, STELLENBOSCH**

2. **PURPOSE**

To submit the written comments received after completion of the public participation process. An Information Statement was published, and the comments must now be considered in order to make a decision with regard to the application of the Flying Club.

3. **DELEGATED AUTHORITY**

**Municipal Council:** due to the value of the land and the possible term of the lease.

4. **EXECUTIVE SUMMARY**

Stellenbosch Municipality concluded a Lease Agreement with the Stellenbosch Flying Club on 10 February 1992, which agreement is due to expire on 21 March 2021. They have requested that the Lease Agreement be renewed for another 30-year term. Subsequently they have amended their request to whatever other term Council sees fit given the nature of the activities on the site **APPENDIX 6**.

The current Lease Agreement does not have a provision dealing with a renewal and therefore it is suggested that a new agreement be concluded, as provided for in the Property Management Policies, should Council approve of the request for a long-term lease. Before Council can decide on this application, it must advertise its intention to enter into the long-term lease, for public comment/ inputs. Hence, the Information statement that was published. The views of Provincial and National Treasury should also be solicited. Letters was sent to both (**APPENDIX 7**) in May 2020, but no comment has been received to date.

The item served before the Executive Mayor on 24 April 2020, where it was *inter alia* decided, that Council only considers the approval of a long-term lease **after the public participation process** envisaged in Regulation 35 of the Asset Transfer Regulation is completed. We received 3 inputs as indicated in 6.2 below and attached as **APPENDIX 3, 4 and 5**.

Council must now consider the written inputs received after the information statement was published and decide as to whether to approve a lease agreement on a private treaty basis as requested by the Stellenbosch Flying Club, or not, and if approved the term of the lease and the rental amount.

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 11.2.1****RESOLVED** (majority vote)

- (a) that Council takes note of the public participation that was followed in terms of the Asset Transfer Regulations;
- (b) that Council considered the inputs that were received during the public participation process in terms of Section 35 of the Asset Transfer Regulations;
- (c) that Council confirms that the land in question, i.e. portion L of Farm 502, Stellenbosch, be identified as land not needed for the municipality's own use during the period for which the right is to be granted;
- (d) that Council, in principle, approves a term Lease Agreement on the basis of a private treaty agreement as provided for in Regulation 34(1) (b) of the Asset Transfer Regulations, read with paragraph 9.2.2.1 (1) of the Policy on the Management of Council owned property for a period of 9 years and 11 months;
- (e) that the lease agreement is subject to the Lessee reaching agreement with Working on Fire and Provincial Department of Education in regard to their needs and may enter sub-lease agreements with both entities as well as other entities linked to providing services to the airfield;
- (f) that a new market-related lease amount be determined, based on an independent valuation being obtained with escalation of CPI per year for the duration of the agreement;
- (g) that Council approves the option of a renewal of the lease agreement for a further period equal to the lease agreement now proposed; and
- (h) that Council's in principle approval be advertised for comments/inputs/alternative proposals, and that any inputs in regard thereto be placed before council before a final decision is made.

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

*Cllr F Adams; FT Bangani-Menziwa (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>Piet Smit</b>
<b>POSITION</b>	<b>Manager: Property Management</b>
<b>DIRECTORATE</b>	<b>Corporate Services</b>
<b>CONTACT NUMBERS</b>	<b>021-8088189</b>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Piet.smit@ Stellenbosch.gov.za">Piet.smit@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<b>2020-08-06</b>

11.3	<b>FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]</b>
11.3.1	<b>MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 30 JUNE 2020, MFMA S116(2)(d) REPORT</b>

Collaborator No: 689917

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 24 August 2020

1. **SUBJECT: MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 30 JUNE 2020, MFMA S116(2)(d) REPORT**

2. **PURPOSE**

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

3. **DELEGATED AUTHORITY**

**(FOR DECISION BY MUNICIPAL COUNCIL)**

4. **EXECUTIVE SUMMARY**

The report indicates the performance of service providers who active on contract secured by means of a competitive bidding process for the period 01 July 2019 to 30 June 2020.

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 11.3.1**

**NOTED**

the Annual MFMA S116(2)(d) report: Management of Contracts or Agreements and Contractor Performance from 01 July 2019 till 30 June 2020.

**FOR FURTHER DETAILS CONTACT:**

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

11.4	HUMAN SETTLEMENTS: (PC: CLLR WC PETERSEN (MS))
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11.4.1	PROGRESS REPORT: KAYAMANDI TOWN CENTRE DEVELOPMENT
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Collaborator No: 690367  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: 24 August 2020

**1. SUBJECT: PROGRESS REPORT: KAYAMANDI TOWN CENTRE REDEVELOPMENT**

**2. PURPOSE**

To provide Council with a progress report regarding the Kayamandi Town Centre redevelopment.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The feasibility studies were completed in December 2017 and Council approved the development at the 16<sup>th</sup> Council Meeting dated 28 March 2018. The Environmental and Heritage studies have now been completed for the Town Centre and draft layouts and draft house typologies have been concluded.

A Geotechnical Assessment of the area has been conducted and a funding application has been submitted to the Provincial Department of Human Settlements (PDoHS) for detailed planning for 1854 units. The public participation process is on-going.

The application and objective thereof is to:

- (a) prepare and submit a detailed planning application for the Town Centre of Kayamandi;
- (b) determine the civil services bulk capacity for the Kayamandi Town Centre;
- (c) compile engineering design and submit for approval; and
- (d) apply for funding approval to install services and build multi-storey top structures.

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 11.4.1**

**RESOLVED** (nem con)

- (a) that the progress of the Kayamandi Town Centre redevelopment be noted; and
- (b) that the planning layout be approved.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Lester van Stavel
<b>POSITION</b>	<i>Manager: Housing Development</i>
<b>DIRECTORATE</b>	<i>Planning &amp; Economic Development</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8460</i>
<b>E-MAIL ADDRESS</b>	<i>Lester.vanstavel@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>05 August 2020</i>

11.4.2	<b>LOGLANDS HOUSING PROJECT - CRITERIA FOR THE SELECTION OF BENEFICIARIES</b>
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Collaborator No: 690383  
 IDP KPA Ref No: Good governance and Compliance  
 Meeting Date: 24 August 2020

**1. SUBJECT: LOGLANDS LOW COST HOUSING PROJECT - CRITERIA FOR THE SELECTION OF BENEFICIARIES**

**2. PURPOSE**

To obtain approval from Council for the criteria to be used for the selection of beneficiaries to be allocated houses / Enhanced Serviced sites / Erven in the TRA in the Longlands Low Cost Housing Project.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The application is for Council to approve the beneficiary selection criteria to be used for the selection of beneficiaries and the allocation for the 144 Erven Low Cost Housing Project in Longlands.

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 11.4.2**

**RESOLVED** (nem con)

- (a) that 60 Erven with Top Structures of the 144 Erven
  - (i) be allocated to beneficiaries residing in Longlands Property and that the original list of Longlands Property be used to determine these 60 beneficiaries;
  - (ii) beneficiaries from Longlands Property who do not qualify be allocated Enhanced Serviced Sites, in which event these beneficiaries will be responsible to construct their own top structures;
- (b) that 42 Erven with Top structures of the 144 Erven be allocated to potential beneficiaries on the Longlands Broader Community Housing Demand Database, and that priority be given to potential beneficiaries over the age of 40 years and households with applicant(s) or dependants with permanent disability, in a registration ordered list and proof of such be obtained from SASSA;
- (c) that 4 of the 144 Erven be allocated to beneficiaries identified by Mr Kallie Kirsten as per agreement with the municipality; and
- (d) that 38 Erven of the 144 Erven be developed into a Temporary Residential Area (TRA), with 2 (Two) families being placed in each TRA Erf which will result in 76 opportunities, and that allocation be effected in the following manner:
  - (i) 18 TRA sites be allocated to families residing in the Triangle, and 2 families placed in 1 (One) Erf. This will accommodate 35 families who currently reside in the Triangle;

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- (ii) that 10% of the sites in the project, which is 14 sites, be reserved for persons in WC024 who qualify for housing assistance in terms of the Emergency Housing Policy; and
- (iii) that a further 6 of the sites be reserved for persons in WC024 who are deemed as "SPECIAL CASES" and residing in conditions that are dangerous and deemed a health hazard due to medical conditions which have resulted in permanent disability and warrant better living conditions. A detailed report of such person(s) is to be submitted to the Municipal Manager for approval.

**FOR FURTHER DETAILS CONTACT:**

<b><i>NAME</i></b>	ROTANDA NONA SWARTBOOI
<b><i>POSITION</i></b>	MANAGER: HOUSING ADMINISTRATION
<b><i>DIRECTORATE</i></b>	PLANNING AND ECONOMIC DEVELOPMENT
<b><i>CONTACT NUMBERS</i></b>	021 808 8757
<b><i>E-MAIL ADDRESS</i></b>	<a href="mailto:Rotanda.Swartbooi@stellenbosch.gov.za">Rotanda.Swartbooi@stellenbosch.gov.za</a>
<b><i>REPORT DATE</i></b>	

11.5	INFRASTRUCTURE: (PC: CLLR Q SMIT)
11.5.1	REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON PARKING

Collaborator No: 688647  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 24 August 2020

**1. SUBJECT: REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON PARKING**

**2. PURPOSE**

That Council notes the Introduction of the Draft By-Law on Parking and approves the public participation thereof as per Section 12 of the Municipal Systems Act, as amended.

**3. DELEGATED AUTHORITY**

Municipal Council, as per Section 12(1) of the Municipal Systems Act, as amended. However, the Executive Mayor may request the Portfolio Committee to render assistance in terms of Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998, as amended.

**4. EXECUTIVE SUMMARY**

The Draft By-Law gives effect to the rights contained in Section 24 of the Constitution, Schedules 4(B) & 5(B) supported by Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where a Local Government may proclaim By-Laws to govern the services that are delivered to the constituencies of the Republic of South Africa.

As the Road Authority for Municipal Parking within the jurisdiction of the Municipality, the Council may define and regulate activities and functions on roadways, walkways and other spaces within road reserves or areas dedicated for parking.

The proposed By-Law on Parking aims to promote a safe environment for the benefit of all road- and sidewalk users and provides procedures, methods and practices to manage the use of roads, streets, sidewalks and road verges and dedicated parking areas.

This report serves to request the introduction of the new Draft Parking By-Law and to publish this By-Law for Public Participation.

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 11.5.1**

**RESOLVED** (nem con)

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Parking, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) and Section 21 of the Municipal Systems Act.

11.5.2	<b>REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON ROADS AND STREETS</b>
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Collaborator No: 688645  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 24 August 2020

**1. SUBJECT: REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON ROADS AND STREETS**

**2. PURPOSE**

That Council notes the Introduction of the Draft By-Law on Roads and Streets and approves the public participation thereof as per Section 12 of the Municipal Systems Act, as amended.

**3. DELEGATED AUTHORITY**

Municipal Council, as per Section 12(1) of the Municipal Systems Act, as amended. However, the Executive Mayor may request the Portfolio Committee to render assistance in terms of Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998, as amended.

**4. EXECUTIVE SUMMARY**

The Draft By-Law gives effect to the rights contained in Section 24 of the Constitution, Schedules 4(B) & 5(B) supported by Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where a Local Government may proclaim By-Laws to govern the services that is delivered to the constituencies of the Republic of South Africa.

As the Road Authority for Municipal Roads and Streets within the jurisdiction of the Municipality, the Council may define and regulate, activities and functions on roadways, walkways and other spaces within road reserves.

The proposed By-Law on Roads and Streets aims to promote a safe environment for the benefit of all road- and sidewalk uses and provides procedures, methods and practices to manage the use of roads, streets, sidewalks and road verges.

This report serves to request the introduction of the new Draft Roads and Streets By-Law and to publish this By-Law for Public Participation.

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 11.5.2**

**RESOLVED** (nem con)

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Roads and Streets, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) and Section 21 of the Municipal Systems Act.



11.5.3	<b>REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON STORMWATER</b>
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Collaborator No: 688646  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 24 August 2020

**1. SUBJECT: REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON STORMWATER**

**2. PURPOSE**

That Council notes the Introduction of the Draft By-Law on Stormwater and approves the public participation thereof as per Section 12 of the Municipal Systems Act, as amended.

**3. DELEGATED AUTHORITY**

Municipal Council, as per Section 12(1) of the Municipal Systems Act, as amended. However, the Executive Mayor may request the Portfolio Committee to render assistance in terms of Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998, as amended.

**4. EXECUTIVE SUMMARY**

The Draft By-Law gives effect to the rights contained in Section 24 of the Constitution, Schedules 4(B) & 5(B) supported by Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where a Local Government may proclaim By-Laws to govern the services that are delivered to the constituencies of the Republic of South Africa.

As the function of Stormwater Management in Built-up Areas falls within the jurisdiction of the Municipality, the Council may define and regulate activities and functions on any matters pertaining to the above, abbreviated as Stormwater.

The proposed By-Law on Stormwater aims to promote a safe environment for the benefit of all within stormwater management and to give effect to the rights contained in section 24 of the Constitution of the Republic of South Africa, 1996.

This report serves to request the introduction of the new Draft Stormwater By-Law and to publish this By-Law for Public Participation.

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 11.5.3**

**RESOLVED** (nem con)

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Stormwater, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) and Section 21 of the Municipal Systems Act.

11.5.4	<b>REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON INTEGRATED WASTE MANAGEMENT</b>
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**Collaborator No:** 688644  
**IDP KPA Ref No:** Good Governance and Compliance  
**Meeting Date:** 19 August 2020

**1. SUBJECT: REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON INTEGRATED WASTE MANAGEMENT**

**2. PURPOSE**

That Council notes the Introduction of the Draft By-Law on Integrated Waste Management and approves the public participation thereof as per Section 12 of the Municipal Systems Act, as amended.

**3. DELEGATED AUTHORITY**

Municipal Council, as per Section 12(1) of the Municipal Systems Act, as amended. However, the Executive Mayor may request the Portfolio Committee to render assistance in terms of Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998, as amended.

**4. EXECUTIVE SUMMARY**

The Draft By-Law gives effect to the rights contained in Section 24 of the Constitution, Schedules 4(B) & 5(B) supported by Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where a Local Government may proclaim By-Laws to govern the services that is delivered to the constituencies of the Republic of South Africa.

As the functions of Cleansing, Refuse Removal, Refuse Dumps and Solid Waste Disposal fall within the jurisdiction of the Municipality, the Council may define and regulate, activities and functions on any matters pertaining to the above, abbreviated as Integrated Waste Management.

The proposed By-Law on Integrated Waste Management aims to promote a safe environment for the benefit of all within Waste management and to give effect to the right contained in section 24 of the Constitution of the Republic of South Africa, 1996 and to regulate —

- the avoidance, minimization, generation, collection, cleaning and disposal of waste; and
- matters related thereto.

This report serves to request the introduction of the new Draft Integrated Waste Management By-Law and to publish this By-Law for Public Participation.

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 11.5.4****RESOLVED** (nem con)

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Integrated Waste Management, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) and Section 21 of the Municipal Systems Act.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Deon Louw
<b>POSITION</b>	<i>Director</i>
<b>DIRECTORATE</b>	<i>Infrastructure Services</i>
<b>CONTACT NUMBERS</b>	<b>021 808 8213</b>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Deon.louw@ Stellenbosch.gov.za">Deon.louw@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<b>15 July 2020</b>

11.5.5	APPROVAL OF THE FINAL TRAFFIC CALMING POLICY
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Collaborator No: 689358  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 24 August 2020

**1. SUBJECT: APPROVAL OF THE FINAL TRAFFIC CALMING POLICY**

**2 PURPOSE**

To set out the policy for traffic calming and to inform Council that the current Draft Traffic Calming Policy, accepted and approved by Council on the 27 November 2019, has been submitted to a Public Participation Process. It is now submitted for Final approval

**3. DELEGATED AUTHORITY**

**Council.**

The Traffic Calming Policy is a document that must be adopted by the Municipal Council, for approval of the Municipality's approach to dealing with traffic calming and traffic calming request within its municipal area.

**4. EXECUTIVE SUMMARY**

The definition of traffic calming: To moderate traffic behaviour, through physical and legislative measures, with the aim to reduce the vehicle speeds and/or traffic volumes, thereby improving traffic safety, and quality of life in the urban environment, but with due regard to mobility and accessibility.

It has become necessary to review current Traffic Calming Policy to allow for a more structured and uniform approach when dealing with request received from the public. Procedures set out, allows for more inclusive participation by Ward Committees and makes provision for appeals in terms of Section 62 of the Municipal Systems Act.

The document firstly describes the evaluation procedure to be followed when the Municipality receives requests relating to any traffic problems.

The document then focuses very specifically on traffic calming and deals with:

- the road hierarchy (from a traffic calming perspective);
- principles for evaluating traffic calming;
- traffic calming techniques;
- warrants.

The remainder of the document describes the manner in which request from the public are processed, incorporating inputs from Ward Committees, dealing with appeals, and sets out procedures for the implementation of traffic calming measures.

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 11.5.5**

**RESOLVED** (nem con)

- (a) that the content of this report be noted; and
- (b) that the Draft Traffic Calming Policy, attached as **ANNEXURE A**, be accepted as the final revised version.

11.6	<b>PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))</b>
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NONE

11.7	<b>PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR E GROENEWALD (MS))</b>
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11.7.1	<b>DIRECTIONS RELATING TO SPATIAL PLANNING, LAND USE MANAGEMENT AND LAND DEVELOPMENT PROCESSES</b>
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Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 24 August 2020

**1. SUBJECT: DIRECTIONS RELATING TO SPATIAL PLANNING, LAND USE MANAGEMENT AND LAND DEVELOPMENT PROCESSES**

**2. PURPOSE**

To obtain permission from Council **NOT TO IMPLEMENT** a Directive issued in terms of the National State of Disaster for the extension of the stipulated time periods related to land use applications and processes in terms of the Spatial Planning and Land Use Management Act, Act 16 of 2013 (SPLUMA).

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

It is submitted that the Directions for the extension of the stipulated time periods related to land use and land development applications and processes may have a negative impact on development and a detrimental impact on an economy that is already under severe stress. As the current operational state of the land use management division of the municipality also does not warrant the need for the extension of these timeframes, it is consequently proposed that these Directions are not implemented.

