



STELLENBOSCH

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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2017-05-09

DRAFT MINUTES

SPECIAL MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2017-05-08 AT 16:00

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
SPECIAL MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2017-05-08
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MINUTES OF A SPECIAL MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2017-05-08 AT 16:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH

PRESENT	The Speaker, Cllr DD Joubert [Chairperson] The Executive Mayor, Ald G Van Deventer (Ms) The Deputy Executive Mayor, Cllr N Jindela	
ALDERWOMAN	JP Serdyn (Ms)	
COUNCILLORS	DS Arends FJ Badenhorst GN Bakubaku-Vos (Ms) FT Bangani-Menziwa (Ms) PW Biscombe PR Crawley (Ms) A Crombie (Ms) JN De Villiers R Du Toit (Ms) A Florence AR Frazenburg E Fredericks (Ms) E Groenewald (Ms) JG Hamilton AJ Hanekom JK Hendriks MC Johnson	NS Louw N Mananga-Gugushe (Ms) C Manuel LM Maqeba NE McOmbring (Ms) XL Mdemka (Ms) RS Nalumango (Ms) MD Oliphant SA Peters WC Petersen (Ms) MM Pietersen WF Pietersen SR Schäfer N Sinkinya (Ms) P Sitshoti (Ms) Q Smit E Vermeulen (Ms)

Officials:	Municipal Manager (Ms G Mettler) Chief Financial Officer (M Wüst) Director: Human Settlements (T Mfeya) Director: Strategic and Corporate Services (A De Beer (Ms)) Director: Engineering Services (D Louw) Director: Community and Protection Services (G Esau) Acting Director: Planning and Economic Development (M Aalbers (Ms)) Chief Audit Executive (F Hoosain) Head: Committee Services (EJ Potts) Committee Clerk (T Samuels (Ms)) Interpreter (J Tyatyeka)
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1.1	OPENING AND WELCOME
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The Speaker, Councillor DD Joubert, welcomed all present and requested that a moment of silence be observed in honour of those who recently passed away. Councillor JK Hendriks offered a prayer.

1.2	APPLICATIONS FOR LEAVE OF ABSENCE	(3/4/1/6)
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(1) The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

Cllr F Adams	–	8 May 2017
Cllr MB De Wet	–	8 May 2017
Cllr DA Hendrickse	–	8 May 2017
Cllr LK Horsband (Ms)	–	8 May 2017
Cllr N Olayi	–	8 May 2017

2.	DISCLOSURE OF INTERESTS	(3/6/2/2)
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No Councillor or official present disclosed an interest in the item that will be discussed.

3.1	MUNICIPAL REGULATIONS ON FINANCIAL MISCONDUCT PROCEDURES AND CRIMINAL PROCEEDINGS
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1. PURPOSE OF REPORT

To review and rescind Council's previous resolution in this regard;

To inform Council of the progress with regard to Stellenbosch Municipality's implementation of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings as per the Government Gazette dated 30 May 2014;

To appoint the Disciplinary Board and the Designated Official as per the regulation.

2. BACKGROUND

The above-mentioned regulation R430 Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings hereto attached as **APPENDIX 1** for your information and attention and has been enforceable with effect from 1 July 2014. These regulations replace R425. In order to give effect to these regulations Stellenbosch municipality needs to:

- (a) Establish a disciplinary board and its functioning in terms of regulation 4 of these regulations;
- (b) Identify the designated official to whom reports on alleged financial offences against councillors should go to;
- (c) Ensure that any allegation of financial misconduct be reported in terms of these regulations.

COUNCIL MEETING: 2017-05-08: ITEM 3.1**RESOLVED** (nem con)

that the resolution taken at the **8TH COUNCIL MEETING: 2017-04-26: ITEM 11.1** namely

- (a) that Council reviews and rescinds its resolution taken in this regard on 2015-10-28;
- (b) that Council takes note of the concerns raised by the Municipal Manager with regard to the implementation of the Municipal Regulation on Financial Misconduct Procedures and Criminal Proceedings;
- (c) that Council establishes the Disciplinary Board based on the last inputs of the Municipal Manager in line with these regulations;
- (d) that the Disciplinary Board has as its members the following:
 - (i) The Chief Audit Executive
 - (ii) A member of the Audit Committee as elected by the Audit Committee

- (iii) A senior manager from the legal division as determined by the Director Corporate and Strategic Services
- (iv) A representative from Provincial Treasury as nominated by Province; and
- (e) that Council designates the Municipal Manager as the designated official to whom reports on alleged financial offences against Councillors should go.

be rescinded and replaced with:

- (a) that Council reviews and rescinds its resolution taken in this regard on 2015-10-28;
- (b) that Council takes note of the concerns raised by the Municipal Manager with regard to the implementation of the Municipal Regulation on Financial Misconduct Procedures and Criminal Proceedings;
- (c) that Council establishes the Disciplinary Board based on the last inputs of the Municipal Manager in line with these regulations and that the board consists of:-
 - (i) a member of the Audit Committee as elected by the Audit Committee;
 - (ii) a representative from Provincial Treasury as nominated by Province; and
 - (iii) one or more person/s as determined by the Municipal Manager in line with subsection 4 of the regulations; and
- (d) that Council designates the Municipal Manager as the designated official to whom reports on alleged financial offences against Councillors should go.

Meeting:	<i>Special Council: 2017-05-08</i>	<i>Submitted by Directorate:</i>	<i>Municipal Manager</i>
Ref No:	<i>3/3/3/6/19 x 1/1/1/1/1</i>	<i>Author:</i>	<i>Chief Audit executive</i>
Collab:	<i>514691</i>	<i>Referred from:</i>	<i>2017-04-26</i>

The meeting adjourned at 16:40.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**