

Allow me to announce the following:

- We have to welcome the two new Councillors – Mnrre RB Van Rooyen and Clint Davidse – Welcome to your new home of **Service to the People**.
- Regarding the All wards meeting – may I acknowledge that the meeting has been postponed to 1st of March 2021. Ward Councillors will be reminded that their ward allocations is currently under discussion but that it will be dealt with in full at the All Wards meeting.
- Allow me also to congratulate our Matriculants of 2020 – for their remarkable achievement in passing their exams. For those who did not make it – please remember that it is not the end of the world.
- Regarding **birthdays** the following:
 1. **March 16** it is Councillor Rikus Badenhorst that will be celebrating his 51st birthday – **16 March**

Once again thank you very much Councillors and Administration for your continuous support to our electorate during this difficult time.

I Thank You”.

4.	COMMUNICATION BY THE MUNICIPAL MANAGER
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“Good morning Councillors,

Good morning members of the public and colleagues,

- It’s indeed a privilege to be here with you this morning.
- The Adjustments Budget normally serves before Council at the end of January each year, but due to covid and the challenges the municipality experienced, this matter will only serve before Council today.
- Congratulations to all matriculants who passed, to those who did not make it, never give up, you can always try again. It was indeed very difficult circumstances, but you have proven that you can adapt to the new normal.
- Welcome to all new students who will be joining the University this year. The University will start soon, please take care and be proud of our town, like we are, and observe covid protocols, especially during your orientation, etc.
- Thank you for all the messages of support and condolences which I received with the passing of my father. We’ve heard about the predictions about a third wave, it is everyone’s responsibility to take care of themselves, be safe and take the necessary precautions and observe covid protocols.

I thank you.”

5.	DISCLOSURE OF INTERESTS
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NONE

6.	APPLICATIONS FOR LEAVE OF ABSENCE
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6.1 The following applications for leave of absence were approved in terms of the Rules and Order By-law of Council:-

Cllr F Adams – 24 February 2021
Cllr E Groenewald (Ms) – 24 February 2021
Cllr JH Hamilton – 24 February 2021

6.2 ABSENT

Cllr MD Oliphant – 24 February 2021

7.	STATUTORY MATTERS
7.1	MID-YEAR ADJUSTMENTS BUDGET AND REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN FOR 2020/2021

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

17 & 24 February 2021

1. SUBJECT: MID-YEAR ADJUSTMENTS BUDGET AND REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN FOR 2020/2021

2. PURPOSE

To table the adjustments budget as envisaged by Section 28 of the Municipal Finance Management Act (Act No.56 of 2003), for the 2020/2021 financial year together with the revised Service Delivery and Budget Implementation Plan.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

This adjustments budget addresses adjustments in terms of section 28 (2) a, b, d & f of the MFMA and is further explained as required by section 28 (2).

Furthermore Section 54 (1) of the MFMA states the mayor must-consider and, if necessary, make any revisions to the SDBIP, provided that revisions to the SDBIP may only be made with the approval of the council following approval of an adjustments budget. These revisions to the SDBIP was approved by council on 27 January 2021.

The approved revisions to the SDBIP is submitted with the Mid-year adjustments to ensure compliance with Section 54 (1) of the MFMA.

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

SPECIAL COUNCIL MEETING: 2021-02-24: ITEM 7.1

The Executive Mayor's Budget Speech is attached as an **APPENDIX**.

RESOLVED (majority vote)

- (a) that the Adjustments Budget as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 2**, be approved;
- (b) that the list of capital projects be adjusted over the MTREF (2021/2022), as set out in **APPENDIX 1**; and
- (c) that Council reaffirms the revised Service Delivery and Budget Implementation Plan approved on 27 January 2021 as aligned to the Mid-year adjustments budget, as set out in **APPENDIX 4**.

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

Cllr G Cele (Ms); FT Bangani-Menziwe (Ms); N Mananga-Gugushe (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

7.2	REPORT IN TERMS OF SECTION 126 (4) OF THE MUNICIPAL FINANCIAL MANAGEMENT ACT: REASONS FOR THE DELAY IN COMPLETING THE AUDIT OF STELLENBOSCH MUNICIPALITY FOR THE FINANCIAL YEAR ENDED 30 JUNE 2020
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

17 February 2021

1. SUBJECT: REPORT IN TERMS OF SECTION 126 (4) OF THE MUNICIPAL FINANCIAL MANAGEMENT ACT: REASONS FOR THE DELAY IN COMPLETING THE AUDIT OF STELLENBOSCH MUNICIPALITY FOR THE FINANCIAL YEAR ENDED 30 JUNE 2020

2. PURPOSE OF REPORT

To notify Council on the communication received from the Auditor-General on the delay in completion of the Audit of the municipality for the financial year ended 30 June 2020.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

The Accounting Officer received notification from the Auditor General on the challenges currently being experienced with the audit, which leads to non-compliance within the legislative deadlines.

SPECIAL COUNCIL MEETING: 2021-02-24: ITEM 7.2

NOTED

the communication from the Auditor-General.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	Chief Financial Officer
DIRECTORATE	Financial Services
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	kevin.carolus@ Stellenbosch.gov.za
REPORT DATE	

7.3	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 2021
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

17 February 2021

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 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 January 2021.

SPECIAL COUNCIL MEETING: 2021-02-24: ITEM 7.3

NOTED

that there were no deviations listed for the month of January 2021.

8.	ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE
8.1	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
8.1.1	ERF 13246, STELLENBOSCH: DUTCH REFORM CHURCH: WELGELEGEN: APPLICATION TO ENFORCE FALL-BACK CLAUSE

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

17 February 2021

1. SUBJECT: ERF 13246, STELLENBOSCH: DUTCH REFORM CHURCH: WELGELEGEN: APPLICATION TO ENFORCE FALL-BACK CLAUSE

2. PURPOSE

To consider the enforcement of the fall-back clause in the Exchange of Land Agreement of 12 May 1995 and to determine the value at which such buy back should take place if approved.

3. DELEGATED AUTHORITY

For decision by Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality and the Dutch Reform Church: Welgelegen concluded an Exchange of Land Agreement in 1995 in terms whereof erf 13246, Stellenbosch (municipal land) was exchanged for two residential erven in Die Boord, being erven 12758 and 12759 (church land) on an equal in value basis. The Agreement, however, has a fall-back clause, indicating that the land must be transferred back to the Municipality should it no longer needed for church purposes. Seeing that the Dutch Reform Church: Welgelegen does not want to use the property for church purposes they have requested that the fall-back clause be enforced, as per the Agreement. Council must agree to the value at which the property is bought back, as per the Agreement.

The item served before Mayco in November 2019 and was referred back. We received an update on the Municipal Value for the property on which the rates are base. That information is attached as **APPENDIX 8**.

It was resubmitted in February 2020, but did not serve on the agenda. It is now resubmitted for consideration. The item served before the Mayco meeting in November 2020, but no decision was taken. It is resubmitted for consideration in January and during the discussions the issue of clause 14.2 of the agreement (**APPENDIX 1**) was raised. Clause 14. 2 indicates a special condition requiring rezoning. It was argued that clause 14.2 is a suspensive condition. The Deeds Office did not regard this as a suspensive condition and the erf was transferred to the Municipality. If it was regarded as a suspensive condition it would not have been transferred. The condition in our view requires that the erf in question must be rezoned before it can be used and build on as a church.

There was a rezoning application (see paragraph 2 of **APPENDIX 2**) which was approved. The rezoning will only vest when building is started within the prescribed 2 years from the date of the approval of the application. The rezoning lapsed as there was never a building built on the land. The special clause cannot now be used to claim that the swopping agreement is invalid especially as it was implemented.

SPECIAL COUNCIL MEETING: 2021-02-24: ITEM 8.1

RESOLVED (majority vote)

- (a) that Council invokes the buy-back clause;
- (b) that the Municipal Manager be mandated to negotiate a mutually agreed price to buy back erf 13246, Stellenbosch, from the Dutch Reform Church: Welgelegen; and
- (c) that the Municipal Manager reports back to Council on the price before a final decision is made and the sale agreement is signed.

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

Cllr G Cele (Ms); FT Bangani-Menziwe (Ms); N Mananga-Gugushe (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	PIET SMIT
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088750
E-MAIL ADDRESS	<u>Piet.smit@stellenbosch.gov.za</u>
REPORT DATE	2020 – 11- 09

9.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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SEE IN-COMMITTEE DOCUMENTATION

The meeting adjourned at 11:35.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments**