



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2021-04-28

MINUTES

42ND MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2021-04-28 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)

MINUTE
MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY
2021-04-28

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PRESENT	The Speaker, Cllr WC Petersen (Ms) [Chairperson] The Executive Mayor, Ald G Van Deventer (Ms) The Deputy Executive Mayor, Cllr N Jindela	
COUNCILLORS	FJ Badenhorst FT Bangani-Menziwa (Ms) Ald PW Biscombe G Cele (Ms) PR Crawley (Ms) A Crombie (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 NE Mcombring (Ms) XL Mdemka (Ms) C Moses (Ms) RS Nalumango (Ms) N Olayi SA Peters WF Pietersen SR Schäfer Ald JP Serdyn (Ms) N Sinkinya (Ms) P Sitshoti (Ms) Q Smit LL Stander RB Van Rooyen E Vermeulen

Officials:	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) Manager: Secretariat (EJ Potts) Senior Administration Officer (T Samuels (Ms))
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1.	OPENING AND WELCOME
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“Good Morning to you all present in this, the 42nd Council Meeting.

Special welcome to:

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

I welcome all present and hope that you will have a fruitful and constructive meeting.

I now call on Cllr: Xoliswa Mdemka to open the meeting with a prayer.

Thank you.”

2.	MAYORAL ADDRESS
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“Speaker, Munisipale Bestuurder, Burgemeesterskomiteelede, Direkteure

Goeiedag, Good Morning, Molweni, As-salaam Alaikum

I hope everyone enjoyed and celebrated Freedom Day!

- Freedom Day commemorates our first free democratic elections in 1994 and the birth of the new South Africa.
- Even today, there are many countries in the world that limit and/or restrict the voting rights of their citizens and that makes our commemoration of this day even more important.
- We must never forget the cost of our democracy!

To that end, I hope that everyone has taken note of the President’s announcement of the date for local government elections later this year.

- Date has officially been announced as 27 October 2021.
- The IEC will announce an official registration weekend.
- But 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 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 or send an sms with your ID nr to 32810.

COVID-19 is still with us, and I want to urge all staff, councillors, residents and students to please continue to be cautious.

- I am noticing a concerning number of people moving outside in public spaces and in shops without masks.
- It seems that people are under the impression that COVID-19 is gone.
- I urge everyone to not let your guard down and continue to be vigilant.
- Predictions indicate a surge in cases sometime mid-May and it could turn into a third wave forcing an increase in lockdown precautions.
- We are seeing some delays in vaccine rollouts and another wave of infections could be disastrous.

The Stellenbosch Wine Routes turns 50 on 17 April!

- The Stellenbosch Wine Route was the first ever in South Africa,
- The largest Wine Route in South Africa
- Launched the Wine Tourism industry in South Africa.
- It was officially launched during a very smart event in the Stellenbosch Town Hall on 17 April 1971 and it has made a significant and lasting contribution to our entire region, and the country.
- Congratulations to all the stakeholders and role players and thank you for the wonderful work you do for job creation and driving our local economy.

Thank You”.

3.	COMMUNICATION BY THE SPEAKER
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“Madam Mayor and Deputy Mayor, today we will be holding our 42nd Council meeting against the backdrop that we will only be in Council until the end of October 2021 – Meaning that we still have **182** days left to complete our term / work of being of service to the broader Stellenbosch public.

Councillors and Administration of Stellenbosch, let us use this window of Opportunity to correct and do what we should do to the Stellenbosch electorate.

Notices:

May I remind all Ward Councillors of the special Ward Councillors Virtual Meeting with the Department of Health scheduled for Thursday 29th April 2021, starting at 14H00 sharp. Please make sure that you or your administrator attend.

Regarding Birthdays:

The following Councilors will be celebrating their birthdays:

- Faith Bangani-Menziwa on 15 May
- Elsabe Vermeulen on 20th May and
- Aldridge Frazenburg – 26 May

Madame Mayor and Municipal Manager and fellow Councilors, let us move to the Council Agenda”.

4.	COMMUNICATION BY THE MUNICIPAL MANAGER
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The Municipal Manager, Ms G Mettler’s communications is summarized as follows:-

- Freedom Day was celebrated on 2021-04-27 and this is a very important day in the history of South Africa;
- She reminded us of a quote from Nelson Mandela and it says “**To be free is not merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others.**” With freedom comes responsibilities and accountabilities, and we sometimes tend to forget this very important part.
- It is the end of the public participation season around the IDP, the Budget and the SDF and we are in the last quarter of the financial year 2020/2021.
- Covid is still very prevalent and she urged all to continue with the protocols, especially in light of the anticipated 3rd wave according to media reports.
- The elections has been promulgated and will take place on 27 October 2021.
- Residents are encouraged to ensure that they are registered with the IEC Offices in Dorp Street.
- 1 May is Worker’s Day and the Municipal Manager quoted the following by Dr Martin Luther King Jr: “*All labor that uplifts humanity has dignity and importance and should be undertaken with painstaking excellence*”. This is her wish for the residents and employees of Stellenbosch. As the Head of Administration she expressed her appreciation towards the staff of Stellenbosch Municipality and for every sacrifice and encouraged them to always give their best in what they do, because they are one of the biggest assets and without them, service delivery can’t happen. She wished them well for Worker’s Day on 01 May 2021.

5.	DISCLOSURE OF INTERESTS
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NONE

6.	APPLICATIONS FOR LEAVE OF ABSENCE
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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 F Adams – 28 April 2021

ABSENT

Cllr MD Oliphant – 28 April 2021

7.	CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING
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7.1	41ST COUNCIL MEETING: 2021-03-31
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The minutes of the 41st Council Meeting: 2021-03-31 was **confirmed as correct.**

8.	STATUTORY MATTERS
8.1	ADJUSTMENTS BUDGET FOR 2020/2021: ADDITIONAL ALLOCATIONS AND REDUCED ALLOCATIONS

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

14 April 2021 and 28 April 2021

1. SUBJECT: ADJUSTMENTS BUDGET FOR 2020/2021: ADDITIONAL ALLOCATIONS AND REDUCED ALLOCATIONS

2. PURPOSE

To table the adjustments budget for the 2020/2021 financial year to Council for approval. The adjustments budget emanates from additional allocations from the Western Cape Provincial Government and reduced allocations from the Western Cape Provincial Government and National Government.

3. DELEGATED AUTHORITY

Council has the delegated authority to revise an approved annual budget through an adjustments budget in terms of Section 28 of the Municipal Financial Management Act 56 of 2003.

4. EXECUTIVE SUMMARY

Reduction of conditional grants

The Western Cape Provincial Minister of Finance and Economic Opportunities has granted approval, in terms of the section 30 (3) of the Division of Revenue Act (Act No. 4 of 2020) to reduce the Western Cape Financial Management Capacity Building Grant with R 100 000.

The Minister of Finance has granted approval on 22 February 2021, in terms of section 16 and 26 of the Division of Revenue Act (Act No. 4 of 2020) as amended by the Division of Revenue Second Amendment Act (Act No. 20 of 2020) for the reduction of conditional grant allocations.

As a result, thereof grant allocations were reduced for Stellenbosch Municipality, for the 2020/21 financial year.

Gazetting of Allocations

Minister David John Maynier tabled the 2021/22 indicative allocation per municipality to Provincial Parliament on 12 March 2021 section 29(2)(a) of the Division of Revenue Act, 2021.

The department will make an additional transfer to the Community Library Services Grant in April 2021. This will ensure municipalities receive their originally envisaged transfers for the 2020/21 municipal financial year.

Other Allocations

A funding allocation letter was received from Cape Winelands District Municipality to Stellenbosch Municipality for the amount of R100 000 for Tourism Product and Service Development.

42ND COUNCIL MEETING: 2021-04-28: ITEM 8.1**RESOLVED** (nem con)

- (a) that an Adjustments Budget for 2020/2021 as set out in **APPENDIX 2**, be approved; and
- (b) that the Service Delivery and Budget Implementation Plan be adjusted accordingly, inclusive of the non-financial information (performance measurement).

FOR FURTHER DETAILS CONTACT:

NAME	MONIQUE STEYL
POSITION	SENIOR MANAGER: FINANCIAL MANAGEMENT SERVICES
DIRECTORATE	FINANCIAL SERVICES
CONTACT NUMBERS	021 808 8512
E-MAIL ADDRESS	Monique.Steyl@ Stellenbosch.gov.za
REPORT DATE	

8.2	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MARCH 2021
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

14 April 2021 and 28 April 2021

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MARCH 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 March 2021.

42ND COUNCIL MEETING: 2021-04-28: ITEM 8.2**NOTED**

the deviations as listed below for the month of March 2021:

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 12/21	18 March 2021	Merriman BP service station	Procurement of diesel to replenish generators during loadshedding	Emergency procurement of essential services, including transportation and communication facilities or support services critical to the effective functioning of the municipality as a whole.	Diesel is needed to replenish 7 generators which supply electricity to the essential services during loadshedding. Diesel must be procured from a compliant service provider who is in close proximity of the municipality. From 01 April the new National Treasury Transversal tender for fuel come into effect and the municipality will make use of this tender to procure diesel for the generators.	R150 000 (Incl. VAT)

D/SM 13/21	31 March 2021	Vodacom (Pty) Ltd	Appointment of Vodacom (Pty) Ltd for the provision of access point network (APN) 1TB bundled solution on a month to month basis starting from 1 April 2021 - 30 June 2021	Exceptional case and it is impossible to follow the official procurement process	<p>The current service provider was appointed on the transversal tender from National Treasury for the supply and delivery of Mobile Communication Services. This transversal tender ended 31/03/2021. National Treasury is in the process to replace the 2016 tender and we are awaiting the finalisation of that process. All mobile service providers are part of the transversal tender and it is unlikely that we will receive better rates than what is bid on the transversal tender.</p> <p>It was therefore not practical for the municipality to go out on tender for the provision of APN Services whilst National Treasury is also busy with a Transversal tender RT15-2021 for the period 1 April 2021 to 31 March 2026. The contract is not finalised yet and we are therefore unable to use the new Transversal tender RT15-2021.</p>	R 900 000.00 (Incl. Vat)
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8.3	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY- REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 3 (01 JANUARY 2021- 31 MARCH 2021)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

14 April 2021 and 28 April 2021

1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY- REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 3 (01 JANUARY 2021- 31 MARCH 2021)

2. PURPOSE

To submit to Executive Management a report for the period 01 January 2021 - 31 March 2021 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

3. FOR DECISION BY MUNICIPAL COUNCIL

Section 6 (3) & 4 of the SCM Policy 2020/2021, determines that the Accounting Officer must within 10 days at the end of each quarter; submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

4. EXECUTIVE SUMMARY

On a quarterly basis the Accounting Officer must submit a report on the implementation of the Supply Chain Management Policy to the Executive Mayor. In terms of the SCM Regulations and Council's SCM Policy the SCM unit has been delegated to perform powers and functions that related to the procurement of goods and services, disposal of goods no longer needed, the selection of contractors to provide assistance in the provision of municipal services.

42ND COUNCIL MEETING: 2021-04-28: ITEM 8.3

NOTED

- (a) this report and **ANNEXURE A** attached to the report; and
- (b) that the report be made public in accordance with section 21A of the Municipal Systems Act.

8.4	MFMA SECTION 52 REPORTING UP TO END OF MARCH 2021
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Collaborator No:	8/1
IDP KPA Ref No:	Good Governance and Compliance
Meeting Date:	28 April 2021

1. SUBJECT: MFMA SECTION 52 REPORTING UP TO END OF MARCH 2021**2. PURPOSE**

To comply with section 52(d) of the Municipal Finance Management Act and report to Council on the budget; financial and service delivery budget implementation plan by the Municipality for quarter 3 of the 2020/21 financial year.

3. DELEGATED AUTHORITY**THE EXECUTIVE MAYOR TO SUBMIT TO COUNCIL**

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

“The mayor of a municipality—

(d) must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget as well as the non-financial performance of the municipality;”

4. EXECUTIVE SUMMARY

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

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

This report provides the overall performance of the Municipality for the period 1 January 2021 to 31 March 2021.

42ND COUNCIL MEETING: 2021-04-28: ITEM 8.4**NOTED**

the Section 52 Report (including quarterly performance report) – Third Quarter.

9.	REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS
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42ND COUNCIL MEETING: 2021-04-28: ITEM 9

NOTED

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

10.	ITEMS FOR NOTING
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10.1	REPORT/S BY THE EXECUTIVE MAYOR
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10.1.1	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: JANUARY 2021 – MARCH 2021
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

28 April 2021

1. SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: JANUARY 2021 – MARCH 2021

2. PURPOSE

To inform Council of the decisions taken by the Executive Mayor from January 2021 to March 2021 (see **APPENDIX 1**).

3. DELEGATED AUTHORITY

As per the delegations from Council and powers vested in the Executive Mayor by legislation.

For Notification

4. EXECUTIVE SUMMARY

In terms of the Municipal Structures Act 117 of 1998 Section 56 (5) it is stated that:

“An Executive Mayor must report to the municipal council on all decisions taken by the Executive Mayor.”

42ND COUNCIL MEETING: 2021-04-28: ITEM 10.1.1

NOTED

the decisions taken by the Executive Mayor for the quarter January 2021 to March 2021.

10.2	REPORT/S BY THE SPEAKER
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NONE

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	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
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NONE

11.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]
11.3.1	WRITE-OFF OF INDIGENT DEBT OLDER THAN 90 DAYS WHICH IS CONSIDERED IRRECOVERABLE

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

14 April 2021 and 28 April 2021

1. SUBJECT: WRITE-OFF OF INDIGENT DEBT OLDER THAN 90 DAYS WHICH IS CONSIDERED IRRECOVERABLE

2. PURPOSE

To obtain approval from Council in terms of Sec 3(1) of the Irrecoverable Debts Policy.

3. DELEGATED AUTHORITY

Council to approve.

4. EXECUTIVE SUMMARY

Indigent debt rises constantly despite the fact that it is periodically written off. This is mainly due to the municipality's inability to terminate or restrict electricity supply in areas where the municipality does not provide the service, coupled with the municipality's inability to manage and prevent excessive consumption of water. Almost 80% of the Indigent Debt being proposed for write-off in this report, stems from water consumption.

Large scale installation of Water Management Devices (WMDs) will provide relief for both challenges, as it will assist in preventing an indigent consumer from building up an outstanding amount that he/she is unable to pay.

42ND COUNCIL MEETING: 2021-04-28: ITEM 11.3.1

RESOLVED (nem con)

- (a) that Council approves the write-off of Indigent Debt older than 90 Days in terms of S3(1) of the Irrecoverable Debt Policy as recommended in the amount of R11 035 040.71 plus adjustments possibly made between date of report and date of actual write-off;
- (b) that the amounts written off be recovered from the Provision for Bad Debt;
- (c) that all indigent consumers on the attached list, who are not connected to the water network with a Water Management Device, as a matter of urgency and as per a previous Council decision, be connected to the water network with a Water Management Device; and
- (d) that before write-off, the indigent status is verified.

FOR FURTHER DETAILS CONTACT:

NAME	A Treurnich
POSITION	Senior Manager: Revenue & Expenditure
DIRECTORATE	Financial; Services
CONTACT NUMBERS	021 808 8016
E-MAIL ADDRESS	andre.treurnich@stellenbosch.org.za
REPORT DATE	30 March 2021

11.4	HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)
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NONE

11.5	INFRASTRUCTURE: (PC: CLLR Q SMIT)
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11.5.1	REQUEST FOR APPROVAL OF STELLENBOSCH MUNICIPALITY BY-LAW ON ROADS AND STREETS
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Collaborator No: 696755
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 14 April 2021 and 28 April 2021

1. SUBJECT: REQUEST FOR APPROVAL OF STELLENBOSCH MUNICIPALITY BY-LAW ON ROADS AND STREETS

2. PURPOSE

That Council notes and approves the Draft By-Law on Roads and Streets.

3. DELEGATED AUTHORITY

Municipal Council, however the Mayor may request the Portfolio Committee to render assistance in terms of Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998, as amended.

4. EXECUTIVE SUMMARY

The Draft By-Law gives effect to the rights contained in Section 24 of the Constitution, supported by Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where, a Local Government may proclaimate By-Laws to govern the services that is delivered to the constituencies of the Republic of South Africa.

As the Road Authority for Municipal Roads and Streets within the jurisdiction of the Municipality, the Council may define and regulate, activities and functions on roadways, walkways and other spaces within road reserves.

The proposed By-Law on Roads and Streets aims to promote a safe environment for the benefit of all roads and sidewalk uses and provides procedures, methods and practices to manage the use of roads, streets, sidewalks and road verges.

42ND COUNCIL MEETING: 2021-04-28: ITEM 11.5.1

RESOLVED (majority vote)

- (a) that the Draft By-Law on Roads and Streets, attached as **ANNEXURE A**, be accepted in terms of Section 12(2) to 12(3) and 13 of the Municipal Systems Act; and
- (b) that Council notes that a public participating process was followed and considered the discussion on comments received.

11.5.2 POSTER BY-LAW

Collaborator No: 696737
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 14 April 2021 and 28 April 2021

1. SUBJECT: POSTER BY-LAW

2. PURPOSE

To obtain Council's approval to commence with another public participation process for the acceptance of the attached Draft By-Law Relating to Outdoor Advertising and Signage

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

This item deals with the accepting of a Draft By-Law Relating to Outdoor Advertising and Signage.

The purpose of this By-Law is to control, manage and regulate outdoor advertising and signage and to provide mechanisms and guidelines for the control, regulating and management thereof and for matters connected therewith.

This By-Law was published as a draft before but so many comments have been received via the public participation processes that it has to be republished for comment.

Once the Draft By-Law has been accepted, the By Law will be advertised for Public Comment and the comments will be adjudicated, where after a final report will be submitted to Council

42ND COUNCIL MEETING: 2021-04-28: ITEM 11.5.2

RESOLVED (nem con)

- (a) that the Second Draft of the By-Law Relating to Outdoor Advertising and Signage, attached as **ANNEXURE A**, be accepted as the copy of the By-Law to be used in the second Public Participation process;
- (b) that this Second Draft By-Law Relating to Outdoor Advertising and Signage be duly advertised for the purpose of a Public Participation process; and
- (c) that, upon the completion of the Public Participation process, the Second Draft By-Law, together with any comments/objections by the public, be resubmitted to Council for final approval and adoption.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	Deon.louw@Stellenbosch.gov.za
REPORT DATE	22 October 2020

11.5.3

REQUEST FOR APPROVAL OF STELLENBOSCH ROADS MASTER PLAN

Collaborator No: 702617
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 14 April 2021 and 28 April 2021

1. SUBJECT: REQUEST FOR APPROVAL OF STELLENBOSCH ROADS MASTER PLAN**2. PURPOSE**

That Council approves the 2018 - 2019 Roads Master Plan.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

The aim of the Roads Master Plan (RMP) is to analyse the capacity of road network and identify current and future mobility needs and recommend the required road infrastructure that will ensure an effective road network and a balanced supply of accessibility and mobility.

The Transport model developed, not only identifies additional road infrastructures requirements, but also identifies spaces that must be reserved for future roads and transport needs. The RMP provides recommendations and serves as reference in preparing short-term (5 year), medium and long term (20+ year) perspectives for implementing transportation projects in future.

The RMP also provides input into other strategic plans, such as the Spatial Development Framework (SDF), Integrated Development Plan (IDP), Comprehensive Integrated Transport Plan (CITP) and Integrated Public Transport Networks (IPTN).

The modeling results suggest that main roads leading into Stellenbosch and various roads within the Stellenbosch are heavily congested, and operate beyond their capacity, particularly in the peak periods.

42ND COUNCIL MEETING: 2021-04-28: ITEM 11.5.3**RESOLVED** (nem con)

- (a) that the content of this item be noted;
- (b) that the Draft Roads Master Plan attached as **ANNEXURE A**, be accepted; and
- (c) that the Draft Roads Master Plan be advertised for public comment as part of the public participation process.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	Deon.louw@stellenbosch.gov.za
REPORT DATE	<i>18 February 2021</i>

11.5.4	REQUEST FOR APPROVAL OF STELLENBOSCH NON-MOTORISED TRANSPORT (NMT) MASTER PLAN & NMT POLICY
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Collaborator No: 702615
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 14 April 2021 and 28 April 2021

1. SUBJECT: REQUEST FOR APPROVAL OF STELLENBOSCH NON-MOTORISED TRANSPORT (NMT) MASTER PLAN & NMT POLICY

2. PURPOSE

That Council approves the 2020 NMT Master Plan & NMT Policy.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

The aim of the Non-Motorised Transport (NMT) Master Plan & Policy is to analyze the capacity of current network, identify current and future NMT needs, and recommends infrastructure that will ensure an effective NMT network.

NMT as a mode of transport have not traditionally received the recognition and attention as deserved due to a focus that was largely on the private car and motorised modes. With capacity constraints on the road network, alternative modes of transport need to be considered. The most convenient modes of transport for Stellenbosch residents and visitors include walking and cycling. The master plan and policy highlights the NMT needs and requirements, and provides the implementation plan and strategy to address these needs.

42ND COUNCIL MEETING: 2021-04-28: ITEM 11.5.4

RESOLVED (nem con)

- (a) that the content of this report be noted;
- (b) that the Draft Non-Motorised Transport Master Plan & Policy attached as **ANNEXURE A**, be accepted; and
- (c) that the draft Non-Motorised Transport Master Plan & Policy be advertised for public comment as part of the public participation process.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	Deon.louw@ Stellenbosch.gov.za
REPORT DATE	15 February 2021

11.5.5	REQUEST FOR APPROVAL OF THE COMPREHENSIVE INTEGRATED TRANSPORT PLAN
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Collaborator No: 702614
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 14 April 2021 and 28 April 2021

1. SUBJECT: REQUEST FOR APPROVAL OF THE COMPREHENSIVE INTEGRATED TRANSPORT PLAN

2. PURPOSE

That Council approves the 2019-2020 Update of the Comprehensive Integrated Transport Plan (CITP).

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The 2016 Comprehensive Integrated Transport Plan (CITP) is valid for a five year period, with annual updates each year and the full review every 5 years.

The draft 2019-2020 update of the CITP have highlighted important strategies and focuses on a common vision for transport.

The Municipality's transport vision and objectives were updated to ensure:

- Connecting of the outlying communities with the CBD in a safe and dignified manner ensuring access to opportunities.
- Strive towards car-free living and modal shift in Stellenbosch CBD, towards public transport, walkability and cycle-ability.
- Support and advance social and inclusive economic development.
- Alignment with the key imperatives of poverty alleviation and reduced inequality.
- A road network to support the Municipality's transport vision.

The draft 2019-2020 update of the CITP also takes into account the recently approved Spatial Development Framework (SDF), and proposes a more effective approach to improve transport (including freight), public transport and NMT (non-motorized transport).

42ND COUNCIL MEETING: 2021-04-28: ITEM 11.5.5**RESOLVED** (nem con)

- (a) that the content of the Comprehensive Integrated Transport Plan (CITP) annual update, be noted;
- (b) that Council notes that, for this update, targeted consultation was carried out, and for the (5 yearly) review of the 2016 CITP (to be undertaken during 2021), a full public participation process will be carried out; and
- (c) that the Draft 2019-2020 Comprehensive Integrated Transport Plan Update, attached as **ANNEXURE A**, be accepted.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	Deon.louw@ Stellenbosch.gov.za
REPORT DATE	<i>15 February 2021</i>

11.5.6	REQUEST FOR APPROVAL FOR STELLENBOSCH MUNICIPALITY'S REVISED DRAFT BY-LAW ON PARKING
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Collaborator No: 696747
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 14 April 2021 and 28 April 2021

1. SUBJECT: REQUEST FOR APPROVAL FOR STELLENBOSCH MUNICIPALITY'S REVISED DRAFT BY-LAW ON PARKING

2. PURPOSE

That Council notes and approves the revised By-Law on Parking.

3. DELEGATED AUTHORITY

Municipal Council, however the Mayor may request the Portfolio Committee to render assistance in terms of Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998, as amended.

4. EXECUTIVE SUMMARY

The Draft By-Law on Parking gives effect to rights contained in Section 24 of the Constitution, of the Republic of South Africa, 1996, and Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where, a Local Government may proclaimate By-Laws to govern the services that is delivered to the constituencies of the Republic of South Africa.

As the Authority, Council may define and regulate, activities and functions on Municipal Parking areas within the jurisdiction of the Municipality. The proposed By-Law aims to promote a safe environment and control parking areas by providing definitions, procedures, methods and practices to manage the use of parking areas.

The recent increase in demand for parking, and related increases in revenue, particularly for parking in the Central Business District (CBD) areas, has necessitated revisions to make allowances for more effective management of parking areas.

42ND COUNCIL MEETING: 2021-04-28: ITEM 11.5.6

RESOLVED (nem con)

- (a) that the Draft By-Law on Parking, attached as **ANNEXURE A**, be accepted in terms of Section 12(2) to 12(3) and 13 of the Municipal Systems Act; and
- (b) that Council notes that a public participating process was followed and considered the discussion on comments received.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	Deon.louw@Stellenbosch.gov.za
REPORT DATE	<i>22 October 2020</i>

11.5.7	SECTION 78(3) INVESTIGATION FOR VARIOUS ACTIVITIES OF SOLID WASTE MANAGEMENT (REVIEW)
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Collaborator No: 704258
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 14 April 2021 and 28 April 2021

1. SUBJECT: SECTION 78(3) INVESTIGATION FOR VARIOUS ACTIVITIES OF SOLID WASTE MANAGEMENT (REVIEW)

2. PURPOSE

To inform Council of the outcome of the process followed in terms of the Section 78 (3) study and to propose a Council resolution into the preferred service delivery mechanism for the various activities undertaken by the Solid Waste Management department to enable Council to make an informed resolution and a Section 78 (4) decision.

3. DELEGATED AUTHORITY

Reserved for decision by Council.

4. EXECUTIVE SUMMARY

In 2013, the Stellenbosch Municipality, mandated thereto by Section 77 of the Local Government: Municipal Systems Act, 2000 (the “**Systems Act**”) did a Section 78(1) internal assessment of its solid waste services as a first step to determine the preferred service delivery mechanism/s that will result in optimum service delivery. It was found that there were sufficient grounds (i.e. lack of financial, human and technical resources, etc.) for the Municipality to explore the potential of external mechanisms before making a final decision on the appropriate service delivery mechanism/s – internal and/or external - for the provision of solid waste services.

In terms of Section 78(2) of the Systems Act, the Council thus took the decision to mandate the execution of a Section 78(3) feasibility study. Keith Roman & Associates was appointed as the transaction advisor and completed a draft S78(3) study in October 2015.

JPCE (Pty) Ltd was appointed in 2018 with the brief to *review and update* the 2015 document as provided. In line with its terms of reference, JPCE did not embark on a new feasibility study but updated and refined the demographic content, reviewed and streamlined the legal content; updated the technical, financial and human resources considerations with input information mainly provided by the municipality; dealt with repetitive information and, where required by internal changes and the progress already made to address solid waste issues, captured these changes as accurately as the information provided allowed.

In the process, it was found that since 2015 SBM has done a number of waste-related investigations/studies all of which have a bearing on the content of this study and in some instances significantly changed the waste management circumstances or will do so in future, e.g. a new landfill cell to be developed and the Delta study i.r.o. collection optimisation. Therefore, some material included in the 2015 document was no longer applicable, e.g. the financial modelling due to changes in the options and the fleet management analysis due to the acquirement of a number of new vehicles and the mentioned study currently underway.

The internal service delivery options investigated during the Phase 1 Section 78(1) Assessment are revisited and the suitability of these options, i.e. a department, a

business unit and another component of the municipality within the context of the current profile of solid waste services, are discussed. It is concluded that the current organisational structure for solid waste within engineering services as optimised recently, is suitable in the short to medium term.

Furthermore, each of the possible external service delivery mechanisms is discussed in terms of its applicability to solid waste within SBM. With regards thereto a municipal entity, another municipality, an organ of state, a community-based organisation and a non-governmental organisation are found to be either not suitable at all or partly suitable to the circumstances in SBM but that 'another legal entity' which could essentially include a number of external service arrangements, small and large scale, provides a wide spectrum of possibilities.

In aligning the existing, in-process, planned and potential waste treatment, disposal and diversion measures and technologies to the possibilities of 'another legal entity', the study arrived at the preferred option being a hybrid of internal and external service delivery options specifically suited to SBM.

42ND COUNCIL MEETING: 2021-04-28: ITEM 11.5.7

RESOLVED (nem con)

- (a) that Council accepts that all the requirements of Section 78(3) in terms of investigating the feasibility of the provision of Solid Waste Management, have been complied with;
- (b) that Council, in terms of the Municipal Systems Act (MSA), Act 32 of 2000, as amended, Section 78(4), accepts that the methods of providing Solid Waste Management, generally be considered as follows:

Service Description		MSA Mechanism	
General Solid Waste	Mixed MSW and Residual	Collection / transportation / fleet and storage	Internal
		Process / treatment	External
		Disposal	External (new cell)
	Recyclables (paper, metals, plastic, glass)	Collection / transportation / fleet and storage	External
		Process	External
	Food waste	Collection / transportation / fleet and storage	External
		Process / treatment	External
	Organics (separated at source)	Collection / transportation / fleet and storage	External
Process / treatment		External	
Garden Waste	Collection / transportation / fleet and storage	Internal	
	Process / treatment	External	
Builders' Rubble	Collection / transportation / fleet and storage	Internal	
	Process	External	
Soil	Collection / transportation / fleet and storage	Internal	
	Process	External	
Industrial & Agriculture	Collection / transportation / fleet and storage	External	
	Process	External	

Sewage Sludge	Collection / transportation / fleet and storage	External
	Process	External
E-Waste	Collection / transportation / fleet and storage	External
	Bulk transfer and disposal	External
Hazardous & Healthcare Risk Waste	Receipt and temporary storage	External
	Bulk transfer and disposal	External
Tyres	Receipt and temporary storage	External
	Bulk transfer and disposal	External

- (c) that Council proceeds with the setting up of a Service Delivery Agreement for the provision of the methods of Waste Management functions, as required by Section 80(1) & (2), of the MSA; and
- (d) that the Service Delivery Agreement (SDA) be approved by Council as a draft SDA prior to Community Participation taking place.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>DIRECTOR: INFRASTRUCTURE SERVICES</i>
DIRECTORATE	<i>INFRASTRUCTURE SERVICES</i>
CONTACT NUMBERS	<i>021 -808 8213</i>
E-MAIL ADDRESS	<i>Deon.louw@stellenbosch.gov.za</i>
REPORT DATE	<i>17 March 2021</i>

11.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))
11.6.1	DRAFT MONT ROCHELLE NATURE RESERVE ENVIRONMENTAL MANAGEMENT PLAN

Collaborator No: 704777
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 14 April 2021 and 28 April 2021

1. SUBJECT: DRAFT MONT ROCHELLE NATURE RESERVE ENVIRONMENTAL MANAGEMENT PLAN

2. PURPOSE

The purpose of this item is to acquire Council's approval to advertise the Draft Mont Rochelle Nature Reserve Environmental Management Plan (MRNR: EMP) for public input.

3. DELEGATED AUTHORITY

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

4. EXECUTIVE SUMMARY

The draft Mont Rochelle Nature Reserve (MRNR) Environmental Management Plan (EMP) (February 2021) (**ANNEXURE A**) has been prepared to establish a distinct vision and overarching goal for the management of MRNR in context of, and giving effect to, the relevant legislation and associated regulations.

MRNR, proclaimed as a Local Nature Reserve in 1982 (Provincial Notice 671/1982) is located at the top of Franschoek Pass, 3km east of the town of Franschoek. The NR is approximately 1 760ha in size and mainly comprises of Farm no. 23, municipal property.

MRNR falls within the Cape Floral Kingdom. It also falls within a small area known as a Strategic Water Source Areas (SWSA)¹ which is areas known to supply a disproportionate amount of mean annual runoff to a geographical region of interest. SWSA areas make up 8% of the land area across South Africa, Lesotho and Swaziland but provide 50% of the water in these countries.

Since its proclamation MRNR has been managed without a formally approved EMP in place. Because of the area's ecological value, its value as public resource and its vulnerability to degradation due to past and present use it is important that an overarching management plan for the area be put in place to ensure that MRNR is managed in a sustainable manner.

42ND COUNCIL MEETING: 2021-04-28: ITEM 11.6.1**RESOLVED** (nem con)

- (a) that Council approves the advertisement of the draft Mont Rochelle Nature Reserve Environmental Management Plan (February 2021) for a period of 21 days for public input; and
- (b) that the inputs received during the above-mentioned public participation process be worked into a final draft Mont Rochelle Nature Reserve Environmental Management Plan, to be presented to Council for approval.

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Environmental Planner
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8679
E-MAIL ADDRESS	schalk.vandermerwe@stellenbosch.gov.za
REPORT DATE	18 March 2021

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

11.8	RURAL MANAGEMENT: (PC: CLLR S PETERS)
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NONE

11.9	YOUTH, SPORTS AND CULTURE: (PC: CLLR J FASSER)
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NONE

11.10	MUNICIPAL MANAGER
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NONE

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

13.	REPORTS BY THE MUNICIPAL MANAGER
13.1	DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 JANUARY 2021 UNTIL 31 MARCH 2021

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

28 April 2021

1. **SUBJECT: DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 JANUARY 2021 UNTIL 31 MARCH 2021**

2. **PURPOSE**

To report to Council on the decisions taken by the Municipal Manager and Directors in terms of Council's System of Delegations for the period 01 January 2021 until 31 March 2021, in compliance with Section 63 of the Local Government: Municipal Systems Act read in conjunction with the System of Delegations as approved by Council.

3. **DELEGATED AUTHORITY**

Municipal Council

4. **EXECUTIVE SUMMARY**

In view of the legislative stipulations, attached is a summary as **ANNEXURE 1** of decisions taken by each Directorate. The report is for noting purposes.

Please note that these delegations only indicate the delegations exercised as delegated by Council to the various Senior Managers.

42ND COUNCIL MEETING: 2021-04-28: ITEM 11.6.1

RESOLVED (nem con)

that Council takes note of the decisions taken, for the period 01 January 2021 until 31 March 2021, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler (01 January 2021 – 31 March 2021).
- Chief Financial Officer – Mr K Carolus (01 January 2021 – 31 March 2021)
- Director Infrastructure Services – Mr D Louw (01 January 2021 – 31 March 2021)
- Director Planning and Economic Development – Mr A Barnes (01 January 2021 – 31 March 2021).
- Director Corporate Services – Ms A de Beer (01 January 2021 – 31 March 2021).
- Director Community and Protection Services Mr G Boshoff (01 January 2021 – 31 March 2021).

POSITION	Municipal Manager
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@ Stellenbosch.gov.za
REPORT DATE	15 April 2021

14.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
14.1	QUESTION BY COUNCILLOR F ADAMS: IMPLEMENTATION OF COURT SETTLEMENT: KREEFGAT, JAMESTOWN

A Notice of a Question, dated 2021-04-13, was received from Councillor F Adams regarding the implementation of the court settlement: Kreefgat, Jamestown.

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

FOR CONSIDERATION

42ND COUNCIL MEETING: 2021-04-28: ITEM 14.1

In view of the absence of the member,

The Speaker **RULED**

that this matter has lapsed.

FOR FURTHER DETAILS CONTACT:

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

14.2	QUESTION BY COUNCILLOR F ADAMS: SYNTELL AND TMT
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A Notice of a Question, dated 2021-04-13, was received from Councillor F Adams regarding Syntell and TMT.

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

FOR CONSIDERATION

42ND COUNCIL MEETING: 2021-04-28: ITEM 14.2

In view of the absence of the member,

The Speaker **RULED**

that this matter has lapsed.

FOR FURTHER DETAILS CONTACT:

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

15.	CONSIDERATION OF URGENT MOTIONS
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NONE

16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

17.	REPORTS SUBMITTED BY THE SPEAKER
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NONE

18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

19.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

The meeting adjourned at 13:20.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments**