



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2018-12-10

## MINUTES

### SPECIAL MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

**2018-12-10 AT 11:00**

**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**

**2018-12-10**

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**MINUTES OF A SPECIAL MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2018-12-10 AT 11:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH**

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**PRESENT** The Speaker, Cllr WC Petersen (Ms) [Chairperson]  
The Executive Mayor, Ald G Van Deventer (Ms)  
The Deputy Executive Mayor, Cllr N Jindela

**ALDERMAN** PW Biscombe

**COUNCILLORS**

FJ Badenhorst	JK Hendriks
FT Bangani-Menziwa (Ms)	MC Johnson
G Cele (Ms)	DD Joubert
PR Crawley (Ms)	C Manuel
A Crombie (Ms)	NE Mcombring (Ms)
JN De Villiers	XL Mdemka (Ms)
R Du Toit (Ms)	SA Peters
A Florence	MM Pietersen
AR Frazenburg	WF Pietersen
E Fredericks (Ms)	SR Schäfer
T Gosa	Q Smit
E Groenewald (Ms)	LL Stander
JG Hamilton	E Vermeulen (Ms)

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**Officials:** Acting Municipal Manager (Ms A De Beer)  
Director: Infrastructure Services (D Louw)  
Acting Chief Financial Officer (K Carolus)  
Acting Director: Community and Protection Services (A van der Merwe)  
Senior Manager: Governance (Ms S De Visser)  
Manager: Communications (S Grobbelaar)  
Chief Audit Executive (F Hoosain)  
Manager: Secretariat/Committee Services (EJ Potts)  
Senior Administration Officer (Ms T Samuels)  
Committee Clerk (Ms N Mbali)  
Interpreter (J Tyatyeka)

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<b>1.</b>	<b>OPENING AND WELCOME</b>
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The Speaker welcomed all present at the Special Council meeting. She extended a warm welcome to the new DA Councillor, Cllr Thumakele Gosa, who replaces Cllr N Louw. A moment of silent reflection was observed.

The Executive Mayor, Ald G Van Deventer, announced that Stellenbosch Municipality recently won a prestigious award for the Most Improved Waste Water Treatment Works (WWTW). She congratulated the Department: Infrastructure Services and thanked them for their hard work.

The Speaker congratulated and presented Certificates to Councillors who completed the Good Citizen Training Course during August 2018.

<b>2</b>	<b>DISCLOSURE OF INTEREST</b>
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NONE

<b>3.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>
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**(3/4/1/6)**

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

Cllr F Adams	– 10 December 2018
Cllr GN Bakubaku-Vos (Ms)	– 10 December 2018
Cllr MB De Wet	– 10 December 2018
Cllr AJ Hanekom	– 10 December 2018
Cllr DA Hendrickse	– 10 December 2018
Cllr LK Horsband (Ms)	– 10 December 2018
Cllr N Mananga-Gugushe (Ms)	– 10 December 2018
Cllr RS Nalumango (Ms)	– 10 December 2018
Cllr N Olayi	– 10 December 2018
Cllr MD Oliphant	– 10 December 2018
Cllr JP Serdyn (Ms)	– 10 December 2018
Cllr N Sinkinya (Ms)	– 10 December 2018
Cllr P Sitshoti (Ms)	– 10 December 2018
Ms G Mettler (Municipal Manager)	– 10 December 2018
Mr M Wüst (Chief Financial Officer)	– 10 December 2018

4.	<b>APPROVAL OF THE DRAFT ELECTRICAL SERVICES BY-LAW</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

10 December 2018

**1. SUBJECT: APPROVAL OF THE DRAFT ELECTRICAL SERVICES BY-LAW****2. PURPOSE**

To request approval from Council to approve the revised Draft Electrical Services By-law.

**3. DELEGATED AUTHORITY**

The Electrical Services By-Law is a document that must, in terms of the Municipal Systems Act (Act 32 of 2000) Section 12, be adopted by the Municipal Council.

**4. EXECUTIVE SUMMARY**

The current Electricity Supply By-Law (2017) was promulgated on 30 January 2018, but it has become necessary to review this By-Law mainly due to the municipal policy to allow for national standards that have been altered or scrapped and also to adjust conditions to allow the University to develop their electricity network.

The proposed Draft Electrical Supply Services By-Law will in comparison with the existing By-law address a wider spectrum of Electrical Services management matters thus ensuring that the Municipality conforms to its mandate in terms of the Constitution and NERSA Regulations ensuring safe and quality electrical services for its citizens.

