



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2022-03-30

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## **MINUTES**

### **3<sup>RD</sup> MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY**

**2022-03-30 AT 10:00**

# MINUTES

## 3<sup>RD</sup> MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2022-03-30

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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	EP Masimini
J Andrews	NE Mcombring [Ms]
Ald JC Anthony	XL Mdemka (Ms)
FJ Badenhorst	NM Mkhontwana (Ms) (from 10:23)
PR Crawley (Ms)	RS Nalumango [Ms]
A Crombie (Ms)	ZR Ndalasi
ZJ Dalling (Ms)	CD Noble
MM Danana	L Nkamisa
I De Taillerfer (Ms)	N Olayi
R Du Toit (Ms)	WC Petersen [Ms]
A Ferns (Ms)	RO Pheiffer
E Groenewald (Ms) (until 12:00)	MG Rataza
AJ Hanekom	JP Serdyn [Ms]
RB Hendrikse (Ms)	A Tomose [Ms]
P Johnson	RB Van Rooyen
J Joon	M Van Stade
O Jooste	CA Van Wyk
X Kalipa	E Vermeulen
N Mananga-Gugushe (Ms) (from 10:40)	J Williams
C Manuel	

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**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 (Ms T Samuels)

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<b>1.</b>	<b>OPENING AND WELCOME</b>
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The Speaker, Cllr Q Smit, welcomed all present at the 3<sup>rd</sup> Council meeting and requested that a minute of silent reflection be observed.

2.	<b>MAYORAL ADDRESS</b>
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*Speaker;*

*Deputy Mayor;*

*Chief Whip of the Ruling Party;*

*Members of the Mayoral Committee;*

*Ordinary members of Council;*

*Municipal Manager and Senior Management;*

*Ward Committee Members;*

*Members of the public;*

*Members of the media present;*

*All protocol observed*

- Good morning, Goeiemore, Molweni, Assalamu alaikum;

## **GENERAL**

### **Human Rights**

- Mother Theresa once said that – **Human Rights are not a privilege conferred by Government. They are every human being's entitlement by virtue of his humanity;**
- Human Rights Day in South Africa is historically linked with the events of 21 March 1960 that took place in Sharpeville. On that day 69 people and 180 were wounded when police fired on a crowd that had gathered in protest against the Pass Laws;
- Our responsibility as public representatives, duly elected to serve our communities and ensure that their basic human rights are protected, should never be neglected, nor under-estimated;
- I hope that everyone enjoyed the celebration of this day last week, and that we will always be reminded of the tragic events that took place in 1960;

### **RAMADAN**

- **The month of Ramadan is around the corner and Muslims across the world will enter this holy period soon as a time of reflection and growth;**
- Ramadan starts on the 2<sup>nd</sup> of April, and I would like to wish all our Muslim councillors, officials and residents a prosperous Ramadan;

### **EASTER**

- **The story of Easter is the Story of God's wonderful window of divine surprise;**

- I would like to wish all our Christian colleagues and residents a happy Easter period. Good Friday will be observed on 15 April and Easter Monday will be observed on 18 April.
- For those who will be traveling, please drive safely and enjoy the time spent with loved ones.

#### **HARVEST PARADE**

- On Saturday, 9 April our Municipality will host the Harvest Parade again;
- This joyful celebration was postponed during the pandemic, and I am very excited that this year we are able to celebrate one of the key industries of our beautiful region;
- The wine industry plays a very important role in our tourism and local economy;
- I want to encourage everyone to support this day and enjoy the creativity of the various wine farms;
- The Mayoral floating trophy for the most creative and best looking Harvest Parade Float will also be up for grabs again and I encourage all wine farms taking part to pull out all the stops!

#### **LOAD SHEDDING**

- Speaker, in the past month we've once again experienced the devastating effects of load shedding;
- The effects on our infrastructure has in some instances been severe, and our teams worked around the clock to ensure that pumps etc. was attended to as soon as possible;
- I am happy to report that our tender process for our first solar panels were finalised and the contractor has been appointed;
- During the first two weeks of April, our first panels will be installed;
- The panels will be installed at various municipal properties including the Town Hall Complex, administration buildings, the Van Der Stel Sport Grounds and the Beltana Municipal Depot;

#### **MAYORAL FUNDRAISER**

- On 31 March we will host our first Mayoral Fund – Fundraiser for the year;
- Due to the Covid-19 Pandemic the past almost three years, we have been unable to host any fundraisers for this fund;
- The fund plays a very important role in our municipality as it offers me as Executive Mayor the opportunity to help communities in extreme circumstances where assistance is not possible under the Municipality Finance guidelines;

- On a regular basis, I receive requests for grants, donations and financial assistance from various organisations, groups and individuals. Most of these are dealt with through the normal Grants-in-Aid policy, but some deserving requests fall outside the ambit of the policy, and are then dealt with through the Mayoral fund;
- I would like to use this opportunity to encourage our residents to get involved and support this fundraiser in order for us to be able to give back to communities and residents in need. If you would like to find out more about this fund or to make a contribution, please contact my office.
- Over the last few years, the fund assisted (amongst other), indigent families who experienced hardship, contributed towards Cloetesville High School's hosting of the annual athletics meeting, provided transport for beneficiaries of title deeds, assisted with construction material for a roof damaged during a storm in Lanquedoc and provided transport costs for an elderly outing to Swellendam and a community event in Cloetesville;

#### CLOSING

- **Ronald Reagan once said that – By working together, pooling all our resources and building on our strengths, we can accomplish great things;**
- Let's continue to work together, improving the lives of our communities in our beautiful Municipality;

Baie dankie, Thank you very much, Enkosi kakhulu.”

<b>3.</b>	<b>COMMUNICATION BY THE SPEAKER</b>
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- **ITEM 16. URGENT MATTERS**

The following 3 items will be tabled under Item 16. Urgent Matters:

- 16.1 Submission of the proposal for the re-determination of the municipal boundary between Stellenbosch Municipality (WC024) and Drakenstein Municipality (WC023)
- 16.2 Audit and Performance Audit Committee Effectiveness Assessment Report 2021-22
- 16.3 Audit and Performance Audit Committee Charter 2021-22.

- **WARD ADMINISTRATOR APPOINTMENTS**

#### Operational Wards

3,4,5,6,17,21, 2,7,10,16,22/23

#### Interviews conducted on 29.03.2022

1, 12,13,14,15,18,19



**Outstanding**

8/9/11 - No further applications received. Proposal from Director is that one of the candidates interviewed for ward 16 can possibly be used on a temporary basis as he showed a lot of potential.

- **WARD COMMITTEE INDUCTION TRAINING ON 2 APRIL 2022 STARTING AT 08:30**

Wards: 5,6,16,17,18,19 – Cloetesville High School  
Wards: 7,8,9,10,11,20,21,22,23 – Stellenbosch Town Hall

- **KNOW YOUR WARD COMMITTEE CAMPAIGN 2022**

Photos to be taken of Ward Committee Members. A communication in this regard will be sent out by the Office of the Speaker in due course.

- **ARREAR RATES AND SERVICE CHARGES BY MUNICIPAL COUNCILLORS:**

In terms of Schedule 7 of the Municipal Structures Amendment Act, a Councillor may not be in arrears to the municipality for rates and service charges for a period longer than 3 months. The Speaker's Office received a notification from the Provincial Department, tasking them to submit a list of all the Councillors who are in arrears with their accounts, by the 4<sup>th</sup> of April 2022. All Councillors are urged to ensure that their municipal bills are paid up to date.

- **BIRTHDAYS**

Congratulations to the following Councillors who celebrated their birthdays during March:

Cllr Isabelle de Taillerfer	– 6 March
Cllr Marius van Stade	– 15 March
Cllr Frederik Jacobus Badenhorst	– 16 March
Cllr Monwabisi Gregory Rataza	– 25 March

Thank you.”

<b>4.</b>	<b>COMMUNICATION BY THE MUNICIPAL MANAGER</b>
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“Good morning, Speaker, Madam Mayor, Councillors, Colleagues, and members of the public.

As we are currently toward the end of human rights month, I want to appeal to all to observe human rights culture, especially in an ever-changing environment with specific reference to the geo-political instability currently experienced in Ukraine and the impact it has on all of us.

As we currently observing the holy time of Lent which leads up to Good Friday and beginning Ramadan, we should use this time to do introspection and consider the plight of all.

It sad to have learnt of a scholar in Franschhoek who committed suicide as a result of alleged bullying and want to appeal to parents to please be vigilant at all times. Bullying is real and we should do everything in our power to prevent this. On behalf of our council our condolences to the family and fellow learners at the Franschhoek High School.

A burning issue is the street light maintenance in Eskom areas just to mention we in constant contact with Eskom regarding the takeover of streetlights controlled by Eskom and hopefully we will be able to fully take over the maintenance of these streetlight soon.

Just to take this opportunity to thank Dr Len Mortimer whose term is coming to an end in March 2022. He has served on our Audit and Performance Audit Committee for the past 6 years as a member and chair and have executed his mandate very well. On behalf of Council, we want to express our gratitude for your services, guidance, and oversight to the municipality.

This is a very important Council meeting we will be dealing with the Budget and IDP that will be approved by Council for public participation and Mayor will deal with this in detail.

I thank you”.

<b>5.</b>	<b>DISCLOSURE OF INTERESTS</b>
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NONE

<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 WF Pietersen	– 30 March 2022
Cllr N Ntsunguzi (Ms)	– 30 March 2022

6.2 Permission was granted to Cllr E Groenewald (Ms) to leave the meeting earlier (from 12:00).

The following Councillors joined the meeting late:

Cllr N Mananga-Gugushe (Ms) (10:40)  
Cllr EP Masimini  
Cllr NM Mkhontwana (Ms) (from 10:23)  
ZR Ndalasi

6.3 ABSENT:

Cllr M Nkopane (Ms) – 30 March 2022

7.	<b>CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING</b>
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7.1	<b>2<sup>ND</sup> COUNCIL MEETING: 2022-01-28</b>
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The minutes of the 2<sup>nd</sup> Council Meeting: 2022-01-28 was **confirmed, subject to the following corrections:**

Page 13: **Facilities**, last bullet point – change spelling of “relieve” to “relief”

Page 14: **ESTABLISHMENTS OF WARD COMITTEES**, second sentence, remove colon after “Director”

Page 25: para (b) – capitalise Councillors

Page 29: Para (b) – remove colon after D in abbreviation of DEA&DP

7.2	<b>SPECIAL COUNCIL MEETING: 2022-02-23</b>
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The minutes of a Special Council Meeting: 2022-02-23 was **confirmed, subject to the following corrections:**

Page 46: **Introduction** – make space between point 3. and point 4 to be uniform with points 1-3 above

Page 47: top of page, 2<sup>nd</sup> sentence. Change spelling of ‘thought’ to ‘taught’

Page 47: 2<sup>nd</sup> para, last sentence. Remove ‘s’ from interests to read ‘interest’

Page 47: **Capital Adjustments Budget** – 3<sup>rd</sup> para. Insert “remain a” before ‘financially sound’ and remove the “a” before “sustainable”

Page 48: 3<sup>rd</sup> Para – same as above – check totals

Page 49: **Operational Adjustments Budget** – 2<sup>nd</sup> para check totals, 3<sup>rd</sup> para, check totals

Page 50: 3<sup>rd</sup> bullet point remove 2<sup>nd</sup> hyphen and correct spacing to complete sentence.

Page 52: point 3 – **ESTABLISHMENTS OF WARD COMMITTEES** – 2<sup>nd</sup> sentence – remove comma after Ward Committees

Page 59: Item 8.5.1 – point 1: insert “&” between ROADS STREETS

Page 65: Item 8.11.2 – point 4 last para towards middle: Insert “to” after Eikestad mall

8.	<b>STATUTORY MATTERS</b>
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8.1	<b>ANNUAL REPORT OVERSIGHT REPORT 2020/21</b>
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Collaborator No:	726543
IDP KPA Ref No:	Good Governance and Compliance
Meeting Date:	23 March 2022 and 30 March 2022

**1. SUBJECT: ANNUAL REPORT OVERSIGHT REPORT 2020/21**

**2. PURPOSE**

To submit to Council, the Annual Report Oversight Report 2020/21 for **Adoption**.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The Draft Annual Report 2020/21 was referred by Council, on 28 January 2022, to the Municipal Public Accounts Committee (MPAC) which fulfilled the functions of the Oversight Committee. The appointment and mandate of the MPAC / Oversight Committee were informed by the MFMA Circular 32 of 2006.

Committee members, including the two co-opted members, scrutinised the Draft Annual Report 2020/21 and requested, where required, responses from the relevant Directorates. The Annual Report 2020/21 was objectively reviewed by the MPAC Members to ascertain whether the Annual Report 2020/21 is a true and accurate reflection of the municipality's performance for the 2020/21 financial year.

The public was invited to attend a public hearing and to submit any representations on the Draft Annual Report 2020/21. All the councillors were also invited to attend the public hearing and to deliberate on the Draft Annual Report 2020/21.

No members of the community attended the public hearing.

**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 8.1**

**RESOLVED** (nem con)

- (a) that Council, having fully considered the Annual Report Oversight Report 2020/21 of the Stellenbosch Municipality, **ADOPTS** the Annual Report Oversight Report 2020/21;
- (b) that Council, having fully considered the Annual Report 2020/21, attached as **ANNEXURE B** to the Annual Report Oversight Report 2020/21, **APPROVES** the Annual Report 2020/21 without any reservations;
- (c) that the Annual Report Oversight Report 2020/21 be made public in accordance with Section 129(3) of the MFMA, and;

- 
- (d) that the Annual Report Oversight Report 2020/21 be submitted in accordance with Section 129(2) and 132(2) of the MFMA to the Auditor General of South Africa, Provincial Treasury: Western Cape, Department of Local Government: Western Cape and the Provincial Legislature: Western Cape.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler
<b>POSITION</b>	Municipal Manager
<b>DIRECTORATE</b>	Office of the Municipal Manager
<b>CONTACT NUMBERS</b>	021 – 808 8025
<b>E-MAIL ADDRESS</b>	municipal.manager@stellenbosch.gov.za
<b>REPORT DATE</b>	08 March 2021

8.2	<b>INTEGRATED DEVELOPMENT PLAN (IDP) AND BUDGET PROCESS PLAN FOR 2022 - 2027 AND REVISED SDF / IDP / BUDGET TIME SCHEDULE FOR 2022/23</b>
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Collaborator No:	726651
IDP KPA Ref No:	Good Governance and Compliance
Meeting Date:	23 March 2022 and 30 March 2022

**1. SUBJECT: INTEGRATED DEVELOPMENT PLAN (IDP) AND BUDGET PROCESS PLAN FOR 2022 - 2027 AND REVISED SDF / IDP / BUDGET TIME SCHEDULE FOR 2022/23**

**2. PURPOSE**

To table to Council for consideration and approval:

- (a) The IDP Process Plan for 2022 – 2027, attached as **ANNEXURE A**; and
- (b) The Revised SDF / IDP / BUDGET Time Schedule 2022/23, attached as **ANNEXURE B**.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

According to Section 28(1) of the Local Government: Municipal Systems Act, 2000 (Act. No. 32 of 2000) (MSA), each municipal council must adopt a process set out in writing to guide the planning, drafting, adoption and review of its IDP after the start of its elected term within a prescribed period. With the local government election being concluded and the inauguration of Council in November 2021, an IDP and Budget Process Plan for 2022 – 2027 had to be drafted for the development of the new 5-year plan, the 5<sup>th</sup> Generation IDP 2022 – 2027.

The SDF / IDP / Budget Time Schedule / Process Plan for 2022/23 was adopted by Council on 24 August 2021. Due to the local government elections that were held on 01 November 2021, it was decided by Council to amend the SDF IDP / Budget Time Schedule / Process Plan for 2022/23 to outline the key strategic activities and consultative processes that will contribute to the drafting of the 5<sup>th</sup> Generation IDP 2022 – 2027, and the Medium-Term Revenue and Expenditure Framework to be implemented in the 2022/23 financial year. The Revised SDF / IDP / Budget Time Schedule / Process Plan for 2022/23 was considered and adopted by Council on 23 November 2021.

A second revision of the SDF / IDP / Budget Time Schedule for 2022/23 is proposed to the Council, which in effect would move the adoption of the IDP and Budget Process Plan to May 2022. The approval and adoption of the IDP and Budget Process Plan are subjected to the adoption of the Cape Winelands District Municipality's (CWDM's) Integrated Development Planning District Framework (MSA S27 Framework) by the CWDM Council in March 2022. This is also to ensure compliance and alignment between the MSA Section 27 Framework of the CWDM and the IDP and Budget Process Plan 2022 – 2027 of the Stellenbosch Municipality.

The Revised SDF / IDP / Budget Time Schedule 2022/23 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 budget-related policies; and
- (iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii)

The Revised SDF / IDP / Budget Time Schedule 2022/23 is also compiled in terms of Section 29 of the MSA.

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

The process followed by a municipality to draft its integrated 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 plan 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.

### 3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 8.2

**RESOLVED** (majority vote with abstentions)

- (a) that the IDP and Budget Process Plan for 2022 – 2027 to guide the planning, drafting, adoption and review of the 5<sup>th</sup> Generation IDP 2022 – 2027 be approved for public comment, attached as **ANNEXURE A**;
- (b) that Council adopts the Revised SDF / IDP / Budget Time Schedule 2022/23 for the compilation of the annual budget in terms of Section 21(1) of the MFMA and Section 29 of the MSA, to guide the development of the 5<sup>th</sup> Generation IDP 2022 – 2027, attached as **ANNEXURE B**;

- 
- (c) that a notice of the IDP and Budget Process Plan 2022 – 2027 and the Revised SDF / IDP / Budget Time Schedule for 2022/23 be placed in the local newspaper notifying the public;
- (d) that the IDP and Budget Process Plan for 2022 – 2027 be published on the official website of the municipality and placed in libraries for a period of 21 days for public comment; and
- (e) that the Revised SDF / IDP / Budget Time Schedule / Process Plan 2022/23 be published on the official website of the municipality and placed in libraries and ward offices.

*The following Councillors indicated that they oppose the item/recommendations and requested that their votes of dissent be minuted:*

*Cllrs J Andrews; MM Danana; N Mananga-Gugushe (Ms); EM Masimini; RS Nalumango (Ms); M Rataza; and A Tomose.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler
<b>POSITION</b>	Municipal Manager
<b>DIRECTORATE</b>	Office of the Municipal Manager
<b>CONTACT NUMBERS</b>	021 – 808 8025
<b>E-MAIL ADDRESS</b>	municipal.manager@stellenbosch.gov.za
<b>REPORT DATE</b>	14 March 2022



<b>8.3</b>	<b>DRAFT FIFTH GENERATION INTEGRATED DEVELOPMENT PLAN (IDP) 2022 – 2027 AND PUBLIC PARTICIPATION SCHEDULE FOR APRIL 2022</b>
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Collaborator No: 72681  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 23 March 2022 and 30 March 2022

**1. SUBJECT: DRAFT FIFTH GENERATION INTEGRATED DEVELOPMENT PLAN (IDP) 2022 – 2027 AND PUBLIC PARTICIPATION SCHEDULE FOR APRIL 2022**

**2. PURPOSE**

To table to Council for consideration and approval:

- (a) The Draft Fifth Generation IDP 2022 – 2027, attached as **ANNEXURE A**; and
- (b) The Draft IDP and Budget Public Participation Schedule, April 2022, attached as **ANNEXURE B**.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

In terms of Section 25(1) of the Local Government Municipal Systems Act, 2000 (Act. No. 32 of 2000) (MSA), each municipal council must after the start of its elected term, within a prescribed period must adopt a single, inclusive strategic plan. This strategic plan will be the 5<sup>th</sup> Generation IDP 2022 – 2027. The IDP informs the budget of the municipality and also details the municipality's actions to address the vision, mission, strategic objectives and needs of the community.

The municipal IDP must:

- links, integrates and co-ordinate plans and considers proposals for the development of the municipality;
- aligns the resources and capacity of the municipality with the implementation of the plan;
- forms the policy framework and general basis on which annual budgets must be based; and
- is compatible with national and provincial development plans and planning requirements binding on the municipality in terms of legislation.

Previously, Stellenbosch Municipality held online public participation meetings with a number of satellite venues. This hybrid model of public participation ensured that community members who do not have access to data and or a device can attend the meeting at a satellite venue within the ward. The challenges outlined below had to be considered in order to determine an appropriate approach to public participation as well as the health and safety of community members and municipal officials.

- 
- Loadshedding, which occur intermittently during the day, impacts the reliability of internet connectivity and broadcasting of the live streaming event;
  - Although emergency power alternatives (generators) could be explored for the satellite venues, the financial cost for renting generators and having electricians on standby will be costly. These costs will have to be covered irrespective of Eskom implementing loadshedding or not, because it will need to be on standby for the duration of the meetings at the satellite venues;
  - The safety and security of community members and municipal officials need to be considered at all times. Community members and municipal officials travelling by car or walking home could be at risk due to inadequate street lighting and road safety during loadshedding periods, thus making them vulnerable to criminal elements;
  - With the steady increase in COVID–19 cases, the municipality needs to adhere to the COVID-19 regulations. Therefore, only 50% of the capacity of a hall may be used. Should loadshedding occur, community members cannot be accommodated outside of the venue, should the capacity of the hall have been reached; and
  - The month of April 2022 also allows a very limited time to consult the community, due to a number of public holidays within April 2022.

For the community to provide inputs and comments on the Draft 5<sup>th</sup> Generation IDP 2022 – 2027, the proposed mechanisms, processes and procedures for public participation is proposed to Council for approval:

- Members of the community and other interested and affected parties will be encouraged to attend the online public participation meeting for their ward / area;
- Should community members and other interested and affected parties wish to follow the online meeting and to provide written questions / submissions, a link to an electronic submission form to capture comments will be made available on the:
  - Live MS Teams meeting Q & A section;
  - Municipal Website: [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za);
  - Stellenbosch Citizen App: Download from Google Play Store, iStore, Windows Store and Java;
  - WhatsApp: 067 427 1556; and
  - Email: [idp@stellenbosch.gov.za](mailto:idp@stellenbosch.gov.za)
- The link to the electronic submission form will be active from 4 April 2022 – 27 April 2022, on the above electronic platforms for the community to submit comments on the Draft 5<sup>th</sup> Generation IDP 2022 – 2027 and Budget.

**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 8.3****RESOLVED** (nem con)

- (a) that the Draft 5<sup>th</sup> Generation IDP 2022 – 2027 for Stellenbosch Municipality be approved in terms of Section 25(1) of the MSA for the purpose of obtaining public inputs and comments;
- (b) that an advertisement be placed on the official website of the municipality and local newspaper notifying the public that the Draft 5<sup>th</sup> Generation IDP 2022 – 2027 is open for public inputs and comments during April 2022 for a period of 21 days;
- (c) that the Draft 5<sup>th</sup> Generation IDP 2022 – 2027 be submitted to the Western Cape: Department of Local Government, Western Cape: Provincial Treasury, National Treasury and the Cape Winelands District Municipality; and
- (d) that the Draft 5<sup>th</sup> Generation IDP 2022 – 2027 and Budget Public Participation Schedule, April 2022 be approved.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler
<b>POSITION</b>	Municipal Manager
<b>DIRECTORATE</b>	Office of the Municipal Manager
<b>CONTACT NUMBERS</b>	021 – 808 8025
<b>E-MAIL ADDRESS</b>	municipal.manager@stellenbosch.gov.za
<b>REPORT DATE</b>	15 March 2022

8.4	<b>MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK 2022/2023-2024/2025</b>
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Collaborator No: 726759  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 23 March 2022 and 30 March 2022

**1. SUBJECT: MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK 2022/2023 - 2024/2025**

**2. PURPOSE**

The purpose of this report is as follows:

- a) The Executive Mayor to table the Medium-Term Revenue and Expenditure Framework (inclusive of property rates charges and taxes, tariffs and service charges), annexures and proposed amendments to the budget related policies and other policies to Council for approval in terms of Section 16(2) of the Municipal Finance Management Act, (Act 56 of 2003).
- b) That Council specifically note and consider the need to take up external loans to fund critically needed refurbishment of infrastructure to the amount of R441 million of which over the MTREF R140 million will be required in year one, R160 million in year two and R141 million in year three (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirms draft approval of same in order for the Chief Financial Officer to attend to the necessary legislative requirements.

**3. DELEGATED AUTHORITY**

**FOR APPROVAL BY MUNICIPAL COUNCIL**

**EXECUTIVE SUMMARY**

**BUDGET**

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

**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 8.4**

The Speaker afforded the Executive Mayor the opportunity to deliver her Budget Speech (attached as an **APPENDIX**).

**RESOLVED** (majority vote with abstentions)

- (a) that the Draft High Level Budget Summary, as set out in **APPENDIX 1 – PART 1 – SECTION C**; be approved for public release and comment;
- (b) that the Draft Annual Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 1 – PART 1 – SECTION D**, be approved for public release and comment;

- 
- (c) that the proposed Grants-In-Aid allocations as set out in **APPENDIX 1 – PART 2 – SECTION J**, be approved for public release and comment;
- (d) that the three-year Capital Budget for 2022/2023, 2023/2024 and 2024/2025, as set out in **APPENDIX 1 – PART 2 – SECTION N**, be approved for public release and comment;
- (e) that the proposed draft rates on properties in WCO24, tariffs, tariff structures and service charges for water, electricity, refuse, sewerage and other municipal services, as set out in **APPENDIX 3**, be approved for public release and comment;
- (f) that the proposed amendments to existing budget related policies and other policies as set out in **APPENDICES 5 - 32**, be approved for public release and comment.
- (g) that Council specifically note and consider the need to take up an external loan, needed for investment in income generating infrastructure to the amount of R441 millions of which R140 million will be required in year one, R160 million in year two and R141 million in year three (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirm approval of same;
- (h) that Council specifically take note of the fact that the proposed electricity charges and tariff structure is subject to NERSA approval that could change materially; and
- (i) that Council takes note of MFMA circulars 112 and 115 that was published to guide the MTREF for 2022/2023 to 2024/2025 as set out in **APPENDICES 33 – 34**.

*The following Councillors indicated that they oppose the item and requested that their votes of dissent be minuted:*

*Cllrs J Andrews; MM Danana; N Mananga-Gugushe (Ms); EM Masimini; RS Nalumango (Ms); M Rataza; and A Tomose.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>KEVIN CAROLUS</b>
<b>POSITION</b>	<b>DIRECTOR: FINANCIAL SERVICES</b>
<b>DIRECTORATE</b>	<b>FINANCIAL SERVICES</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8528</b>
<b>E-MAIL ADDRESS</b>	<b>kevin.carolus@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>23 March 2022</b>

<b>8.5</b>	<b>MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR FEBRUARY 2022</b>
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Collaborator No: 726758  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 23 March 2022 and 30 March 2022

**1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR FEBRUARY 2022**

**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 February 2022.

**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 8.5**

**NOTED**

the deviations as listed for the month of February 2022.

**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>	<b>Kevin.Carolus@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>March 2021</b>

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9.	<b>REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS</b>
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NONE

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

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

10.3	<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	ESTABLISHMENT OF THE STELLENBOSCH COMMUNITY SAFETY FORUM

Collaborator No: 725647  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 23 March 2022 and 30 March 2022

**1. SUBJECT: ESTABLISHMENT OF THE STELLENBOSCH COMMUNITY SAFETY FORUM**

**2. PURPOSE OF THE REPORT**

To request approval from Council for the establishment of the proposed Stellenbosch Community Safety Forum (CSF).

**3. DELEGATED AUTHORITY**

For Council's decision.

**4. EXECUTIVE SUMMARY**

4.1 This document provides the Terms of Reference for the Stellenbosch Community Safety Forum which is a multi-stakeholder forum to address matters of community safety and security in the Municipality's area of jurisdiction.

4.2 The purpose of Community Safety Forums (CSF) is to promote the development of communities where citizens live in a safe environment and have access to high-quality services at the Local Government level, through multi-agency collaboration between the spheres of government and communities.

4.3 The CSF is an inclusive multi-sectoral structure that would champion the coordination, integration, and implementation of crime and violence prevention community safety initiatives.

4.4 The founding document dates to the mid-nineties.<sup>i</sup>

The National Cabinet instructed the establishment of Community Safety Forums in 2010/2011.

**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 11.1.1**

**RESOLVED** (majority vote with abstentions)

that Council approves the establishment of the Stellenbosch Municipality Community Safety Forum (CSF).



11.2	<b>CORPORATE SERVICES: (PC: CLLR L NKAMISA)</b>
11.2.1	<b>SUBJECT: DUALLING OF LOWER DORP STREET PROPOSED EXCHANGE OF LAND: REMGRO: PORTIONS OF ERVEN 705, 4080 AND 8719 FOR PORTIONS OF ERVEN 7592 AND 7596, STELLENBOSCH</b>

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

23 March 2022 and 30 March 2022

**1. SUBJECT: DUALLING OF LOWER DORP STREET PROPOSED EXCHANGE OF LAND: REMGRO: PORTIONS OF ERVEN 705, 4080 AND 8719 FOR PORTIONS OF ERVEN 7592 AND 7596, STELLENBOSCH**

**2. PURPOSE**

To inform Council of the need to dual lower Dorp Street and to get Council's approval of how the land that is needed will be obtained. One of the options is a possible land swop.

**3. DELEGATED AUTHORITY**

Council must consider the matter.

**4. EXECUTIVE SUMMARY**

During 2017 and 2018 Stellenbosch Municipality approved developments on erven 7586, 7588 and 7592, subject to certain conditions. One of the conditions was that lower Dorp Street need to be dualled and for this purpose Stellenbosch Municipality need to acquire the land from the landowner, being Remgro.

Remgro is willing to exchange the land needed for other Council owned properties as an alternative to Council purchasing the land from them.

The Property Management Policy provide for exchange of Land Agreements to be concluded, subject thereto that reasons for justifying such a step is recorded in writing. The item served at Mayco in January and was referred back for the administration to obtain valuations for the various erven under discussion. The two valuations are attached as **APPENDIX 5 and 6**.

Council must consider the proposal.

**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 11.2.1**

**RESOLVED** (majority vote)

- (a) that the portions of erven 705, 4080 and 8719 Stellenbosch, as indicated on Fig 4, be identified as land not needed to provide the minimum level of basic services;
- (b) that the portions of erven 705, 4080 and 8719 Stellenbosch, as indicated on Fig 4, be identified for a land swop for portions of erven 7592 and erven 7596 for the purpose of the dualling lower Dorp Street; and

- 
- (c) that the above land swop be subject to Remgro upgrading lower Dorp Street to a double lane at their own costs in lieu of Development contributions payable.

**FOR FURTHER DETAILS CONTACT:**

<b><i>NAME</i></b>	<b>Annalene de beer</b>
<b><i>POSITION</i></b>	<b>Director</b>
<b><i>DIRECTORATE</i></b>	<b>CORPORATE SERVICES</b>
<b><i>CONTACT NUMBERS</i></b>	<b>021-8088018</b>
<b><i>E-MAIL ADDRESS</i></b>	<b>Annalene.deBeer@stellenbosch.gov.za</b>
<b><i>REPORT DATE</i></b>	<b>2020-03-16</b>

11.2.2	<b>RETURN ITEM MOUNTAIN BREEZE CARAVAN PARK: CONSIDERATION OF PUBLIC INPUTS</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

23 March 2022

**1. SUBJECT: RETURN ITEM MOUNTAIN BREEZE CARAVAN PARK: CONSIDERATION OF PUBLIC INPUTS**

**2. PURPOSE**

The purpose of this report is two-fold:

- a) To inform Council in regard to the public inputs received after council requested the public to provide inputs as to the possible future use of Portions 528 and 529C, measuring 20.3ha in size and
- b) To consider the inputs.

**3. DELEGATED AUTHORITY**

Council must consider the matter.

**4. EXECUTIVE SUMMARY**

Stellenbosch Municipality and **Stellenbosch Caravan Park cc** (Malan) concluded a long-term Lease Agreement during 1992 for a period of 30 years (1 April 1991-31 March 2021)

This Lease Agreement was later ceded to the **Mountain Breeze Caravan Park cc** (Visser). The lease Agreement expired on 31 March 2021 but was extended on a month-to-month basis until Council was in a position to make an informed decision on the future use of the property. The lessee terminated the extension from 30 June 2021. Council then took over the day -to-day upkeep of the property, but closed it to the public.

The long-term lessees that entered into lease agreements with the previous lessee has been given notice to vacate the property and break down their structures, but have not vacated the property. They obtained an interdict after the Municipality locked them out of the ablution facilities and legal action will have to be instituted to remove them from the property.

At the Council meeting held on 28 July 2021, Council decided to provide an opportunity for the public to submit written inputs on the most possible future use of the facility, before deciding on a way forward.

The public notice requested inputs on/before 3 September 2021. Due to the Elections the return item is only servicing now. Various written submissions were received. In Council's deliberation the inputs can be considered. Whatever future is decided on is subject to section 34 and 35 of the Asset Transfer Regulations published under the MFMA. It will entail a further public participation process indicating the specific intent for the land. The combined municipal valuation for the land is R16.77 million and the current zoning is business taking into account that it is situated in an area surrounded by agricultural use and the airfield.

The item served before Mayco in January 2022 and was referred back to get the independent valuations. That has now been obtained and is attached as **APPENDIX 4 and 5**.

**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 11.2.2****RESOLVED** (nem con)

- (a) that Council take note of all the proposals received;
- (b) that Council identifies Portions 528 and 529C, Stellenbosch as not currently needed for minimum municipal services;
- (c) that a call for proposal for development of the facilities for Cycling, hiking groups, an Eco-education and Adventure center for school groups along with overnight facilities be advertised;
- (d) that the existing buildings and infrastructure be use for the above purpose;
- (e) that the facility to be leased for a period of 5 years; and
- (f) that successful lessee enters into a rental agreement with the Municipality and be responsible for the security, maintenance and the payment of all services of the facility.

**FOR FURTHER DETAILS CONTACT:**

<b><i>NAME</i></b>	<b><i>Annalene de Beer</i></b>
<b><i>POSITION</i></b>	<b><i>Director</i></b>
<b><i>DIRECTORATE</i></b>	<b><i>Corporate Services</i></b>
<b><i>CONTACT NUMBERS</i></b>	<b><i>021-8088018</i></b>
<b><i>E-MAIL ADDRESS</i></b>	<b><i>Annalene.deBeer@stellenbosch.gov.za</i></b>
<b><i>REPORT DATE</i></b>	<b><i>2022 – 03 -17</i></b>

11.2.3	<b>APPOINTMENT OF COUNCILLORS TO SERVE ON EXTERNAL BODIES</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

23 March 2022

**1. SUBJECT: APPOINTMENT OF COUNCILLORS TO SERVE ON EXTERNAL BODIES**

**2. PURPOSE**

For Council to appoint Councillors to serve on External bodies

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The following external bodies have Councillors on representing Stellenbosch Municipality. Council appoints the representatives to these bodies. This item was placed on the first Council meeting and it was resolved that it will stand over to a later meeting in 2022.

External Body	Number or representatives	Name of representatives
Jan Marais Nature Reserve Advisory Committee	1	
Mont Rochelle Nature Reserve Advisory Committee	2	1. 2.
Pension and retirement Funds SALA LA Pension Fund CRF Councillor Pension fund (currently under curatorship)	1 representative dealing with all 4 funds. <sup>1</sup>	
Stellenbosch Tourism and Information Bureau	2	1. 2.
Stellenbosch Museum Trustee	1	
Franschhoek Museum	1	
Franschhoek Valley Tourism	2	1. 2.
Community Police Forum Stellenbosch	3	1. 2. 3.
Community Police Forum Kayamandi	3	1. 2. 3.
Community Police Forum Franschhoek	2	1. 2.
Community Police Forum Klipmuts	2	1. 2.

<sup>1</sup> Councillor Esther Groenewald currently serving on the SALA board of trustees representing Western Cape until end of 2023. Elected due to her being the representative during the previous term.

Community Police Forum Cloetesville	2	1. 2.
Community Police Forum Groot Drakenstein	1	
SWOKK (Stellenbosch Welsyns en Ontwikkelings- koördinerings Komitee	3	1. 2. 3.
FREMCO Trust	1	
Hospital Board	1	
University Board	1	
Winelands Water Utilisation Association	1	
District Health Committee	1	

**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 11.2.3****RESOLVED** (nem con)

That the following Councillors represent Council at the under mentioned External Bodies:

External Body	Number or representatives	Name of representatives
Jan Marais Nature Reserve Advisory Committee	1	CLLR A FERNS
Mont Rochelle Nature Reserve Advisory Committee	2	1. CLLR R PHEIFFER 2. CLLR C MANUEL
Pension and retirement Funds SALA LA Pension Fund CRF Councillor Pension fund (currently under curatorship)	1 representative dealing with all 4 funds. <sup>2</sup>	CLLR E GROENEWALD
Stellenbosch Tourism and Information Bureau	2	1. CLLR R DU TOIT 2. CLLR A FERNS (Secundi: Cllr I De Taillefer; M Van Stade)
Stellenbosch Museum Trustee	1	CLLR R DU TOIT (Secundi: Cllr Z Dalling)
Franschhoek Museum	1	CLLR R PHEIFFER (Secundi: Cllr I De Taillefer)
Franschhoek Valley Tourism	2	1. CLLR R PHEIFFER 2. CLLR W PETERSEN (Secundi: Cllr N Ntsunguzi; Cllr I De Taillefer)

<sup>2</sup> Councillor Esther Groenewald currently serving on the SALA board of trustees representing Western Cape until end of 2023. Elected due to her being the representative during the previous term.

Community Police Forum Stellenbosch	3	1. CLLR R BADENHORST 2. CLLR L NKAMISA 3. CLLR R DU TOIT  (Secundi: Cllr A Ferns; Cllr C Van Wyk; Cllr Z Dalling; Cllr J Serdyn)
Community Police Forum Kayamandi	3	1. CLLR X KALIPA 2. CLLR A TOMOSE 3. CLLR M DANANA (Secundi: Cllr E Masimini; Cllr M Nkopane)
Community Police Forum Franschhoek	2	1. CLLR R PHEIFFER 2. CLLR W PETERSEN (Secundi: Cllr C Manuel)
Community Police Forum Klapmuts	2	1. CLLR JC ANTHONY 2. CLLR J WILLIAMS
Community Police Forum Cloetesville	2	1. CLLR R VAN ROOYEN 2. CLLR E VERMEULEN (Secundi: Cllr N Mcombring; Cllr P Johnson)
Community Police Forum Groot Drakenstein	1	CLLR C MANUEL (Secundi: Cllr R Adams)
SCAN (Stellenbosch Civil Advocacy Network)	3	1: CLLR R ADAMS 2: CLLR R DU TOIT 3: CLLR Z DALLING (secundi: Cllr W Pietersen; Cllr J Andrews)
FREMCO Trust	1	CLLR W PETERSEN (secundi: Cllr R Pheiffer; Cllr C Manuel; Cllr I De Taillefer)
Hospital Board	1	CLLR A CROMBIE. (secundi: Cllr W Pietersen; Cllr C Noble)
University Board	1	MAYOR G VAN DEVENTER
Winelands Water Utilisation Association	1	CLLR Z DALLING
District Health Committee	1	CLLR J SERDYN

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Annalene de Beer</i>
<b>POSITION</b>	<i>Director: Corporate Services</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8018</i>
<b>E-MAIL ADDRESS</b>	<i>Annalene.deBeer@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>15 March 2022</i>

11.3	<b>FINANCIAL SERVICES: (PC: CLLR P JOHNSON)</b>
11.3.1	<b>REQUEST FOR PERMISSION TO IMPLEMENT INTERIM ARRANGEMENT ON PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT</b>

Collaborator No: 725647  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 23 March 2022

**1. SUBJECT: REQUEST FOR PERMISSION TO IMPLEMENT INTERIM ARRANGEMENT ON PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT**

**2. PURPOSE**

To obtain Council approval for the adoption of an interim arrangement in terms of Preferential Procurement Policy Framework. The Constitution of the Republic of South Africa, 1996, provides in sections 152(1)(c) and 152(2) that Local Government must promote social and economic development and that the municipality must strive within its financial and administrative capacity, to achieve the objects set out in subsection 152(1).

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

On 2 November 2020, the Supreme Court of Appeal (SCA) in the case of Afribusiness NPC v The Minister of Finance declared the Preferential Procurement Regulation, 2017 invalid and set it aside. The SCA suspended the declaration of invalidity for 12 months. The Minister of Finance appealed to the Constitutional Court and by operation of section 18(1), the operation and execution of a decision of the SCA was suspended pending the appeal.

On 16 February 2022, the Constitutional Court in Minister of Finance v Afribusiness NPC, dismissed the appeal against the SCA judgement.

On 25 February 2022, the Director-General at National Treasury issued an Advisory Note to all organs of state (see attach Annexure A) wherein he "advised" that:

*"While awaiting the outcome of the of the above guidance from the Constitutional Court, organs of state are advised that –*

- *Tenders advertised before 16 February 2022 be finalized in terms of the Procurement Regulations.*
- *Tenders advertised on or after 16 February 2022 be held in abeyance; and*
- *No new tenders be advertised."*

The above "advice" are based on the Director-General at NT's view that there is uncertainty on the status of the SCA's order of suspension. According to the advisory Note of NT, the uncertainty arises due to a footnote in the minority judgement of the Constitutional Court.

The Municipality differs with this view and decided that we will implement the Preferential Procurement Regulations, 2017, for 12 months until 15 February 2023 unless it is repealed sooner. The Municipal Manager will also send a letter to the Director-General at NT setting out the view above.



On 3 March 2022, the Director-General issued another advisory Note to Organs of State to inform that its communication of 25 February 2022 was an "advisory note". It further advised that NT is developing draft regulations that will be published for comment on Monday 7 March 2022. It argued that Organs of State who need any procurement above R30,000 must apply for exemption to the Minister in compliance with section 3(c) of the Preferential Procurement Policy Framework Act, 2000.

The Western Cape Provincial Treasury has subsequently also issued a Treasury Circular No.6 / 2022 (Annexure D) guiding the municipalities on the way forward. Stellenbosch Municipality is of the opinion that the route as identified by Western Cape Provincial Treasury holds the least risk and would allow the Municipality to continue with procurement in the interim.

### 3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 11.3.1

#### RESOLVED (nem con)

- (a) that Stellenbosch Municipality will maintain the status quo and apply the Preferential Procurement Policy Framework Regulations, 2017 and exclude section 3, 4 and 9;
- (b) use the pre-existing points system with thresholds and associated formulas as per the PPPFR, 2017 i.e., 80/20 preference point system for procurement with a rand value equal to or above R30 000 up to R50million and the 90/10 preference point system for procurement above R50million (all applicable taxes included);
- (c) use the pre-existing mechanism to address the evidence requirements as it relates to the allocation of points for preference i.e., B-BBEE certificates and affidavits;
- (d) Implement sub-contracting conditions in line with the CIDB prescripts/regulations in terms of empowerments and continue implementing the sub-contracting contractor development program as approved by Stellenbosch Municipality;
- (e) that the status quo in terms of obtaining quotations, evaluation and awarding of quotations below R30 000 be maintained;
- (f) that this interim arrangement will be effective until the new Preferential Procurement Regulations is promulgated;
- (g) that all bids advertised before, 16 February 2022 must be finalized in terms of the Preferential Procurement Regulations, 2017;
- (h) that all bids advertised after 16 February 2022 be evaluated in terms of Preferential Procurement Regulations, 2017 and only bids that included the sections as identified under point a.) be cancelled and re-advertised; and
- (i) that all new bids be advertised with the prescribes as identified above.

#### 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>	<b>Kevin.Carolus@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>March 2022</b>

<b>11.4</b>	<b>HUMAN SETTLEMENTS: (PC: CLLR J FASSER)</b>
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NONE

<b>11.5</b>	<b>INFRASTRUCTURE SERVICES : (PC : CLLR Z DALLING (MS))</b>
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<b>11.5.1</b>	<b>UTILISING AN INDEPENDENT POWER PRODUCER (IPP) TO GENERATE ELECTRICITY FOR STELLENBOSCH MUNICIPALITY</b>
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Collaborator No: 726787  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 23 March 2022 and 30 March 2022

**1. SUBJECT: UTILISING AN INDEPENDENT POWER PRODUCER (IPP) TO GENERATE ELECTRICITY FOR STELLENBOSCH MUNICIPALITY**

**2. PURPOSE**

To inform Council about the investigation launched by the Western Cape Government (WCG) Municipal Electricity11 Resilience Initiative to perform two pioneering projects to produce electricity within Stellenbosch, pioneering project 2, and pioneering project 5.

**3. DELEGATED AUTHORITY**

For consideration by Municipal Council.

**4. EXECUTIVE SUMMARY**

Based on the assessment, as part of the MER Initiative, (including at least technical, financial, regulatory) two energy projects were selected and are proposed for implementation in collaboration with Stellenbosch Municipality. The value for money and affordability assessment indicated that the average cost of sale for implementing the new generation capacity projects will be lower than the current average cost of supply.

The MER Programme is an initiative of the Western Cape Government to assist municipalities in the Western Cape to achieve energy resilience, and thereby, contributing to alleviating the plight of load shedding and, furthermore, promoting the use of electricity generated from renewable energy sources. Stellenbosch Municipality identified the impact of the shortage of nationally available electricity and wishes to investigate and implement measures to lower the shortage of electricity and negate the need for load shedding. Stellenbosch Council commenced with the process of generating Alternate Electricity in order to counter the effect of Loadshedding. One of the possible projects identified as part of Alternative Energy for Stellenbosch stated: "Purchasing electricity from Independent Power Producers (IPPs).

The MER initiative followed a structured process to select candidate municipalities. Stellenbosch municipality is one of the MER candidate municipalities. The MER initiative followed a structured approach to identify potential pioneering projects. This included a Request for Information (RFI) process for private project developers and municipal developed projects. Two pioneering projects were evaluated and selected

to a pre-feasibility level with Stellenbosch Municipality. These 2 pioneering projects were identified and assessed and reported in the Energy Projects Report. No absolute constraints to the viability of the projects were identified at the pre-feasibility level. The implementation plan for the 2 pioneering projects with Stellenbosch municipality were developed and HR & Institutional capacity evaluated as reported in the Pioneering Projects Roadmap.

Pioneering Project 2 was found to be acceptable by the Municipality and it is proposed that this project be immediately commenced with. Pioneering Project 5 would however need further evaluation to determine its viability and effectiveness.

### 3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 11.5.1

#### RESOLVED (nem con)

- (a) that Council notes the investigation launched by the Western Cape Government, Municipal Electricity Resilience Initiative Attached as **ANNEXURE A**;
- (b) that Council notes the two Pioneering Projects proposed for Stellenbosch Municipality namely:
  - i) Pioneering Project 2: Stellenbosch Municipality Solar PV project
  - ii) Pioneering Project 5: Joint Municipality Generation Project
- (c) that in terms of Pioneering Project 2, Council approves the setting up and issuing of a Request for Proposals (RFP) tenders to call for proposals from suppliers, to build multiple generating facilities and supply electricity to Stellenbosch up to a combined level of 51MW;
- (d) that all relevant process works as prescribed by Section 34 of the Electricity Regulation Act, Act 4 of 2006, as well as associated regulations, as amended, be commenced with up to the level prescribed, in addition to those already commenced with by the CSIR;
- (e) that, after further deliberation with the MER team and participating municipalities, a further report be submitted to Council to report on the feasibility and legal framework of Pioneering Project 5 where a number of Municipalities is proposed to jointly establish a process to purchase electricity from one or a number of Independent Power Producers; and
- (f) that it be endeavoured to also purchase electricity to cover the daily, weekly and seasonal requirements of Stellenbosch Municipality in its objective to be able to reduce the necessity to Load Shed during periods of reduced supply from Eskom.

#### FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	<b>Deon Louw</b>
<b>POSITION</b>	<b>Director Infrastructure Services</b>
<b>DIRECTORATE</b>	<b>Infrastructure Services</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8213</b>
<b>E-MAIL ADDRESS</b>	<b><u><a href="mailto:deon.louw@stellenbosch.gov.za">deon.louw@stellenbosch.gov.za</a></u></b>
<b>REPORT DATE</b>	<b>22 February 2022</b>

11.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: J JOON)			
11.6.1	MONT ROCHELLE MANAGEMENT PLAN	NATURE RESERVE	ENVIRONMENTAL	

Collaborator No: 720739  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 23 March 2022

**1. SUBJECT: MONT ROCHELLE NATURE RESERVE ENVIRONMENTAL MANAGEMENT PLAN (October 2021)**

**2. PURPOSE**

The Mont Rochelle Nature Reserve (MRNR) Environmental Management Plan (EMP) (October 2021) (**ANNEXURE A**) has been prepared to establish a distinct vision and overarching goal for the management of MRNR in context off, and giving effect to, the relevant legislation and associated regulations. Following the Council resolution of April 2021 (included under section 6.6 below) a draft version of this document was advertised for public comment for a period of 21 days (**ANNEXURE B**). Comment received during this period (**ANNEXURE C**) has been considered and various amendments made (**ANNEXURE D**) culminating in the above document herewith presented to Council for approval.

**3. DELEGATED AUTHORITY**

For decision by the Council of Stellenbosch Municipality (the Municipality).

**4. EXECUTIVE SUMMARY**

MRNR, proclaimed as a Local Nature Reserve in 1982 (Provincial Notice 671/1982), is located at the top of Franschoek Pass 3km east of the town of Franschoek. The NR is approximately 1 760ha in size and mainly comprises of Farm no. 23, municipal property. MRNR falls within the Cape Floral Kingdom. It also falls within a small area known as a Strategic Water Source Areas (SWSA)<sup>3</sup> which is areas known to supply a disproportionate amount of mean annual runoff to a geographical region of interest. SWSA areas make up 8% of the land area across South Africa, Lesotho and Swaziland but provide 50% of the water in these countries. Since its proclamation MRNR has been managed without a formally approved EMP in place. Because of the area's ecological value, its value as public resource and its vulnerability to degradation due to past and present use it is important that an overarching management plan for the area be put in place to ensure that MRNR is managed in a sustainable manner.

<sup>3</sup> <http://bgis.sanbi.org/nfepa/SWSAmap.asp>

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**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 11.6.1****RESOLVED** (nem con)

that Council approves the Mont Rochelle Nature Reserve Environmental Management Plan (October 2021) as the document to guide the management of Mont Rochelle Nature Reserve.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>Schalk van der Merwe</b>
<b>POSITION</b>	<b>Environmental Planner</b>
<b>DIRECTORATE</b>	<b>Community and Protection Services</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8679</b>
<b>E-MAIL ADDRESS</b>	<b>schalk.vandermerwe@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>11 November 2021</b>

11.7	<b>PLANNING :(PC: CLLR C VAN WYK (MS)</b>
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NONE

11.8	<b>LOCAL ECONOMIC DEVELOPMENT AND TOURISM:(PC: CLLR R DE TOIT (MS)</b>
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NONE

11.9	<b>RURAL MANAGEMENT: (PC: CLLR J WILLIAMS)</b>
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NONE

11.10	<b>YOUTH, SPORT AND CULTURE: (PC: CLLR R ADAMS)</b>
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NONE

11.11	<b>MUNICIPAL MANAGER</b>
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11.11.1	<b>MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) TERMS OF REFERENCE</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

23 March 2022 and 30 March 2022

**1. SUBJECT: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) TERMS OF REFERENCE**

**2. PURPOSE OF REPORT**

For Council to approve the Municipal Public Accounts Committee (MPAC) Terms of Reference.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

In terms of Section 79 of the Structures Act, a Municipal Council may establish one or more Committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers and appoint the members of such Committee(s) from among its members.

Council at its meeting dated the 10 December 2022 established a new Municipal Public Accounts Committee (MPAC). Attached as **APPENDIX 1** find Council resolution of the establishment.

Section 79A of the Structures Act was amended (attached as **APPENDIX 2**) and became effective on the 1<sup>st</sup> of November 2021. This amendment added to the roles and responsibilities of the MPAC. This necessitated that a new Terms of Reference be drafted to comply with the amendment. This new Terms of Reference outlines the structure, roles, responsibilities, and functions of the MPAC. This will provide clear guidance for the MPAC in the execution of their duties. Attached as **APPENDIX 3** find the draft MPAC terms of reference for Council's approval.

### 3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 11.11.1

#### RESOLVED (nem con)

- (a) that Council approves the Municipal Public Accounts Committee (MPAC) Terms of Reference; and
- (b) that Council notes the MPAC Annual Report Checklist.

#### FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	<i>Geraldine Mettler</i>
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>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>30 March 2022</i>

11.11.2	<b>AMENDMENT OF MEMBERSHIP OF HUMAN SETTLEMENT AND RURAL MANAGEMENT SECTION 80 COMMITTEES</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

23 March 2022 and 30 March 2022

**1. SUBJECT: AMENDMENT OF MEMBERSHIP OF HUMAN SETTLEMENT AND RURAL MANAGEMENT SECTION 80 COMMITTEES**

**2. PURPOSE**

To request Council to amend the decision taken on 23 February in relation to the membership of the Rural Management and Human Settlement Section 80 Committees.

**3. DELEGATED AUTHORITY**

Council establishes the Section 80 Committees and appoints the members, whilst the Executive Mayor appoints the Chairpersons.

**4. EXECUTIVE SUMMARY**

In terms of Section 80 of the Structures Act, if a municipality has an Executive Mayor, it may appoint Committees of Councillors to assist the Executive Mayor. Such committees may not in number exceed the number of members of the Executive Committee (10, including the Deputy Executive Mayor).

The Executive Mayor, *inter alia*:-

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

Such Committee(s) must assist the Executive Mayor in accordance with the directions of the Executive Mayor and in line with the provisions as indicated in Section 80.

The members are appointed by Council in accordance with the principle of representation amongst the amount of members allocated to each committee. Council at the meeting on 23 February established the committees and appointed the members of the different Committees. Councillor Mdemka was appointed to the Rural Development Committee and Councillor Serdyn to the Human Settlements Committee. They have subsequently requested that they swap.

**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 11.11.2**

**RESOLVED** (nem con)

- (a) that the Council resolution to appoint councillor Mdemka to serve on the Rural Management Committee be amended and to appoint Councillor Mdemka to the Human Settlements Committee;
- (b) that the Council resolution to appoint councillor Serdyn to serve on the Human Settlements Committee be amended and to appoint Councillor Serdyn to the Rural Management Committee; and



- (c) that Council notes that due to the changes the membership of the Human Settlements Committee and Rural Development Committee is now as follows:

**Human Settlements**, total 5 members:

DA - 3  
Opposition - 2

J Fasser (DA) – Deputy Executive Mayor – Chairperson  
E Vermeulen (DA)  
X Mdemka (DA)  
N Ntsunguzi (ANC)  
M van Stade (GOOD)

**Rural Management**, total 4 members:

DA - 3  
Opposition - 1

J Williams (DA) – Chairperson  
J Serdyn (DA)  
C Manuel (DA)  
E Masimini (ANC)

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Annalene de Beer
<b>POSITION</b>	<i>Director</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8018</i>
<b>E-MAIL ADDRESS</b>	<i>Annalene.deBeer@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>7/3/2022</i>

11.11.3	<b>CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2021 / 2022: (Provision of training to Small Micro Medium Enterprises (“SMME”))</b>
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Collaborator No: 724100  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 23 March 2022 and 30 March 2022

1. **SUBJECT: CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2021 / 2022: (Provision of training to Small Micro Medium Enterprises (“SMME”))**

2. **PURPOSE OF MEETING**

To discuss and consider the funding applications for the 3rd and 4th Quarter of the 2021 / 2022 financial year received from external bodies performing a Municipal function as provided by the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000.

3. **DELEGATED AUTHORITY**

In terms of Section 7(2) of said policy the Grants Committee is delegated to allocate funds to External Bodies Performing a Municipal Function.

4. **EXECUTIVE SUMMARY**

In terms of Section 7(2) of the Policy relating to External Bodies Performing a Municipal Function of which budget allocation are delegated to the Grants Committee to make recommendations to Council, as approved by Council.

The notices of the applications for the funding of bodies performing a municipal function were advertised in the Eikestadnuus and the Paarl Post dated 09 December 2021, attached as **APPENDIX 1** of which the closing date to submit such applications was at 12:00 midday on 17 December 2021.

The following bodies submitted applications by the closing date for funding to perform the SMME Training function for Council for the 3<sup>rd</sup> and 4<sup>th</sup> quarter of the 2021 / 2022 financial year:

Applicant	2021 / 2022
	Funding Requested in Rand Value
Stellenbosch Network	253 000.00
Re-Ignite Business Afrika	319 200.00
Ranyaka	228 600.00
Total Funding Requested	<b>800 800.00</b>

**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 11.11.3****RESOLVED** (nem con)

- (a) that the amount of R235 000.00 be allocated to Stellenbosch Network for the 4<sup>th</sup> quarter of the 2021 / 2022 financial year; and
- (b) that the amount of R228 600.00.00 be allocated to Ranyaka Community Transformation NPC for the 3<sup>rd</sup> and 4<sup>th</sup> quarter of the 2021 / 2022 financial year.

**FOR FURTHER DETAILS, CONTACT:**

<b>NAME</b>	Craig Alexander Pr Pln
<b>POSITION</b>	Senior Manager: Development Planning
<b>DIRECTORATE</b>	PLANNING AND ECONOMIC DEVELOPMENT
<b>CONTACT NUMBERS</b>	021 808 8196
<b>E-MAIL ADDRESS</b>	Craig.Alexander@stellenbosch.gov.za
<b>REPORT DATE</b>	08 February 2022

11.11.4	<b>ADOPTION OF THE REVISED RISK MANAGEMENT POLICY FOR THE 2022/23 FINANCIAL YEAR</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

23 March 2022 and 30 March 2022

**1. SUBJECT: ADOPTION OF THE REVISED RISK MANAGEMENT POLICY FOR THE 2022/23 FINANCIAL YEAR**

**2. PURPOSE**

To submit the Risk Management Policy for the 2022/23 financial year to Council for approval.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

Municipal Governance best practice as well the Municipal Finance Management Act (MFMA), Act 56 of 2003, requires municipalities to have an effective risk management mechanism to stay abreast of prevalent risks and to determine the risk appetite. To ensure effectiveness, a municipality must focus its attention and resources on the areas of most significant risk and concern to stakeholders. To this end, Stellenbosch Municipality has undertaken the practice of adopting a Risk Management Policy which identifies, explains and gives structure to risk management in the Municipality.

Due to the changing dynamics in the external environment which impacts municipal services, amendments and revisions had to be done to the Risk Management Policy as necessitated to ensure that the municipalities remain appropriately responsive to the risk environment. The Stellenbosch Municipality is committed to effective risk management to achieve the municipality's vision, service delivery, and strategic objectives and to ensure appropriate outcomes for the community.

**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 11.11.4**

**RESOLVED** (nem con)

that Council adopts the Revised Risk Management Policy for the 2022/23 financial year.

11.11.5	<b>ADOPTION OF THE REVISED RISK MANAGEMENT FRAMEWORK FOR THE 2022/23 FINANCIAL YEAR</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

23 March 2022 and 30 March 2022

**1. SUBJECT: ADOPTION OF THE REVISED RISK MANAGEMENT FRAMEWORK FOR THE 2022/23 FINANCIAL YEAR**

**2. PURPOSE**

To submit the Local Government Risk Management Framework for the 2022/23 financial year to Council for approval.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

In terms of section 62(c)(ii) of the MFMA," The accounting officer of a municipality is responsible for managing the financial administration of the Municipality and must for this purpose take all reasonable steps to ensure - (c) that the Municipality has and maintains effective, efficient and transparent systems of risk management.

National Treasury issued the Local Government Risk Management Framework that has been developed in response to the requirements of the MFMA for municipalities and municipal entities to implement and maintain effective, efficient, and transparent systems of risk management and control.

The Provincial Treasury continually focuses on systematically achieving higher levels of governance maturity through the capacitation of risk officials for an effective system of risk management within municipalities

The Stellenbosch Municipality is committed to effective risk management in order to achieve the municipality's vision, service delivery, and strategic objectives and to ensure appropriate outcomes for the community.

**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 11.11.5**

**RESOLVED** (nem con)

that Council adopts the Risk Management Framework for the 2022/23 financial year.

**FOR FURTHER DETAILS CONTACT:**

<i>NAME</i>	<i>Helena Priem</i>
<i>POSITION</i>	<i>Chief Risk Officer</i>
<i>DIRECTORATE</i>	<i>Office of the Municipal Manager</i>
<i>CONTACT NUMBERS</i>	<i>X8035</i>
<i>E-MAIL ADDRESS</i>	<i>Helena.priem@stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>8 March 2022</i>

11.11.6	<b>ADOPTION OF THE REVISED STRATEGIC AND OPERATIONAL RISK REGISTER FOR THE 2021/22 FINANCIAL YEAR WITH RISK APPETITE</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

23 March 2022 and 30 March 2022

**1. SUBJECT: ADOPTION OF THE REVISED STRATEGIC AND OPERATIONAL RISK REGISTER FOR THE 2021/22 FINANCIAL YEAR WITH RISK APPETITE**

**2. PURPOSE**

To submit the Strategic and Operational Risk Register for the 2021/22 financial year for Council approval.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

Municipal Governance best practice as well the Municipal Finance Management Act (MFMA), Act 56 of 2003, requires municipalities to have an effective risk management mechanism to stay abreast of prevalent risks and to determine the risk appetite. To ensure effectiveness, a municipality must focus its attention and resources on the areas of most significant risk and concern to stakeholders. To this end, Stellenbosch Municipality has undertaken the practice of adopting a Strategic Risk Register which identifies strategic and operational risk at a corporate level to ensure that risks which could hamper service delivery and the strategic objectives are identified and linked to appropriate actions to mitigate the risks.

Due to the changing dynamics in the external environment with impact municipal services, amendments to the Strategic Risk Register were necessitated to ensure that the municipalities remain appropriately responsive to the risk environment.

The Stellenbosch Municipality is committed to effective risk management in order to achieve the municipality's vision, service delivery, and strategic objectives and to ensure appropriate outcomes for the community.

**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 11.11.6**

**RESOLVED** (nem con)

that Council adopts the Strategic and Operational Risk Register for the 2021/22 financial year.

11.11.7	<b>MUNICIPAL PARTNERSHIP FOR HUMAN RIGHTS: 2022</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

23 March 2022

**1. SUBJECT: MUNICIPAL PARTNERSHIP FOR HUMAN RIGHTS: 2022****2. PURPOSE**

To report back to Council in terms of Council Item 11.10.1 of the 39<sup>th</sup> Council meeting of November 2021 see attached **ANNEXURE 1**, in particular reference to Resolution (d), as quoted hereunder:

*“(d) that the Municipal Manager submits a report to Council subsequent to the conclusion of the Inception Phase. i.e after (1) one year or as soon as practically possible thereafter.”*

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Stellenbosch Municipality entered into a partnership agreement with Jönköping Municipality on the topic of Human Rights on 17 December 2020. The feedback to Council will deal with the following:

- 4.1 The revision of the composition of the project group
- 4.2 The application to ICLD for a multi-year project
- 4.3 The visit by a delegation from Jönköping Municipality
- 4.4 The International Training Programme (ITP) of ICLD
- 4.5 The Compilation of a Steering committee
- 4.6 Proposals for a multi-year programme
- 4.7 Visit to Jönköping Municipality

**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 11.11.7****RESOLVED** (nem con)

- (a) that Council takes note of the Municipal Manager's progress report / feedback;
- (b) that Council take note of the visit to Stellenbosch Municipality by a delegation of from Jönköping Municipality;
- (c) that the Municipal Manager submits an updated report to Council as soon as the final application to ICLD is approved by the latter; and
- (d) that Council appoints the following office bearers, as representatives to the ICLD:
  - (i) Cllr Z Dalling (Ms)
  - (ii) Cllr M Nkopane (Ms)

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Municipal Manager</i>
<b>CONTACT NUMBERS</b>	021- 808 8025
<b>E-MAIL ADDRESS</b>	<i>Municipal.Manager@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	18.03.2022

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	QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 JULY 2021 TILL 30 SEPTEMBER 2021
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Collaborator No:

File No:

IDP KPA Ref No:

Meeting Date:

Good Governance

30 March 2022

1. **SUBJECT: QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 JULY 2021 TILL 30 SEPTEMBER 2021**

2. **PURPOSE**

To inform Council of the activities of the Audit Committee for the period 01 July 2021 till 30 September 2021 (1<sup>st</sup> Quarter). The Minutes of the meeting held for this period mentioned is herewith attached as **APPENDIX 1** which outlines the activities of the Audit and Performance Audit Committee.

3. **DELEGATED AUTHORITY**

Audit and Performance Audit Committee reports to Council periodically.

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.

The Audit Committee has executed its duties and responsibilities during the period under review in accordance with its terms of reference as they relate to Council's accounting, internal auditing, internal control and financial reporting practices.



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**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 13.1****NOTED**

the concerns and the report of the Audit Committee for the period 01 July 2021 till 30 September 2021.

**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>	<i>Faiz.Hoosain@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>30 March 2022</i>

13.2	<b>QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 OCTOBER 2021 TILL 31 DECEMBER 2021</b>
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Collaborator No:

File No:

IDP KPA Ref No:

Meeting Date:

Good Governance

30 March 2022

**1. SUBJECT: QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 OCTOBER 2021 TILL 31 DECEMBER 2021**

**2. PURPOSE**

To inform Council of the activities of the Audit Committee for the period 01 October 2021 till 31 December 2021 (2<sup>nd</sup> Quarter). The Minutes of the meeting held for this period mentioned is herewith attached as **APPENDIX 1** which outlines the activities of the Audit and Performance Audit Committee.

**3. DELEGATED AUTHORITY**

Audit and Performance Audit Committee reports to Council periodically.

**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.

The Audit Committee has executed its duties and responsibilities during the period under review in accordance with its terms of reference as they relate to Council's accounting, internal auditing, internal control and financial reporting practices.

Council established its Disciplinary Board in line with the Financial Misconduct Regulations on the 23 November 2021 and inter alia resolved that a member of the Audit and Performance Audit Committee be elected by the Audit Committee to serve on the board.

**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 13.2**

**NOTED**

- (a) the concerns and the reports of the Audit Committee for the period 01 October 2021 till 31 December 2021; and
- (b) that Ms June Williams has been nominated by the Audit and Performance Audit Committee to serve on the Disciplinary Board of Council.

**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>	<i>Faiz.Hoosain@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>30 March 2022</i>

13.3	<b>RENEWAL OF 1 MEMBER OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY'S TERM OF OFFICE AND NOTING THE END OF THE CHAIRPERSON'S TERM</b>
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Collaborator No:

File No:

IDP KPA Ref No:

Meeting Date:

Good Governance

30 March 2022

**1. SUBJECT: RENEWAL OF 1 MEMBER OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY'S TERM OF OFFICE**

**2. PURPOSE**

To obtain Council's approval for the re-appointment of one (1) member to the Audit and Performance Audit Committee.

That Council take note of the end of the current Chairperson Dr Len Mortimer's 2<sup>nd</sup> term serving on the Audit and Performance Audit Committee of Stellenbosch Municipality.

**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 recommended to serve only two (2) terms each of which is three (3) years in terms of the Institute of Director's: Public Sector Audit Committee Forum's Competency Framework attached as **APPENDIX 1**.

Ms. June Williams appointment concludes on 31 March 2022. Attached as **APPENDIX 2** see her appointment letter.

The Current Chairperson Dr Len Mortimer's second and final term also ends on the 31 March 2022. Attached as **APPENDIX 3** find his original appointment letter. The vacancy has been advertised and the closing date for this vacancy is 15 April 2022.

**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 13.3****RESOLVED** (nem con)

- (a) that Council renews the term of Ms. June Williams for a second and final term of three years concluding on the 31 March 2025;
- (b) that Council takes note of the end of the current Chairperson Dr Len Mortimer's 2<sup>nd</sup> term serving on the Audit and Performance Audit Committee of Stellenbosch Municipality; and
- (c) that Council note that the Audit and Performance Audit Committee will after this vacancy has been filled elect a new Chairperson from among themselves at its first meeting hereafter and report back to Council.

**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>	<i><a href="mailto:Faiz.Hoosain@stellenbosch.gov.za">Faiz.Hoosain@stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>30 March 2022</i>

13.4	<b>ESTABLISHMENT OF WARD COMMITTEES</b>
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Collaborator No:

File No:

IDP KPA Ref No:

Good Governance

Meeting Date:

30 March 2022

**1. SUBJECT: ESTABLISHMENT OF WARD COMMITTEES**

**2 PURPOSE**

To inform Council of the progress towards the establishment of the ward committees within the Stellenbosch municipal area.

**3. DELEGATED AUTHORITY**

In terms of section 73 of the Local Government: Municipal Structures Act, no 117 of 1998 and Regulations, Ward Committees must be established for each ward within the municipal area within 120 days after the election.

The system of delegations of the Stellenbosch Municipality (S6 and S7) designates the Speaker of Stellenbosch Municipality to facilitate the establishment of Ward Committees in line with the provisions and stipulations of the Municipal Structures Act and Council's policy for the establishment of Ward Committees.

**4. EXECUTIVE SUMMARY**

At the meeting of 23 November 2021 Council resolved that Ward Committees must be established for each ward, and that the Speaker must facilitate the establishment of Ward Committees in line with the provisions and institutions of the Municipal Structures Act and Council's policy for the establishment of Ward Committees taking into consideration the Covid-19 protocol as outlined in paragraphs 22(3) and 30(4) of Council's Policy and Procedures for Ward Committees.

The process started in December 2021 when nominations for members were requested. The nominations closed on 17 January 2022 and the process to elect the members started on 24 January 2022 and concluded on 23 February 2022.

Attached herewith as **APPENDIX 1** are the results of the nominated Sectors and/or Geographic representative per ward.

**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 13.4**

During deliberation on the matter, the following rectifications were effected on the top of page 1880 of the appendix (Ward 1 - Cllr R Pheiffer) (**see the correct appendix attached to the minutes**):

BLOCK 1 – remove the name of Masande Nyanga and keep the name of Ms Raylene Plaatjies.

BLOCK 3 – Bula Mnqayi is a female, change the M to F, move it from Block 3 to Block 4.

BLOCK 4 – Remove the name of Ms Raylene Plaatjies in Block 4 and replace it with the name of Ms Bula Mnqayi.

**RESOLVED** (nem con)

- (a) that Council notes the establishment of all 23 wards;
- (b) that wards 15, 19 and 21 (with 5 or less members) be allowed to have a further round of elections in the geographic blocks as may be needed;
- (c) that those wards with six or more members who do not have the full complement of Ward Committees members be allowed to co-opt members in line with Council Policy and Procedures for Ward Committees;
- (d) that the processes in (b) and (c) above be completed by 31 May 2022; and
- (e) that the Speaker be commissioned to report to Council in this regard within a period of three (3) months

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Nicky Ceaser
<b>POSITION</b>	<b>EXECUTIVE SUPPORT OFFICER</b>
<b>DIRECTORATE</b>	<b>CORPORATE SERVICES</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8618</b>
<b>E-MAIL ADDRESS</b>	<b><u><a href="mailto:Nicky.Ceaser@ Stellenbosch.gov.za">Nicky.Ceaser@ Stellenbosch.gov.za</a></u></b>
<b>REPORT DATE</b>	<b>15 February 2022</b>

13.5	<b>APPOINTMENT OF A CHAIRPERSON FOR THE DISCIPLINARY COMMITTEE</b>
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Collaborator No:

File No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

30 March 2022

**1. SUBJECT: APPOINTMENT OF A CHAIRPERSON FOR THE DISCIPLINARY COMMITTEE**

**2. PURPOSE**

For Council to appoint a chairperson of the Disciplinary Committee for the Stellenbosch Council.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

Council established a Disciplinary Committee at the meeting of 23 February 2022. This committee is seen as a section 79 Committee as it fulfils the function of Council provided for in the Code of Good Conduct to deal with disciplinary allegations against councilors and to make recommendations to council after the hearings took place.

Council appointed 5 members to the Disciplinary Committee namely:

Cllr R Badenhorst (DA)  
Cllr C Van Wyk (Ms) (DA)  
Cllr J Fasser (DA)  
Cllr N Rataza (ANC)  
Cllr R Hendrickse (GOOD)

In terms of Section 79 Council must also appoint a chairperson to the committee. Such chairperson can be additional to the appointees or from amongst the members.

**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 13.5**

**RESOLVED** (nem con)

that Council appoints Councillor Rikus Badenhorst as Chairperson of the Stellenbosch Disciplinary Committee.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Annalene de Beer
<b>POSITION</b>	<i>Director</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	021 808 8018
<b>E-MAIL ADDRESS</b>	Annalene.deBeer@stellenbosch.gov.za
<b>REPORT DATE</b>	18/3/2022

<b>14.</b>	<b>CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER</b>
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NONE

<b>15.</b>	<b>CONSIDERATION OF URGENT MOTIONS</b>
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NONE

<b>16.</b>	<b>URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER</b>
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<b>16.1</b>	<b>SUBMISSION OF THE PROPOSAL FOR THE RE-DETERMINATION OF THE MUNICIPAL BOUNDARY BETWEEN STELLENBOSCH MUNICIPALITY (WC024) AND DRAKENSTEIN MUNICIPALITY (WC023)</b>
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**Collaborator No:**

**IDP KPA Ref No:** Valley of Opportunity

**Meeting Date:** 30 March 2022

**1. SUBJECT: SUBMISSION OF THE PROPOSAL FOR THE RE-DETERMINATION OF THE MUNICIPAL BOUNDARY BETWEEN STELLENBOSCH MUNICIPALITY (WC024) AND DRAKENSTEIN MUNICIPALITY (WC023)**

**2. PURPOSE**

To provide Council with the pertinent factors to consider the submission of the proposal to the Municipal Demarcation Board (“MDB”) for the inclusion of the entire Klapmuts Township, specifically Klapmuts North into the Stellenbosch Municipal Area, and to provide the recommendations on a proposal by a private developer to amend the municipal boundary in order to adjust the municipal boundary at Wallacedene to include the developer’s entire development within the municipal boundaries of City of Cape Town.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The Municipal Demarcation Board (“MDB”) released Circular 1/2021, indicating that the MDB will be opening the municipal boundary redeterminations process after the Local Government Elections in 2021.

During November 2021, the MDB released Circular 2/2021 indicating that the municipal boundary redetermination process will be opening from November 2021, and that all stakeholders and members of the public who wish to submit proposals to determine or re-determine municipal boundaries may do so from November 2021 to 31 March 2022.

The MDB clearly noted that all proposals must be motivated in terms of Section 24 and 25 of the Municipal Demarcation Act, 1998 and the Section of the Municipal Structures Act for the re-categorisation of municipalities.



Therefore, Council has prepared the attached submission to include the Klapmuts Area, north of the N1 within the municipal boundary of Stellenbosch Municipality.

An email request was also submitted by Terraplan Associates (Cape) to include an area of ±450ha adjacent to Wallacedene / Bloekombos, which falls within the municipal boundaries of Stellenbosch Municipality into the City of Cape Town, which proposal is not recommended by the Directorate: Planning & Economic Development.

## 5. RECOMMENDATIONS

- (a) that Council take note and support the submission of the proposal to request the inclusion of Klapmuts North within the municipal boundaries of Stellenbosch Municipality (WC024), copy of submission attached as Appendix 1; and
- (b) that Council does not support the request of Terraplan Associates to include the properties located within the 450ha area into the municipal boundaries of the City of Cape Town **at this stage**, and further discussion must be held between the City of Cape Town in respect of the detail of this proposal. Copy of proposal attached as **APPENDIX 2** to this report.

## 6. DISCUSSION / CONTENTS

### 6.1. Background

On 15 June 2021, the Executive Mayoral Committee endorsed the following recommendations in respect of the Report on the Preparation of a Klapmuts Development Concept Plan:

- (a) *that Council takes note that the Figure 30: Klapmuts Plan as contained within the Stellenbosch Municipality Spatial Development Framework, 2019, copy attached as **APPENDIX 1** of the report, is the adopted Concept Plan for Klapmuts;*
- (b) *that Council further supports the proposal to establish an Inter-governmental Working Group tasked with ensuring the joint planning and development of the Klapmuts node, copy of draft proposal attached as **APPENDIX 2**; and*
- (c) *that Council supports that the Department: Development Planning (Directorate: Planning & Economic Development) be the lead and coordinating department for Council as part of the Inter-Governmental Working Group.*

MAYCO further during the discussion highlighted that the Municipality take part in the upcoming municipal boundary redetermination process in order to include Klapmuts North within the Municipal Area of Stellenbosch Municipality.

Council during the Determination and Redetermination Process (Technical Alignment) of Municipal Boundaries during 2018 indicated its attention to submit the proposal to include Klapmuts North within its municipal area, as soon as MDB allowed for the amendment of the municipal boundaries.

A proposal was further submitted by Terraplan on behalf of their client Unyuko Properties, a private property developer to include a number of properties within the municipal boundaries of the City of Cape Town as part of the MDB Process. The properties in question falls outside of the current urban edges of the nodes as stipulated within the Council adopted MSDF, 2019. The current information provided by Terraplan does not also provide the required detail to favorably consider such an application.

The MSDF, 2019 is clear that urban development must be contained within the existing nodes and that the municipal boundaries of Stellenbosch Municipality must be protected and strengthened due to the pressure for development on the side of the City of Cape Town, therefore the MSDF does not support the haphazard and adhoc requests to re-align the municipal boundaries.

It must however be noted that the proposal, although not supported due to the lack of detail, should not be discarded in its totality, specifically in relation to its proximity to De Novo, and that further discussion may be held with both City of Cape Town, Stellenbosch, Western Cape Government Department of Human Settlements and the developer in this regard.

### 6.7 Legal Implications

Currently, there are no legal implications in respect of the submission of the proposal, as the following municipalities were consulted and comments received:

- Drakenstein Municipality
- Cape Winelands District Municipality
- MEC of Local Government, Environmental Affairs & Development Planning
- South African Local Government Association ("SALGA")

### 6.9 Previous / Relevant Council Resolutions:

Not applicable

### 6.5 Risk Implications

There is currently no risk in respect of the recommendations made to Council.

## 3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 16.1

### RESOLVED (nem con)

- (a) that Council take note and support the submission of the proposal to request the inclusion of Klapmuts North within the municipal boundaries of Stellenbosch Municipality (WC024), copy of submission attached as **APPENDIX 1**; and
- (b) that Council does not support the request of Terraplan Associates to include the properties located within the 450ha area into the municipal boundaries of the City of Cape Town **at this stage**, and further discussion must be held between the City of Cape Town in respect of the detail of this proposal. copy of proposal attached as **APPENDIX 2** to this report.

### FOR FURTHER DETAILS, CONTACT:

NAME	Craig Alexander Pr Pln
POSITION	<b>Senior Manager: Development Planning</b>
DIRECTORATE	<b>Planning and Economic Development</b>
CONTACT NUMBERS	<b>021 808 8196</b>
E-MAIL ADDRESS	<b><u><a href="mailto:Craig.alexander@stellenbosch.gov.za">Craig.alexander@stellenbosch.gov.za</a></u></b>
REPORT DATE	<b>29 March 2022</b>

16.2	<b>AUDIT AND PERFORMANCE AUDIT COMMITTEE EFFECTIVENESS ASSESSMENT REPORT 2021-22</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

Council: 30 March 2022

**1. SUBJECT: AUDIT AND PERFORMANCE AUDIT COMMITTEE EFFECTIVENESS ASSESSMENT 2021-22**

**2. PURPOSE OF REPORT**

For Council to note the Effectiveness Assessment of the Audit and Performance Audit Committee

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The effectiveness of the Audit and Performance Audit Committee is assessed annually on behalf of Council via a performance assessment conducted by the Executive Mayor, the Municipal Manager (MM), and the Chief Audit Executive (CAE) annually (attached as **APPENDICES 1, 2 and 3** respectively.)

The Audit and Performance Audit Committee also conducts a self-assessment on their effectiveness annually. The outcome of this self-assessment is reported to Council annually (attached as **APPENDIX 4.**)

**5. RECOMMENDATIONS**

- a) that Council notes the Effectiveness Assessment of the Audit and Performance Audit Committee conducted on behalf of Council.
- b) that Council notes the outcome of the Audit and Performance Audit Committee's self-assessment.

**6. DISCUSSION AND BACKGROUND**

**6.1 Background**

The Audit and Performance Audit Committee of Stellenbosch Municipality for the year under review consist of four (4) members as per the requirements of legislation and the approved Audit and Performance Audit Committee Charter of Council. The members of the committee currently are Dr NL Mortimer, Ms. J Williams, Mr. T Lesihla and Mr. VJ Botto.

The Audit and Performance Audit Committee report to Council on several areas as per the requirements of Section 166 of the MFMA and is provides assurance to Council and Management in terms of its mandate.

The efficiency and effectiveness of the committee is assessed annually by the Executive Mayor, the MM and the CAE. The Audit and Performance Audit Committee also assesses itself against the required legislation, industry standards and best practice. This report serves to inform Council of the outcomes of assessments.

**6.2 The Local Government: Municipal Finance Management Act**

In terms of Section 166 (2) (a) the Audit and Performance Audit Committee must provide advice on matters relating to:

- internal financial control and internal audit;
- risk management;
- accounting policies;
- the adequacy, reliability and accuracy of financial reporting and information;
- performance management;
- effective governance;
- performance evaluation;
- compliance with the MFMA; and
- any issues referred to it by the Council.

The Audit and Performance Audit Committee will also review the annual financial statements to advise Council whether its finances are being managed efficiently and effectively. Furthermore, the Audit and Performance Audit Committee may respond to Council on issues raised by the Auditor-General in the audit report and carry out investigations into the financial affairs of the municipality if requested to do so by Council.

**6.3 Financial Implications**

As per the approved budget.

**6.4 Legal Implications**

The recommendations are in line with the legislation.

**6.5 Staff Implications**

N/A

**6.6 Previous / Relevant Council Resolutions**

None

**6.7 Risk Implications**

None

**6.8 Comments from Senior Management****6.8.1 Director: Infrastructure Services**

The recommendations are supported

**6.8.2 Director: Planning and Economic Development**

The recommendations are supported.

**6.8.3 Director: Community and Protection Services**

The recommendations are supported.

**6.8.4 Director: Corporate Services**

The recommendations are supported

**6.8.6 Chief Financial Officer**

Supports the recommendations

**6.8.7 Municipal Manager**

Supports the recommendations

**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 16.2****NOTED**

- (a) the Effectiveness Assessment of the Audit and Performance Audit Committee conducted on behalf of Council; and
- (b) the outcome of the Audit and Performance Audit Committee's self-assessment.

**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</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8555</i>
<b>E-MAIL ADDRESS</b>	<i><a href="mailto:Faiz.Hoosain@ Stellenbosch.gov.za">Faiz.Hoosain@Stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>30 March 2022</i>

16.3	<b>AUDIT AND PERFORMANCE AUDIT COMMITTEE CHARTER 2021-22</b>
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Collaborator No:  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: Council: 30 March 2022

**1. AUDIT AND PERFORMANCE AUDIT COMMITTEE CHARTER 2021-22**

**2. PURPOSE**

To obtain Council's approval of the Audit and Performance Audit Committee Charter attached as **APPENDIX 1**.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The Audit & Performance Audit Committee reviews its Charter annually to incorporate any legislative changes or to implement new best practice principles in line with the IIA Standards.

**5. RECOMMENDATIONS**

That Council approve the Audit and Performance Audit Committee Charter.

**6. DISCUSSION / CONTENTS**

**6.1 Background**

The Audit and Performance Audit Committee is an independent governance structure whose function is to provide an oversight role on the system of internal control, risk management and governance. Governance entails how an organisation is managed, which includes culture, policies and strategies and the way it deals with stakeholders. Section 166 of the MFMA provides for the establishment, composition and frequency of meetings.

The purpose, roles, responsibilities and authority should be clearly documented in a charter (terms of reference). In relation to Municipalities the Council should approve the Audit and Performance Audit Committee Charter. The Stellenbosch Municipality's Audit and Performance Audit Committee Charter was provisionally reviewed and approved by the Audit and Performance Audit Committee at a meeting held by the Committee on the 29<sup>th</sup> March 2022. This charter requires review annually in order to stay abreast with latest developments and best practice in the fields of Internal Audit, risk management and governance.

The CAE in consultation with the Audit and Performance Audit Committee and Management reviewed the charter taking into consideration all applicable legislation and the IIA Standard requirements. This new Audit and Performance Audit Committee Charter appended herewith is now updated and clearly sets out the roles and responsibilities of the Stellenbosch Municipality's Audit and Performance Audit Committee.

**6.2 Discussion****Applicable Legislation**

Section 166 of the Local Government: Municipal Finance Management Act 56 of 2003 (MFMA) sets out the following:

- (1) Each municipality and each municipal entity must have an audit committee, subject to subsection (6).
  - (2) An audit committee is an independent advisory body which must—
    - (a) advise the municipal council, the political office-bearers, the accounting officer and the management staff of the municipality, or the board of directors, the accounting officer and the management staff of the municipal entity, on matters relating to—
      - (i) internal financial control and internal audits;
      - (ii) risk management;
      - (iii) accounting policies;
      - (iv) the adequacy, reliability and accuracy of financial reporting and information;
      - (v) performance management;
      - (vi) effective governance;
      - (vii) compliance with this Act, the annual Division of Revenue Act and any other applicable legislation;
      - (viii) performance evaluation; and
      - (ix) any other issues referred to it by the municipality or municipal entity;
    - (b) review the annual financial statements to provide the council of the municipality or, in the case of a municipal entity, the council of the parent municipality and the board of directors of the entity, with an authoritative and credible view of the financial position of the municipality or municipal entity, its efficiency and effectiveness and its overall level of compliance with this Act, the annual Division of Revenue Act and any other applicable legislation;
    - (c) respond to the council on any issues raised by the Auditor-General in the audit report;
    - (d) carry out such investigations into the financial affairs of the municipality or municipal entity as the council of the municipality, or in the case of a municipal entity, the council of the parent municipality or the board of directors of the entity, may request; and
    - (e) perform such other functions as may be prescribed.
  - (3) In performing its functions, an audit committee—
    - (a) has access to the financial records and other relevant information of the municipality or municipal entity; and
    - (b) must liaise with—
      - (i) the internal audit unit of the municipality; and

(ii) the person designated by the Auditor-General to audit the financial statements of the municipality or municipal entity.

(4) An audit committee must—

(a) consist of at least three persons with appropriate experience, of whom the majority may not be in the employ of the municipality or municipal entity, as the case may be; and

(b) meet as often as is required to perform its functions, but at least four times a year.

(5) The members of an audit committee must be appointed by the council of the municipality or, in the case of a municipal entity, by the council of the parent municipality. One of the members who is not in the employ of the municipality or municipal entity, must be appointed as the chairperson of the committee. No councillor may be a member of an audit committee.

(6) A single audit committee may be established for—

(a) a district municipality and the local municipalities within that district municipality; and

(b) a municipality and municipal entities under its sole control.

### **6.3 Financial Implications**

The Municipality budgets on an annual basis for the remuneration of Audit and Performance Audit Committee members.

### **6.4 Legal Implications**

Section 166 of the MFMA

### **6.5 Staff Implications**

N/A

### **6.6 Previous / Relevant Council Resolutions:**

N/A

### **6.7 Risk Implications**

N/A

### **6.8 Comments from Senior Management:**

#### **6.8.1 Director: Infrastructure Services**

N/A

#### **6.8.2 Director: Planning and Economic Development**

N/A



**6.8.3 Director: Community and Protection Services:**

N/A

**6.8.4 Director: Strategic and Corporate Services:**

N/A

**6.8.5 Director Human Settlements and Property Management**

N/A

**6.8.6 Chief Financial Officer:**

The CFO supports the item.

**6.8.7 Municipal Manager:**

The MM supports the item.

**3<sup>RD</sup> COUNCIL MEETING: 2022-03-30: ITEM 16.3****RESOLVED** (nem con)

that Council approves the Audit and Performance Audit Committee Charter.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b><i>Faiz Hoosain</i></b>
<b>POSITION</b>	<b><i>Chief Audit Executive</i></b>
<b>DIRECTORATE</b>	<b><i>Municipal Manager</i></b>
<b>CONTACT NUMBERS</b>	<b><i>0218088555</i></b>
<b>E-MAIL ADDRESS</b>	<b><i>Faiz.Hoosain@stellenbosch.gov.za</i></b>
<b>REPORT DATE</b>	<b><i>30 March 2022</i></b>

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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

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The meeting adjourned at 13:30.

**CHAIRPERSON:** .....

**DATE:** .....

**Confirmed on** ..... **with**