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 11.7.1**

**RESOLVED** (majority vote)

that the Directions Relating to Spatial Planning, Land Use Management and Land Development Processes (in terms of SPLUMA), issued in terms of Notice 431 of 2020 on 7 August 2020 by the Minister of Agriculture, Land Reform and Rural Development, **NOT BE IMPLEMENTED** for the Stellenbosch Municipality as provided for in Section 5.1 of said Directions.

11.7.2	<b>DRAFT LAND USE ENFORCEMENT POLICY FOR STELLENBOSCH MUNICIPALITY, MARCH 2019</b>
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Collaborator No: 643770  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 24 August 2020

**1. SUBJECT: DRAFT LAND USE ENFORCEMENT POLICY FOR STELLENBOSCH MUNICIPALITY, MARCH 2019**

**2. PURPOSE**

To request Council's approval, after public consultation & amendments of the draft Land Use Enforcement Policy (Draft Policy), for Stellenbosch Municipality, March 2019 (attached as **APPENDIX 1**), has taken place.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

On 21-05-2019, Council resolved to propose that certain amendments be included in the Draft Policy and that the Draft Policy be advertised for public comment. Thereafter, it must be resubmitted to Council for finalization.

In terms of the COUNCIL MEETING: 2019-05-29: ITEM 7.7.1(attached as **APPENDIX 2**), the Administration amended and advertised the Draft Policy for public comments during August 2019 for a period of 60 days. In addition, the Administration circulated the Draft Policy to the interested and affected parties.

Comments were received and are addressed under paragraph 6.

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 11.7.2**

**RESOLVED** (majority vote)

- (a) that Council takes note of the comments received; and
- (b) that the draft Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, be approved.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Errol Williams
<b>POSITION</b>	<i>Senior Land Use Inspector</i>
<b>DIRECTORATE</b>	<b>PLANNING and ECONOMIC DEVELOPMENT SERVICES</b>
<b>CONTACT NUMBERS</b>	021 - 808 8688
<b>E-MAIL ADDRESS</b>	<i>Errol.Williams@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	021 808 8688

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11.8	<b>RURAL MANAGEMENT: (PC: CLLR S PETERS)</b>
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NONE

11.9	<b>YOUTH, SPORTS AND CULTURE: (PC: CLLR M PIETERSEN)</b>
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NONE

11.10	<b>MUNICIPAL MANAGER</b>
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NONE

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

13.	<b>REPORTS BY THE MUNICIPAL MANAGER</b>
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13.1	<b>ENCROACHMENT APPLICATION HORIZON HOUSE ERF 3722 AND PORTIONS OF ROAD RESERVE: RETURN ITEM</b>
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Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 24 August 2020

**1. SUBJECT: ENCROACHMENT APPLICATION HORIZON HOUSE ERF 3722 AND PORTIONS OF ROAD RESERVE: RETURN ITEM**

**2. PURPOSE**

To consider the encroachment application of Horizon House for taking the objection received into consideration and make a final determination. To further consider delegations to deal with encroachments.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

Horizon House, situated on the outskirts of Onder Papegaaiberg, is an NGO catering for the needs of people with disabilities. They have received a donation to put up new fencing around the facility and to develop walking trails, to be use by their residents, and also the greater public. They want to extend the area onto a portion of municipal land, situated to the south of their property for this reason, on an encroachment basis.

Council considered the matter on 2020-01-29 and approved it in principle, subject to advertising its intention so to enter into an encroachment agreement.

Following the public notice period, one (1) objection was received from the Working Centre for Adult persons with disabilities, also operating from the Horison House property. Council must consider this objection before making a final determination.

There are various types of encroachments that for which tariffs are provided in the tariff book every year a copy of which was attached to the item that served in January before Council. A copy of the extract of the new tariffs is attached as **APPENDIX 4**.

The current delegations do not make provision for the delegation of these type of applications and it is not practical to bring all these applications to council. It is therefore recommended that council approve a delegation to the Municipal Manager to deal with encroachment applications.

**FURTHER COMMENTS FROM THE MUNICIPAL MANAGER (2020-08-17)**

The resolution as adopted at the Council meeting of 2020-07-29 and as minuted, is inconclusive and does not provide clarity for the purposes of administrative implementation. After the item was thoroughly considered and debated during that Council meeting, the resolution that was presented and supported by a majority vote, was in fact in the form of a recommendation that came through from the Mayoral Committee. Notwithstanding a positive support of the item by a clear majority, what was read into the record retained the form of a recommendation, rather than a firm resolution. In order to rectify the omission -- and bearing in mind that the item was thoroughly debated -- Council now merely has to rescind the decision and present a final resolution, doing so by way of an amendment, which is to be voted on.



**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 13.1****RESOLVED** (majority vote)

- (a) that the resolution taken at the Council meeting of 2020-07-29, item 11.2.3, be rescinded;
- (b) that Council considered the objections received;
- (c) that Council approves the encroachment application and that the Municipal Manager be authorised to conclude the Agreement; and
- (d) that the proposed delegation to the Municipal Manager in **APPENDIX 5**, be approved.

*The following Cllrs requested that their votes of dissent be minuted:*

*Cllrs FT Bangani-Menziwa (Ms); G Cele (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>PIET SMIT</b>
<b>POSITION</b>	<b>Manager: Property Management</b>
<b>DIRECTORATE</b>	<b>Corporate Services</b>
<b>CONTACT NUMBERS</b>	<b>021-8088750</b>
<b>E-MAIL ADDRESS</b>	<b><a href="mailto:Piet.smit@ Stellenbosch.gov.za">Piet.smit@ Stellenbosch.gov.za</a></b>
<b>REPORT DATE</b>	<b>2020-07- 15</b>

13.2	<b>ADOPTION OF DELEGATIONS IN REGARD TO PROPERTY MATTERS NOT COVERED IN THE CURRENT APPROVED SYSTEM OF DELEGATIONS</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

24 August 2020

**1. SUBJECT: ADOPTION OF DELEGATIONS IN REGARD TO PROPERTY MATTERS NOT COVERED IN THE CURRENT APPROVED SYSTEM OF DELEGATIONS**

**2. PURPOSE**

To submit proposed delegations which will be included in the approved System of Delegations in regard to property matters not covered in the current approved System of Delegations.

**3. DELEGATED AUTHORITY**

Council to approve.

**4. EXECUTIVE SUMMARY**

In terms of section 59 of the Local Government: Municipal Systems Act, 32/2000, a Municipal Council must develop a System of Delegations that will maximize administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with such system, may:

- (a) delegate appropriate powers excluding the powers referred to in section 160(2) of the Constitution, the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76(b), to approve or amend the Municipality's IDP, and any other provision in legislation conferring the powers to Council alone. The delegations may be made to any of the Municipality's political structures, political office bearers, councillors or staff members;
- (b) instruct any such political structure, political office bearer, councillor, or staff member to perform any of the Municipality's duties; and
- (c) withdraw any delegation or instruction.

The current system of delegations was approved on 25 September 2019 and did not contain delegations around council rights on properties. These does not form part of the delegations mentioned in section 160(2) of the Constitution that may not be delegated. It is impractical to bring all these decisions to Council and especially as we enter a new era of fewer council meetings, as indicated by the Speaker, and meetings taking place in the virtual space. It is proposed that council consider delegation of the powers as indicated in **APPENDIX 1**. When approved the delegations will be included in the System of Delegations approved in 2019.

**FURTHER COMMENTS FROM THE MUNICIPAL MANAGER (2020-08-17)**

The resolution as adopted at the Council meeting of 2020-07-29 and as minuted above, is inconclusive and does not provide clarity for the purposes of administrative implementation. After the item was thoroughly considered and debated during that Council meeting, the resolution that was presented and supported by a majority vote, was in fact in the form of a recommendation that came through from the Mayoral Committee. Notwithstanding a positive support of the item by a clear majority, what was read into the record retained the form of a recommendation, rather than a firm resolution. In order to rectify the omission -- and bearing in mind that the item was thoroughly debated -- Council now merely has to rescind the decision and present a final resolution, doing so by way of an amendment, which is to be voted on.

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 13.2****RESOLVED** (majority vote)

- (a) that the resolution taken at the Council meeting of 2020-07-29, item 11.2.6, be rescinded; and
- (b) that Council approves the attached delegations (**APPENDIX 1**) for inclusion in the System of Delegations.

*The following Cllrs requested that their votes of dissent be minuted:*

*Cllrs FT Bangani-Menziwa (Ms); G Cele (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	A M C de Beer
<b>POSITION</b>	<b>Director: Corporate</b>
<b>DIRECTORATE</b>	<b>Corporate and Strategic Services</b>
<b>CONTACT NUMBERS</b>	<b>021 807 8018</b>
<b>E-MAIL ADDRESS</b>	<b>Annalene.deBeer@ Stellenbosch.org.za</b>
<b>REPORT DATE</b>	<b>17 July 2020</b>

13.3	<b>RENEWAL OF TWO (2) MEMBERS' TERMS OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY</b>
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Collaborator No:

File No:

IDP KPA Ref No: Good Governance

Meeting Date: 24 August 2020

**1. RENEWAL OF TWO (2) MEMBERS TERMS OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY**

**2. PURPOSE**

To obtain Council's approval for the renewal of the term of two (2) current members of the Audit and Performance Audit Committee.

**3. DELEGATED AUTHORITY**

The delegated authority for the appointment of Audit and Performance Audit Committee members is Council.

**4. EXECUTIVE SUMMARY**

In terms of Section 166 of the Municipal Finance Act (MFMA), Act No 56 of 2003, each municipality must have an Audit and Performance Audit Committee. The Audit and Performance Audit Committee is an independent advisory body which must advise Council, the political office bearers, the accounting officer, the management and staff of the municipality.

Audit and Performance Audit Committee members are allowed to serve two (2) terms each of which is three (3) years in terms of legislation and National Treasury Circular 65 and the Institute of Director's: Public Sector Audit Committee Forum's Competency Framework attached as **APPENDIX 1**.

The first term of two members, Mr. Vincent James Botto and Mr. Tsepo Lesihla conclude on 31 August 2020. Attached as **APPENDIX 2** see their respective appointment letters.

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 13.3**

**RESOLVED** (nem con)

- a) that Council renews the term of Mr. Vincent James Botto and Mr. Tsepo Lesihla for a second and final term of three years commencing on 1 September 2020; and
- b) that Council takes note of the resignation of Mr Jeremy Fairbairn from the committee.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Faiz Hoosain</i>
<b>POSITION</b>	<i>Chief Audit Executive</i>
<b>DIRECTORATE</b>	<i>Municipal Manager's Office</i>
<b>CONTACT NUMBERS</b>	<i>021-808 8555</i>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Faiz.Hoosain@stellenbosch.gov.za">Faiz.Hoosain@stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<i>01 August 2020</i>

<b>14.</b>	<b>CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER</b>
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<b>14.1</b>	<b>QUESTION BY COUNCILLOR DA HENDRICKSE: APPLICATION FOR EXTENSION OF CONTRACT OF MR D LOUW</b>
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A Notice of a Question, dated 2020-08-11, was received from Councillor DA Hendrickse regarding the application for extension of contract of Mr D Louw.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

**FOR CONSIDERATION**

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 14.1**

In view of the absence of the member,

The Speaker **RULED**

that this matter has lapsed.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 808-8025</i>
<b>E-MAIL ADDRESS</b>	<i>Municipal.Manager@ Stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>August 2020</i>

14.2	<b>QUESTION BY COUNCILLOR DA HENDRICKSE: REMUNERATION: MR D LOUW</b>
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A Notice of a Question, dated 2020-08-11, was received from Councillor DA Hendrickse regarding the remuneration of Mr D Louw.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

**FOR CONSIDERATION**

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 14.2**

In view of the absence of the member,

The Speaker **RULED**

that this matter has lapsed.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 808-8025</i>
<b>E-MAIL ADDRESS</b>	<i><u>Municipal.Manager@ Stellenbosch.gov.za</u></i>
<b>REPORT DATE</b>	<i>August 2020</i>

<b>14.3</b>	<b>QUESTION BY COUNCILLOR LK HORSBAND (MS): MINIMUM COMPETENCY CERTIFICATE OF THE MUNICIPAL MANAGER: MS G METTLER</b>
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A Notice of a Question, dated 2020-08-11, was received from Councillor LK Horsband (Ms) regarding the minimum competency certificate of the Municipal Manager, Ms G Mettler.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

**FOR CONSIDERATION**

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 14.3**

In view of the absence of the member,

The Speaker **RULED**

that this matter has lapsed.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 808-8025</i>
<b>E-MAIL ADDRESS</b>	<i><a href="mailto:Municipal.Manager@stellenbosch.gov.za">Municipal.Manager@stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>August 2020</i>

14.4	<b>QUESTION BY COUNCILLOR F ADAMS: HOUSING PROJECT IN IDAS VALLEY</b>
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A Notice of a Question, dated 2020-08-11, was received from Councillor F Adams regarding the Housing Project in Idas Valley.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

**FOR CONSIDERATION**

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 14.4**

In view of the absence of the member,

The Speaker **RULED**

that this matter has lapsed.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<b><i>Municipal Manager</i></b>
<b>DIRECTORATE</b>	<b><i>Office of the Municipal Manager</i></b>
<b>CONTACT NUMBERS</b>	<b><i>021 808-8025</i></b>
<b>E-MAIL ADDRESS</b>	<b><i><u>Municipal.Manager@stellenbosch.gov.za</u></i></b>
<b>REPORT DATE</b>	<b><i>August 2020</i></b>



15.	CONSIDERATION OF URGENT MOTIONS
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16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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17.	REPORTS SUBMITTED BY THE SPEAKER
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17.1	REPORT TO COUNCIL REGARDING THE INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY CLR F ADAMS
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**Collaborator No:**

**IDP KPA Ref No:** Good Governance and Compliance

**Meeting Date:** 24 August 2020

1. **SUBJECT: REPORT TO COUNCIL REGARDING INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY COUNCILLOR F ADAMS**

2. **PURPOSE**

To consider the report submitted by the Speaker against Councillor Cllr F. Adams, which was done in terms of Section 14 of Schedule 1 of the Local Government: Municipal Systems Act 32 of 2000, known as the Code of Conduct for Councillors.

3. **DELEGATED AUTHORITY**

Municipal Council.

4. **EXECUTIVE SUMMARY**

An Investigator (Adv. Ettiene Vermaak) was appointed to assist the Speaker with the investigation into facts and circumstances related to the complaints received against Councillor Adams.

Advocate Vermaak provided a report with recommendations to the Speaker's Office, which report is now tabled for consideration. Report attached as **APPENDIX 1**.

### **37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 17.1**

Before deliberations on the matter, Cllr DD Joubert recused himself from the meeting for the duration of the item.

The Speaker **RULED**

that this matter stands over until a next Council meeting.

17.2	<b>REPORT TO COUNCIL REGARDING THE INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY CLR R DU TOIT</b>
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**Collaborator No:**

**IDP KPA Ref No:** Good Governance and Compliance

**Meeting Date:** 24 August 2020

**1. SUBJECT: REPORT TO COUNCIL REGARDING INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY COUNCILLOR R DU TOIT**

**2. PURPOSE**

To consider the report submitted by the Speaker against Councillor Cllr R du Toit, which was done in terms of Section 14 of Schedule 1 of the Local Government: Municipal Systems Act 32 of 2000, known as the Code of Conduct for Councillors.

**3. DELEGATED AUTHORITY**

Municipal Council.

**4. EXECUTIVE SUMMARY**

An Investigator (Adv. Ettiene Vermaak) was appointed to assist the Speaker with the investigation into facts and circumstances related to the complaints received against Councillor R Du Toit.

Advocate Vermaak provided a report with recommendations to the Speaker's Office, which the report is now tabled for consideration by the Council. Report attached as **APPENDIX 1**.

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 17.2**

Before deliberations on the matter, Cllr DD Joubert and R Du Toit (Ms) recused themselves from the meeting for the duration of the item.

**RESOLVED** (nem con)

- a) that the item be referred to the Disciplinary Committee for Councillors to investigate and make a finding on any alleged breach of the Code of conduct; and
- b) that, following the investigation, the Disciplinary Committee to make appropriate recommendations to the Council in the event of findings.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	JC Anthony
<b>POSITION</b>	Senior Clerk: Support Staff: Office of the Speaker
<b>DIRECTORATE</b>	Corporate Services
<b>CONTACT NUMBERS</b>	021 – 808 8042
<b>EMAIL ADDRESS</b>	Speaker.admin@stellenbosch.gov.za
<b>REPORT DATE</b>	24 August 2020

17.3	<b>REPORT TO COUNCIL REGARDING THE INVESTIGATION INTO COMPLAINTS AGAINST CLR D HENDRICKSE BY THE MUNICIPAL MANAGER</b>
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**Collaborator No:**

**IDP KPA Ref No:** Good Governance and Compliance

**Meeting Date:** 24 August 2020

**1. SUBJECT: REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY COUNCILLOR D A HENDRICKSE**

**2. PURPOSE**

To obtain Council approval that action be taken against Councillor DA Hendrickse in terms of Schedule 1 of the Local Government Act: Municipal Systems Act 32 of 2000, known as the Code of Conduct for Councillors.

**3. DELEGATED AUTHORITY**

Municipal Council for referral to the Section 79 Disciplinary Committee for Councillors.

**4. EXECUTIVE SUMMARY**

The Office of the Speaker received documentation from the Office of the Municipal Manager containing three complaints/allegations of misconduct against Cllr DA Hendrickse.

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 17.3**

Before deliberations on the matter, the Municipal Manager, Ms G Mettler recused herself from the meeting for the duration of the item.

**RESOLVED** (nem con)

that the matter be referred to the Disciplinary Committee for Councillors to conduct a disciplinary hearing and to make recommendations to Council regarding a suitable sanction(s), in the event that the said Committee should find Cllr D Hendrickse guilty on any charge.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>JC Anthony</i>
<b>POSITION</b>	<i>Senior Clerk: Support Staff: Office of the Speaker</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	<i>021 – 808 8042</i>
<b>EMAIL ADDRESS</b>	<i>Speaker.admin@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>24 August 2020</i>

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18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

19.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

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The meeting adjourned at 13:00.

**CHAIRPERSON:** .....

**DATE:** .....

**Confirmed on** ..... **with/without amendments.**