It includes:

- a. Co-Generation
- b. Supplies to Backyard Dwellers
- c. Smart Meters
- d. Retail Wheeling
- e. Energy Efficient use
- f. Development Charges policy

A proposed set of admission of guilt fines together with proposed system of delegations will accompany the final draft to Council

**SPECIAL COUNCIL MEETING: 2018-12-10: ITEM 4****RESOLVED** (nem con)

- (a) that the content of this report be noted;
- (b) that the Draft By-Law relating to Electrical Services, attached as **ANNEXURE A**, be accepted as the copy of the By-Law to be used in a Public Participation process;

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- (c) that the Draft By-Law relating to Electrical Services be duly advertised for the purpose of a public participation process;
- (d) that, upon the completion of the public participation process, the Draft By-Law together with any comments/objections by the public be resubmitted to Council for final approval and adoption; and
- (e) that a set of proposed spot fines (**ANNEXURE B**) as well as proposed system of delegations (**ANNEXURE C**) accompany the By-Law upon submission of the final draft to Council and to formally be accepted by Council together with the final By-Law.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Deon Louw
<b>POSITION</b>	<b>Director</b>
<b>DIRECTORATE</b>	<b>Infrastructure Services</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8213</b>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Deon.louw@ Stellenbosch.gov.za">Deon.louw@Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<b>29 October 2018</b>

5.	<b>APPROVAL OF THE DRAFT WATER SERVICES BY-LAW</b>
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Collaborator No: 620402  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 28 November 2018

**1. SUBJECT: APPROVAL OF THE DRAFT WATER SERVICES BY-LAW**

**2. PURPOSE OF REPORT**

The purpose of this submission is to submit the proposed Draft Water Services By-Law for Stellenbosch Municipality to Council for approval.

**3. DELEGATED AUTHORITY**

Water Services By-Law is a document that must, in terms of the Municipal Systems Act (Act 32 of 2000) Section 12, be adopted by the Municipal Council.

**4. EXECUTIVE SUMMARY**

The current Water Services By-Law (2017) was promulgated on 11 August 2017, but it has become necessary to review this By-Law mainly to allow for national standards that have been altered or scrapped, to adjust chemical requests and renumber some sections.

The proposed draft Water Service By-Law will in comparison with the existing By-Law address a wider spectrum of Water Services management matters, ensuring that the Municipality conforms to its mandate in terms of the Constitution and Water Services Act to ensure safe, sustainable and quality water for its citizens.

A proposed set of admission of guilt fines together with the proposed system of delegations will accompany the final draft to Council.

**SPECIAL COUNCIL MEETING: 2018-12-10: ITEM 5**

**RESOLVED** (nem con)

- (a) that the content of this report be noted;
- (b) that the Draft By-Law Relating to Water Services, attached as **ANNEXURE A**, be accepted as the copy of the By-Law to be used in a Public Participation process;
- (c) that the Draft By-Law relating to Water Services be duly advertised for the purpose of a public participation process;
- (d) that, upon the completion of the public participation process, the Draft By-Law together with any comments/objections by the public be resubmitted to Council for final approval and adoption; and
- (e) that a set of proposed spot fines as well as proposed system of delegations accompany the By-Law upon submission of the final draft to Council and to formally be accepted by Council together with the final By-Law.

6.	<b>MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR NOVEMBER 2018</b>
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Collaborator No: **8/1**  
 BUDGET KPA Ref No: **Good Governance and Compliance**  
 Meeting Date: **10 December 2018**

**1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR NOVEMBER 2018**

**2. PURPOSE**

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2018/2019 to report the deviations to Council.

**3. DELEGATED AUTHORITY**

Noted by Municipal Council

**SPECIAL COUNCIL MEETING: 2018-12-10: ITEM 6**

**NOTED**

the deviations as listed for the month of November 2018.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Marius Wüst
<b>POSITION</b>	<b>CFO</b>
<b>DIRECTORATE</b>	<b>Finance</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8528</b>
<b>E-MAIL ADDRESS</b>	<b>Marius.wust@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>05 December 2018</b>



7.	<b>SALGA CREDIT CONTROL POLICY</b>
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Collaborator No: **8/1**  
 BUDGET KPA Ref No: **Good Governance and Compliance**  
 Meeting Date: **10 December 2018**

**1. SUBJECT: SALGA CREDIT CONTROL POLICY**

**2. PURPOSE**

To submit to Council the SALGA Credit Control Policy for noting.

**3. DELEGATED AUTHORITY**

The Municipal Council.

**4. EXECUTIVE SUMMARY**

SALGA in Circular 15 of 2018/2019 is informing members of the SALGA Credit Control Policy adopted by SALGA on 22 August 2018. The Council is requested to peruse the said policy and note the cost implication it might have if this municipality pays the fees and levies after the due date.

**SPECIAL COUNCIL MEETING: 2018-12-10: ITEM 7**

**NOTED**

the content of the SALGA Credit Control Policy.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Ms A De Beer
<b>POSITION</b>	<b>Director: Corporate Services</b>
<b>DIRECTORATE</b>	<b>Corporate Services</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8018</b>
<b>E-MAIL ADDRESS</b>	<b>annalene.debeer@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>10 December 2018</b>

<b>8.</b>	<b>MFMA SECTION 116(3) – EXTENSION OF THE CURRENT MULTIFUNCTIONAL OFFICE AUTOMATION CONTRACT FOR A MAXIMUM PERIOD OF TWO MONTHS</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

10 December 2018

**1. SUBJECT: MFMA SECTION 116(3) – EXTENSION OF THE CURRENT MULTIFUNCTIONAL OFFICE AUTOMATION CONTRACT FOR A MAXIMUM PERIOD OF TWO MONTHS**

**2. PURPOSE**

To obtain approval from Council to follow the MFMA Section 116(3) process to extend the existing Multifunctional Office Automation Solution contract on a month-to-month basis but not exceeding 2 months till the supplier is appointed.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

The current contract with Pinnacle Business Solutions / APEX comes to an end as of 31 December 2018. In order to contain printing costs but maintain high service levels, it was best to participate in the National Treasury Transversal Contract RT3-2018 FOR THE SUPPLY, DELIVERY, INSTALLATION, COMMISSIONING AND MAINTENANCE OF OFFICE AUTOMATION SOLUTIONS TO THE STATE FOR THE PERIOD 1 OCTOBER 2018 TO 30 SEPTEMBER 2021.

The Transversal contract ONLY became available for use as of 1 October 2018 with amendments running through till 11 November 2018. This resulted in an untimely delay for the Stellenbosch Municipality to participate in such contract. The Municipality is still in the process to approve the participation in transversal tender. National Treasury required assessment of current desktop printers and multifunctional tenders before they approve our participation from their side. This assessment is currently being undertaken with a time line completion on 14 December 2018. This has the consequence that the Municipality will probably not be in a position to consider the participation in the transversal tender before the beginning of January 2019. The implementation must then be initiated and rolled out resulting in the request for an extension on the current contract for the Multifunctional devices until the transversal tender can be considered and implemented.

**SPECIAL COUNCIL MEETING: 2018-12-10: ITEM 8**

**RESOLVED** (nem con)

- (a) that Council notes, in terms of MFMA Section 116(3), the reasons for the extension of the Multifunctional Office Automation Solution contract;
- (b) that Council gives reasonable notice of intention to amend the contract or agreement in terms of section 116(3)(b)(i);

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- (c) that the local community be invited to submit representations to the Municipality in terms of section 116 (3)(b)(ii); and
- (d) that the Municipal Manager be authorized to conclude the contract or agreement after (c) above is finalized in terms of the applicable Act/Regulation, if no negative comments are received.

**FOR FURTHER DETAILS CONTACT:**

<b><i>NAME</i></b>	<b>BRIAN MKAZA</b>
<b><i>POSITION</i></b>	<b>SENIOR MANAGER ICT</b>
<b><i>DIRECTORATE</i></b>	<b>CORPORATE SERVICES</b>
<b><i>CONTACT NUMBERS</i></b>	<b>021 808 8537</b>
<b><i>E-MAIL ADDRESS</i></b>	<b>Brian.Mkhaza@ Stellenbosch.gov.za</b>
<b><i>REPORT DATE</i></b>	<b>6 December 2018</b>

9.	<b>REPORT IN TERMS OF SECTION 126 (4) OF THE MUNICIPAL FINANCIAL MANAGEMENT ACT: REASONS FOR THE DELAY IN COMPLETING THE AUDIT OF STELLENBOSCH MUNICIPALITY FOR THE FINANCIAL YEAR ENDED 30 JUNE 2018</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

7 DECEMBER 2018

1. **REPORT IN TERMS OF SECTION 126 (4) OF THE MUNICIPAL FINANCIAL MANAGEMENT ACT: REASONS FOR THE DELAY IN COMPLETING THE AUDIT OF STELLENBOSCH MUNICIPALITY FOR THE FINANCIAL YEAR ENDED 30 JUNE 2018**

2. **PURPOSE OF REPORT**

To notify Council on the communication received from the Auditor-General on the delay in completion of the Audit of the municipality for the financial year ended 30 June 2018.

3. **DELEGATED AUTHORITY**

Municipal Council

4. **EXECUTIVE SUMMARY**

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

#### **SPECIAL COUNCIL MEETING: 2018-12-10: ITEM 9**

#### **NOTED**

the Report in terms of Section 126 (4) of the Municipal Financial Management Act: Reasons for the delay in completing the audit of Stellenbosch Municipality for the Financial Year ended 30 June 2018.

The meeting adjourned at 11:20.

**CHAIRPERSON:** .....

**DATE:** .....

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