



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2019-11-14

## MINUTES

### SPECIAL MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

**2019-11-14 AT 16:00**

**Detailed account of the meeting proceedings is available on audio recording, which is obtainable from The Municipal Manager's Office per Request for Information (RFI)**

**MINUTES**  
**SPECIAL MEETING OF THE COUNCIL**  
**OF STELLENBOSCH MUNICIPALITY**  
**2019-11-14**  
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**MINUTES OF A SPECIAL MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2019-11-14 AT 16:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH**

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

<b>COUNCILLORS</b>	FJ Badenhorst	N Mananga-Gugushe (Ms)
	FT Bangani-Menziwa (Ms)	C Manuel
	Ald PW Biscombe	NE Mcombring (Ms)(until 17:00)
	G Cele (Ms)	XL Mdemka (Ms)
	PR Crawley (Ms)	N Olayi
	A Crombie (Ms)	MD Oliphant
	Z Dalling (Ms)	SA Peters
	R Du Toit (Ms)	MM Pietersen
	J Fasser	WF Pietersen
	A Florence	SR Schäfer
	AR Frazenburg	Ald JP Serdyn (Ms)
	E Fredericks (Ms)(until 17:00)	N Sinkinya (Ms)
	T Gosa	P Sitshoti (Ms)
	E Groenewald (Ms)	Q Smit
	JK Hendriks (until 17:00)	LL Stander
	MC Johnson	E Vermeulen

\*\*\*\*\*

**Officials:**                   Municipal Manager (Ms G Mettler)  
 Chief Financial Officer (K Carolus)  
 Director: Corporate Services (Ms A De Beer)  
 Director: Infrastructure Services (D Louw)  
 Director: Planning and Economic Development (T Mfeya)  
 Acting Director: Community and Protection Services (A vd Merwe)  
 Senior Manager: Governance (Ms S De Visser)  
 Chief Audit Executive (F Hoosain)  
 Senior Administration Officer (T Samuels (Ms))  
 Committee Clerk (N Mbali (Ms))  
 Interpreter (J Tyatyeka)

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1.	<b>OPENING AND WELCOME</b>
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The Speaker, Cllr N Jindela, welcomed all present to the Special Council meeting and requested that a moment of silence be observed.

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

Cllr F Adams	–	14 November 2019
Cllr C Moses (Ms)	–	14 November 2019
Cllr FG Hamilton	–	14 November 2019
Cllr JG Hanekom	–	14 November 2019
Cllr LK Horsband (Ms)	–	14 November 2019
Cllr DD Joubert	–	14 November 2019
Cllr RS Nalumango (Ms)	–	14 November 2019

2.2 Permission was granted to Councillors E Fredericks (Ms); JK Hendriks and NE Mcombring (Ms) to leave the meeting earlier (at 17:00).

2.3 ABSENT

Cllr DA Hendrickse	–	14 November 2019
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3.	<b>DISCLOSURE OF INTERESTS</b>
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NONE

4.1	<b>ELECTION OF A SPEAKER IN TERMS OF SECTION 36 OF THE LOCAL GOVERNMENT STRUCTURES ACT, ACT 117 OF 1998</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance and Compliance**

**14 November 2019**

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**THE MUNICIPAL MANAGER CONDUCTS ELECTION AND HANDS OVER CHAIR TO SPEAKER AFTER ELECTION PROCESS IS CONCLUDED**

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**1. SUBJECT: ELECTION OF A SPEAKER IN TERMS OF SECTION 36 OF THE LOCAL GOVERNMENT STRUCTURES ACT, ACT 117 OF 1998**

**2. PURPOSE**

To elect a Speaker in terms of Section 36 of the Local Government Municipal Structures Act, no 117 of 1998.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Council elects a Speaker in terms of Section 36 of the Local Government Municipal Structures Act, no 117 of 1998 (further referred to as "the Act") at the first meeting after its election or when necessary to fill a vacancy, from among the councillors.

The Speaker elected at the meeting of Council on 30 July 2018, Councillor Wilhelmina Petersen (Ms), resigned as Speaker on 11 November 2019. The letter given to the Municipal Manager dated 11 November 2019, is attached as **APPENDIX A**.

At an urgent Council meeting held on 11 November 2019, Councillor Nyaniso Jindela was elected as an interim Speaker in terms of section 41 of the Structures Act (**APPENDIX B**). There is therefore a vacancy in terms of Section 39 of the Act, and Council must elect a Speaker to fill the vacancy from among the councillors.

Section 36 provides for the process to elect a Speaker for Council, inter alia, when a vacancy must be filled. The Municipal Manager must preside over the election of the Speaker and the procedure for the election is set out in Schedule 3 of the Act. Schedule 3 provides, inter alia, that a secret voting process must be followed after the nomination process, if more than one person is nominated.

**SPECIAL COUNCIL: 2019-11-14: ITEM 4.1**

The Municipal Manager, Ms G Mettler, officiated as Chairperson for the election of the Speaker. She called for nominations for the Office of Speaker.

In line with Clause 4 of Schedule 3, the following duly signed nominations were received:

Councillor N Jindela (form attached as **APPENDIX 1**);and

Councillor MD Oliphant (form attached as **APPENDIX 2**).

Cllr MD Oliphant announced that he declines his nomination. Since there were no other nominations (single candidate in terms of Clause 5 of Schedule 3):

the Municipal Manager then

**DECLARED**

Cllr N Jindela as duly elected Speaker.

**HAVING CONCLUDED THE ELECTION OF THE SPEAKER, THE MUNICIPAL MANAGER HANDED OVER THE CHAIR TO THE DULY ELECTED SPEAKER OF THE STELLENBOSCH MUNICIPAL COUNCIL.**

**ACCEPTANCE SPEECH BY THE NEWLY ELECTED SPEAKER****3/3/2/3**

"Councillors and Officials,

Good afternoon

Before I say anything, we as the Xhosa nation received some very sad news that the King of the Xhosa Nation, **King Zwelonke Mpendulo Sigcawu** from the **Mbashe Municipality** passed away this morning. Can we please observe a moment of silence to pay our respect (moment of silence is observed). Thank you.

Thank you for the confidence that you put in me. I hope that I don't disappoint you and that you don't disappoint me – it is going to be a two-way approach. I am going to ensure that there is discipline when it comes to this Chambers. I'm also going to ensure that we stick to Rule 32 (go and read it), and that I won't be forced to use it, because when you are forced to use it, you become a nasty person and I don't want to be nasty.

It is my plea that we obey and respect Council's Rules and respect each other, as this is not a political party's rules, but Council's. As politicians we will always play politics, but let us play them to our limits and not try to hurt each other, because the moment you hurt each other, you are no longer playing politics, but you are playing the man and no longer the ball. Let us respect each other and make sure we stick to and apply the rules. The community out there is waiting for service delivery and we all are here to ensure that service delivery is taking place instead of playing internal politics. My focus would be to assist the Executive Mayor to ensure that service delivery is taking place. I'm appealing to Ward Councillors to do what is expected of them, the Ward Committees as well.

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It is my role to ensure the oversight, accountability, integrity and efficiency with regard to our day-to-day functioning of this Council and Council meeting. Partiality and fairness must guide every decision without any bias. It is a position of respect and demand to be treated as such by all in this Chambers. Speaker is in charge of legislative arm of Council, this is just a reminder and it is response for guide and guiding it making sure that the system of cheques and balances are in place to ensure the efficient working of our democracy. The Speaker therefore stands as a guardian of the Democratic processes within Local Government, and I think that will be my role to ensure that all practices are free, fair and to the benefit of the Resident of Stellenbosch Municipality, because at the end to the day I must make sure that the winner is the Community of Stellenbosch not any other party here in the Chambers. That is why I'm saying we will play the ball not the man.

On those words, Madam Mayor, allow me to say thank you to everyone here, thank you to the ANC, I know it was going to be tough to compete against the candidate from the ANC, but you made it very easy, you saw it coming that this is the battle you were not going to win, so thank you for that and also the Councillors, everybody that is here. Councillor WF Pietersen, you could have nominated someone else instead of my name, but you decided to keep quiet and support my name. Thank you for that. Councillor from the ACDP, you had a choice but you decided not to use your choice, it was your democracy. Thank you to everybody here who supported this occasion.

Thank you!"

#### **POLITICAL PARTIES' RESPONSES**

**3/3/2/3**

An opportunity is afforded to the political parties to offer brief responses.

#### **SPECIAL COUNCIL: 2019-11-14: ITEM 4.1**

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

- (a) that it be noted that Council elects **Cllr N Jindela** as duly elected Speaker in terms of Section 36 of the Local Government Structures Act, 117 of 1998, and in accordance with the procedure set out in Schedule 3 of the Municipal Structures Act; and
- (b) that it be confirmed that the Speaker position is regarded as a full time office bearer and is remunerated as a full-time Speaker in accordance with the provisions of Notice 1426 dated 21 December 2018, as approved by Council on 30 January 2019.

# **APPENDIX 1**





**STELLENBOSCH**  
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**NOMINATION FORM:**

**ELECTION OF THE SPEAKER**

We, the undersigned, hereby nominate the following person:

**FULL NAME OF NOMINEE:** Niyaniiso Jindela

Signed at Stellenbosch this 14 day of November 2019.

**Name of Mover**

Nominator 1: Name: Quintia Smit

Signature: [Signature]

Seconder: Name: Mamie Pieterse

Signature: [Signature]

I, NIYANISO JINDELA (full name) 6508265706081 (ID number)

the undersigned, hereby accept the nomination / do ~~not~~ accept the nomination \* [Signature]

Signed at Stellenbosch this 14<sup>th</sup> day of NOVEMBER 2019.

[Signature]  
.....  
SIGNATURE OF NOMINEE

\*delete the part that is not applicable

# **APPENDIX 2**



**STELLENBOSCH**  
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**NOMINATION FORM:**

**ELECTION OF THE SPEAKER**

We, the undersigned, hereby nominate the following person:

FULL NAME OF NOMINEE: ~~Mzolisi Oliphant~~ Mzolisi Oliphant

Signed at Stellenbosch this 14<sup>th</sup> day of November 2019.

**Name of Mover**

Nominator 1: Name: Phelesa Sitshofi

Signature:

Seconded: Name: Ntshongweni

Signature:

I, MZOLISI, (full name) OLIPHANT (ID number) 7002046126081

the undersigned, hereby accept the nomination / do not accept the nomination\*

Signed at Stellenbosch this ..... day of .....2019.

SIGNATURE OF NOMINEE

\*delete the part that is not applicable  
In terms of Section 3(1) of Schedule 3 of the Structures Act

4.2	<b>ELECTION OF A DEPUTY EXECUTIVE MAYOR</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance and Compliance**

**14 November 2019**

**1. SUBJECT: ELECTION OF THE DEPUTY EXECUTIVE MAYOR**

**2. PURPOSE**

To elect a Deputy Executive Mayor in terms of Section 55(1)(2) of the Local Government Municipal Structures Act, no 117 of 1998.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Council elects a Deputy Executive Mayor in terms of Section 55(1)(2) of the Local Government Municipal Structures Act, no 117 of 1998 (further referred to as "the Act") at the first meeting after its election or when necessary to fill a vacancy, from among the councillors.

The Deputy Executive Mayor elected at the meeting of Council on 15 August 2016, Councillor Nyaniso Jindela, resigned as Deputy Executive Mayor from 11 November 2019 when nominated as interim Speaker. The nomination form handed in dated 11 November 2019, is attached as **APPENDIX A**. There is therefore a vacancy in terms of Section 55 of the Act, and Council must elect a Deputy Executive Mayor to fill the vacancy, from among the councillors.

The filling of the vacancy will be for the duration of the term of Council. The position of Deputy Executive Mayor is a full-time position as per the seventh amended Establishment Notice for Stellenbosch Municipality (WC024) dated 31 July 2015, read with the Council resolution dated 15 August 2016, copies of which are attached as **APPENDICES B** and **C**.

The procedures set out in Schedule 3 of the Municipal Structures Act apply to the election of a Deputy Executive Mayor.

**SPECIAL COUNCIL: 2019-11-14: ITEM 4.2**

The Speaker called for nominations for the Office of Deputy Executive Mayor.

The following duly signed nominations were received:

Cllr WC Petersen (Ms) (nomination for attached as **APPENDIX 1**); and

Cllr N Sinkinya (Ms) (nomination form attached as **APPENDIX 2**).

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Cllr N Sinkinya (Ms) announced that she declines her nomination. Since there were no other nominations (single candidate in terms of Clause 5 of Schedule 3):

the Speaker then

#### **DECLARED**

Cllr WC Petersen (Ms) as duly elected Deputy Executive Mayor.

#### **ACCEPTANCE SPEECH BY THE NEWLY ELECTED DEPUTY EXECUTIVE MAYOR**

“Good afternoon everybody,

What a moment, thanks for “Malibongwe”.

Speaker, Cllr Jindela,

Our Executive Mayor, Ald Gesie Van de Venter,

The Municipal Manager, Ms Geraldine Mettler,

Aldermen and Alderwomen,

All Councillors,

Our Directors and staff members

and off course our people in the Gallery,

My daughter Chivonne,

thank you for being here.

I thank our Heavenly Father for trusting me in a new position. Thank you Executive Mayor for the opportunity. Thank you! Thank you! And I trust, I pray to God that with every position whether it's a new position whatever position it is, it really walks a way for me so that I can serve the people because I'm sitting here to serve the people. Thank you very much to my party, my colleagues, to everybody sitting here today and also the people out there for trusting me with this position. And please, my door is open, come to me whenever there is a need come to me.

Thank you very much!”

#### **POLITICAL PARTIES' RESPONSES**

**3/3/2/3**

An opportunity is afforded to the political parties to offer brief responses.

**SPECIAL COUNCIL: 2019-11-14: ITEM 4.2****RESOLVED** (nem con)

- (a) that Council elects **Cllr WC Petersen (Ms)** as Deputy Executive Mayor in terms of Section 55(1)(2) of the Local Government Municipal Structures Act, no 117 of 1998, and in accordance with the procedure set out in Schedule 3 of the Municipal Structures Act; and
- (b) that it be confirmed that the Deputy Executive Mayor is remunerated as a full-time Councillor in accordance with the provisions of Notice 1426 dated 21 December 2018, as approved by Council on 30 January 2019.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Municipal Manager</i>
<b>CONTACT NUMBERS</b>	021 808 8025
<b>E-MAIL ADDRESS</b>	<a href="mailto:Geraldine.Mettler@stellenbosch.gov.za">Geraldine.Mettler@stellenbosch.gov.za</a>
<b>REPORT DATE</b>	12 November 2019

# **APPENDIX 1**



**STELLENBOSCH**  
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**NOMINATION FORM:**

**ELECTION OF THE DEPUTY EXECUTIVE MAYOR**

We, the undersigned, hereby nominate the following person:

FULL NAME OF NOMINEE: WILHELMINA PETERSEN

Signed at Stellenbosch this 14th day of NOVEMBER 2019.

**Name of Mover**

Nominator 1: Name: PAUL WILLIAM BISCOMBE

Signature: 


Seconder: Name: ADRINGO FRATZBURG

Signature: 

I, Wilhelmina C. Petersen (full name) 5902080183082 (ID number)

the undersigned, hereby accept the nomination / ~~do not accept the nomination~~ 

Signed at Stellenbosch this 14th day of NOVEMBER 2019.



SIGNATURE OF NOMINEE

\*delete the part that is not applicable

In terms of Section 3(1) of Schedule 3 of the Structures Act



# **APPENDIX 2**



**STELLENBOSCH**  
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**NOMINATION FORM:**

**ELECTION OF THE SPEAKER**

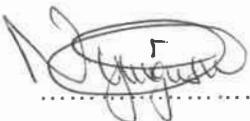
We, the undersigned, hereby nominate the following person:

**FULL NAME OF NOMINEE:** Nosibutele Sinkuys

Signed at Stellenbosch this 14 day of November 2019.

**Name of Mover**

Nominator 1: Name: N. Gogushe

Signature: 


Seconded: Name: P. Sitshoti

Signature: 

I, N. Sinkuys (full name) (ID number)

the undersigned, hereby accept the nomination / do not accept the nomination\*

Signed at Stellenbosch this ..... day of ..... 2019.



SIGNATURE OF NOMINEE

\*delete the part that is not applicable

In terms of Section 3(1) of Schedule 3 of the Structures Act