



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2018-03-22

MINUTES

SPECIAL MAYORAL COMMITTEE MEETING:

2018-03-22 AT 13:00

MINUTES

SPECIAL MAYORAL COMMITTEE MEETING

2018-03-22

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| | NONE | 29 |

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PRESENT: Executive Mayor, Ald GM Van Deventer (Ms) (**Chairperson**)
Deputy Executive Mayor, Cllr N Jindela

Ald: JP Serdyn (Ms)

Councillors: PW Biscombe
JN De Villiers
AR Frazenburg
E Groenewald (Ms)
XL Mdemka (Ms)
S Peters
Q Smit

Also Present: Councillor PR Crawley (Ms)
Councillor NS Louw
Councillor WC Petersen
Councillor WF Pietersen

Officials: Municipal Manager (G Mettler (Ms))
Director: Strategic and Corporate Services (A de Beer (Ms))
Director: Community and Protection Services (G Esau)
Director: Human Settlements (T Mfeya)
Chief Financial Officer (M Wüst)
Director: Infrastructure Services (D Louw)
Acting Director: Economic Development and Planning (B de la Bat)
Chief Audit Executive (F Hoosain)
Senior Manager: Governance (S de Visser (Ms))
Manager: Property Management (P Smit)
Manager: Budget Office (KD Carolus)
Head: Committee Services (EJ Potts)
Committee Clerk (B Mgcushe (Ms))
Committee Clerk (N Mbali (Ms))

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| 1. | OPENING AND WELCOME |
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The Executive Mayor welcomed everyone present and requested Councillor Crawley to open the meeting with a prayer.

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| 1.1 | COMMUNICATION BY THE CHAIRPERSON |
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The Executive Mayor expressed condolences toward those families who had lost loved ones in the fires that recently occurred in Klappmuts.

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| 1.2 | DISCLOSURE OF INTERESTS |
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NONE

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| 2. | APPLICATIONS FOR LEAVE OF ABSENCE |
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NONE

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| 3. | CONFIRMATION OF MINUTES |
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NONE

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| 4. | REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS MAYORAL COMMITTEE MEETINGS |
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NONE

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| 5. | STATUTORY MATTERS |
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| 5.1 | COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: (PC: CLLR AR FRAZENBURG) |
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NONE

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| 5.2 | CORPORATE AND STRATEGIC SERVICES: (PC: CLLR E GROENEWALD (MS)) |
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| 5.2.1 | ADOPTION OF REVISED SYSTEM OF DELEGATIONS |
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Collaborator No:

File No

3/P/7

IDP KPA Ref No:

Good Governance

Meeting Date:

22 March 2018 and 28 March 2018

1. SUBJECT: ADOPTION OF REVISED SYSTEM OF DELEGATIONS

2. PURPOSE

To submit a proposed amended System of Delegations for adoption by Council which will replace the out-dated existing System of Delegations.

3. DELEGATED AUTHORITY

Council to approve.

4. EXECUTIVE SUMMARY

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

(a) delegate appropriate powers excluding the powers referred to in section 160(2) of the Constitution, the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76(b), to approve or amend the Municipality's IDP, and any other provision in legislation conferring the powers to Council alone. The delegations may be made to any of the Municipality's political structures, political office bearers, councillors or staff members;

(b) instruct any such political structure, political office bearer, councillor, or staff member to perform any of the Municipality's duties; and

(c) withdraw any delegation or instruction.

The current system of delegations was approved by the previously elected Council. The current Council did not adopt the System of delegations – the Speaker ruled on 15 August 2016 to Note the existing System of Delegations.

The Delegations has now been revised and a new format was used in an attempt to link legislation and the different authorities to whom delegation are made. A workshop with Councillors took place on 13 February 2018. The changes as discussed at the workshop are included in the attached document.

SPECIAL MAYORAL COMMITTEE MEETING: 2018-03-22: ITEM 5.2.1**RESOLVED****That it be recommended to Council:**

- (a) that Council adopts the attached revised System of Delegations as set out in **APPENDIX 2** as the primary source of the delegations from 1 April 2018;
- (b) that Council takes note that bylaws or policies that are in the process of being revised and that are not included in the delegations will be taken up in the delegations administratively after the approval of the amended bylaw or policy and the current delegations attached to those bylaws and policies remain in effect till such time that it is revised; and
- (c) that all political office bearers, political structures, the Municipal Manager, Directors, Senior Managers, Managers, Heads of Departments and all other identified officials be hereby authorised to exercise on behalf of the Council the delegated powers designated to them in terms of **APPENDIX 2**.

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| 5.2.2 | MFMA SECTION 116(3) – PROPOSAL TO AMEND THE CURRENT ICT CONTRACTS FOR SOFTWARE LICENCE AND SUPPORT AGREEMENTS FOR A PERIOD OF THIRTY SIX MONTHS, EFFECTIVE FROM 01 JULY 2018 TO 30 JUNE 2021 |
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Collaborator No:

File number

Files 13/5 and 6/4/1

IDP KPA Ref No:

Good Governance

Meeting Date:

22 March 2018 and 28 March 2018

1. SUBJECT:

MFMA SECTION 116(3) – PROPOSAL TO AMEND THE CURRENT ICT CONTRACTS FOR SOFTWARE LICENCE AND SUPPORT AGREEMENTS FOR A PERIOD OF THIRTY SIX MONTHS, EFFECTIVE FROM 01 JULY 2018 TO 30 JUNE 2021.

2. PURPOSE

To obtain Council's approval on the proposed amendment of all the ICT contracts terminating on the 30 June 2018 for a period of 3 years (36 Months) effective 1 July 2018 – 30 June 2021. Council may terminate any of the contracts on a 6 months' notice period during this period. The changes may be affected in terms of the enabling provisions of Section 116(3) of the Local Government: Municipal Finance Management Act, Act No. 56 of 2003 (MFMA). To inform Council that the investigation in regard to research and assess alternative ERP solutions has not been conducted in this financial year as a decision first needs to be taken in regard to the financial system. The assessment will be done and the outcome reported to Council as soon as the decision about the financial system has been taken.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

This report aims to provide the necessary information and motivation on the proposed amendment of the current ICT Contracts as listed in paragraph 6, ending 30 JUNE 2018, in terms of the enabling provisions of section 116(3) of the Local Government: Municipal Finance Management Act, Act No. 56 of 2003 (MFMA). The intention will be published in newspapers and the public invited to make input before Council make a decision whether to consent to the amendment of the contracts.

All the current ICT contracts were previously amended in 2016 through a Section 116 (3) process in order to accommodate the mSCOA implementation and the investigation in regard to an assessment on ERP solutions for the Municipality. The Finance department is in constant contact with the owners of the Financial System (SAMRAS) to ensure that the system developments are of such a nature that it can deal with mSCOA in full before a final decision is made on the continuation with SAMRAS as the financial system or not.

When an information system is bought the long term impact is that the Municipality will be using that system for a period longer than the normal 3 of 5 years that is set for new tender processes. An information system is the intellectual property of a company and no other company can provide the support or licencing for that information system. The dynamic nature of Information and Communications

Technology, as well as investments made in business systems warrant a continuous re-assessment of investments and system functionalities to ensure that value for money is achieved at all times. The long term impact of investments made in business systems and services warrants that the Stellenbosch Municipality continually re-assess its investment strategies to ensure on-going alignment with the deployment of business systems in line with mSCOA business processes. A final decision on whether the Municipality will replace the current financial system needs to be made first to enable the Municipality to determine the starting point for the ERP assessment.

If there is a decision that the financial system should be changed a comprehensive process will have to follow to tender and adjudicate the acquisition of a new system and Treasury plays a watchdog role in this process to ensure that the system that is procured is of the standard required. Should the Municipality decide to buy a new financial system it would make sense to assess the costs of one comprehensive system to replace the current systems listed in paragraph 6. Should the Municipality decide not to acquire a new financial system the assessment would be how do we ensure integration of existing systems with SAMRAS where integration is an issue or what new systems should be acquired to integrate with SAMRAS.

Various improvements have been made to ensure that systems integrate and where new support contracts are negotiated that the interests of the Municipality is protected. No new systems may be acquired by directorates unless it was debated at the ICT steering committee to ensure integration with current systems. Specifications are written to ensure that systems can integrate and that functionality is not duplicated.

SPECIAL MAYORAL COMMITTEE MEETING: 2018-03-22: ITEM 5.2.2

RESOLVED

That it be recommended to Council:

- (a) that Council takes note of the reasons tabled for the proposed amendments of all the current ICT contracts for ICT-related systems and services for a period of thirty six (36) months, effective from 1 July 2018 to 30 June 2021 with the proviso that the Municipality may cancel any of the systems with a six month notice period during this time;
- (b) that Council takes note that the municipality will advertise its intention to amend all ICT system related contracts that end on 30 June 2018 to extend such contracts for a period of thirty six months (36), for public input and that any public comment will be considered before a final decision is made; and
- (c) that Council approves that sufficient funding on the operational budget vote for the Software Licensing UKey: 20170608982691 is approved, to finance the extension and renewal of all the current ICT systems and services for the financial year of 2018/2019. Budget provisions will be made on a yearly basis depending on the process going forward.

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| 5.2.3 | TABLING OF DRAFT REVIEW OF THE FOURTH GENERATION IDP (2017/18 – 2021/2022) |
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Collaborator No:

File No

9/1/2/4/2017-2018 – 2021-2022

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

22/03/2018

1. SUBJECT:

TABLING OF DRAFT REVIEW OF THE FOURTH GENERATION IDP (2017/18 – 2021/2022).

2. PURPOSE

To provide an opportunity to consider the first Draft Review of the Fourth Generation IDP (2017 – 2022).

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL.

In terms of Section 34 of the Local Government: Municipal Systems Act 32 of 2000 prescribes that the municipal council:–

“(a) must review its integrated development plan-

(i) annually in accordance with an assessment of its performance measurements in terms of section 41; and

(ii) to the extent that changing circumstances so demand”.

SPECIAL MAYORAL COMMITTEE MEETING: 2018-03-22: ITEM 5.2.3

RESOLVED

That it be recommended to Council:

- (a) that the draft First Review of the Fourth Generation IDP (2017/18 – 2021/2022) for Stellenbosch Municipality be tabled in terms of section 34 of the Municipal Systems Act No 32 of 2000 for the purposes of obtaining public inputs and comments;
- (b) that the draft First Review of the Fourth Generation IDP (2017/18 – 2021/2022) be advertised for public inputs and comments during April 2018;
- (c) that the draft First Review of the Fourth Generation IDP (2017/18 – 2021/2022) be submitted to the Department of Local Government, Provincial Treasury, National Treasury and the Cape Winelands District Municipality;
- (d) that the draft First Review of the Fourth Generation IDP (2017/18 – 2021/2022) be submitted to Council before the end of May 2018 for final approval; and
- (e) that the proposed SDF amendments in the IDP be taken through an intensive public participation process.

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| 5.2.4 | MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) OVERSIGHT REPORT ON THE ANNUAL REPORT 2016/17 |
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Collaborator No:

File No

3/5/3/5

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

22 March 2018

1. SUBJECT:

MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) OVERSIGHT REPORT ON THE ANNUAL REPORT 2016/17

2. PURPOSE

The purpose of the report is:

- (i) to enable the MPAC/Oversight Committee to execute its oversight responsibility in considering the Stellenbosch Municipality's Annual Report for 2016/17 as required in terms of Section 129(1) of the MFMA, Act 56 of 2003; and
- (ii) to recommend to Council on the approval of the Annual Report 2016/17 **(distributed under separate cover as APPENDIX 1)**.

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL.

In terms of Section 129 (1) of the Municipal Finance Management Act (MFMA), (Act No 56 of 2003) *"The council of a municipality must consider the annual report of the municipality and of any municipal entity under the municipality's sole or shared control, and by no later than two months from the date on which the annual report was tabled in the council in terms of section 127, adopt an oversight report containing the council's comments on the annual report, which must include a statement whether the council-*

- (a) *has approved the annual report with or without reservations;*
- (b) *has rejected the annual report; or*
- (c) *has referred the annual report back for revision of those components that can be revised."*

4. EXECUTIVE SUMMARY

The draft Annual Report for the 2016/17 financial year was referred by Council to the MPAC which will fulfil the functions of the Oversight Committee. The appointment and mandate of the MPAC/Oversight Committee were informed by the MFMA Circular 32 of 2006.

A high level of objectivity was displayed with the contributions of committee members as well as the two co-opted members of the Committee. The Committee was required to read through the entire document prior to the sitting. At the sitting the entire Draft Annual Report was scrutinised, per chapter, over a period of 7 days of scheduled meetings.

SPECIAL MAYORAL COMMITTEE MEETING: 2018-03-22: ITEM 5.2.4**RESOLVED****That it be recommended to Council:**

- (a) that the Council, having fully considered the Annual Report of the Municipality and representations thereon, adopts the Oversight Report 2016/17; and
- (b) that Council approves the Annual Report 2016/17 without reservations.

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| 5.3 | ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS)) |
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| 5.3.1 | APPLICATION FOR A SPECIAL DEVELOPMENT ON ERF 7588, STELLENBOSCH |
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1. PURPOSE OF REPORT

To enable a decision on the abovementioned application. The application is **recommended for approval**.

2. BACKGROUND

Erf 7588, Stellenbosch is zoned *Specific Business*; i.e. the erf has development rights as permitted in the *General Business* zone (to be finalised through negotiations with Council). The application under consideration is for the land owner to develop basement parking with offices and flats above ground floor level on the subject property. The proposed development will consist of a three storey building.

3. APPLICATION FOR CONSIDERATION

Application is made in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development to permit the construction of a mixed use building consisting of basement parking with offices and flats above ground floor level. A locality plan attached as **APPENDIX 1**.

SPECIAL MAYORAL COMMITTEE MEETING: 2018-03-22: ITEM 5.3.1

RESOLVED

that this item be withdrawn.

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| 5.3.2 | APPLICATION FOR A SPECIAL DEVELOPMENT ON ERF 7586, STELLENBOSCH |
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1. PURPOSE OF REPORT

To enable a decision on the abovementioned application. The application is **recommended for approval**.

2. BACKGROUND

Erf 7586, Stellenbosch is zoned *Specific Business*; i.e. the erf has development rights as permitted in the *General Business* zone (to be finalised through negotiations with Council). The application under consideration is for the land owner to develop a two storey building comprising basement parking with shops and offices on the ground and first floor of the building.

3. APPLICATION FOR CONSIDERATION

Application is made in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development to permit the construction of a two storey commercial building comprising basement parking with shops and offices on the ground and first floor of the building. A locality plan is attached as **APPENDIX 1**.

SPECIAL MAYORAL COMMITTEE MEETING: 2018-03-22: ITEM 5.3.2

RESOLVED

that this item be withdrawn.

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| 5.3.3 | APPOINTMENT OF A STRATEGIC ADVISORY COMMITTEE: POLICY ON THE MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND |
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

NKPA 4

22 March 2018

1. SUBJECT:

APPOINTMENT OF A STRATEGIC ADVISORY COMMITTEE: POLICY ON THE MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND

2. PURPOSE

To obtain Council's approval to appoint an Advisory Committee as a requirement of the approved Policy for the Management of Agricultural Land as published in the Western Cape Provincial Gazette, 27 March 2017.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The item seeks council approval for the proposed members (government departments and relevant stakeholders) of the Strategic Advisory Committee as contained in the Policy for the Management of Agricultural Land which was published in the Provincial Gazette on 27 March 2017. The aforementioned approval will be the final step in the process to establish a mechanism to make vacant municipal agricultural land through leasing available to prospective small farmers.

SPECIAL MAYORAL COMMITTEE MEETING: 2018-03-22: ITEM 5.3.3

RESOLVED

That it be recommended to Council:

- (a) that Council confirms the positions from the respective organisations to be members of the Strategic Advisory Committee and Operational Committee as proposed in the table below and that the Manager LED initiate the process of convening the first committee meeting before end of May 2018;

Strategic Advisory Committee

| Organisation | Position | Contact Details |
|---------------------------|--|-----------------|
| Stellenbosch Municipality | Chairperson: Director: Community and Protection Services | 021 808 8437 |
| Stellenbosch Municipality | Director: Planning and Economic Development | 021 808 8667 |
| Stellenbosch Municipality | Director: Integrated Human Settlements and Property | 021 808 8493 |
| Stellenbosch Municipality | Director: Strategic and Corporate Services | 021 808 8018 |
| Stellenbosch Municipality | Legal Services | 021 808 8018 |
| Stellenbosch Municipality | Manager: LED | 021 808 8179 |

| | | |
|---|---|--------------------------------|
| Stellenbosch Municipality | Snr LED Officer: Rural Development | 021 808 8173 |
| Stellenbosch Agricultural Society | General Manager | 021 886 4867 |
| Department of Agriculture | Acting Chief Director: Farmer Support and Development | 021-8085103 |
| Department of Rural Development and Land Reform | Deputy Director | 079 880 9320 |
| Land Bank | Provincial Manager Commercial Development Banking Division Western Cape | 021 974 2200 / 082 339 1626 |
| Stellenbosch University | Professor and Chairman of the Department Agricultural Economics | 021 808 4899 |
| Department of Water Affairs | Deputy Director | 021 941 6000 |
| Winelands Water Board | CEO | 021 887 6487 |
| CASIDRA | CEO | 021 863 5000 |

Operational Committee

| Organisation | Position |
|---------------------------|---------------------------------------|
| Stellenbosch Municipality | Manager: LED |
| Stellenbosch Municipality | Manager: Municipal Property |
| Stellenbosch Municipality | Senior Legal Advisor |
| Stellenbosch Municipality | Environmental Manager |
| Stellenbosch Municipality | Senior LED Officer: Rural Development |

- (b) that the following vacant municipal agricultural land be advertised to be utilised by farmers in line with the policy on the Management of Municipal Agricultural Land as advertised in the Government Gazette on 27 March 2017 (**ANNEXURE B**).

| | PROPERTY DESCRIPTION | SIZE | TOTAL (HA) | WATER |
|----|----------------------|----------------------|------------------|-------|
| 1 | 165/1A | 10.5 ha no water | 10.5 | |
| 2 | 279BN | 25.3 ha no water | 25.3 | |
| 3 | 502 AM | 8.56 ha 3 ha water | 8.56 | 3 |
| 4 | 502 AP | 7 ha 2 ha water | 7 | 2 |
| 5 | 502 AU | 8.9 ha no water | 8.9 | |
| 6 | 502 AW | 6 ha no water | 6 | |
| 7 | 502 BFN | 15.5 ha 6 ha c/water | 15.5 | 6 |
| 8 | 502 V | 21.6 ha 8 ha water | 21.6 | 8 |
| 9 | 619/1 | 26 ha no water | 26 | |
| 10 | 502 BH PORTION 17&18 | 5 ha 3 ha water | 5 | 3 |
| 11 | 502M | 5.1 ha 3 ha water | 5.1 | 3 |
| 12 | 502V | 21.6 ha 8 ha water | 21.6 | 8 |
| 13 | 502W | 9 ha 3 ha water | 9 | 3 |
| | TOTAL | | 175,41 ha | |

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| 5.3.4 | TABLING OF DRAFT REVIEW OF THE SPATIAL DEVELOPMENT FRAMEWORK 2018 |
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Collaborator No: *9/1/2/4/2017-2018 – 2021-2022*
 IDP KPA Ref No: *Valley of Possibility*
 Meeting Date: *22/03/2018*

1. SUBJECT:

TABLING OF DRAFT REVIEW OF THE SPATIAL DEVELOPMENT FRAMEWORK 2018

2. PURPOSE

To provide an opportunity to consider this document as the annual review of the Stellenbosch Municipality's Spatial Development Framework (SDF) and the spatial planning input to the 2018/19 review of the municipal Integrated Development Plan review (IDP).

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL.

Section 20(2) of SPLUMA and section 26 of the Municipal Systems Act require that the MSDF must be prepared as part of the IDP.

The Sec 12(1) sets out the general provisions that are applicable to the preparation of the SDF including (amongst other considerations):

- Contribute to a coherent, planned approach to spatial development in the national, provincial and municipal spheres.
- Provide clear and accessible information to the public and private sector and provide direction for investment purposes.
- Include previously disadvantaged areas, areas under traditional leadership, rural areas, informal settlements, slums and land holdings of state-owned enterprises and government agencies and address their inclusion and integration into the spatial, economic, social and environmental objectives of the relevant sphere.
- Address historical spatial imbalances in development.
- Identify the long-term risks of spatial patterns of growth and development and the policies and strategies necessary to mitigate those risks.
- Provide direction for strategic developments, infrastructure investment, promote efficient, sustainable and planned investments by all sectors and indicate priority areas for investment in land development.
- Promote a rational and predictable land development environment to create trust and stimulate investment.
- Take cognizance of any environmental management instrument adopted by the relevant environmental management authority.

Chapter 2 of SPLUMA further sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land, to which municipality are also required to adhere. These principles include spatial justice, spatial sustainability, efficiency, spatial resilience and good administration.

SPECIAL MAYORAL COMMITTEE MEETING: 2018-03-22: ITEM 5.3.4**RESOLVED****That it be recommended to Council:**

- (a) that Council considers and accepts this document as the first review of the Spatial Development Framework, as prescribed by SPLUMA;
- (b) that Council notes this as the strategic component of the SDF and as the focus of work to be completed during the 2018/19 business year to complete a full five-year review of the SDF; and
- (c) that Council note that legal prescripts in Chapter 4 of the Systems Act, including public participation, will be adhered to

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| 5.4 | FINANCIAL SERVICES: (PC: CLLR S PETERS) |
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| 5.4.1 | MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK (MTREF) 2018/19-2020/21 |
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Collaborator No:

File No:

8/1

BUDGET KPA Ref No:

Good Governance and Compliance

Meeting Date:

28 March 2018

1. SUBJECT:

MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK 2018/2019-2020/2021

2. PURPOSE

The purpose of this report is as follows:

- a) The Executive Mayor to table the Medium Term Revenue and Expenditure Framework (inclusive of property rates charges and taxes, tariffs and service charges), annexures and proposed amendments to the budget related policies and other policies to Council for approval in terms of Section 16(2) of the Municipal Finance Management Act, (Act 56 of 2003).
- b) That Council specifically note and consider the need to take up external loans to fund critically needed refurbishment of infrastructure to the tune of R 340 million of which over the MTREF R160 million will be required in year 1, R100 million in year 2 and R80 million in year 3 (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirms draft approval of same in order for the Chief Financial Officer to attend to the necessary legislative requirements.

3. DELEGATED AUTHORITY

FOR APPROVAL BY MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

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

SPECIAL MAYORAL COMMITTEE MEETING: 2018-03-22: ITEM 5.4.1

RESOLVED

That it be recommended to Council:

- (a) that the Draft High Level Budget Summary, as set out in APPENDIX 1 – PART 1 – SECTION C; be approved for public release;

- (b) that the Draft Annual Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 1 – PART 1 – SECTION D**, be approved for public release;
- (c) that the proposed Grants-In-Aid allocations as set out in **APPENDIX 1 – PART 2 – SECTION J**, be approved for public release;
- (d) that the three year Capital Budget for 2018/2019, 2019/2020 and 2020/2021, as set out in **APPENDIX 1 – PART 2 – SECTION N**, be approved for public release;
- (e) that the proposed draft rates on properties in WCO24, tariffs, tariff structures and service charges for water, electricity, refuse, sewerage and other municipal services, as set out in **APPENDIX 3**, be approved for public release;
- (f) that the proposed amendments to existing budget related policies and other policies as set out in **APPENDICES 4 - 29**, be approved for public release;
- (g) that Council specifically note and consider the need to take up an external loan, needed for investment in income generating infrastructure to the tune of R340 million of which R160 million will be required in year 1, R100 million in year 2 and R80 million in year 3 (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirm approval of same;
- (h) that Council specifically take note of the fact that the proposed electricity charges and tariff structure is subject to NERSA approval that could change materially; and
- (i) that Council takes note of MFMA circulars 89 and 91 that was published to guide the MTREF for 2018/2019 to 2020/2021 as well as the Draft Cost Containment Regulations as set out in APPENDICES 30 – 32.

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| 5.4.2 | PROPOSED WRITE-OFF OF DISPUTED DEBT OF THE STELLENBOSCH GOLF CLUB |
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Collaborator No: 575458

IDP KPA Ref No:

Meeting Date: 22 March 2018 and 28 March 2018

1. SUBJECT: PROPOSED WRITE-OFF OF DISPUTED DEBT OF THE STELLENBOSCH GOLF CLUB

2. PURPOSE

To request Council's approval for the writing-off of disputed debt which amounts to R1 357 464.41, and any interest/journals that may be levied after the date of this report.

3. DELEGATED AUTHORITY

Council to approve.

4. EXECUTIVE SUMMARY

The Stellenbosch Golf Club raised a dispute on property rates being charged.

The Notarial Lease Agreement ("NLA") specify the parties to Arbitration proceedings, but the parties agreed that a less formal approach be considered and approached in an attempt to resolve the matter as specified in the NLA under dispute resolution.

As a result, both parties opted for Mediation as first instance, failing where after the formal Arbitration route is to be followed.

A full arbitration process may hold various cost and loss in revenue risks and lost opportunity.

Such Mediation was then held on the 12th of March 2018. During the Mediation, a proposed Agreement was drafted, attached and marked **ANNEXURE "1"**, for Councils' perusal and resolution.

SPECIAL MAYORAL COMMITTEE MEETING: 2018-03-22: ITEM 5.4.2

RESOLVED

That it be recommended to Council:

- (a) that Council approves the outcome of the Mediation, resulting in the write-off of the arrears of R1 357 464.41 upon a cash receipt of R800 000 together with an undertaking to make provision for and to spend an amount of no less than R300 000 per year over a period of 10 years for developmental projects for previously disadvantaged persons, and that prove of this be submitted to Council within 30 days after the close of their financial year. Failure to comply will make this agreement null and void.

OR

- (b) that Council resolves to continue with Arbitration proceedings, despite having considered all risk factors, implications and potential adverse effect it accompanies and that the Mediation proposal be submitted as part of the arbitration process.

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| 5.4.3 | AMENDMENT TO THE CURRENT CONTRACT OF HCB PROPERTY VALUATIONS FOR THE RENDERING OF ALL INTERIM VALUATIONS TILL THE END OF THE GENERAL VALUATION CYCLE PERIOD ENDING 30 JUNE 2021 |
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Collaborator No: 575589
File no 6/1/4
IDP KPA Ref No: Good Governance
Meeting Date: 22 March 2018 and 28 March 2018

1. SUBJECT: AMENDMENT TO THE CURRENT CONTRACT OF HCB PROPERTY VALUATIONS FOR THE RENDERING OF ALL INTERIM VALUATIONS TILL THE END OF THE GENERAL VALUATION CYCLE PERIOD ENDING 30 JUNE 2021

2. PURPOSE

To obtain approval from Council to follow the process stipulated in Section 116(3) of the MFMA in order to amend the current contract of HCB Property Valuations till the end of the General Valuation Cycle period ending 30 June 2021, for the rendering of all interim valuations.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

This report aims to provide the necessary information and motivation on the proposed amendment of the current valuation contract as listed in paragraph 6, ending 30 JUNE 2018, in terms of the enabling provisions of section 116(3) of the Local Government: Municipal Finance Management Act, Act No. 56 of 2003 (MFMA), to enable Council to make an informed decision whether to consent to the amendment of the contracts.

The valuation contract was previously amended in 2016 through a Section 116 (3) process in order to accommodate the mSCOA implementation and the investigation in regard to an assessment on ERP solutions for the Municipality. The dynamic nature of valuations, as well as investments made in business systems warrant a continuous re-assessment of investments and system functionalities to ensure that value for money is achieved at all times. The long term impact of investments made in business systems and services warrants that the Stellenbosch Municipality continually re-assess its investment strategies to ensure on-going alignment with the deployment of business systems in line with mSCOA business processes. A final decision on whether the Municipality will replace the current financial system needs to be made first to enable the Municipality to determine the starting point for the assessment.

SPECIAL MAYORAL COMMITTEE MEETING: 2018-03-22: ITEM 5.4.3

RESOLVED

That it be recommended to Council:

that Council approves the extension of the current contract for HCB Property Valuations, to complete all supplementary valuations after 30 June 2018 till 30 June 2021, for the current General Valuation period, after duly following the process as stipulated in Section 116(3) of the MFMA.

5.4.4

AMENDMENT TO AGREEMENTS – EASYPAY & PAY@

Collaborator No: 575591
IDP KPA Ref No:
Meeting Date: 22 March 2018

1. **SUBJECT: AMENDMENT TO AGREEMENTS – EASYPAY & PAY@**

2. **PURPOSE**

To obtain Council's approval to follow the process stipulated in Section 116(3) of the MFMA in order to amend the Bill Payment agreements with EasyPay and Pay@ and to extend it by a further period of three years.

3. **DELEGATED AUTHORITY**

Municipal Council.

4. **EXECUTIVE SUMMARY**

The application amending the existing agreements with EasyPay and Pay@ for a further period of three years is provided for by legislation and all indications are that it would be the most beneficial route for the municipality to follow in ensuring prudent financial management.

SPECIAL MAYORAL COMMITTEE MEETING: 2018-03-22: ITEM 5.4.4

RESOLVED

That this item be withdrawn.

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| 5.5 | HUMAN SETTLEMENTS: (PC: CLLR PW BISCOBE) |
| 5.5.1 | PROPOSED EXCHANGE OF LAND A PORTION OF FARM 183 (CLOSED STREET) FOR A PORTION OF FARM 183/7: WOODMILL DEVELOPMENT PROJECT |

Collaborator No: 566798
 IDP KPA Ref No:
 Meeting Date: 22 March 2018

1. SUBJECT:

PROPOSED EXCHANGE OF LAND A PORTION OF FARM 183 (CLOSED STREET) FOR A PORTION OF FARM 183/7: WOODMILL DEVELOPMENT PROJECT

2. PURPOSE

To obtain Council's approval for the exchange of certain portions of land, each measuring $\pm 5560\text{m}^2$ in size, to allow for the re-alignment of the Devon Valley Road, following the recent approval of the proposed Woodmill Development .

3. DELEGATED AUTHORITY

As there are no delegations in place authorising the exchange of land, the Municipal Council must decide on the matter.

4. EXECUTIVE SUMMARY

At the commencement of the planning process for the redevelopment of the Woodmill Area, the Provincial Roads Engineer insisted that the Devon Valley Road (located on Farm 183) be realigned as to ensure an intersection with the current access road to Distell. When the land-use application was approved, it was made subject to the successful exchange of land. The Director: Planning and Economic Development, however, did not have the delegated authority to approve the actual exchange of land.

SPECIAL MAYORAL COMMITTEE MEETING: 2018-03-22: ITEM 5.5.1

RESOLVED

That it be recommended to Council:

- a) that the portion of land, indicated as Portion A on Fig 4, measuring $\pm 5560\text{m}^2$, being a portion of Farm 183, be identified as land not needed to provide the minimum level of basic municipal service;
- b) that Council approves, in principle, the exchange of Portion A for a portion of Farm 183/17, indicated as Portion B on Fig 4, measuring $\pm 5560\text{m}^2$, in order to meet the requirements of the Provincial Roads Engineer, i.e. that the Devon Valley Road be aligned as to ensure an intersection with the current access road to Distell, on condition that:-

- (i) the Developer be responsible for all associated costs, such as the rezoning and subdivision, transfer cost, etc.; and
- (ii) Portion A be consolidated with Farm 183/57
- (c) that seeing that a public competitive process is not being followed, Council's intention to enter into an exchange of land agreement, be advertised for public comments/inputs;
- (d) that, in the meantime, a valuer be appointed to determine the fair market value of the two portions of land; and
- (e) that, following the public participation process, the matter be considered by Council.

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| 5.6 | INFRASTRUCTURE: (PC: CLLR J DE VILLIERS) |
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NONE

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| 5.7 | PARKS, OPEN SPACES AND ENVIRONMENT: (PC: CLLR N JINDELA) |
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| 5.7.1 | FUTURE USAGE OF BRÜMMER PARK |
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Strategic Focus Area 2

22 March 2018

1. SUBJECT:

FUTURE USAGE OF BRÜMMER PARK

2. PURPOSE

To Inform Council regarding the comments received from the public after a public participation process was followed and to seek permission to go ahead with the upgrading of Brümmer Park, as recommended by the majority of the comments received.

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL.

4. EXECUTIVE SUMMARY

As per council resolution of the Council Meeting dated 25 October 2017, a public participation process needs to determine the future use of Brümmer Park. All comments were due 20 January 2018. Comments received from the public were summarized and a decision will then be taken by Council to determine the future use of the aforementioned park.

SPECIAL MAYORAL COMMITTEE MEETING: 2018-03-22: ITEM 5.7.1

RESOLVED

That it be recommended to Council:

- (a) that Brümmer Park be upgraded to such an extent that cyclists and hikers can use the entire park;
- (b) that the Stellenbosch Trail Fund be requested to upgrade the footpath by widening it at certain sections so that it can be used by both cyclists and hikers;
- (c) that the picnic area be upgraded to the satisfaction of the Senior Manager Community Services (Parks);
- (d) that the existing sign boards be replaced with sign boards indicating all the new rules applicable to the park;
- (e) that welcoming sign boards be erected at both entrances; and
- (f) that security be improved to the standards prescribed by the Director Community Services.

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| 5.8 | PROTECTION SERVICES: (PC: CLLR Q SMIT) |
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| 5.8.1 | DISASTER SECTOR PLAN |
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Collaborator No:

IDP KPA Ref No:

Meeting Date: 22 March 2018

1. SUBJECT:

DISASTER SECTOR PLAN

2. PURPOSE

To gain Council approval for the Disaster Sector Plan (**ANNEXURE A**) which will be included into the Integrated Development Plan (IDP) of the Greater Stellenbosch.

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL.

4. EXECUTIVE SUMMARY

The Disaster Act 57 of 2002 lays down institutional and coordination mechanism for effective Disaster Management at the provincial, district and local levels. As mandated by this Act, the municipality of Stellenbosch created a platform for institutional arrangements which includes all Directorates headed by the Municipal Manager.

All directorates must design plans in the execution of their duties to provide basic services in such a manner that it mitigates risk, strengthens disaster preparedness and emergency response.

The Disaster Sector Plan provides a framework and direction to Council to:

- a) Understand the local disasters in the WC024
- b) Strengthen disaster risk governance and to manage the associate risk in all wards.
- c) Investing in disaster risk reduction for resilience
- d) Enhancing disaster preparedness for effective response and to "Build Back Better" in recover, rehabilitation and reconstruction.

The intent of the Disaster Sector Plan is to identify, minimise, eliminate and direct responses with the necessary resources to address the known risks identified in the Greater Stellenbosch.

SPECIAL MAYORAL COMMITTEE MEETING: 2018-03-22: ITEM 5.8.1

RESOLVED

That it be recommended to Council:

that the draft Disaster Sector Plan be approved.

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| 5.8.2 | PROGRESS REPORT ON THE INSTALLATION OF SMOKE ALARM DETECTORS PROJECT |
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

22 March 2018

1. SUBJECT

PROGRESS REPORT ON THE INSTALLATION OF SMOKE ALARM DETECTORS PROJECT

2. PURPOSE

To provide feedback with the progress made on the installation of the smoke alarms.

3. DELEGATED AUTHORITY

For information.

4. EXECUTIVE SUMMARY

The main functions of a fire service is reflected in Schedule 1 of the Fire Services act, act 99 of 1987. With the inception of the smoke alarm project the department wanted to show intent to provide the best possible fire protection under the same act to those living in informal structures with the aim of preventing the outbreak or spread of a fire and protecting lives and property against fire. It is believe and proven that early detection of a fire can minimise losses, minimise damages to property and operational costs of responding units. At the 14th Council meeting held on 29 November, Council did note the proposed implementation outline of Disaster management and Informal Housing and our aim with this follow up is to further keep Council abreast of the continuous strides made by the department with the installation project.

SPECIAL MAYORAL COMMITTEE MEETING: 2018-03-22: ITEM 5.8.2

RESOLVED

That it be recommended to Council:

that the feedback report be noted.

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| 5.9 | YOUTH, SPORT AND CULTURE: (PC: XL MDEMKA (MS)) |
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NONE

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| 6. | REPORTS SUBMITTED BY THE MUNICIPAL MANAGER |
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| 6.1 | RECRUITMENT AND SELECTION PROCESS OF THE DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT AND CHIEF FINANCIAL OFFICER |
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

28 March 2018

1. RECRUITMENT AND SELECTION PROCESS OF THE DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT AND CHIEF FINANCIAL OFFICER

2. PURPOSE OF REPORT

To obtain Council approval for the commencement of the recruitment and selection process of the Director: Planning and Economic Development as well as the Chief Financial Officer.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The position of Director Planning and Economic Development became vacant on 24 January 2018 when the Council approved the voluntary resignation of Mr Dupre Lombaard. The contract period of Mr Marius Wüst, Chief Financial Officer, comes to an end 30 September 2018.

SPECIAL MAYORAL COMMITTEE MEETING: 2018-03-22: ITEM 6.1

RESOLVED

That it be recommended to Council:

- (a) that Council approve the recruitment and selection processes of the Director Planning and Economic Development and Chief Financial Officer;
- (b) that Council approve the selection panel for the Director Planning and Economic Development as set out in the Government Gazette 37245 : Local Government Regulations on Appointment and Conditions of Employment of Senior Managers -
 - The Municipal Manager;
 - Executive Mayor and/or the Deputy Mayor
 - A member of the Mayoral Committee or councillor who is the portfolio chair
 - At least one person who is not a councillor or staff member, and who has expertise or experience in the area

- (c) that Council approve the selection panel for the Chief Financial Officer as:
- The Municipal Manager;
 - Executive Mayor and/or Deputy Mayor
 - A member of the Mayoral Committee or councillor who is the portfolio chair
 - At least one person who is not a councillor or staff member, and who has expertise or experience in the area;
- (d) that an independent external consultant be appointed to assist with the recruitment and selection process in line with abovementioned Regulations; and
- (e) that Council approves that Mr Bernabe de la Bat act for a further period of three (3) months with the approval of the MEC as provided for in section 56 of the Structures Act.

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| 6.2 | DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY: JANUARY 2018 – FEBRUARY 2018 |
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

28 March 2018

1. DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY: JANUARY 2018 – FEBRUARY 2018

2. PURPOSE OF REPORT

To report to Council on the decisions taken by the Municipal Manager and Directors in terms of Council's System of Delegations for the period 3 January 2018 until 28 February 2018, in compliance with Section 63 of the Local Government: Municipal Systems Act read in conjunction with the System of Delegations as approved by Council.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

To report to Council on the decisions taken by the Municipal Manager and Directors in terms of Council's System of Delegations for the period 3 January 2018 until 28 February 2018, in compliance with Section 63 of the Local Government: Municipal Systems Act read in conjunction with the System of Delegations as approved by Council.

SPECIAL MAYORAL COMMITTEE MEETING: 2018-03-22: ITEM 6.2

RESOLVED

That it be recommended to Council:

that Council takes note of the decisions taken, for the period 02 January 201 until 28 February 2018, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler
- Director Strategic and Corporate Services – Ms A de Beer
- Director Engineering Services – Mr Deon Louw
- Director Community and Protection Services – Mr G Esau
- Chief Financial Officer – Mr M Wüst
- Director Integrated Human Settlements and Property Management – Mr T Mfeya
- Director Planning and Economic Development – Mr B de la Bat

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| 7. | REPORTS SUBMITTED BY THE EXECUTIVE MAYOR |
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NONE

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| 8. | MOTIONS AND QUESTIONS RECEIVED BY THE MUNICIPAL MANAGER |
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NONE

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| 9. | URGENT MATTERS |
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NONE

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| 10. | MATTERS TO BE CONSIDERED IN-COMMITTEE |
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The meeting adjourned at 15:30.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments**