



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2018-11-09

## **MINUTES**

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

**2018-11-09 AT 14:00**

**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**  
**URGENT MEETING OF THE COUNCIL**  
**OF STELLENBOSCH MUNICIPALITY**

**2018-11-09**

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**MINUTES OF AN URGENT MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2018-11-09 AT 14:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH**

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

**ALDERMEN/WOMAN** Ald PW Biscombe Ald JP Serdyn (Ms)

**COUNCILLORS PRESENT**

F Adams	JK Hendriks
FJ Badenhorst	MC Johnson
FT Bangani-Menziwa (Ms)	C Manuel
G Cele (Ms)	NE Mcombring (Ms)
PR Crawley (Ms)	XL Mdemka (Ms)
A Crombie (Ms)	N Olayi
JN De Villiers	SA Peters
R Du Toit (Ms)	MM Pietersen
A Florence	WF Pietersen
AR Frazenburg	SR Schäfer
E Fredericks (Ms)	N Sinkinya (Ms)
E Groenewald (Ms)	Q Smit
JG Hamilton	LL Stander
AJ Hanekom	E Vermeulen (Ms)

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**Officials:** Municipal Manager (Ms G Mettler)  
Chief Financial Officer (M Wüst)  
Director: Community and Protection Services (G Esau)  
Director: Corporate Services (Ms A De Beer)  
Director: Economic Development and Planning (T Mfeya)  
Director: Infrastructure Services (D Louw)  
Senior Manager: Governance (Ms S De Visser)  
Chief: Audit Executive (F Hoosain)  
Senior Administration Officer (T Samuels (Ms))  
Interpreter (J Tyatyeka)

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<b>1.</b>	<b>OPENING AND WELCOME</b>
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The Speaker, Cllr WC Petersen (Ms) welcomed all present at the Urgent Council meeting. Cllr A Florence opened the meeting with a prayer.

<b>2.</b>	<b>DISCLOSURE OF INTEREST</b>
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NONE

<b>3.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>(3/4/1/6)</b>
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1. The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

Cllr MB De Wet	–	9 November 2018
Cllr DA Hendrickse	–	9 November 2018
Cllr LK Horsband (Ms)	–	9 November 2018
Cllr DD Joubert	–	9 November 2018
Cllr N Mananga-Gugushe (Ms)	–	9 November 2018
Cllr R Nalumango (Ms)	–	9 November 2018
Cllr P Sitshoti (Ms)	–	9 November 2018

2. ABSENT

Cllr GN Bakubaku-Vos (Ms)	–	9 November 2018
Cllr MD Oliphant	–	9 November 2018

4.	<b>RECRUITMENT AND SELECTION PROCESS OF THE DIRECTOR: COMMUNITY AND PROTECTION SERVICES</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

9 November 2018

**1. SUBJECT: RECRUITMENT AND SELECTION PROCESS OF THE DIRECTOR:  
COMMUNITY AND PROTECTION SERVICES**

**2. PURPOSE OF REPORT**

To obtain Council approval for the commencement of the recruitment and selection process of the Director: Community and Protection Services.

**3. DELEGATED AUTHORITY**

Municipal Council

**4. EXECUTIVE SUMMARY**

The position of Director Community and Protection Services became vacant on 1 November 2018 with the resignation of Mr Gerald Esau. (Resignation letter attached as **APPENDIX 1**). With the current changes to the Portfolio Committee there are three (3) members responsible for the functions in the Directorate. Council to determine which Mayoral Committee members form part of the Selection panel. The selection panel must consist of minimum three (3) members and maximum five (5) members.

**URGENT COUNCIL MEETING: 2018-11-09: ITEM 4**

**RESOLVED** (majority vote with abstentions)

- (a) that Council approves the recruitment and selection processes of the Director: Community and Protection Services;
- (b) that Council approves the selection panel for the Director Community and Protection Services as set out in the Government Gazette 37245 : Local Government Regulations on Appointment and Conditions of Employment of Senior Managers –
- The Municipal Manager;
  - Members of the Mayoral Committee responsible for the Portfolios under this directorate;
  - At least one person who is not a councillor or staff member, and who has expertise or experience in the area.

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- (c) that an independent external consultant be appointed to assist with the recruitment and selection process in line with abovementioned Regulations; and
- (d) that Mr Albert Van der Merwe be appointed as Acting Director: Community and Protection Services for the period 1 December 2018 – 28 February 2019, or until such time that the post is filled.

*Councillor F Adams requested that his vote of dissent be minuted.*

**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:mm@stellenbosch.gov.za">mm@stellenbosch.gov.za</a>
<b>REPORT DATE</b>	November 2018

5.	<b>RECRUITMENT AND SELECTION PROCESS : CHIEF FINANCIAL OFFICER – THIRD ROUND - CHANGES IN SELECTION PANEL</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

9 November 2018

**1. SUBJECT: RECRUITMENT AND SELECTION PROCESS : CHIEF FINANCIAL OFFICER – THIRD ROUND – CHANGES IN SELECTION PANEL**

**2. PURPOSE OF REPORT**

To notify Council of the change in the Mayoral Committee leading to a change in the selection panel of the Chief Financial Officer (CFO) Recruitment and selection process.

**3. DELEGATED AUTHORITY**

Municipal Council for noting.

**4. EXECUTIVE SUMMARY**

The recruitment and selection process for the 3<sup>rd</sup> round of the CFO commenced during October 2018, with the advertisement which closed on 15 October 2018.

Councillor Salie Peters was appointed as part of the Selection Panel at a Council meeting held on 25 July 2018.

Council on the 30 October 2018 noted the changes made to the Mayoral Committee as proposed by the Executive Mayor.

**URGENT COUNCIL MEETING: 2018-11-09: ITEM 5**

**NOTED**

the changes in the Mayoral Committee led to changes in the selection panel of the Chief Financial Officer, i.e. that Councillor P Crawley (Ms) serves on the selection panel in her capacity as Chairperson of the Financial Services Portfolio.

**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:mm@stellenbosch.gov.za">mm@stellenbosch.gov.za</a>
<b>REPORT DATE</b>	2018-11-06

6.	<b>298 SERVICE SITES FOR THE UPGRADING ON ERF 2181, MANDELA CITY INFORMAL SETTLEMENTS, KLAPMUTS: CHANGE OF SCOPE FOR WEC CONSULT</b>
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Collaborator No: 615006  
 IDP KPA Ref No:  
 Meeting Date: 09 November 2018

**1. SUBJECT: 298 SERVICE SITES FOR THE UPGRADING ON ERF 2181, MANDELA CITY INFORMAL SETTLEMENTS, KLAPMUTS: CHANGE OF SCOPE FOR WEC CONSULT**

**2. PURPOSE**

To obtain the necessary authorization for the intended amendment of a contract concluded with WEC Consult.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

WEC Consult was appointed as the initial Consultants to obtain the land use rights in order to implement the development of Mandela City Informal Settlement upgrading project. The latter appointment included among others the amendment of the existing subdivision plan (original 219 sites), obtaining land use rights and supervision of the construction of Engineering services. The Municipal Planning Tribunal (MPT) approved the land use application for the proposed development on Erf 2181, Mandela City, Klappmuts on 08 May 2017.

During the implementation of the project, community members were dissatisfied with a number of issues and particularly the size of the temporary housing units and serviced sites. After extensive consultation and negotiation processes, many community issues were addressed however, the Site Development Plan (SDP) had to be altered to accommodate community needs. The impact to revise the phase 1 of the Site Development Plan caused a delay of about six months on site.

This resulted in changes in specifications and additional costs to the entire professional team, ie. Safety inspector, Environmental Control officer, Site supervision, Project management etc. These costs will exceed the allowed 15% in terms of Circular number 62/2012 (National Treasury) as mentioned in paragraph 6.4.3.

**URGENT COUNCIL MEETING: 2018-11-09: ITEM 6**

**RESOLVED** (nem con)

- (a) that Council notes in terms of MFMA Section 116(3) the reasons for the change of scope/specification of the Mandela City development project;
- (b) that the tender amount (B/SM 28/16) for the provision of Professional Services be increased from R2 185 109.00 to R3 738 846.60;



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- (c) that Council give reasonable notice of intention to amend the contract or agreement in terms of section 116(3)(b)(i);
- (d) that the local community be invited to submit representations to the Municipality in terms of section 116 (3)(b)(ii); and
- (e) that the Municipal Manager be authorized to conclude the contract or agreement after (d) above, is finalized in terms of the applicable Act/Regulation.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Tabiso Mfeya
<b>POSITION</b>	<i>Director</i>
<b>DIRECTORATE</b>	<i>Planning &amp; Economic Development</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8491</i>
<b>E-MAIL ADDRESS</b>	<i>tabiso.mfeya@ Stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>9 November 2018</i>

7.	<b>298 SERVICE SITES FOR THE UPGRADING OF INFORMAL SETTLEMENTS ON ERF 2181, MANDELA CITY, KLAPMUTS: CHANGE OF SCOPE FOR WF CONSTRUCTION</b>
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Collaborator No: 615171  
 IDP KPA Ref No:  
 Meeting Date: 09 November 2018

**1. SUBJECT: 298 SERVICE SITES FOR THE UPGRADING OF INFORMAL SETTLEMENTS ON ERF 2181, MANDELA CITY, KLAPMUTS: CHANGE OF SCOPE FOR WF CONSTRUCTION**

**2. PURPOSE**

To obtain the necessary authorisation for the intended amendment of a contract concluded with WF Construction.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

WF Construction was appointed for the installation and/or construction of civil services at Mandela City, Klappmuts. During the implementation of the project, community members were dissatisfied with a number of issues and particularly the size of the temporary housing units and serviced sites. After extensive consultation and negotiation processes, many community issues were addressed however, the Site Development Plan had to be altered to accommodate the community needs. The impact to revise the phase 1 of the Site Development Plan (SDP) caused a delay of about six months on site.

This resulted in changes in specifications and additional costs both for project supervision and construction of civil services which will exceed the allowed 20% in terms of Circular number 62/2012 (National Treasury) as mentioned in paragraph 6.4.3.

**URGENT COUNCIL MEETING: 2018-11-09: ITEM 7**

**RESOLVED** (nem con)

- (a) that Council notes in terms of MFMA Section 116(3) the reasons for the change of scope/specification of the Mandela City development project;
- (b) that the tender amount (B/SM 56/17) for the construction of civil services be increased from R15 595 026.16 to R28 498 082.35;
- (c) that Council give reasonable notice of intention to amend the contract or agreement in terms of section 116(3)(b)(i);

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- (d) that the local community be invited to submit representations to the Municipality in terms of section 116 (3)(b)(ii); and
- (e) that the Municipal Manager be authorized to conclude the contract or agreement after (d) above, is finalized in terms of the applicable Act/Regulation.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Tabiso Mfeya</i>
<b>POSITION</b>	<i>Director</i>
<b>DIRECTORATE</b>	<i>Planning &amp; Economic Development</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8491</i>
<b>E-MAIL ADDRESS</b>	<a href="mailto:tabiso.mfeya@ Stellenbosch.gov.za">tabiso.mfeya@stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<i>9 November 2018</i>

8.	<b>REPORT ON SLOW CAPITAL EXPENDITURE</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

9 NOVEMBER 2018

**1. SUBJECT: REPORT ON SLOW CAPITAL EXPENDITURE****2. PURPOSE OF REPORT**

To inform Council of the current capital expenditure and the challenges being faced with the spending thereof.

**3. DELEGATED AUTHORITY**

Municipal Council

**4. EXECUTIVE SUMMARY**

The municipality is currently facing extreme pressure with the slow expenditure of the capital budget. This report will focus on the challenges being faces and factors that lead to these challenges and possible solutions to address slow expenditure.

**URGENT COUNCIL MEETING: 2018-11-09: ITEM 8****NOTED**

- (a) the concerns raised with the slow capital expenditure;
- (b) the Municipal Manager will headhunt in certain instances where vacancies exist and cannot be filled on several occasions, i.e. the Senior Manager: Infrastructure Planning, Development Services and Implementation and appoint same if a suitable candidate is identified in line with the relevant requirements of the post;
- (c) the initiatives implemented by the Municipal Manager and Administration to ensure effective spending of the capital budget;
- (d) the challenges being faced by the administration to spend an annual increasing capital budget with the current amount of critical vacancies within the Municipality; and
- (e) the challenges faced with the current capital budget and consider same in the adjustments budget process.

**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:mm@stellenbosch.gov.za">mm@stellenbosch.gov.za</a>
<b>REPORT DATE</b>	November 2018

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## ADDITIONAL ITEM

<b>9.</b>	<b>UPPER LIMITS OF TOTAL REMUNERATION PACKAGES PAYABLE TO MUNICIPAL MANAGERS AND MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGERS</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

9 November 2018

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

**2. PURPOSE**

To inform Council of the notice providing for the Upper limits applicable to Section 56 Managers and the Municipal Manager from 1 July 2018.

**3. DELEGATED AUTHORITY**

The notice is automatically applicable to Section 56 Managers and the Municipal Manager unless otherwise determined in the notice or through a waiver provided by the Minister. In terms of the Municipal Delegations (626) and (634) the adjustment of remuneration is delegated to the Executive Mayor (for the Municipal Manager) and the Municipal Manager (for the Section 56 Managers).

**4. EXECUTIVE SUMMARY**

When a Municipal Manager or Manager reporting to the Municipal Manager is appointed Council appoints such individual based on the Upper Limit notice applicable to that financial year when it comes to the remuneration aspect of the contract. The Local Government: Regulations on the Appointment and Conditions of Employment of Senior Managers dated 17 January 2014 provides in item 35 that the Minister **must** annually determine the remuneration packages of the senior managers through the publication of a notice in the Government Gazette. The senior managers referred to are the Municipal Manager and the Section 56 Managers. Such notice is supposed to be published before 31 March every year to be applicable from 1 July each year. The notice for the 2018/19 financial year was only published on 8 November 2018. A copy of the notice is attached as **ANNEXURE A**. Stellenbosch Municipality is a category 5 municipality and all the senior managers are remunerated on the maximum total remuneration package. The CFO, Mr Wust, was appointed before the implementation of the Regulations under which this Notice is published and in terms of item 13 (1) of the Notice the notice does not apply to him. His salary has been adjusted on 1 July 2018 in accordance with his employment contract that provides for the same percentage increase as determined in the SALGBC. The maximum remuneration packages as indicated in item 8 are therefore applicable as per the attached notice to all directors excluding the CFO from 1 July 2017. The increase amounts to 5,4% for the Municipal Manager and Senior Managers and 7% for the Chief Financial Officer.

The Minister granted an exemption to the Stellenbosch Municipality in a letter dated 3 August 2017 in regard to the remuneration package of the Municipal Manager to an amount of R1 650 000,00. In terms of her contract and as approved by Council in August 2017 this amount was applicable from date of her appointment. Increases are dealt with in terms of her contract and may be approved by the Executive Mayor in terms of the delegations. It is recommended to the Executive Mayor that the remuneration package, as indicated by the Minister above, is increased by the same percentage received by the Section 56 managers in terms of the notice.

**URGENT COUNCIL MEETING: 2018-11-09: ITEM 9****NOTED**

the changes in the Upper Limits for Senior Managers which amounts to 5.4% increase, the 5.4% increase of the Municipal Manager and the 7% increase of the CFO.

<b>Incumbent</b>	<b>Package in terms of 2017 Notice</b>	<b>Package in terms of 2018 Notice</b>
G Mettler (exemption approved)	R1 747 350.00	R1 841 706.90
M Wüst (appointed before upper limits)	R1 625 446.74	R1 739 228.01
A de Beer	R1 317 437.00	R1 388 579.00
T Mfeya	R1 317 437.00	R1 388 579.00
J Louw	R1 317 437.00	R1 388 579.00
G Esau	R1 317 437.00	R1 388 579.00

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	G Mettler
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 – 808 8025</i>
<b>E-MAIL ADDRESS</b>	<i>Municipal.manager@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>8 November 2018</i>

The meeting adjourned at 14:50.

**CHAIRPERSON:** .....

**DATE:** .....

**Confirmed on** ..... **with/without**