



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2020-06-12

MINUTES

SPECIAL MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2020-06-12 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
SPECIAL MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2020-06-12

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PRESENT	The Speaker, Cllr N Jindela [Chairperson] The Executive Mayor, Ald G Van Deventer (Ms) The Deputy Executive Mayor, Cllr WC Petersen (Ms)	
COUNCILLORS	F Adams FJ Badenhorst FT Bangani-Menziwa (Ms) Ald PW Biscombe A Crombie (Ms) Z Dalling (Ms) R Du Toit (Ms) J Fasser A Florence AR Frazenburg T Gosa E Groenewald (Ms) JG Hamilton AJ Hanekom DA Hendrickse JK Hendriks MC Johnson	DD Joubert C Manuel NE Mcombring (Ms) XL Mdemka (Ms) C Moses (Ms) RS Nalumango (Ms) N Olayi MD Oliphant SA Peters MM Pietersen SR Schäfer Ald JP Serdyn (Ms) N Sinkinya (Ms) Q Smit LL Stander E Vermeulen (Ms)

Officials	Municipal Manager (Ms G Mettler) Chief Financial Officer (K Carolus) Director: Community and Protection Services (G Boshoff) Director: Corporate Services (Ms A de beer) Director: Infrastructure Services (D Louw) Director: Planning and Economic Development (A Barnes) Chief Audit Executive (F Hoosain) Senior Manager: Governance (Ms S de Visser) Senior Manager: Planning (C Alexander) Manager: Communications (S Grobbelaar) Manager: Housing (L van Stavel) Manager: Secretariat (EJ Potts) Senior Administration officer (Ms T Samuels)
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1.	OPENING AND WELCOME
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The Speaker, Cllr N Jindela, welcomed everyone “present” to the Special Council meeting, a “virtual meeting” via MS Teams.

2.	MAYORAL ADDRESS
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In her abbreviated speech, the Executive Mayor conveyed sincere condolences and sympathies to Cllrs P Crawley and N Mananga-Gugushe who had lost their husbands in death.

3.	COMMUNICATION BY THE SPEAKER
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“Good Morning / Molweni to:

The Executive Mayor, Advocate Gesie Van Deventer

The Municipal Manager, Ms. Geraldine Mettler

All other Aldermen and Alderwomen

All Councilors

All Directors and Staff members present

Members of the Public and other dignitaries.

Allow me to welcome you all to this very important **Special Meeting** and also **our 2nd Virtual Council Meeting**:

- **To start the meeting - Allow me Madame Mayor and MM and fellow Councilors to give you an Update on Covid 19 and my personal journey with the Virus:**

As you may recall, we last met here on May 27, 2020. Just after the meeting I was informed of the tragic death of a close friend of mine through the Virus. I then contact my General Practitioner and immediately went to be tested. I was indeed founded positive and was requested to self-isolation for 14 days. My time of self-isolation (quarantine) expired on Wednesday 10th June when I went for re testing again and the test were negative and I was declared fit for work.

- Members of the Stellenbosch Council and the Public out there – This Covid 19 outbreak is a true reality of life. It has happened with me – it is not a myth but a true reality – I want to use this platform to inform the members of the broader Stellenbosch Community that we need to Voice out to our fellow community members that this is a **reality** and a sick condition that we should be **aware** off. Evidence of this sickness is world renown, but also amongst ourselves we have now lost from Kayamandi Mr. Kwanele Kwaito Gugushe – Provincial Community Development Worker and husband of **Councillor Nokuthula Gugushe** who passed away earlier - May his sole rest in peace.
- We are also aware of fellow municipal Workers who have been tested positive in the different departments who is currently on self-isolation. Surely fellow members and leaders of the town let us please help in flattening the curve of Covid 19.
- **Covid 19 Lockdown report – Lockdown day - 77**

Up until today the amount of people affected in RSA is 55421 and the total in Western Cape is 36 279 while the total in the Cape Winelands District is a staggering 2782 people affected. The amount for the Stellenbosch District is however a lousy 464 people putting us **third** after Drakenstein (1285) and Breedevalley (609).

Fellow Members of Council and the Broader Stellenbosch Community– It is important that we as the Stellenbosch Council support the National directive of Stop the Spread of Covid 19 and help to save lives.

I would again like to thank all other Councillors and officials for all the hard work they are currently engaged in, in their different communities where they try to and alleviate their constituents' stress during the Covid 19 crisis.

So far, I can only say well done – to our Stellenbosch Community as the statistics reflects a well behave pattern of Covid 19 awareness.

Madame Mayor and Councillors, may I bring you some **announcements**:

1. **Birthdays** – Councillor Christine Moses reminded me of her birthday on **4 June**
2. **Councillor Gaynore Cele – give birth on a new little one on Wednesday.**
3. **Councillor Emily Fredericks mother is currently very sick and we ask that we keep her on our prayers**
4. **Councillor Patricia Crawley husband pass on Tuesday – and on behalf of Council we send our condolences**
5. **Councillor Nokuthula Gugushe regarding** her husband - has already been mentioned – May we have a moment of silence **for the departed.**

Other matters of importance to note are:

- Ward offices – unless the MM has any other news – the ward offices **are still closed** till further notice and Administrators must liaise with their Councillors respectively.
- Councillors – thank you for your indulgence and **training** fewer in trying to get to grips with the new method of **Virtual** participating in meetings. There is still minor hiccups but let us work together and make this type of virtual meetings a big success.
- Also welcome to the meeting – the thousand other members of the public who is also now **Zoom** in on all the newly created communication platforms who follow our meeting this morning.

In starting the meeting now, **focused** on the possible approval of the items on the Agenda, may I use this opportunity in **Thanking** the Executive Mayor and her team – the Mayoral Committee and the **MM and Directors** and Senior Personnel for preparing this agenda for today.

We now move to the items on the Agenda / Ons beweeg nou na die items op die Agenda”.

4.	COMMUNICATION BY THE MUNICIPAL MANAGER
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- The Municipal Manager welcomed the newly appointed Director: Planning and Economic Development, Mr Anthony Barnes.
- Sincere condolences were conveyed to those families who have lost loved ones due to Covid-19.
- The Municipal Manager gave the reassurance that Administration is vigilant about the health and safety of all staff; yet it is also the responsibility of each employee to stringently observe the lockdown protocols. Regular communication regarding Covid will be coming from the MM's Office.
- Birthday wishes were extended to all Councillors and Staff.

5.	DISCLOSURE OF INTERESTS
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NONE

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

Cllr G Cele (Ms)	–	12 June 2020
Cllr PR Crawley (Ms)	–	12 June 2020
Cllr E Fredericks (Ms)	–	12 June 2020
Cllr LK Horsband (Ms)	–	12 June 2020
Cllr N Mananga-Gugushe (Ms)	–	12 June 2020
Cllr WF Pietersen	–	12 June 2020
Cllr P Sitshoti (Ms)	–	12 June 2020

7.	APPROVAL OF MINUTES OF PREVIOUS COUNCIL
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7.1	CONFIRMATION OF MINUTES: 2020-02-26
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The minutes of the 35th Council Meeting: 2020-02-26 were **confirmed as correct.**

7.2	CONFIRMATION OF MINUTES: 2020-03-25
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The minutes of an Urgent Council Meeting: 2020-03-25 were **confirmed as correct.**

7.3	CONFIRMATION OF MINUTES: 2020-05-27
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The minutes of the Council Meeting: 2020-05-27 were **confirmed as correct.**

8.	STATUTORY MATTERS
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8.1	SPECIAL ADJUSTMENTS BUDGET FOR 2019/2020
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Collaborator No: 8/1
 BUDGET KPA Ref No: Good Governance and Compliance
 Meeting Date: 12 June 2020

1. SUBJECT: SPECIAL ADJUSTMENTS BUDGET FOR 2019/2020

2. PURPOSE

To table the Special adjustments budget in terms of the MFMA Exemption notice 43181 issued on 30 March 2020, paragraph 3(2), for approval.

3. DELEGATED AUTHORITY

FOR APPROVAL BY MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

This Special adjustments budget is to address all expenditure linked to the emergency to address the COVID-19 pandemic. Furthermore, the budget also addresses adjustments in terms of section 28 (2) a, b, of the MFMA and is further explained as required by section 28 (2) (5) of the legislation.

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

SPECIAL COUNCIL MEETING: 2020-06-12: ITEM 8.1

RESOLVED (majority vote)

- (a) that the Special Adjustments Budget as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDICES 1 and 2**, be approved;
- (b) that the expenditure relating to Operational, as well as Capital, be adjusted downwards due to the material under collection of revenue for the current 2019/20 financial year due to the COVID-19 pandemic; and
- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly, inclusive of the non-financial information (performance measurement).

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

Cllrs F Adams; DA Hendrickse; F Bangani-Menziwa (Ms); C Moses (Ms); R Nalumango (Ms); MD Oliphant; N Sinkinya (Ms) and LL Stander.

9.	REPORT BY THE MUNICIPAL MANAGER ON OUTSTANDING RESOLUTIONS
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NONE

10.	ITEMS FOR NOTING
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10.1	REPORT/S BY THE EXECUTIVE MAYOR
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10.1.1	REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 9 MARCH 2020
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

12 June 2020

1. **SUBJECT: REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 9 MARCH 2020**

2. **PURPOSE**

To inform Council of the matters under discussion at the Mayor – Rector Forum meeting held on 9 March 2020.

3. **DELEGATED AUTHORITY**

FOR INFORMATION

4. **EXECUTIVE SUMMARY**

The Executive Mayor has since her election reported to the Council on discussions that take place at the regular meetings of the Mayor – Rector Forum. The meeting was held on 9 March 2020. The minutes are attached as **ANNEXURE A**.

SPECIAL COUNCIL MEETING: 2020-06-12: ITEM 10.1.1

NOTED

the report from the Executive Mayor on the Mayor – Rector Forum Meeting: 9 March 2020.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	MANAGER: COUNCIL SUPPORT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	Donovan.Muller@ Stellenbosch.gov.za
REPORT DATE	15 April 2020

10.1.2	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: JANUARY 2020 TO MARCH 2020
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

12 June 2020

1. SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: JANUARY 2020 TO MARCH 2020

2. PURPOSE

To inform Council of the decisions taken by the Executive Mayor from January 2020 to March 2020 (see **APPENDIX 1**).

3. DELEGATED AUTHORITY

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

For Notification

4. EXECUTIVE SUMMARY

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

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

SPECIAL COUNCIL MEETING: 2020-06-12: ITEM 10.1.2

NOTED

the decisions by the Executive Mayor on the decisions taken by the Executive Mayor for the Quarter: January 2020 to March 2020.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	MANAGER: COUNCIL SUPPORT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	Donovan.Muller@ Stellenbosch.gov.za
REPORT DATE	13 May 2020

10.1.3	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR DURING THE LOCKDOWN PERIOD 26 MARCH TO 20 MAY 2020 IN TERMS OF THE DELEGATION DURING THE LOCKDOWN
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

12 June 2020

1. SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR DURING THE LOCK DOWN PERIOD 26 MARCH TO 20 MAY 2020 IN TERMS OF THE DELEGATION DURING THE LOCKDOWN

2. PURPOSE

To inform Council of the decisions taken by the Executive Mayor from 26 March to 20 May 2020 in terms of the delegation given to her on 25 March 2020.

3. DELEGATED AUTHORITY

As per the delegation from Council on 25 March 2020.

For Notification

4. EXECUTIVE SUMMARY

Council resolved on 25 March 2020 to grant permission to confer all Council powers and functions upon the Executive Mayor with the exception of the non-delegated powers as per section 160 (2) of the Constitution until the disaster is lifted by the President.

As part of the item it was indicated that the Executive Mayor will be required in terms of section 63 of the Municipal Systems Act to report to Council on decisions taken. Attached hereto is a summary of the decisions taken (not in committee) for the period 26 March – 20 May 2020.

SPECIAL COUNCIL MEETING: 2020-06-12: ITEM 10.1.3

NOTED

the Report by the Executive Mayor on the Decisions taken by the Executive Mayor during the lockdown period 26 March to 20 May 2020 in terms of the Delegation during the lockdown.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	MANAGER: COUNCIL SUPPORT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	Donovan.Muller@ Stellenbosch.gov.za
REPORT DATE	13 May 2020

10.2	REPORT/S BY THE SPEAKER
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NONE

10.3	REPORT/S BY THE MUNICIPAL MANAGER
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NONE

11.	ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE: [ALD. G VAN DEVENTER (MS)]
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11.1 - 11.10	NONE
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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 WASTE-MART (PTY) LTD

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

12 June 2020

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY WASTE-MART (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 regards to the procurement of services to hire of refuse compactors which is regarded as irregular because it breached the procurement process.

3. DELEGATED AUTHORITY

Council to ratify the expenditure as the specific nature of the breach is a minor breach of the procurement process, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness, for the payment of Waste-Mart (Pty) Ltd (DSM 06/19).

4. EXECUTIVE SUMMARY

Deviation (DSM 39/19) was awarded to Waste-Mart (Pty) Ltd on 28 February 2019 for the hire of refuse compactors, as and when required. The deviation approved a fixed amount for hiring of compactors at R 2 463 300 (Vat Incl.) calculated on R28 980 for rental per day over 85 days. The Department loaded a requisition in June 2019 for rental of trucks but was informed by the Supply Chain Management department that no further orders will be processed. This is because the deviation only allowed for a maximum of 85 rental days which had been reached. The former senior manager cancelled the requisition to keep in line with the approved 85 days of the deviation despite that the monetary value of R2 463 300 of deviation had not been reached. The deviation therefore had to be amended to increase the rental days.

Whilst the Department was finalizing the administrative process to increase the contract value and obtaining a new order number. The service needed to be rendered by the service provider because the refuse collection is an essential service in terms of the constitutional mandate.

SPECIAL COUNCIL MEETING: 2020-06-12: ITEM 12.1.1**RESOLVED** (majority vote)

- (a) that Council takes note of the circumstances and the facts as provided in the report;
- (b) that it be noted that although irregular expenses were incurred, there is no need for the recovery of the expenditure since the services were rendered;
- (c) that Council certifies the irregular expenditure of R 288 420.00 (VAT inclusive) as irrecoverable and that this amount be written off; and
- (d) 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 F Adams; DA Hendrickse; F Bangani-Menziwa (Ms); C Moses (Ms); R Nalumango (Ms); MD Oliphant; N Sinkinya (Ms) and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	Director: Infrastructure Services
DIRECTORATE	Infrastructure Services
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	Deon.louw@ Stellenbosch.gov.za
REPORT DATE	2018/08/27

12.1.2	CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO EXTRA WORK DONE ON ELECTRICAL REPAIRS, FOR A COC, LA MOTTE BOSBOU COMMUNITY HALL
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

12 June 2020

1. SUBJECT: CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO EXTRA WORK DONE ON ELECTRICAL REPAIRS, FOR A COC, LA MOTTE BOSBOU COMMUNITY HALL

2. PURPOSE

To provide information regarding the irregular expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to write-off the expenditure in terms of the MFMA Section 32 (2). The expenditure relates to FQ/SM-102/18 repairs, installation and replacement of unsafe and dangerous electrical installation, La Motte Bosbou community hall.

3. DELEGATED AUTHORITY

Council is requested to write off the expenditure as the specific nature of the breach is a breach of the procurement process, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness, for the payment of Emerald Infrastructure Solutions for additional necessary work and equipment, needed to complete the electrical installation and issue a COC at La Motte community hall.

4. EXECUTIVE SUMMARY

A request for formal written quotation was advertised as contract number FQ/SM 102/18: Electrical Upgrade at La Motte Community Hall, for seven (7) days by supply chain department. A compulsory clarification meeting was on 16 January 2018 and the closing date was 19 January 2018. Emerald Infrastructure Solutions was awarded the FQ to do the electrical upgrade in the community hall for an amount of R 36 039.57 VAT inclusive and a purchase order was issued for that amount for them to start with the electrical work.

While Emerald Infrastructure Solutions was busy with the electrical upgrading of the community hall they discovered that there was more work to be done than initially quoted for and had advised the municipality of such additional work including the cost. The additional work amounted to R 26 369.43 in addition to the R 36 039.57 quoted for, which brings the new total for the entire electrical upgrade to R 63 409.00 VAT inclusive.

SPECIAL COUNCIL MEETING: 2020-06-12: ITEM 12.1.2**RESOLVED** (majority vote)

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure of R26 369.43 (VAT inclusive) as irrecoverable and that this amount be written off; and
- (c) 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 F Adams; DA Hendrickse; F Bangani-Menziwa (Ms); C Moses (Ms); R Nalumango (Ms); MD Oliphant; N Sinkinya (Ms) and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	Director: Infrastructure Services
DIRECTORATE	Infrastructure Services
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	Deon.louw@ Stellenbosch.gov.za
REPORT DATE	18/05/2020

12.1.3	CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY AURECON SOUTH AFRICA (PTY) LTD: TEMPORARY RELOCATION AREA (TRA), WATERGANG, KAYAMANDI
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

12 June 2020

1. SUBJECT: CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY AURECON SOUTH AFRICA (PTY) LTD: TEMPORARY RELOCATION AREA (TRA), WATERGANG, KAYAMANDI

2. PURPOSE

To provide information regarding the irregular expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to write-off the irregular expenditure as irrecoverable in terms of the MFMA Section 32 (2). The irregular expenditure with regard to the appointment of the electrical consultant due to the change in layout of the temporary housing units (TRA houses).

3. DELEGATED AUTHORITY

Council to write-off the irregular expenditure as irrecoverable as the specific nature of the breach is a breach of the procurement process, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness, for the payment of Aurecon South Africa (Pty) Ltd.

4. EXECUTIVE SUMMARY

During December 2017, the contractor was appointed to construct 332 temporary housing units. The construction of the units commenced in January 2018.

SPECIAL COUNCIL MEETING: 2020-06-12: ITEM 12.1.3

RESOLVED (majority vote)

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R 92 106.19 (VAT inclusive) to Aurecon South Africa (Pty) Ltd as irrecoverable and that this amount be written off;
- (c) that Council notes that the service was necessary and the expenditure unavoidable to complete the project due to vandalism; and
- (d) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32 (2).

ClIr DA Hendrickse requested that his vote of dissent be minuted.

12.1.4	CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO ALIEN VEGETATION CLEARING SERVICES THAT WERE RENDERED BY IMPENTHANA PROJECTS AND MAINTENANCE CC
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance

12 June 2020

- 1. SUBJECT: CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO ALIEN VEGETATION CLEARING SERVICES THAT WERE RENDERED BY IMPENTHANA PROJECTS AND MAINTENANCE CC**
- 2. PURPOSE**
To obtain Council's approval regarding the irregular expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to write-off the expenditure in terms of the MFMA Section 32 (2).
- 3. DELEGATED AUTHORITY**
Council
- 4. EXECUTIVE SUMMARY**
Services were rendered by Impenthana Projects and Maintenance CC, to Stellenbosch Municipality to the value of R116 400-13. The contractor was utilised for clearing alien vegetation on the NRM Project.

SPECIAL COUNCIL MEETING: 2020-06-12: ITEM 12.1.4

RESOLVED (majority vote)

- (a) that Council certifies the expenditure to the amount of R 116 400.13 (VAT inclusive) for services rendered by Impenthana Projects and Maintenance CC as irrecoverable and that it be written off; 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 F Adams; DA Hendrickse; F Bangani-Menziwa (Ms); C Moses (Ms); R Nalumango (Ms); MD Oliphant; N Sinkinya (Ms) and LL Stander.

12.1.5	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE SUBSCRIPTION FEE FOR LPR CAMERAS FOR DECEMBER 2019 UNTIL MARCH 2020
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

12 June 2020

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE SUBSCRIPTION FEE FOR LPR CAMERAS FOR DECEMBER 2019 UNTIL MARCH 2020

2. PURPOSE

To provide information regarding irregular expenditure incurred relating to the subscription fee for LPR cameras for December 2019, January 2020, February 2020 and March 2020 in terms Section 32 of the MFMA to be recommended to and considered by Council to ratify the expenditure as for services rendered in terms of the Municipality Supply Chain Policy 4.36.5 in other exceptional case where it is impractical or impossible to follow the official procurement process).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Redhills Electronics was awarded Tender BSM 61/17 which included the monthly subscription on the LPR Cloud, the said tender expired at the end of June 2019. Stellenbosch Municipality License Plate Recognition (LPR) cameras are backed up on the cloud provided by Redhills Electronics.

A FQ 206/19 was in place to provide the necessary subscription cloud fees in the interim until the new Tender BSM 99/19 is awarded.

The service provider has all the IP and location addresses of these cameras and to get another supplier in would lead to down time of these cameras. Down time on the services would mean there is no history on a vehicle license plate which committed a crime of which has been stolen or lost; new software might not communicate with the LPR software, live reporting of suspicious vehicles entered into the system will not take place.

While a new tender (Tender BSM99/19) was compiled for CCTV and LPR the user department compiled a FQ to address the monthly subscription to the Cloud until the tender would be in place.

The CCTV and LPR tender was advertised by SCM in November 2019 with closing date in December 2019. The tender has not yet been awarded. The BEC and BAC processes were scheduled to take place during the month of January 2020 and the subsequent awarding of the tender following a 21 days appeal period during February 2020.

Unfortunately, the BAC was not satisfied in awarding the tender and referred the item back to the BEC for further clarification in terms of the quantities of each item listed in the tender. Due to the delay in awarding of the tender and the referral back from the BAC to the BEC the department had already prepared a new FQ 133/20 which would cover the remaining months of March till June 2020 until the tender would be awarded.

With the evaluation of the FQ during March 2020 SCM requested that March 2020 not be included as the services had already been rendered. As a result the department had no other choice than to request a deviation approval for March 2020 to pay the service provider for services rendered.

SPECIAL COUNCIL MEETING: 2020-06-12: ITEM 12.1.5

RESOLVED (majority vote)

- (a) that Council certifies the irregular expenditure of R 72 496.00 (VAT inclusive) as irrecoverable and that this amount be written off; and
- (b) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32 (2).

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

FOR FURTHER DETAILS CONTACT:

NAME	Neville Langenhoven
POSITION	Chief Law Enforcement
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8497
E-MAIL ADDRESS	Neville.langenhoven@stellenbosch.gov.za
REPORT DATE	15 April 2020

12.1.6	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY INTERWASTE (PTY) LTD
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

12 June 2020

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY INTERWASTE (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 regards to the procurement of services to manage and operate the Stellenbosch Municipality landfill site between the months of March to June 2019, which is regarded as irregular because it breached the procurement process.

3. DELEGATED AUTHORITY

Council to write off the expenditure as irregular expenditure due to the breach of the procurement process. The said breach did not impact in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness, for the payment of Interwaste (Pty) Ltd (DSM 06/19).

4. EXECUTIVE SUMMARY

Deviation (DSM 06/19) was awarded to Interwaste (Pty) Ltd on 7 July 2018 for the operation and management of the Stellenbosch landfill. An order Number: 350 073 which was generated for a total amount of R 7 838 976 (incl. VAT). During the course of the financial year, the waste volumes received at the landfill site increased from 7000 tons to 12 000 tons per month because of various reasons. The increase of waste volumes resulted in the order number being exhausted in February 2019. Once the Department became aware of the looming shortfall of funds a requisition was loaded. Unbeknown to the Department a new deviation had to be approved to increase the contract value from R 7 838 976 to R 11 491 149 (Vat Excl.).

Whilst the Department was finalizing the administrative process, the official supervising the landfill contract neglectfully allowed the service to continue without an official order number.

As result of this irregular expenditure the Department will introduce various corrective measures such as consequence management, training of staff and Standard Operating Procedures (SOPs).

SPECIAL COUNCIL MEETING: 2020-06-12: ITEM 12.1.6**RESOLVED** (majority vote)

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that investigation be done with regard to transgression of policies for disciplinary purposes and that the associated disciplinary steps be taken;
- (c) that Council certifies the expenditure of R 4 111 001.60 (VAT inclusive) to Interwaste (Pty) Ltd as irrecoverable and that this amount be written off; and
- (d) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32 (2).

Cllr DA Hendrickse requested that his vote of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	Director: Infrastructure Services
DIRECTORATE	Infrastructure Services
CONTACT NUMBERS	021 808 8213
E-MAIL ADDRESS	Deon.louw@ Stellenbosch.gov.za
REPORT DATE	2018/08/27

12.1.7	CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO THE EMPLOYEES' GROUP LIFE SOLUTIONS SCHEME WITH VERSO FINANCIAL SERVICES UNDER TENDER CGHR1/2015
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Collaborator No:
IDP KPA Ref No:
Meeting Date:

Good Governance
12 June 2020

1. SUBJECT: CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO THE EMPLOYEES' GROUP LIFE SOLUTIONS SCHEME WITH VERSO FINANCIAL SERVICES UNDER TENDER CGHR 1/2015

2. PURPOSE

To provide information regarding the irregular expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to write-off the expenditure in terms of the MFMA Section 32(2).

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The service provider VERSO Financial Services was appointed under tender CGHR 1/2015 for the provision of Group Life Solutions to employees for the period from 1 January 2017 to 30 June 2019.

The services have been provided under a tender issued by Drakenstein Municipality on which Stellenbosch Municipality piggy backed. See attached correspondence – certificate of participation (**ANNEXURE A**).

SPECIAL COUNCIL MEETING: 2020-06-12: ITEM 12.1.7

RESOLVED (majority vote)

- (a) that Council takes note of the circumstances as provided in the report, the fact that services were received, and employees were covered during the period until 31 October 2019;
- (b) that Council certifies the irregular expenditure of R 1 451 318.73 (VAT inclusive) as irrecoverable and that this amount be written off; and
- (c) 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 DA Hendrickse; F Bangani-Menziwa (Ms); C Moses (Ms); R Nalumango (Ms); MD Oliphant; N Sinkinya (Ms) and LL Stander.

13.	REPORTS BY THE MUNICIPAL MANAGER
13.1	INTERIM EMERGENCY EXPENDITURE REPORT IN RESPONSE TO THE COVID 19 PANDEMIC

Collaborator No: 8/1
BUDGET KPA Ref No: Good Governance and Compliance
Meeting Date: 12 June 2020

1. SUBJECT: INTERIM EMERGENCY EXPENDITURE REPORT IN RESPONSE TO THE COVID 19 PANDEMIC

2. PURPOSE

To inform Council of the interim emergency expenditure that was incurred in response to the COVID 19 pandemic.

3. DELEGATED AUTHORITY

Council

FOR APPROVAL

4. EXECUTIVE SUMMARY

On 15 March 2020, President Cyril Ramaphosa announced the declaration of a national state of disaster following the World Health Organisation declaring the COVID-19 outbreak as a pandemic as well as measures that must be implemented in South Africa. On 05 June 2020 the national state of disaster was extended to 15 July 2020.

On 18 March 2020, the regulations under the Disaster Management Act, 2002, regarding steps to prevent an escalation of the disaster or to alleviate contain, minimize the effects of the Disaster were gazetted in Government Notice No. 318 of 18 March 2020 as amended and substituted from time to time. The

During the national state of disaster, municipalities were expected to deliver emergency essential services. These services include:

- Fire, Rescue and Disaster Management
- Law Enforcement and Security
- Traffic Control
- Electro-Technical Services (Electricity)
- Waste Removal
- Water and Sanitation
- Sanitizing of public areas

Municipalities were also required to institute additional measures to prevent the spread of the COVID-19 virus and were required to equip essential staff with necessary Personal Protective Equipment (PPE). The provision of emergency essential services and the implementation of measures to limit the spread of the COVID 19 virus requires that an emergency procurement process be followed.

Direction 6.7.3 (h) issued in terms of section 27 (2) of the Disaster Management Act requires the municipality to report all procurement undertaken during the period of the state of disaster to the first council meeting after the lapsing or the termination of the state of disaster.

This item serves as an interim report of the emergency expenditure (Appendix 1) incurred in response to the COVID 19 pandemic and a complete report will be submitted to council after the lapsing or the termination of the state of disaster.

SPECIAL COUNCIL MEETING: 2020-06-12: ITEM 13.1

RESOLVED (majority vote)

that Council approves the interim emergency expenditure, hereto attached as **Appendix 1**.

Cllr DA Hendrickse requested that his vote of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@stellenbosch.gov.za
REPORT DATE	08-06-2020

14.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
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NONE

15.	CONSIDERATION OF URGENT MOTIONS
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NONE

16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

17.	REPORTS SUBMITTED BY THE SPEAKER
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NONE

18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

19.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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(SEE IN-COMMITTEE DOCUMENTATION)

The meeting adjourned at 15:45.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**