



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2018-07-18

MINUTES

MAYORAL COMMITTEE MEETING:

2018-07-18 AT 10:00

MINUTES
MAYORAL COMMITTEE MEETING
2018-07-18

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PRESENT: Executive Mayor, Ald GM Van Deventer (Ms) (**Chairperson**)
Deputy Executive Mayor, Cllr N Jindela

Ald: JP Serdyn (Ms)

Councillors: PW Biscombe
AR Frazenburg
E Groenewald (Ms)
XL Mdemka (Ms)
S Peters
Q Smit

Also Present: Councillor AJ Hanekom
Councillor MC Johnson
Councillor WF Pietersen

Officials: Municipal Manager (G Mettler (Ms))
Director: Community and Protection Services (G Esau)
Director: Human Settlements (T Mfeya)
Chief Financial Officer (M Wüst)
Director: Infrastructure Services (D Louw)
Chief Audit Executive (F Hoosain)
Senior Manager: Governance (S de Visser (Ms))
Manager: Property Management (P Smit)
Environmental Planner (S van der Merwe)
Committee Clerk (B Mgcushe (Ms))
Committee Clerk (N Mbali (Ms))
Interpreter (J Tyatyeka)

1.	OPENING AND WELCOME
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The Executive Mayor welcomed everyone present at the first Mayoral Committee after the long recess.

1.1	COMMUNICATION BY THE CHAIRPERSON
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The Executive Mayor reflected on the centenary of Madiba, and mentioned several events that will be taking place today throughout the municipal area where Municipal Officials and Councillors will be involved in to honour the legacy of Mr Mandela.

1.2	DISCLOSURE OF INTERESTS
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The CFO, Mr M Wüst, disclosed an interest in Item 6.1 on the Agenda, and recused himself when this matter was dealt with.

2.	APPLICATIONS FOR LEAVE OF ABSENCE
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The following applications for leave were approved in terms of the Rules of Order of Council:-

Director Strategic and Corporate Services [A de Beer (Ms)]	- 18 July 2018
Councillor JN De Villiers	- 18 July 2018

3.	CONFIRMATION OF PREVIOUS MINUTES
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The minutes of the Mayoral Committee Meeting held on 2018-06-13 were **confirmed as correct.**

4.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS MAYORAL COMMITTEE MEETINGS
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NONE

5.	STATUTORY MATTERS
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5.1	COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: (PC: CLLR AR FRAZENBURG)
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NONE

5.2	CORPORATE AND STRATEGIC SERVICES: (PC: CLLR E GROENEWALD (MS))
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5.2.1	ADOPTION OF COMMUNICATION POLICY
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Collaborator No: 589198
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 18 and 25 July 2018

1. SUBJECT: ADOPTION OF COMMUNICATION POLICY

2. PURPOSE

To approve the Communication Policy.

3. DELEGATED AUTHORITY

Council approves policy.

4. EXECUTIVE SUMMARY

The item outlines the objectives and key intentions of the Communication Policy (**APPENDIX 1**). It further provides a summary of the Communication Policy's purpose and addresses financial, legislative and staff implications.

The Municipality has made steady improvements in its attempts to streamline and formalise its communications with residents, businesses and other stakeholders. Ensuring that the right messages reach the intended audiences on the most appropriate platforms is an on-going task, which we aim to execute successfully with the guidance of this policy.

The aim of this Policy is to ensure that all forms of communication takes place in a well-coordinated and professional manner. This will allow us to consistently design clear and uniform messages that are able to support the realisation of the Municipality's Strategic Objectives.

The Communication Policy seeks to ensure that the Stellenbosch Municipality acknowledges the importance of Communication as a strategic management function and a fundamental part of its daily functioning. The Policy will guide all communication efforts, ensuring that they are always aligned to our vision, mission and values. The new policy is a newly drafted policy and not a review of the current Policy.

The Policy will provide clear procedural direction for the Communication Department and streamline communication efforts. It furthermore aims to provide direction and guidance on how the Stellenbosch Municipality conducts both internal and external communication, to promote –

- an informed and empowered workforce;
- public participation and effective two-way communication between the Municipality and all external stakeholders; and
- the Stellenbosch Municipality brand as a whole.

The policy served at the Executive Mayoral Committee meeting in May 2018 and was referred to the portfolio committee for consideration and to make recommendations to the Executive Mayor before it is recommended to Council.

The portfolio committee discussed the policy in June 2018 and recommended that the policy be approved as per the attached document.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-07-18: ITEM 5.2.1

- (a) that the new Communication Policy be adopted; and
- (b) that the new policy replaces the Communication Strategy approved in June 2015.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	<i>STUART GROBBELAAR</i>
<i>POSITION</i>	<i>MANAGER: COMMUNICATIONS</i>
<i>DIRECTORATE</i>	<i>OFFICE OF THE MUNICIPAL MANAGER</i>
<i>CONTACT NUMBERS</i>	<i>X8172</i>
<i>E-MAIL ADDRESS</i>	stuart.grobbelaar@ Stellenbosch.gov.za
<i>REPORT DATE</i>	<i>10 May 2018</i>

5.2.2	GUIDELINES ON FLEXI-TIME
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File No:	4/11/10/
Collaborator No:	
IDP KPA Ref No:	Good Governance
Meeting Date:	18 and 25 July 2018

1. SUBJECT: GUIDELINES ON FLEXI-TIME**2. PURPOSE**

To present the guidelines on Flexi-time that was consulted with the trade unions.

3. DELEGATED AUTHORITY

The Municipal Manager may approve flexi-time within the general framework (office hours) set by Council. The Municipal Manager, as the head of Administration, approves operational related matters.

4. EXECUTIVE SUMMARY

Council approved the office hours for the Municipality, and in line with the Collective Agreement on Conditions of Service approved by the SALGBC, employees must work a 40-hour work week except for uniform staff who has a separate arrangement. The current office hours for the Municipality is 07h30 - 16h30 with a 30 minute lunch break between 13h00 and 13h30. For operational reasons there is a need to alter the official hours, and the Municipal Manager can approve that in terms of Section 55 of the Municipal Systems Act, Section 32 of 2000 as amended. Guidelines on how to allow staff to work alternative hours to that of the approved office hours were consulted with the trade unions and is attached as **APPENDIX 1**. The Local Labour Forum approved the Guidelines and resolved that it be submitted to Council for noting.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-07-18: ITEM 5.2.2

that the Guidelines on Flexi-Time be noted and forwarded to Council for information.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	<i>Director: Corporate and Strategic Services</i>
DIRECTORATE	<i>Corporate and Strategic Services</i>
CONTACT NUMBERS	<i>021 808 8018</i>
E-MAIL ADDRESS	<i>Annalene.deBeer@ Stellenbosch.gov.za</i>
REPORT DATE	<i>21 November 2017</i>

5.3	ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))
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5.3.1	DETERMINATION AND REDETERMINATION (TECHNICAL ALIGNMENT) OF MUNICIPAL BOUNDARIES IN TERMS OF SECTION 26 OF THE LOCAL GOVERNMENT: MUNICIPAL DEMARCATION ACT, 1998
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Collaborator No: 598063
 IDP KPA Ref No:
 Meeting Date: 18 and 25 July 2018

1. SUBJECT: DETERMINATION AND REDETERMINATION (TECHNICAL ALIGNMENT) OF MUNICIPAL BOUNDARIES IN TERMS OF SECTION 26 OF THE LOCAL GOVERNMENT: MUNICIPAL DEMARCATION ACT, 1998

2 PURPOSE

To inform Council of the amendments to the boundaries of Stellenbosch Municipality proposed by the Municipal Demarcation Board as contained in Circular 2/2018 (**ANNEXURE 1**).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Council of Stellenbosch Municipality met on 19 April 2018 (**ANNEXURE 2**) to respond to Circular 1/2018 (**ANNEXURE 3**) inviting Stellenbosch Municipality to submit comments on proposed boundary amendments. Following the above urgent meeting of Council, Stellenbosch Municipality's comments were submitted to the Municipal Demarcation Board (**ANNEXURE 4**).

No new proposed amendments to the boundary of Stellenbosch Municipality that were not contained in Circular 1/2018 and presented to Council on the above meeting of Council, are contained in Circular 2/2018. As it pertains to Stellenbosch Municipality Circular 2/2018 contains the refined list of proposed boundary realignments, having considered Stellenbosch Municipality's above input. Stellenbosch Municipality's inputs were dealt with as follows:

DEM Ref.	Stellenbosch Municipality's Response to Circular 1/2018 ito Urgent Council Meeting: 2018-04-19	Circular 2/2018
DEM6309	Refused	Retained as in Circular 1/2018
DEM6324	Supported	Retained as in Circular 1/2018
DEM6325	Supported	Retained as in Circular 1/2018
DEM6329	Refused	Omitted
DEM6331	Supported	Retained as in Circular 1/2018
DEM6333	Supported	Retained as in Circular 1/2018
DEM6334	Supported	Retained as in Circular 1/2018
DEM6335	Supported	Retained as in Circular 1/2018
DEM6336	Supported	Retained as in Circular 1/2018
DEM6337	Refused	Omitted
DEM6338	Refused	Retained as in Circular 1/2018
DEM6339	Refused	Retained as in Circular 1/2018
DEM6340	Refused	Retained as in Circular 1/2018
DEM6341	Supported	Retained as in Circular 1/2018
DEM6342	Supported	Retained as in Circular 1/2018
DEM6343	Refused	Retained as in Circular 1/2018
DEM6350	Supported	Retained as in Circular 1/2018

All the proposals Stellenbosch Municipality supported during April 2018 have been retained in the Circular 2/2018. Two of the proposals that Stellenbosch Municipality refused (DEM6329 and 6337) were omitted from the Circular 2/2018. The remaining five (5) proposals Stellenbosch Municipality refused (DEM6309/ 6338/ 6339/ 6340/ 6343) have been retained as proposed realignments.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-07-18: ITEM 5.3.1

that Council reaffirms its response to the proposed amendments to the boundaries of Stellenbosch Municipality as contained in Circular 1/2018 that has again been included in Circular 2/2018; and notify the Municipal Demarcation Board accordingly.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Schalk van der Merwe</i>
POSITION	<i>Environmental Planner</i>
DIRECTORATE	<i>Planning & Economic Development</i>
CONTACT NUMBERS	<i>021 808 8679</i>
E-MAIL ADDRESS	<i>schalk.vandermerwe@stellenbosch.gov.za</i>
REPORT DATE	<i>18 July 2018</i>

5.4	FINANCIAL SERVICES: (PC: CLLR S PETERS)
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5.4.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2018
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Collaborator No: **8/1**
 BUDGET KPA Ref No: **Good Governance and Compliance**
 Meeting Date: **18 July 2018**

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2018

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 4.36.2 of the Supply Chain Management Policy 2017/2018 to report the deviations and ratifications to Council.

3. DELEGATED AUTHORITY

Noted by Municipal Council.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-07-18: ITEM 5.4.1

that Council notes the deviations and ratifications as listed for June 2018.

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACT OR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE (R)
D/SM 49/18	05/06/2018	Lupat General Trading (Pty) LTD	Ward 21: 7-A-Side Soccer Tournament	Emergency. Exceptional case and it is impractical or impossible to follow the official procurement process	Complaint received from ward councillor on Saturday, 02-06-2018 after 12 pm that food provision for the 300 participants in the seven-a-side soccer tournament was not sufficient as service provider only catered for 100. Due to it being a Saturday and the time pressure to provide food within short period, it was not possible to follow normal SCM processes by sourcing three quotations. The original sourcing of catering for 100 persons instead of 300 was due to departmental oversight. It should be noted that the per person cost of R45.00	R 9 000.00

					was the result of a normal SCM procurement process and that it can be argued that the market was tested in that way. (See also additional quotations obtained as part of the process – Annexure 2). For this reason the municipality had to make a decision on the day to deviate from SCM procedure.	
D/SM 50/18	06/06/2018	1.Split Second Science 2.The Amazing Magic of Regardt Laubscher	Holiday Programmes for 8 Stellenbosch Libraries	Exceptional case and it is impractical or impossible to follow the official procurement process	Professional presentation given by skilled artists to enhance the literacy skills of learners project.	1. R29 465.00 2. R12 000.00
D/SM 51/18	11/06/2018	Ontec Systems (Pty) LTD	Appointment of a service provider to supply, installation and management of STS compliant prepayment electricity vending	Exceptional case and it is impractical or impossible to follow the official procurement process	The procurement process to appoint a new service provider to render the service of supplying, installation and management of vending system is currently underway. The technical evaluation was submitted on the 1st June 2018 and the date is awaited for the BEC to convene. We are concerned that the process will not be concluded on time to have a service provider appointed and operational by 1 July 2018 hence our proactive approach.	R1 887 000
D/SM 52/18	11/06/2018	Livewire Engineering and Consulting (Pty) LTD	Appointment of a service provider to read meters remotely, via automated meter reading (AMR) system and manage metering services for large power users and small scale embedded generation consumers.	Exceptional case and it is impractical or impossible to follow the official procurement process.	The procurement process to appoint a new service provider to render the service of reading meters remotely and management of large power users is underway. The department is currently busy with the technical evaluation to be submitted to SCM before 11 June 2018. We are concerned that the process will not be concluded on time to have a service provider appointed and operational by 1 July 2018 and hence proactive approach.	R135 000

D/SM 53/18	18/05/2018	Basson Blackburn Attorneys	Appointment of a service provider to obtain an urgent interdict against the illegal occupation of municipal land by community members of Kayamandi and Langrug, Groendal in Franschhoek.	Exceptional case and it is impractical or impossible to follow the official procurement process.	Community members of Kayamandi attempted to illegally occupy municipal land in Enkanini, Kayamandi on 17 May 2018 and resorted to violence when the Municipal Law Enforcement officials demolished the illegal structure erected by them. There exists a real threat that the community members will only execute the illegal land invasion given that sites have already been prepared and around 80 (eighty) people were on the site (17 th) preparing to set up structures. Community members in Langrug and Groendal in Franschhoek also attempted to illegally occupy municipal land without the approval of the municipality. The Municipality therefore need to appoint a service provider to get an urgent interdict to stop the invasions and allow the Municipality to break down illegal occupying structures.	R49 500.00
D/SM 54/18	01/06/2018	ATPlanning Town and Regional Planning Service t/a @Planning	Appointment of a professional consultant to process 2nd round of public comments on draft Stellenbosch integrated zoning scheme	Exceptional case and it is impractical or impossible to follow the official procurement process	The proposed service was previously appointed, per tender B/SM 66/15 to compile the draft Integrated Zoning Scheme, now version 11.	Up to R268 755
D/SM 55/18	29/06/2018	Bushactive cc Capidek (Pty)Ltd Bran –U Construction The Construction Co Paintmaster Kaap Edms FK Maintenance Services Take Note Trading 544cc J/V Vuyo Best Cutter (Pty)	Extension on security contracts	Exceptional case and it is impractical or impossible to follow the official procurement process.	Tender 87/18 for “ <i>Rendering of security services for various areas within the WC024 municipal jurisdiction until 30 June 2021</i> ” has been advertised by SCM on 26 April 2018 with closing date 01 June 2018	Rates Estimate of R1,92 million

D/SM 56/18	29/06/2018	Leelyn Management	Parking Management	Exceptional case and it is impractical or impossible to follow the official procurement process.	The current agreement as per deviation is expiring on 30 June 2018. A new tender has not yet been advertised. Realising that it will be impractical / impossible for a successful bidder to immediately start with services as from 01 July 2018.	Rates Estimate of R1 million
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The following ratification(s) were approved with the reasons as indicated below:

RATIFICATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
R/SM 12/18	29/06/2018	Basson Blackburn Attorneys	Legal action due to unauthorised building work (Erf 2419 Stellenbosch).	4.36.1(b) to ratify any minor breaches of the procurement processes	An urgent legal advice and a possible interdict were required to stop the unauthorised building work. It was not practical to follow the normal procurement process. The firm has been successful involved in similar matters.	R10 768.44

FOR FURTHER DETAILS CONTACT:

NAME	Marius Wüst
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Marius.wust@stellenbosch.gov.za
REPORT DATE	18 July 2018

5.4.2	AMENDMENT TO THE CURRENT CONTRACT OF HCB PROPERTY VALUATIONS FOR THE RENDERING OF ALL INTERIM VALUATIONS TILL THE END OF THE GENERAL VALUATION CYCLE PERIOD ENDING 30 JUNE 2021
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

18 July 2018

1. SUBJECT: AMENDMENT TO THE CURRENT CONTRACT OF HCB PROPERTY VALUATIONS FOR THE RENDERING OF ALL INTERIM VALUATIONS TILL THE END OF THE GENERAL VALUATION CYCLE PERIOD ENDING 30 JUNE 2021

2. PURPOSE

To provide feedback to Council that no objections or comments were received with regard to the MFMA S116(3) process that was followed with regards to Tender B/SM 68/15, and to obtain final Council approval to extend the contract to 30 June 2021.

3. DELEGATED AUTHORITY

Council to note.

4. EXECUTIVE SUMMARY

At a meeting held on 28 March 2018, Council approved that a MFMA S116(3) process be followed with regards to the appointment of HCB Property Valuations as the municipal valuer, and that the current contract be extended to 30 June 2021 after such process has been duly followed.

No comments or objections were received and Council is now requested to give final approval for the extension of the contract.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-07-18: ITEM 5.4.2

that Council notes that a MFMA S116(3) process was followed and that no comments or objections were received.

FOR FURTHER DETAILS CONTACT:

NAME	<i>M Wüst</i>
POSITION	<i>Chief Financial Officer</i>
DIRECTORATE	<i>Finance</i>
CONTACT NUMBERS	<i>021 808 8528</i>
E-MAIL ADDRESS	<i>Marius.wust@stellenbosch.org.za</i>
REPORT DATE	

5.4.3	MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 31 MAY 2018, MFMA S116(2)(d) REPORT
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

18 July 2018

1. SUBJECT: MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 31 MAY 2018, MFMA S116(2)(d) REPORT

2. PURPOSE

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

3. DELEGATED AUTHORITY

For decision by Municipal Council, Executive Mayor and Mayoral Committee.

4. EXECUTIVE SUMMARY

The report indicates the performance of service providers who were active on contract secured by means of a competitive bidding process for the period 01 July 2017 to 31 May 2018.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-07-18: ITEM 5.4.3

that the Annual MFMA S116(2)(d) Report: Management of contracts or agreements and contractor performance from 01 July 2017 till 31 May 2018, **be noted**.

FOR FURTHER DETAILS CONTACT:

NAME	DALLEEL JACOBS
POSITION	HEAD: SCM
DIRECTORATE	FINANCE
CONTACT NUMBERS	
E-MAIL ADDRESS	DALLEEL.JACOBS@STELLENBOSCH.GOV.ZA
REPORT DATE	04 JULY 2018

5.4.4	MFMA SECTION 52 REPORTING UP TO JUNE 2018
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

18 July 2018

1. SUBJECT: MFMA SECTION 52 REPORTING UP TO JUNE 2018

2. PURPOSE

To comply with Section 52(d) of the Municipal Finance Management Act and report to Council on the budget; financial and service delivery budget implementation plan by the Municipality for quarter 4 of the 2017/18 financial year.

3. DELEGATED AUTHORITY

THE EXECUTIVE MAYOR TO SUBMIT TO COUNCIL

In terms of section 52 (d) of the Municipal Finance Management Act:

“The mayor of a municipality—

(d) must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality;”

4. EXECUTIVE SUMMARY

The Executive Mayor must provide general political guidance over the fiscal and financial affairs of the Municipality and is required by Section 52(d) of the Municipal Finance Management Act to submit a report on the implementation of the budget and the financial state of affairs of the Municipality, to the Council within 30 days after end of each quarter.

The Section 52 Report is a summary of the budget performance. It compares the implementation of the budget to the commitments made and contained in the Service Delivery and Budget Implementation Plan (SDBIP), and is intended to enable Council to give effect to their oversight responsibility.

This report provides the overall performance of the Municipality for the period 1 April 2018 to 31 June 2018.

The Office of the CFO is currently, in terms of s126 (1)(a) of the MFMA, preparing the Annual Financial Statements for the financial period ended 30 June 2018. It is important to note that the information in this report are preliminary results and may not be an accurate reflection of the financial position of the municipality as same will materially be influenced by year-end journals and processes still to be finalised which will influence the financial position. The latter process alluded to will only be finalised by the end of August 2018.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-07-18: ITEM 5.4.4

that Council notes the Section 52 Report (including quarterly performance report) – Fourth Quarter.

5.4.5	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL REPORT FOR 2017/18
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File Ref: 8/1/3/3/2
 Collaborator No:
 IDP KPA Ref: Financial Sustainability (KFA 59: Supply Chain Management)
 Meeting Date: 18 July 2018

1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL REPORT FOR 2017/18

2. PURPOSE

To report to Council on the implementation of the SCM Policy.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

Section 6(2)(i) of the Municipal Supply Chain Regulations requires that a report on the implementation of the SCM Policy must serve at Council within 30 days of end of the financial year.

4. EXECUTIVE SUMMARY

The attached report contains the details of the implementation of the SCM Policy for 2017/18. **(APPENDIX1).**

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-07-18: ITEM 5.4.5

that Council takes note of the Annual SCM Report.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Dalleel Jacobs</i>
CONTACT NUMBERS	<i>021 808 8137</i>
E-MAIL ADDRESS	<i>Dalleel.Jacobs@ Stellenbosch.gov.za</i>
DIRECTORATE	<i>Financial Services</i>
REPORT DATE	<i>July 2018</i>

5.5	HUMAN SETTLEMENTS: (PC: CLLR PW BISCOBE)
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5.5.1	RE-IMBURSEMENT: TRANSFER OF ERF 718 TO SEVENTH DAY ADVENTIST CHURCH
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

18 July 2018

1. SUBJECT: RE-IMBURSEMENT: TRANSFER OF ERF 718 TO SEVENTH DAY ADVENTIST CHURCH

2. PURPOSE

To authorise the reimbursement of a portion of the Sales Price paid by the Seventh Day Adventist Church in relation to erf 718, Kayamandi.

3. DELEGATED AUTHORITY

Although the Municipal Manager has the authority to decide on the matter, she has requested that the matter be referred to Council for consideration.

4. EXECUTIVE SUMMARY

Following the allocation of erf 718 to the Seventh Day Adventist Church in 1997, they paid the sales price of R11 286.00 in full during 2002.

Before the property could be transferred to them, it became evident that the Municipal Clinic Building was encroaching onto erf 718.

Agreement was eventually reached with the church to subdivide the property and to consolidate a portion with the adjoining clinic site, on condition that they are reimbursed for the portion of land that they have lost.

MAYORAL COMMITTEE MEETING: 2018-07-18: ITEM 5.5.1

RESOLVED

that this item be referred back to Administration for refinement.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	<i>Human Settlement & Property Management</i>
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@ Stellenbosch.gov.za
REPORT DATE	2018-03-23

5.5.2	PROPOSED CESSION OF LEASE AGREEMENT IN RELATION TO LEASE FARM 527A DR G.J.C NORVAL TO STELLENSIG (PTY) LTD
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

18 July 2018

1. SUBJECT: PROPOSED CESSION OF LEASE AGREEMENT IN RELATION TO LEASE FARM 527A DR G.J.C NORVAL TO STELLENSIG (PTY) LTD

2. PURPOSE

To obtain Council's approval for the ceding of the Lease Agreement in relation to Lease Farm 527A to Stellensig (Pty) Ltd.

3. DELEGATED AUTHORITY

In terms of item 537 of the approved System of Delegations (2015-06-24) the Executive Mayor has the delegated authority "*To consider applications of the cession, assignment or sub-lease of leases for a period in excess of 10 years*"*

*The remaining period of the lease is 25 years.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality concluded a lease agreement with Dr. GJC Norval in January 1998. An application was received from the Lessee to assign the lease to a 3rd party.

In terms of clause 13 of the Lease Agreement, the Lessee is not allowed to cede, assign or sub-lease any of the land without the prior, written approval of the Lessor (Stellenbosch Municipality).

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-07-18: ITEM 5.5.2

that the cession or sub-letting of the property right in relation to lease farm 527A DR G.J.C Norval, not be allowed.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Human Settlement & Property Management
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2018-07-12

5.5.3	PROPOSED EXCHANGE OF LAND: A PORTION OF REMAINDER FARM 387, STELLENBOSCH FOR A PORTION OF LEASE AREA 377A: VREDENHEIM (PTY) LTD
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

18 July 2018

1. SUBJECT: PROPOSED EXCHANGE OF LAND: A PORTION OF REMAINDER FARM 387, STELLENBOSCH FOR A PORTION OF LEASE AREA 377A: VREDENHEIM (PTY) LTD

2. PURPOSE

To obtain Council's in principle approval for the proposed exchange of land.

3. DELEGATED AUTHORITY

The Municipal Council must decide on the matter, as this involves the disposal of municipal land.

4. EXECUTIVE SUMMARY

On 2017-11-29 Council mandated the Municipal Manager to conclude an agreement with the owner(s) of Remainder Farm 387 (Vredenheim), with the view of securing an access servitude(s) or to purchase/exchange of land for this purpose and/or for additional housing. Following various discussions with Elzabé Bezuidenhout of Vredenheim, agreement was reached to exchange a portion of Farm 387, Stellenbosch (Vredenheim property) for a portion of Lease Area 377A (municipal land).

The agreement however was subject to a suspensive condition that the Stellenbosch Municipal Council must approve the disposal of the said portion of Lease Farm 377A in terms of Section 14 of the MFMA. Council must now consider the proposed exchange of land.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-07-18: ITEM 5.5.3

- (a) that Lease Area 377A, measuring 9.42ha in extent, be identified as land not needed to provide the minimum level of basic municipal services;
- (b) that approval be granted in terms of paragraph 9.2.3.2 of the Municipal Property Policy for the disposal of a portion of Lease Farm 377 in exchange for a portion of Farm 387, Stellenbosch, as more fully described in paragraph 6.2 (description) and 6.3 (value);
- (c) that Council's intention so to act, i.e. to conclude an Exchange of Land Agreement, be advertised for public inputs;
- (d) that, should any objections be received as a consequence of the above notice, same be considered by Council before making a final decision; and
- (e) that the Municipal Manager be authorised to enter into a Private Treaty Agreement through a process of direct negotiations, subject to the conditions set out in the signed Exchange of Land Agreement, attached as **APPENDIX 6** and further subject to a final approved diagram indicating the exact sizes of the two properties.

5.5.4	PROPOSED CEDING OF LONG TERM LEASE AGREEMENTS: LEASE FARMS 502AX, AY AND BC: HELDERVALLEY FARMING ASSOCIATION
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

18 July 2018

1. SUBJECT: PROPOSED CEDING OF LONG TERM LEASE AGREEMENTS: LEASE FARMS 502AX, AY AND BC: HELDERVALLEY FARMING ASSOCIATION

2. PURPOSE

To obtain Council's approval for the ceding of 3 long term Lease Agreements to the Heldervalley Farming Association. Alternatively, that Council approve, in principle, that a new long-term lease be concluded with Heldervalley Farming Association.

3. DELEGATED AUTHORITY

In terms of the approved System of Delegation the Executive Mayor, in consultation with Mayco, has the delegated authority to consider the ceding of Lease Agreements (See delegation 537).

Should this application, however, be treated as a new agreement on a private treaty basis (i.e. not a ceding of rights), only Council can make the decision.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality concluded three (3) long-term Lease Agreements with HC Myburgh Boerdery on 1 April 1991.

During 2013 Mr Myburgh approached the Municipality with a written request to cede the lease agreements to the Heldervalley Farming Association.

Before a formal agreement in this regard could be reached, Mr Myburgh passed away. Although the ceding was never formalised, the Heldervalley Farming Association used the land for farming purposes as from 2008.

The Heldervalley Farming Association, through the Heldervalley Community Forum, has now requested that the matter be finalised.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-07-18: ITEM 5.5.4

- (a) that the properties listed in paragraph 6.1.1 be identified as land not needed for own use during the period for which such rights are to be granted, as provided for in Regulation 36 of the Asset Transfer Regulation 5;
- (b) that Council approves, in principle, that a long term Lease Agreement (until 2041) be concluded with the (to be established) Heldervalley Farming Association on a private treaty basis as provided for in Regulation 34 (1) (b), but subject thereto that Council's intention so to act be advertised for public inputs/comments, as provided for in paragraph 9.2.2 of the Property Management Policy;
- (c) that Council approves, in principle, the rental at 20% of market value, (R2194.23), i.e. R438.85/ha/annum, as provided for in paragraph 22.1.4 of the Property Management Policy (below market value rental); and
- (d) that the possibility of either recovering the outstanding debt or writing it off, be investigated by the Chief Financial Officer.

5.5.5	WRITING OFF OF OUTSTANDING DEBT (RENTAL): TRANSFER OF 80 HOUSES: LA MOTTE VILLAGE
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

18 July 2018

1. SUBJECT: WRITING OFF OF OUTSTANDING DEBT (RENTAL): TRANSFER OF 80 HOUSES: LA MOTTE VILLAGE

2. PURPOSE

To obtain Council's approval for the writing off of outstanding debt in relation to the 80 houses at La Motte, insofar as it relates to rental, to enable the transfer of said properties to identified beneficiaries.

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL.

In terms of paragraph 3.1 of Stellenbosch Municipality's Irrecoverable Debt Policy the CFO has the delegated authority to consider applications up to an amount of R20 000.00 In the circumstances under discussion the Municipal Council must therefore make a decision.

4. EXECUTIVE SUMMARY

The transfer of the 80 houses in the La Motte Village to identified beneficiaries has a very long history. For various reasons a new Transferring Attorney had to be appointed to attend to this long outstanding matter. Due to the long delay in attending to the transfers, and due to the fact that no municipal accounts were rendered as no properly completed and signed agreements were concluded, none of the Lessees made any payments with regard to occupational rental. For this reason the outstanding debt in respect of rental has grown to R15 315 589.30.

As it would be almost impossible to recoup these outstanding amounts before transfer, it is recommended this this outstanding debt (as at 30 June 2017) be written off, to enable the transfer of the said properties.

MAYORAL COMMITTEE MEETING: 2018-07-18: ITEM 5.5.5

RESOLVED

that this item be referred back to Administration for refinement.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	<i>Human Settlement & Property Management</i>
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2017-10-10

5.5.6	UNDEVELOPED ERVEN IN KAYAMANDI: PROGRESS REPORT: WAY FORWARD
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Collaborator No: 597250
 IDP KPA Ref No:
 Meeting Date: 18 July 2018

1. SUBJECT: UNDEVELOPED ERVEN IN KAYAMANDI: PROGRESS REPORT: WAY FORWARD

2. PURPOSE

The purpose of this report is two-fold:

- a) To provide Council with a progress report; and
- b) To advise Council on a way forward regarding those erven allocated, but not yet transferred.

3. DELEGATED AUTHORITY

Seeing that this matter was dealt with by Council to date, and seeing that there are no specific delegations in place dealing with these kinds of transactions, the Municipal Council must consider the matter.

4. EXECUTIVE SUMMARY

Following a motion from Councillor Jindela to deal with the undeveloped erven in Kayamandi, a comprehensive list of undeveloped erven in Kayamandi was compiled, making specific recommendations on the various categories of properties.

Following a public participation process whereby past beneficiaries were requested to provide written proof of their claim against the properties, various inputs/claims were received.

Council must now decide on a way forward regarding those properties that were identified as land being allocated to beneficiaries, but where no proof exist of the conclusion of a Sales Agreement or the payment of sales prices.

MAYORAL COMMITTEE MEETING: 2018-07-18: ITEM 5.5.6

RESOLVED

that this item be referred back to Administration for refinement.

FOR FURTHER DETAILS CONTACT:

NAME	PIET SMIT
POSITION	MANAGER: PROPERTY MANAGEMENT
DIRECTORATE	HUMAN SETTLEMENTS & PROPERTY MANAGEMENT
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2018-05-31

5.5.7	PROPOSED RENEWAL OF VARIOUS LEASE AGREEMENTS
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

18 July 2018

1. SUBJECT: PROPOSED RENEWAL OF VARIOUS LEASE AGREEMENTS

2. PURPOSE

To obtain Council's approval for the renewal of various Lease Agreements.

3. DELEGATED AUTHORITY

In terms of delegation 530 the Executive Mayor may "*grant a right to use, control or manager a fixed capital asset, up to an annual contract value not exceeding R5M, subject to compliance with Regulation 34(1) of the Asset Transfer Regulations*".

In terms of paragraph 9.22 of the Property Management Policy however, only the Municipal Council may consider an application to dispense with the prescribed, competitive process. For this reason the Municipal Council must consider the matter under discussion.

4. EXECUTIVE SUMMARY

Various Lease Agreements terminated over the past few years, where the contracts did not allow for an automatic renewal. The Supply Chain Management Policy (at the time) also did not provide for the renewal of these agreements without following a tender process. For this reason the agreements were "*kept alive*" on a month-to-month basis.

The new Property Management Policy however, now allows for a process whereby Council can dispose with the prescribed, competitive process.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-07-18: ITEM 5.5.7

- (a) that the properties listed in paragraph 6.1.1 be identified as land not needed for own use during the period for which such rights are to be granted, as provided for in Regulation 36 of the Asset Transfer Regulations;
- (b) that Council approves, in principle, that lease agreements for 9 years and 11 months be concluded on a private treaty basis with the current Lessees, as listed in paragraph 6.1.1, provided for in Regulation 34 (1) (b), but subject thereto that Council's intention so to act be advertised for public inputs/comments, as provided for in paragraph 9.2.2 of the Property Management Policy;
- (c) that, in the meantime, an independent valuer be appointed to determine the fair market rentals for the properties referred to in (a), above; and
- (d) that Council approves, in principle, the percentages (of market value) as set out in paragraph 6.2.2.2, as provided for in paragraph 22.1.4 of the Property Management Policy (below market value rentals).

5.5.8	PROPOSED DISPOSAL OF A PORTION OF REMAINDER FARM 1653, PAARL (LA MOTTE) TO THE PROVINCIAL DEPARTMENT OF TRANSPORT AND PUBLIC WORKS FOR EDUCATIONAL PURPOSES
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

18 July 2018

1. SUBJECT: PROPOSED DISPOSAL OF A PORTION OF REMAINDER FARM 1653, PAARL (LA MOTTE) TO THE PROVINCIAL DEPARTMENT OF TRANSPORT AND PUBLIC WORKS FOR EDUCATIONAL PURPOSES

2. PURPOSE

To obtain Council's approval on the possible disposal of a portion of Remainder Farm 1653, Paarl (La Motte).

3. DELEGATED AUTHORITY

For decision by Municipal Council.

There are no delegations in place authorising the disposal of fixed capital assets in terms of Section 14 of the Municipal Finance Management Act. The municipal Council is therefore the decision-making authority.

4. EXECUTIVE SUMMARY

At a previous Council meeting Council approved, in principle, the disposal of a portion of land to the Provincial Department of Transport and Public Works for the purpose of building a new school.

This decision, however, was subject to:

- a) the property being transferred to Stellenbosch Municipality; and
- b) a feasibility study being completed.

Both these conditions have now been met, paving the way for Council to make a final decision in this regard.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-07-18: ITEM 5.5.8

- (a) that a portion of Remainder Farm 1653, as identified in the Site Assessment Report, measuring approximately 1.8ha in extent (still to be determined), be identified as land not needed to provide the minimum level of basic municipal services;
- (b) that the market value, as determined by the independent valuer, be determined as R1 100 000.00 (excluding of VAT);
- (c) that approval be granted for the transfer of the property to the Provincial Department of Transport and Public Works, for the purpose of a school, at no cost (*gratis* transfer), taking into account the community value of the project, on condition:-
 - i) that the Department be responsible for all cost related to the rezoning, subdivision and transfer, including, but not limited to survey and legal costs;

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- ii) that the Department be accountable for the upgrading of bulk infrastructure should the need arise, and for making a contribution toward the Bulk Infrastructure Fund, as per the approved tariff structure at the time of approval of the site development plan, and
 - iii) that the Department be responsible for all service connections at the prevailing rates;
 - (d) that the Department be given occupancy of the land with immediate effect, to enable them to attend to the planning/building plan approvals; and
 - (e) that the Municipal Manager be authorized to sign all documents necessary to effect transfer of the land.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	<i>Human Settlement & Property Management</i>
CONTACT NUMBERS	<i>021-8088189</i>
E-MAIL ADDRESS	Piet.smit@Stellenbosch.gov.za
REPORT DATE	<i>2017-09-19</i>

5.6	INFRASTRUCTURE: (PC: CLLR J DE VILLIERS)
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NONE

5.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: CLLR N JINDELA)
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NONE

5.8	PROTECTION SERVICES: (PC: CLLR Q SMIT)
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5.8.1	RESERVIST POLICY
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Collaborator No: 580486
 IDP KPA Ref No: Safest Valley
 Meeting Date: 18 July 2018

1. SUBJECT: RESERVIST POLICY

2. PURPOSE

To obtain Council's approval for the introduction of a Reservist Policy.
(ANNEXURE A) for the Fire Services.

3. DELEGATED AUTHORITY

For decision by Mayoral Committee and Council.

Legal framework:

Fire Services Act, Act 99 of 1987

Disaster Management Act, Act 57 of 2002

Disaster Amendment Act, Act 16 of 2015

4. EXECUTIVE SUMMARY

There is a great need for assistance for non-uniform members of society to assist the fire department in times of major incidents. The demand and requests to offer assistance through volunteering also often exceeds our expectations as the department are inundated with requests for voluntary/reservist work from people from all walks of life and with various skills and knowledge.

The establishment of a reserve force, consisting of professional emergency medical practitioners, trained fire fighters and other auxiliary personnel can be seen as an amicable alternative to the manpower shortages that are experienced from time to time, especially during major incidents. It could also assist in overcoming service delivery challenges faced associated with our vast the area of coverage and budget restrictions in terms of requesting (overtime) additional manpower.

The adoption of such policy will undoubtedly strengthen the department's hand in acquiring young energetic reservist; assist in the grooming and securing future professional fire fighters for Stellenbosch municipality and maintaining a state of readiness.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-07-18: ITEM 5.8.1

that the draft Reservist Policy be supported and same be submitted to Council for adoption.

FOR FURTHER DETAILS CONTACT:

NAME	Wayne Smith
POSITION	<i>Manager: Fire services and Disaster management</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	<i>Ext 8771</i>
E-MAIL ADDRESS	<i>wayne.smith@stellenbosch.gov.za</i>
REPORT DATE	<i>7 February 2018</i>

5.8.2	REVIEW OF ACCESS CONTROL AND INTERNAL SECURITY POLICY ON THE PROTECTION OF COUNCIL PROPERTY AND MUNICIPAL STAFF
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Safest Valley

18 July 2018

1. SUBJECT: REVIEW OF ACCESS CONTROL AND INTERNAL SECURITY POLICY ON THE PROTECTION OF COUNCIL PROPERTY AND MUNICIPAL STAFF

2. PURPOSE

To submit the reviewed Access Control and Internal Security Policy on the protection of Council property and Municipal staff to Council for approval.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The policy on Access Control and Internal Security on the protection of Council property and Municipal staff was approved by Council on 20 August 2014. The review of the policy is to remain abreast of changing environments and risks when it comes to safety.

The reviewed policy addresses certain shortcomings as suggested in clause 8.1 of the attached policy as it relates to safety and security during Council meetings.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-07-18: ITEM 5.8.2

that Council considers and approves the reviewed policy on Access Control and Internal Security on the protection of Council property and Municipal staff.

FOR FURTHER DETAILS CONTACT:

NAME	GERALD ESAU
POSITION	<i>DIRECTOR COMMUNITY & PROTECTION SERVICES</i>
DIRECTORATE	<i>COMMUNITY & PROTECTION SERVICES</i>
CONTACT NUMBERS	<i>X8437</i>
E-MAIL ADDRESS	<i>Gerald.esau@stellenbosch.gov.za</i>
REPORT DATE	<i>15 March 2018</i>

5.8.3	APPLICATION FOR EVENT SUPPORT – SASOL SOLAR CHALLENGE
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Safest Valley

18 July 2018

1. SUBJECT: APPLICATION FOR EVENT SUPPORT – SASOL SOLAR CHALLENGE

2. PURPOSE

To obtain Council approval for event support to host the Sasol Solar Challenge during September 2018 in Stellenbosch.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The SA Sasol Solar Challenge (SSC) is an eclectic collaborative platform showcasing the advancement of solar technologies and their application demonstrated by academics, budding technological entrepreneurs and renewable energy enthusiasts.

Being SA's sixth bi-annual Solar Challenge and 10th year anniversary since the inaugural 2008 Challenge, the 2018 event will set new standards in both local and international Solar Challenge events.

The event traverses the South African countryside, departing from Tshwane/Pretoria on the 22nd of September traveling through 14 towns/cities en route to the Challenge Finish line held for the first time in the historic town of Stellenbosch on the **29th September 2018**. This will be the official finish line of the event after which the awards ceremony will be held in Cape Town on the 30th September 2018.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-07-18: ITEM 5.8.3

that Council endorses the request for event support in terms of Council's Events Policy, and renders the service at no cost.

FOR FURTHER DETAILS CONTACT:

NAME	GERALD ESAU
POSITION	DIRECTOR COMMUNITY & PROTECTION SERVICES
DIRECTORATE	COMMUNITY & PROTECTION SERVICES
CONTACT NUMBERS	021 – 808 8437
E-MAIL ADDRESS	Gerald.esau@stellenbosch.gov.za
REPORT DATE	30 June 2018

5.9	YOUTH, SPORT AND CULTURE: (PC: XL MDEMKA (MS))
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NONE

6.	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
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6.1	APPOINTMENT OF THE SELECTION PANEL IN THE RECRUITMENT AND SELECTION PROCESS: CHIEF FINANCIAL OFFICER
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

18 and 25 July 2018

1. SUBJECT: APPOINTMENT OF THE SELECTION PANEL IN THE RECRUITMENT AND SELECTION PROCESS: CHIEF FINANCIAL OFFICER

2. PURPOSE OF REPORT

To appoint a selection panel for the recruitment and selection process of the Chief Financial Officer.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The contract period of Mr Marius Wüst, Chief Financial Officer, comes to an end on 30 September 2018. The post has been advertised and closes on 16 July 2018. The Municipal Manager is in the process of appointing a consultant to assist with the recruitment and selection process. Council has to appoint a panel that must make recommendations for the appointment of a candidate for the vacancy that will arise when the contract of the CFO ends on 30 September 2018.

The selection panel must consist of at least 3 but not more than 5 people. The 3 people are prescribed by legislation and must be the Municipal Manager, chairperson or councillor responsible for the relevant portfolio, Finance in this instance, and a person who is not a councillor or a staff member and who has expertise in the area of the advertised post. The legislation, Section 12(4) of the Regulations on the appointment of Conditions of Employment of Senior Managers, is silent on who should be the other two members should council choose to have more than 3 members on the panel. It is recommended that Council appoint a three member panel as prescribed in Section 12(4).

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-07-18: ITEM 6.1

that Council approves the recruitment and selection panel consisting of the following persons:

- (a) Municipal Manager, Geraldine Mettler, who will chair the panel;
- (b) Mayoral Committee member for the Finance Portfolio: Councillor Salie Peters; and
- (c) An external person who is a financial expert.

6.2	APPOINTMENT OF ACTING MUNICIPAL MANAGER WHEN THE MUNICIPAL MANAGER IS NOT AVAILABLE
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

18 and 25 July 2018

1. SUBJECT: APPOINTMENT OF ACTING MUNICIPAL MANAGER WHEN THE MUNICIPAL MANAGER IS NOT AVAILABLE

2 PURPOSE

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

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

In 2012 Council approved a roster of Directors to act when the Municipal Manager is out of office (**APPENDIX 1**). In the meantime, some of the individuals have left and the new organisational structure was approved in October 2017. The new structure has now officially been implemented on an operational level after placements and the acting arrangements must be updated and reviewed. Section 56 (1) (a) of the Municipal Systems Act provides that the Municipal Council must appoint an acting Municipal Manager under certain circumstances and for a period as prescribed. Section 56 (1) (b) provides that such an acting person must at least have the skills, expertise, competencies and qualifications as prescribed. The prescription is attached as per **APPENDIX 2**.

It must be noted that the NQF levels changed since the publication of the minimum requirements and what was a NQF level 6 is now equivalent to a NQF level 7 which equates to at least a B degree. All the Directors had to adhere to this qualification when they were appointed, as NQF 7 has always been a requirement for them in terms of the regulations.

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. An updated roster of acting arrangements is proposed as a pragmatic arrangement to manage this matter.

Council approved an acting allowance policy in terms of which no acting allowance is payable to Directors when they are acting as the Municipal Manager. A copy hereof is attached as **APPENDIX 3**. It is not clear on what basis Directors may not receive acting allowances, but the other employees are entitled to acting allowances when they act as Directors. Other municipalities pay their acting Municipal Managers an acting allowance. Given that it is expected of the Director to fulfil both functions at the same time it would be unfair that Directors take on the additional responsibility, which is the reason why an acting allowance is paid, without compensation.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-07-18: ITEM 6.2

- (a) that the following Directors be appointed to act as Municipal Manager in the event of 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 the salary component for determining the acting allowance of a Director acting as Municipal Manager be equal to 60% of the remuneration package of the Municipal Manager;
- (d) that an acting allowance only be paid if the Director acted for 10 consecutive days or longer;
- (e) that the payment of acting allowances be backdated to 1 January 2018 and that those Directors that acted since January 2018 for 10 consecutive days or longer be paid the acting allowance for the periods they acted; and
- (f) that clause 6 of the current Acting Allowance Policy be rescinded.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Municipal Manager</i>
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	<i>Geraldine.Mettler@stellenbosch.gov.za</i>
REPORT DATE	10 July 2018

7.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

8.	MOTIONS AND QUESTIONS RECEIVED BY THE MUNICIPAL MANAGER
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NONE

9.	URGENT MATTERS
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NONE

10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

The meeting adjourned at 12:40.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments**