



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2022-06-22

**THIS IS A PERMANENT DOCUMENT  
PLEASE RETAIN AS IT WILL NOT BE REDISTRIBUTED**

**MINUTES**

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

**2022-06-22 AT 10:00**

**MINUTES**  
**SPECIAL MEETING OF THE COUNCIL**  
**OF STELLENBOSCH MUNICIPALITY**  
**2022-06-22**

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>1.</b>	<b>OPENING AND WELCOME</b>	
<b>2.</b>	<b>MAYORAL ADDRESS</b>	
<b>3.</b>	<b>COMMUNICATIONS BY THE SPEAKER</b>	
<b>4.</b>	<b>COMMUNICATIONS BY THE MUNICIPAL MANAGER</b>	
<b>5.</b>	<b>DISCLOSURE OF INTERESTS</b>	
<b>6.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>	
<b>7.</b>	<b>STATUTORY MATTERS</b>	
7.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MAY 2022	6
<b>8.</b>	<b>CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]</b>	
<b>8.1</b>	<b>PROTECTION SERVICES: [PC: CLLR R BADENHORST]</b>	
	NONE	
<b>8.2</b>	<b>YOUTH, SPORTS AND CULTURE: [PC: CLLR R ADAMS]</b>	
	NONE	
<b>8.3</b>	<b>CORPORATE SERVICES: [PC: CLLR L NKAMISA]</b>	
8.3.1	SALARY AND WAGE INCREASE: IMPLEMENTATION OF SALGBC COLLECTIVE AGREEMENT: YEAR 2	8
8.3.2	RECRUITMENT AND SELECTION POLICY	10
8.3.3	REVISED OVERTIME AND STANDBY POLICY FOR STELLENBOSCH MUNICIPALITY	12
8.3.4	DRAFT EMPLOYMENT EQUITY POLICY	13
<b>8.4</b>	<b>FINANCIAL SERVICES: [PC: CLLR P JOHNSON]</b>	
8.4.1	APPROVAL OF DEBT AGREEMENT	14
<b>8.5</b>	<b>HUMAN SETTLEMENTS: [PC: CLLR J FASSER]</b>	
	NONE	
<b>8.6</b>	<b>INFRASTRUCTURE : [PC : CLLR Z DALLING (MS)]</b>	
	NONE	

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
<b>8.7</b>	<b>PARKS, OPEN SPACES AND ENVIRONMENT: [PC: CLLR J JOON]</b>	
	NONE	
<b>8.8</b>	<b>PLANNING: [PC: CLLR C VAN WYK(MS)]</b>	
	NONE	
<b>8.9</b>	<b>LOCAL ECONOMIC DEVELOPMENT AND TOURISM: [PC: CLLR R DU TOIT (MS)]</b>	
	NONE	
<b>8.10</b>	<b>RURAL MANAGEMENT: [PC: CLLR J WILLIAMS]</b>	
	NONE	
<b>8.11</b>	<b>MUNICIPAL MANAGER</b>	
8.11.1	CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2022 / 2023: (Provision of training to Small Micro Medium Enterprises (“SMME”))	16
8.11.2	CONSIDERATION OF APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2022 / 2023: (Local Tourism Organisations “LTO”)	18
8.11.3	PROPOSED URBAN REVITALISATION OF MILL SQUARE: REQUEST FOR STELLENBOSCH MUNICIPALITY TO UNDERTAKE AN INVESTIGATIVE PROCESS FOR THE REVITALISATION OF THE MILL SQUARE AND SURROUNDS	20
<b>9.</b>	<b>CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER</b>	
<b>9.1</b>	<b>MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]</b>	
9.1.1	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 2020/2021 FINANCIAL YEAR ( <b>item will be distributed under separate cover in due course</b> )	22
9.1.2	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 30% SUB-CONTRACTING REQUIREMENT NOT MET BY THE WINNING BIDDER. BSM/29/19: THE UPGRADE AND EXTENTION OF THE PNIEL WASTEWATER TREATMENT WORKS: CIVIL WORKS ( <b>item will be distributed under separate cover in due course</b> )	23
9.1.3	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE ADVERTISEMENT AND SUB-CONTRACTING REQUIREMENTS: BSM/30/19: THE UPGRADE AND EXTENTION OF THE PNIEL WASTEWATER TREATMENT WORKS ( <b>item will be distributed under separate cover in due course</b> )	25
9.1.4	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO LOCAL PRODUCTION AND CONTENT ( <b>item will be distributed under separate cover in due course</b> )	27
<b>9.2</b>	<b>REPORTS BY THE MUNICIPAL MANAGER</b>	
9.2.1	IMPLEMENTATION OF THE DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS	29
9.2.2	NOTICE: UPPER LIMITS OF TOTAL REMUNERATION PACKAGES PAYABLE TO MUNICIPAL MANAGERS AND MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGERS	31
9.2.3	ADOPTION OF REVISED SYSTEM OF DELEGATIONS	33
9.2.4	EXTENSION OF THE EXISTING APPOINTMENT OF WASTE CARRIERS FOR THE AWARDED TENDER BSM 66/20 FOR THE PROVISION OF WASTE CONTAINERS AND WASTE TRANSPORTATION SERVICES BETWEEN WASTE DISPOSAL FACILITIES FOR THE STELLENBOSCH MUNICIPALITY	35
9.2.5	PROCESS FOR OUTDOOR DINING ENCROACHMENTS: WAY FORWARD FEEDBACK	36
9.2.6	STATUS REPORT ON STELLENBOSCH MUNICIPALITY PARKING PROVISION ( <b>item will be distributed under separate cover in due course</b> )	38

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
10.	<b>CONSIDERATION OF NOTICES OF QUESTIONS AND MOTIONS RECEIVED BY THE SPEAKER</b>	
	NONE	
11.	<b>REPORTS SUBMITTED BY THE SPEAKER</b>	
12.	<b>REPORTS SUBMITTED BY THE EXECUTIVE MAYOR</b>	
13.	<b>MATTERS TO BE CONSIDERED IN-COMMITTEE</b>	
	NONE	

**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	NM Mkhontwana (Ms)
PR Crawley (Ms)	RS Nalumango [Ms]
A Crombie (Ms)	ZR Ndalasi
ZJ Dalling (Ms)	CD Noble
MM Danana	L Nkamisa
I De Taillerfer (Ms)	M Nkopane [Ms]
R Du Toit (Ms)	N Ntsunguzi (Ms)
A Ferns (Ms)	N Olayi
E Groenewald (Ms)	WC Petersen [Ms]
AJ Hanekom	RO Pheiffer
RB Hendrikse (Ms)	WF Pietersen
P Johnson	MG Rataza
J Joon	A Tomose [Ms]
O Jooste	RB Van Rooyen
X Kalipa	CA Van Wyk
N Mananga-Gugushe (Ms)	E Vermeulen
C Manuel	J Williams
EP Masimini	

\*\*\*\*\*

**OFFICIALS**

Acting Municipal Manager (A Barnes)  
Chief Financial Officer (K Carolus)  
Director: Community and Protection Services (G Boshoff)  
Director: Corporate Services (Ms A De Beer)  
Director: Infrastructure (D Louw)  
Chief Audit Executive (F Hoosain)  
Senior Administration Officer (Ms T Samuels)

\*\*\*\*\*

1.	<b>OPENING AND WELCOME</b>
----	----------------------------

The Speaker welcomed all present at the Special Council meeting.

2.	<b>MAYORAL ADDRESS</b>
----	------------------------

*“Speaker;*

*Deputy Mayor;*

*Chief Whip of the Ruling Party;*

*Members of the Mayoral Committee;*

*Councillors;*

*Municipal Manager and Senior Management;*

*Ward Committee Members;*

*Members of the public;*

*Members of the media present;*

*All protocol observed*

**Good morning, Goeiemore, Molweni, Assalamu alaikum;**

#### **Opening**

- Speaker, it feels like just last week we had our council meeting where we approved the budget, but in fact it's been almost a month and we've achieved a lot.
- **I want to start this morning with a quote from Rumi who said “Raise your words, not your voice. It's rain that grows flowers, not thunder”**
- We are exceptionally grateful that our raining season finally started;
- This was also crucial following the devastating fires where many people have lost so much;
- While we had localized flooding and significant amounts of rain I wish to remind our residents that our dam levels are still 7% behind capacity this time last year;
- Please continue to use water sparingly and not waste this invaluable resource.

#### **FireKilla**

- With winter now in full swing, we've also entered a period where a lot of residents make use of fires for cooking and heating purposes;
- In order to try and prevent any possible disasters I joined our Fire Department in Klapmuts to hand out our amazing FireKilla devices;
- These have been distributed throughout the Municipality to assist our communities who need them the most;
- This is an ongoing initiative and we will continue to assist our communities to make them safer.
- This handheld device is incredibly effective at extinguishing fires, particularly structural fires, very quickly and can also be refilled and reused.

**Sport**

- On Saturday 18 June, we were all on the edges of our seats in the final United Rugby Championship clash between the Stormers and the Blue Bulls;
- It gives me great pleasure to congratulate the Stormers on their well-deserved win;
- I was cheering non-stop;
- My senuwees was aan flarde, maar danksy daai pragtige skepskop van Manie Lubbok in die laaste paar minute het ek geweet die beker kom Kaap toe;
- Last week we also opened the brand-new Netball court in Groendal, Franschhoek;
- I would also like to thank the Provincial Ministry for their assistance in making this a reality.
- Ons moedig die gemeenskap aan om ten volle eienaarskap te neem van die nuwe fasiliteit en dit op te pas.

**Load shedding**

- This week we again feel the devastating effects of load shedding;
- I am happy to report that we are sticking to our deadlines set with the installation of the Solar Panels on Municipal buildings;
- On 6 June I had the privilege of switching on the first set of panels;
- While this is a small drop in the bucket, we are well on our way to deliver on our promise.

**Longlands Development**

- Speaker, yesterday I visited the Longlands development to do an oversight on the progress;
- I met with the residents who shared amazing stories with me on the history of Longlands and their excitement that after more than 25 years they will finally move into new beautiful houses;
- This was a very important project for me and I promised the community that we will deliver and I am happy to report that the first handover of houses will take place in September this year.

**Kewer**

- Speaker, die Eikestad staar 'n groot gevaar in die gesig vir ons pragtige bome;
- Op ons Facebook blad het ons onlangs inligting asook 'n video gedeel wat meer inligting aan ons inwoners deurgee oor die stomkopkewer;
- Ek doen 'n versoek op ons gemeenskappe om ons asseblief dadelik in kennis te stel as hulle enige van die kenmerke van 'n geïnfecteerde boom identifiseer;
- Die enigste manier hoe ons ons bome gaan kan beskerm is as ons die probleem saam aanpak.

**TPAMS**

- On 1 July we will launch our new TPAMS platform;
- TPAMS – Town Planning Application Management System;
- This will also offer the person submitting his/her application the opportunity to monitor and track the process on a continuous basis;
- This is an amazing tool and I encourage residents to use and test the system and let us know if you have any feedback.

**Youth**

- Our children are our greatest treasure. They are our future;
- On 16 June our country celebrated youth day;
- Speaker, as representatives for Stellenbosch we should encourage and guide our youth to ensure their future in our beautiful Municipality.
- Since 2015, the Mayoral Youth Skills Development Programme has funded nearly 380 accredited training opportunities for young people of the Stellenbosch Municipal area.
- Our Community Development Department together with various partners also hosted a successful Youth Day Workshop in the Town Hall on 16 June, where more than 150 young people from our region were reached.

**Performance**

- Directly after council we will have our Performance Signing Ceremony;
- This is a very important event as it is the contract that lays the foundation for our administration and political colleagues to at all times ensure that our residents receive the best possible service delivery they are paying for.

**CLOSING**

- Speaker, in closing I want to remind everyone that council will be in recess until 15 July 2022;
- At the same time, schools will also close on Friday for the July break;
- If you are traveling, please be safe;
- Enjoy the well-deserved break with your family and friends;
- Once we are back, we will celebrate Mandela Day on 18 July;
- Please keep an eye on our Social Media pages for special events that will take place.
- **Ann Lamott once said that “Almost everything will work again if you unplug it for a few minutes, including you”**
- Make sure that you look after your health and well-being. If needed, take that well-deserved break;
- This will in turn enable you to perform at your best.
- Baie dankie, Thank you very much, Enkosi kakhulu.”

<b>3.</b>	<b>COMMUNICATION BY THE SPEAKER</b>
-----------	-------------------------------------

- Item 9.2.6 on the Agenda is withdrawn.
- There will be a Special Council [In-Committee] meeting after this Open Council meeting.
- Council recess is from 22 June 2022 until Monday, 18 July 2022, Councillors will be back in office on 19 July 2022.
- The Municipal Manager, Ms G Mettler will be undergoing a small operation and Director A Barnes will be Acting Municipal Manager in the absence of the Municipal Manager.
- The Speaker wished all Councillors who celebrated and will be celebrating their birthdays during the months of June and July.



---

<b>4.</b>	<b>COMMUNICATION BY THE ACTING MUNICIPAL MANAGER</b>
-----------	--

NONE

<b>5.</b>	<b>DISCLOSURE OF INTERESTS</b>
-----------	--------------------------------

NONE

<b>6.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>
-----------	--

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

Cllr FJ Badenhorst – 22 June 2022  
Cllr JP Serdyn (Ms) – 22 June 2022  
Cllr M van Stade – 22 June 2022  
Ms G Mettler (MM) – 22 June 2022

7	<b>STATUTORY MATTERS</b>
---	--------------------------

7.1	<b>MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MAY 2022</b>
-----	---

Collaborator No: 730950  
 IDP KPA Ref No: Good Governance  
 Meeting Date: Mayco: 08 June 2022 & Special Council: 22 June 2022

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

**SPECIAL COUNCIL MEETING: 2022-06-22: ITEM 7.1**

**NOTED**

the deviations as listed for the month of May 2022, with the reasons as indicated below:

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 11/22	30 May 22	CJ Distribution	Employee vaccinations	Exceptional case and it is impractical or impossible to follow the official procurement processes.	The municipality must on an annual basis vaccinate staff working with biochemical and hazardous substances. Previously the service providers were appointed through a Formal Quotation process (FQ) but given the estimated cost it was recommended that a tender be issued. The tender process was unsuccessful as there were no responsive service providers: The services providers were non-	R 301 320,24 (VAT Incl)

					<p>responsive for one or more of the following reasons:</p> <ul style="list-style-type: none"> <li>- Service providers do not have the capacity to cater for more than 300 employees that needs to be vaccinated</li> <li>- Services providers are not registered on the National Database or do not want to register</li> <li>- Service providers are not tax compliant</li> </ul> <p>SCM also attempted to appoint a service provider through other mechanism but was unsuccessful.</p> <p>It is impractical to follow the normal procurement processes as it yields no responsive (compliant) service providers to provide the service for the above reasons.</p> <p>To ensure legislative compliance, Stellenbosch Municipality in consultation with the Senior Manager: SCM, Director Corporate Services and Director Infrastructure Services, has embarked on a process of obtaining quotations from pharmaceutical companies and wish to procure the required vaccines directly from it.</p> <p>These vaccines will then be given to the affected staff members by a registered health practitioner (professional nurse). The municipality intends to appoint the health practitioners on a fixed term contract.</p>	
--	--	--	--	--	---	--

**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>02 June 2022</b>

8.	<b>CONSIDERATION OF URGENT ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]</b>
----	--

8.1	<b>PROTECTION SERVICES: (PC: CLLR R BADENHORST)</b>
-----	---

NONE

8.2	<b>YOUTH, SPORTS AND CULTURE: [PC: CLLR R ADAMS]</b>
-----	--

NONE

8.3	<b>CORPORATE SERVICES: (PC: CLLR L NKAMISA)</b>
-----	---

8.3.1	<b>SALARY AND WAGE INCREASE: IMPLEMENTATION OF SALGBC COLLECTIVE AGREEMENT: YEAR 2</b>
-------	--

**Collaborator No:**

**IDP KPA Ref No:**

Good Governance

**Meeting Date:**

Mayco: 08 June 2022 & Special Council: 22 June 2022

**1. SUBJECT: SALARY AND WAGE INCREASE: IMPLEMENTATION OF SALGBC COLLECTIVE AGREEMENT: YEAR 2**

**2. PURPOSE**

To inform Council in regard to the Salary and Wage increase for Employees (excluding the Municipal Manager and Section 56 Managers) as per the SALGBC Collective agreement 2021 – 2024 – year 2.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

SALGA, SAMWU and IMATU entered into a Salary and Wage Agreement for the period 1 July 2021 until 30 June 2024 during the bargaining process on 16 September 2021. A copy of the agreement is attached as **APPENDIX 1**. In terms of clauses 6.4 and 6.5 of the agreement the increase for the 2022/23 financial year will be the projected CPI average for 2022. The forecast by the Reserve Bank in January 2022 will be used for this projection.

SALGA send the Municipality a circular 09 of 2021/2022 in March 2022 (attached as **APPENDIX 2**) in which municipalities are informed that the following increases shall apply from 1 July 2022. Salary 4.9% and the minimum wage will be R9 043.21. The flat rate for Homeowner's Allowance will be R1 011.77 and the maximum employer contribution to medical aid will increase to R5 007.00. All benefits linked to salary will

increase by 4,9%. The South African Bargaining Council (SALGBC) also send a circular to the parties (01/2022) attached as **APPENDIX 3** setting out the increase for year 2 of the Salary and Wage Collective Agreement as well as the Reserve bank predictions.

Where municipalities were not able to afford the increase SALGA should be notified by 31 May 2022. There was provision made for this increase in the budget approved by Council on 25 May 2022. Employees who are not at the maximum of their salary scale are entitled to a notch increase over and above the cost-of-living increase which amounts to around a further 2,5% increase in the salary. The Municipal Manager and S56 Managers are excluded from this agreement and therefore will not be receiving an increase from 1 July 2022.

### SPECIAL COUNCIL MEETING: 2022-06-22: ITEM 8.3.1

#### NOTED

- (a) the circular from the SALGBC dated 9 March 2022; and
- (b) that the increase has been provided for in the approved budget for 2022/23.

#### FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	<i>Annalene De Beer</i>
<b>POSITION</b>	<i>Director Corporate Services</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	<i>021 – 808 8018</i>
<b>E-MAIL ADDRESS</b>	<i><a href="mailto:Annalene.Debeer@ Stellenbosch.gov.za">Annalene.Debeer@ Stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>31 May 2022</i>

<b>8.3.2</b>	<b>RECRUITMENT AND SELECTION POLICY</b>
--------------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

Mayco: 08 June 2022 & Special Council: 22 June 2022

**1. SUBJECT: RECRUITMENT AND SELECTION POLICY**

**2. PURPOSE**

To inform Council of the revision of the Recruitment and Selection Policy also to be in line with the new Staff Regulations that is applicable from 1 July 2022 and to recommend the approval of the consulted Recruitment and Selection Policy for approval.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

COGTA, during 2021, promulgated new Staffing Regulations which must be implemented from 1<sup>st</sup> July 2022. In terms of these regulations many of the recruitment process provisions changed and had to be incorporated into our Recruitment and Selection Policy to ensure that the Municipality becomes compliant and implement the provisions as from 1<sup>st</sup> July 2022.

The Municipality started with the revision of the Recruitment and Selection Policy in 2020. The draft revised policy was submitted to the LLF for consultation. When the process was almost completed the new Staff Regulations was promulgated and the policy had to be revised even further.

The attached Recruitment and Selection Policy for Stellenbosch Municipality (**APPENDIX 1**) has been consulted with the Labour Unions, SAMWU and IMATU.

The parties have reached consensus on most of the provisions of the policy. The policy has to serve before Council for approval before 1 July 2022 to ensure that we can implement it from 1 July 2022 and therefore the Sub-committee of the LLF had no time to resubmit the policy to the LLF for recommendations to Mayco and Council. The parties in the Sub-committee agreed that the Employer will provide the Unions a last opportunity for inputs on/before 17 June 2022.

The policy document however represents the Municipality's position and complies with the newly published Staff Regulations and therefore it is recommended that the policy be approved.

Should changes be needed due to Union inputs these will be submitted to the Council meeting for final approval.

NO further input was received from the Unions.

**SPECIAL COUNCIL MEETING: 2022-06-22: ITEM 8.3.2****RESOLVED** (nem con)

- (a) that Council notes the consultation process for this policy since 2020 within the LLF has now been concluded;
- (b) that Council notes that unions have made no further inputs on/before 17 June 2022;
- (c) that it be noted that no further changes was made as no union inputs was submitted; and
- (d) that Council approves the revised Recruitment and Selection policy (2022) for implementation from 1 July 2022.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Annalene de Beer
<b>POSITION</b>	Director Corporate Services
<b>DIRECTORATE</b>	Corporate Services
<b>CONTACT NUMBERS</b>	021-808 8018
<b>E-MAIL ADDRESS</b>	Annalene.deBeer@stellenbosch.gov.za
<b>REPORT DATE</b>	1 June 2022

8.3.3	<b>REVISED OVERTIME AND STANDBY POLICY FOR STELLENBOSCH MUNICIPALITY</b>
-------	--

**Collaborator No:**

**IDP KPA Ref No:** Good Governance

**Meeting Date:** Mayco: 08 June 2022 & Special Council: 22 June 2022

**1. SUBJECT: REVISED OVERTIME AND STANDBY POLICY FOR STELLENBOSCH MUNICIPALITY**

**2. PURPOSE**

To request Council's approval of the consulted Revised Overtime and Standby Policy.

**3. DELEGATED AUTHORITY**

The delegated authority for approval of this policy is Council.

**4. EXECUTIVE SUMMARY**

The Revised Overtime and Standby Policy is intended to guide management on the principles that apply in the instance of work performed by Employees. The policy is furthermore aimed at regulating and maintaining cost effectiveness for the Stellenbosch Municipality particularly considering the fact that the payment of overtime although operationally required, is more expensive than actually performing the work during office hours.

During 2018 the previous policy was revised and replaced with a new policy that respectively served before Mayco and Council on 09 and 28 November 2018. Clause 5 of the existing 2018 Overtime Policy requires for the policy to be revised bi-annually.

The Overtime Policy was not reviewed as there was no need for same at the time. Due to the new earnings threshold and the Municipality's decision to further restrict overtime, the policy was referred to the Human Resources Development Sub-Committee and was discussed at the meetings of 30 August 2021. The final Revised Overtime and Standby policy was discussed at the LLF on 25 April 2022 where agreement was reached to support the policy and recommend it to Mayco and Council for approval.

**SPECIAL COUNCIL MEETING: 2022-06-22: ITEM 8.3.3**

**RESOLVED** (nem con)

- (a) that Council notes the consultation process followed in the LLF with the trade unions over the period 30 August 2021 to 25 April 2022; and
- (b) that the Revised Overtime and Standby Policy (2022) be approved by Council.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Annalene De Beer</i>
<b>POSITION</b>	<i>Director Corporate Services</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>31 May 2022</i>



<b>8.3.4</b>	<b>SUBMISSION OF THE DRAFT EMPLOYMENT EQUITY POLICY</b>
--------------	---

**Collaborator No:**

**IDP KPA Ref No:** Good Governance

**Meeting Date:** Mayco: 08 June 2022 & Special Council: 22 June 2022

**1. SUBJECT: SUBMISSION OF THE DRAFT EMPLOYMENT EQUITY POLICY**

**2. PURPOSE**

To obtain Council's approval for the adoption of the draft Employment Equity Policy for consultation with the Unions.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Council does not have an approved Employment Equity policy but there was an Employment Equity Plan which was approved and effective for a five-year term from 2013 to 2018.

Normally in the last year (2018) a revision should have been undertaken and the Plan and Policy would be amended, revised or changed. Due to the re-organisation of the municipality during 2017 Council established and adopted a new structure which was populated with current staff since early 2018. Since the new structure almost doubled the staff structure in size an annual plan was developed and reported on. This was done in consultation with the Unions and the Department of Labour. The population of the organogram was only completed in early 2021. We identified the need for the development of an Employment Equity Policy and the development of a new five-year plan is a legislative requirement.

The attached policy (**APPENDIX 1**) has not been consulted with the Unions yet and is submitted to Council to approve the draft for consultation with the Unions. The Plan will be drafted and consulted simultaneously with the consultation of the policy and submitted for approval after conclusion of the consultation process. The policy has been drafted with due consideration of the provisions of the Employment Equity Act and the Plan will be aligned to reflect the current organogram figures and filled positions as well as setting targets to attain said targets within the 5-year period framework.

Unions.

**SPECIAL COUNCIL MEETING: 2022-06-22: ITEM 8.3.4**

**RESOLVED** (nem con)

that Council approves the draft Employment Equity Policy for consultation with the Unions.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Annalene de Beer
<b>POSITION</b>	Director Corporate Services
<b>DIRECTORATE</b>	Corporate Services
<b>CONTACT NUMBERS</b>	021-808 8018
<b>E-MAIL ADDRESS</b>	Annalene.deBeer@stellenbosch.gov.za
<b>REPORT DATE</b>	01 June 2022

8.4	FINANCIAL SERVICES: (PC: CLLR P JOHNSON)
8.4.1	APPROVAL OF DEBT AGREEMENT

**Collaborator No:** 730948  
**IDP KPA Ref No:** Good Governance  
**Meeting Date:** Mayco: 08 June 2022 & Special Council: 22 June 2022

**1. SUBJECT: APPROVAL OF DEBT AGREEMENT**

**2. PURPOSE**

To obtain Council's approval for the raising of an external loan in terms of Section 46 (2) of the Municipal Finance Management Act (Act No 56 of 2003).

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

During March 2022 an advertisement was placed inviting interested parties to make submissions regarding the financing of the proposed loan of R144 million. Submissions were received from 6 authorised financial institutions:

- (a) Development Bank of Southern Africa (DBSA);
- (b) ABSA Bank;
- (c) Nedbank;
- (d) Standard Bank
- (e) First National Bank (FNB); and
- (f) INCA

After due process, in terms of the municipality's approved Supply Chain Policy, the offer of *Standard Bank for the term of 10 years*, was adjudicated by the Bid Adjudication Committee and approved by the Municipal Manager as being the most favorable for Council.

**SPECIAL COUNCIL MEETING: 2022-06-22: ITEM 8.4.1**

**RESOLVED** (nem con)

- (a) that Council approves the debt agreement as stipulated in **APPENDIX 1**; and
- (b) that the Municipal Manager be mandated to enter into a loan agreement with Standard Bank.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Monique Steyl
<b>POSITION</b>	Senior Manager: Financial Management Services
<b>DIRECTORATE</b>	Financial Services
<b>CONTACT NUMBERS</b>	021 808 8512
<b>E-MAIL ADDRESS</b>	Monique.Steyl@ Stellenbosch.gov.za
<b>REPORT DATE</b>	02 June 2022

---

8.5	<b>HUMAN SETTLEMENTS: (PC: CLLR J FASSER)</b>
-----	---

NONE

8.6	<b>INFRASTRUCTURE SERVICES : (PC : CLLR Z DALLING (MS))</b>
-----	---

NONE

8.7	<b>PARKS, OPEN SPACES AND ENVIRONMENT: (PC: J JOON)</b>
-----	---

NONE

8.8	<b>PLANNING :(PC: CLLR C VAN WYK (MS)</b>
-----	---

NONE

8.9	<b>LOCAL ECONOMIC DEVELOPMENT AND TOURISM:(PC: CLLR R DE TOIT (MS)</b>
-----	--

NONE

8.10	<b>RURAL MANAGEMENT: (PC: CLLR J WILLIAMS)</b>
------	--

NONE

8.11	<b>MUNICIPAL MANAGER</b>
------	--------------------------

8.11.1	<b>CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2022 / 2023: (Provision of training to Small Micro Medium Enterprises (“SMME”))</b>
--------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date: Grants: 2022-06-06 & Mayco: 2022-06-08 & Special Council: 22 June 2022

1. **SUBJECT: CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2022 / 2023: (Provision of training to Small Micro Medium Enterprises (“SMME”))**

2. **PURPOSE OF MEETING**

To discuss and consider the funding applications for the 2022 / 2023 financial year received from external bodies performing a Municipal function as provided by the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000.

3. **DELEGATED AUTHORITY**

Council

4. **EXECUTIVE SUMMARY**

In terms of Section 7(2) of the Policy relating to External Bodies Performing a Municipal Function of which budget allocation are delegated to the Grants Committee to make recommendations to Council, as approved by Council.

The notices of the applications for the funding of bodies performing a municipal function were advertised in the Eikestadnuus and the Paarl Post, dated 21 April 2022, attached as **APPENDIX 1** of which the closing date to submit such applications was at 12:00 midday on 13 May 2022.

The following bodies submitted applications by the closing date for funding to perform the SMME Training function for Council for the 2022 / 2023 financial year:

<b>Applicant</b>	<b>2022 / 2023 Funding Requested in Rand Value</b>
Stellenbosch Network	235 000.00
Ranyaka	253 000.00
<b>Total Funding Requested</b>	<b>488 000.00</b>

With due regard for the importance of the Development and Training of Small Micro and Medium Enterprises (“SMME’s) to the South African economy it is necessary to give thought to Municipal funding against the desired outcomes, the capabilities and capacity of the funded entities to deliver quantifiable outcomes and practice safe stewardship of the funds granted.

**SPECIAL COUNCIL MEETING: 2022-06-22: ITEM 8.11.1****RESOLVED** (nem con)

- (a) that the amount of R235 000.00 be allocated to Stellenbosch Network for the 2022 / 2023 financial year; and
- (b) that the amount of R253 000.00 be allocated to Ranyaka Community Transformation NPC for the 2022 / 2023 financial year.

**FOR FURTHER DETAILS, CONTACT:**

<b>NAME</b>	Lesley van Gensen
<b>POSITION</b>	Manager: Economic Development and Tourism
<b>DIRECTORATE</b>	PLANNING AND ECONOMIC DEVELOPMENT
<b>CONTACT NUMBERS</b>	021 808 8179
<b>E-MAIL ADDRESS</b>	<a href="mailto:Lesley.vangensen@stellenbosch.gov.za">Lesley.vangensen@stellenbosch.gov.za</a>
<b>REPORT DATE</b>	17 May 2022

8.11.2	<b>CONSIDERATION OF APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2022 / 2023: (Local Tourism Organisations "LTO")</b>
--------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date: Grants: 2022-06-06 & Mayco: 2022-06-08 & Special Council: 22 June 2022

1. **SUBJECT: CONSIDERATION OF APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2022 / 2023: (Local Tourism Organisations "LTO")**

2. **PURPOSE OF MEETING**

To discuss and consider the funding applications for the 2022 / 2023 financial year received from external bodies performing a municipal function as provided by the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000.

3. **DELEGATED AUTHORITY**

Council

4. **EXECUTIVE SUMMARY**

In terms of Section 7(2) of the Policy relating to External Bodies Performing a Municipal Function of which budget allocation are delegated to the Grants Committee to make recommendations to Council.

The notices of the applications for the funding of bodies performing a municipal function was advertised in the Eikestadnuus and the Paarl Post dated 21 April 2022, attached as **APPENDIX 1** of which the closing date to submit such applications was at 12:00 midday on 13 May 2022.

The following bodies submitted applications by the closing date for funding to perform the Tourism function for Council for the 2022 / 2023 financial year:

<b>Applicant</b>	<b>2022 / 2023 Funding Requested in Rand Value</b>
Franschhoek Wine Valley Tourism Association NPC	R2 424 149.00
Visit Stellenbosch NPC	R4 808 000.00
<b>Total Funding Requested</b>	<b>R7 232 149.00</b>

With due regard for the importance of Tourism to the South African economy it is necessary to give thought to municipal funding against the desired outcomes, the capabilities and capacity of the funded entities to deliver quantifiable outcomes and practice safe stewardship of the funds granted.

In the light of the above and the reasons submitted in this report the following is recommended to the Grants Committee for endorsement to Council for decision.

**SPECIAL COUNCIL MEETING: 2022-06-22: ITEM 8.11.2****RESOLVED** (nem con)

- (a) that the amount of R1 940 918.00 be allocated to Franschhoek Wine Valley Tourism Association NPC for the 2022 / 2023 financial year; and
- (b) that the amount of R3 775 000.00 be allocated to Visit Stellenbosch NPC for the 2022 / 2023 financial year.

**FOR FURTHER DETAILS, CONTACT:**

<b>NAME</b>	Lesley van Gensen
<b>POSITION</b>	Manager: Economic Development and Tourism
<b>DIRECTORATE</b>	PLANNING AND ECONOMIC DEVELOPMENT
<b>CONTACT NUMBERS</b>	021 808 8179
<b>E-MAIL ADDRESS</b>	<a href="mailto:Lesley.vanGensen@stellenbosch.gov.za">Lesley.vanGensen@stellenbosch.gov.za</a>
<b>REPORT DATE</b>	31 May 2022

8.11.3	<b>PROPOSED URBAN REVITALISATION OF MILL SQUARE: REQUEST FOR STELLENBOSCH MUNICIPALITY TO UNDERTAKE AN INVESTIGATIVE PROCESS FOR THE REVITALISATION OF THE MILL SQUARE AND SURROUNDS</b>
--------	--

**Collaborator No:**

**IDP KPA Ref No:** Valley of Opportunities

**Meeting Date:** Mayco: 2022-06-08 & Special Council: 2022-06-22

**1. SUBJECT: PROPOSED URBAN REVITALISATION OF MILL SQUARE: REQUEST FOR STELLENBOSCH MUNICIPALITY TO UNDERTAKE AN INVESTIGATIVE PROCESS FOR THE REVITALISATION OF THE MILL SQUARE AND SURROUNDS**

**2. PURPOSE**

To request approval to permit Shoprite Checkers Pty Ltd to undertake an investigative process for the urban revitalization of the Mill Square, at the full cost of Shoprite Checkers.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Shoprite Checkers has submitted a request to the Executive Mayor and the Municipal Manager to undertake an investigative process for the possible urban revitalization of Mill Square. The entire process and possible implementation of such initiatives will be for the cost of Shoprite Checkers. The purpose for this investigation is as a result of Shoprite Checkers owing the property known as Erf 6460, Stellenbosch. It should be noted that Shoprite Checkers has been a landowner and business operator in Stellenbosch since 1963.

The current Shoprite Checkers property is in close proximity to the Mill Square in Mill Street, as well as in close proximity to other historic buildings and sites, i.e. Die Braak and the Rhenish Church. Since the property owned by Shoprite Checkers accommodated the former Nieuwe Molen, Shoprite Checkers identified the Mill Square as a heritage resource and therefore this request to invest in the public project that will further enhance the rich history of the Stellenbosch town.

**SPECIAL COUNCIL MEETING: 2022-06-22: ITEM 8.11.3**

**RESOLVED** (nem con)

- (a) that Council supports the initiative and request from Shoprite Checkers to undertake an investigative process for the urban revitalization of Mill Square, see copy of letter from Shoprite Checkers attached as **APPENDIX 1** to this report;
- (b) that Council notes that all work in terms of the investigative process will be at the cost of Shoprite Checkers;



- (c) that Council notes that the study area for such urban revitalization is contained within the study area as depicted within the draft Rhenish Complex & Surroundings Stellenbosch: Unlocking its Potential Report as drafted by Piet Louw on behalf of Council; and
- (d) that the final investigation report be resubmitted to Council for approval after the public participation process have been completed.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Craig Alexander
<b>POSITION</b>	Senior Manager: Development Planning
<b>DIRECTORATE</b>	Planning and Economic Development
<b>CONTACT NUMBERS</b>	021 808 8196
<b>E-MAIL ADDRESS</b>	Craig.alexander@stellenbosch.gov.za
<b>REPORT DATE</b>	06 June 2022

9.	<b>CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER</b>
9.1	<b>MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]</b>
9.1.1	<b>CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 2020/2021 FINANCIAL YEAR</b>

**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance**

**17 June 2022 & 22 June 2022**

**1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 2020/2021 FINANCIAL YEAR**

**2. PURPOSE OF REPORT**

To provide information regarding the irregular expenditure incurred in the 2020/2021 financial year and, to be recommended to and considered by Council to certify the expenditure as irrecoverable and to be written off by Council in terms of Section 32 of the MFMA.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Section 32(2)(b) of the Municipal Finance Management, 2003 (Act 56 of 2003) (MFMA) require a municipality to recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure, in the case of irregular or fruitless and wasteful expenditure, is after investigation by a council committee, certified by the council as irrecoverable and written off by the council.

Expenditure was identified in the 2020/2021 financial year by the Auditor-General which was non-compliant with Council approved policies and the Municipal Financial Management Act. All known instances of non-compliance with legislation, which the Municipality is aware of and whose effects should be considered have been recorded.

**SPECIAL COUNCIL MEETING: 2022-06-22: ITEM 9.1.1**

**RESOLVED** (nem con)

- (a) that Council notes the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R R6 062 969.96 (including VAT) as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

<b>9.1.2</b>	<b>CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 30% SUB-CONTRACTING REQUIREMENT NOT MET BY THE WINNING BIDDER. BSM/29/19: THE UPGRADE AND EXTENTION OF THE PNIEL WASTEWATER TREATMENT WORKS: CIVIL WORKS</b>
--------------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

17 June 2022 &amp; 22 June 2022

**1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 30% SUB-CONTRACTING REQUIREMENT NOT MET BY THE WINNING BIDDER. BSM/29/19: THE UPGRADE AND EXTENTION OF THE PNIEL WASTEWATER TREATMENT WORKS: CIVIL WORKS**

**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 certify the expenditure as irrecoverable and to be written off by Council in terms of Section 32(2) of the MFMA.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

BSM 29/19 was awarded to CSV MAZARIN JV on 16 August 2019 for R61 871 693.00. The expenditure with regard to the adjudication of BSM 29/19 for the Upgrade and Extension of the Pniel Wastewater Treatment Works amounts to R52 628 768.61 for the period since inception until 31 May 2022.

The Auditor-General in its final audit conclusion agreed that the municipality were not Materially Non-Complaint and that the municipality should in future clearly state whether it is applying SCM Regulation 4 (Pre-qualification) or SCM Regulation 9 (Sub-contracting) and that the irregular expenditure relating to the 2019/2020 financial year, is not considered to be material in aggregate, but that the municipality must disclose the irregular expenditure for 2020/2021 and going forward.

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

<b>Tender</b>	<b>Total Award</b>	<b>Expenditure previously certified as Irrecoverable by MPAC</b>	<b>Subsequent to Council resolution</b>
BSM 29/19	R61 871 693	R26 856 264.80	R25 772 503.81

**SPECIAL COUNCIL MEETING: 2022-06-22: ITEM 9.1.2****RESOLVED** (nem con)

- (a) that Council notes the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R25 772 503.81 (including VAT) to CSV MAZARIN JV as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Kevin Carolus
<b>POSITION</b>	<i>Chief Financial Officer</i>
<b>DIRECTORATE</b>	<i>Financial Services</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8528</i>
<b>E-MAIL ADDRESS</b>	Kevin.Carolus@stellenbosch.gov.za
<b>REPORT DATE</b>	<i>13 June 2021</i>

<b>9.1.3</b>	<b>CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE ADVERTISEMENT AND SUB-CONTRACTING REQUIREMENTS: BSM/30/19: THE UPGRADE AND EXTENTION OF THE PNIEL WASTEWATER TREATMENT WORKS</b>
--------------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

17 June 2022 &amp; 22 June 2022

**1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE ADVERTISEMENT AND SUB-CONTRACTING REQUIREMENTS: BSM/30/19: THE UPGRADE AND EXTENTION OF THE PNIEL WASTEWATER TREATMENT WORKS**

**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 certify the expenditure as irrecoverable and to be written off by Council in terms of Section 32(2) of the MFMA.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

BSM 30/19 was awarded to INENZO WATER (PTY) LTD on the 27<sup>th</sup> of September 2019 for the amount of R 63 909 796.00 including VAT. The total expenditure incurred since inception of contract inclusive of VAT is R53 705 109.58. The expenditure with regard to the adjudication of BSM 30/19 for the Upgrade ad Extension of the Pniel Wastewater Treatment Works amounts to R53 705 109.58 for the period since inception until 31 May 2021.

Important to note is that the Auditor-General in its final audit conclusion agreed that the municipality were not Materially Non Complaint and that the municipality must in future clearly state whether it is applying SCM Regulation 4 (Pre-qualification) or SCM Regulation 9 (Sub-contracting) and that the irregular expenditure relating to the 2019/2020 financial year, is not considered to be material in aggregate, but that the municipality must disclose the irregular expenditure for 2020/2021 and going forward.

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

<b>Tender</b>	<b>Total Award</b>	<b>Expenditure previously certified as Irrecoverable by MPAC</b>	<b>Subsequent to Council resolution</b>
BSM 30/19	R63 909 796	R9 135 130	R44 569 979.58

---

**SPECIAL COUNCIL MEETING: 2022-06-22: ITEM 9.1.3****RESOLVED** (nem con)

- (a) that Council notes the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R44 569 979.58 (including VAT) to Inenzo Water (Pty) Ltd as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Kevin Carolus
<b>POSITION</b>	<b>Chief Financial Officer</b>
<b>DIRECTORATE</b>	<b>Financial Services</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8528</b>
<b>E-MAIL ADDRESS</b>	Kevin.Carolus@stellenbosch.gov.za
<b>REPORT DATE</b>	<b>13 June 2022</b>

9.1.4	<b>CONSIDERATION OF EXPENDITURE INCURRED RELATING TO LOCAL PRODUCTION AND CONTENT</b>
-------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

17 June 2022 & 22 June 2022

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

**2. PURPOSE OF REPORT**

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

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

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

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

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

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

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

**SPECIAL COUNCIL MEETING: 2022-06-22: ITEM 9.1.4****RESOLVED** (nem con)

- (a) that Council notes the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R1 132 551.60 (including VAT) as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Kevin Carolus
<b>POSITION</b>	<b>Chief Financial Officer</b>
<b>DIRECTORATE</b>	<b>Financial Services</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8528</b>
<b>E-MAIL ADDRESS</b>	Kevin.Carolus@stellenbosch.gov.za
<b>REPORT DATE</b>	<b>13 June 2022</b>



9.2	<b>REPORTS BY THE MUNICIPAL MANAGER</b>
9.2.1	<b>IMPLEMENTATION OF THE DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS</b>

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

Special Council: 22 June 2022

**1. SUBJECT: IMPLEMENTATION OF THE DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS**

**2. PURPOSE OF REPORT**

To inform Council of the provisions of Notice 46470 dated 2 June 2022 published in Government Gazette 2126 dated 2 June 2022 in regard to the determination of the upper limits of salaries allowances and benefits for different members of Municipal Councils and to request Council to resolve on the implementation of the provisions.

**3. DELEGATED AUTHORITY**

The notice is published annually in terms of the Remuneration of Public Office Bearers Act, Act 20 of 1998. The notice requires full council to resolve on the implementation of the provisions in the Upper Limits Notice.

**4. EXECUTIVE SUMMARY**

The Minister of Local Government annually publishes a notice that provides for the upper limits of salaries, allowances and benefits of different members of Municipal Councils. The notice that provides for the period 1 July 2021 to 30 June 2022 was published on 2 June 2022 and is attached hereto as **APPENDIX 1**.

The provisions indicate an upper limit increase of around 3% for full-time and part-time Councillors. The cell phone allowances in the provisions are R3 400.00 per month inclusive of mobile data. In the previous upper limits determination, the mobile data was a separate allowance of R300 per month.

Council resolved during 2017 to provide laptops to all Councillors as a tool of the trade. Agendas are now distributed electronically.

The notice requires Council to consider the provisions and by resolution of a supporting vote of the majority of its members to determine the implementation of the provisions as set out in the Notice. Stellenbosch Municipality is a category 4 (66.67) municipality as indicated in the calculations in **APPENDIX 2**. In making the decision the Municipal Council must have regard to the financial situation of the municipality and the affordability of implementing the provisions set out in the Notice. A copy of the financial implications is attached as **APPENDIX 2**. The Municipality must get the concurrence of the Member for Local Government in the Province before the Council resolution can be implemented.

The tools of the trade make provision that security may be provided to the Executive Mayor, Speaker, and other councillors subject to a threat and risk analysis by the South African Police Service. In deciding on whether to grant tools of the trade Council has to take into account accessibility, affordability and cost control, equity, flexibility, simplicity, transparency, accountability and value of tools of trade.

**SPECIAL COUNCIL MEETING: 2022-06-22: ITEM 9.2.1****RESOLVED** (nem con)

- (a) that Council notes the provisions of Notice 46470 dated 2 June 2022;
- (b) that Council approves the implementation of the Upper Limits of the annual remuneration packages of full-time and part-time councillors as set out in paragraphs 5 to 8 of Government Notice 46470 dated 2 June 2022 from 1 July 2021;
- (c) that the implementation be effected by the Administration after due process has been followed and the MEC has given his concurrence with Council's resolutions;
- (d) that Council approves a cell phone allowance of R3 400 per month to all councillors;
- (e) that Council notes that the total cost for the Municipality of all councillor salaries, allowances and reimbursement benefits will amount to R20 840 075 which expenditure is within the budgeted amount;
- (f) that it be noted that all councillors have been provided with the opportunity to receive a laptop as a tool of trade and that the tools of trade as set out in paragraph 15(1)(b), (d) be extended to councillors as indicated in the Notice as well as business cards and diaries to all councillors;
- (g) that Part-time Proportional Representation (PR) Councillors to have access to multi-digital facilities including facsimile, printer, photocopier and scanner through the office of the Speaker or Council Whip. It is noted that such facilities are available to part-time ward councillors at the ward office;
- (h) that Council considered the provision of security under the circumstances set out in item 14 (g) in the Notice, subject to a threat and risk assessment as and when required and after the elements referred to, that has to be taken into account, is available for Council consideration; and
- (i) that the written concurrence from the Minister of Local Government in the Western Cape be obtained for the payment of the above salaries, allowances and reimbursement benefits retrospectively as from 1 July 2021, before it be implemented.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Annalene de Beer
<b>POSITION</b>	<i>Director Corporate Services</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 June 2022</i>

9.2.2	<b>NOTICE: UPPER LIMITS OF TOTAL REMUNERATION PACKAGES PAYABLE TO MUNICIPAL MANAGERS AND MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGERS</b>
-------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

Special Council: 22 June 2022

1. **SUBJECT: NOTICE: UPPER LIMITS OF TOTAL REMUNERATION PACKAGES PAYABLE TO MUNICIPAL MANAGERS AND MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGERS**

2. **PURPOSE**

To inform Council of the notice providing for the Upper Limits of total remuneration packages payable to Municipal Managers and Managers directly accountable to Municipal Managers (hereafter referred to as S56 Managers) from 1 July 2020.

3. **DELEGATED AUTHORITY**

Council

4. **EXECUTIVE SUMMARY**

Council, when it comes to the remuneration aspect of the contract, appoints a Municipal Manager or a Manager reporting to the Municipal Manager based on the Upper Limit notice applicable to that financial year. The Local Government: Regulations on the Appointment and Conditions of Employment of Senior Managers dated 17 January 2014 provides in Regulation 35 that the Minister **must** annually determine the remuneration packages of the Municipal Manager and Senior Managers through the publication of a notice in the Government Gazette. Such notice is supposed to be published before 31 March every year to be applicable from 1 July of that year. The notice for the 2020/21 financial year was only published on 18 March 2022. A copy of the notice is attached as **ANNEXURE A**.

The recent notice indicates that a 0% cost of living adjustment to the upper limits applicable Municipal Manager and S56 Managers for the 2020/21 financial year.

The Municipal Manager and S56 Managers are required to always be available to assist Councillors, the Greater Stellenbosch Community, Staff, various spheres of Government, as well as Businesses, telephonically. The actual cellphone cost of the Municipal Manager and S56 Managers frequently exceeds the current cellphone allowance and they do not claim the excess expenditure from Council.

Councillors, just as the Municipal Manager and S56 Managers must also be always available therefor it is requested to bring the allowance of the Municipal Manager and S56 Managers in line with the cellphone allowance of Councillors.

**SPECIAL COUNCIL MEETING: 2022-06-22: ITEM 9.2.2****RESOLVED** (nem con)

- (a) that Council takes note of the zero percent (0%) cost of living adjustment to the Upper Limits of the total remuneration packages payable to Municipal Managers and Managers directly accountable to Municipal Managers for the 2020/21 financial year; and
- (b) that the cellphone allowance of the Municipal Manager and S56 Managers be brought in line with the allowances of Councillors and that the Cellphone allowance policy be amended.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Annalene de Beer</i>
<b>POSITION</b>	<i>Director Corporate Services</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 June 2022</i>

9.2.3	ADOPTION OF REVISED SYSTEM OF DELEGATIONS
-------	---

**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance**

**Special Council: 22 June 2022**

**1. SUBJECT: ADOPTION OF REVISED SYSTEM OF DELEGATIONS**

**2. PURPOSE**

To submit the proposed amended System of Delegations for adoption by Council which will replace the existing System of Delegations approved by Council on 23 November 2021.

**3. DELEGATED AUTHORITY**

Council to approve.

**4. EXECUTIVE SUMMARY**

In terms of Section 59 of the Local Government: Municipal Systems Act, 32/2000, a Municipal Council must develop a System of Delegations that will maximize administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with such system, may:

- (a) *delegate appropriate powers, excluding the powers referred to in section 160(2) of the Constitution and the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76(b) and to approve or amend the municipality's integrated development plan, to any of the municipality's other political structures, political office bearers, councillors, or staff members;*
- (b) *instruct any such political structure, political office bearer, councillor, or staff member to perform any of the Municipality's duties; and*
- (c) *withdraw any delegation or instruction.*

Section 59(2)(f) provides inter alia that the System of Delegations developed in terms of Section 59(1) by Council must be reviewed when a new council is elected.

The existing System of Delegations was adopted by Council on 23 November 2021 and it was resolved that it be reviewed and brought back to Council before 30 June 2022. The delegations have now been reviewed to include decisions made by Council since the previous review in July 2020 as well as the changes to legislation in the Structures Amendment Act 3/21. It also includes the delegations as per the new draft Rules of Order By-law.

**SPECIAL COUNCIL MEETING: 2022-06-22: ITEM 9.2.3****RESOLVED** (nem con)

- (a) that Council adopts the attached amended System of Delegations as set out in **APPENDIX 1** as the primary source of the delegations from 1 July 2022;
- (b) that Council takes note that by-laws or policies which are in the process of being revised and that is not included in the delegations, will be taken up in the delegations administratively after the approval of the amended by-law or policy and the current delegations attached to those bylaws and policies remains in affect till such time it is revised; and
- (c) that all political office bearers, political structures, the Municipal Manager, Directors, Senior Managers, Managers, Heads of departments and all other identified officials be hereby authorised to exercise on behalf of Council the delegated powers designated to them in terms of **APPENDIX 1**.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	A M C de Beer
<b>POSITION</b>	<b>Director: Corporate and Strategic Services</b>
<b>DIRECTORATE</b>	<b>Corporate and Strategic Services</b>
<b>CONTACT NUMBERS</b>	<b>021 807 8018</b>
<b>E-MAIL ADDRESS</b>	<b>Annalene.deBeer@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>14 June 2022</b>

9.2.4	<b>EXTENSION OF THE EXISTING APPOINTMENT OF WASTE CARRIERS FOR THE AWARDED TENDER BSM 66/20 FOR THE PROVISION OF WASTE CONTAINERS AND WASTE TRANSPORTATION SERVICES BETWEEN WASTE DISPOSAL FACILITIES FOR THE STELLENBOSCH MUNICIPALITY</b>
-------	---

**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance & Compliance**

**Special Council: 22 June 2022**

**1. SUBJECT: EXTENSION OF THE EXISTING APPOINTMENT OF WASTE CARRIERS FOR THE AWARDED TENDER BSM 66/20 FOR THE PROVISION OF WASTE CONTAINERS AND WASTE TRANSPORTATION SERVICES BETWEEN WASTE DISPOSAL FACILITIES FOR THE STELLENBOSCH MUNICIPALITY**

**2. PURPOSE**

To obtain the necessary approval for the extension of the contract for waste transportation services between waste disposal facilities for the Stellenbosch Municipality.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

BSM 66/20 was awarded in the 2019/20 financial year as a rates tender for a three (3) year contract period. The Directorate has drafted a new tender specification which has been approved (B/SM 39/22) and was advertised on 30 April 2022. There will not be sufficient time to conclude the Supply Chain process that entails evaluation, award and appeal period of 21 days thereafter, to enable the new contractor to commence services on 01 July 2022. The Directorate wishes to extend the current period of the tender by two (2) months or until the new service provider is successfully appointed and the tender implemented, whichever comes first. This will ensure for continued service delivery until such time a new service provider is in place.

The Section 116 notice was placed in the local newspaper (Eikestad News) on 26 May 2022 to invite comments from the community. The commenting period was from 26 May 2022 – 16 June 2022. No comments or objections were received by 16 June 2022.

**SPECIAL COUNCIL MEETING: 2022-06-22: ITEM 9.2.4**

**RESOLVED** (nem con)

- (a) that Council notes that no comments were received during the public participation process;
- (b) that Council supports the tender (B/SM 66/20) term increase in terms of MFMA Section 116(3); and
- (c) that Council notes that reasonable notice of the intention to amend the contract or agreement i.t.o. Section 116(3) (b)(i) were given.

<b>9.2.5</b>	<b>PROCESS FOR OUTDOOR DINING ENCROACHMENTS: WAY FORWARD</b>
--------------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 June 2022

**1. SUBJECT: PROCESS FOR OUTDOOR DINING ENCROACHMENTS: WAY FORWARD**

**2. PURPOSE**

To inform Council of the process that will be used to regulate outdoor dining activities going forward.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Stellenbosch is a unique town. Residents, Students, Local Visitors, and International Tourists alike enjoy the variety of restaurants, cafes, wine bars and coffee shops that are on offer. Restaurants spilling onto sidewalks and patrons enjoying meals and drinks beneath giant oak tree canopies have become synonymous with our town. As a municipality, we fully embrace the uses and opportunities that outdoor dining brings and we want to work with Business Owners to preserve this unique character. In the same vein we want to ensure that everyone, especially people with limited mobility, can make use of sidewalks safely.

It has become prudent for the Municipality to standardise the outdoor dining operations to ensure that everyone operates within the confines of the law.

Going forward all businesses that offer outdoor dining must apply or re-apply for a lease of the space outside their shopfront.

This approach will standardise the approval process of the leases and replace the current encroachments. The Municipality strives to create an environment that is conducive to economic activity while at the same time addressing all the current violations. The current encroachment approach is outdated and not in compliance with the latest legislation.

The Municipality has over the past two months done an audit on the businesses between Dorp Street and Victoria Street, Bird Street and Drostdy Street that make use of outdoor dining and has placed them in the following groupings:

1. restaurants that operate with an earlier approved encroachment;
2. restaurants that applied for an encroachment, but have not received feedback;
3. restaurants that are operating, but have not applied before 1 June 2022; and
4. restaurants that started operating after 1 June 2022.

The Municipality have also looked at the businesses who are not restaurants. But are trading on the sidewalks without approval.



The Asset Transfer Regulations determine that if a person wants rights on Council property it must be dealt with in a specific manner. The current encroachment process is not the correct manner in which to do the rights allocation and all the encroachment agreements are open ended and is not allowed in terms of the regulations as it comes down to a permanent transfer of the asset.

There will be a communication to the public attached as **ANNEXURE 1**.

All the restaurants will be given 30 days' notice to apply for a Lease Agreement and the application will then be processed by the administration. For this purpose, a new application form was designed that will be provided to all businesses that clearly stipulates what is required for their application to be considered.

Due to the number of applications that is expected it is proposed that the approval of agreements of 3 years and less be delegated to the Municipal Manager. The Municipal Manager can refer any of the applications to the Executive Mayor in consultation with the Mayoral committee.

The first restaurant that went through this new process was Meraki on the corner of Church and Ryneveld Streets. The item was dealt with by the Executive Mayor in consultation with the Mayoral Committee and it was recommended that on a first instance these types of leases do not run longer than three years before a renewal application would be required.

#### **SPECIAL COUNCIL MEETING: 2022-06-22: ITEM 9.2.5**

#### **RESOLVED** (nem con)

- (a) that Council takes note of the intended communication to the public;
- (b) that Council takes note that all restaurants and business will be given notice to apply/re-apply for a lease to use council property for outdoor dining purposes; and
- (c) that the approval of the leases of three (3) years and less be delegated to the Municipal Manager for approval.

#### **FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Annalene de Beer
<b>POSITION</b>	Director Corporate Services
<b>DIRECTORATE</b>	Corporate Services
<b>CONTACT NUMBERS</b>	021-808 8018
<b>E-MAIL ADDRESS</b>	Annalene.deBeer@stellenbosch.gov.za
<b>REPORT DATE</b>	15 June 2022

9.2.6	STATUS REPORT ON STELLENBOSCH MUNICIPALITY PARKING PROVISION
-------	--

**KINDLY NOTE:** THIS ITEM WAS WITHDRAWN FROM THE AGENDA.

The meeting adjourned at 12:50.

**CHAIRPERSON:** .....

**DATE:** .....

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