



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2021-05-26

## MINUTES

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

**2021-05-26 AT 10:00**

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

**MINUTES**  
**MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY**  
**2021-05-26**  
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<b>PRESENT</b>	The Speaker, Cllr WC Petersen (Ms) [Chairperson] The Executive Mayor, Ald G Van Deventer (Ms) The Deputy Executive Mayor, Cllr N Jindela	
<b>COUNCILLORS</b>	F Adams FJ Badenhorst FT Bangani-Menziwa (Ms) Ald PW Biscombe G Cele (Ms) PR Crawley (Ms) Z Dalling (Ms) C Davidse R Du Toit (Ms) J Fasser A Florence AR Frazenburg E Fredericks (Ms) T Gosa E Groenewald (Ms) JG Hamilton AJ Hanekom	JK Hendriks LK Horsband (Ms) MC Johnson DD Joubert N Mananga-Gugushe (Ms) C Manuel XL Mdemka (Ms) N Olayi MD Oliphant SA Peters WF Pietersen SR Schäfer Ald JP Serdyn (Ms) N Sinkinya (Ms) P Sitshoti (Ms) R Van Rooyen

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<b>Officials:</b>	Municipal Manager (Ms G Mettler) Chief Financial Officer (K Carolus) Acting Director: Community and Protection Services (A van der Merwe) Director: Corporate Services (Ms A De Beer) Director: Infrastructure Services (D Louw) Acting Director: Planning and Economic Development (C Alexander) Chief Audit Executive (F Hoosain) Senior Administration Officer (T Samuels (Ms))
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<b>1.</b>	<b>OPENING AND WELCOME</b>
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Good Morning to you all present in this, the 43<sup>rd</sup> Council Meeting.

A Warm welcoming to:

- The Executive Mayor, Alderman Gesie Van Deventer
- Deputy Executive Mayor, Nyaniso Jindela
- The Municipal Manager, Geraldine Mettler @ Directors
- The Members of the Executive Committee
- All Councillors present
- And the broader Stellenbosch Public tuned in on the Virtual Platform

I welcome you all present and hope that you will have a fruitful and constructive meeting as we will discuss today the newly proposed budget of Council.

I now ask Cllr: Wilfred Pietersen to open the meeting with a prayer.

<b>2.</b>	<b>MAYORAL ADDRESS</b>
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“Speaker, Munisipale Bestuurder, Burgemeesterskomiteelede, Direkteure  
Goeiedag, Good Morning, Molweni, As-salaam Alaikum

- The National Govern Roll-out for the vaccinations of people older than 60 started this week.
- I want to encourage all councillors and residents who qualify to please register for the vaccine and when you get your notification that it is your turn to please get vaccinated.
  - Registration is easy and can be done on the website – <https://vaccine.enroll.health.gov.za> or WhatsApp the word REGISTER to 0600 123 456 or call \*134\*832#. You can also call 0860 142 142 for assistance with registration.
- We are nearing the third wave of COVID and I want to urge all residents, officials and students to please adhere to the COVID protocol.
  - Avoid large groups
  - WEAR A MASK
  - Sanitize your hands.
  - If the situation escalates out of control we might be faced with a new round of restrictions.
- Winter rains have started and it has been accompanied with some localised flooding.
  - We assist wherever possible, but there seems to be some confusion about how to apply for and get an emergency flood kit.
  - I want to use the opportunity to inform residents and councillors of the correct procedures.
  - The handing out of emergency kits are strictly regulated to make sure that people do not abuse it.
  - When damage is reported (either via the councillor or how emergency lines), it is directed to the head of our Disaster Management Section. Our Fire Services commanders and housing officials are then tasked with assessing the situation and to report back to Disaster Management.
  - When the assessment has been completed and it has been determined that there has been a flooding emergency, the necessary number of emergency flood kits are issued and delivered.
  - The victims must also sign for it.
  - The entire process is completed as quickly as possible but it is necessary to ensure that only those who are in real need, and not chancers, receive the necessary assistance because our resources are limited.
  - If you want to make a contribution to winter aid relief, please contact my office. Any assistance is more than welcome.
- The IEC has announced the registration dates for the upcoming local elections.
  - Registration weekend will be on 17 and 18 JULY 2021.
  - During that weekend all voting stations will be open and residents who need to reregister or register for the first time can do so.

- All eligible residents, meaning every resident, 18 years and older by the date of the election must ensure that they are correctly registered.
- You can also go to the nearest IEC office to update your registration.
- If you have moved since the last election, please make sure you update your registration.
- To check on whether or not you are correctly registered, you can visit the IEC's webpage at [www.elections.org.za](http://www.elections.org.za) or send an SMS with your ID nr to 32810.

Thank you.”

<b>3.</b>	<b>COMMUNICATION BY THE SPEAKER</b>
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“Madame Mayor and Deputy Mayor, - today is our 43<sup>rd</sup> Council meeting against the backdrop of providing our last **Municipal Budget** – during our current term - Meaning that we still have **153** days left to complete our term / work of being of service to the broader Stellenbosch Public.

Councillor's @ Administration of Stellenbosch let us use this window of Opportunity – to correct and do what we should do to the broader Stellenbosch electorate.

**Notices:**

- On notices may I remind you all that **Covid 19** is still with us and especially here in Stellenbosch where we have been labelled as a Hotspot due to the increase in new cases and even death's in our area of jurisdiction.
- We have a duty as a town to help curb the Pandemic and I urged all our leaders in town, the University community, Business owners and leaders in general to work together to help stop this virus as a collective.
- Please take note of the Vaccination drive and especially to our elderly – Councillors please assist our senior members of our society as they experience challenges with the registration link.
- Councillors please also remind our electorate that Registration weekend will be 17<sup>th</sup> and 18<sup>th</sup> July 2021 only.
- Councillors not coming back after the elections are reminded that they do qualify for three month remuneration after the election.

**Birthdays:**

The following Councillors will be celebrating their birthdays:

- Aldridge Frazenburg – his birthday is today and
- Councillor Quinton Smit – 1 June
- Councillor James Hamilton – 11 June

On behalf of Council we hope you all of the best on your birthdays.

Madame Mayor, Municipal Manager and fellow Councillors let us move to the Business of the Day in dealing with the Council Agenda of point 4. Communications by the Municipal Manager.

Thank you.”

<b>4.</b>	<b>COMMUNICATION BY THE MUNICIPAL MANAGER</b>
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“Good day Madame Mayor, Speaker, Councillors and Colleagues,

- Given the economic climate we find ourselves in, and the impact covid had on (not only the municipality, but on every single citizen in this town) she is very proud of the Budget that will be presented today.
- Registration for elections will on the weekend of 17 and 18 July 2021. There will be 23 wards in the next elections and residents are urged to verify in which ward they are registered (on the IEC’s website, electronically). Some boundaries of the wards have changed slightly in order to make provision for new ward.
- We are on the verge of the 3rd wave of covid and residents and staff are urged to follow the protocols at all times, because we are aware of the devastating effects it had on our economy, something our municipality and country can ill-afford. Please be careful and take care.
- As we approach Youth Day, it is sad to learn about the passing of a matric learner from Renish Girls High School in Stellenbosch. The Municipal Manager, on behalf of Council, expressed the municipality’s deepest sympathy with the family, school, and students with the passing of the matric learner. Parents are requested to pay careful attention to their children and the challenges they face, especially as they are preparing for the exams and the issues with covid (not much social interaction, on-line classes, etc).
- The youth are indeed our future, and as Madiba said: *“The working youth is critical to our future. The economy depends on you. With your hard work and efforts at improving your skill, you can make our nation one of the most prosperous nations in the world.”* With this, I want to emphasize the importance of youth in our society and what they bring to us. We need to look after our youth and encourage them.
- All staff of Stellenbosch Municipality are urged to adhere to protocols at all times. Please look after each other, it is for our own safety and benefit and that of the community. As the Municipal Manager and Head of the Administration I appreciate everything you do, the extra miles you go and the work you sometimes do without getting the necessary acknowledgement for it, it is not going unseen, I appreciate it.

I thank you.”

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

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

Cllr A Crawley (Ms) – 26 May 2021  
Cllr NE Mcombring (Ms) – 26 May 2021  
Cllr C Moses (Ms) – 26 May 2021  
Cllr Q Smit – 26 May 2021

ABSENT

Cllr MD Oliphant – 26 May 2021  
Cllr RS Nalumango (Ms) – 26 May 2021

7.	<b>CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING</b>
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7.1	<b>42<sup>ND</sup> COUNCIL MEETING: 2021-04-28</b>
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The minutes of the 42<sup>nd</sup> Council Meeting: 2021-04-28 was **confirmed as correct.**

8.	<b>STATUTORY MATTERS</b>
8.1	<b>MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) OVERSIGHT REPORT ON THE ANNUAL REPORT 2019/20</b>

Collaborator No: 706555  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 19 May 2021 and 26 May 2021

**1. SUBJECT: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) OVERSIGHT REPORT ON THE ANNUAL REPORT 2019/20**

**2. PURPOSE**

To submit to Council the Oversight Report on the Annual Report 2019/20 for consideration and approval.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

The Draft Annual Report 2019/20 was referred by Council, on 31 March 2021, to MPAC which fulfilled the functions of the Oversight Committee. The appointment and mandate of the MPAC/Oversight Committee were informed by the MFMA Circular 32 of 2006.

Committee members, including the two co-opted members, have scrutinised the Draft Annual Report 2019/20 and requested, where required, responses from the relevant Directorates. The Annual Report 2019/20 was objectively reviewed by the MPAC Members to ascertain whether the Annual Report 2019/20 is a true and accurate reflection of the municipality's performance for the 2019/20 financial year. The public was also invited to attend a public hearing to submit any representations on the Annual Report 2019/20. The public hearing was held on 15 April 2021.

At the time of deliberating on the Annual Report 2019/20, the report from the Auditor-General of South Africa (AGSA), as contemplated in terms of Section 121(3)(b) and (d), was not available. Hence, the AGSA's report must still be submitted to the MPAC as soon as it becomes available.

**43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 8.1**

**RESOLVED** (majority vote)

- (a) that Council, having fully considered the Oversight Report on the Annual Report 2019/20 of the Stellenbosch Municipality, adopts the Oversight Report 2019/20;
- (b) that Council, having fully considered the Annual Report 2019/20, attached hereto as **ANNEXURE B**, approves the Annual Report 2019/20 with the following reservations:
  - (i) that the Auditor-General's Report 2019/20 be submitted to the MPAC as soon as it is available; and
  - (ii) that the MPAC submits a separate report to Council after the MPAC considered the Auditor-General's Report 2019/20;

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- (c) that the Oversight Report 2019/20 be made public in accordance with Section 129(3) of the MFMA; and
- (d) that the Oversight Report 2019/20 on the Annual Report for the 2019/20 financial year be submitted in accordance with Sections 129(2) and 132(2) of the MFMA to the Auditor-General of South Africa, Provincial Treasury: Western Cape, Department of Local Government: Western Cape and the Provincial Legislature: Western Cape.

*Councillors F Adams; C Davidse and LK Horsband requested that their votes of dissent be minuted.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>SHIREEN DE VISSER</b>
<b>POSITION</b>	<b>SENIOR MANAGER: GOVERNANCE</b>
<b>DIRECTORATE</b>	<b>OFFICE OF THE MUNICIPAL MANAGER</b>
<b>CONTACT NUMBERS</b>	<b>021 – 808 8035</b>
<b>E-MAIL ADDRESS</b>	<b>SHIREEN.DEVISSER@STELLENBOSCH.GOV.ZA</b>
<b>REPORT DATE</b>	<b>07 MAY 2021</b>

8.2	<b>APPROVAL OF THE FOURTH REVIEW OF THE FOURTH GENERATION IDP 2017 – 2022</b>
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Collaborator No: 706595  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 19 May 2021 and 26 May 2021

**1. SUBJECT: APPROVAL OF THE FOURTH REVIEW OF THE FOURTH GENERATION IDP 2017 – 2022**

**2. PURPOSE**

To submit to Council for adoption:

- (a) The Fourth Review of the Fourth Generation Integrated Development Plan (IDP) 2017 – 2022, attached as **ANNEXURE A**; and
- (b) The public participation inputs, written submissions and Provincial Government LG MTEC findings on the Draft Fourth Review of the Fourth Generation IDP 2017 - 2022, attached as **ANNEXURE B**.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

The Integrated Development Plan (IDP) is a 5-year Strategic Plan that is reviewed annually to accommodate changes in the municipal environment, including community priorities. It also informs the budget of the municipality. The Fourth Review of the Fourth Generation IDP 2017 – 2022 details the municipality's actions to address the needs of the community.

The municipal IDP must be reviewed every year to ensure that:

- Municipalities and communities keep track of progress in implementing development projects and spending the municipal budget; and
- Communities are provided with an opportunity to review their needs and make possible revisions to the priorities listed in the municipal IDP.

**43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 8.2**

**RESOLVED** (majority vote)

- (a) that the Stellenbosch Municipality's Fourth Review of the Fourth Generation IDP 2017 – 2022, attached as **ANNEXURE A**, be adopted;
- (b) that the public participation inputs and written submissions on the Draft Fourth Review of the Fourth Generation 2017 – 2022, attached as **ANNEXURE B**, be noted; and
- (c) that an advertisement be placed on the official website of the municipality, municipal notice boards and in the local newspapers notifying the public that the final Fourth Review of the Fourth Generation 2017 – 2022 has been adopted by Council.

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

*Cllrs F Adams; F Bangani-Menziwe (Ms); G Cele (Ms); C Davidse; LK Horsband (Ms); N Mananga-Gugushe (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.*

8.3	<b>MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK: 2021/2022-2023/2024</b>
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Collaborator No: 706713  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 19 May 2021 and 26 May 2021

**1. SUBJECT: MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK: 2021/2022-2023/2024**

**2. PURPOSE**

The purpose of this report is as follows:

- a) To consider the views/submissions of the local community in terms of Section 23(1) (a) of Municipal Finance Management Act (Act 56 of 2003), herein after called the MFMA and to allow the Executive Mayor to respond to the views of the public envisaged in terms of Section 23 (2) (a) and (b);
- b) To approve the Medium Term Revenue and Expenditure Framework (inclusive of property rates charges and taxes, tariffs and service charges), annexures and proposed amendments to the budget-related policies and other policies to Council for approval in terms of Section 16(2) of the Municipal Finance Management Act, (Act 56 of 2003);
- c) That Council specifically note and consider the need to take up external loans to fund critically needed refurbishment of infrastructure to the amount of R444 million of which over the MTREF R144 million will be required in year one, R140 million in year two, and R160 million in year three (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirms draft approval of same in order for the Chief Financial Officer to attend to the necessary legislative requirements.

**3. DELEGATED AUTHORITY**

FOR APPROVAL BY MUNICIPAL COUNCIL

**4. EXECUTIVE SUMMARY**

**BUDGET**

Attached as **APPENDIX 1** is an Executive Summary by the Accounting Officer.

**43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 8.3**

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

**RESOLVED** (majority vote)

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

- (c) that the proposed Grants-In-Aid allocations as set out in **APPENDIX 1 – PART 2 – SECTION J**, be approved;
- (d) that the three-year Capital Budget for 2021/2022, 2022/2023 and 2023/2024, as set out in **APPENDIX 1 – PART 2 – SECTION N**, be approved;
- (e) that the proposed rates on properties in WCO24, tariffs, tariff structures and service charges for water, electricity, refuse, sewerage and other municipal services, as set out in **APPENDIX 3**, be approved;
- (f) that the proposed amendments to existing budget-related policies and other policies as set out in **APPENDICES 5 - 31**, be approved;
- (g) that Council specifically note and consider the need to take up an external loan, needed for investment in income generating infrastructure to the amount of R444 millions of which R144 million will be required in year one, R140 million in year two, and R160 million in year three (refer to Section G: High Level Budget Overview and Table A1 Budget Summary), and confirm approval of same;
- (h) that Council specifically takes note of the fact that the proposed electricity charges and tariff structure is subject to NERSA approval that could change materially;
- (i) that Council takes note of MFMA Circulars 107 and 108 that were published to guide the MTREF for 2021/2022 to 2023/2024 as set out in **APPENDICES 32 – 33**; and
- (j) that Council takes note that the public comments and submissions were taken into account with the compilation of the final budget.

*Councillors F Adams; and G Cele (Ms) requested that their votes of dissent be minuted.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	KEVIN CAROLUS
<b>POSITION</b>	<b>DIRECTOR: FINANCIAL SERVICES</b>
<b>DIRECTORATE</b>	<b>FINANCIAL SERVICES</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8528</b>
<b>E-MAIL ADDRESS</b>	<b>kevin.carolus@ Stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>26 May 2021</b>

8.4	<b>MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR APRIL 2021</b>
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Collaborator No: 706719  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 19 May 2021 and 26 May 2021

**1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR APRIL 2021**

**2. PURPOSE**

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2020/2021 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 (2020/2021) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during April 2021.

**43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 8.4**

**NOTED**

the deviations as listed for the month of April 2021.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Kevin Carolus
<b>POSITION</b>	<b>CFO</b>
<b>DIRECTORATE</b>	<b>Finance</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8528</b>
<b>E-MAIL ADDRESS</b>	<b>Kevin.Carolus@ Stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>04 May 2021</b>

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9.	<b>REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS</b>
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As per Council directive (2021-01-27: Item 9) the Report by the Municipal Manager re Outstanding Resolutions taken at previous meetings of Council, is referred to the Section 80 Committees for scrutiny and interrogation.

The report attached hereto as **APPENDIX 1, IS FOR INFORMATION ONLY.**

**43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 9**

**NOTED**

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

10.	ITEMS FOR NOTING
10.1	REPORT/S BY THE EXECUTIVE MAYOR
10.1.1	REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 24 MARCH 2021

Collaborator No:

IDP KPA Ref No:

Meeting Date:

26 May 2021

1. **SUBJECT: REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 24 MARCH 2021**

2. **PURPOSE**

To inform Council of the matters under discussion at the Mayor – Rector Forum meeting held on 24 March 2021.

3. **DELEGATED AUTHORITY**

FOR INFORMATION

4. **EXECUTIVE SUMMARY**

The Executive Mayor has since her election reported to the Council on discussions that takes place at the regular meetings of the Mayor – Rector Forum. The meeting was held on 24 March 2021. The minutes is attached as **ANNEXURE A**.

43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 10.1.1

**NOTED**

the report by the Executive Mayor on the Mayor-Rector Forum Meeting dated 24 March 2021.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	DONOVAN MULLER
<b>POSITION</b>	<b>MANAGER: COUNCIL SUPPORT</b>
<b>DIRECTORATE</b>	<b>CORPORATE SERVICES</b>
<b>CONTACT NUMBERS</b>	<b>021 8088314</b>
<b>E-MAIL ADDRESS</b>	<b><u>Donovan.Muller@ Stellenbosch.gov.za</u></b>
<b>REPORT DATE</b>	<b>06 May 2021</b>

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10.2	REPORT/S BY THE SPEAKER
10.2.1	RESIGNATION OF CLLR F ADAMS

Oral report by the Speaker

**FOR INFORMATION**

**43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 10.2.1**

The Speaker informed Council that Cllr F Adams tendered his resignation as PR Councillor, effective from 31 May 2021.

The Speaker afforded Councillors an opportunity to thank Cllr F Adams for his role and contributions in Council.

**NOTED**

the oral report by the Speaker on the resignation of Cllr F Adams as PR Councillor of Council.

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10.3	REPORT/S BY THE MUNICIPAL MANAGER
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NONE

11.	ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE: [ALD. G VAN DEVENTER (MS)]
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11.1	COMMUNITY DEVELOPMENT AND PROTECTION SERVICES: (PC: CLLR R BADENHORST)
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NONE

11.2	<b>CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)</b>
11.2.1	<b>CONSEQUENCE MANAGEMENT POLICY</b>

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

19 May 2021 and 26 May 2021

**1. SUBJECT: CONSEQUENCE MANAGEMENT POLICY****2. PURPOSE**

To approve the Consequence Management Policy after consultations have been finalised in the Local Labour Forum and the comments were addressed in the proposed Policy.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

The Draft Consequence Management Policy with which Stellenbosch Municipality seeks to formalise and consolidate the principles of consequence management (encompassing remedial and recourse measures) that can be implemented. In line with the objectives of the MFMA the policy seeks to, amongst others, improve the internal control processes relating to the reporting of allegations of financial misconduct and financial offences to Council.

The Policy served before Mayco in July 2019 and was referred to the Local Labour Forum for consultation. The Local Labour Forum completed its discussions and supported that the policy be referred to Council for approval on 27 September 2020. The policy had several comments that had to be addressed before it could be submitted for approval (**APPENDIX A**). The policy (**APPENDIX B**) is now tabled for approval

**43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 11.2.1**

**RESOLVED** (majority vote with abstentions)

that the Consequence Management Policy is supported by the Local Labour Forum and approved by Council.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Ms. Annalene De Beer</i>
<b>POSITION</b>	<i>Director Corporate Services</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	<i>021-808 8018</i>
<b>E-MAIL ADDRESS</b>	<b><i>Annalene.Debeer@stellenbosch.gov.za</i></b>
<b>REPORT DATE</b>	<i>29 April 2021</i>

11.2.2	<b>EXTENSION OF CESSION AND ASSIGNMENT OF LEASES: LEASE AREAS OVER REMAINDER FARM 377F AND LEASE AREA 1 OVER ERF 9190: KLEINE ZALZE WINE AND LICIACEPT</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

19 May 2021 and 26 May 2021

**1. SUBJECT: EXTENSION OF CESSION AND ASSIGNMENT OF LEASES: LEASE AREAS OVER REMAINDER FARM 377F AND LEASE AREA 1 OVER ERF 9190: KLEINE ZALZE WINE AND LICIACEPT**

**2. PURPOSE**

To make a final determination on the request from Kleine Zalze Wines and Liciaccept to extend the term of Lease Agreement.

**3. DELEGATED AUTHORITY**

Council must consider the matter

**4. EXECUTIVE SUMMARY**

On 19 April 2017 Council approved the cession and assignment of the Lease Agreement in relation to Lease Area 1 over Erf 9190 and Lease Area 1 over Farm 377F, Stellenbosch, subject thereto that the cession will be reviewed after June 2020, taking into account the progress with the empowerment and BBBEE initiatives for which Liciaccept was established.

During 2020 Kleine Zalze Wines and Liciaccept requested an extension of the Lease Agreement, in line with the above decision. On 28 October 2020 Council considered the matter and decided, in principle, to extend the Lease for another 9 years and 11 months, subject thereto that Council's intention to enter into the agreement be advertised for public inputs/alternative proposals or objections. A public notice to this effect was published. No written inputs/comments or objections were received.

Council must now make a final determination in this regard.

**43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 11.2.2**

**RESOLVED** (majority vote with abstentions)

- (a) that Council takes note of the fact that no written inputs/objections were received; and
- (b) that Council approves the extension of the Lease Agreement for a period of 9 years and 11 months on condition:
  - (i) that a yearly report be submitted to Council regarding Progress of the Black Empowerment entity; and
  - (ii) that the possible extension of the Lease Agreement be received/considered after 2029, taking into account the progress of the empowerment and BBEE initiative.

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

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

11.2.3	<b>FUTURE IN REGARD TO LEASE PORTIONS 528A AND 529CC: MOUNTAIN BREEZE CARAVAN PARK</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

**GOOD GOVERNANCE**

**19 May 2021 and 26 May 2021**

**1. SUBJECT: FUTURE IN REGARD TO LEASE PORTIONS 528A AND 529CC: MOUNTAIN BREEZE CARAVAN PARK**

**2. PURPOSE**

To inform council that, following the decision on 2021-03-31 to allow for an extension of the existing Lease Agreement on a month-to-month basis, the Mountain Breeze Caravan Park CC has decided not to proceed with the agreement beyond 30 June 2021.

Some of the current long term residents through an attorney has written a letter wanting to secure the right to continue with the lease, but they are not organised in any legal entity. Council must now consider a way forward.

**3. DELEGATED AUTHORITY**

The Municipal Council must consider the matter.

**4. EXECUTIVE SUMMARY**

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

This Lease Agreement was later ceded to the Mountain Breeze Caravan Park CC (Visser).

The lease Agreement expired on 31 March 2021, but at a Council meeting held on 31-03-2021 Council has decided to extend the current Lease Agreement on a month-to-month basis. The Lessee has subsequently indicated that they will vacate the property by 30 June 2021 (**APPENDIX 4**).

Some of the current long term residents through an attorney has written a letter indicating that they are not going to vacate the property and requesting to secure the right to continue with the lease, but they are not organised in any legal entity (**APPENDIX 5**). Council has requested the municipal manager to assemble a TASK team to provide a report on the different types of properties owned by Council by December 2021. This is one of the properties that will then be discussed and taken a decision on. The task team is already busy with their process. The property fall in the over R10 million category and any disposal thereof will require a public participation process that involves the publication of an information statement.

From 1 July the Municipality will have to take over the security/access control of the facility/ collecting the rent and money for people who stay in the park as well as the bookings. There is no post on the organogram or warm body for this purpose. It can be dealt with by a temporary appointment until a decision is taken after the report on the properties was decided on. The other alternative is that discussions takes place with the current supervisor/janitor and his wife to be temporary employed by the

municipality. Both of these options will have a cost implications. The municipality will also have to enter into agreements with the long term occupants to regulate the rent and other services payments directly to the municipality should they be allowed to stay on after 30 June 2021. They have been given notice by the lessee to vacate the property.

#### 43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 11.2.3

#### RESOLVED (majority vote)

- a) that the Council takes note of the decision of the lessee not to continue with the lease agreement on a month to month basis;
- b) that the lessee be held responsible for any costs that the municipality will have to incur should the properties not be returned to the municipality in the state envisaged by lease agreement;
- c) that the Municipal Manager be mandated to take any necessary steps and measures, including access control, to secure the properties; and
- d) that the Municipal Manager be mandated to investigate, as a matter of urgency, the current condition of the properties, including the alleged lease agreements and structures and advise council on the way forward at the next council meeting, but not later than the end of June 2021.

#### FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	<b>Annalene de Beer</b>
<b>POSITION</b>	<b>Director: Corporate Services</b>
<b>DIRECTORATE</b>	<b>Corporate Services</b>
<b>CONTACT NUMBERS</b>	<b>021-8088018</b>
<b>E-MAIL ADDRESS</b>	<b>Annalene.deBeer@ Stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>13-05-2021</b>

11.3	<b>FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]</b>
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NONE

11.4	<b>HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)</b>
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11.4.1	<b>STELLENBOSCH MUNICIPALITY: HOUSING PIPELINE (ANNUAL REVIEW)</b>
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Collaborator No: 706730  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: 19 May 2021 and 26 May 2021

**1. SUBJECT: STELLENBOSCH MUNICIPALITY: HOUSING PIPELINE (ANNUAL REVIEW)**

**2. PURPOSE:**

- a) To request Council to approve the Stellenbosch Municipality's Housing Pipeline (projects) for the next three financial years, for submission to the Provincial Department of Human Settlements (PDoHS);
- b) To provide a brief to Council on the National and Provincial Departments of Human Settlements' directive on the provision of housing;
- c) To provide clarity on the determination of priority projects by means of project readiness ranking;
- d) To obtain Council's support in principle of all the identified projects as listed and fully described in the Housing Pipeline document. Subsequently, the relevant projects will be submitted to the Provincial Department of Human Settlements for approval on the Housing Pipeline; and,
- e) To report to Council on the progress on existing housing projects that are currently on the approved Housing Pipeline.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

The item relates to the annual review of the Stellenbosch Municipality Housing Pipeline. This particular review relates to the period 2021 to 2024.

The Provincial Department of Human Settlements presented new strategic shifts in human settlements development to enable the residents of the Western Cape to have access to liveable, accessible, safe, and multi-opportunity settlements.

The specific strategic objectives are radical acceleration of housing opportunities, radical integration approach to human settlements, radical implementation of innovative solutions and radical economic growth and job creation.

A Minister's engagement was held during September 2020 to discuss the business planning and budgeting process, with specific emphasis on the funding realities.

The National Department of Human Settlements submitted a communication dated 30 September 2020 to the Provincial Department of Human Settlements stating that the current budget cuts require a re-think regarding the housing subsidy programme approach. The delivery of top structures is considered fiscally unsustainable and the instruction is to rather prioritise the delivery of serviced sites.

#### 43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 11.4.1

##### RESOLVED (majority vote with abstentions)

- (a) that Council takes note of the National and Provincial Departments of Human Settlements' directive on the provision of housing;
- (b) that Council takes note on the method undertaken in the determination of priority projects by means of project readiness ranking;
- (c) that Council takes note of all the identified projects as described in the Housing Pipeline document, which will subsequently be submitted to the Provincial Department of Human Settlements for approval on the Housing Pipeline;
- (d) that Council takes note on the progress of existing housing projects that are currently on the approved Housing Pipeline;
- (e) that the Housing Pipeline be reviewed on an annual basis to align the project readiness with the DORA allocation;
- (f) that the projects under construction (within the implementation phase) as reflected in the below table be supported in accordance with the appropriate funding and relevant provincial approvals as well as available bulk infrastructure capacity:

##### For the Financial Year 2021/2022

	Project Name	Housing Programme	Opportunities
1	Erf 9445 Stellenbosch Idas Valley (166)	FLISP	166 sites
2	Vlottenburg Longlands Village Phase 3 (144)	IRDP	138 units 6 sites
3	The Steps and Orlean Lounge, Cloetesville	Rectification (municipal)	161 existing units
4	Smartie Town, Cloetesville	Rectification (municipal)	106 existing units
5	Kayamandi Zone O (711)	UISP	78 sites funding approval in 2021/22. Remaining 112 of the current phase to proceed after approval of additional funds
6	Kayamandi Watergang Basic Services	ABS	Basic services
7	Watergang Phase 2C – Erf 3603 Kayamandi	UISP	87 sites * in implementation phase; however awaiting decision on the way forward

- (g) that the projects currently in the pre-planning and/or planning phases as reflected in the below table be supported in accordance with the appropriate funding and relevant provincial approvals:

**For the Financial Years 2021/2022 and 2022/2023 (with funding)**

	Project Name	Housing Programme	Opportunities	Phase
1	Botmaskop (1500)	Social Housing, IRDP, FLISP	1500 sites (type TBD)	Feasibility 2021-22 Planning 2023-25
2	Farms 81/2 and 81/9 Stellenbosch	Social Housing	± 250 – 350 rental units	Planning 2021-22 Implement 2023-25
3	Erf 7001 Stellenbosch, Cloeteville (“Soekmekaar”)	IRDP, FLISP	250 – 300 sites	Planning 2021-22 Planning and implement 2023-25
4	Jamestown Development: Phase 2 - 4	IRDP, FLISP	2 000 sites	Planning (phase 4) and Implementation (phase 2,3) 2021-22
5	Erven 412, 217 and 284 Groendal, Franschhoek	IRDP, FLISP	150 – 200 sites	Planning 2021-22
6	Kayamandi Town Centre	UISP, Institutional	1847 top structures (units)	Planning 2021-22
7	Northern Extension, Kayamandi	IRDP, FLISP	4000 – 6000 sites	Planning 2021-22
8	Erf 3229 Franschhoek (Mooiwater)	UISP	258 sites	Planning 2021-22
9	Erf 64 Kylemore	IRDP	171 top structures (units)	Planning 2021-22
10	La Motte Old Forest Station	IRDP, FLISP	830 + 283 sites	Planning 2021-22 and 2023-25
11	Lapland Precinct	Social Housing	368 top structures	Planning 2021-22
12	3256 Franschhoek Langrug (1900)	UISP	1900 serviced sites	Planning 2021-22
13	Erf 2183 Klapmuts, La Rochelle	UISP	100 serviced sites; possible temporary relocation units	Planning 2021-22
14	Maasdorp Village, Franschhoek	Township Establishment	16 existing units	Planning (land use rights) – 2021-22
15	Enkanini	UISP	1300 sites	Planning 2021-22

- (h) that the projects currently in the pre-planning and/or planning phases as reflected in the below table be supported, subject to funding approval:

**For the Financial Years 2021/2022 and 2022/2023 (subject to funding)**

	Project Name	Housing Programme	Opportunities	Phase
1	Portion of Erf 7271 Stellenbosch, Cloeteville	BNG, FLISP	168 serviced sites (top structures TBD)	Pre-planning 2021-22 Planning 2023-25
2	Erven 6300, 6847, 6886 Stellenbosch, Cloeteville	FLISP	279 sites	Pre-planning 2021-22 Planning 2023-25
3	Erf 8776 Stellenbosch, Cloeteville	FLISP	37 sites	Pre-planning 2021-22 Planning 2023-25
4	Erf 6705 Stellenbosch, Cloeteville	BNG	12 units /top structures	Pre-planning 2021-22 Planning 2023-25

5	Adam Tas Corridor	IRDP, FLISP, Social Housing	3500 – 5000 serviced sites (top structures TBD)	Planning 2023-25
6	Teen-die-bult Precinct	Social Housing	180 top structures	Pre-planning 2021-22 Planning 2023-25
7	3460 Meerlust, Franschhoek (200)	IRDP	200 top structures (units)	Pre-planning 2021-22 Planning 2023-25
8	Jonkershoek	Township Establishment, IRDP, FLISP	Units and sites TBD, together with 40 existing units	Pre-planning 2021-22 Planning 2023-25
9	Farm 34 Vaaldraai Elsenburg	IRDP, FLISP	283 top structures (units)	Pre-planning completed 2021-22 * outside urban edge

*\* All projects continuation subject to Council approval for each phase to proceed to the next*

- (i) that the projects currently considered in the pre-planning phase as reflected in the below table be supported for future financial years from 2023/2024 and beyond, and subject to appropriate funding and relevant provincial approvals:

**For the Financial Years from 2023/2024 and beyond**

	Project Name	Housing Programme	Opportunities
1	Droë Dyke	IRDP, FLISP, Social Housing	1000 sites (type TBD)
2	Portion 7 of Farm 744 Paarl, Klapmuts	IRDP/ FLISP	850 sites
3	La Colline Precinct	Social Housing	TBD

*Councillor F Adams requested that his vote of dissent be minuted.*

11.4.2	<b>CLOETESVILLE FEASIBILITY STUDY FOR INFILL HOUSING DEVELOPMENT OF THE FOLLOWING: ERF 8915; ERF 7135; ERF 7181, ERF 6668; ERF 7271; ERF 6847, ERF 6886, ERF 6300; ERF 8776; ERF 6705 AND ERF 6767, CLOETESVILLE</b>
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Collaborator No: 706763  
 IDP KPA Ref No: Good Governance  
 Meeting Date: 19 May 2021 and 26 May 2021

**1. SUBJECT: CLOETESVILLE FEASIBILITY STUDY FOR INFILL HOUSING DEVELOPMENT OF THE FOLLOWING: ERF 8915; ERF 7135; ERF 7181, ERF 6668; ERF 7271; ERF 6847, ERF 6886, ERF 6300; ERF 8776; ERF 6705 AND ERF 6767, CLOETESVILLE**

**2. PURPOSE**

To report to Council on the feasibility to determine the urgent housing needs and the suitability of the sites as residential development. The study is to investigate the housing requirements of backyarders in Cloetesville and Stellenbosch-areas.

**3. DELEGATED AUTHORITY**

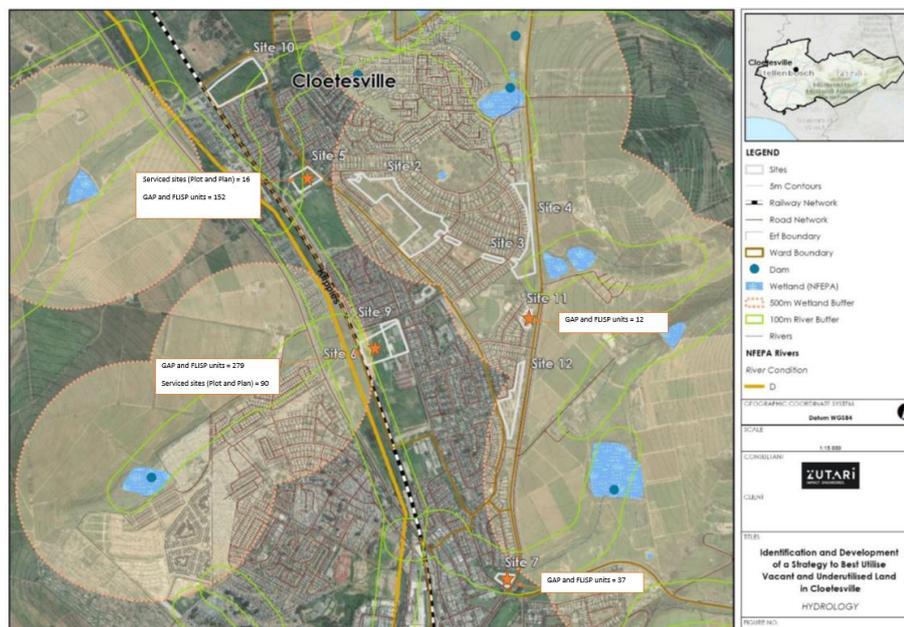
Council

**4. EXECUTIVE SUMMARY**

Stellenbosch Municipality is actively involved in creating housing opportunities for the disadvantaged, however there are an array of challenges including resources and allocations from National and Provincial Government as well as the availability of land for housing (Integrated Development Plan IDP 2017-2022, 2019, p. 150). This project serves as a means to develop vacant and underdeveloped portions of land within Cloetesville to address the housing need. This report will conduct a site investigation of the relevant properties, make recommendation on the highest and best use and provide a concept plan to illustrate the potential of the site.

The following section provides detailed information on each of the sites under investigation. The screening focuses on land and legal, environmental and infrastructure.

The following sites were under investigation:



**43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 11.4.2****RESOLVED** (nem con)

- (a) that the outcome of the feasibility study be noted;
- (b) that the appropriate land use rights be obtained as a matter of urgency taking into consideration the Rapid Land Release programme;
- (c) that the delay caused by COVID-19 pandemic linked to the previous timeframes as stated by Council be noted;
- (d) that the following sites be prioritise for development potential;
- Site 5: 16 Serviced sites (Plot and Plan)  
152 GAP and/ or FLISP
  - Site 6: Option 1: 279 GAP and/ or FLISP  
Option 2: 90 Serviced sites (Plot and Plan)
  - Site 7: 37 GAP and/ or FLISP
  - Site 11: 12 GAP and/ or FLISP
- (e) funding application to be submitted within 30 days after Council approval to the Provincial Department of Human Settlements (PDoHS).

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>Lester van Stavel</b>
<b>POSITION</b>	<b>Manager: Housing Development</b>
<b>DIRECTORATE</b>	<b>Planning and Economic Development</b>
<b>CONTACT NUMBERS</b>	<b>021- 808 8462</b>
<b>E-MAIL ADDRESS</b>	<b>Lester.vanstavel@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>12.04.2021</b>

11.4.3	<b>ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES – STATUS QUO</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Dignified Living

19 May 2021 and 26 May 2021

1. **SUBJECT: ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES – STATUS QUO**

2. **PURPOSE**

To provide Council with a *status quo* on the processes the Municipality have followed to ultimately appoint a suitable and accredited SHIs and/or ODAs for the development and management of rental stock for families earning between R1 500 and R15 000.

3. **DELEGATED AUTHORITY**

Council

4. **EXECUTIVE SUMMARY**

Stellenbosch Municipality was identified by the Western Cape Provincial Administration as one of “Leader Towns” in the Province that have the necessary capacity to partake in the Social Housing Programme. Accordingly, there are not many land transactions that could be followed as best practices in order to expedite the delivery on Social Housing.

Notwithstanding, the Division Integrated Human Settlements can report on the following progress:

- 1) Feasibility report has been completed and approved by Council on 2 February 2020, Item 7.4.1;
- 2) The Public Participation Process completed and approved by Council on 29 July 2020, Item 11.4.1; and
- 3) The Call for Proposals is currently being finalised by the Department: Housing Development.

There are some challenges that the Municipality is currently experiencing (partly as result of the limited experience on how to roll out the Social Housing programme by Municipalities). One of these challenges is the time it takes to receive assistance/input on any related matter from relevant stakeholders involved in Social Housing. Case in point on the final inputs on the specifications for the Call for Proposals.

**43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 11.4.3**

**NOTED**

the *status quo* and progress to date.

11.5	<b>INFRASTRUCTURE: (PC: CLLR Q SMIT)</b>
11.5.1	<b>INTEGRATED WASTE MANAGEMENT PLAN FOR STELLENBOSCH MUNICIPALITY</b>

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

19 May 2021 and 26 May 2021

**1. SUBJECT: THE INTEGRATED WASTE MANAGEMENT PLAN FOR STELLENBOSCH MUNICIPALITY**

**2. PURPOSE**

For Council to adopt the Integrated Waste Management Plan (IWMP) (**APPENDIX 1**).

**3. DELEGATED AUTHORITY**

Municipal Council

**4. EXECUTIVE SUMMARY**

In terms of Section 25 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) each council must, within a prescribed period after the start of its elected term, adopt a single, inclusive and strategic plan (IDP) for the development of the municipality. In relation to waste management, the IDP is required to include sectoral environmental plans which would be an IWMP for waste management.

Stellenbosch Municipality has drafted an IWMP and has appointed JPCE Consulting Engineers (Pty) Ltd (JPCE) to review and finalize this draft IWMP. This revised IWMP has been internally reviewed and has been circulated for public comment.

The public commenting period was from 14 January 2021 – 15 February 2021. A notice was published on 14 January in the Eikestadnuus newspaper and on the Municipal website requesting comments.

Comments were received from the Department of Environmental Affairs and Development Planning and the Franschhoek Heritage and Ratepayers Association. All comments received were incorporated into the final document.

**43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 11.5.1**

**RESOLVED** (majority vote)

- (a) that Council accepts the final Integrated Waste Management Plan (IWMP) with all comments being included;
- (b) that Council adopts the 3<sup>rd</sup> generation Integrated Waste Management Plan (IWMP) as a sectoral plan of the Integrated Development Plan; and
- (c) that Council requests the Provincial Government's Member of the Executive Council (MEC) for Local Government to endorse this Integrated Waste Management Plan (IWMP).

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

11.7	<b>PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR E GROENEWALD (MS))</b>
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NONE

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

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

11.10	<b>MUNICIPAL MANAGER</b>
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NONE

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

13.	<b>REPORTS BY THE MUNICIPAL MANAGER</b>
13.1	<b>SUBJECT: REQUEST FOR EXEMPTION FROM THE APPROVED TARIFF STRUCTURE – ELECTORAL COMMISSION OF SOUTH AFRICA (IEC)</b>

Collaborator No:

IDP KPA Ref No:

*Good Governance*

Meeting Date:

26 May 2021

1. **SUBJECT: REQUEST FOR EXEMPTION FROM THE APPROVED TARIFF STRUCTURE – ELECTORAL COMMISSION OF SOUTH AFRICA (IEC)**

2. **PURPOSE**

To consider an exemption for the Electoral Commission of South Africa to display posters on street poles for voter registration and for the upcoming elections without paying the tariffs for posters indicated in the tariff book.

3. **DELEGATED AUTHORITY**

For decision by Municipal Council.

4. **EXECUTIVE SUMMARY**

The next national voter registration for the Local Government Elections is scheduled to be held on 17-18 July 2021. The IEC requested to display the posters on the street poles without having to pay the tariff in the tariff book for the display (**Annexure 1**). The tariff book does not make provision for Government /Government Institutions free of charge or provide for a delegation to consider exemption. We have in the new tariff book (2021/22) made provision for the Municipal Manager to exempt applicants from paying a tariff. We are in the preparation process for the upcoming elections and although the current application deals with the upcoming registration weekend in July it is foreseen that there may be further posters related to the election that we may receive requests from the IEC. It must be noted that political parties must pay as per the tariff book. The tariff that an institution pay to display the posters inter alia cover the costs for the municipality to removed posters that are not removed within the time frame provided. The IEC undertook to ensure that the posters are taken down and it will be built into the approval agreement.

#### 43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 13.1

**RESOLVED** (majority vote with abstentions)

- (a) that the IEC be allowed to display posters for the upcoming election without the payment of any tariffs as displayed in the tariff book 2020/2; and
- (b) that the IEC agree to the to ensure that the posters are taken down within the prescribed period.

13.2	<b>MFMA SECTION 116(3) – PROPOSAL TO AMEND THE CURRENT ICT CONTRACTS FOR SOFTWARE LICENCE AND SUPPORT AGREEMENTS FOR A PERIOD OF THIRTY-SIX MONTHS, EFFECTIVE FROM 01 JULY 2021 TO 30 JUNE 2024</b>
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**1. SUBJECT: MFMA SECTION 116(3) – PROPOSAL TO AMEND THE CURRENT ICT CONTRACTS FOR SOFTWARE LICENCE AND SUPPORT AGREEMENTS FOR A PERIOD OF THIRTY-SIX MONTHS, EFFECTIVE FROM 01 JULY 2021 TO 30 JUNE 2024**

**2. PURPOSE**

To obtain Council's approval on the amendment of all the ICT contracts terminating on the 30 June 2021 for a period of 3 years effective 1 July 2021 – 30 June 2024.

**3. DELEGATED AUTHORITY**

Municipal Council.

**4. EXECUTIVE SUMMARY**

All the current ICT support contracts were previously amended in 2018 through a Section 116 (3) process in order to accommodate the mSCOA implementation and the investigation in regard to an assessment on ERP solutions for the Municipality (**Appendix 1**).

During the last 3 years the administration embarked on a process to determine which of ICT systems in use should we continue to use or should the municipality embark on the acquisition of a brand new system. Should the municipality decide to procure a new system National Treasury must approve such a system as it needed to be mScoa compliant. There are several financial systems used by municipalities and registered at National Treasury to be mSCOA compliant. One of the systems is the current SAMRAS system that is used by the Municipality. During these engagements, an assessment of current ICT systems, their capability to integrate with the financial system SAMRAS was explored as well as the MScoa compliance issue. This included unpacking the system capabilities as per the MSCOA business processes as well as eliminating standalone systems that have duplicated modules available on the SAMRAS solution.

The financial services department has been in constant communication with Bytes Technology now known as SOLVEM whom are the owners of the Financial System (SAMRAS) to ensure that the future system developments and enhancements are of such a nature that it can deal with mSCOA compliance in full. The long term impact of investments made in business systems and services warrants that the Stellenbosch Municipality continually re-assess its investment strategies to ensure on-going alignment with the deployment of business systems in line with mSCOA business processes.

To date various improvements have been made on the SAMRAS financial system to modernize the system to accommodate the growing needs of the municipality based on the MSCOA business processes. The majority of the ICT systems that have modules available on SAMRAS as per the 15 business processes will be evaluated and replaced by a module on SAMRAS. SAMRAS has been required to provide the Stellenbosch Municipality with an implementation roadmap of their system modernisation.

The recommendation from the administration is that we do not procure a new financial system and that we ensure that the ICT systems integrate to SAMRAS. There is in our view no ERP system that is compliant with mScoa and that can provide us the

functionalities of other systems like for example Spatial capabilities. No ICT system may be procured that is not approved by the ICT Forum and the Forums work is to ensure that integration takes place and that no duplication is allowed by procuring new systems where that functionality already exists in current systems. For the next 3 years, no new systems may be procured by any directorates unless it has been debated at the ICT steering committee to ensure integration with the SAMRAS system. Future requirement specifications will be written to ensure that systems can integrate, and that functionality is not duplicated.

Council may terminate any of the contracts on a 6 months' notice period during this period to ensure as new models of current systems are developed and take over other functionalities those other system are then terminated.

All the discussions took place in special ICT forums chaired by the CFO as prescribed by legislation. A summary of the recommendations from the forum on systems to be retained is attached as **Appendix 2**. The GIS system with related modules have been procured through a tender process and do not need to be amended through the section 116 process.

The intention of the municipality to amend these contracts were advertised for public comment (**Appendix 3-5**)

The changes may be affected in terms of the enabling provisions of Section 116(3) of the Local Government: Municipal Finance Management Act, Act No. 56 of 2003 (MFMA).

#### 43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 13.2

##### RESOLVED (majority vote with abstentions)

- (a) takes note of assessments done by the administration on ICT systems to be used and the procurement of an ERP system;
- (b) approves the recommendation that the current ICT contracts listed below for ICT related systems and services be amended to be run for a further period of 36 months, effective from 1 July 2021 to 30 June 2024 with the provision that the Municipality can cancel any of the systems with a six (6) month notice period during this time.

Service Provider	Scope of Services
1. SOLVEM (used to be Bytes System Integration)	Financial Services - SAMRAS is the Core Financial System for the Stellenbosch Municipality.
2. PAYDAY	Corporate Services - HR and Payroll System for the Stellenbosch Municipality
3. BUSINESS ENGINEERING	Corporate Services - Data and Workflow System with Document Archiving Capabilities
4. IGNITE	Corporate Services - Performance and Compliance Management System
5. IMQS	Engineering Services - Support and Information System to Manage and Report on Municipal infrastructure Assets
6. GIJIMA	Corporate Services – IP based NEC PABX Telephone System and Support Services
7. ABC SERVICES	Financial Services – Valuations and Rates for the Stellenbosch Municipality
8. CATS	Financial Services – Water and Electricity Meter Reading for the Stellenbosch Municipality
9. MICROSOFT IRELAND	Corporate Services – Microsoft Office 365 Application Software Licenses and Azure Support Services.

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- (c) Takes note that the Municipalities intention to amend the contracts for a period of 36 months were advertised on on the 29 April 2021 on the local newspaper Eikestad Nuus and Die Burger, Municipal Notice Boards and Municipal Website and no comments were received; and
- (d) Approves that sufficient funding on the operational budget vote for the Software Licensing Ukey: 20180711010516 is approved on an annual basis, to finance the extension and renewal of all the listed ICT systems and services.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>Annalene de Beer</b>
<b>POSITION</b>	<b>Director Corporate Services</b>
<b>DIRECTORATE</b>	<b>Corporate Services</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8018</b>
<b>E-MAIL ADDRESS</b>	<b><u><a href="mailto:Annalene.deBeer@stellenbosch.org.za">Annalene.deBeer@stellenbosch.org.za</a></u></b>
<b>REPORT DATE</b>	<b>20 May 2021</b>

13.3	<b>QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 JULY 2020 TILL 31 SEPTEMBER 2020</b>
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Collaborator No:

File No:

IDP KPA Ref No:

Good Governance

Meeting Date:

**1. SUBJECT: QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 JULY 2020 TILL 31 SEPTEMBER 2020**

**2. PURPOSE**

To inform Council of the activities of the Audit Committee for the period 01 July 2020 till 31 September 2020 (1<sup>st</sup> Quarter). The Minutes of the meeting held for this period mentioned is herewith attached as **APPENDIX 1** which outlines the activities of the Audit and Performance Audit Committee.

**3. DELEGATED AUTHORITY**

Audit and Performance Audit Committee reports to Council periodically.

**4. EXECUTIVE SUMMARY**

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

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

**43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 13.3**

**NOTED**

the Audit and Performance Audit Committee reports for the period 01 July 2020 till 31 September 2020.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Faiz Hoosain</i>
<b>POSITION</b>	<i>Chief Audit Executive</i>
<b>DIRECTORATE</b>	<i>Municipal Manager's Office</i>
<b>CONTACT NUMBERS</b>	<i>021-808 8555</i>
<b>E-MAIL ADDRESS</b>	<i><a href="mailto:Faiz.Hoosain@ Stellenbosch.gov.za">Faiz.Hoosain@ Stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>26 May 2021</i>

13.4	<b>QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 OCTOBER 2020 TILL 31 DECEMBER 2020</b>
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Collaborator No:

File No:

IDP KPA Ref No:

Good Governance

Meeting Date:

1. **SUBJECT: QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 OCTOBER 2020 TILL 31 DECEMBER 2020**

2. **PURPOSE**

To inform Council of the activities of the Audit Committee for the period 01 October 2020 till 31 December 2020 (2<sup>nd</sup> Quarter). The Minutes of the meeting held for this period mentioned is herewith attached as **APPENDIX 1** which outlines the activities of the Audit and Performance Audit Committee.

3. **DELEGATED AUTHORITY**

Audit and Performance Audit Committee reports to Council periodically.

4. **EXECUTIVE SUMMARY**

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

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

**43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 13.4**

**NOTED**

the Audit and Performance Audit Committee reports Committee for the period 01 October 2020 till 31 December 2020.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Faiz Hoosain</i>
<b>POSITION</b>	<i>Chief Audit Executive</i>
<b>DIRECTORATE</b>	<i>Municipal Manager's Office</i>
<b>CONTACT NUMBERS</b>	<i>021-808 8555</i>
<b>E-MAIL ADDRESS</b>	<i>Faiz.Hoosain@ Stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>26 May 2021</i>

14.	<b>CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER</b>
14.1	<b>MOTION BY COUNCILLOR F ADAMS: IMPLEMENTATION OF AN AGRI-VILLAGE FOR FARMWORKERS</b>

A Notice of a Motion, dated 2021-05-12, was received from Councillor F Adams regarding the implementation of an agri-village for farmworkers.

The said Motion is attached as **APPENDIX 1**.

**FOR CONSIDERATION**

**43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 14.1**

**NOTED**

The Speaker allowed Cllr F Adams to put his Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter.

The matter was put to the vote, yielding a result of majority of Councillors not in support of the Motion.

**RESOLVED** (majority vote)

that this Motion not be accepted.

**FOR FURTHER DETAILS CONTACT:**

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

14.2	<b>QUESTION BY COUNCILLOR F ADAMS: DE ZALZE, STELLENBOSCH SQUARE AND LA CLEMENCE</b>
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A Notice of a Question, dated 2021-05-12, was received from Councillor F Adams regarding De Zalze, Stellenbosch Square and La Clemence.

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

**FOR CONSIDERATION**

**43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 14.2**

**NOTED**

It is noted that the Speaker RULED that Cllr F Adams is welcome to submit, in writing, a follow-up question.

**FOR FURTHER DETAILS CONTACT:**

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

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

16.	<b>URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER</b>
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NONE

17.	<b>REPORTS SUBMITTED BY THE SPEAKER</b>
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17.1	<b>REPORT TO COUNCIL REGARDING THE INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY CLR R DU TOIT (MS)</b>
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**Collaborator No:**

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

**Meeting Date:** 26 May 2021

**1. SUBJECT: REPORT TO COUNCIL REGARDING INVESTGATION INTO ALLEGATIONS OF MISCONDUCT BY COUNCILLOR R DU TOIT (MS)**

**2. PURPOSE**

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

**3. DELGATED AUTHORITY**

Municipal Council.

**4. EXECUTIVE SUMMARY**

The Office of the Speaker received a formal complaint from the complainant Liesl Rhaphoto against Cllr R du Toit, for various allegations as listed in her letter of complaint. The Office of the Speaker was requested to assist with the investigation and for this matter Speaker opted for outside legal services.

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

Advocate Vermaak provided a report with recommendations to the Speaker's office, which report served before Council for consideration on 24 August 2020. In his report Advocate Vermaak under **Remarks** page 36 said that: "In my view, she did not transgress the Code of Conduct for Councillors as attached **as Appendix 1**."

Council however referred the matter to the Disciplinary Committee of Council for Councillors to investigate the matters and make a finding on any alleged breach of the Code of conduct; and that, following the investigation, the Disciplinary Committee make appropriate recommendations to the Council in the event of any findings as per **Appendix 11**.

The Disciplinary Committee hearing was set for 20<sup>th</sup> April 2021 and Cllr R du Toit was informed of the hearing and also informed of her right to have a representative present. A copy of the Notice and Charge Sheet is attached as **Appendix 111**. Cllr R du Toit as well as the complainant Liesl Rhaptoto was present at the hearing.

The case was vigorously discussed, heated debate took place and cross examination of the accused and witness of the facts and circumstances around the matters at hand was thoroughly done.

Based on all evidence submitted and produced to the disciplinary committee and as per the regulations for disciplinary hearings the disciplinary committee make the following findings and subsequent recommendation to Council.

#### 43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 17.1

The Speaker **RULED**

that this matter be dealt with at a next meeting of Council.

#### FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	<i>JC Anthony</i>
<b>POSITION</b>	<i>Senior Clerk: Support Staff: Office of the Speaker</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	<i>021 – 808 8042</i>
<b>EMAIL ADDRESS</b>	<i>Speaker.admin@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>26 May 2021</i>

17.2	<b>REPORT TO COUNCIL REGARDING THE INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY COUNCILLOR F ADAMS</b>
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**Collaborator No:**

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

**Meeting Date:** 28 October 2020

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

**2. PURPOSE**

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

**3. DELGATED AUTHORITY**

Municipal Council.

**4. EXECUTIVE SUMMARY**

The Office of the Speaker received five complaints from the Municipal Manager whereby it is alleged that Cllr F Adams had transgressed the Code of Conduct for Councillors. The Office of the Speaker was requested to assist with the investigation and for this matter Speaker opted for outside legal services.

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

Advocate Vermaak provided a report with recommendations to the Speaker's office, which report served before Council for consideration on 28 October 2020.

In his report Advocate Vermaak under **Recommendations** page 21 as **APPENDIX 1** state as follows:

I recommend that Cllr F Adams should be charged in a disciplinary hearing in terms of the Code of Conduct for Councillors, Schedule 1 to the Local Government Act: Municipal Systems Act of 2000, read with Council's policy document "Code of Conduct for Councillors-procedures: Disciplinary Hearing/Investigations" for the charges 1- 6.

Council during the debate of the item on 28 October 2020 however refer the matter to the Disciplinary Committee of Council for Councillors to investigate the matters and make a finding on any alleged breach of the Code of conduct; and that, following the investigation, the Disciplinary Committee make appropriate recommendations to the Council in the event of any findings.

The Disciplinary Committee hearing was set for Thursday 15<sup>th</sup> April 2021 and

Cllr F Adams was informed of the hearing and also informed of his right to have a representative present. A copy of the Notice and Charge Sheet is attached as **Appendix 11**. Cllr F Adams was present at the hearing. The Disciplinary Committee of council debate the matter and conclude to the following findings:

Herewith the findings and subsequent recommendations from the Disciplinary Committee with reference to the hearing of Cllr Franklin Adams on 15 April 2021.

### **Findings**

Based on all evidence submitted to the disciplinary committee and disciplinary processes followed as per the regulations provided, the disciplinary committee unanimously find Cllr Franklin Adams guilty of misconduct as per the rules of order of Council and as per the Code of Conduct for Councillors.

The disciplinary committee considered all the evidence produced and find the evidence adequate to allow a finding and subsequent recommendation to Council.

The disciplinary committee unanimously found Cllr Adams guilty on all 5 charges as per the evidence provided.

It is furthermore clear to the committee that Cllr Adams is in breach of numerous sections within the Municipal Systems Act No 32 of 2000. As per schedule 1 of the Code of Conduct for Councillors.

### **43<sup>RD</sup> COUNCIL MEETING: 2021-05-26: ITEM 17.2**

Before deliberations on the matter, Cllrs F Adams; P Crawley (Ms); DD Joubert and LL Stander recused themselves from the meeting.

**RESOLVED** (majority vote with abstentions)

that the MEC be requested to remove Councillor F Adams from Office.

### **FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>JC Anthony</i>
<b>POSITION</b>	<i>Senior Clerk: Support Staff: Office of the Speaker</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	<i>021 – 808 8042</i>
<b>EMAIL ADDRESS</b>	<i>Speaker.admin@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>26 May 2021</i>

18.	<b>REPORTS SUBMITTED BY THE EXECUTIVE MAYOR</b>
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NONE

19.	<b>MATTERS TO BE CONSIDERED IN-COMMITTEE</b>
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SEE IN-COMMITTEE DOCUMENTATION

The meeting adjourned at 15:40.

**CHAIRPERSON:** .....

**DATE:** .....

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