



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2016-09-02

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

MINUTES

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

2016-08-25 AT 15:00

MINUTES
SPECIAL MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2016-08-25

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.1	OPENING	1
1.2	COMMUNICATIONS	2
1.2.1	MAYORAL ADDRESS	3
1.2.2	COMMUNICATIONS BY THE SPEAKER	3
1.2.3	COMMUNICATIONS BY THE MUNICIPAL MANAGER	3
2.1	APPLICATION FOR LEAVE OF ABSENCE	5
2.2	DISCLOSURE OF INTERESTS	5
3.	ROLL-OVER ADJUSTMENTS BUDGET FOR 2016/2017	6
4.	STELLENBOSCH MUNICIPALITY'S PROCESS PLAN INDICATING THE KEY DEADLINES AND TIME FRAMES FOR THE INTEGRATED DEVELOPMENT PLANNING (IDP), BUDGET AND SPATIAL DEVELOPMENT FRAMEWORK (SDF) PROCESSES FOR THE 2016/17 FINANCIAL YEAR	9
5.	APPOINTMENT OF MUNICIPAL ELECTORAL OFFICER (MEO) FOR STELLENBOSCH MUNICIPAL AREA	15
6.	RECRUITMENT AND SELECTION PROCESS OF THE DIRECTOR: STRATEGIC AND CORPORATE SERVICES	18
7.	RECRUITMENT AND SELECTION PROCESS OF THE DIRECTOR: ENGINEERING SERVICES	23
8.	RECRUITMENT AND SELECTION PROCESS OF THE MUNICIPAL MANAGER	28
9.	EXTENSION OF EXISTING SHORT TERM INSURANCE CONTRACT TO 30 JUNE 2017	33
10.	AMENDMENT OF 2013 APPROVED MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK AND COMMENCEMENT OF A MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK IN TERMS OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT (ACT 32 OF 2000) FOR STELLENBOSCH MUNICIPALITY WC024 IN LINE WITH THE NEW PLANNING DISPENSATION WHICH INCLUDE THE LAND USE PLANNING BY-LAW (2015), THE WESTERN CAPE LAND USE PLANNING ACT (ACT 3 OF 2014) AND THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (ACT 16 OF 2013)	36

**MINUTES OF A SPECIAL MEETING OF STELLENBOSCH COUNCIL HELD ON
2016-08-25 AT 15:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET,
STELLENBOSCH**

PRESENT: The Speaker, Cllr DD Joubert [Chairperson]
The Executive Mayor, Alderwoman G Van Deventer (Ms)
The Deputy Executive Mayor, Cllr N Jindela

ALDERWOMAN JP Serdyn (Ms)

COUNCILLORS F Adams (until 15:15)	MC Johnson
DS Arends	NS Louw
FJ Badenhorst	N Mananga-Gugushe (Ms)
GN Bakubaku-Vos (Ms)	C Manuel
FT Bangani-Menziwa (Ms)	LM Maqeba
PW Biscombe	NE McOmbring (Ms)
PR Crawley (Ms)	XL Mdemka (Ms)
A Crombie (Ms)	RS Nalumango (Ms)
JN De Villiers	N Olayi
MB De Wet	MD Oliphant
R Du Toit (Ms)	SA Peters
E Groenewald (Ms)	WC Petersen (Ms)
A Florence	MM Pietersen
AR Frazenburg	WF Pietersen
E Fredericks (Ms)	SR Schäfer
JG Hamilton	N Sinkinya (Ms)
AJ Hanekom	P Sitshoti (Ms)
DA Hendrickse	Q Smit
JK Hendriks	E Vermeulen (Ms)
LK Horsband (Ms)	

1.1 **OPENING**

The Speaker afforded Rev. Bok of URC Stellenbosch the opportunity to open the meeting with Scripture and prayer.

At the conclusion of Rev Bok's devotional comments, Councillor F Adams made remarks which the Speaker considered as inappropriate and unbecoming. The Speaker repeatedly requested Cllr Adams to withdraw those disrespectful and uncalled for remarks. Upon refusal to withdraw, the Speaker ordered Cllr Adams to leave the Chamber. Cllr Adams left the Chamber at 15:15.

(HEAD: COMMITTEE SERVICES)

1.2 COMMUNICATIONS**1.2.1 EXECUTIVE MAYOR'S ADDRESS**

The Mayor, Alderwoman GM Van Deventer (Ms), addressed the meeting as follows:-

“Goeie middag, good afternoon, molweni, as-salaam alaikum.

Baie welkom aan alle raadslede, oud en nuut, en ons amptenary by die eerste raadsvergadering van die nuwe politieke termyn. Dit is voorwaar 'n voorreg om as Burgemeester hierdie raad te lei.

Hierdie is een van die belangrike raadsvergaderings van die termyn. Nuwe raadslede moet hulle vereenselwig met die proses en die etiek van raadsvergaderings, en ek moedig hulle sommer nou aan om hulle ordereëls te bestudeer en te verseker dat hulle dit verstaan.

I also want to use this opportunity to formally announce my Mayoral committee to all the councillors here today. Section 60 of the Local Government: Municipal Structures Act, 1988 stipulates the appointment of the Mayoral committee.

It was no easy task putting a Mayco together, and I wish I could appoint more councillors to the Mayco. There would be no shortage of work for everyone. I could only appoint eight councillors, and my Mayco is:

- Councillor Salie Pieters – Financial Services;
- Councillor Aldridge Frazenburg - Community Development and Community Services;
- Councillor Jan de Villiers – Infrastructure;
- Councillor Paul Biscombe – Human Settlements;
- Councillor Quintin Smit – Protection Services;
- Councillor Xoliswa Mdemka - Youth, Sports and Culture;
- Councillor Esther Groenewald - Corporate and Strategic Services;
- Councillor Johannie Serdyn - Economic Development and Planning.

This capable group will help me implement and manage the budget and the vision for Stellenbosch, and ensure the best services are delivered to all the residents of the greater Stellenbosch. They must also ensure the residents of the greater Stellenbosch can approach them with their concerns and problems and that the Mayco will strive to find solutions to address the concerns.

Dit is wonderlik om as 'n vrou ook as Burgemeester van Stellenbosch verkies te word gedurende Vrouemaand. Die afgelope verkiesing het die gebruikelike Vrouedagvieringe beïnvloed, maar dit beteken nie ons erken nie die belangrikheid van die maand en waarom dit ingestel is nie. Hierdie maand het ook aanklank gevind in die aanstel van my Mayco, en daarom het ek gepoog om meer vroue in leierskapsposisies aan te stel. Hierdie vroue is op meriete aangestel en sal die werk verrig wat aan hulle toevertrou is. Elkeen is ervare en het die nodige kennis vir hulle portefeulje.

Die verkiesing van 3 Augustus het ook verseker dat vroue as raadslede in leierskapsposisies aangestel is. Hierdie vroue verseker die rol van aktivisme sal voortleef om armoede en ongelykheid in gemeenskappe aan te spreek.

Ek wil van die geleentheid gebruik maak om mans, maar veral vroue, aan te moedig om 'n aktiewe rol te speel in die bepaling en die vorming van die toekoms van Suid-Afrika.

Lastly, at this council meeting today we need to approve the process to start the fourth generation IDP process for this term. Council must approve the process in order to improve service delivery and really speak to the needs of communities. The participation in, and acceptance of the process by all political parties is important. Councillors are encouraged to engage their communities and draft the plan of service delivery for the next five years.

Dit is dan ook my wens dat ons as raadslede die demokratiese proses van deelname respekteer, asook om mekaar te respekteer. Ons is deur die gemeenskap verkies om hulle te verteenwoordig, en sodoende moet ons verseker dat ons hulle belange op die hart dra en dat almal fokus daarop om soveel moontlik gedoen te kry in belang van die gemeenskap.

Baie dankie.

Thank you very much.

Enkosi kakhulu.”

After the Executive Mayor’s address, political parties were afforded an opportunity to comment.

(-)

1.2.2 COMMUNICATIONS BY THE SPEAKER

- 1.2.2.1 The Speaker, Councillor DD Joubert alluded to Council’s Rules of Order (previously distributed to all Councillors) and he urged Councillors to familiarize themselves with these Rules. He placed emphasis on Rule 27 of said Rules which deals with IRRELEVANCE, TEDIOUS REPETITION, UNBECOMING LANGUAGE OR BEHAVIOR AND BREACH OF ORDER and the implications hereof as set out in Rule 28.

(-)

- 1.2.2.2 The Speaker mentioned that Councillors without telephone pin codes may contact the Office of the Speaker for assistance in this regard.

(-)

- 1.2.2.3 He further informed the meeting that the offices for the Ward Councillors will be attended to in due course.

(-)

1.2.3 COMMUNICATIONS BY THE ACTING MUNICIPAL MANAGER

- 1.2.3.1 The Acting Municipal Manager, Mr R Bosman, informed the meeting that the SALGA Integrated Councillor Induction Programme that was scheduled to take place in Worcester, will commence from 12 – 16 September 2016 in the Council Chambers, Plein Street, Stellenbosch. He mentioned that this induction is compulsory for the new Councillors, but urged all Councillors to attend because of the changes in processes and laws since 2011.

(-)

- 1.2.3.2 (After the last item on the published agenda was dealt with, the Speaker draw attention to a further sensitive matter which Council needed to be informed of. Relevant documentation was handed out. At this point the EFF raised an objection to the fact that an additional item will now be entertained at a special Council meeting; and that the selfsame issue is being addressed at another forum by the affected parties. The EFF then requested a caucus break, which the Speaker allowed in order for all Councillors to peruse the document that was handed out. Upon resumption of the meeting, the Speaker informed Council that the EFF had excused themselves from further proceedings).

The Acting Municipal Manager requested the indulgence of Council for a belated communication. The Speaker exercised his prerogative in terms of the Rules of Order (Rule 19), to grant the Acting Municipal Manager's request to convey additional information to Council for noting. The communication was in relation to the final verified outcome of the IEC election process for representatives to the Cape Winelands District Council.

The Speaker made it quite clear that since this is a special Council meeting, the subject matter to be communicated by the Acting Municipal Manager is not to be considered as an additional item for discussion, debate or voting, but rather that it is merely a notification or feedback report which forms part of the communication by the Acting Municipal Manager.

The Acting Municipal Manager referred to the explanatory hand-out which described the voting process for the election of District Council representatives as well as the preliminary results which were submitted to the IEC. The Acting Municipal Manager pointed out that, as clarified in the hand-out, an error had indeed occurred in the calculation of the equal surpluses. The relevant details that were highlighted, amongst others, were that during the voting process at the 1st Council meeting (dated 2016-08-15), three (3) candidates' lists were submitted, and that the voting results were:

DA: 30 votes

ANC: 8 votes

EFF: 3 votes

DNCA: 2 votes

Furthermore, based on the above votes cast and the methodology used for determining the preliminary seat allocation, the preliminary results were:

DA : 3 representatives

ANC: 1 representative

EFF: 1 representative

DNCA: 0 representatives

However, the Acting Municipal Manager further explained that during the subsequent verification process, the IEC discovered that the interpretation by the MEO of the equal surpluses was incorrect, and that the final verified and official seat allocation as ratified by the IEC is 4 seats to the DA, and 1 seat to the ANC.

The Acting Municipal Manager then called on the provincial Head of the IEC, Mr. Courtney Sampson, to elaborate on the IEC's findings in the matter.

Mr. Sampson confirmed the correctness of the Acting Municipal Manager's explanation. Mr. Sampson explained precisely how the voting process works,

and he confirmed that the voting process during the 1st Council meeting on 2016-08-15 was conducted 100 percent correctly up to the point where the remaining equal surpluses (fractions) had to be dealt with. It was at that point, explained Mr. Sampson, that a vital step in the process was omitted, namely consideration had to be given to the list which had obtained the most votes, instead of prematurely proceeding to the drawing of the lot.

Mr. Sampson reiterated that, regrettably, the results calculation schedule for Stellenbosch that has been submitted by the MEO was incorrect in allocating 3 seats to the DA and 1 seat to the EFF, and that the error had to be corrected. According to the Municipal Structures Act, when surpluses are equal, then the undistributed seat needs to be allocated to the party list with the highest number of votes. The DA and EFF received equal surpluses (,33), yet the DA received 30 votes and the EFF received 3 votes. As such, the DA is entitled to a seat allocation in round two allocation, and not the EFF. The correct and final seat allocation as per the IEC is therefore DA 4, ANC 1, EFF 0, and DNCA 0.

Mr. Sampson indicated that the IEC has been in discussion with the leadership of the political parties involved to explain and rectify the error. On behalf of the IEC, Mr. Sampson offered a public apology to the affected member of the EFF for the regrettable error and embarrassment. The Acting Municipal Manager and the Speaker likewise requested that Council notes the final outcome of the District Council seat allocation as endorsed by the IEC, attached as an **APPENDIX**.

(-)

2.1 APPLICATION FOR LEAVE OF ABSENCE (3/4/1/6)

NONE

2.2 DECLARATION OF INTEREST (3/6/2/2)

2.2.1 The Acting Municipal Manager, Mr R Bosman, requested that he be recused when Item 8 on the Agenda (Recruitment and Selection Process of the Municipal Manager), is dealt with.

(-)

APPENDIX

ELECTORAL COMMISSION

24 August 2016

Mr R Esau

Via email: raymond.esau@stellenbosch.gov.za

Stellenbosch Municipality

Subject: RE: WC024 – Stellenbosch Municipality

Dear Sirs

The results calculation schedule for Stellenbosch that has been submitted is incorrect. It shows 2 seats to the DA and 1 seat to the EFF.

The MSA indicates that when surpluses are equal then the undistributed seat goes to the party list with the highest number of votes.

Accordingly, the correct seat allocation should be as follows:

ANC	1
DA	4
DNCA	0
EFF	0

The DA and EFF received equal surpluses (.33) yet the DA received 30 votes and the EFF received 20 votes. As such, the DA is entitled to a seat allocation in round two allocations, and the EFF is not.

Please correct Annexures E & F and resubmit to complete the processing of the election results.

Yours in the service of democracy

Courtney Sampson

Electoral Commission of South Africa (IEC)

Western Cape

Tel: +27 (0) 21 9105700

Fax: +27 (0) 866748822

E-mail: sampsonc@elections.org.za

Web: www.elections.org.za

Service excellence contributing to

organisational success through

leadership, innovation and accountability

ELECTORAL COMMISSION

ENSURING FREE AND FAIR ELECTIONS

S O U T H A F R I C A

akhanya • Rev. B
el (+27) 21 91057

3. ROLL-OVER ADJUSTMENTS BUDGET FOR 2016/ 2017

File number : 8/1/Financial
Compiled by : Chief Financial Officer
Report by : Acting Municipal Manager
Delegated Authority : Council

Strategic intent of item

<i>Preferred investment destination</i>	X
<i>Greenest municipality</i>	X
<i>Safest valley</i>	X
<i>Dignified Living</i>	X
<i>Good Governance</i>	X

1. PURPOSE OF REPORT

To present the roll-over adjustments budget for the 2016/2017 financial year to Council for approval.

2. LEGAL FRAMEWORK

In terms of section 28 (2) (e) of the Municipal Finance Management Act:

“An adjustments budget may authorise the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected roll-overs when the annual budget for the current year was approved by the council”

According to regulation 23 (5) of the Municipal Budget and Reporting Regulations:

“An adjustments budget referred to in section 28 (2) (e) of the Act may only be tabled after the end of the financial year to which the roll-overs relate, and must be approved by the municipal council by 25 August of the financial year following the financial year to which the roll-overs relate.”

3. DISCUSSION

This adjustments budget addresses the spending of funds that were unspent but committed at the end of the 2015/16 financial year where the under-spending could not reasonably have been foreseen at the time of concluding the annual budget of the current financial year.

4. FINANCIAL IMPLICATIONS**4.1 Capital Adjustments Budget**

Council approved a Capital Budget for the 2016/2017 financial year amounting to R463 791 713 in May 2016. This adjustments budget effectively changes the original budget by means of the inclusion of the roll-overs from the 2015/2016 financial year resulting in an increase of R75 408 330. The proposed Adjusted Budget for the 2016/2017 financial year amounts to R539 200 043.

The detail of the proposed adjustments is reflected in **APPENDIX 2**.

Attachments

Appendix 1: Executive summary

Appendix 2: Capital Adjustments Budget

Appendix 3: Budgeting and Reporting Regulations: Schedule B

Appendix 4: Other supporting documents

Appendix 5: Quality certificate

RECOMMENDED

- (a) that the Capital Adjustments Budget for 2016/2017 as set out in **APPENDIX 2**, be approved;
- (b) that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 3**, be approved; and
- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly inclusive of the non-financial information (performance measurement).

(CHIEF FINANCIAL OFFICER TO ACTION)

MAYORAL COMMITTEE MEETING: 2016-08-22: ITEM 6.1.1**RECOMMENDED BY EXECUTIVE MAYOR**

- (a) that the Capital Adjustments Budget for 2016/2017 as set out in **APPENDIX 2**, be approved;
- (b) that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 3**, be approved; and
- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly inclusive of the non-financial information (performance measurement).

(CHIEF FINANCIAL OFFICER TO ACTION)

SPECIAL COUNCIL MEETING: 2016-08-25: ITEM 3**RESOLVED** (majority vote with 2 abstentions)

- (a) that the Capital Adjustments Budget for 2016/2017 as set out in **APPENDIX 2**, be approved;
- (b) that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 3**, be approved; and
- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly inclusive of the non-financial information (performance measurement).

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

Councillors GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LN Horsband (Ms); N Mananga-Gugushe (Ms); LM Maqeba; MD Oliphant; RS Nalumango (Ms); N Sinkinya (Ms) and P Sitshoti (Ms).

(CHIEF FINANCIAL OFFICER TO ACTION)

4. STELLENBOSCH MUNICIPALITY'S PROCESS PLAN INDICATING THE KEY DEADLINES AND TIME FRAMES FOR THE INTEGRATED DEVELOPMENT PLANNING (IDP), BUDGET AND SPATIAL DEVELOPMENT FRAMEWORK (SDF) PROCESSES FOR THE 2016/17 FINANCIAL YEAR

File number : 9/1/2/1
Compiled by : Manager: IDP/PMS
Report by : Director: Strategic & Corporate Services
Delegated Authority : Council

Strategic intent of item

<i>Preferred investment destination</i>	X
<i>Greenest municipality</i>	X
<i>Safest valley</i>	X
<i>Dignified Living</i>	X
<i>Good Governance</i>	X

1. PURPOSE OF REPORT

To obtain Council approval for the IDP, Budget and SDF Process plan indicating the Time Schedule of key deadlines for the 2016/17 financial year.

2. BACKGROUND

The IDP Process Plan is compiled in terms of sections 28 and 29 of the Municipal Systems Act, No 32 of 2000; which specifies that:

Section 28:

- (1) *Each municipal council must adopt a process set out in writing to guide the planning, drafting, adoption and review of its IDP.*
- (2) *The municipality must through appropriate mechanisms, processes and procedures established in terms of Chapter 4, consult the local community before adopting the process.*
- (3) *A municipality must give notice to the local community of particulars of the process it intends to follow."*

Section 29(1):

"The process must—

- (a) *be in accordance with a predetermined programme specifying timeframes for the different steps;*

- (b) *through appropriate mechanisms, processes and procedures allow for—*
 - (i) *the local community to be consulted on its development needs and priorities;*
 - (ii) *the local community to participate in the drafting of the IDP; and*
 - (iii) *organs of state, including traditional authorities, and other role players to be identified and consulted on the drafting of the integrated development plan;*
- (c) *provide for the identification of all plans and planning requirements binding on the municipality in terms of national and provincial legislation; and*
- (d) *be consistent with any other matters that may be prescribed by regulation.”*

The Annual Budget and the IDP are inextricably linked to one another, something that has been formalised through the promulgation of the Municipal Finance Management Act (Act 56 of 2003). Chapter 4 and Section 21(1) of the MFMA indicate that:

The Mayor of a municipality must –

- (a) *coordinate the processes for preparing the annual budget and for reviewing the municipality’s integrated development plan and budget-related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible;*
- (b) *at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for–*
 - (i) *the preparation, tabling and approval of the annual budget;*
 - (ii) *the annual review of –*
 - aa) *the integrated development plan in terms of section 34 of the Municipal Systems Act; and*
 - bb) *the budget related policies.*
 - (iii) *the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and*
 - (iv) *the consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).*

The IDP/ Budget SDF Process Plan takes cognizance of the regulatory framework for the drafting, consultation and approval of the annual Service Delivery and Budget Implementation Plan (SDBIP) which is developed in accordance with the Local Government: Municipal Systems Act, Act 32 of 2000 and Regulations. The SDBIP is the implementation tool to give effect to those objectives and targets as indicated in the IDP. The importance of synchronising

the timelines for the revision of the IDP and MTREF with those of the SDBIP, is captured in the sections from the Municipal Systems Act cited underneath:

Section 41:

- (1) *A municipality must in terms of its performance management system and in accordance with any regulations and guidelines that may be prescribed –*
- (a) *set appropriate key performance indicators as a yardstick for measuring performance, including outcomes and impact, with regard to the municipality's development priorities and objectives set out in its integrated development plan".*

The Local Government Municipal Systems Act, 2000 (Act 32 of 2000) (MSA) Section 26(e) of the MSA refers to the Municipal SDF as a 'core component' of the municipal IDP and requires that the IDP reflects a SDF which must include the provision of basic guidelines for a land use management system for the municipality.

The new planning dispensation which includes the Spatial Planning and Land Use Management Act, 2013, (Act 16 of 2013)(SPLUMA) , the Western Cape Land Use Planning Act No 3 (2014) and the Stellenbosch Municipal Planning By-law (2015) imposes new requirements to compile or amend a Spatial Development Framework.

A municipal SDF (new and/or amended) has to follow a timeline set out in a process plan similar to the IDP process plan. Moreover, the SDF and IDP processes need to be aligned. To this end, the attached process plan incorporates two aspects of the municipal SDF, namely a timeline for amendment of the current SDF, approved in February 2013 (one year process) and for drafting of a new SDF (two year period).

Section 20(2) of SPLUMA indicates how a municipal SDF must be prepared 'as part of' a municipal IDP, in accordance with the provision of the MSA

*The IDP/Budget/SDF Process plan indicating the Time schedule of key deadlines for the 2016/17 financial year is **distributed under separate cover as APPENDIX 1.***

3. DISCUSSION

The process follows the following major phases:

- **Analysis** (August - November 2016) which includes community input, performance analysis, financial analysis and organisational analysis.
- **Strategy** (November/December 2016) during which period the political and executive leadership confirms the strategic direction which will guide the compilation of the revised IDP, SDBIP and MTREF (vision, mission, focus areas, strategic objectives, measures and targets).
- **Preparing annual budget and IDP** (November 2016 to March 2017) during which period the municipal performance scorecard

is revised and budget priorities and outputs for the next three years are determined.

- **Tabling of the draft IDP, draft SDBIP and Annual Budget for the purposes of community and other inputs** (March 2017).
- **Consultation and refinement** (April 2017) where the above-mentioned documents are published and circulated for comments and inputs by the community, National and Provincial Treasury, the Cape Winelands District Municipality and other prescribed organs of state or municipalities affected by the IDP or budget.
- **Final approval** (May - June 2017) after consideration of the inputs and comments received.

Important deadlines in terms of the Municipal Systems Act (MSA) and the Municipal Finance Management Act and Regulations (MFMA) are depicted below:

MFMA Section 21(1)	Approve the time schedule	10 months before the start of the new budget year
MFMA Section 16(2)	Table draft budget at a council meeting	90 days before the start of the new budget year
MFMA Section 24(1)	Approve the final budget	30 days before the start of the new budget year
MFMA Section 69 (3)(a)	Submit draft SDBIP	No later than 14 days after the approval of an annual budget
MFMA Section 53 (1)(c)(ii)	Approval of SDBIP	Within 28 days after the approval of the annual budget is approved by council
MSA Section 32(1)	Submit copy of the IDP/draft SDBIP to Province	10 days after the adoption of the IDP
MSA Section 25(4)	Give notice to public on adoption of the IDP	14 days after the adoption of the IDP
MSA Section 25(4)	Publicise a summary of the IDP	14 days after the adoption of the IDP
MFMA Section 69(3)	Submit to the Executive Mayor a service delivery and budget implementation plan (SDBIP)	14 days after the approval of the annual budget
Municipal Performance Regulation 805, Section 24 (2)	Review performance agreements	Reviewed within the month of June annually
MSA Section 57(2)(a)(ii); Municipal Performance Regulations for Municipal Managers and managers directly accountable to Municipal Managers, 2006, Regulation 805, Section 4 (a)	Signing of annual performance agreements	Signed within one (1) month of the new financial year or within 90 days upon assumption of duty Chapter 2:4(a), (Systems Act, Sec);
Municipal Performance Regulations for Municipal Managers and managers directly accountable to	Submission of performance agreement to the MEC	Within 14 days after concluding the employment contract and performance agreement

Municipal Managers, 2006, Regulation 805, Section 4 (5)		
MFMA Section 53 (3)(b)	Advertise performance agreements of senior managers	No later than 14 days after the approval of the SDBIP
Section 127 (2) of the MFMA	Annual Report submission to Council	within seven months after the end of the financial year;
Section 127 (5)(i) of the MFMA	Annual Report to Council	Immediately after the Annual Report is submitted
Section 127 (5)(ii) of the MFMA	Annual Report to the public	Immediately after submission to Council invite the local community to submit representations
Section 127 (5)(b) of the MFMA	Annual Report to the Auditor-General; Provincial Treasury; Department of Local government	When Annual report is submitted

4. FINANCIAL IMPLICATION

There are no financial implications during approval of the process plan.

5. COMMENTS BY RELEVANT DEPARTMENTS

All relevant Departments were consulted to incorporate key deadlines and time frames in the IDP, Budget and SDF Process plan and to refer to the applicable legislation in the item.

RECOMMENDED

- (a) that Council approves the IDP, Budget and SDF Process plan indicating the Time Schedule of key deadlines for the 2016/17 financial year; and
- (b) that any amendments to the time schedule be approved by the Executive Mayor.

(CHIEF FINANCIAL OFFICER TO ACTION)

MAYORAL COMMITTEE MEETING: 2016-08-22: ITEM 6.1.2

RECOMMENDED BY EXECUTIVE MAYOR

- (a) that Council approves the IDP, Budget and SDF Process plan indicating the Time Schedule of key deadlines for the 2016/17 financial year; and
- (b) that any amendments to the time schedule be approved by the Executive Mayor.

(CHIEF FINANCIAL OFFICER TO ACTION)

SPECIAL COUNCIL MEETING: 2016-08-25: ITEM 4**RESOLVED** (nem con)

- (a) that Council approves the IDP, Budget and SDF Process plan indicating the Time Schedule of key deadlines for the 2016/17 financial year; and
- (b) that any amendments to the time schedule be approved by the Executive Mayor.

(DIRECTOR: STRATEGIC & CORPORATE SERVICES TO ACTION)

5. APPOINTMENT OF MUNICIPAL ELECTORAL OFFICER (MEO) FOR STELLENBOSCH MUNICIPAL AREA

File number : 3/3/1/6
Compiled by : Office of the Municipal Manager
Report by : Acting Municipal Manager
Delegated Authority : Council

Strategic intent of item

<i>Preferred investment destination</i>	X
<i>Greenest municipality</i>	X
<i>Safest valley</i>	X
<i>Dignified Living</i>	X
<i>Good Governance</i>	X

1. PURPOSE OF REPORT

To consider a request by the Provincial Electoral Offices: Western Cape for the nomination of a candidate for the position of Municipal Electoral Officer for the Stellenbosch Municipal Area.

2. BACKGROUND

Since the resignation of Ms EC Liebenberg, the former Municipal Manager, who was also appointed as MEO by the IEC, there is no serving MEO for the Stellenbosch Municipal Area. Provincial IEC meetings have commenced in order for the municipalities to be ready for the coming 2016 national elections, and the IEC requires an appointment for a MEO.

3. DISCUSSION

As it is common practice at Stellenbosch Municipality, the Municipal Manager always served as the MEO for this Municipal Area, acting as a liaison between the Municipality and the Electoral Commission. Any senior manager may however also be appointed as MEO, as it is the prerogative of the Council to nominate to the IEC a person to be appointed to this position.

See **APPENDIX 1** (SALGA Circular 12/ 2011) for more details.

4. COMMENTS BY RELEVANT DEPARTMENTS

None

5. CONCLUSION

The IEC prefers that Council nominate a person to be appointed as MEO in order for him/her to manage, in consultation with the Provincial Electoral Officer, whatever political matters related to the work of the IEC may arise within the Municipality.

RECOMMENDED

- (a) that it be recommended to the IEC that Mr Dupré Lombaard be nominated to the IEC for appointment as MEO for the Stellenbosch Municipal area; and
- (b) that approval be granted that the appointed MEO may receive the honorarium payable to a MEO by the IEC.

(ACTING MUNICIPAL MANAGER TO ACTION)

MAYORAL COMMITTEE MEETING: 2016-01-27: ITEM 6.1.7**RECOMMENDED BY EXECUTIVE MAYOR**

- (a) that it be recommended to the IEC that Mr PR Esau be nominated to the IEC for appointment as MEO for the Stellenbosch Municipal area; and
- (b) that approval be granted that the appointed MEO may receive the honorarium payable to a MEO by the IEC.

(ACTING MUNICIPAL MANAGER TO ACTION)

37TH COUNCIL: 2016-01-27: ITEM 7.12**RESOLVED** (majority vote with 14 abstentions)

- (a) that it be recommended to the IEC that Mr PR Esau be nominated to the IEC for appointment as MEO for the Stellenbosch Municipal area; and
- (b) that approval be granted that the appointed MEO may receive the honorarium payable to a MEO by the IEC.

(ACTING MUNICIPAL MANAGER TO ACTION)

FURTHER COMMUNICATION BY THE ACTING MUNICIPAL MANAGER

The Director: Strategic and Corporate Services, Mr Raymond Esau, resigned from Stellenbosch Municipality on 8 August 2016. Director Esau held the

position of Municipal Electoral Officer for Stellenbosch Municipality since Council approved same on 27 January 2016.

In light of his resignation it is

RECOMMENDED

- (a) that a new Municipal Electoral Officer (MEO) be appointed for Stellenbosch Municipality;
- (b) that Mr Richard Bosman be appointed as MEO and that same be communicated to the IEC; and
- (c) that approval be granted that the appointed MEO may receive the honorarium payable to a MEO by the IEC.

(ACTING MUNICIPAL MANAGER TO ACTION)

MAYORAL COMMITTEE MEETING: 2016-08-22: ITEM 6.1.3

RECOMMENDED BY EXECUTIVE MAYOR

- (a) that a new Municipal Electoral Officer (MEO) be appointed for Stellenbosch Municipality;
- (b) that Mr Richard Bosman be appointed as MEO, and that same be communicated to the IEC; and
- (c) that approval be granted that the appointed MEO may receive the honorarium payable to a MEO by the IEC.

(ACTING MUNICIPAL MANAGER TO ACTION)

SPECIAL COUNCIL MEETING: 2016-08-25: ITEM 5

RESOLVED (nem con)

- (a) that a new Municipal Electoral Officer (MEO) be appointed for Stellenbosch Municipality;
- (b) that Mr Richard Bosman be appointed as MEO and that same be communicated to the IEC; and
- (c) that approval be granted that the appointed MEO may receive the honorarium payable to a MEO by the IEC.

(ACTING MUNICIPAL MANAGER TO ACTION)

**6. RECRUITMENT AND SELECTION PROCESS OF THE DIRECTOR:
STRATEGIC AND CORPORATE SERVICES**

File number : 4/3/2/6 x 4/3/3/6
Compiled by : Office of the Municipal Manager
Report by : Acting Municipal Manager
Delegated Authority : Council

Strategic intent of item	<input type="checkbox"/>
<i>Preferred investment destination</i>	<input type="checkbox"/>
<i>Greenest municipality</i>	<input type="checkbox"/>
<i>Safest valley</i>	<input type="checkbox"/>
<i>Dignified Living</i>	<input type="checkbox"/>
<i>Good Governance</i>	<input checked="" type="checkbox"/>

1. PURPOSE OF REPORT

To obtain approval from Council to fill and advertise the post of the Director Strategic and Corporate Services.

2. BACKGROUND

The current Director: Strategic and Corporate Services resigned on 08 August 2016 with his last day being 31 August 2016. (See **APPENDIX 1**).

3. DISCUSSION

The Regulations on the appointment and conditions of employment of Senior Managers was Gazetted on 17 January 2014. (Gazette No. 37245 dated 17 January 2014). Please note that Senior Manager means a municipal manager or acting municipal manager, appointed in terms of Section 54A of the Act, and includes a manager directly accountable to a municipal manager appointed in terms of Section 56 of the Act (Act means the Local Government: Municipal Systems Act, 2000: Act No.32 of 2000).

In terms of this report the recruitment, selection and appointment of Senior Manager will be discussed as stipulated in Chapter 3 of the Regulations.(Attached as **APPENDIX 2**)

In terms of Section 7.1 when the post of a senior manager becomes vacant, or is due to become vacant, the municipal manager, in the case of a manager directly accountable to the municipal manager, must, upon receipt of official notification that the post of a senior manager will become vacant, obtain approval from the municipal council for the filling

of such post in its next council meeting or as soon as it is reasonably possible to do so.

In terms of Section 7.2 a vacant senior manager post may not be filled, unless:

- (a) approval to fill the post has been granted by the municipal council; and
- (b) the post has been budgeted for.

In terms of Section 8 no person may be appointed as a senior manager on a fixed term contract, on a permanent basis or on probation, to any post on the approved staff establishment of a municipality, unless he or she-

- (a) Is a South African citizen or permanent resident; and
- (b) Possesses the relevant competencies, qualifications, experience and knowledge set out in in the regulations.

An appointment may not take effect before the first day of the month following the month during which the municipal council approved the appointment.

In terms of Section 10 the municipal manager must, within 14 days of receipt of the approval referred to in regulation 7, ensure that the vacant post is advertised.

- A vacant senior manager post must be advertised in a newspaper circulating nationally and in the province where the municipality is located.
- An advertisement for a vacant senior manager post must specify the:
 - (a) Job title;
 - (b) Term of appointment;
 - (c) Place to be stationed;
 - (d) Annual total remuneration package;
 - (e) Competency requirements of the post, including minimum qualifications and experience required;
 - (f) Core functions;
 - (g) Need for signing of an employment contract, a performance agreement and disclosure of financial interest;
 - (h) The need to undergo security vetting;
 - (i) Contact person;
 - (j) Address where applications must be sent or delivered; and
 - (k) Closing date which must be minimum 14 days from the date the advertisement appears in the newspaper and not more than 30 days after such date.

Cognisance must be taken of Section 12 which makes provision for the manner in which the selection panel must be constituted. Section 12(1) provides that:

“A municipal Council must appoint a selection panel to make recommendations for the appointment of candidates to vacant senior manager posts.

Section 12(2) provides that in deciding who to appoint to a selection panel, the following considerations must inform the decision:

- (a) The nature of the post;
- (b) The gender balance of the panel; and
- (c) The skills, expertise, experience and availability of the persons to be involved.

Section 12(4) provides that the selection panel for the appointment of a manager directly accountable to a municipal manager must consist of at least three and not more than five members, constituted as follows :

- (a) The municipal manager, who will be the chairperson;
- (b) A member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio; and
- (c) At least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

Furthermore, Section 12(5) provides that a panel member must disclose any interest or relationship with shortlisted candidates during the shortlisting process and that such a panel member Section 12(6) a panel member must recuse himself or herself from the selection panel if-

- (a) His or her spouse, partner, close family member or close friend has been shortlisted for the post;
- (b) The panel member has some form of indebtedness to a short-listed candidate or *visa versa*; or
- (c) He or she has any other conflict of interest.

The Regulations dictates in terms of section 7 that a panel member and staff member must sign a declaration of confidentiality to avert the disclosure of information to unauthorised persons.

The Regulations provides for strict time frames which must be adhered to with regard to the Screening of Candidates in terms of section 14 as well as the Interviewing process in terms of section 15. Due regard must be given to Section 17 which deals with the Resolution of the municipal council on appointment of senior managers and reporting as well as the re-employment of dismissed persons in terms of Section 18.

4. FINANCIAL IMPLICATION

The post is budgeted for.

5. CONCLUSION

In terms of the above-mentioned the post of Director: Strategic and Corporate Services should be advertised.

RECOMMENDED

- (a) that Council confirm that the position of Director: Strategic and Corporate is required;
- (b) that the Municipal Manager be mandated to advertise the position of Director: Strategic and Corporate Services as per the Regulations on the appointment and conditions of employment of Senior Managers which was Gazetted on 17 January 2014; and
- (c) that a selection panel be appointed as per the Regulations on the appointment and conditions of employment of Senior Managers which must consist of at least three but not more than five members, constituted as follows:
 - the municipal manager, who will be the chairperson;
 - a member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio; and
 - at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

(ACTING MUNICIPAL MANAGER TO ACTION)**MAYORAL COMMITTEE MEETING: 2016-08-22: ITEM 6.1.4****RECOMMENDED BY EXECUTIVE MAYOR**

- (a) that Council confirm that the position of Director: Strategic and Corporate is required;
- (b) that the Municipal Manager be mandated to advertise the position of Director: Strategic and Corporate Services as per the Regulations on the appointment and conditions of employment of Senior Managers which was Gazetted on 17 January 2014; and
- (c) that a selection panel be appointed as per the Regulations on the appointment and conditions of employment of Senior Managers which must consist of at least three but not more than five members, constituted as follows:

- the municipal manager, who will be the chairperson;
- the Executive Mayor;
- a member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio; and
- at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

(ACTING MUNICIPAL MANAGER TO ACTION)

SPECIAL COUNCIL MEETING: 2016-08-25: ITEM 6

The Executive Mayor gave the undertaking that observer status will be granted to the Unions and representatives of each political party during the interview process.

RESOLVED (nem con)

- (a) that Council confirm that the position of Director: Strategic and Corporate is required;
- (b) that the Municipal Manager be mandated to advertise the position of Director: Strategic and Corporate Services as per the Regulations on the appointment and conditions of employment of Senior Managers which was Gazetted on 17 January 2014; and
- (c) that a selection panel be appointed as per the Regulations on the appointment and conditions of employment of Senior Managers which must consist of at least three but not more than five members, constituted as follows:
 - the municipal manager, who will be the chairperson;
 - the Executive Mayor;
 - a member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio; and
 - Mr Dave Daniels.

(ACTING MUNICIPAL MANAGER TO ACTION)

**7. RECRUITMENT AND SELECTION PROCESS OF THE DIRECTOR:
ENGINEERING SERVICES**

File number : 4/3/2/6 x 4/3/3/6
Compiled by : Manager: Human Resources
Report by : Acting Municipal Manager
Delegated Authority : Council

Strategic intent of item	<input type="checkbox"/>
<i>Preferred investment destination</i>	<input type="checkbox"/>
<i>Greenest municipality</i>	<input type="checkbox"/>
<i>Safest valley</i>	<input type="checkbox"/>
<i>Dignified Living</i>	<input type="checkbox"/>
<i>Good Governance</i>	<input checked="" type="checkbox"/>

1. PURPOSE OF REPORT

To obtain approval from Council to fill and advertise the post of the Director: Engineering Services. Due to the initial candidate for the Director: Engineering Services withdrawing from the process, it is critical to advertise and fill these positions.

2. BACKGROUND

The post of Director: Engineering Services was advertised for the fourth time in national and provincial papers and the closing date was 25 April 2016. (See **APPENDIX 1**).

The process was completed and interviews held. The preferred applicant withdrew from the process after the offer of employment was made to him by the Municipal Manager (**See APPENDIX 3**).

The Acting Municipal Manager then contacted the next candidate which was approved by Council, Mr Jevon Pekeur, to extend an offer of employment to him. Mr Pekeur also withdrew from the process (the Municipal Manager's office will provide the written withdrawal).

DISCUSSION

The Regulations on the appointment and conditions of employment of Senior Managers was Gazetted on 17 January 2014. (Gazette No. 37245 dated 17 January 2014). Please note that Senior Manager means a Municipal Manager or Acting Municipal Manager, appointed in terms of Section 54A of the Act, and includes a Manager directly accountable to a Municipal Manager appointed in terms of Section 56 of the Act (Act means the Local Government: Municipal Systems Act, 2000: Act No.32 of 2000).

In terms of this report the recruitment, selection and appointment of Senior Manager will be discussed as stipulated in Chapter 3 of the Regulations. Attached as **APPENDIX 2**.

In terms of Section 7.1 when the post of a Senior Manager becomes vacant, or is due to become vacant, the Municipal Manager, in the case of a manager directly accountable to the Municipal Manager, must, upon receipt of official notification that the post of a Senior Manager will become vacant, obtain approval from the municipal Council for the filling of such post in its next Council meeting or as soon as it is reasonably possible to do so.

In terms of Section 7.2 a vacant Senior Manager post may not be filled, unless:

- (a) approval to fill the post has been granted by the municipal council; and
- (b) the post has been budgeted for.

In terms of Section 8 no person may be appointed as a Senior Manager on a fixed term contract, on a permanent basis or on probation, to any post on the approved staff establishment of a municipality, unless he or she-

- (a) Is a South African citizen or permanent resident; and
- (b) Possesses the relevant competencies, qualifications, experience and knowledge set out in in the regulations.

An appointment may not take effect before the first day of the month following the month during which the municipal council approved the appointment.

In terms of Section 10 the Municipal Manager must, within 14 days of receipt of the approval referred to in regulation 7, ensure that the vacant post is advertised.

- A vacant Senior Manager post must be advertised in a newspaper circulating nationally and in the province where the municipality is located.
- An advertisement for a vacant Senior Manager post must specify the:
 - (a) Job title;
 - (b) Term of appointment;
 - (c) Place to be stationed;
 - (d) Annual total remuneration package;
 - (e) Competency requirements of the post, including minimum qualifications and experience required;
 - (f) Core functions;
 - (g) Need for signing of an employment contract, a performance agreement and disclosure of financial interest;
 - (h) The need to undergo security vetting;
 - (i) Contact person;

- (j) Address where applications must be sent or delivered; and
- (k) Closing date which must be minimum 14 days from the date the advertisement appears in the newspaper and not more than 30 days after such date.

Section 12 makes provision for the manner in which the selection panel must be constituted. Section 12(1) provides that :

“A municipal Council must appoint a selection panel to make recommendations for the appointment of candidates to vacant senior manager posts.

Section 12(2) provides that in deciding who to appoint to a selection panel, the following considerations must inform the decision:

- (a) The nature of the post;
- (b) The gender balance of the panel; and
- (c) The skills, expertise, experience and availability of the persons to be involved.

Section 12 (4) provides that the selection panel for the appointment of a manager directly accountable to a municipal manager must consist of at least three and not more than five members, constituted as follows :

- (a) The municipal manager, who will be the chairperson;
- (b) A member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio; and
- (c) At least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

Furthermore Section 12(5) provides that a panel member must disclose any interest or relationship with shortlisted candidates during the shortlisting process and that such a panel member Section 12(6) a panel member must recuse himself or herself from the selection panel if-

- (a) His or her spouse, partner, close family member or close friend has been shortlisted for the post;
- (b) The panel member has some form of indebtedness to a short-listed candidate or *visa versa*; or
- (c) He or she has any other conflict of interest.

The Regulations dictates in terms of section 7 that a panel member and staff member must sign a declaration of confidentiality to avert the disclosure of information to unauthorised persons.

The Regulations provides for strict time frames which must be adhered to with regard to the Screening of Candidates in terms of section 14 as well as the Interviewing process in terms of section 15. Due regard must be given to Section 17 which deals with the Resolution of the municipal council on appointment of senior managers and reporting as well as the re-employment of dismissed persons in terms of section 18.

It is advisable that the Legislative prescripts in its entirety be adhered to avoid potential legal challenges by disgruntled candidates.

3. FINANCIAL IMPLICATION

The post is budgeted for.

4. CONCLUSION

In terms of the above mentioned the post of Director: Engineering Services be advertised.

RECOMMENDED

- (a) that Council confirm that the position of Director: Engineering is required;
- (b) that the Municipal Manager be mandated to advertise the position of Director: Engineering Services as per the Regulations on the appointment and conditions of employment of Senior Managers which was Gazetted on 17 January 2014; and
- (c) that a selection panel be appointed as per the Regulations on the appointment and conditions of employment of Senior Managers which must consist of at least three but not more than five members, constituted as follows:
 - the municipal manager, who will be the chairperson;
 - the Executive mayor;
 - a member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio; and
 - at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

(ACTING MUNICIPAL MANAGER TO ACTION)**MAYORAL COMMITTEE MEETING: 2016-08-22: ITEM 6.1.5****RECOMMENDED BY THE EXECUTIVE MAYOR**

- (a) that Council confirm that the position of Director: Engineering is required;
- (b) that the Municipal Manager be mandated to advertise the position of Director: Engineering Services as per the Regulations on the appointment and conditions of employment of Senior Managers which was Gazetted on 17 January 2014; and
- (c) that a selection panel be appointed as per the Regulations on the appointment and conditions of employment of Senior Managers which

must consist of at least three but not more than five members, constituted as follows:

- the municipal manager, who will be the chairperson;
- the Executive Mayor;
- a member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio; and
- at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

(ACTING MUNICIPAL MANAGER TO ACTION)

SPECIAL COUNCIL MEETING: 2016-08-25: ITEM 7

The Executive Mayor gave the undertaking that observer status will be granted to the Unions and representatives of each political party during the interview process.

RESOLVED (majority vote with 10 abstentions)

- (a) that Council confirm that the position of Director: Engineering is required;
- (b) that the Municipal Manager be mandated to advertise the position of Director: Engineering Services as per the Regulations on the appointment and conditions of employment of Senior Managers which was Gazetted on 17 January 2014; and
- (c) that a selection panel be appointed as per the Regulations on the appointment and conditions of employment of Senior Managers which must consist of at least three but not more than five members, constituted as follows:
 - the municipal manager, who will be the chairperson;
 - the Executive Mayor;
 - a member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio; and
 - Mr Dave Daniels.

(ACTING MUNICIPAL MANAGER TO ACTION)

8. RECRUITMENT AND SELECTION PROCESS OF THE MUNICIPAL MANAGER

File number : 4/3/3/7
Compiled by : Office of the Executive Mayor
Report by : Office of the Executive Mayor
Delegated Authority : Council

Strategic intent of item

Preferred investment destination

Greenest municipality

Safest valley

Dignified Living

Good Governance

X

1. PURPOSE OF REPORT

To ensure that the municipal council appoints a selection panel to make recommendations for the appointment of candidates for the vacant Municipal Manager post.

2. BACKGROUND

The municipal manager post became vacant when Ms Christa Liebenberg resigned during October of 2015. During the period Mr Dupre Lombaard acted as Municipal Manager until January 2016, where after Mr Richard Bosman was seconded from the City of Cape Town to act as Municipal Manager.

3. DISCUSSION

Part of the recommendation of the extension of the secondment of Mr Bosman's contract to Stellenbosch was the advertising of the Municipal Manager position. **(Decision attached as APPENDIX 1).**

The advertisement was placed, as per the Regulations on the appointment and conditions of employment of senior managers, in Die Burger as well as the Sunday Times on the weekend of 15 -17 July 2016 with a deadline for submission on 15 August at 12:00 **(APPENDIX 2).**

The Regulations on the appointment and conditions of employment of Senior Managers was Gazetted on 17 January 2014. (Gazette No. 37245 dated 17 January 2014). Please note that Senior Manager means a municipal manager or acting municipal manager, appointed in terms of Section 54A of the Act, and includes a manager directly accountable to a municipal manager appointed in terms of Section 56 of

the Act (Act means the Local Government: Municipal Systems Act, 2000: Act No.32 of 2000).

In terms of this report the recruitment, selection and appointment of Senior Manager will be discussed as stipulated in Chapter 3 of the Regulations.

In terms of Section 7.1 when the post of a senior manager becomes vacant, or is due to become vacant, the municipal manager, in the case of a manager directly accountable to the municipal manager, must, upon receipt of official notification that the post of a senior manager will become vacant, obtain approval from the municipal council for the filling of such post in its next council meeting or as soon as it is reasonably possible to do so.

In terms of Section 7.2 a vacant senior manager post may not be filled, unless:

- (a) approval to fill the post has been granted by the municipal council; and
- (b) the post has been budgeted for.

In terms of Section 8 no person may be appointed as a senior manager on a fixed term contract, on a permanent basis or on probation, to any post on the approved staff establishment of a municipality, unless he or she-

- (a) Is a South African citizen or permanent resident; and
- (b) Possesses the relevant competencies, qualifications, experience and knowledge set out in in the regulations.

An appointment may not take effect before the first day of the month following the month during which the municipal council approved the appointment.

In terms of Section 10 the municipal manager must, within 14 days of receipt of the approval referred to in regulation 7, ensure that the vacant post is advertised.

- A vacant senior manager post must be advertised in a newspaper circulating nationally and in the province where the municipality is located.
- An advertisement for a vacant senior manager post must specify the:
 - (a) Job title;
 - (b) Term of appointment;
 - (c) Place to be stationed;
 - (d) Annual total remuneration package;
 - (e) Competency requirements of the post, including minimum qualifications and experience required;
 - (f) Core functions;

- (g) Need for signing of an employment contract, a performance agreement and disclosure of financial interest;
- (h) The need to undergo security vetting;
- (i) Contact person;
- (j) Address where applications must be sent or delivered; and
- (k) Closing date which must be minimum 14 days from the date the advertisement appears in the newspaper and not more than 30 days after such date.

Cognisance must be taken of Section 12 which makes provision for the manner in which the selection panel must be constituted. Section 12(1) provides that:

“A municipal Council must appoint a selection panel to make recommendations for the appointment of candidates to vacant senior manager posts.

Section 12(2) provides that in deciding who to appoint to a selection panel, the following considerations must inform the decision:

- (d) The nature of the post;
- (e) The gender balance of the panel; and
- (f) The skills, expertise, experience and availability of the persons to be involved.

Section 12 (3) provides that the selection panel for the appointment of a municipal manager must consist of at least three and not more than five members, constituted as follows :

- (d) The mayor, who will be the chairperson, or his or her delegate;
- (e) A councillor designated by the municipal council; and
- (f) At least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

Furthermore Section 12(5) provides that a panel member must disclose any interest or relationship with shortlisted candidates during the shortlisting process and that such a panel member Section 12(6) a panel member must recuse himself or herself from the selection panel if-

- (d) His or her spouse, partner, close family member or close friend has been shortlisted for the post;
- (e) The panel member has some form of indebtedness to a short-listed candidate or *visa versa*; or
- (f) He or she has any other conflict of interest.

The Regulations dictates in terms of section 7 that a panel member and staff member must sign a declaration of confidentiality to avert the disclosure of information to unauthorised persons.

The Regulations provides for strict time frames which must be adhered to with regard to the Screening of Candidates in terms of section 14 as well as the Interviewing process in terms of section 15. Due regard must be given to Section 17 which deals with the Resolution of the municipal council on appointment of senior managers and reporting as well as the re-employment of dismissed persons in terms of section 18.

4. FINANCIAL IMPLICATION

The post is budgeted for.

5. CONCLUSION

In terms of the above the selection panel of the post of Municipal Manager should be constituted.

RECOMMENDED

that a Selection Panel be appointed as per the Regulations on the appointment and conditions of employment of Senior Managers which must consist of at least three but not more than five members, constituted as follows:

- (i) the Mayor, who will be the Chairperson, or his or her delegate;
- (ii) a Councillor designated by the Council, namely Deputy Executive Mayor, Cllr N Jindela; and
- (iii) at least one other person, who is not a Councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post – in this instance a member of the Stellenbosch University Academic staff.

(EXECUTIVE MAYOR TO ACTION)

MAYORAL COMMITTEE MEETING: 2016-08-22: ITEM 6.1.6

RECOMMENDED BY THE EXECUTIVE MAYOR

that a Selection Panel be appointed as per the Regulations on the appointment and conditions of employment of Senior Managers which must consist of at least three but not more than five members, constituted as follows:

- (a) the Executive Mayor, who will be the Chairperson, or his or her delegate;
- (b) a Councillor designated by the Council, namely Deputy Executive Mayor, Cllr N Jindela; and
- (c) at least one other person, who is not a Councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

(EXECUTIVE MAYOR TO ACTION)

SPECIAL COUNCIL MEETING: 2016-08-25: ITEM 8

Before the matter was debated, the Acting Municipal Manager, Mr R Bosman; the Director: Planning and Economic Development, Mr D Lombaard and the CFO, Mr M Wüst, recused themselves.

The Executive Mayor appointed the Director: Community and Protection Services, Mr G Esau, to act as Acting Municipal Manager during debate on this matter.

The Executive Mayor also gave the undertaking that observer status will be granted to the Unions and representatives of each political party during the interview process.

RESOLVED (nem con)

that a Selection Panel be appointed as per the Regulations on the appointment and conditions of employment of Senior Managers which must consist of at least three but not more than five members, constituted as follows:

- (a) the Executive Mayor, who will be the Chairperson, or his or her delegate;
- (b) a Councillor designated by the Council, namely Deputy Executive Mayor, Cllr N Jindela; and
- (c) Mr Dave Daniels.

(EXECUTIVE MAYOR TO ACTION)

9. EXTENSION OF EXISTING SHORT TERM INSURANCE CONTRACT TO 30 JUNE 2017

File number : 5/12/1
Compiled by : Manager: Treasury Office
Report by : Chief Financial Officer
Delegated Authority : Council

Strategic intent of item	<input type="checkbox"/>
<i>Preferred investment destination</i>	<input type="checkbox"/>
<i>Greenest municipality</i>	<input type="checkbox"/>
<i>Safest valley</i>	<input type="checkbox"/>
<i>Dignified Living</i>	<input type="checkbox"/>
<i>Good Governance</i>	<input checked="" type="checkbox"/>

1. PURPOSE OF REPORT

To obtain approval from Council to follow the MFMA S116(3) process to extend the existing short term insurance contract for a further period of six months till 30 June 2017.

2. BACKGROUND

Council resolved at a meeting of 30 March 2016 that the existing short term insurance contract be extended for a period of six months until 31 December 2016.

The process outlined in S116(3) of the MFMA was then duly followed. No objections or other comments were received following the advertisement that was put in the Eikestad Nuus of 19 May 2016. (**APPENDIX 1**).

The contract was extended and the municipality's short term insurance cover will lapse on 31 December 2016.

3. DISCUSSION

At the time of negotiating premiums with AON, the municipality's insurance broker to whom the current tender was awarded, quotations for both a period of 6 months as well as a period of twelve months were obtained.

From the quotations it can clearly be seen that a longer insurance period decreases risk for the underwriter and thus results in more economic premiums which translate directly to a substantial saving for the municipality.

Quotation for 6 months: Premium R2 123 132 (±R354 000 per month)

Quotation for 12 months: R3 328 004 (±R277 000 per month)

A significant saving of R77 000 per month can be achieved by buying insurance for a period of 1 year as opposed to a period of only 6 months as currently approved.

The insurance broker confirmed that the underwriter, Guardrisk, would be willing to providing insurance cover at the 12 month premium, even if though the municipality initially accepted the 6 months premium.

By extending the existing insurance policy with AON, a saving in excess of R900 000 of Operating Budget can therefore be generated.

4. LEGAL IMPLICATION

A process as outlined in S116(3) of the MFMA would have to be followed in order to extend the existing short term insurance contract by a further six months to 30 June 2017.

As stated before, no objections or comments were received during the previous S116(3) process that was followed.

5. FINANCIAL IMPLICATION

By extending the existing insurance policy with AON, a saving in excess of R900 000 in Operating Budget will be generated.

6. COMMENTS FROM OTHER RELEVANT DEPARTMENTS

Compliance Manager: Supported the Item for extension until 30 June 2017 with no further extensions.

7. CONCLUSION

The advantages of extending the existing short term insurance contract for a further six months are evident in that almost R1 000 000 of Operating Budget can be saved whilst simultaneously ensuring that Council's assets remain comprehensively ensured.

RECOMMENDED

that the current short term insurance be extended for a period of 6 months till 30 June 2017 after the required process as outlined in S116(3) of the Municipal Finance Management Act, 56 of 2003 has been duly followed.

(CHIEF FINANCIAL OFFICER TO ACTION)

MAYORAL COMMITTEE MEETING: 2016-08-22: ITEM 6.1.7**RECOMMENDED BY THE EXECUTIVE MAYOR**

that the current short term insurance be extended for a period of 6 months till 30 June 2017 after the required process as outlined in S116(3) of the Municipal Finance Management Act, 56 of 2003 has been duly followed.

(CHIEF FINANCIAL OFFICER TO ACTION)

SPECIAL COUNCIL MEETING: 2016-08-25: ITEM 9**RESOLVED** (majority vote)

that the current short term insurance be extended for a period of 6 months till 30 June 2017 after the required process as outlined in S116(3) of the Municipal Finance Management Act, 56 of 2003 has been duly followed.

Cllrs DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

(CHIEF FINANCIAL OFFICER TO ACTION)

10. AMENDMENT OF 2013 APPROVED MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK AND COMMENCEMENT OF A MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK IN TERMS OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT (ACT 32 OF 2000) FOR STELLENBOSCH MUNICIPALITY WC024 IN LINE WITH THE NEW PLANNING DISPENSATION WHICH INCLUDE THE LAND USE PLANNING BY-LAW (2015), THE WESTERN CAPE LAND USE PLANNING ACT (ACT 3 OF 2014) AND THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (ACT 16 OF 2013)

File number : 15/10

Compiled by : *Manager: Spatial Planning, Heritage and Environment*

Report by : *Director: Planning and Economic Development*

Delegated Authority : *Council*

Strategic intent of item	X
<i>Preferred investment destination</i>	X
<i>Greenest municipality</i>	X
<i>Safest valley</i>	X
<i>Dignified Living</i>	X
<i>Good Governance</i>	X

1. PURPOSE OF REPORT

- (a) To obtain approval from Council to commence with the drafting of a Municipal Spatial Development Framework for Stellenbosch Municipality (WC024) in line with the Municipal Systems Act (2000) read together with the new planning dispensation which includes the Municipal Land Use Planning By-Law (2015), the Western Cape Land Use Planning Act No 3 of 2014 and the Spatial Planning and Land Use Planning Act, No 16 of 2013; and
- (b) To obtain approval from Council to commence with the amendment of the current Municipal Spatial Development Framework for Stellenbosch Municipality (WC024) approved in February 2013 that forms part of the current 3rd generation Integrated Development Plan (IDP).

2. BACKGROUND

With the enactment of the new planning dispensation which include the Municipal Land Use Planning By-Law, 2015 (By-law), the Western Cape Land Use Planning Act, No 3 of 2014 (LUPA) and the Spatial Planning and Land Use Planning Act, No 16 of 2013 (SPLUMA) Council must adopt a Municipal Spatial Development Framework (MSDF) within five years of implementation.

Stellenbosch Municipality implemented the above new planning dispensation on the 1st of December 2015 through Provincial Gazette Notice, number 7539 by repealing the Land Use Planning Ordinance of 1985 (LUPO). All applications thus submitted since 01 December 2015 have to be submitted in terms of the By-law which is line with the new land use and spatial planning requirements as set out in LUPA and SPLUMA.

Stellenbosch Municipality's current MSDF was approved by Council on 28 February 2013, Item 7.7. The current MSDF however need to be aligned with the requirements of the new planning dispensation and must also be brought in line with the new products currently being developed at this stage to form part of the MSDF process for the entire WC024.

The products that are currently being developed parallel to this process include:

- 2.1 Strategic Environmental Management Framework (SEMF)
- 2.2 Rural Area Plan (RAP)
- 2.3 Urban Development Strategy (UDS)
- 2.4 Heritage Resources Inventory
- 2.5 Integrated Human Settlement Plan
- 2.6 Klappmuts Local Spatial Development Framework (LSDF)
- 2.7 Stellenbosch (Town) LSDF
- 2.8 Jonkershoek LSDF

It is imperative that the above-mentioned products be strategically integrated in the development of an updated MSDF for WC024 by aligning the different projects and applicable policies to be approved by Council for the development of the first draft for Council approval obligated in terms of the Municipal Systems Act, No 32 of 2000 (MSA).

As the current MSDF was approved in terms of the MSA as part of the current IDP and will form part of the 2017/18 IDP minor amendments to rectify existing and known anomalies to the current MSDF is possible and desirable through the current IDP process culminating in the approval of the last cycle of the 3rd generation IDP in 2017.

Despite the amendment of the current MSDF as set out above the alignment of the MSDF with the new legislative environment remains a longer term legislative requirement. The following section will deal with the legal requirements to design and setup such a process for Council's consideration and approval.

3. DISCUSSION

This implies that Council must resolve to commission the drafting of a MSDF and authorise the establishment of a project committee to compile its municipal spatial development framework.

In terms of the Land Use Planning By-law read together with LUPA the above-mentioned project committee must consist of:

- (a) the Municipal Manager or a municipal employee designated by the municipal manager; and
- (b) municipal employees appointed by the Municipal Manager from least the following municipal departments:
 - (i) the integrated development planning office;
 - (ii) the spatial planning department;
 - (iii) the engineering department;
 - (iv) the local economic development department; and
 - (i) the housing department.

The above-mentioned intergovernmental steering committee will be responsible, amongst other, to oversee the compilation of the municipal spatial development framework for adoption by the Council by providing technical knowledge and expertise to the Council and the project Committee.

Further legal input regarding the commencement or amendment of a MSDF was communicated by the Director: Planning and Economic Development on 16 August 2016 herewith attached as **APPENDIX 1**.

The Administration thus seeks Council approval to (i) commence the drafting of a MSDF for Stellenbosch Municipality (WC024) and (ii) initiate the amendment of the current approved 2013 MSDF by through authorising the Administration to initiate the compilation of a MSDF process as required by legislation.

It should be noted that the MSDF is a primary and essential sectoral plan of the IDP in terms of the MSA and represent the spatial reflection of the IDP. The alignment and integration of the MSDF with all other sectoral plans in the IDP is therefore essential. The process of drafting a MSDF was thus planned to be aligned with the Integrated Development Planning Process of Stellenbosch Municipality.

5. LEGAL IMPLICATIONS

None. Process will be monitored for compliance throughout.

6. FINANCIAL IMPLICATIONS

Process has been budgeted in the 2016/17 approved budget and the following MTREF period.

RECOMMENDED

that Council authorise the Municipal Manager to:

- (a) proceed with the development of a Municipal Spatial Development Framework for Stellenbosch Municipality (WC024) (MSDF);

-
- (b) establish an intergovernmental steering committee (IGSC) to compile or amend its municipal spatial development framework in terms of Section 11 of the Land Use Planning Act;
 - (c) establish a project committee;
 - (d) proceed with all administrative functions to oversee the compilation of a first draft of the Municipal Spatial Development Framework for Council approval in terms of the Municipal Systems Act (2000); the Land Use Planning By-law (2015), Land Use Planning Act (2014) and the Spatial Planning Land Use Management Act (2013); and
 - (e) use the MSDF as a platform to adopt and align:
 - (i) Strategic Environmental Management Framework (SEMF)
 - (ii) Rural Area Plan (RAP)
 - (iii) Urban Development Strategy
 - (iv) Heritage Resources Inventory
 - (v) Integrated Human Settlement Plan
 - (vi) Klapmuts Local Spatial Development Framework (LSDF)
 - (vii) Stellenbosch LSDF
 - (viii) Jonkershoek LSDF
 - (f) Proceed with the amendment of the current approved MSDF; and
 - (g) that both the amendment of the existing MSDF and the compilation of the new MSDF run concurrently with the Integrated Development Planning cycle.

**(DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**

MAYORAL COMMITTEE MEETING: 2016-08-22: ITEM 6.1.8

RECOMMENDED BY THE EXECUTIVE MAYOR

that Council authorise the Municipal Manager to:

- (a) proceed with the development of a Municipal Spatial Development Framework for Stellenbosch Municipality (WC024) (MSDF);
- (b) establish an intergovernmental steering committee (IGSC) to compile or amend its municipal spatial development framework in terms of Section 11 of the Land Use Planning Act;
- (c) establish a project committee;
- (d) proceed with all administrative functions to oversee the compilation of a first draft of the Municipal Spatial Development Framework for Council

approval in terms of the Municipal Systems Act (2000); the Land Use Planning By-law (2015), Land Use Planning Act (2014) and the Spatial Planning Land Use Management Act (2013); and

- (e) use the MSDF as a platform to adopt and align:
 - (ix) Strategic Environmental Management Framework (SEMF)
 - (x) Rural Area Plan (RAP)
 - (xi) Urban Development Strategy
 - (xii) Heritage Resources Inventory
 - (xiii) Integrated Human Settlement Plan
 - (xiv) Klapmuts Local Spatial Development Framework (LSDF)
 - (xv) Stellenbosch LSDF
 - (xvi) Jonkershoek LSDF
- (f) Proceed with the amendment of the current approved MSDF; and
- (g) that both the amendment of the existing MSDF and the compilation of the new MSDF run concurrently with the Integrated Development Planning cycle.

**(DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**

SPECIAL COUNCIL MEETING: 2016-08-25: ITEM 10

RESOLVED (nem con)

that this matter be withdrawn and resubmitted at the next Council meeting.

**(DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT TO ACTION)**

Meeting adjourned at 17:30.

CONFIRMED

CHAIRPERSON.....

(Signature & date)