



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2020-11-25

MINUTES

39TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2020-11-25 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
2020-11-25

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	OPENING AND WELCOME	
2.	MAYORAL ADDRESS	
3.	COMMUNICATION BY THE SPEAKER	
4.	COMMUNICATION BY THE MUNICIPAL MANAGER	
5.	DISCLOSURE OF INTERESTS	
6.	APPLICATIONS FOR LEAVE OF ABSENCE	
7.	APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING	
7.1	The minutes of the 38 th Council Meeting: 2020-10-28 refers (APPENDIX 1) FOR CONFIRMATION	
7.2	The minutes of an Urgent Council Meeting: 2020-11-02 refers (APPENDIX 1) FOR CONFIRMATION	
8.	STATUTORY MATTERS	
8.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR OCTOBER 2020	7
8.2	ADJUSTMENTS BUDGET FOR 2020/2021 FOR REDUCED ALLOCATIONS AND ROLL-OVER OF UNSPENT CONDITIONAL GRANTS (TO BE DISTRIBUTED UNDER SEPARATE COVER)	11
9.	REPORT BY THE MUNICIPAL MANAGER ON OUTSTANDING RESOLUTIONS	
9.1	The report by the Municipal Manager re outstanding resolutions taken at previous meetings of Council is attached as APPENDIX 1	
10.	ITEMS FOR NOTING	
10.1	REPORT/S BY THE EXECUTIVE MAYOR	
	NONE	
10.2	REPORT/S BY THE SPEAKER	
	NONE	
10.3	REPORT/S BY THE MUNICIPAL MANAGER	
	NONE	
11.	ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE: [ALD. G VAN DEVENTER (MS)]	
11.1	COMMUNITY DEVELOPMENT AND PROTECTION SERVICES: [PC: CLLR R BADENHORST]	
	NONE	
11.2	CORPORATE SERVICES: [PC: CLLR AR FRAZENBURG]	
11.2.1	CLOSURE OF MUNICIPAL OFFICES DURING THE FESTIVE SEASON	13
11.2.2	APPLICATION FOR A OF LEASE AGREEMENT: FRANSCHHOEK LIFE CRAFT CENTRE: ERF 143, FRANSCHHOEK	14

ITEM	SUBJECT	PAGE
11.2.3	POSSIBLE DISPOSAL OF A PORTION OF REMAINDER FARM 180 AND REMAINDER ERF 4648, STELLENBOSCH (PORTION OF KROMRIVIER ROAD) TO ADJACENT OWNER: E.VAN WYK	16
11.2.4	PROPOSED SUB-LEASE FROM THE STELLENBOSCH FLYING CLUB	17
11.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]	
	NONE	
11.4	HUMAN SETTLEMENTS: [PC: CLLR N JINDELA]	
	NONE	
11.5	INFRASTRUCTURE: [PC: CLLR Q SMIT]	
11.5.1	INTEGRATED WASTE MANAGEMENT PLAN FOR STELLENBOSCH MUNICIPALITY	18
11.6	PARKS, OPEN SPACES AND ENVIRONMENT: [PC: CLLR XL MDEMKA (MS)]	
11.6.1	INVESTIGATION WITH REGARDS TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE	20
11.6.2	PROGRESS REPORT (2) - IDENTIFICATION AND ACQUISITION OF AUTHORISATIONS AND APPROVALS FOR THE ESTABLISHMENT OF ONE OR MORE REGIONAL CEMETERIES FOR STELLENBOSCH MUNICIPALITY	21
11.7	PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM: [PC: CLLR E GROENEWALD (MS)]	
	NONE	
11.8	RURAL MANAGEMENT: [PC: CLLR S PETERS]	
	NONE	
11.9	YOUTH, SPORTS AND CULTURE: [PC: CLLR M PIETERSEN]	
11.9.1	GUIDELINES ON THE IMPLEMENTATION OF THE CHILDREN'S ACT, ACT 38 OF 2005	23
11.10	MUNICIPAL MANAGER	
11.10.1	MUNICIPAL PARTNERSHIP FOR HUMAN RIGHTS	25
12.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER	
12.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]	
12.1.1	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY KILOTREADS (PTY) LTD	27
12.1.2	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY SIYAYA TYRES	28
12.1.3	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO LOCAL PRODUCTION AND CONTENT	30
13.	REPORTS BY THE MUNICIPAL MANAGER	
13.1	SCHEDULE OF PROPOSED DATES FOR MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2021 CALENDAR YEAR	32
13.2	AUDIT AND PERFORMANCE AUDIT COMMITTEE CHARTER	34
13.3	INTERNAL AUDIT CHARTER	35
13.4	REQUEST FOR APPROVAL OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON STORMWATER	36

ITEM	SUBJECT	PAGE
13.5	REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON INTEGRATED WASTE MANAGEMENT	37
13.6	LEASE OF COUNCIL-OWNED LAND FOR (ADDITIONAL) PARKING PURPOSES: ATTERBURY: PORTION OF LEASE FARM 369P	39
13.7	TIMEFRAMES FOR PUBLIC PARTICIPATION PERIODS FOR LAND USE -/ BUILDING DEVELOPMENT MANAGEMENT PROCESSES/OTHER PUBLIC PARTICIPATION AND TENDER PROCESSES NEEDED DURING THE 2020 FESTIVE SEASON	41
13.8	RE-APPOINTMENT OF SECTION 80 COMMITTEE PORTFOLIO CHAIRPERSONS	42
13.9	POLICY AND PROCEDURES FOR WARD COMMITTEES, INCLUDING COVID-19 PROTOCOLS	44
13.10	FEEDBACK ON PUBLIC PARTICIPATION PROCESS: PROPOSED DISPOSAL (THROUGH A LAND AVAILABILITY AGREEMENT) OF MUNICIPAL LAND, ERF 7001, CLOETESVILLE, STELLENBOSCH AND THE APPOINTMENT OF A TURNKEY DEVELOPER / IMPLEMENTING AGENT IN ORDER TO FACILITATE THE DELIVERY OF GAP HOUSING UNITS	45
13.11	A NEW SPORT FACILITY MANAGEMENT MODEL (PLAN) FOR STELLENBOSCH MUNICIPALITY (WC024)	47
14.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER	
14.1	QUESTION 1 BY COUNCILLOR F ADAMS: BREAKDOWN: SUBSIDIZED AND GAP HOUSING	49
14.2	QUESTION 2 BY COUNCILLOR F ADAMS: WASTE WATER TREATMENT PLANT IN DEVON VALLEY	50
14.3	QUESTION 3 BY COUNCILLOR LK HORSBAND (MS): 5-YEAR CONTRACT OF THE MUNICIPAL MANAGER (MS G METTLER)	51
14.4	QUESTION 4 BY COUNCILLOR LK HORSBAND (MS): MINIMUM COMPETENCY QUALIFICATIONS: MS G METTLER	52
14.5	QUESTION 5 BY COUNCILLOR DA HENDRICKSE: PRIVATE SECURITY COMPANIES	53
15.	CONSIDERATION OF URGENT MOTIONS	
	NONE	
16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER	
	NONE	
17.	REPORTS SUBMITTED BY THE SPEAKER	
	NONE	
18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR	
	NONE	
19.	MATTERS TO BE CONSIDERED IN-COMMITTEE	
	(SEE IN-COMMITTEE DOCUMENTATION)	

PRESENT	The Speaker, Cllr Cllr WC Petersen (Ms) The Executive Mayor, Ald G Van Deventer (Ms) The Deputy Executive Mayor, N Jindela [Chairperson] (until 14:00)	
COUNCILLORS	F Adams (until 11:30) FJ Badenhorst Ald PW Biscombe G Cele (Ms) PR Crawley (Ms) A Crombie (Ms) Z Dalling (Ms) R Du Toit (Ms) J Fasser A Florence AR Frazenburg E Fredericks (Ms) T Gosa E Groenewald (Ms) (until 11:30) JG Hamilton AJ Hanekom DA Hendrickse JK Hendriks	LK Horsband (Ms) MC Johnson DD Joubert N Mananga-Gugushe (Ms) (until 13:00) NE Mcombring (Ms) XL Mdemka (Ms) C Moses (Ms) N Olayi SA Peters MM Pietersen SR Schäfer Ald JP Serdyn (Ms) N Sinkinya (Ms) (until 13:00) P Sitshoti (Ms) (until 13:00) Q Smit LL Stander E Vermeulen

Officials:	Municipal Manager (Ms G Mettler) Chief Financial Officer (K Carolus) Director: Corporate Services (Ms A De Beer) Director: Infrastructure Services (D Louw) Director: Planning and Economic Development (AP Barnes) Director: Community and Protection Services (G Boshoff) Chief Audit Executive (F Hoosain) Manager: Secretariat (EJ Potts) Senior Administration Officer (T Samuels (Ms))
-------------------	--

1.	OPENING AND WELCOME
-----------	----------------------------

The Speaker, Cllr WC Petersen (Ms) welcomed all present at the 39th Council meeting via livestream.

2.	MAYORAL ADDRESS
-----------	------------------------

“Speaker, Munisipale Bestuurder, Burgemeesterskomiteelede, Direkteure

Goeiedag, Good Morning, Molweni, As-salaam Alaikum

- Covid-19 is still with us.
- From today 25 to 29 November, President Ramaphosa announced a morning period for the victims of COVID 19. Flags will be flown at half-mast during this period.
 - Due to COVID we have also made the difficult decision not to have a Festival of Lights event this year.
 - We will still install the customary festive season lights for our residents to enjoy however, but there will be no festival to celebrate the switching on of the lights.
 - Urge all residents to please continue to be cautious and careful and take all necessary steps to prevent the spread of COVID.
 - Wear your mask when you are in public or among large groups of people.
 - Sanitise or wash your hands regularly.
 - Avoid events with lots of people, especially when it is in a small enclosed space.
 - When meeting with friends and family, do so in open well ventilated spaces or outside in open spaces.
 - There have been increases in active cases in our region and I want to urge residents to take this threat very seriously.
- The Stellenbosch Waste Water Treatment works won the Stellenbosch the CESA (Consulting Engineers of South Africa) award for projects of between R250million to R1Billion.
 - We are incredibly proud of our wonderful facility.
 - Opened earlier this year, just before lockdown.
 - Facility resulted in a significant improvement of services for the region.
 - This also serves as motivation to tackle and continue all the upgrading work we are currently busy with at our other facilities.
 - Congratulations Zutari, the consulting engineers on this project and to Director Louw and his team.
- Congratulations to Stellenbosch FC
 - Stellenbosch FC secured a 2-0 victory over Chippa United in the DStv Premiership match at the Danie Craven Stadium on Saturday afternoon.
 - So proud of all our players and how well they represent us on the sport fields.
- Congratulations also goes to:
 - Lanzerac Wine Estate Hotel & Spa for being named ‘South Africa’s Leading Wine Region Hotel 2020’ at the World Travel Awards! This prestigious accolade reaffirms our status as a world-class travel destination!
 - Kleine Zalze, who achieved new heights after being named Top Performing Winery of the Year by Platter’s South African wine guide - one of the most comprehensive guides to South African wine and one of the most highly regarded internationally.

- From today, 25 November to 10 December we commemorate the annual 16 Days of Activism against Gender based Violence Campaign.
 - Continuous to be an even more deadly epidemic in our society than COVID-19
 - Still an issue because people are ashamed to speak out about abuse and violence in the home.
 - We have to talk and break the silence with regards to this evil.
 - Only when we shine a light on this, and admit and face the enormity of this challenge will we be able to tackle this and make a real and meaningful change
 - Please report violence against women and children, do not ignore it, do not look away.

- Early Christmas gift to Franschhoek.
 - Creating economic opportunities is more important than ever before.
 - I am so proud and impressed with this beautiful premises that has been built and made available to the community.
 - The informal trading space in this area has a long history:
 - Active for more than 15 years. Historically it consisted of temporary structures which traders erected daily, with wares being packed out every morning, and then stalls and wares being packed away at the end of each day,
 - In 2017, the Municipality as part of its commitment to promote informal trading as a means to increase household income, decided to upgrade the trading site and improve aesthetic and operational market conditions to the benefit of both the traders and the local community.
 - The total contract value: R 2 226 051.51.
 - Construction started in June 2018, and contract took 18 months to complete.
 - Traders have already been appointed in line with our informal trading policy
 - Want to encourage residents and councillors to visit this beautiful site and support our local entrepreneurs.
 - I was so impressed and surprised with the amazing quality of work on show.

- As we are now moving into the festive season, we expect an increase in traffic and influx of road users
 - Our law enforcement and traffic officers will be working hard throughout the festive season to help improve road safety and security.
 - Thank you to all our officers and officials who work very hard during this time.
 - I want to urge every councillor and every resident, to lead by example
 - DO NOT TEXT AND DRIVE
 - DO NOT TALK ON YOUR PHONE AND DRIVE
 - DO NOT DRINK AND DRIVE/ DRINK AND WALK
 - Make sure your vehicle is road worthy
 - Make sure your vehicle license and driver's license is valid and up to date
 - Take regular breaks if you are traveling long distances

- As it is our last formal Council Meeting for 2020, I want to wish all our Councillors, Officials and Staff a very blessed Festive Season.
- For those going on leave, please stay safe and take care.
- For those who celebrate Christmas, may it be a blessed time with friends and family.
- For Residents who celebrate Hanukah, may it be a time of light and joy for you and your loved ones.
- Please stay safe and be mindful of COVID, we want you to all return safely in 2021.

Thank you.”

3.	COMMUNICATION BY THE SPEAKER
----	-------------------------------------

Good Morning to:

The Executive Mayor, Advocate Gesie Van Deventer

The Municipal Manager, Ms. Geraldine Mettler and other Staff

All Alderman's and other Councillors, Stellenbosch Community and all Protocols observed:

GREETINGS TO YOU ALL

Councillors, Madame Mayor & MM it is a privilege for me to **communicate the following to you:**

1. We are all AWARE OF THE DIFFICULT MONTH'S we had as a Town on the impact of COVID 19. The economic downturn of our Town and the hardship our families went through during the loss of love ones is examples of what our people went through.

“As we look back on a year of much pain and sorrow, it is important as a Town that we should honour and remember all those who have succumbed to this disease

2. Madame Mayor, this time of the year the Country also remembered and reflect on GENDER BASED VIOLENCE – that still sits deeply rooted in our communities. Our children and women in particular are still being abused by men on a daily basis especially by those whom we know, and even people in prominent positions. Please help us to:
 - **End the Silence**
 - **Ending their pain**

3. Thirdly Madam Mayor and members – on Tuesday 1st December 2020 we will commemorate – World AIDS DAY. I would like to encourage you Councillors to participate in all possible events that do takes place in your wards in honour of our affected communities. Lets keep the candle of hope, and peace burning for all those affected and infected by the disease in our thoughts as they have to overcome and fight this for the rest of their lives.

4. During this time, may we also acknowledge the Matriculants of 2020 – who are currently writing their final year exams and may they be successful in their endeavours. It was indeed a very difficult year for all scholars from Grade R to Grade 12 and the university graduates in planning their academic year.

5. Executive Mayor, MM and Directors - we have had a few staff members passing on and I am aware that you and your offices have dealt with the trauma that their lost caused the Organization. May we remember their inputs and hard work done while on duty at the Stellenbosch Municipality.

With the above issues in our mind, may I therefore ask that the house go into a moment of silence and true reflection, on this year?

Once again thank you very much for this opportunity and I lastly want to notify Council that:

- I have taken note of the attacks on certain Councillors and Community members and the attack on Council's vacant land by disgruntled members of certain communities.
- Today's Council Meeting is the last meeting of the annual schedule. Council will go into recess on Friday 4 December 2020 till 10th January 2021
- Madame Mayor the following members will be celebrating their birthdays during the month of thanksgiving: They are:

Naughty Cllr Franklin Adams (17/12); Phelisa Sitshoti (20/12); Wilfred Pietersen (22/12); Nosibulele Sinkinya; Charles Manuel (25/12); Siegfried Schafer (28/12) and Rozette du Toit (31/12) and lastly allow me to congratulate Cllr Malcom Johnston and his newly wedded wife, may they also enjoy happiness during this time.

On this note may I request that we send our Best Wishes to our Stellenbosch Community and have a *Merry Christmas* and a Happy New year - to all the Stellenbosch Folk. Have a nice rest and come back in full strength next year to start with Service Delivery to our WC024 Community.

And lastly allow me to congratulate Cllr Malcom Johnson on his wedding.

I thank you.”

4.	COMMUNICATION BY THE MUNICIPAL MANAGER
-----------	---

“Good morning Honourable Speaker;
Honourable Executive Mayor;
Councillors and
Colleagues.

- This was indeed a very extraordinary year for everyone.
- Covid was not only felt in the economy, in our households, by our children, and it had a great impact on people’s personal lives.
- I want to pay attention to our school going children, but in particular to our matriculants. As parents of these children, we need to pay special attention to them during this time, because the pressure is quite high on them to be successful and we need to watch out for symptoms around suicide and we need to make sure that we give the necessary support and attention to our children and school going children.
- November is Men’s Health Awareness Month, especially around cancer in men – want to acknowledge men during Movember, some of our male colleagues are wearing beards in remembrance and commemorating men’s health and cancer.
- As it is our official last Council meeting I want to thank all Staff and Councillors for this year. Please be safe, we’ve seen that in some countries a second wave of Covid has already hit some countries harder than the first wave. I want to appeal to everyone to observe the covid protocols. Most of our Councillors falls in the over 60 years of age category, and as per covid protocols they need to take special care. It is for this reason (covid) that all Council meetings are still held via livestream and MS Teams. This way more members of the public can attend and follow the open council meeting via the livestream.
- As you are aware, our recording system in the Council Chamber is not operational at the moment, and will cost in excess of around R1m to be replaced, and we are looking at repairing in new year.
- The 16 Days of Activism against Women and Children started on 25 November 2020 and will end on 10 December 2020. As mentioned in the Speaker and the Executive Mayor’s communications above, I want to appeal to our people that we must speak up and assist where possible if we see something in our communities are not right.
- I want to appeal to everyone to make donations to the Safehouse in particular.
- I want to congratulate our football team (FC Stellenbosch) who won to 2-0 against Chippa United FC, well done to our boys. It is things like this that makes us proud to be part of Stellenbosch Municipality.
- To those who go on leave, please be safe and come back safely. Do not drink and drive and observe Covid protocols.
- Please be safe and have a Merry Christmas!

I thank you.”

5.	DISCLOSURE OF INTERESTS
-----------	--------------------------------

Councillor SR Schäfer – Item 11.6.1

6.	APPLICATIONS FOR LEAVE OF ABSENCE
-----------	--

6.1 The following applications for leave of absence were approved in terms of the Rules and Order By-law of Council:-

Cllr FT Bangani-Menziwa (Ms)	– 25 November 2020
Cllr C Manuel	– 25 November 2020
Cllr RS Nalumango (Ms)	– 25 November 2020
Cllr WF Pietersen	– 25 November 2020

6.2 Permission was granted to the following Councillors to leave the meeting earlier:

Cllr F Adams	– (until 11:30)
Cllr E Groenewald Ms)	– (until 11:30)
Cllr N Jindela	– (until 14:00)
Cllr Mananga-Gugushe (Ms)	– (until 13:00)
Cllr N Sinkinya (Ms)	– (until 13:00)
Cllr P Sitshoti (Ms)	– (until 13:00)

6.3 ABSENT

Cllr MD Oliphant – 25 November 2020

7.	APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING
-----------	--

7.1	CONFIRMATION OF MINUTES OF THE 38TH COUNCIL MEETING: 2020-10-28
------------	---

The minutes of the 38th Council Meeting: 2020-10-28 were **confirmed as correct.**

7.2	CONFIRMATION OF MINUTES OF AN URGENT COUNCIL MEETING: 2020-11-02
------------	---

The minutes of an Urgent Council Meeting: 2020-11-02 **confirmed as correct.**

8.	STATUTORY MATTERS
----	--------------------------

8.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR OCTOBER 2020
-----	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

17 November 2020 and 25 November 2020

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR OCTOBER 2020

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 October 2020.

39TH COUNCIL MEETING: 2020-11-25: ITEM 8.1

NOTED

the deviations as listed below for the month of October 2020.

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 06/20	16 October 2020	Martin and East (Pty) Ltd	Schuilplaats road - safe disposal of hazardous waste	Emergency	<p>Substantiation for the deviation:</p> <p>1. The possibility of human injury or death and the possibility of serious damage occurring to the natural environment;</p> <p>The Hazardous waste needs to be handled by a specialist service</p>	R 508 183.96 (Excl. Vat)

				<p>provider, who have the relevant knowledge, equipment, expertise and insurances in place for the disposal of Hazardous waste. Should the waste that contains elements of mercury and other toxins not be effectively dealt with, the possibility of Human injury and death exist as well as the possibility of serious damage to the natural environment.</p> <p>2. Exceptional case and it is impractical or impossible to follow the official procurement processes</p> <p>This is an exceptional case, the uncovering of hazardous waste underneath a road construction site meets the exceptional event definition for the following reasons:</p> <ul style="list-style-type: none"> • It was not reasonably foreseen - as an event that could occur, • Such an event had never before occurred - in the history of Stellenbosch Municipality – Road Construction. <p>It is impractical to follow any other process since the Municipality has contractual agreements in place with the appointed contractor and had handed over the site. In order to follow any other process, the Municipality would be required to renegotiate new terms with the contractor to allow for de-establishment from the site and re-establishment after</p>	
--	--	--	--	--	--

				<p>disposal of the hazardous waste. It would be impractical for another Service Provider to take possession of the site, take over and carry out the supporting operational works e.g. removal, loading and backfilling and facilitating and managing of the transporting and disposal of the hazardous waste and then de-establish and hand the site back to the originally appointed contractor.</p> <p>It would also be impractical to cancel the contract with the appointed contractor, establish a new contract and new Service Provider to address the hazardous waste and to commence with a new contract to continue and complete with the Road Construction Project.</p> <p>These options would result in sever delays (estimated at 6 months to 1 year) to essential services delivery as well as significant additional costs implications associated with the de-establishment and re-establishment of a Service Provider, cancellation of contract, loss of production time etc., all of which would be detrimental impact on the Municipality.</p> <p>3. The interruption of essential services, including transportation and communication facilities or support</p>	
--	--	--	--	---	--

					<p>services critical to the effective functioning of the municipality as a whole;</p> <p>Following any other process will result in an interruption of an essential service (as described above), the timeous completion of the extension of Schuilplaats road is essential for safe and effective transportation in the region. The timeous completion of the road project is also linked to housing developments, the municipality will not be in a position to allow occupation of these housing units (should other process be followed) thereby impacting on rights of housing security for residents.</p>	
--	--	--	--	--	--	--

FOR FURTHER DETAILS CONTACT:

NAME	Dalleel Jacobs
POSITION	Senior Manager: Supply Chain Management
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8588
E-MAIL ADDRESS	Dalleel.Jacobs@stellenbosch.gov.za
REPORT DATE	05 November 2020

8.2	ADJUSTMENTS BUDGET FOR 2020/2021 FOR REDUCED ALLOCATIONS AND ROLL-OVER OF UNSPENT CONDITIONAL GRANTS
-----	---

Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

25 November 2020

1. SUBJECT: ADJUSTMENTS BUDGET FOR 2020/2021 FOR REDUCED ALLOCATIONS AND ROLL-OVER OF UNSPENT CONDITIONAL GRANTS

2. PURPOSE

To table the adjustments budget for the 2020/2021 financial year to Council for approval. The adjustments budget emanates from the approval of roll-over of unspent conditional grants from the Western Cape Provincial 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

Roll-over of unspent conditional grants

The Western Cape Provincial Minister of Finance and Economic Opportunities has granted approval, in terms of section 10(2) of the Western Cape Appropriation Act (WCAA) 2019 (ACT No. 4 of 2019) to roll-over the unspent amount of R360 097 Western Cape Financial Management Capacity Building Grant, R37 752 for Community Development Workers Grant and R73 655 for Local Government Internship Grant. Approval was also granted to roll-over the 2018/19 unspent amount of R1 839 711.35 for the Title Deeds Restoration Grant with the condition that the funds is fully spent by 30 June 2021.

39TH COUNCIL MEETING: 2020-11-25: ITEM 8.2

RESOLVED (majority vote)

- (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	25 November 2020

9.	REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS
----	---

NONE

10.	ITEMS FOR NOTING
-----	-------------------------

10.1	REPORT/S BY THE EXECUTIVE MAYOR
------	--

NONE

10.2	REPORT/S BY THE SPEAKER
------	--------------------------------

NONE

10.3	REPORT/S BY THE MUNICIPAL MANAGER
------	--

NONE

11.	ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE: [ALD. G VAN DEVENTER (MS)]
-----	--

11.1	COMMUNITY DEVELOPMENT AND PROTECTION SERVICES: (PC : CLLR R BADENHORST)
------	--

NONE

11.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
------	---

11.2.1	CLOSURE OF MUNICIPAL OFFICES DURING THE FESTIVE SEASON
--------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

17 November 2020 and 25 November 2020

1. SUBJECT: CLOSURE OF MUNICIPAL OFFICES DURING THE FESTIVE SEASON

2. PURPOSE

To request Council's approval for the closure of municipal offices during the festive season.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Over the years there were various decision by Council in regard to the closure of the municipal offices. The trade unions have over the last three years on a regular basis requested that the municipal offices be closed during the period between Christmas and New Year and it was dealt with on an ad hoc basis. In January 2020 the trade unions requested that the employer close the offices between Christmas and New Year.

The matter has been discussed at the LLF, and the guidelines (attached as **APPENDIX 1**) have been agreed to by both unions.

39TH COUNCIL MEETING: 2020-11-25: ITEM 11.2.1

RESOLVED (nem con)

- (a) that Council approves the annual closure of the Municipal Offices between 13h00 on 24 December and 02 January at 08h00;
- (b) that should 02 January be regarded as a public holiday due to 01 January falling on a Sunday, the offices will reopen on the first working day after the public holiday at 08h00;
- (c) that employees will have to put in leave on the dates the offices are closed, and no additional leave will be granted to staff; and
- (d) that the Municipal Manager will ensure that the operations of the municipality continue through, inter alia, the attached guidelines.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene De Beer</i>
POSITION	<i>Director Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021 – 808 8018</i>
E-MAIL ADDRESS	<i>Annalene.Debeer@stellenbosch.gov.za</i>
REPORT DATE	<i>10 November 2020</i>

11.2.2	APPLICATION FOR A OF LEASE AGREEMENT: FRANSCHHOEK LIFE CRAFT CENTRE: ERF 143, FRANSCHHOEK
--------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

17 November 2020 and 25 November 2020

1. SUBJECT: APPLICATION FOR A OF LEASE AGREEMENT: FRANSCHHOEK LIFE CRAFT CENTRE: ERF 143, FRANSCHHOEK

2. PURPOSE

For Council to consider the application for the approval of a Lease Agreement with Franschhoek Life Craft Centre.

3. DELEGATED AUTHORITY

Council must consider the matter.

4. EXECUTIVE SUMMARY

Various Lease Agreements terminated over the past few years, where the contracts did not allow for an automatic renewal. The Supply Chain Management Policy (at the time) also did not provide for the renewal of these agreements, without following a tender process. The agreements continued in terms of common law on a month to month basis as council did not terminate the agreement and the tenant kept using the property.

The new Property Management Policy, however, now allow for a process whereby Council can dispose with the prescribed, competitive process, subject to Council's intention so to act being advertised for public inputs, before making a final decision.

The tenants in October 2019 send letters requesting to renew the lease agreement (**APPENDIX 1 and 2**). Technically the agreement has lapsed especially as they are not paying the rent. They have however continued to use the building.

The item was submitted to Mayco in January 2020, but was referred back to the department. The Executive Mayor wanted to gather more information in regard to the use of the property and the viability. Since then the Covid-19 pandemic brought major changes to the economy and the tourist industry. No further feedback was received and the item is resubmitted for consideration.

39TH COUNCIL MEETING: 2020-11-25: ITEM 11.2.2**RESOLVED** (majority vote with 1 abstention)

- (a) that a portion of Erf 143, Franschhoek, be identified as land not needed for own use as provided for in Regulation 36 of the Asset Transfer Regulations;
- (b) that Council does not approve the application;
- (c) that the department be requested to advertise for businesses to provide proposals on the future use of the property, and that the proposals include an indication of the type of business, a business plan, and the number of employment opportunities;
- (d) that Council will consider the proposals and then make a determination on which proposal to approve before a lease agreement will be entered into with a new lessee; and
- (e) that the Life Craft Centre be given notice to vacate the property by no later than 30 March 2021.

FOR FURTHER DETAILS CONTACT:

NAME	PIET SMIT
POSITION	MANAGER: PROPERTY MANAGEMENT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	<u>Piet.smit@stellenbosch.gov.za</u>
REPORT DATE	2020-11-01

11.2.3	POSSIBLE DISPOSAL OF A PORTION OF REMAINDER FARM 180 AND REMAINDER ERF 4648, STELLENBOSCH (PORTION OF KROMRIVIER ROAD) TO ADJACENT OWNER: E.VAN WYK
--------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

17 November 2020 and 25 November 2020

1. SUBJECT: POSSIBLE DISPOSAL OF A PORTION OF REMAINDER FARM 180 AND REMAINDER ERF 4648, STELLENBOSCH (PORTION OF KROMRIVIER ROAD) TO ADJACENT OWNER: E.VAN WYK

2. PURPOSE

To consider an application from the owner of erf 4409, Stellenbosch, to acquire a portion of unused street (Kromrivier Road) for the purpose of consolidating it with his erf.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

The owner of erf 4409, Stellenbosch, has applied to Council to acquire a portion of (unused) Kromrivier Road with the intention of consolidating it with his erf.

The property is encumbered with a water pipeline and electrical cable servitude and can therefore not be utilised as a free standing erf. The erf is currently used and enclosed as if it is part of the erf 4409 and was enclosed when sold to the current owner. The properties behind the two erven have been consolidated and there cannot be a thoroughfare or a road built to serve any other properties. It is adjacent to the development "Die Rand ". Due to the infrastructure services that run across the property no buildings can be put up on the property and it is therefore not recommended that it be sold as a separate erf. If not sold as a separate erf the only owner who will have any use for the property is the adjacent owner, and Council has sold the property behind to the adjacent owner in 2002.

39TH COUNCIL MEETING: 2020-11-25: ITEM 11.2.3

RESOLVED (majority vote)

- (a) that Council considered the disposal of the land at market-related value and resolves not to dispose of the land due to the infrastructure that is allocated in the erf;
- (b) that, should the adjacent owner be interested in the lease of the land, he should apply for the lease and not for an encroachment; and
- (c) that the land may not be used by the adjacent property should the owner not apply for a lease.

11.2.4	PROPOSED SUB-LEASE FROM THE STELLENBOSCH FLYING CLUB
---------------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

17 November 2020 and 25 November 2020

1. SUBJECT: PROPOSED SUB-LEASE FROM THE STELLENBOSCH FLYING CLUB**2. PURPOSE**

To consider a request received from the Western Cape Government for a proposed sub-lease at the Stellenbosch Flying Club.

3. DELEGATED AUTHORITY

Council.

Delegated authority to Executive Mayor in consultation with the Executive Mayoral Committee

4. EXECUTIVE SUMMARY

Stellenbosch Municipality concluded a Lease Agreement with the Stellenbosch Flying Club on 10 February 1992, which agreement is due to expire on 21 March 2021. (Portion L of Farm 502). An item is serving before Council to consider a further lease agreement with the Flying club.

The Western Cape Government requested to sub-lease a piece of land from the flying club to establish an Aeronautical High School on the property. The request is attached as **APPENDIX 1**. The request served before Mayco in November 2019 but was referred back to be refined. The aeronautical school that the Western Cape Government envisaged to establish in the Stellenbosch area has a direct link to the Stellenbosch airfield as it intends on the long run to use the facilities at the airfield for the training of the learner pilots and other related skills. In the short term it envisaged leasing from the Flying Club and or using the facilities at the airfield for training purposes. The Flying club has provided some input/response to the request of the Western Cape Government. **(APPENDIX 2). In view of the response** the Western Cape Government has requested to acquire a piece of land from the Municipality for the purposes of building the school. The land for this purpose has not being identified and the item will be brought to council as soon as this has been done.

39TH COUNCIL MEETING: 2020-11-25: ITEM 11.2.4**RESOLVED** (majority vote)

- (a) that the request from the Western Cape Government be noted;
- (b) that the response from the Flying Club be noted;
- (c) that the Flying Club be allowed to enter into a sub-lease with the Western Cape Department of Education to enable learners to use the facilities at the Flying Club; and
- (d) that the content of the agreement be reported to the Executive Mayor in consultation with the Executive Mayoral Committee.

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

11.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]
------	--

NONE

11.4	HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)
------	--

NONE

11.5	INFRASTRUCTURE: (PC: CLLR Q SMIT)
------	--

11.5.1	INTEGRATED WASTE MANAGEMENT PLAN FOR STELLENBOSCH MUNICIPALITY
--------	---

Collaborator No: 696778
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 17 November 2020 and 25 November 2020

1. SUBJECT: INTEGRATED WASTE MANAGEMENT PLAN FOR STELLENBOSCH MUNICIPALITY

2. PURPOSE

To obtain Council's approval to circulate the draft Integrated Waste Management Plan (IWMP) for public comment (**APPENDIX 1**).

3. DELEGATED AUTHORITY

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 Jan Palm (Pty) Ltd to review and finalize this draft IWMP. This revised IWMP has been internally reviewed and requires public comment to be finalised.

39TH COUNCIL MEETING: 2020-11-25: ITEM 11.5.1**RESOLVED** (majority vote)

- (a) that Council accepts the draft Integrated Waste Management Plan (IWMP) and approves that the draft IWMP be circulated for public comment;
- (b) that the draft Integrated Waste Management Plan (IWMP) By-Law be submitted to D:EA&DP (Department of Environmental Affairs & Development Planning) for comment. In this process internal stakeholders will also be given an opportunity to comment; and
- (c) that relevant comments be incorporated for final approval and adoption by Council.

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>19 October 2020</i>

11.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))
11.6.1	INVESTIGATION WITH REGARDS TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE

Collaborator No: 697006
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 17 November 2020

1. SUBJECT: INVESTIGATION WITH REGARDS TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE

2. PURPOSE

To put forward a recommendation as to the conclusion of the investigation with regards to the various residential properties in Mont Rochelle Nature Reserve.

3. DELEGATED AUTHORITY

Council of Stellenbosch Municipality.

4. EXECUTIVE SUMMARY

Council decided to investigate all possible options in dealing with the residential properties located in the Mont Rochelle Nature Reserve (the reserve) in an effort to achieve the most effective environmental outcome, address potential negative impact associated with possible development of the various properties whilst at the same time maintaining and preserving the use of the reserve for recreation by the broader public.

The above options investigated included maintaining the *status quo* (trust that no further development within the reserve take place), expropriation or buying-back of the 14 sold (but undeveloped) erven or an exchange of land (swop of erven within the reserve from sensitive to less-sensitive locations). Experience gained from the above investigation has now led to a proposed redesign of the current layout of erven clustered around the current access roads, within the existing layout footprint.

39TH COUNCIL MEETING: 2020-11-25: ITEM 11.6.1

RESOLVED (majority vote with 1 abstention)

- (a) that Council approves Option 3: the redesign of the existing layout of erven in Mont Rochelle Nature Reserve;
- (b) that Option 3 be implemented once budget for this purpose becomes available;
- (c) that existing landowners of erven in sensitive areas be offered a like-for-like (with reference to erf size) proposal in a less sensitive location within the revised layout, as provided for in Paragraph 9.2.3 of the Property Management Policy;
- (d) that the Municipal Manager be authorised to finalise the above process insofar as an agreement between the relevant landowners can be reached; and
- (e) that the remaining unsold erven be de-proclaimed and consolidated into Mont Rochelle Nature Reserve.

Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

11.6.2	PROGRESS REPORT (2) - IDENTIFICATION AND ACQUISITION OF AUTHORISATIONS AND APPROVALS FOR THE ESTABLISHMENT OF ONE OR MORE REGIONAL CEMETERIES FOR STELLENBOSCH MUNICIPALITY
--------	--

Collaborator No: 697733
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 17 November 2020 and 25 November 2020

1. SUBJECT: PROGRESS REPORT (2) - IDENTIFICATION AND ACQUISITION OF AUTHORISATIONS AND APPROVALS FOR THE ESTABLISHMENT OF ONE OR MORE REGIONAL CEMETERIES FOR STELLENBOSCH MUNICIPALITY

2. PURPOSE

To report on the status of the above project. This is the second progress report following the one submitted to the February 2020 Section 80 Meeting.

3. DELEGATED AUTHORITY

Council of Stellenbosch Municipality.

4. EXECUTIVE SUMMARY

During 2016 Stellenbosch Municipality commenced with a project of identifying and acquiring the necessary environmental and land use approvals for the establishment of one or more large (± 30 ha) cemeteries for the WC024 area.

During a comprehensive feasibility study conducted 54 sites were considered against a set of criteria which included:

- Ownership (Municipal / State / Private)
- Extent
- Location (proximity to settlements / accessibility / surrounding land uses)
- Zoning and land use
- Environmental characteristics (current status / vegetation / geology / pedology / hydrology)
- Soil characteristics (excavability / permeability / drainage / topography / basal buffer / stability / workability)

A total of 4 sites were identified as being feasible:

- Louw's Bos (Farm 502, south of Stellenbosch)
- Culcatta Bos (Farm 29, north of Koelenhof)
- Meerlust (Portion 1 of Farm Meer Lust No 1006, Groot-Drakenstein)
- De Novo (Portion 10 of Farm De Novo No 727, south of Muldersvlei)

Of the 4 sites 2 were included in the process of acquiring the necessary environmental and land use approvals for the establishment of a cemetery. These 2 sites were Louw's Bos and Culcatta Bos. Even though the Meerlust site is ideally located (in terms of need for burial space) it was (for the time being) excluded due to risks associated with the site's location in close proximity to an existing settlement. The National Health Act, 61 of 2003, Regulations Relating to the Management of Human Remains (Government Notice R363), includes the following:

15. *Burial sites and burials*

- (2) *All burial sites must comply with the following environmental requirements-*
- (a) *be located outside the 100 year floodplain;*
 - (b) *be located at least 350m from ground water sources used for drinking purposes and 500m from the nearest habitable building;*
 - (c) *...*

Even though there are examples of cemetery sites that have been established within these zones since the above regulations came into effect proceeding with an application for establishing a cemetery site within these zones is a risk if the relevant authorities cannot be convinced of the need and impact of such development. The De Novo site (property of the Department of Transport and Public Works) was excluded due to uncertainty regarding the long term planning of the property.

Both sites (Louw's Bos and Culcatta Bos) require the following approvals:

- Environmental Authorization (in terms of the National Environmental Management Act, 107 of 1998, Environmental Impact Assessment Regulations)
- Water Use Licensing (in terms of the National Water Act, 36 of 1998)
- Land Use Approval (in terms of the Stellenbosch Land Use Planning By-Law)

The process of acquiring all 3 sets of approvals for both sites have commenced and are at different stages of conclusion.

39TH COUNCIL MEETING: 2020-11-25: ITEM 11.6.2**NOTED**

the report on the status of the project: Identification and acquisition of authorisations and approvals for the establishment of one or more regional cemeteries for Stellenbosch Municipality.

11.7	PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR E GROENEWALD (MS))
------	---

NONE

11.8	RURAL MANAGEMENT: (PC: CLLR S PETERS)
------	--

NONE

11.9	YOUTH, SPORTS AND CULTURE: (PC: CLLR M PIETERSEN)
------	--

11.9.1	GUIDELINES ON THE IMPLEMENTATION OF THE CHILDREN'S ACT, ACT 38 OF 2005
--------	---

Collaborator No:	695199
IDP KPA Ref No:	Dignified Living: Municipal Focus Area 21
File Plan:	8/1/4/2/3
Meeting Date:	17 November 2020 and 25 November 2020

**1. SUBJECT: GUIDELINES ON THE IMPLEMENTATION OF THE CHILDREN'S ACT,
ACT 38 OF 2005**

2. PURPOSE

To obtain a formal position on the Guidelines for Municipalities on the Implementation of the Children's Act as introduced to municipalities on 14 August 2020 during a SALGA consultation process.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Children's Act, 2005 (Act No. 38 of 2005) is the primary legislation that regulates protection and developmental services to children. Among others, it provides for the norms and standards linked to the registration, de-registration and monitoring of child care facilities.

It is 10 years since the Children's Act was implemented. The Department of Social Development (DSD) as the custodian of the Children's Act took an initiative and developed the guidelines for Municipalities to enhance implementation of some of the critical provisions in the Act, namely the assignment of functions to Municipalities.

The Guidelines aim to:

1. Guide both Provincial DSD and Municipalities on the implementation of the Children's Act;
2. Draw attention to the roles and responsibilities of Municipalities as part of Government in providing services to children; and
3. Assist both Provincial DSD and Municipalities with processes to assign functions in a uniform and coordinated manner.

Thus the Guidelines provide guidance in line with provisions of the Children's Act on: The functions in the Children's Act, which may be assigned to municipalities.

Secondly, to guide municipalities on their role to support and facilitate the implementation of the Act generally.

This item seeks to find agreement with the Guidelines in terms of process and interpretation of the Children's Act and the role of local government in the implementation of said Act.

39TH COUNCIL MEETING: 2020-11-25: ITEM 11.9.1

RESOLVED (majority vote with 1 abstention)

- (a) that the municipality assists ECD's to comply with registration requirements;
- (b) that the municipality encourages ECD's to apply for Grant in Aid funding; and
- (c) that Stellenbosch Municipality does not accept the responsibilities as listed in the Guidelines as the municipality does not have the financial and/or human resource capacity to implement the guidelines.

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

Cllrs N Mananga-Gugushe (Ms); C Moses; N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	Michelle Aalbers
POSITION	Manager Community Development
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	8408
E-MAIL ADDRESS	Michelle.aalbers@stellenbosch.gov.za
REPORT DATE	18-08-2020

11.10	MUNICIPAL MANAGER
11.10.1	MUNICIPAL PARTNERSHIP FOR HUMAN RIGHTS

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

17 November 2020

1. SUBJECT: MUNICIPAL PARTNERSHIP FOR HUMAN RIGHTS

2. PURPOSE

To obtain Council's approval for entering into a partnership with a Swedish Municipality on the topic of Human Rights. The detail of this project will be discussed and negotiated during the inception phase. This partnership will be undertaken in accordance with the 2030 Agenda for Sustainable Development and its Global Goals.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality (SM) has been approached by the Swedish International Centre for Local Democracy (ICLD) to explore the possibility of entering into a partnership with a Swedish Municipality selected by ICLD on the topic of Human Rights. The Human Rights topic that the Municipality wants to work on with SM will be finalised during the Inception Phase.

SM has over the years developed various programmes premised on enhancing and protecting the Human Rights of its citizens. These programmes allow explicitly for the inclusion of minorities, such as the disabled, the frail and infirm and provide this traditionally marginalised group full access to its attempts at local government. Governmentality refers to the relationship in this case between the local government and its local community. It also refers to inclusivity and an attempt by mostly the local government at moving away from top-down relations and the community having its voice heard on many issues. A good example of governmentality is the Integrated Development Plan's public participation processes. The recent iteration of the IDP saw new innovations being introduced to secure an inclusive process and therewith ensuring that local government meets the community.

In essence, SM has an exportable product which has attracted the attention of in this instance international institutions. It is therefore, incumbent upon us to strengthen our understanding of governmentality by sharing our learnt experiences and learning from an ages old democracy.

The programme consists of various phases and under normal circumstances runs over a four (4) year period. The first phase is the Inception Phase which runs for one (1) year. During this phase the exact collaboration project is finalised for implementation in the 3 outer years.

The project is funded by ICLD and will according to their programme commence in January 2021.

39TH COUNCIL MEETING: 2020-11-25: ITEM 11.10.1

During deliberations on the matter, Cllr P Sitshoti (Ms) requested that the topic of Human Rights be discussed with Council, before the partnership is undertaken. The Speaker replied that her request is NOTED.

RESOLVED (majority vote with 1 abstention)

- (a) that Council notes the invitation by ICLD annexed hereto as “**APPENDIX 1**”;
- (b) that Council approves that Stellenbosch Municipality enters into a partnership with a Swedish Municipality on the topic of Human Rights;
- (c) that the Municipal Manager be authorized to negotiate the terms of the partnership agreement with the identified Swedish Municipality as per the requirements of the Inception Phase of the partnership; and
- (d) that the Municipal Manager submits a report to Council subsequent to the conclusion of the Inception Phase, i.e. after one (1) year or as soon as practically possible thereafter.

Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

FOR FURTHER DETAILS, CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@stellenbosch.gov.za
REPORT DATE	9 November 2020

12.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER
12.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]
12.1.1	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY KILOTREADS (PTY) LTD

Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

05 November 2020 & 25 November 2020

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY KILOTREADS (PTY) LTD

2. PURPOSE OF REPORT

To provide information regarding the expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to ratify the expenditure in terms of the MFMA Section 32 (2). The expenditure with regard to the procurement of services for the supply, delivery, repair and fitment of tyres on various vehicles for Waste Management during the months of November and December 2019 is regarded as irregular because it breached the procurement process.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

FQ 16/19 was awarded to Kilotreads (Pty) Ltd on 9 November 2018 for the supply, deliver, repair and fitment of tyres on vehicles for Waste Management Services. Various order numbers were generated on this FQ with the last order number being, Order Number: 357 798 (Annexure B) which was generated on 18 November 2019 for a total amount of R30 000 (incl. VAT) for all tyres on the FQ. The official in charge of fleet services was given the incorrect impression by the service provider that there were sufficient funds on the order. The services of Kilotreads (Pty) Ltd were immediately terminated once this information came to light and a new FQ process was initiated. The work performed was thus based on the expired FQ and the service rendered continued by default.

39TH COUNCIL MEETING: 2020-11-25: ITEM 12.1.1

Councillor DA Hendrickse requested that a report be submitted to Council where MPAC must indicate if they did oversight to see if the training of staff did take place.

RESOLVED (nem con)

- (a) that Council certifies the irregular expenditure to the amount of R 9407,00 (excluding VAT) as irrecoverable; and
- (b) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

12.1.2	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY SIYAYA TYRES
--------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

05 November 2020 & 25 November 2020

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY SIYAYA TYRES

2. PURPOSE OF REPORT

To provide information regarding the expenditure incurred for investigation by MPAC and to be recommended for consideration by Council to ratify the expenditure in terms of the MFMA Section 32 (2). The expenditure with regard to the procurement of services for the supply, delivery, repair and fitment of tyres on various vehicles for Waste Management during the festive period in December 2019 is regarded as irregular because it breached the procurement process.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

During the festive season of 2019, the period 24 December 2019 to 14 January 2020, Waste Management Services was required to render an essential service. A very important component of the waste management service is the transfer of all waste collected in the WC024, to Vissershok Private landfill in Cape Town. The transferring of waste from the Municipality to a landfill needs to be conducted without any interruption. The transferring of waste is reliant on a digger loader to load waste and the digger loader is prone to tyre punctures because of the sharp objects in the waste.

The former Foreman: Disposal from the Waste Management Department was responsible to ensure that the transfer station is operational had he required the services of a tyre company to repair and/or replace tyres. He requested the approval from the former Senior Manager: Mr Saliem Haider, (acting Director: Infrastructure Services at the time), to use the services of Siyaya Tyres to do repairs on the tyres. According to the former Foreman, Siyaya Tyres was the only company available during this time, as other companies had closed for the festive season. According to the then Senior Manager, a once off permission was granted, however the former Foreman interpreted the approval as on-going approval until a service provider had been appointed. The services of Siyaya Tyres were immediately terminated once this information came to light and a FQ process was initiated.

39TH COUNCIL MEETING: 2020-11-25: ITEM 12.1.2**RESOLVED** (majority vote)

- (a) that Council certifies the irregular expenditure to the amount of R70 270,22 (excluding VAT) as irrecoverable; and
- (b) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

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	22 October 2020

12.1.3	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO LOCAL PRODUCTION AND CONTENT
---------------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

05 November 2020 & 25 November 2020

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO LOCAL PRODUCTION AND CONTENT

2. PURPOSE OF REPORT

To provide information regarding the irregular expenditure incurred relating to local production and content and, to be recommended and considered by Council to certify the expenditure as irrecoverable and to be written off by Council as per the Stellenbosch Municipal Supply Chain Management Policy (2020/2021) embodied from the principles as specified in the Preferential Procurement Regulations of 2017.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Preferential Procurement Regulations (PPR) 2017, PPR 8(2), requires that, an organ of the state must, in case of a designated sector, advertise the invitation to tender with a specific condition that only locally produced or locally manufactured goods, meeting the stipulated minimum threshold for local production and content, will be considered.

The Auditor-General, in its findings during the 2017/2018 financial year, identified that the Municipality did not include a specific condition that local production and content is applicable when inviting bidders to tender (advertisement). Furthermore the Municipality also did not include the local production and content in the bid documents (MBD 6.2) and the suppliers declared accordingly. The Auditor-General concluded that the tender award does not comply with Preferential Procurement Regulations 2017.

However, the Municipality disagrees with the findings of the Auditor-General, as the PPFA Regulations of 2017 does not stipulate in brackets (advertisement) as alluded in the findings. In order to advertise, the invitation to tender places emphasis on the tender document that need to include the minimum thresholds (MBD6.2) that are advertised as a complete document and from which potential bidders submit bid offers.

Irregular expenditure is defined in the Municipal Finance Management Act (Act 56 of 2003) as expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the supply chain management policy of the municipality or entity or any of the municipality's by-laws giving effect to such policy, and which has not been condoned in terms of such policy or by-law. Furthermore expenditure incurred means the amounts that were expensed or work done, therefore the MPAC and municipal council can only considered amounts already expensed.

This item did serve before MPAC and was certified as irrecoverable and written-off by the municipal council, but council only considered the expenditure that was incurred up to that specific point. This return item is to consider the expenditure that was incurred subsequent to council's resolution.

39TH COUNCIL MEETING: 2020-11-25: ITEM 12.1.3**RESOLVED** (majority vote)

- (a) that Council certifies the irregular expenditure of the second year of the contract to the amount of R 43 610 656, 28 (excluding VAT) as irrecoverable; and
- (b) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

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

Cllrs G Cele (Ms); DA Hendrickse; LK Horsband (Ms); N Mananga-Gugushe (Ms); C Moses; N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

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	22 October 2020

13.	REPORTS BY THE MUNICIPAL MANAGER
13.1	SCHEDULE OF PROPOSED DATES FOR MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2021 CALENDAR YEAR

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

25 November 2020

1. SUBJECT: SCHEDULE OF PROPOSED DATES FOR MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2021 CALENDAR YEAR

2. PURPOSE

To inform Council of the schedule of proposed dates for meetings of Council, Mayoral Committee, Standing Committees and other Committees of Council for the 2021 calendar year.

3. DELEGATED AUTHORITY

The Speaker determines the dates of Municipal Council meetings. Dates for other meetings are determined by the Speaker in consultation with the various chairpersons of the meetings. The Executive Mayor may determine dates for the Mayoral Committee.

4. EXECUTIVE SUMMARY

An annual schedule of proposed dates for meetings is compiled in the interest of good governance and proper order. Besides complying with legislated requirements, a schedule of proposed dates of meetings enables councillors to plan their events, engagements and community activities.

Section 19 of the Local Government: Municipal Systems Act, 32 of 2000, stipulates that:

“The municipal manager of a municipality must give notice to the public, in a manner determined by the municipal council, of the time, date and venue of every -

(a) ordinary meeting of the council; and

(b) special or urgent meeting of the council, except when time constraints make this impossible.”

In line with legislated requirements, the publishing of such a schedule of proposed dates for meetings in the media and on the municipal website, seeks to foster a healthy culture of public involvement and participation in Council affairs.

39TH COUNCIL MEETING: 2020-11-25: ITEM 13.1**RESOLVED** (majority vote)

- (a) that the schedule with the proposed dates for Council meetings, Mayoral Committee meetings, Standing Committees and other committees of Council for the 2021 calendar year (attached as **APPENDIX 1**), be noted;
- (b) that Council determines that the notice to the public of the time, date and venue of said meetings, as provided for in Section 19 of the Local Government: Municipal Systems Act, 32 of 2000, must be given on the Municipal website and in a newspaper that circulates in the WC024; and
- (c) that it be noted that the Speaker, as provided for in the Standing Rules and Order By-Law and the Systems Act, determines the dates of Council meetings and may call urgent- or special Council meetings over and above the proposed scheduled meetings and may vary the dates in the schedule if and when needed.

NAME	<i>Annalene De Beer</i>
POSITION	<i>Director: Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-808 8018</i>
E-MAIL ADDRESS	<i>Annalene.DeBeer@stellenbosch.gov.za</i>
REPORT DATE	<i>18 November 2020</i>

13.2	AUDIT AND PERFORMANCE AUDIT COMMITTEE CHARTER
------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

25 November 2020

1. SUBJECT: AUDIT AND PERFORMANCE AUDIT COMMITTEE CHARTER**2. PURPOSE**

To obtain Council's approval of the Audit and Performance Audit Committee Charter attached as **APPENDIX 1**.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Audit & Performance Audit Committee reviews its Charter as and when required, based on legislative changes or to implement new best practice principles in line with the IIA standards.

39TH COUNCIL MEETING: 2020-11-25: ITEM 13.2**RESOLVED** (majority vote)

that Council approves the Audit and Performance Audit Committee Charter.

FOR FURTHER DETAILS CONTACT:

NAME	Faiz Hoosain
POSITION	Chief Audit Executive
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	0218088555
E-MAIL ADDRESS	Faiz.Hoosain@stellenbosch.gov.za
REPORT DATE	25 November 2020

13.3	INTERNAL AUDIT CHARTER
------	------------------------

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

25 November 2020

1. SUBJECT: INTERNAL AUDIT CHARTER**2. PURPOSE**

To obtain Council's approval of the Internal Audit Charter attached as **APPENDIX 1**.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Section 62 of the MFMA requires amongst others, that the accounting officer of a municipality must take all reasonable steps to ensure that the municipality has and maintains effective, efficient and transparent systems of internal audit operating in accordance with any prescribed norms and standards. The Terms of reference for Internal Audit is updated as when required taking into consideration legislative changes if any and best practice guidance in line with the IIA Standards. The Internal Audit Charter was reviewed by Management and the Audit and Performance Audit Committee and recommended to Council for approval at a meeting of the committee dated 26 August 2020.

39TH COUNCIL MEETING: 2020-11-25: ITEM 13.3

Cllr DA Hendrickse expressed his disappointment in the Municipal Manager's response to the effect that the reports which the Internal Audit Committee submits to Council, is for noting purposes only.

RESOLVED (majority vote)

that Council approves the Internal Audit Charter.

FOR FURTHER DETAILS CONTACT:

NAME	Faiz Hoosain
POSITION	Chief Audit Executive
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	0218088555
E-MAIL ADDRESS	Faiz.Hoosain@ Stellenbosch.gov.za
REPORT DATE	25 November 2020

13.4	REQUEST FOR APPROVAL OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON STORMWATER
------	---

Collaborator No: 696719
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 05 November 2020

1. SUBJECT: REQUEST FOR APPROVAL OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON STORMWATER

2 PURPOSE

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

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 Stormwater 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.

The Draft By-Law on Stormwater regulates stormwater systems in built-up areas and regulates activities which may have a detrimental effect on the development, operation or maintenance of the stormwater system.

The By-Law aims to improve the management of stormwater systems in a sustainable manner with due consideration for the scarce resource, reducing the impacts flooding (on community lively hoods, regional communities, residents, businesses ect.), preventing damage to properties, safeguarding human health, protecting natural aquatic environments and maintaining acceptable water quality within the stormwater system.

39TH COUNCIL MEETING: 2020-11-25: ITEM 13.4

RESOLVED (majority vote)

- (a) that the Draft By-Law on Stormwater, attached as **ANNEXURE A**, be accepted as the Final By-Law as per Section 12(2) to 12(4) & 13; and
- (b) that Council notes that a public participation process was followed and that no comment or feedback was received.

Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

13.5	REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON INTEGRATED WASTE MANAGEMENT
------	--

Collaborator No: 696777
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 05 November 2020 and 25 November 2020

1. SUBJECT: REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON INTEGRATED WASTE MANAGEMENT

2. PURPOSE

That Council adopts the By-Law on Integrated Waste Management as per Section 12 of the Municipal Systems Act, as amended.

3. DELEGATED AUTHORITY

Municipal Council, as per Section 12 of the Municipal Systems Act, as amended. 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 By-Law (**ANNEXURE A**) gives effect to the rights contained in Section 24 of the Constitution, Schedules 4(B) & 5(B) supported by Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where, a Local Government may proclaim By-Laws to govern the services that is delivered to the constituencies of the Republic of South Africa.

As the functions of Cleansing, Refuse Removal, Refuse Dumps and Solid Waste Disposal falls within the jurisdiction of the Municipality, the Council may define and regulate, activities and functions on any matters pertaining the above and abbreviated as Integrated Waste Management

The By-Law on Integrated Waste Management aims to promote a safe environment for the benefit of all within Waste management and to give effect to the right contained in section 24 of the Constitution of the Republic of South Africa, 1996 and to regulate

- the avoidance, minimisation, generation, collection, cleaning and disposal of waste; and
- matters related thereto.

Council has noted the draft By-law and that it would be circulated for public comment. The public commenting period was between 14 September 2020 until 14 October 2020 (**ANNEXURE B**). The public was notified with an advertisement that was placed in the media "Die Burger" and on the Municipal website. No comments or objections were received.

This report serves to request that the new Integrated Waste Management By-Law be adopted by Council and that it be published in the provincial gazette.

39TH COUNCIL MEETING: 2020-11-25: ITEM 13.5**RESOLVED** (majority vote)

- (a) that the By-Law on Integrated Waste Management, attached as **ANNEXURE A**, be adopted as per Section 12(2) to 12(4) & 13 of the Municipal Systems Act, as amended;
- (b) that Council notes that a public participation process was followed and no comments or objections were received; and
- (a) that the adopted By-Law be sent to Provincial Government to be published in the provincial gazette.

Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

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	<i>Deon.louw@stellenbosch.gov.za</i>
REPORT DATE	

13.6	LEASE OF COUNCIL- OWNED LAND FOR (ADDITIONAL) PARKING PURPOSES: ATTERBURY: PORTION OF LEASE FARM 369P
------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

GOOD GOVERNANCE

25 November 2020

1. SUBJECT: LEASE OF COUNCIL- OWNED LAND FOR (ADDITIONAL) PARKING PURPOSES: ATTERBURY: PORTION OF LEASE FARM 369P

2. PURPOSE

To obtain Council approval (in principle) to enter into a lease Agreement with Atterbury for the use of a portion of Council-owned land for parking purposes.

3. DELEGATED AUTHORITY

Council

Executive Mayor in consultation with the Executive Mayoral Committee if the lease is for less than 10 years and the value of the lease if less than R5 million.

As this item was received after closure of the Mayco agenda, the Executive Mayor requested that the item serves at Council.

4. EXECUTIVE SUMMARY

Atterbury, the owners of Portion 3 of Farm 961, Stellenbosch apply to use a portion of Lease Farm 369 for parking purposes. The land they want to lease is adjacent to their property.

When this property (Farm 961/3) was previously owned by Medi Clinic, they had an Encroachment Agreement with Council to use the portion of Lease Farm 369P for parking purposes. This area was excluded from the K.W.V Lease Agreement. They developed the parking on the piece of land. This encroachment agreement, however, lapsed when they sold the property and relocated their offices to the ex-BAT property in Stellenbosch.

Atterbury has now applied to use the already developed parking area consisting of 100 parking bays for additional parking bays for their staff. They also applied for an encroachment, which in effect amounts to a lease agreement. It was decided that encroachments will no longer be used for these kind of applications. In the light of the change in direction on encroachment leases, a short term lease is proposed as the parking is currently being used on a daily basis without any income to Council.

Council must now, in principle, consider the application.

39TH COUNCIL MEETING: 2020-11-25: ITEM 13.6**RESOLVED** (majority vote)

- (a) that the portion of Lease Farm 369P, consisting of 100 parking bays, be identified as land not needed for any other municipal service;
- (b) that Council in principle approves the lease agreement with Atterbury to enable them to use a portion of Lease Farm 369P, consisting of 100 parking bays;
- (c) that Council's intention to conclude a lease Agreement with Atterbury for a period of 12 months without following a supply chain process be advertised for public comments/inputs/objections, whereafter a return item will be submitted to Council to make a final determination in this regard;
- (d) that Council leases the land based on the "encroachment" parking tariffs as approved in the latest tariff book; and
- (e) that the applicants be allowed to use the parking bays until Council can make a final determination provided that the tariff set out in the tariff book is paid on a monthly basis.

Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

13.7	TIMEFRAMES FOR PUBLIC PARTICIPATION PERIODS FOR LAND USE - / BUILDING DEVELOPMENT MANAGEMENT PROCESSES/OTHER PUBLIC PARTICIPATION AND TENDER PROCESSES NEEDED DURING THE 2020 FESTIVE SEASON
------	---

Collaborator No: 698289
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 25 November 2020

1. SUBJECT: TIMEFRAMES FOR PUBLIC PARTICIPATION PERIODS FOR LAND USE - / BUILDING DEVELOPMENT MANAGEMENT PROCESSES/OTHER PUBLIC PARTICIPATION AND TENDER PROCESSES NEEDED DURING THE 2020 FESTIVE SEASON

2. PURPOSE

To obtain approval for the changes to the time frames for the processing and public participation periods for land use and building development management processes and other public participation needed during the 2020 festive season.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Due to the impact of the Covid-19 pandemic and resulting National Lockdown on service delivery and the economy, it is proposed to minimize the standard practice to exclude the core festive period from the timeframes in the processing and the public participation applicable for land use and building development management applications and other public participation needed over the festive period from 15 December to 15 January to the period between 22 December 2020 to 15 January 2021. This period will not be included in the normal calculation of periods for public to comment/give inputs/land use and building development applications and processes etcetera.

39TH COUNCIL MEETING: 2020-11-25: ITEM 13.7

RESOLVED (nem con)

- (a) that Council approves that the period between 22 December 2020 to 15 January 2021 be excluded from the timeframes in the processing and the public participation applicable to land use and building development applications as well as other municipal processes for public participation during the festive season; and
- (b) that the Municipal Manager informs the public through an advertisement in a local newspaper.

13.8	APPOINTMENT OF SECTION 80 PORTFOLIO CHAIRPERSONS
------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

25 November 2020

1. SUBJECT: APPOINTMENT OF SECTION 80 PORTFOLIO COMMITTEE CHAIRPERSONS

2. PURPOSE OF REPORT

To inform Council on the reshuffling of the Mayoral Committee that has led to a change in the Section 80 Portfolio Committee chairpersons.

3. DELEGATED AUTHORITY

Executive Mayor appoints the chairpersons for the section 80 committees.

4. EXECUTIVE SUMMARY

The Executive Mayor, in terms of Section 60 of the Municipal Structures Act 117 of 1998 reshuffled her Mayoral Committee members effective from 1 November 2018. This led to a change in the Councilors that served as Chairpersons to the Section 80 Committees as well as the portfolios which they represent, and the introduction of two new S80 Committees.

The National and Provincial elections on 8 May 2019 led to the resignation of Cllr de Villiers, who was the Mayco member for Community Safety and Portfolio Chair for Community and Protection Services, and the position became vacant. Cllr Q Smit then also acted as Portfolio Chair of the particular committee. Cllr R Badenhorst was subsequently appointed as Mayco member for Community Safety.

On 11 November 2019 the Speaker and the Deputy Mayor both resigned, and the ex-Deputy Mayor was appointed as interim Speaker. On 14 November 2019 a new Deputy Mayor and Speaker were re-elected.

On 30 October 2020, the Speaker resigned, and the Deputy Mayor resigned at the Special Council meeting on 2 November 2020. At this special Council meeting, Cllr WC Petersen was elected as Speaker and Cllr N Jindela was elected as Deputy Mayor. [letter of resignation as **APPENDIX 1**]. The Executive Deputy Mayor is part of the Executive Mayoral Committee through the provisions of the legislation. The Executive Mayor herewith gives notice that she has appointed the Deputy Mayor, Cllr Jindela as the chairperson of Human Settlements. The other portfolio members are the same as before. The Speaker, Councillor Wilhelmina Petersen, does not form part of the Mayoral committee anymore since her election as Speaker.

39TH COUNCIL MEETING: 2020-11-25: ITEM 13.8**NOTED**

that the Executive Mayor has appointed the following Mayco members as Chairpersons of the Section 80 Committees –

Human Settlements

Deputy Mayor, Cllr Nyaniso Jindela

Financial Services

Cllr Patricia Crawley

Parks, Open Spaces and Environment

Cllr Xoliswa Mdemka

Planning, Local Economic Development and Tourism

Cllr Esther Groenewald

Youth, Sports and Culture

Cllr Manie Pietersen

Rural Management

Cllr Salie Peters

Community and Protection Services

Cllr Rikus Badenhorst

Infrastructure Services

Cllr Quintin Smit

Corporate Services

Cllr Aldridge Frazenburg

FOR FURTHER DETAILS CONTACT:

NAME	Donovan Muller
POSITION	<i>Manager: Council Support</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	021 808 8314
E-MAIL ADDRESS	Donovan.Muller@ Stellenbosch.gov.za
REPORT DATE	2020-11-18

13.9	POLICY AND PROCEDURES FOR WARD COMMITTEES, INCLUDING COVID-19 PROTOCOLS
------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

25 November 2020

1. SUBJECT: POLICY AND PROCEDURES FOR WARD COMMITTEES, INCLUDING COVID19 PROTOCOLS

2. PURPOSE

To submit the amended Policy and Procedures for Ward Committees, which include the relevant COVID-19 protocols for ward committee meetings (hereafter "Policy") to Council for approval.

3. DELEGATED AUTHORITY

Council approves policy.

4. EXECUTIVE SUMMARY

The Local Government Municipal Structures Act, 117 of 1998 prescribes amongst other that municipalities must devise a regulatory framework in respect of the procedure to elect members of a ward committee, the circumstances under which those members must vacate office and the frequency of meetings of ward committees.

To give effect to this stipulation a Policy and Procedures for Ward Committees was developed and adopted by Council in 2006. It was amended in 2010, 2012 and 2015 and was due for a review following the August 2016 local government elections.

The Policy was adopted by Council on 24 April 2019.

With the outbreak of the COVID-19 pandemic, ward offices had to close and ward committee meetings that depended on the ward office as a venue for meetings had to cease meeting if the ward committee was not able to meet on a virtual platform.

With the relaxation to level 2 of the COVID-19 levels, ward offices were allowed to re-open again on 1 September 2020, under the strict COVID-19 protocols. With this re-opening, ward committees in certain wards can resume physical meetings but must adhere to the strict COVID19 regulations and protocols.

The revised policy is now ready for adoption.

39TH COUNCIL MEETING: 2020-11-25: ITEM 13.9

RESOLVED (majority vote)

- (a) that Council adopts the revised Policy and Procedures for Ward Committees as per **APPENDIX 1**;
- (b) that this policy replaces all previous policies; and
- (c) that the policy be distributed to ward committees.

Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

13.10	FEEDBACK ON PUBLIC PARTICIPATION PROCESS: PROPOSED DISPOSAL (THROUGH A LAND AVAILABILITY AGREEMENT) OF MUNICIPAL LAND, ERF 7001, CLOETESVILLE, STELLENBOSCH AND THE APPOINTMENT OF A TURNKEY DEVELOPER / IMPLEMENTING AGENT IN ORDER TO FACILITATE THE DELIVERY OF GAP HOUSING UNITS
-------	---

Collaborator No: 698326
 IDP KPA Ref No: Dignified Living
 Meeting Date: 25 November 2020

1. SUBJECT: FEEDBACK ON PUBLIC PARTICIPATION PROCESS: PROPOSED DISPOSAL (THROUGH A LAND AVAILABILITY AGREEMENT) OF MUNICIPAL LAND, ERF 7001, CLOETESVILLE, STELLENBOSCH AND THE APPOINTMENT OF A TURNKEY DEVELOPER / IMPLEMENTING AGENT IN ORDER TO FACILITATE THE DELIVERY OF GAP HOUSING UNITS

2. PURPOSE

To obtain Council's final approval for:

- a) The disposal of municipal land, Erf 7001, Cloetesville, Stellenbosch through a Land Availability Agreement (LAA) after taking into consideration the comments/objections received during the public participation process; and
- b) The Municipal Manager to commence with the process of appointing a Turn-key Developer through a Call for Proposal in order to facilitate the delivery of a range of housing options on the land identified in (a) above and indicated on figures 1 and 3 below.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

In accordance with the housing need, Stellenbosch Municipality has identified a portion of land, Erf 7001 at Cloetesville for residential development. Ownership of the property currently vests with Stellenbosch Municipality. "Erf 7001, referred to as "Soek-mekaar" ... is characterised by numerous trees and is located immediately adjacent to a man-made water retention structure. Furthermore, it is situated a stone's throw away from Welgevonden Estate (gated community)."

The original reason that this portion of land for development was included in the housing pipeline, was specifically to address the needs of the backyarders residing primarily in privately owned properties. Hence a social economic survey was conducted to include the number of occupants in a structure, employment, health and education in order to comprehend the communities needs and priorities.

The successful bidder will be appointed as a Turnkey Developer / Implementing Agent. Legal consideration is taken into account in the request for this proposal and include, Municipal Finance Management Act, No 56 of 2003 (MFMA), Asset Transfer Regulations (ATR) and the Disposal / Awarding of Rights.

The Developer is appointed as Turnkey Developer/ Implementing Agent of the Property on the basis that, it shall at all times act as an independent contractor and in accordance with the scope of its appointment detailed herein, account for the entire cost of the development and for its own profit and loss.

A public participation process was followed with inputs/comments received. All public inputs have been effectively dealt with.

39TH COUNCIL MEETING: 2020-11-25: ITEM 13.10

RESOLVED (majority vote)

- (a) that Council takes note of inputs/comments that were received, following the public notice advertised;
- (b) that preference be given to residents that qualify as first-time home owners living in Cloetesville area and thereafter to qualifying first-time home owners within the WCO24;
- (c) that the procurement process to appoint a Turnkey Developer / Implementing Agent for the planning and implementation of Erf 7001, Cloetesville, Stellenbosch, continues as advertised; and
- (d) that after the procurement process has been concluded by the BAC, a further report will be submitted to Council.

FOR FURTHER DETAILS, CONTACT:

<i>NAME</i>	Lester van Stavel
<i>POSITION</i>	<i>Manager: Housing Development</i>
<i>DIRECTORATE</i>	<i>Planning and Economic Development</i>
<i>CONTACT NUMBERS</i>	<i>021- 808 8462</i>
<i>E-MAIL ADDRESS</i>	<i>Lester.vanstavel@stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>20.11.2020</i>

13.11	A NEW SPORT FACILITY MANAGEMENT MODEL (PLAN) FOR STELLENBOSCH MUNICIPALITY (WC024)
-------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

Council Meeting: 25 November 2020

1. SUBJECT: A NEW SPORT FACILITY MANAGEMENT MODEL (PLAN) FOR STELLENBOSCH MUNICIPALITY (WC024)

2. PURPOSE

To seek Council approval for the proposed new Sport Facility Management Model (Plan).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

On 24 July 2019 the Stellenbosch Municipal Council resolved to revise the current Sports Facility Management Plan in order to improve the maintenance and management of sport facilities in WC024. The Community Services Department was mandated to facilitate the review process and to advise Council on alternative models (plans) for the management of municipal sport facilities. After an extensive consultation process with the SSRA, the official representative structure of the sports fraternity, the following sport facility management models are put forward for consideration:

Option I: The current Sport Facility Management Model (Status Quo).

Option II: Stellenbosch Municipality manage and maintain all the sport facilities within Stellenbosch (WC024).

Option III: Hybrid Model: A combination of key elements of Option I and Option II.

The Community Services Department supports the implementation of the Hybrid Model for Stellenbosch Municipality. The process that was followed is discussed in detail in the attached report (Annexure 1), which elaborates on the advantages and disadvantages of each of the three models.

39TH COUNCIL MEETING: 2020-11-25: ITEM 13.11**RESOLVED** (majority vote)

- (a) that Council takes note of the Report: Sport Facility Management Model (Annexure 1);
- (b) that Council takes note of the three Sport Facility Management Model Options (I, II and III).
- (c) that Council approves Option III, Hybrid Model, for implementation; and
- (d) that Council mandates the Community Services Department to start with the phased-in implementation of the approved Sport Facility Management Model, with immediate effect.

Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Albert van Der Merwe
POSITION	Senior Manager: Community Services
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8165
E-MAIL ADDRESS	Albert.vandermerwe@ Stellenbosch.gov.za
REPORT DATE	20 July 2020

14.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
-----	---

14.1	QUESTION BY COUNCILLOR F ADAMS: BREAKDOWN: SUBSIDIZED AND GAP HOUSING
------	--

A Notice of a Question, dated 2020-10-27, was received from Councillor F Adams regarding breakdown: subsidized and GAP Housing.

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

FOR CONSIDERATION

39TH COUNCIL MEETING: 2020-11-25: 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	021 808-8025
E-MAIL ADDRESS	<i>Municipal.Manager@ Stellenbosch.gov.za</i>
REPORT DATE	November 2020

14.2	QUESTION BY COUNCILLOR F ADAMS: WASTE WATER TREATMENT PLANT IN DEVON VALLEY
------	--

A Notice of a Question, dated 2020-10-27, was received from Councillor F Adams regarding Waste Water Treatment Plant in Devon Valley.

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

FOR CONSIDERATION

39TH COUNCIL MEETING: 2020-11-25: 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	<i>November 2020</i>

14.3	QUESTION BY COUNCILLOR LK HORSBAND (MS): 5-YEAR CONTRACT OF THE MUNICIPAL MANAGER (MS G METTLER)
------	---

A Notice of a Question, dated 2020-11-10, was received from Councillor LK Horsband (Ms) regarding 5-year contract of the Municipal Manager (Ms G Mettler).

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

FOR CONSIDERATION

39TH COUNCIL MEETING: 2020-11-25: ITEM 14.3

It is noted that the Speaker RULED that Cllr LK Horsband (Ms) is welcome to submit, in writing, a follow-up question.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	<i>Municipal.Manager@stellenbosch.gov.za</i>
REPORT DATE	<i>November 2020</i>

14.4	QUESTION BY COUNCILLOR LK HORSBAND (MS): MINIMUM COMPETENCY QUALIFICATIONS: MS G METTLER
-------------	---

A Notice of a Question, dated 2020-11-10, was received from Councillor LK Horsband (Ms) regarding minimum competency qualifications: Ms G Mettler.

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

FOR CONSIDERATION

39TH COUNCIL MEETING: 2020-11-25: ITEM 14.4

It is noted that the Speaker RULED that Cllr LK Horsband (Ms) is welcome to submit, in writing, a follow-up question.

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	<i>November 2020</i>

14.5	QUESTION BY COUNCILLOR DA HENDRICKSE: PRIVATE SECURITY COMPANIES
------	---

A Notice of a Question, dated 2020-11-10, was received from Councillor DA Hendrickse regarding private security companies.

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

FOR CONSIDERATION

39TH COUNCIL MEETING: 2020-11-25: ITEM 14.5

It is noted that Councillor DA Hendrickse was not satisfied with the written response from the Municipal Manager. The Speaker RULED that Cllr DA Hendrickse is welcome to submit, in writing, a follow-up question.

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	<i>October 2020</i>

15.	CONSIDERATION OF URGENT MOTIONS
-----	---------------------------------

NONE

16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
-----	---

NONE

17.	REPORTS SUBMITTED BY THE SPEAKER
-----	----------------------------------

NONE

18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
-----	--

NONE

19.	MATTERS TO BE CONSIDERED IN-COMMITTEE
-----	---------------------------------------

NONE

The meeting adjourned at 15:50.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments**