



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2018-08-08

MINUTES

MAYORAL COMMITTEE MEETING:

2018-08-08 AT 10:00

MINUTES
MAYORAL COMMITTEE MEETING
2018-08-08

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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
JN De Villiers
AR Frazenburg
XL Mdemka (Ms)
S Peters

Also Present: Councillor PR Crawley (Ms)
Councillor MC Johnson
Councillor WF Pietersen

Officials: Municipal Manager (G Mettler (Ms))
Chief Financial Officer (M Wüst)
Director: Planning and Economic Development (T Mfeya)
Director: Corporate Services (A de Beer (Ms))
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.

1.1	COMMUNICATION BY THE CHAIRPERSON
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“Goeie dag, good day, molweni, as-salaam alaikum.

- Môre herdenk ons Vrouedag en onthou ons die dapper optrede van meer as 20 000 vroue wat op 9 Augustus 1956 gestap het teen die pas wette van die tyd.
- Hulle was baanbrekers van hul tyd en het die pad gebaan vir vroue in Suid-Afrika om ons stemme dik te maak teen ongeregtigheid.
- Die stryd vir veral vroueregte in Suid-Afrika en die Wêreld is nog lank nie verby nie.
- Die stryd het die laaste jaar internasionaal volume gekry met bewegings so #Me Too en #Time's Up.
- In Suid-Afrika en vroue sedert die begin van die Augustus saamgekom vir #Total Shutdown, om die stryd van vroue op 'n professionele en persoonlike vlak uit te lig.
- Elke dag lees ons ongelukkig steeds van diskriminasie teen vroue, oor die moord en mishandeling van vroue.

- As leiers in ons gemeenskap moet ons slagoffers en leiers aanmoedig om hul stem te vind en op te staan vir vroue.
- Ek hoop dat u nie net more sal rus nie, maar iets sal doen wat die regte van vroue bevorder en ook die opoffering van die vroue van 1956 sal vier.

Oprah Winfrey het gesê: ***Think like a queen. A queen is not afraid to fail. Failure is another steppingstone to greatness.***

Maya Angelou het gesê: ***I am grateful to be a woman. I must have done something great in another life.***

Maya Angelou het gesê: ***A woman in harmony with her spirit is like a river flowing. She goes where she will without pretence and arrives at her destination prepared to be herself and only herself.***

“Thank You, Dankie”.

1.2	DISCLOSURE OF INTERESTS
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NONE

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:-

Councillor E Groenewald (Ms)	- 08 August 2018
Councillor Q Smit	- 08 August 2018
Director: Community and Protection Services (G Esau)	- 08 August 2018

3.	CONFIRMATION OF PREVIOUS MINUTES
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The minutes of the Mayoral Committee Meeting held on 2018-07-18 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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NONE

5.3	ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))
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5.3.1	STELLENBOSCH MUNICIPALITY AIR QUALITY BY-LAW
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Collaborator No: 600749
 IDP KPA Ref No:
 Meeting Date: 08 August 2018

1. SUBJECT: STELLENBOSCH MUNICIPALITY AIR QUALITY BY-LAW

2. PURPOSE

The Stellenbosch Municipality Air Quality By-Law (June 2018) (**ANNEXURE A**) has been prepared to give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa, 1996, by controlling air pollution within the area of the municipality's jurisdiction as well as to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied. Following a process of public participation the purpose of this item is to request Council to adopt the attached By-law.

3. DELEGATED AUTHORITY

(FOR DECISION BY MUNICIPAL COUNCIL AND EXECUTIVE MANAGEMENT)

There is no clear delegation in the current System of Delegations dated 2015/05/01 for this item. Stellenbosch Municipality has, however, defined obligations as contained in the National Environmental Management: Air Quality Act, 39 of 2004, to:

- a) Compile an Air Quality Management Plan (AQMP)
- b) Designate an Air Quality Officer (AQO)
- c) Report on the implementation of the AQMP

In terms of the Constitution of the Republic of South Africa, 1996, Section 156, a municipality has executive authority in respect of, and has the right to administer -

- i. local government matters listed in Part B of Schedule 4 and Part B of Schedule 5; and
- ii. any other matter assigned to it by national or provincial legislation.

Schedule 4, Part B, referred to above include air pollution.

4. EXECUTIVE SUMMARY

The Stellenbosch Municipality Air Quality By-Law (June 2018) has been prepared to give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa, 1996 by controlling air pollution within the area of the municipality's jurisdiction as well as to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied.

The need for the proposed By-law (regulatory framework) has been identified in the Air Quality Management Plan (2013) of Stellenbosch Municipality.

The Draft Stellenbosch Municipality Air Quality By-Law was advertised in the Eikestad News on the 26th of April 2018, inviting written comment by 31 May 2018. In addition hard copies of the above document were made available at the advice centers in both Stellenbosch and Franschhoek as well as libraries in both Stellenbosch and Franschhoek.

Apart from requests to provide clarity on some aspects of the above proposed By-law, no comment on the content or proposed amendments to the document was received.

Following the above process of public participation the above document is now brought to Council for adoption as the Stellenbosch Municipality Air Quality By-Law.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-08-08: ITEM 5.3.1

that Council approves the Draft Stellenbosch Municipality Air Quality By-Law (June 2018) and adopts it as the Stellenbosch Municipality Air Quality By-Law.

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>08 August 2018</i>

5.3.2	STELLENBOSCH MUNICIPALITY NOISE CONTROL POLICY
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Collaborator No: 600752
 IDP KPA Ref No:
 Meeting Date: 08 August 2018

1. SUBJECT: STELLENBOSCH MUNICIPALITY NOISE CONTROL POLICY

2. PURPOSE

The Stellenbosch Municipality Noise Control Policy (July 2018) (**ANNEXURE A**) relating to the implementation of the Provincial Noise Control Regulations PN 200/2013 has been prepared. Following a process of public participation the purpose of this item is to request Council to adopt the attached policy.

3. DELEGATED AUTHORITY

(FOR DECISION BY MUNICIPAL COUNCIL AND EXECUTIVE MANAGEMENT)

There is no clear delegation in the current System of Delegations dated 2015/05/01. However, Section C (e) Environmental Management, of the above System of Delegations, Item 392, makes provision for certain aspects (Noise Impact Assessments and Exemptions) as contained in the Provincial Cape Noise Control Regulations.

4. EXECUTIVE SUMMARY

The Stellenbosch Municipality Noise Control Policy (July 2018) has been prepared to regulate the internal implementation of the Provincial Noise Control Regulations PN 200/2013.

The need for such a policy is borne from the fact that various municipal departments deal with different aspects of noise control. The policy will clearly direct all relevant departments as to its function in dealing with the issue of noise and noise complaints.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-08-08: ITEM 5.3.2

that Council approves the Draft Stellenbosch Municipality Noise Control Policy (July 2018) and adopts it as the Stellenbosch Municipality Noise Control Policy.

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>08 August 2018</i>

5.4	FINANCIAL SERVICES: (PC: CLLR S PETERS)
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5.4.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2018
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Collaborator No: 600958
File No: 8/1
BUDGET KPA Ref No: Good Governance and Compliance
Meeting Date: 08 August 2018

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

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-08-08: ITEM 5.4.1

that Council notes the deviations as listed below for the month of July 2018.

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE (R)
D/SM 01/19	11/07/2018	Aberdare Cables	Low voltage cable feeders to the MTN/Municipality tower on Papegaaiberg	1. Emergency case and it is impractical or impossible to follow the official procurement process	Due to the urgency of the supply having to be restored in the shortest period to time, This was an emergency as the tower hosts all the cellular networks as well as the Stellenbosch Municipality's IT networks.	R198 324.00 (VAT EXCL.)
D/SM 02/19	13/07/2018	Xaba Engineering & Consulting	Consultant: 332 Temporal housing units	5. Exceptional case and it is impractical or impossible to follow the official procurement process	Xaba Engineering & Consulting were appointed as Consultant for the Construction of 332 Temporal Housing Units at the Temporary Relocation Area (TRA) at Watergang, Kayamandi. The scope increased and it would be impractical and not cost effective to appoint a new Engineer.	R120 647.40 (VAT EXCL.)
D/SM 03/19	25/07/2018	Avalo Technology Group	Pniel Highsite Failure	1. Emergency	The Stellenbosch Municipality ICT wireless network failed at the Pniel Highsite, Johannesdal Reservoir as a result of the theft and burglary.	R61 584.00 (VAT EXCL.)

5.5	HUMAN SETTLEMENTS: (PC: CLLR PW BISCOBE)
5.5.1	POSSIBLE DISPOSAL OF A PORTION OF PORTION 15 OF FARM 292 (NOW KNOWN AS ERF 16489), STELLENBOSCH

Collaborator No:

IDP KPA Ref No:

Meeting Date:

08 August 2018

1. SUBJECT: POSSIBLE DISPOSAL OF A PORTION OF PORTION 15 OF FARM 292 (NOW KNOWN AS ERF 16489), STELLENBOSCH

2. PURPOSE

To obtain Council's approval for the possible disposal of a portion of Portion 15 of Farm 292, Stellenbosch, for educational purposes.

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL.

The Municipal Council must decide on the disposal of Municipal Land in terms of the Asset Transfer Regulations.

4. EXECUTIVE SUMMARY

Rhenish Girls High School is utilising a portion of Portion 15 of Farm 292 (Public Street) for a hockey field in terms of a Lease Agreement. The Provincial Department of Transport and Public Works has now requested that the subject property be transferred to them for educational purposes.

MAYORAL COMMITTEE: 2018-08-08: ITEM 5.5.1

RESOLVED

that this item be referred back to Administration for further refinement and thereafter be submitted directly to Council.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Piet Smit</i>
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>2018-05-10</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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NONE

5.9	YOUTH, SPORT AND CULTURE: (PC: XL MDEMKA (MS))
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5.9.1	APPLICATION OF LOTTO FUNDING RECEIVED
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Collaborator No: 596157
 IDP KPA Ref No:
 Meeting Date: 08 August 2018

1. SUBJECT: APPLICATION OF LOTTO FUNDING RECEIVED

2. PURPOSE

To inform Council about the distribution of the Lotto funding that was received via a successful application to the Lotto Board.

3. DELEGATED AUTHORITY

FOR INFORMATION TO THE EXECUTIVE MAYOR AND COUNCIL

4. EXECUTIVE SUMMARY

To provide feedback on the upgrades and purchasing of the LOTTO funding.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-08-08: ITEM 5.9.1

that Council takes note of the upgrades completed and the sporting equipment purchased.

FOR FURTHER DETAILS CONTACT:

NAME	Garth Abrahams
POSITION	<i>Head: Sport and Facilities</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	021 808 8162
E-MAIL ADDRESS	<i>Garth.abrahams@ Stellenbosch.gov.za</i>
REPORT DATE	07 May 2018

6.	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
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6.1	REVISED STRATEGIC RISK REGISTER 2018/19 FINANCIAL YEAR WITH RISK APPETITE
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Collaborator No: 600831
IDP KPA Ref No: All Strategic Objectives
Meeting Date: 08 August 2018

1. SUBJECT: REVISED STRATEGIC RISK REGISTER 2018/19 FINANCIAL YEAR WITH RISK APPETITE

2. PURPOSE

To submit the draft Strategic Risk Register for the 2018/19 financial year for approval to establish the risk appetite for Stellenbosch Municipality.

3. DELEGATED AUTHORITY

For approval by Council.

4. EXECUTIVE SUMMARY

Corporate governance best practice, as well the Municipal Finance Management Act (MFMA), Act 56 of 20013, require municipalities to have an effective risk management mechanism to stay abreast of risks and risk appetite. Municipalities are furthermore required to formally assess risk annually. To ensure effectiveness, a municipality must focus its attention and resources on the areas of most significant risk and concern to stakeholders. The risk assessment process is therefore a fundamental element of the risk management process.

The principal aims of the risk assessments process are to:

- Identify the risks threatening the achievement of the IDP's objectives of each directorate;
- Assess the key risks facing the directorate; and
- Identify the processes / functions / directorates / persons which the municipality and top management rely upon to manage the identified risks.
- Align the mentioned process with processes as established by provincial and national government as communicated to the municipality.

The Strategic Risks as well as the operational risks that were identified were discussed in detailed by senior management on 26 June 2018 at the Risk Management Committee, and further workshopped on 10 July 2018 to finalise and approve the municipal strategic risk appetite. In terms of the COSO integrated framework (National Treasury Enterprise Risk Management Framework), risk appetite is defined as the amount of risk an organisation is broadly willing to accept in pursuit of value. Risk appetite guides resource allocation and assists in aligning the organisation, people and processes.

The risk appetite was calculated at 15, which is considered as moderate. A score of 8 to 15 is considered moderate. The risk appetite for Stellenbosch for 2018/19 is on the upper limit of moderate with the next level classified as high risk.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-08-08: ITEM 6.1

that Council approves the Strategic Risk Register and the Risk Appetite as mutually agreed to by the senior management of the municipality.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Helena Priem</i>
POSITION	<i>Acting Senior Governance Manager</i>
DIRECTORATE	<i>Municipal Manager</i>
CONTACT NUMBERS	<i>021 – 808 8157</i>
E-MAIL ADDRESS	<i>Helena.priem@stellenbosch.gov.za</i>
REPORT DATE	<i>10 July 2018</i>

6.2	IDP/BUDGET/SDF PROCESS PLAN (TIME SCHEDULE) TO GUIDE THE PLANNING, DRAFTING, ADOPTION AND SECOND REVIEW OF THE FOURTH GENERATION INTEGRATED DEVELOPMENT PLAN FOR 2017/18 – 2021/22
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Collaborator No: 600874
 IDP KPA Ref No: All Strategic Objectives
 Meeting Date: 08 August 2018

1. SUBJECT: IDP/BUDGET/SDF PROCESS PLAN (TIME SCHEDULE) TO GUIDE THE PLANNING, DRAFTING, ADOPTION AND SECOND REVIEW OF THE FOURTH GENERATION INTEGRATED DEVELOPMENT PLAN FOR 2017/18 – 2021/22

2. PURPOSE

To table the following to Council for consideration: The Time Schedule of key deadlines for the Integrated Development Plan (IDP), Budget and Spatial Development Framework (SDF) processes. The Time Schedule guides the planning, drafting and adoption of the IDP (2017/18 – 2021/22.).

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL.

4. EXECUTIVE SUMMARY

Section 21 (1) of the Municipal Finance Management Act states that the Mayor of the Municipality must-

- (b) *at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for-*
- (i) *the preparation, tabling and approval of the annual budget;*
 - (ii) *the annual review of –*
 - aa) *the integrated development plan in terms of section 34 of the Municipal Systems Act; and*
 - bb) *the budget related policies.*
 - (iii) *the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and*
 - (iv) *any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).*

The IDP Process Plan is compiled in terms of Sections 28 and 29 of the Municipal Systems Act, No 32 of 2000.

Section 28 specifies that:

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

Section 29(1) further requires that:

The process “must—

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

(2) A district municipality must-

- (a) plan integrated development for the area of the district municipality as a whole but in close consultation with the local municipalities in that area;*
- (b) align its integrated development plan with the framework adopted in terms of section 27; and*
- (c) draft its integrated development plan, taking into account the integrated development processes of, and proposals submitted to it by the local municipalities in that area.*

(3) A local municipality must-

- (a) align its integrated development plan with the framework adopted in terms of section 27; and*
- (b) draft its integrated development plan, taking into account the integrated development processes of and proposals submitted to it by the district municipality.”*

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-08-08: ITEM 6.2

- (a) that Council notes and adopts the IDP, Budget and SDF Time Schedule of key deadlines to guide the planning, drafting, adoption and review of the Stellenbosch Second Revision of the Fourth Generation Integrated Development Plan (2017/18 – 2021/22) ; and
- (b) that the Time Schedule be placed on the official website of the municipality, municipal notice boards and libraries, notifying the public of the planned process.

FOR FURTHER DETAILS CONTACT:

NAME	Gakeema Salie
POSITION	Manager IDP/PM/IGR
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 808 8171
E-MAIL ADDRESS	Gakeema.Salie@Stellenbosch.gov.za
REPORT DATE	8 and 22 August 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 10:55.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**