



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2022-08-24

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MINUTES

**7TH MEETING OF THE
COUNCIL OF STELLENBOSCH MUNICIPALITY**

2022-08-24 AT 10:00

MINUTES
7TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2022-08-24
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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
 The Council Whip, Cllr P Crawley (Ms)

COUNCILLORS

RA Adams	NE Mcombring [Ms]
J Andrews	XL Mdemka (Ms)
Ald JC Anthony	NM Mkhontwana (Ms)
FJ Badenhorst	ZR Ndalasi
A Crombie (Ms)	CD Noble
ZJ Dalling (Ms)	L Nkamisa
MM Danana	M Nkopane [Ms]
I De Taillerfer (Ms)	N Ntsunguzi (Ms)
R Du Toit (Ms)	N Olayi
A Ferns (Ms)	WC Petersen [Ms]
E Groenewald (Ms)	WF Pietersen
AJ Hanekom	MG Rataza (until 10:52)
RB Hendrikse (Ms)	JP Serdyn [Ms]
P Johnson	A Tomose [Ms]
J Joon	RB Van Rooyen
O Jooste	M Van Stade
X Kalipa	CA Van Wyk
C Manuel	E Vermeulen
EP Masimini	J Williams

OFFICIALS

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

1. OPENING AND WELCOME

The Speaker welcomed all present at the 7th Council meeting. Mr A Barnes is the Acting Municipal Manager in the absence of Ms G Mettler, who is on leave.

2.	MAYORAL ADDRESS
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“Speaker;

Deputy Mayor;

Chief Whip of the Ruling Party;

Members of the Mayoral Committee;

Municipal Manager and Senior Management;

Members of the public;

Members of the media present;

All protocol observed

Good morning, Goeiemore, Molweni, Assalamu alaikum;

WELCOME

- Thank you Speaker
- Good morning, goeiemore, molweni, As-Salaam-Alaikum;
- A warm welcome to all councillors present in today’s meeting as well as interested residents, stakeholders and members of the media who have logged in to follow the proceedings;
- Speaker, it’s all systems go again at the municipality and although things were a bit quieter in and around our towns during the school holidays and recess period, the work of the municipality continued unabated to ensure service delivery to all communities;
- Mother Theresa once said – **“I alone cannot change the world, but I can cast a stone across the waters to create many ripples”**

WOMEN’S MONTH

- As our councillors will know, August is celebrated as Women’s Month;
- A month during which we commemorate the role of women in creating a democratic society and celebrate the women in our lives. I would like to salute all women – every grandmother, mother, mother-in-law, stepmother, aunt, friend, cousin, daughter, and little girl;
- Over many centuries, the precious value of women has been demonstrated time and time again. Through your courage and strength, we have been carried through many times of crisis. Thank you for your contribution to our households, schools, businesses, and governments;
- Alhoewel baie meer vroue vandag in meer prominente en gesaghebbende posisies te sien is, word baie vroue en dogters steeds mishandel, aangerand en verkrag. Sommige vroue staar elke dag viktimisering en geweld in die gesig en daarom is Vrouemaand uiters relevant in ons moderne tyd;
- Praat asseblief met u dogters, vriendinne, susters, ma’s en oumas oor hulle ervarings en kom ons deel ons stories met mekaar. Ons moet praat hieroor om die euwel van vrouemishandeling aan die lig te bring;

NEW DIRECTOR – SHANE CHANDAKA

- I want to ask all councillor to join me in welcoming our new Director of Infrastructure Services, Mr Shane Chandaka;
- Mr Chandaka brings with him a wealth of experience in civil engineering, project design, public sector funding assessment and disbursement, as well as the management of large-scale infrastructure projects in the public sector;
- He joined the Stellenbosch Municipality family on the 1st of August after spending more than six years at the Western Cape Government as the Regional Director for Human Settlement Implementation and Provincial Planning and before that he served as the Director of Provincial Infrastructure at Provincial Treasury;
- Further to this, he spent more than eight and a half years at the Development Bank of Southern Africa (DBSA) and before that he was a consulting civil engineer at Stewart Scott/RHDHV International for more than five years;
- He holds a Master of Business Administration (MBA) from the Stellenbosch University as well as a Bachelor of Science (B.Sc. Engineering) Degree from the University of KwaZuluNatal;
- I believe that his years of experience, wealth of knowledge, understanding of public sector infrastructure projects and commitment to good governance practices makes him a massive asset to our municipality;

LOWER DORP STREET CLOSURE

- Speaker, I feel that is important to also just make a quick announcement on the construction work and bul sewer upgrades currently taking place in Lower Dorp Street as this impacts tremendously on the flow of traffic in the CBD area;
- The construction in lower Dorp Street is nearing the end. Unfortunately, the heavy rains of last week caused some delays in respect of the work and the road closure is still in effect;
- I have been assured that our teams and contractors on site are working extremely hard to ensure that the work is completed as soon as possible. The road should be reopened to traffic on 29 August 2022;
- For further enquiries members of the public are advised to please contact 021 808 8215, 021 808 8343, 021 808 8953 or Whatsapp 076 951 0768;

HOMELESS WORKSHOP AND GIVE RESPONSIBLY

- Last week, our Community Development Department, together with various NGO partners and organisations, hosted a Homelessness Workshop in the Town Hall;
- The workshop was a big success and attracted interested stakeholders from a wide range of backgrounds;
- The stakeholders discussed and outlined various solutions towards addressing homelessness and providing sustainable support to people living on the street;
- Dames en here, hawelose mense het ons hulp nodig. Hoewel haweloosheid glad nie uniek is tot ons dorpe nie, is dit iets waaraan die munisipaliteit aandag en befondsing gee;
- Die beste manier om te verseker dat u help om die probleem aan te spreek is om die Gee Verantwoordelik veldtog te ondersteun;
- Give Responsibly is a campaign that brings together various roleplayers such as the University, Heartflow, Stellenbosch Night Shelter, Feeding in Action and the municipality to make a big, collective attempt at providing homeless residents with access to food, a place to sleep and social services;

- Daar is so baie besighede en kerke wat reeds deel vorm van hierdie projek en ek raai u almal aan om meer te gaan nalees hieroor op www.heartflow.org.za of op ons munisipaliteit se sosiale media blaaie;

SOCIAL MEDIA

- Speaking of social media, I regularly receive wonderful feedback from residents and colleagues in other parts of the country around the use of our official social media platforms;
- We have been identified as one of the municipalities that makes the best use of these platforms to share municipal news, alerts, notices and community stories;
- Our Communications Department in the Office of the MM was recently asked to present a workshop on Social Media to other municipalities in our province in order to share our best-practises with them;
- Our municipal Facebook page now stands at nearly 51 000 followers with a monthly reach of around 220 000 people. This is more than any other municipality in the Western Cape, apart from the City of Cape Town metro;
- Please go like and follow our pages on Facebook, Twitter, Instagram and LinkedIn if you aren't doing so yet;

IDP PUBLIC PARTICIPATION (1ST REVIEW OF THE 5TH GENERATION IDP 2022 – 2027)

- It is almost that time of the year again where residents are invited to have their say on their ward priorities and needs as part of the IDP public participation period;
- The public participation period will be from 7 September – 28 September 2022;
- A link to an [electronic submission form](#) to capture inputs will be made available from Wednesday, 7 September on the municipal website;
- Inputs can also be sent to our IDP WhatsApp line 067 427 1556 or be emailed to idp@stellenbosch.gov.za
- Then public meetings (in-person and virtual) will be held for all wards during the week of 19 – 22 September. The meeting schedule with times, venues and links to join virtually will be published in the local press as well as all online platforms;
- Raadslede, heirdie inigting is ook reeds met u almal gedeel - maak asseblief seker u stel u wyk in kennis hiervan;

SEPTEMBER

- September is Erfenismaand en Toerismemaand. In ons streek is die twee veldtogte baie nou aan mekaar verbind;
- Ons erfenis is deel van wat ons 'n gesogte toerismebestemming maak, beide plaaslik en internasionaal. Ek wil u graag aanmoedig om tog betrokke te raak by die erfenis en toerisme geleenthede in ons dorp;
- Arbor Week in the first week of September is also traditionally commemorated with three planting events and greening initiatives across the municipal area.
- It aims to encourage the planting and conservation of trees, particularly indigenous and threatened tree species. The 2022 Common Tree of the Year is the beautiful Dais Cotinifolia (Pompon tree).
- The pompon tree is a well-known and popular indigenous tree, tough enough to be used as a street tree and small enough to fit into most gardens;
- When in flower at Christmas it looks like a giant candy floss, as the tree transforms into a cloud of soft pink balls.

- Lente in die Boland is baie besonders en ek probeer elke moontlike bietjie tyd buite spandeer. Ek is gek oor tuinmaak en stap, so ek sien elke jaar baie uit na September en Oktober. Die mooiste maande vir my!
- Dit gee my dan ook kans om in ons dorpe rond te stap en te kyk wat aandag nodig het. So ontmoet ek altyd van die wonderlikste mense en besef ek weer opnuut hoe geseend ons is om hierdie pragtige vallei ons huis te noem!
- In closing, I leave you with the following quote;
- **Spring is a reminder to all of us of how beautiful change can truly be.**
- **Baie dankie, Thank you very much, Enkosi kakhulu.”**

3.	COMMUNICATION BY THE SPEAKER
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1. Listing of Corrections

Speaker mentioned that there were a few minor corrections on the on the Council Agenda send from the Administration. These will be dealt with when the respective item serves.

2. Item 11.11.5

Item has been withdrawn and referred to the Administration for additional information to be added.

3. LG Capacity Building – 6 October 2022 in Worcester Nominated Councillors:

Ayanda Tomose
Maxwell Danana
Ralphton Adams
Jeremy Fasser
James Williams
Joseph Joon

4. Cyber Hacking

No Gmail/outlook/Hotmail etc.

5. Access Control at Municipal Buildings

Meeting will be setup between the relevant officials to discuss the possibility of ID tags for Councillors.

6. BIRTHDAYS

Nombulelo Ntsunguzi – 08 August
Otniel Jooste – 11 August
Ansaaf Crombie – 11 August
Mary Nkopane – 11 August
Jeremy Fasser – 13 August

4.	COMMUNICATION BY THE ACTING MUNICIPAL MANAGER
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- “August is Women’s Month and the Acting Municipal Manager, Mr A Barnes saluted all women - no matter their backgrounds - and wished them a Happy Women’s Month. He saluted Stellenbosch Municipality for the role they play in promoting women in leadership roles.

- Arbor Week will be celebrated in September 2022. Director G Boshoff and his Team are preparing the launch of Arbor Week which kicks off on 1 September 2022.
- The Acting Municipal Manager extended a warm welcome to the newly appointed Director: Infrastructure, Mr Shane Chandaka who assumed his duties on 1 August 2022. Speaker offered Mr Chandaka an opportunity to speak a few words. He thanked the Administration and Council for opportunity to serve the community of Stellenbosch.
- Mr Barnes, on behalf of the Administration, expressed his condolences to the family of Mr Adrian Arendse from Cloetesville, who passed away over the weekend due to an injury he sustained during a rugby match he played. Mr Arendse was employed as a Parking Martial at the Stellenbosch Municipal.”

5.	DISCLOSURE OF INTERESTS
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NONE

6.	APPLICATIONS FOR LEAVE OF ABSENCE
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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 N Mananga-Gugushe (Ms)	- 24 August 2022
Cllr RO Pheiffer	- 24 August 2022
Cllr MG Rataza	- 24 August 2022 (removed from meeting @ 10:52)
MM (Ms G Mettler)	- 24 August 2022

6.2 ABSENT

Cllr RS Nalumango (Ms) - 24 August 2022

7.	CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING
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7.1	6TH COUNCIL MEETING: 2022-07-27
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The minutes of the 6th Council Meeting: 2022-07-27 was **confirmed as correct without any amendments.**

8.	STATUTORY MATTERS
8.1	SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN FOR 2023/24

Collaborator No: 733856
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 16 August 2022

1. SUBJECT: SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN FOR 2023/24

2. PURPOSE

To table to Council for consideration and approval:

- (a) The SDF / IDP / Budget Time Schedule / Process Plan for 2023/24, attached as **ANNEXURE A.**

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

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

The Spatial Development Framework (SDF) / Integrated Development Plan (IDP) / Budget Time Schedule / Process Plan for 2023/24 outlines the key strategic activities and consultative processes that will guide the planning, drafting and adoption of the First Review of the 5th Generation IDP 2022 – 2027 and the Medium – Term Revenue Expenditure Framework (Budget) to be implemented in the 2023/24 financial year.

The SDF / IDP / Budget Time Schedule / Process Plan for 2023/24 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 SDF / IDP / Budget Time Schedule / Process Plan for the 2023/24 financial year is also compiled in terms of Section 29 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA).

Section 29(1) of the MSA 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.

The public participation process will comprise the period **07 – 28 September 2022**, to allow all members of the community and stakeholders to provide written inputs and oral representations which the municipality must consider in reviewing the IDP.

Public participation meetings are provisionally scheduled to be held from **19 – 22 September 2022**. The meeting schedule will be published in the local newspaper, on the municipality's website, on the notice boards of libraries and on social media platforms (Facebook, Twitter, Stellenbosch Citizens App, WhatsApp and Email).

7TH COUNCIL MEETING: 2022-08-24: ITEM 8.1

RESOLVED (majority vote with abstention)

- (a) that Council adopts the SDF / IDP / Budget Time Schedule / Process Plan 2023/24 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 planning, drafting and adoption of the First Review of the 5th Generation IDP 2022 – 2027, attached as **ANNEXURE A**; and
- (b) that an advertisement is placed on the official website of the municipality and in the local newspaper notifying the public of the adopted SDF / IDP / Budget Time Schedule / Process Plan 2023/24.

Cllr J Andrews abstained from voting on the matter.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Geraldine Mettler</i>
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>021 808 8025</i>
E-MAIL ADDRESS	<i>geraldine.mettler@stellenbosch.gov.za</i>
REPORT DATE	<i>03 August 2022</i>

8.2	ADJUSTMENTS BUDGET (ROLL-OVER) 2022/2023
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Collaborator No: 733857
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 16 August 2022

1. SUBJECT: ADJUSTMENTS BUDGET (ROLL-OVER) 2022/2023

2. PURPOSE

Is to present the adjustments budget roll-over for the 2022/2023 financial year to Council for approval.

3. DELEGATED AUTHORITY

FOR APPROVAL BY MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

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

7TH COUNCIL MEETING: 2022-08-24: ITEM 8.2

RESOLVED (nem con)

- (a) that the Adjustments Budget for 2022/2023 as set out in **APPENDIX 2**, be approved;
- (b) that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 3**, be approved; and
- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly inclusive of the non-financial information (performance measurement).

FOR FURTHER DETAILS CONTACT:

NAME	MONIQUE STEYL
POSITION	SENIOR ANAGER: FINANCIAL MANGEMENT SERVICES
DIRECTORATE	FINANCIAL SERVICES
CONTACT NUMBERS	021 808 8512
E-MAIL ADDRESS	<u>Monique.Steyl@ Stellenbosch.gov.za</u>
REPORT DATE	10 August 2022

8.3	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2022
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Collaborator No: 733857
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 16 August 2022

1. **SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 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 2022/2023 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 (2022/2023) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during July 2022.

7TH COUNCIL MEETING: 2022-08-24: ITEM 8.3

During deliberations on the matter and after three (3) warnings in terms of Council's Rules of Order By-Law, the Speaker **RULED** that Cllr MG Rataza be removed from the Teams meeting for refusing to withdraw a statement he made. The Administration adhered to Speaker's ruling and removed Cllr Rataza from the Teams meeting (at 10:52).

NOTED

the deviations as listed for the month of July 2022.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	<u>Kevin.Carolus@stellenbosch.gov.za</u>
REPORT DATE	03 August 2022

9.	REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS
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No report submitted as outstanding resolutions serves at Section 80 Committees.

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

10.2	REPORT/S BY THE SPEAKER
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NONE

10.3	REPORT/S BY THE MUNICIPAL MANAGER
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10.3.1	REPORTING ON THE RELIEF AND CHARITABLE FUND (MAYORAL FUND) 2021/22
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

24 August 2022

1. REPORTING ON THE RELIEF AND CHARITABLE FUND (MAYORAL FUND) – 2021/22

2. PURPOSE

To provide feedback to Council on the donations that was paid out to applicants during the 2021/22 financial year as per the approved Guidelines.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Executive Mayor receives on a regular basis applications 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 applications fall outside the ambit of the policy.

It is for this reason that a mechanism was put in place that could address these deserving relief and/or charitable cases. Thus, the establishment of a “Relief and/or Charitable Fund” for this purpose.

7TH COUNCIL MEETING: 2022-08-24: ITEM 10.1**NOTED**

the income and expenditure of the Relief and/or Charitable Fund (Mayoral Fund) for the period 2021/22.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Geraldine Mettler
<i>POSITION</i>	Municipal Manager
<i>DIRECTORATE</i>	Municipal Manager
<i>CONTACT NUMBERS</i>	021 808 8025
<i>E-MAIL ADDRESS</i>	municipal.manager@stellenbosch.gov.za
<i>REPORT DATE</i>	10 August 2022

11.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]
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11.1	PROTECTION SERVICES: (PC: CLLR R BADENHORST)
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NONE

11.2	YOUTH, SPORTS AND CULTURE: [PC: CLLR R ADAMS]
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NONE

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

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

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

11.6	INFRASTRUCTURE SERVICES : (PC : CLLR Z DALLING (MS))
11.6.1	PARKING FEE IMPLEMENTATION ALONG THE MAIN ROAD IN THE CENTRAL BUSINESS DISTRICT AREA OF FRANSCHHOEK

Collaborator No:

KPA Ref No: *Good Governance & Compliance*

Meeting Date: 24 August 2022

1. SUBJECT: PARKING FEE IMPLEMENTATION ALONG THE MAIN ROAD IN THE CENTRAL BUSINESS DISTRICT AREA OF FRANSCHHOEK

2. PURPOSE

To inform Council of the Municipality's intention to introduce parking management along the Main Road in the Central Business District (CBD) area of Franschhoek.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

Schedule 5B of the Constitution determines that Public Parking is a Local Government competence. Stellenbosch Municipality is therefore responsible for the supply, maintenance and management of public parking within its area of jurisdiction.

Parking Management is implemented where there is an increased demand for parking. Parking Management comprises the implementation of parking fees, collection of fees and other associated tasks. The municipality implemented parking management in the Stellenbosch CBD area in 2013.

Currently, parking in Franschhoek is not being managed in terms of the above, however with the recent increases in economic and commercial activities, the demand for parking has increased. With the increase in demand for parking, the Municipality intends to implement Parking Management on approximately 146 bays located in the Main Road.

7TH COUNCIL MEETING: 2022-08-24: ITEM 11.6.1

RESOLVED (majority vote with abstention)

- (a) that Council takes note of this report; and
- (b) that a notice be compiled for publication to obtain public inputs in regard to the Council intention to start with parking management along the main road in Franschhoek.

Cllr J Andrews abstained from voting on them matter.

FURTHER DETAILS CONTACT:

NAME	Shane Chandaka
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	<i><u>Shane.Chandaka@stellenbosch.gov.za</u></i>
REPORT DATE	<i>4 August 2022</i>

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

11.8	PLANNING: (PC: CLLR C VAN WYK (MS))
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NONE

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

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

11.11	MUNICIPAL MANAGER (MS G METTLER)
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11.11.1	SIGNED PERFORMANCE AGREEMENT 2022/23 OF THE DIRECTOR: INFRASTRUCTURE SERVICES
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Collaborator No: 733855
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 16 August 2022

1. SUBJECT: SIGNED PERFORMANCE AGREEMENT 2022/23 OF THE DIRECTOR: INFRASTRUCTURE SERVICES

2. PURPOSE

To submit to Council, for notification, the following:

- (a) The signed Performance Agreement 2022/23 of the Director: Infrastructure Services.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Regulation 4(4)(a) of the Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, 2006, requires that a separate performance agreement be signed within ninety (90) calendar days after the assumption of duty and annually within one month after the commencement of the new financial year.

The Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) further requires that the signed performance agreements be promptly submitted to the Council.

The Director: Infrastructure Services was appointed by Council and assumed office on Monday, 01 August 2022.

7TH COUNCIL MEETING: 2022-08-24: ITEM 11.11.1**NOTED**

the signed Performance Agreement 2022/23 of the Director: Infrastructure.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	mm@stellenbosch.gov.za
REPORT DATE	03 August 2022

11.11.2	MEMORANDUM OF UNDERSTANDING (“MOU”) FOR THE ESTABLISHMENT OF THE ADAM TAS CORRIDOR (“ATC”) LANDOWNERS COLLECTIVE
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

16 August 2022

1. **SUBJECT: MEMORANDUM OF UNDERSTANDING (“MOU”) FOR THE ESTABLISHMENT OF THE ADAM TAS CORRIDOR (“ATC”) LANDOWNERS COLLECTIVE**

2. **PURPOSE**

Is to provide Council with a copy of the Memorandum of Understanding (“MOU”) for the establishment of the ATC Landowners Collective that is aimed at formulating an agreement with the landowners within the ATC Study Area, to work together in realising the objectives of the Adam Tas Project.

3. **DELEGATED AUTHORITY**

Council for noting and endorsement.

4. **EXECUTIVE SUMMARY**

The MOU was drafted in order to record the commitment of the landowners within the ATC, which include the municipality to the implementation of the project and to determine the manner in which the landowners will cooperate and work together to realise the implementation of the project. for the landowners within the ATC to agree.

The MOU aims to mediate the relationship between the various parties that are signatories to the Landowners Collective without any legal binding obligations.

7TH COUNCIL MEETING: 2022-08-24: ITEM 11.11.2

RESOLVED (majority vote with abstentions)

- (a) that Council takes note that at the 27th Council Meeting dated 29 May 2019, the Municipal Manager was authorized by Council to explore a Public Private Partnership for the Adam Tas Project; and
- (b) that Council endorse that the Municipal Manager be a signatory to the Memorandum of Understanding (“MOU”) for the Establishment of the Adam Tas Corridor Landowners Collective, attached as **APPENDIX 1** to this report.

Cllrs N Ntunguzi (Ms); A Tomose; M Nkopane (Ms); M Danana and E Masimini abstained from voting on the matter.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Craig Alexander Pr Pln</i>
POSITION	<i>Senior Manager: Development Planning</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	<i>021 808 8196</i>
E-MAIL ADDRESS	<i>Craig.alexander@stellenbosch.gov.za</i>
REPORT DATE	<i>12 August 2022</i>

11.11.3	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 MUNICIPAL SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2022 / 2023
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

16 August 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 MUNICIPAL SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2022 / 2023**

2. **PURPOSE OF MEETING**

To discuss and consider the funding applications for the 2022 / 2023 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. **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 dated 17 March 2022, attached as **APPENDIX 1** of which the closing date to submit such applications was at 12:00 midday on 18 April 2022.

The advertisement was also advertised on the Stellenbosch Municipal Website and notice boards (**APPENDIX 2**).

Stellenbosch Municipality invited external bodies performing a municipal function in accordance with the policy, for funding facilities for the accommodation and burial of animals.

The closing date for the applications was advertised as 18 April 2022. Thus, were sufficient time awarded for organizations to provide the requested information.

Submissions were received from the below bodies (**APPENDIX 3** – Franschhoek SPCA) and (**APPENDIX 4** Stellenbosch Animal Welfare Society) to perform accommodation and burial of animals function for Council for the 2022/2023 financial year. A comparison was made with the funding granted for 2021/2022 financial year.

Applicants	2022 / 2023 Funding Requested in Rand Value
Franschhoek SPCA	R 689 900.00
Stellenbosch Animal Welfare Society	R2 895 891.31
Total Funding Requested	R3 585 791.31

7TH COUNCIL MEETING: 2022-08-24: ITEM 11.11.3**RESOLVED** (majority vote with abstentions)

- (a) that the amount of R225 000.00 be allocated to Franschoek SPCA for the 2022 / 2023 financial year; and
- (b) that the amount of R1 275 000.00 be allocated to Stellenbosch Animal Welfare Society for the 2022 / 2023 financial year.

Cllrs J Andrews; R Hendrikse (Ms); N Mkhontwana (Ms); Z Ndalasi; C Noble and M van Stade abstained from voting on the matter.

FOR FURTHER DETAILS, CONTACT:

NAME	Mrs Joan Felix
POSITION	Manager: Law Enforcement & Traffic Service
DIRECTORATE	Law Enforcement
CONTACT NUMBERS	021 808 8497
E-MAIL ADDRESS	Joan.felix@stellenbosch.gov.za
REPORT DATE	9 June 2022

11.11.4	ADMINISTRATIVE OVERSIGHTS ON THE APPROVED GRANT IN AID (GIA) SCHEDULE OF DONATIONS APPROVED FOR 2022-2023
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

16 August 2022

1. **SUBJECT: ADMINISTRATIVE OVERSIGHTS ON THE APPROVED GRANT IN AID (GIA) SCHEDULE OF DONATIONS APPROVED FOR 2022-2023**

2. **PURPOSE**

To consider and discuss the oversights picked up on the approved Grant in Aid schedule of donations as approved by Council on 25 May 2022.

3. **DELEGATED AUTHORITY**

GiA donations are approved by council as part of the budget documents.

4. **EXECUTIVE SUMMARY**

On completion of the 2022-2023 GiA Memorandums of Agreements with successful applicants a couple of administrative oversights were picked up in the approved schedule which requires rectification. The oversights have no financial implications for the municipality.

7TH COUNCIL MEETING: 2022-08-24: ITEM 11.11.4

RESOLVED (nem con)

- (a) that Council notes the administrative oversights in the donation schedule; and
- (b) that Council supports and approves the changes to rectify the inaccurate reflection on the appeals component of the Grant in Aid schedule.

FOR FURTHER DETAILS CONTACT:

NAME	Michelle Aalbers
POSITION	<i>Manager Community Development</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	8408
E-MAIL ADDRESS	<u>Michelle.aalbers@stellenbosch.gov.za</u>
REPORT DATE	10-06-2022

11.11.5	FEEDBACK REPORTS RECEIVED FROM THREE 2021-2022 GRANT IN AID (GIA) RECIPIENTS INDICATING CONTRAVENTIONS OF THE APPROVED GIA POLICY AND SIGNED MOA'S
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

16 August 2022

1. **SUBJECT: FEEDBACK REPORTS RECEIVED FROM THREE 2021-2022 GRANT IN AID (GIA) RECIPIENTS INDICATING CONTRAVENTIONS OF THE APPROVED GIA POLICY AND SIGNED MOA'S**
2. **PURPOSE**

To consider and discuss the feedback reports received from Smart Mission Entertainment, Franschoek Rugby Club and Ubuntu Hiking for funding received for the 2021-2022 financial year.

3. **DELEGATED AUTHORITY**

GiA donations are approved by Council as part of the budget documents.

4. **EXECUTIVE SUMMARY**

Three grant receiving organisations were found to be in contravention of the Grant in Aid policy and signed MOA as discovered from the feedback reports provided to the municipality. The discovery was documented and circulated to the Municipal Manger and Chief Financial Officer who both supported the recommendations of the investigation report and requested that the matter be brought under the attention of the Grant Committee (**ANNEXURE 1**).

7TH COUNCIL MEETING: 2022-08-24: ITEM 11.11.5

The Speaker **RULED** that this matter be withdrawn and referred to the October 2022 Council meeting.

FOR FURTHER DETAILS CONTACT:

NAME	Michelle Aalbers
POSITION	<i>Manager Community Development</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	<i>8408</i>
E-MAIL ADDRESS	<i><u>Michelle.aalbers@stellenbosch.gov.za</u></i>
REPORT DATE	<i>10-06-2022</i>

12.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER
12.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]
12.1.1	CONSIDERATION OF CONTRACTOR'S EXPENSE AND LOSS CLAIM RELATING TO BSM/17/20: UPGRADE OF STELLENBOSCH MUNICIPAL FIRE STATION

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

19 August 2022

1. SUBJECT: CONSIDERATION OF CONTRACTOR'S EXPENSE AND LOSS CLAIM RELATING TO BSM/17/20: UPGRADE OF STELLENBOSCH MUNICIPAL FIRE STATION

2. PURPOSE OF REPORT

Is to provide feedback and a recommendation on the Expense and Loss Claim as submitted by Iliitha Painters and Decorators CC T/A The Construction Company (hereafter referred as the "Contractor") in respect of additional compensation due to the Contractor for events outside of its control.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The tender for the works was submitted by the Contractor on 18 October 2019. The tender was valid for one hundred and twenty (120) days and lapsed on 15 February 2020. It would have been reasonable to expect that the contract (MBD 7.2) would have been signed during this time period and that the Contractor would have provided the Employer with a Construction Guarantee.

However, the conclusion of the contract did not occur within this timeframe. As a result of the Level 5 Covid-19 lockdown (starting 26 March 2020), the MBD7.2 was signed on 25 May 2020 (during Level 5 Lockdown). As per the government regulations, construction sector activities could only resume on 1 June 2020, implying a later site hand-over.

The Contractor did not submit the Construction Guarantee because the Employer did not issue a Purchase Order (PO) to the total value (R8.764 million) of the tendered sum. The Employer issued two (2) PO's during the latter part of 2020 (circa November) to the value of R1.9m and R2m respectively. Subsequently, the Contractor questioned the Employer's commitment to honor the contract for the total contractual tendered value of R8.764m and maintained its position on the risk of the Employer's financial commitment.

At a meeting held on 05 May 2021, the Parties agreed that the project would continue, for the full scope and value on condition that the Employer will issue written confirmation of project funding and would generate the necessary PO for the full value.

The Contractor issued a letter on 13 May 2021 where it sought clarity on its ability to submit an expense and loss claim for the lapsed time between site hand-over and the closing of the tender. In consultation and on behalf of the Employer, the Principal Agent provided the same in its letter issued 18 May 2021.

Although the Principal Agent would normally reject the contractor's expense and loss claim on the grounds that the Contractor is also in default, it does however take note of mitigating factors that surrounded the project from the start such as the Covid-19 pandemic and discussions between the Parties around reduced PO values being issued culminating in discussions of reduced/re-prioritization scope of works and delayed directives from the Employer.

It must also be noted that the Contractor has completed the work three (3) months earlier than the contractual completion date, thus providing earlier beneficial use to the Employer. In the spirit of mutual co-operation, the Principal Agent recommends that the Employer provide some form of compensation to the Contractor in that there has been an impact on the performance by the Contractor due to some events that were outside of their control.

The escalation is calculated using the CPAP method, with September 2019 as the base month and an offer of **R520,695.05** excluding VAT be provided to the Contractor as compensation for the undue delays to the project.

7TH COUNCIL MEETING: 2022-08-24: ITEM 12.1.1

RESOLVED (majority vote with abstentions)

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R520 695.05 (excluding VAT) to Ilitha Painters and Decorators CC T/A The Construction Company as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

Cllrs J Andrews; N Mkhontwana (Ms) and Z Ndalazi abstained from voting on the matter.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	Chief Financial Officer
DIRECTORATE	Financial Services
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@stellenbosch.gov.za
REPORT DATE	23 June 2022

12.1.2	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 2021/2022 FINANCIAL YEAR
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

19 August 2022

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 2021/2022 FINANCIAL YEAR

2. PURPOSE OF REPORT

To provide information regarding the irregular expenditure incurred at 30 June 2022 and, to be recommended to and considered by Council to certify the expenditure as irrecoverable and to be written-off by Council in terms of Section 32 of the MFMA.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Section 32(2)(b) of the Municipal Finance Management, 2003 (Act 56 of 2003) (MFMA) require a municipality to recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure, in the case of irregular or fruitless and wasteful expenditure, is, after investigation by a council committee, certified by the council as irrecoverable and written-off by the council.

Expenditure was identified which was non-compliant with Council approved policies and the Municipal Financial Management Act. All known instances of non-compliance with legislation, which the Municipality is aware of and whose effects should be considered have been recorded.

7TH COUNCIL MEETING: 2022-08-24: ITEM 12.1.2

RESOLVED (nem con)

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R2 547 735.75 (including VAT) as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	Chief Financial Officer
DIRECTORATE	Financial Services
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@stellenbosch.gov.za
REPORT DATE	15 August 2022

12.3	CONSIDERATION OF THE IRREGULAR EXPENDITURE INCURRED RELATING TO BARLOWORLD TOYOTA STELLENBOSCH
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

19 August 2022

1. SUBJECT: CONSIDERATION OF THE IRREGULAR EXPENDITURE INCURRED RELATING TO BARLOWORLD TOYOTA STELLENBOSCH

2. PURPOSE

To provide information regarding the irregular expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to certify the expenditure as irrecoverable and to be written off by Council in terms of Section 32(2) of the MFMA.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

On 31 May 2022 the municipal vehicle, Hilux Single Cab with registration CL48999 was due for a service and was delivered at Toyota Stellenbosch in terms of all maintenance and services to the Stellenbosch Municipality.

An official purchase order was not yet generated in this regard as it was assumed that the maintenance plan was still active. Toyota Stellenbosch accepted the vehicle without a purchase order. It was later established that the maintenance plan has expired, but the warranty was still valid. The Informal Settlements Department was informed by Wesbank that the vehicle is out of a maintenance plan and that the municipality does not allow self-allocation. However, the service provider, Toyota Stellenbosch proceeded with the service of the vehicle.

7TH COUNCIL MEETING: 2022-08-24: ITEM 12.3

RESOLVED (majority vote)

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R1 376.76 (including VAT) to Barloworld Toyota Stellenbosch as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

FOR FURTHER DETAILS CONTACT:

NAME	ANTHONY BARNES
POSITION	DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT
DIRECTORATE	PLANNING & ECONOMIC DEVELOPMENT
CONTACT NUMBERS	021-808 8493
E-MAIL ADDRESS	Anthony.Barnes@stellenbosch.gov.za
REPORT DATE	15 August 2022

13.	REPORTS BY THE MUNICIPAL MANAGER
13.1	DRAFT IDAS VALLEY / BOTMASKOP NATURE AREA ENVIRONMENTAL MANAGEMENT PLAN (DRAFT MAY 2022)

Collaborator No:

KPA Ref No:

Meeting Date: 24 August 2022

1. SUBJECT: DRAFT IDAS VALLEY / BOTMASKOP NATURE AREA ENVIRONMENTAL MANAGEMENT PLAN (DRAFT MAY 2022)

2. PURPOSE

The Draft Idas Valley / Botmaskop Nature Area¹ Environmental Management Plan (EMP) (May 2022) (**ANNEXURE A**) has been prepared to establish a distinct vision and overarching goal for the management of the subject area in context off, and giving effect to, the relevant legislation and associated regulations.

The purpose of this item is to acquire Council's approval to advertise the Draft Idas Valley / Botmaskop Nature Area EMP for public input.

3. DELEGATED AUTHORITY

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

4. EXECUTIVE SUMMARY

The Idas Valley / Botmaskop Nature Area (NA) is located on the north-western boundary of Stellenbosch town, above Idas Valley. The Idas Valley portion of the NA is located north of the Helshoogte pass on the way to Pniel. Botmaskop is located south of the road, against the mountain side, as one exists Stellenbosch driving up the Helshoogte pass. The NA covers an area of ±425 ha of which the Idas Valley area consist of 335 ha. The area is mainly bordered by farmland, the urban area of Idas Valley to the south-west and the mountainous natural landscape towards the Jonkershoek Mountains in the south. The relevant property is municipal owned land zoned for agricultural use. Most of the area has been used for forestry purposes at some point. The Idas Valley Dam(s), which provides Stellenbosch town with potable water, is located within the NA.

Because of the area's location (close proximity relative to Stellenbosch- and other towns as well as the City of Cape Town), its topography, scenic quality and past use it is currently utilized for a number of purposes. These include:

Outdoor recreation: Having been a forestry area in the past the NA consists of a network of old service roads. The Old Helshoogte pass also cuts through the area. This infrastructure and the attributes of the area mentioned above makes the Idas Valley / Botmaskop NA a popular destination for cyclers, runners and hikers.

¹ A **nature area** has no formal environmental protection status or proclamation as opposed to a **nature reserve** that has been declared as such in terms of, for example, the National Environmental Management: Protected Areas Act, 57 of 2003.

Wood making: The NA is invaded, partly due to its use as forest area in the past, by a number of alien vegetation species ranging from plants to mature trees. This provides a resource to local contractors collect firewood. Each year a number of permits (issued as per the Council approved tariff structure) that allows this activity within the Idas Valley area are issued by the Municipality. In terms of these permits the felling of trees are prohibited. Fallen- or trees felled by the Municipality is allowed to be processed.

Cultural / Agricultural use: The NA have, over the past 10 – 15 years, accommodated a number of uses associated with cultural rituals, tribal initiations and agriculture or plot farming.

Events: The Idas Valley / Botmaskop NA is the subject of numerous event applications, mainly associated with mountain-biking or trail-running.

Filming: The Municipality, from time-to-time, receives applications for filming or photoshoots within its nature areas, including the Idas Valley / Botmaskop NA.

Water provision: In the centre of the area are two catchment dams and associated Municipal infrastructure that plays an important role in providing Stellenbosch town with potable water. The use and maintenance of this infrastructure is important to make sure that water service delivery to the relevant dependant areas is provided.

To date the Idas Valley / Botmaskop NA 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 the Idas Valley / Botmaskop NA is managed in a sustainable manner.

7TH COUNCIL MEETING: 2022-08-24: ITEM 13.1

RESOLVED (nem con)

- (a) that Council approves the advertisement of the draft Idas Valley / Botmaskop Nature Area Environmental Management Plan (May 2022) for a period of 21 days for public input; and
- (b) that the inputs received during the above public participation process be worked into a final Idas Valley / Botmaskop Nature Area Environmental Management Plan to be presented to Council for approval.

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Environmental Planner
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8679
E-MAIL ADDRESS	schalk.vandermerwe@stellenbosch.gov.za
REPORT DATE	31 May 2022

13.2	ACTING ARRANGEMENTS FOR THE MUNICIPAL MANAGER AND SECTION 56 MANAGERS WHEN THE MUNICIPAL MANAGER AND SECTION 56 MANAGERS ARE NOT AVAILABLE
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

**Good governance and Compliance
24 August 2022**

1. ACTING ARRANGEMENTS FOR THE MUNICIPAL MANAGER AND SECTION 56 MANAGERS WHEN THE MUNICIPAL MANAGER AND SECTION 56 MANAGERS ARE NOT AVAILABLE

2. PURPOSE OF REPORT

To approve the Directors who will act as Municipal Manager when the Municipal Manager is not available.

To approve the acting Section 56 Managers who will act as section 56 managers (Directors) when the section 56 managers are not available.

The arrangements must from time-to-time be reviewed given that changes take place in the staff structure and the incumbents. This is a review of the approved arrangements from March 2020 given that a new Director has been approved for Infrastructure Services.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Council approved the Directors to act as Municipal Manager when the Municipal Manager is not available on 25 March 2020. Council also approved the acting arrangements for section 56 Managers when they are not available on the same date. It is good practise to review these arrangements on a regular basis as circumstances change.

Section 54 (A) of the Systems, which has been subsequently declared unconstitutional, and Section 80 of the Structures act provide for the appointment of a Municipal Manager and acting Municipal Managers. Section 54A of the Municipal Systems Act provides that the Municipal Council must appoint an acting Municipal Manager under circumstances and for a period as prescribed. Section 54A(1)(b) provides that such an acting person must at least have the skills, expertise, competencies and qualifications as prescribed.

It can be anticipated that there will be occasions when the Municipal Manager will be away from office or not available due to a variety of reasons. The payment of an acting allowance is dealt with in the Acting Policy approved by Council on 28 November 2018.

Council must appoint acting section 56 managers when the appointed section 56 managers are not available. It is not practical to call a council meeting every time a person must act when a director is on leave, on sick leave or out of office. Council therefore appoints acting managers on a roster to fulfil the obligation in section 56.

There have been several changes to these rosters approved in March 2020 and the acting arrangements are therefore indicated below.

7TH COUNCIL MEETING: 2022-08-24: ITEM 13.2

RESOLVED (nem con)

- (a) that the acting arrangements approved in March 2020 be confirmed as follows:

The following Directors be appointed to act as Municipal Manager if the Municipal Manager is not available:

January to February	: Corporate Services
March to April	: Financial Services (CFO)
May to June	: Infrastructure Services
July to August	: Planning and Economic Development
September to October	: Community and Protection Services
November	: Corporate Services
December	: Financial Services (CFO)

- (b) that the Director next on the rotation schedule acts when the relevant Director is not available as per the schedule;
- (c) that an acting allowance be paid in terms of the approved acting policy if the Director acted for 10 consecutive days or longer; and
- (d) that the following managers act as Acting section 56 managers for the periods indicated in the different Directorates respectively

SECTION 56 POST	PERSON ACTING	POST OF ACTING INCUMBENT	ACTING PERIOD APPROVED
DIRECTOR: CORPORATE SERVICES: ANNALENE DE BEER			
	Alexander Kannemeyer	Senior Manager: Human Resources	January; May; July; September;
	Mervin Williams	Senior Manager: Legal Services	February March June December
	Regan Moodien	Senior Manager: ICT	April August October November
DIRECTOR: INFRASTRUCTURE SERVICES: SHANE CHANDAKA			
	Myra Francis	Senior Manager: Development Services, Assets Management and Systems and Project Management Unit	December; January; June; July
	Nombulelo Zwane	Senior Manager: Electrical Services	February; March; August; September
	Johan Fullard	Senior Manager: Transport, Roads & Stormwater	April; May; October; November

DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT: ANTHONY BARNES			
	Johru Robyn	Manager: Informal Settlements	December January; February; October
	Craig Alexander	Senior Manager Development Planning	March; April; May November
	Stiaan Carstens	Senior Manager: Development Management	June July August September
DIRECTOR: FINANCIAL SERVICES (CFO): KEVIN CAROLUS			
	Monique Steyl	Senior Manager: Financial Management Services	January; February; March, July; October; December
	Dalleel Jacobs	- Senior Manager: Supply Chain Management	- April , May; June; August; September, November.
DIRECTOR: PROTECTION AND COMMUNITY SERVICES: GARY BOSHOFF			
	Albert van der Merwe	Senior Manager:	January; March; April; July; September; November
	Charl Kitching	Senior Manager:	February; May; June; August; October; December

- (e) that the acting allowance be paid to Acting Section 56 Manager is line with the Acting Policy approved by Council.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	Director Corporate Services
DIRECTORATE	Corporate services
CONTACT NUMBERS	021 808 8018
E-MAIL ADDRESS	Annalene.deBeer@ Stellenbosch.gov.za
REPORT DATE	16 August 2022

13.3	IDA'S VALLEY COURT OF DREAMS
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Collaborator No:

KPA Ref No:

Meeting Date: 24 August 2022

1. SUBJECT: IDA'S VALLEY COURT OF DREAMS

2. PURPOSE

To obtain approval from Council for the upgrade of one netball court at Ida's Valley Sport Facility into a basketball court.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Ida's Valley Sport Facility currently has six existing netball courts. The Stellenbosch Academy of Sport (SAS) approached Stellenbosch Municipality with a proposal to upgrade one of the six netball courts into a basketball court.

All upgrades done in creating the basketball court will be supervised and facilitated by Stellenbosch Academy of Sport through its Community Wellness Manager.

All upgrades will be financed by Stellenbosch Academy of Sport and once completed the basketball court will be handed over to Stellenbosch Municipality. The basketball court and activities will be managed by the Sport Section and Ida's Valley Sport Council.

7TH COUNCIL MEETING: 2022-08-24: ITEM 13.3

RESOLVED (nem con)

that Council approves the upgrade and establishment of a basketball court at Ida's Valley Sport Facility with a donation received from the Stellenbosch Academy of Sport (SAS).

FOR FURTHER DETAILS CONTACT:

NAME	Garth Abrahams
POSITION	Manager: Sport, Recreation and Halls
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8160
E-MAIL ADDRESS	<u>Garth.abrahams@stellenbosch.gov.za</u>
REPORT DATE	18 August 2022

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

15.	CONSIDERATION OF URGENT MOTIONS
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NONE

16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

17.	REPORTS SUBMITTED BY THE SPEAKER
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NONE

18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

19.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

The meeting adjourned at 12:25. (

CHAIRPERSON:

DATE:

Confirmed on

26 October 2022 -with/without amendments.