



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2022-02-23

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## **MINUTES**

### **SPECIAL MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY**

**2022-02-23 AT 10:00**

# MINUTES

## SPECIAL MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2022-02-23

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**PRESENT**

The Speaker, Cllr Q Smit [Chairperson]  
 The Executive Mayor, Ald GMM Van Deventer (Ms)  
 The Deputy Executive Mayor, Cllr JS Fasser

**COUNCILLORS**

RA Adams	NE Mcombring (Ms)
J Andrews	XL Mdemka (Ms)
Ald JC Anthony	RS Nalumango (Ms)
FJ Badenhorst	CD Noble
PR Crawley (Ms)	L Nkamisa (from 10:25)
A Crombie (Ms)	M Nkopane (Ms)
ZJ Dalling (Ms)	N Ntsunguzi (Ms)
MM Danana	N Olayi
I De Taillerfer (Ms)	WC Petersen (Ms)
R Du Toit (Ms)	RO Pheiffer
A Ferns (Ms)	WF Pietersen
E Groenewald (Ms)	MG Rataza
AJ Hanekom	JP Serdyn (Ms)
RB Hendrikse (Ms)	A Tomose (Ms)
P Johnson	RB Van Rooyen
J Joon	M Van Stade
O Jooste	CA Van Wyk
X Kalipa	E Vermeulen
C Manuel	J Williams
EP Masimini	

**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 (D Louw)  
 Director: Planning and Economic Development (A Barnes)  
 Chief Audit Executive (F Hoosain)  
 Senior Administration Officer (Ms T Samuels)

1.	<b>OPENING AND WELCOME</b>
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The Speaker, Cllr Q Smit, welcomed all present at the Special Council meeting.

2.	<b>MAYORAL ADDRESS</b>
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**Adjustments Budget Speech**

Speaker;

Executive Deputy Mayor;

Council Whip;

Members of the Mayoral Committee;

Members of Council;

Municipal Manager and Senior Management;

Members of the public;

Members of the media present; and

All protocol observed.

**Goeiemore, good morning, molweni, as-salamu alaykum**

**Introduction**

Speaker, as the Executive Mayor of Stellenbosch Municipality I have an obligation to submit the adjustments budget for the current financial year of 2021/22 in accordance with section 28(4) of Municipal Finance Management Act.

In terms of section 28(2) of the Municipal Finance Management Act, an adjustments budget:

1. Must adjust the revenue and expenditure estimates downwards if there is material under collection of revenue during the current year;
2. May appropriate additional revenue that has become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmes already budgeted for;
3. May authorize the utilization of projected savings in one vote towards spending in another vote; and
4. May correct any errors in the annual budget.

In terms of section 23(1) of the Municipal Budget and Reporting Regulations, the above-mentioned adjustments can only be done after the mid-year budget and performance assessment has been tabled to Council, but not later than 28 February.

Speaker, while our country has seen a decrease in COVID infections and relaxed restrictions in terms of the COVID preventative measures, our country has a long way to go to heal economically.

There's a quote that always stands out to me – **Storms come and go, and with every storm there is a new lesson to learn from.**

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The past two years has had a significant impact on our budget, and this impact cannot be understated. It has also taught us very valuable lessons on how to work smarter with lesser money, work with our available funds more carefully and structure our available funds to ensure that we still deliver world class services to our communities.

Numerous projects had to be halted or postponed to accommodate for the drastic affects COVID had on our revenue streams (Income), to abide by the requirements as a result of the pandemic. Ultimately, we had to take up lesser loans to minimise future interest in payments in order to take stress off our available income and cash reserves.

Recent Stats SA figures shows how certain aspects of our economy, which in the previous assessment showed a significant decrease, is slowly starting to show positive growth. It should however be noted that we still have a long way to go.

The largest positive contributions were made by the following divisions:

1. Basic iron and steel, non-ferrous metal products, metal products and machinery **(4,4% and contributing 0,8 of a percentage point)**;
2. Wood and wood products, paper, publishing and printing **(6,7% and contributing 0,7 of a percentage point)**;
3. Textiles, clothing, leather and footwear **(13,4% and contributing 0,5 of a percentage point)**; and
4. Food and beverages **(1,9% and contributing 0,5 of a percentage point)**.

These are just some of the factors which directly affect our economy and affects how we have to spend our available funds.

The main purpose of the adjustments budget is to adjust the material under and over budgeted figures as well as to accommodate additional revenues received or cuts made in terms of government grants.

Speaker, the Municipal Manager and the Chief Financial Officer, in accordance with their mandate streamlined the compilation of the adjustments budget in consultation with the Executive Mayor and the Budget Steering Committee.

**As a result of the above-mentioned impacts on our income, we've had to make changes on our capital and operational budget.**

Details on all the adjustments can be found on page 24 – 41 of Council Agenda for 2022-02-23.

#### **Capital Adjustments Budget**

During the mid-year budget and performance assessment process, it was identified that the approved capital budget had to be adjusted to make some necessary amendments to various projects which includes pausing some projects until the next annual budget in June, and to accelerate prioritised projects.

Speaker it should be noted, that with careful planning we managed to not remove any projects permanently, but simply put them on hold for four months, hence the roll overs of multi-year projects in the adjustments budget.

Speaker, it is of the utmost importance to the Executive Mayor and financial team that we rather be conservative with regards to spending in these uncertain times and remain a financially sound and a sustainable Municipality.

Nobody can predict the future development of the pandemic with certainty, and we have to remain cautious at all times. Speaker, the good news is that when the pandemic is finally over, our Municipality will be financially strong enough to continue in great stride.

We remain committed to investing in our communities. The limitations of COVID-19 and the lockdown that followed however curbed our capital spending to 25% of our capital spending for the first 6 months of the financial year, in comparison to the 33% for the same period in December 2020.

Taking all proposed adjustments into consideration, resulted in the current approved capital budget of **R 471 680 164** decreasing by 16% with **R 73 572 528**. The proposed adjusted capital budget for 2021/2022 will be **R 398 107 636**.

Speaker, this capital budget of **R 398 107 636** continues to represent our investment and dedication to our communities throughout the Municipality to improve service delivery and the creation of job opportunities through economic growth. The underperformance for the current financial year is sadly not within our control and we have been working relentlessly, making every effort to balance the needs of our residents with the funds available and the restrictions imposed by various factors.

Stellenbosch municipality vested the majority of the 2021/2022 capital budget in infrastructure services (R312million or 78% of the R 398 million capital budget)

This investment is needed to ensure effective service delivery for our people and to ensure that bulk services are available to support development, including the “municipal” housing projects. Mostly it is important to create an environment attractive to investment and conducive to economic growth. It is vital that we make sure that we have the necessary infrastructure in place to create opportunities for economic growth and improvement of services for our citizens.

I would like to refer to some key factors of the adjustments budget.

- An additional **R 3 900 000** has been allocated to the establishment of the Northern extension: feasibility. The additional funding has been received as part of a Human Settlement Development grant and will see to the completion of this vital project, which will help create job opportunities for local residents.
- Funding for the planning upgrading projects of Kayamandi Town Centre (**R 2 638 605**) and Enkanini Planning and Implementation (**R 1 500 000**) has been reduced in accordance with the latest funding agreements by the Human Settlements Development Grant.
- The funding for the Jamestown housing projects (Phase 2, 3 and 4) have been aligned with the funding from the Provincial Department with **R 676 000**
- Additional funding has been allocated for **ERF64 in Kylemore**
- **ERF7001** is a multi-year project currently in the planning phase which will continue into the next financial year.
- An additional **R710 000** has been received for the **Alternative Energy project** that is funded by the Municipal Energy Resilience grant. In August 2021, the Western Cape Government (WCG) announced the launch of a first-of-its-kind fund to support municipalities as we prepare for renewable energy projects. The fund is a critical component in the Municipal Energy Resilience (MER) Initiative, which aims to help municipalities to implement and enable lower carbon energy projects in municipalities across the province, for municipalities, businesses and households to generate, procure and sell own power.
- **R1 997 157** has been rolled over for the **Bien don 66/11kv substation**. This is a multiyear project which will continue in the next financial year.
- **R6 798 839** has been rolled over for the **Laterra substation**. This is a multi-year project that has been delayed due to the purchasing of land.
- Additional funding is required for the completion of the **Jan Marais upgrading project**.
- **R74 000 000** has been rolled over the next financial year for the new reservoir and Pipeline in Vlottenburg. This is a multiyear project and will continue in the next financial year.
- I know that the residents in this area are eagerly awaiting the completion of this work, and I want to give them the assurance that this remains a top priority for me.
- The Multi-year projects of Small Capital: FTE Electrical Services and System Control Centre and the upgrade of the Telemetry are currently in the planning phase and will continue in the next financial year.

- The upgrade of the Waste Water Treatment Works in Pniel and decommissioning of Franschoek is an ongoing major infrastructure project with long term benefits for the entire community. This is a multiyear project and will continue in the next financial year. The budget of **R14 000 000** for this project has been rolled forward to ensure work continues on this vital infrastructure.
- The Upgrade of the Wemmershoek WWTW facility is also ongoing. This project is in the planning phase and **R14 000 000** has been rolled over to continue this project in the next financial year.
- The funding for the adhoc Reconstruction of roads have been aligned to the latest funding allocation from National Government.
- Ensuring a stable and reliable water supply forms part of critical infrastructure.
- The Jamestown Bulk Water Supply Pipeline & Reservoir project is in the planning phase and will continue into the next financial year. **R12 500 000** has been rolled over for this purpose.
- The Kayamandi Zone O funding has been aligned with the latest funding allocation received from the Provincial Department.
- Additional funding has been allocated for the replacement of sewer pipes.
- The Bridge Construction Project is a multi-Year project still in the planning phase and will continue into the next financial year. R35 000 000 has been rolled over to continue this project in the next financial year.
- Additional funds have been made available for the implementation of Non-motorised transport.
- The Idas Valley ERF9445 project has been aligned with the latest allocation from the Provincial Department.
- **R3 500 000** has been rolled over for the structural improvements of the Van Der Stel Sport Grounds. This project stretches over several years and we are giving all due attention to the much-needed improvement of the infrastructure at this facility.

#### **Operational Adjustments Budget**

With the process followed during the mid-year budget and performance assessment, taking into consideration projected spending or projected billed revenue, versus what was actually processed, it was identified that the operational budget should be adjusted accordingly.

The operational income budget of 2021/2022 decreases with **2,0%** from **R2,129 billion** (R2 129 644 950) to the proposed budget of **R2,110 billion** (R2 110 706 759).

The operational expenditure budget of 2021/2022 decreases with 1.59% from **R2,017 billion** (R2 017 490 423) to the proposed budget amount of **R1,977 billion** (R1 977 195 012).

#### **Operational Income Budget**

Material changes to the operating budget include:

The COVID pandemic and lockdown has had a severe impact on our expected revenue stream. We anticipate an underperformance in various line items that will have to be adjusted downward:

- **Property Rates:** The municipality has billed **R35 956 065** more property rates than initially anticipated. The over performance is due to the annual applications which did not form part of the monthly budgeted revenue projections. The municipality has re-assessed the property rates revenue budget and anticipates that a downward adjustment of **R7 964 892** will be necessitated during the Mid-year adjustments budget process.
- **Sanitation revenue:** An under performance is noted for sanitation revenue due to the noticeable decline in billed revenue. The municipality has re-assessed the sanitation revenue budget as the decline in the industrial wastewater charges has negatively affected the revenue stream. The budget will be reduced with **R11 528 774** during the Mid-year adjustments budget process.



- **Interest earned - external investments:** An under performance was noted for interest earned – external investments to the amount of **R2 605 340**. The variance is mainly due to the Covid- 19 pandemic which resulted in the prime interest rate being reduced. This reduction has resulted in a significant decrease in our call accounts and primary bank account interest rates. Furthermore, we have received lower rates on offer from investing institutions than the previous financial years and a decline in the availability of capital investment further negatively impacts this line item.

The municipality has re-assessed the interest earned –external investments revenue budget and anticipates that an upward adjustment of **R6 412 812** will be necessitated during the Mid-year adjustments budget process.

- **Fines, penalties and forfeits:** An underperformance was noted to the amount of **R23 871 261**. The past three financial years yielded an average income of **R100 294 857** per year which renders the adjustments budget of **R147 425 010** as unattainable. The municipality has re-assessed the fines, penalties and forfeits revenue budget and anticipates that a downward adjustment of **R27 260 178** will be necessitated during the Mid-year adjustments budget process.
- **Transfers and subsidies:** The transfers and subsidies will be increased with **R1 430 310** during the Mid-year Adjustments budget process. A decrease of **R566 897** relates to operating grants and an increase of **R1 997 207** relates to capital grants.
  - An increase in the budget due to the unspent grant balances as at 30 June 2021 in respect of the following:
    - Development Bank of South Africa Grant: **R18 472**
    - Cape Winelands Disaster Grant: **R146 959**
    - Community Library Services Grant: **R2 302 051**
    - Title Deeds Restoration Grant: **R1 371 711**
    - Municipal Accreditation and Capacity Building Grant: **R238 000**
    - Financial Management Capacity Building Grant: **R164 751**
    - Khaya Lam Free Market Foundation: **R102 000**
    - Integrated Transport Planning Grant: **R600 000**
    - National Lottery: **R307 361**
  - An increase in the budget due to additional as well as new grant allocations in respect of the following:
    - LGSETA Funding: **R237 440**
    - Municipal Library Support Grant: **R3 252 000**
    - Municipal Accreditation and Capacity Building Grant: **R200 000**
    - Western Cape Financial Management Support Grant: **R550 000**
    - Western Cape Municipal Energy Resilience Grant (WC MER Grant): **R710 000**
    - Local Government Public Employment Support Grant: **R1 800 000**
    - Informal Settlements Upgrading Partnership Grant: Provinces (Beneficiaries): **R11 918 906**
    - Households - Cash - Other (National Housing Programme): **R4 929 738**
  - A decrease in the grant funding in respect of the following:
    - Human Settlements Development Grant due to the funding being gazetted under a new grant (Informal Settlements Upgrading Partnership Grant: Provinces (Beneficiaries)) and a **R23 000** reduction in the roll over approval granted during August 2021 as a result of a debtor which had been cleared after the application.
- A revised funding allocation letter has been approved by the transferring department indicating that an amount of **R708 230** to be moved from operating to capital in order to expedite the spending of the Urban Infrastructure Development grant.
- **Other Revenue:** The municipality has re-assessed the other revenue budget and anticipates that an upward adjustment of **R 3 520 000** will be necessitated during the Mid-year adjustments budget process.

- **Sales of Goods and Rendering of Services: Cemetery and Burial.** An underperformance of R933 062 has been noted. The past three financial years yielded an average income of **R940 817** per year. Considering the average increase of 9% per year based on actual collections it is probable that **R1 118 089** will be collected during the 2021/22 financial year.
- This renders the adjustments budget of **R3 302 015** as unattainable. The municipality has re-assessed the cemetery and burial revenue budget and anticipates that a downward adjustment of **R2 200 000** will be necessitated during the Mid-year adjustments budget process.
- **The sales of goods and rendering of services: Development Charges**
- The municipality has generated an average of **R12 324 314** over the past 4 financial years and has generated **R12 360 208** to date. The revenue budget will be increased to **R16 354 714** in order to include a budget for the development charges levied by the municipality.

#### Operational Expenditure Budget

Various line items were adjusted due to requests received from user departments and operational pressure to increase efficiencies.

There are line items where we noted an overspending when compared to the year-to-date budget and we anticipate that additional funds will be required, over and above those already included and approved in the annual budget.

We have identified savings on the following expenditure categories:

- **Employee related costs:** An under performance of **R12 496 679** is noted against the year-to-date budget projections. The underspending is due to vacancies which have not yet been filled. Various advertisements for vacancies have been issued during the last quarter. The expenditure budget for this line item will have to be adjusted downwards with R34 768 803 during the Mid-year adjustments budget process.

#### Closing

**Speaker, A good financial plan is a road map that shows us exactly how the choices we make today will shape our future.**

Speaker, this is not the adjustments budget we wanted to present at this point of our current term in office. We were hoping that COVID would have been something in the past by now, in order to present an adjustment that will be completing all our envisioned projects, creating a springboard from which to launch our next chapter from, unfortunately this is not yet possible.

I am however very optimistic that with these necessary changes, we will be able to complete our planned projects, as well as stabilize our budget in terms of income and expenditure following the impact of the past two years.

I want to thank the CFO, the Municipal Manager and the entire administration for their hard work, steering us through this difficult time.

Speaker, we continue to prove to be one of the top municipalities in South Africa, because of our diligence, hard work and commitment to our residents. I am not prepared to give that up at any cost and will therefore continue our relentless mission to further improve and deliver services and opportunities to our most beautiful valley.

I table this adjustments budget, with great responsibility, and gratitude that we could survive this unprecedented storm. We shall continue to work hard to provide the best leadership and guidance and to create a business ready environment, filled with opportunity for all.

Speaker, in the item serving before Council the recommendations are set out as recommended in the Adjustments Budget Item.

I herewith formally submit recommendations on **page 12, a to c**, in the Special Council Agenda, for consideration and approval of the **2020/2021** Adjustments Budget.

Baie dankie, Thank you very much, Enkosi kakhulu.”

<b>3.</b>	<b>COMMUNICATION BY THE SPEAKER</b>
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- **BIRTHDAYS:** Congratulations to the following Councillors who celebrated their birthdays during February: Councillor WC Petersen (Ms): 8 February  
Councillor A Hanekom: 21 February
- **CENSUS 2022:** Online registration closed on 21 February 2022. Stats SA will send field workers to do door-to-door surveys. Ward Councillors should encourage members in the community to be accessible for these services as it will help with accurate counting, which in turn will assist with better planning for infrastructure and budgeting.
- **OPERATIONAL WARD PROJECTS:** Tender B/SM02/22 was awarded on 30 November 2021 (the value of 1.1). We anticipate that the first orders will be delivered during the first week of March 2022 at the Beltana Stores. The distribution of the one part of the project (bulk goods: sanitiser, atomiser bottles) were concluded during October 2021.
- **YOUTH LEARNER AND DRIVER LICENSING PROGRAMME:** This programme targets young people particularly those from disadvantaged areas based on socio-economic challenges. Councillors of Wards 1-6, 10-21 and 23 will be able to nominate 2 people per ward to either obtain a Code-8 or Code-10 license. For any additional information the Manager: Community Development, Ms Michelle Aalbers can be contacted.
- **ESTABLISHMENT OF WARD COMMITTEES:** Congratulations to the following Wards that were successfully established: Wards 1-10, 12, 15, 17, 18, 19, 21-23. The outstanding wards must establish their Ward Committees because a Ward Establishment Report must be submitted to the MEC of Local Government before 15 March 2022, indicating the number of wards established in the area, how many were not established and the reasons why. Ward Councillors will be held responsible for non-establishment of ward committees because the administrative staff went far and beyond with the help in the establishment of these ward committees.
- **APPOINTMENT OF WARD ADMINISTRATORS:** Interviews and practical assessments in certain wards intended for 24/25 February and it is anticipated that the process will hopefully be concluded by 28 February 2022 and commencement of appointing of successful candidates soon thereafter.

Thank you very much.”

<b>4.</b>	<b>COMMUNICATION BY THE MUNICIPAL MANAGER</b>
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“Good morning Honourable Speaker, Mayor, Councillors, Colleagues and Members of the public.

It with sadness that I have to inform you of the passing of one of our staff members while on duty. Mr David Williams working in our Wastewater Department passed on while on duty. He lived in Idasvalley and on behalf of our Council and Administration we want to extend our deepest condolences to the family, in particular his wife and children.

It's the second month of the year and the students are back. The town is buzzing with economic activity, I request residents to please keep our town and residential areas clean. We are proud of our town and want to keep it clean. We recently launched a programme against illegal dumping and request residents to report illegal dumping to the municipality. Furthermore, rather put additional waste in bag plastic out with refuse day.

There is growing concern over the increase of Enteric Fever (Typhoid Fever) cases in the Western Cape as well as a separate spate of a viral tummy bug doing the rounds.

We hereby confirm that our municipal drinking water is safe to consume and adheres to all SANS 241 standards for drinking water. Our water undergoes routine quality checks and laboratory testing on a regular basis. \*As an added safety measure, additional water samples will be taken today and sent to laboratories in Pretoria for full spectrum bacteriological and microscopic testing.\*

It is also important to note that the National Institute for Communicable Diseases (NICD) has found that there is NO EVIDENCE THAT CASES OF TYPHOID FEVER ARE LINKED TO CONTAMINATED MUNICIPAL WATER IN ANY PART OF THE COUNTRY.

Our water is safe for human consumption.

I thank you.”

<b>5.</b>	<b>DISCLOSURE OF INTEREST</b>
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NONE

<b>6.</b>	<b>APPLICATION FOR LEAVE OF ABSENCE</b>
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6.1 The following applications for leave of absence were approved in terms of the Rules Of Order By-law of Council:-

Cllr N Mananga-Gugushe (Ms)	–	23 February 2021
Cllr NM Mkhontwana (Ms)	–	23 February 2021
Cllr ZR Ndalasa	–	23 February 2021

7.	<b>STATUTORY MATTERS</b>
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7.1	<b>MID-YEAR ADJUSTMENTS BUDGET FOR 2021-2022</b>
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Collaborator No: 723583  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 16 & 23 February 2022

**1 SUBJECT: MID-YEAR ADJUSTMENTS BUDGET FOR 2021/2022**

**2. PURPOSE**

To table the adjustments budget as envisaged by section 28 of the Municipal Finance Management Act (Act No.56 of 2003), for the 2021/2022 financial year, for approval. The adjustments budget emanates from the approval of roll-over of unspent conditional grants from the Western Cape Provincial Government, additional allocations from Western Cape Provincial Government and National Government and reallocation and reduction of existing grants.

**3. DELEGATED AUTHORITY**

Council

**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) 2020 (ACT No. 2 of 2020) to roll-over the unspent amounts of R164 751 for the Western Cape Financial Management Capacity Building Grant, R238 000 for the Municipal Accreditation and Capacity Building Grant, R600 000 for Integrated Transport Planning Grant and R2 302 051 for Community Library Services Grant.

Approval is also granted to roll-over the 2019/20 unspent amount of R1 371 711 for Tittle- Deeds Restoration Grant with the condition that these funds are fully spent by 30 June 2022.

**Additional allocations and amendments of provincial conditional grants**

Minister David John Maynier tabled the 2021/22 Western Cape Provincial Adjustment Budget in the Provincial Parliament on 06 December 2021 in terms of the section 30 (2) (c) of the Division of Revenue Act (Act 4 of 2021), read with the Western Cape Adjustments Appropriation (COVID-19) (Act 3 of 2020) and arising from this, grant allocations were reduced, and additional funding added for Stellenbosch Municipality, for the 2021/22 financial year.

This adjustment budget addresses adjustments in terms of section 28 (2) a, b, d & f of the MFMA and is further explained as required by section 28. Regulation 23 (1) and 23 (3) of the Municipal Budget & Reporting Regulations (17 April 2009) also has reference.

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

**SPECIAL COUNCIL MEETING: 2022-02-23: ITEM 7.1**

The Speaker afforded the Executive Mayor, Ald G Van Deventer (Ms) an opportunity to deliver her Adjustment Budget Speech. (Captured under **Item 2 MAYORAL ADDRESS**).

**RESOLVED** (majority vote)

- (a) that the Adjustments Budget as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 1 and 2** be approved;
- (b) that the list of capital projects be adjusted over the MTREF (2022/2023), as set out in **APPENDIX 1**; and
- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly inclusive of the non-financial information (performance measurement).

7.2	<b>REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2021/22</b>
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Collaborator No: 723668  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 16 & 23 February 2022

**1. SUBJECT: REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2021/22**

**2. PURPOSE**

To obtain Council's approval for the revisions made to the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2021/22.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The TL SDBIP 2021/22 was approved by the Executive Mayor on 23 June 2021. It is common practice for a municipality, as provided for in the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), to review its performance indicators and targets after approving the adjustments budget. All the changes, which must be deleted and or amended, are indicated with a strikethrough and an underline respectively (for ease of reference). It should be noted that the TL SDBIP 2021/22 is the in-year plan of the municipality, and amendments made to the TL SDBIP 2021/22 must be read in conjunction with the Integrated Development Plan (IDP). Therefore, changes made to the Revised TL SDBIP 2021/22 are considered to be made in the IDP as well.

The reasons for the amendments to the following KPIs are as follows:

- a) KPI018- Target adjusted from 80% to 70%. The target was revised in line with available resources to realistically achieve the planned target.
- b) KPI085- Indicator removed due to the difficulty experienced to consult all relevant stakeholders due to the COVID-19 pandemic.
- c) KPI075- Target was adjusted from 24 000 to 25 500 to bring it in line with KPI074, KPI076 and KPI077.
- d) KPI071- Indicator removed due to the Energy Master Plan which must first be completed before the Electricity Master Plan can be completed.
- e) To bring KPIs in line with the adjustments budget.

Any detected spelling, grammatical and or alignment errors in the document were also corrected where needed.

**SPECIAL COUNCIL MEETING: 2022-02-23: ITEM 7.2****RESOLVED** (majority vote)

- (a) that the Revised TL SDBIP 2021/22 be approved;
- (b) that the Revised TL SDBIP 2021/22 be published on the Municipal Website; and
- (c) that the Revised TL SDBIP 2021/22 be submitted to:
  - (i) Internal Audit Unit (for notification);
  - (ii) Department of Local Government: Western Cape;
  - (iii) Provincial Treasury: Western Cape;
  - (iv) Auditor General of South Africa; and
  - (v) National Treasury.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 – 808 8025</i>
<b>E-MAIL ADDRESS</b>	<i><a href="mailto:mm@stellenbosch.gov.za">mm@stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>03 February 2022</i>



7.3	<b>MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 2022</b>
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Collaborator No: 723736  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: 16 & 23 February 2022

**1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 2022**

**2. PURPOSE**

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2021/2022 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 (2021/2022) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during January 2022.

**SPECIAL COUNCIL MEETING: 2022-02-23: ITEM 7.3**

**NOTED**

that there were no deviations listed for the month of January 2022.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Kevin Carolus
<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>Kevin.Carolus@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>January 2022</b>

8.	<b>ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE: [ALD. G VAN DEVENTER (MS)]</b>
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8.1	<b>COMMUNITY SERVICES (PARKS, OPEN SPACES AND ENVIRONMENT): CLLR J JOON</b>
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NONE

8.2	<b>CORPORATE SERVICES: [PC: CLLR L NKAMISA]</b>
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NONE

8.3	<b>FINANCIAL SERVICES: [PC: CLLR P JOHNSON]</b>
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NONE

8.4	<b>HUMAN SETTLEMENTS: [PC: CLLR JS FASSER]</b>
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NONE

8.5	<b>INFRASTRUCTURE: [PC: CLLR ZJ DALLING (MS)]</b>
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8.5.1	<b>APPROVAL OF THE STELLENBOSCH MUNICIPALITY ROADS &amp; STREETS BY-LAW DELEGATIONS AND ADMISSION OF GUILT FINES</b>
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Collaborator No: 723770  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: 16 & 23 February 2022

**1. SUBJECT: APPROVAL OF THE STELLENBOSCH MUNICIPALITY ROADS & STREETS BY-LAW DELEGATIONS AND ADMISSION OF GUILT FINES**

**2. PURPOSE**

To request approval from Council for the approval of the delegations linked to the approved Roads & Streets By-Law as well as the proposed Admission of Guilt Fines.

**3. DELEGATED AUTHORITY**

The Stellenbosch Municipality By-Law relating to Roads & Streets was approved by Council on the 24 August 2021.

**4. EXECUTIVE SUMMARY**

The Stellenbosch Municipality Roads & Streets By-Law (2020) regulates activities and functions on roadways, walkways, and other spaces within road reserves.

Under Section 59: Delegations of the Municipal Systems Act, Council is to approve the proposed delegations of powers in terms of this By-Law to various key officials and incorporate these into the System of Delegations. A proposed set of delegations is shown under **ANNEXURE B**.

Under the provisions of Section 43 of the By-Law, a person convicted of an offence is liable to a fine. A set of proposed Admission of Guilt Fines (AGF) has been attached as **ANNEXURE C**.

**SPECIAL COUNCIL: 2022-02-16: ITEM 8.5.1**

**RESOLVED** (majority vote with abstentions)

- (a) that the content of this report be noted;
- (b) that the set of delegations as proposed in **ANNEXURE B** be approved and incorporated in the System of Delegations; and
- (c) that the proposed set of Admission of Guilt Fines (Attached as **ANNEXURE C**) be accepted as the proposed fines to the Chief Magistrate for approval in regard to the transgressions listed in the Stellenbosch Municipality Roads & Streets By-Law adopted on 24 August 2021.

**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>	<b><u><a href="mailto:Deon.louw@stellenbosch.gov.za">Deon.louw@stellenbosch.gov.za</a></u></b>
<b>REPORT DATE</b>	<b>February 2022</b>

8.6	<b>LOCAL ECONOMIC DEVELOPMENT &amp; TOURISM: [PC: CLLR R DU TOIT (MS)]</b>
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NONE

8.7	<b>PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM: [PC: CLLR C VAN WYK (MS)]</b>
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NONE

8.8	<b>PROTECTION SERVICES: [PC: CLLR FJ BADENHORST]</b>
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NONE

8.9	<b>RURAL MANAGEMENT: [PC: CLLR J WILLIAMS]</b>
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NONE

8.10	<b>YOUTH, SPORT AND CULTURE: [CLLR RA ADAMS]</b>
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NONE

8.11	<b>MUNICIPAL MANAGER: [MS G METTLER]</b>
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8.11.1	<b>ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES)</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

16 February 2022

**1. SUBJECT: ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES)**

**2. PURPOSES**

Council must approve the established the section 80 committee and must appoint the members on these committees.

**3. DELEGATED AUTHORITY**

Council establishes the committees and appoints the members, whilst the Executive Mayor appoints the Chairpersons.

**4. EXECUTIVE SUMMARY**

In terms of Section 80 of the Structures Act, if a municipality has an Executive Mayor, it may appoint Committees of Councillors to assist the Executive Mayor.

Such Committees may not in number exceed the number of members of the Executive Committee (10, including the Deputy Executive Mayor).

The Executive Mayor, *inter alia*:-

- appoints a Chairperson for each Committee; and
- may delegate any powers and duties of the Executive Mayor to the Committee.

Such Committee(s) must assist the Executive Mayor in accordance with the directions of the Executive Mayor and in line with the provisions as indicated in section 80.

The members are appointed by council in accordance with the principle of representation amongst the number of members allocated to each committee.

The previous council accepted terms of references for each committee which are now outdated and needs to be revised.

#### SPECIAL COUNCIL: 2022-02-16: ITEM 8.11.1

#### RESOLVED (nem con)

(a) that it be noted that Council approved the following Section 80 portfolio committees on 23 November 2021:

- Corporate Services;
- Planning
- Financial Services;
- Human Settlements;
- Infrastructure Services;
- Protection Services
- Local Economic Development and Tourism
- Rural Management
- Youth, Sport and Culture
- Parks, Open Spaces and Environment

(b) that the following members be appointed to the section 80 Committees

#### **Corporate Services**, total 4 members:

DA – 3  
Opposition – 1

L Nkamisa (DA) - Chairperson  
J C Anthony (DA)  
J Serdyn (DA)  
M Rataza (ANC)

#### **Planning** total 5 members:

DA – 3  
Opposition – 2

C van Wyk (DA) – Chairperson  
A Hanekom (DA)  
J C Anthony (DA)  
M Danana (ANC)  
R Hendrickse (GOOD)

**Financial Services**, total 5 members:

DA – 3  
Opposition – 2

P Johnson (DA) – Chairperson  
W Petersen (DA)  
E Groenewald (DA)  
A Tomose (ANC)  
R Hendrickse (GOOD)

**Human Settlements**, total 5 members:

DA – 3  
Opposition – 2

J Fasser (DA) – Deputy Executive Mayor – Chairperson  
E Vermeulen (DA)  
J Serdyn (DA)  
N Ntsunguzi (ANC)  
M van Stade (GOOD)

**Infrastructure Services**, total 5 members:

DA – 3  
Opposition – 2

Z Dalling (DA) – Chairperson  
R van Rooyen (DA)  
N Mcombring (DA)  
R Nalumangu (ANC)  
Z Ndalasi (EFF)

**Protection Services**, total 5 members:

DA – 3  
Opposition – 2

R Badenhorst (DA) – chairperson  
C Manuel (DA)  
A Hanekom (DA)  
M Nkopane (ANC)  
N Mkhontwana (EFF)

**Local Economic Development and Tourism**, total 4 members:

DA - 3 members  
Opposition – 1 member

R Du Toit (DA) – Chairperson  
N Mcombring (DA)  
R Pheiffer (DA)  
I De Taillerfer (VF)

**Rural Management**, total 4 members:

DA - 3  
Opposition - 1

J Williams (DA) – Chairperson  
X Mdemka (DA)  
C Manuel (DA)  
E Masimini (ANC)

**Youth, Sport and Culture**, total 5 members of which:

DA – 3  
Opposition – 2

R Adams (DA) – Chairperson  
R Pheiffer (DA)  
R van Rooyen (DA)  
C Noble (Good)  
J Andrews (PA)

**Parks, Open Spaces and Environment** total 4 members –

DA –3  
Opposition –1

J Joon (DA) – Chairperson  
E Vermeueln (DA)  
A Hanekom (DA)  
M Nkopane (ANC)

- (c) that it be noted that the Executive Mayor have appointed the chairpersons to the committees on 23 November 2021;
- (d) that the current terms of reference for all section 80 committees be adopted; and
- (e) that the various terms of references be referred to the relevant section 80 committees for revision after which said items must be re-submitted to Mayco and subsequent to Council for final adoption.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Annalene de Beer
<b>POSITION</b>	<i>Director</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8018</i>
<b>E-MAIL ADDRESS</b>	<i>Annalene.deBeer@ Stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>8/2/2022</i>

8.11.2	<b>AMENDMENT OF DECISION IN REGARD TO SECTION 78(4) ON THE PROVISION OF A PARKING SERVICE TO THE PUBLIC</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

16 February 2022

**1. SUBJECT: AMENDMENT OF DECISION IN REGARD TO SECTION 78(4) ON THE PROVISION OF A PARKING SERVICE TO THE PUBLIC**

**2. PURPOSE**

To request approval from Council to review, rescind and amend the decision of a Council resolution taken on 26 February 2020 in regard to the management of single level parking internally to allow the outsourcing of the management of off-street parking to a third party(ies) on a short-term basis as a pilot.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Council has launched and completed a Section 78 process to determine methods of providing parking as required by the Constitution Schedule 5B. Council inter alia resolved as follows on 26 February 2020 when considering Section 78(4):

*“That Council, in terms of the Municipal Systems Act (MSA), Act 32 of 2000, as amended, Section 78(4), accepts that the method of providing parking generally be considered as follows:*

- a. Provision of open one level parking space needs, be performed on **an internal mechanism***
- b. Provision of multi storied parking space needs, be performed on an external mechanism.”*

Council also indicated that Eikestad Mall and Techno Park should be the areas where multi story parking should be used.

The administration implemented this decision after the previous service provider’s tender came to an end and started to manage the on street and off-street parking internally as a pilot project. It has however become clear over the last more than nine months that the internal option to manage the parking is not viable as an long term solution. We have investigated other options and we have received requests from the retailers situated at the mayor retail areas Pick-and-Pay, Checkers and Eikestad Mall Council that they will be willing to manage these areas whilst renting the properties. It is therefore proposed that council review, rescind and amend the decision on 26 February 2020 to allow for the management of off-street parking at the three (3) single level areas adjacent to the retail outlets of Pick and Pay, Checkers and the Eikestad Mall to be outsourced to Checkers, Pick and Pay and the Eikestad Mall on an interim basis as a pilot and after the advertising of council’s intention to lease the areas and the management thereof to them for public for comment. The comments will be brought back to council before a final decision on the leasing and management of these areas by the proposed companies.



Council is also requested to allow an interim short-term solution of an external management of a Service Delivery Mechanism of off-street parking while a proper long term external service delivery option is investigated and implemented.

**SPECIAL COUNCIL: 2022-02-16: ITEM 8.11.2**

**RESOLVED** (nem con)

- (a) that the content of this report be noted;
- (b) that it is noted that a MSA section 78 (3) investigation was done to which Council took a section 78 (4) decision on 26 February 2020;
- (c) that Council now review, rescind and replace 4.5 of the 26 February 2020 decision to read as follows:  
"4.5 that Council, in terms of the MSA Act 32 of 2000 as amended, section 78 (4), accepts that the method of providing parking generally be considered as follows:
- a Provision of open one level **off-street** parking space needs, be performed on **an external service delivery Mechanism except where the internal mechanism is clearly more viable and effective;** "
- (d) that the two requests of the management of the following parking spaces:
- a Checkers Complex Parking, **ANNEXURE A**
- b Stelmark Centre Parking, **ANNEXURE B**
- be approved in principle as interim pilot projects for a period of not more than three years.
- (e) Council confirm that Eikestad multi-level parking will be done through a Public-Private Partnership as envisage in the Section 78 (3) report,
- (f) that given the project life cycle for PPP process the parking be leased out a short-term base until the PPP process is finalised.
- (g) that the intention to outsource the management of these areas on an interim basis be advertised for public comment; and
- (h) that after the public participation process the comments be considered by Council before a final decision is taken.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Deon Louw
<b>POSITION</b>	<i>Director</i>
<b>DIRECTORATE</b>	<i>Infrastructure Services</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8213</i>
<b>E-MAIL ADDRESS</b>	<u><i>Deon.louw@ Stellenbosch.gov.za</i></u>
<b>REPORT DATE</b>	<i>10 February 2022</i>

<b>8.11.3</b>	<b>ESTABLISHMENT OF A DISCIPLINARY COMMITTEE</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

23 February 2022

**1. SUBJECT: ESTABLISHMENT OF A DISCIPLINARY COMMITTEE****2. PURPOSE**

For Council to establish a Disciplinary Committee for the Stellenbosch Council.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

By virtue of the termination of the 2016-2021 Council's term of office, the former 5-member Disciplinary Committee has also dissolved. It is prudent for the newly elected Council to establish a Disciplinary Committee to assist in the discipline of Councillors by conducting disciplinary hearings and to make recommendations to Council in terms of its findings.

**SPECIAL COUNCIL: 2022-02-16: ITEM 8.11.3****RESOLVED** (nem con)

that the following Councillors serve on the Disciplinary Committee:

Cllr R Badenhorst (DA)  
Cllr C Van Wyk (Ms) (DA)  
Cllr J Fasser (DA)  
Cllr N Rataza (ANC)  
Cllr R Hendrickse (GOOD)

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Annalene de Beer
<b>POSITION</b>	<i>Director</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8018</i>
<b>E-MAIL ADDRESS</b>	<i>Annalene.deBeer@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>16/2/2022</i>

8.11.4	<b>RECRUITMENT AND SELECTION PROCESS OF THE DIRECTOR: INFRASTRUCTURE SERVICES: ROUND 2</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

Special Council: 23 February 2022

**1. RECRUITMENT AND SELECTION PROCESS OF THE DIRECTOR:  
INFRASTRUCTURE SERVICES: ROUND 2**

**2. PURPOSE OF REPORT**

To provide feedback to Council and to obtain Council's approval to re-advertise the Director Infrastructure Services position.

**3. DELEGATED AUTHORITY**

Municipal Council

**4. EXECUTIVE SUMMARY**

The contract period of Mr Deon Louw, Director Infrastructure Services comes to an end on 30 April 2022. It is therefore critical to continue with the recruitment and selection process for the Director Infrastructure Services to cultivate stability within the Directorate. The position was advertised and closed on 14 January 2022. A Service Provider was appointed as per Council approval. A Selection Panel was also appointed as per Council's approval.

The Service Provider compiled a longlist whereafter the Selection Panel proceeded with the shortlisting process on 04 February 2022.

One (1) of the two (2) shortlisted candidates withdrew from the process therefor the request to re-advertise as there is no way to measure the remaining candidate.

**SPECIAL COUNCIL: 2022-02-16: ITEM 8.11.4**

**RESOLVED** (majority vote)

- (a) that as recommended by Council approves the re-advertisement in order to continue recruitment and selection process of the Director Infrastructure Services; within the budgetary framework;
- (b) that the advertisement indicates a minimum of 10 years and/or open a negotiated period for the preferred candidate;
- (c) that the current selection panel remain unchanged to ensure continuity of the process;
- (d) that the independent external consultant appointed to assist with the recruitment and selection process in line with abovementioned Regulations, Roy Steele and Associates CC, continue with the process;

- 
- (e) that should a suitably qualified candidate not be appointed during this round; the Municipal Manager be mandated to commence with the next round/s of the recruitment and selection process; and
- (f) that should the recruitment and selection process not be finalised by the end of Mr Deon Louw's, the current Director Infrastructure Services, contract of employment, an Acting Director Infrastructure Service be appointed for 3 months, within the legal framework.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Municipal Manager</i>
<b>CONTACT NUMBERS</b>	021 808 8025
<b>E-MAIL ADDRESS</b>	<u><i>municipal.manager@stellenbosch.gov.za</i></u>
<b>REPORT DATE</b>	14 February 2022

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9.	URGENT MATTERS
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NONE

10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

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The meeting adjourned at 12:00.

**CHAIRPERSON:** .....

**DATE:** .....

**Confirmed on** ..... **with**