



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2021-11-15 & 23

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## **MINUTES**

**1ST MEETING OF THE  
COUNCIL OF STELLENBOSCH MUNICIPALITY  
2021-11-15 AT 10:00**

**&**

**ADJOURNED 1<sup>ST</sup> MEETING OF THE  
COUNCIL OF STELLENBOSCH MUNICIPALITY  
2021-11-23 AT 10:00**

# MINUTES

## FIRST MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2021-11-15 & 2021-11-23

### TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	OPENING AND WELCOME: MUNICIPAL MANAGER	2
2.	CONSTITUTING AND REPRESENTATION OF COUNCIL: INTRODUCTION OF COUNCILLORS	3
3.	APPLICATION FOR LEAVE OF ABSENCE BY COUNCILLORS	4
3.1	COMMUNICATION BY THE MUNICIPAL MANAGER AND PLEDGE CEREMONY	4
4.	NOTICES AND COMMUNICATIONS: MUNICIPAL MANAGER	5
4.1	TYPE OF MUNICIPALITY: PROVISION OF FULL -TIME POLITICAL OFFICE BEARERS AS PER ESTABLISHMENT NOTICE	5
5.	ELECTION OF THE SPEAKER	5
5.1	Election Process	
5.2	Acceptance Speech by the newly elected Speaker	
5.3	Political Parties' Responses	
6.	MATTERS FOR CONSIDERATION	
6.1	RULES OF ORDER	9
6.2	ELECTION OF THE EXECUTIVE MAYOR	10
	6.2.1 Election Process	
	6.2.2 Acceptance Speech by the newly elected Executive Mayor	
	6.2.3 Political Parties' Responses	
6.3	ELECTION OF THE DEPUTY EXECUTIVE MAYOR	12
	6.3.1 Election Process	
	6.3.2 Acceptance Speech by the newly elected Deputy Executive Mayor	
	6.3.3 Political Parties' Responses	
6.4	APPOINTMENT OF FULL-TIME COUNCILLORS	14
6.5	ELECTION OF COUNCIL WHIP FOR STELLENBOSCH COUNCIL	19
6.6	ELECTION OF REPRESENTATIVES TO CAPE WINELANDS DISTRICT COUNCIL	21

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
6.7	STRUCTURING OF COUNCIL: ESTABLISHMENT OF SECTION 80 COMMITTEES	24
6.8	STRUCTURING OF COUNCIL: ESTABLISHMENT OF SECTION 79 - / STATUTORY COMMITTEES	
6.8.1	Current Status of Statutory Committee: The Audit & Performance Audit Committee	28
6.8.2	Establishment of a Disciplinary Committee	30
6.8.3	Establishment of MPAC and Oversight Committee	31
6.8.4	Establishment of a Rules Committee	32
6.8.5	Establishment of a Disciplinary Board	33
6.8.6	Establishment of Appeal Committee (Section 62: Systems Act)	34
6.9	APPOINTMENT OF REPRESENTATIVES ON SALGA - WESTERN CAPE	35
6.10	APPOINTMENT OF COUNCILLORS TO SERVE ON THE LOCAL LABOUR FORUM	36
6.11	APPOINTMENT OF COUNCILLORS TO SERVE ON EXTERNAL BODIES	37
6.12	ADOPTION OF SYSTEM OF DELEGATIONS	38
6.13	ESTABLISHMENT OF WARD COMMITTEES	39
6.14	SCHEDULE OF PROPOSED DATES FOR MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2022 CALENDAR YEAR	41
6.15	DISCLOSURE AND DECLARATION OF INTEREST	43
6.16	AMENDED SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2022/23 AND THE DRAFT ONLINE PUBLIC PARTICIPATION MEETING SCHEDULE	45
6.17	RECRUITMENT AND SELECTION PROCESS: MUNICIPAL MANAGER	52
7.	MATTERS FOR NOTIFICATION	
7.1	HAND-OVER REPORT TO THE NEW COUNCIL	53
7.2	CODE OF CONDUCT FOR COUNCILLORS	54
7.3	SECTION 53 ROLES AND RESPONSIBILITIES	55
7.4	REMUNERATION OF COUNCILLORS	57
8.	CLOSURE	58

**MINUTES OF THE 1<sup>ST</sup> MEETING OF STELLENBOSCH COUNCIL HELD ON  
2021-11-15 AT 10:00 IN THE TOWN HALL, PLEIN STREET, STELLENBOSCH**

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<b>PRESENT</b>	The Speaker, Cllr Q Smit [Chairperson] The Executive Mayor, Ald GMM Van Deventer (Ms) The Deputy Executive Mayor, Cllr JS Fasser	
<b>COUNCILLORS</b>	RA Adams J Andrews Ald JC Anthony FJ Badenhorst PR Crawley (Ms) A Crombie (Ms) ZJ Dalling (Ms) MM Danana I De Taillerfer (Ms) R Du Toit (Ms) A Ferns (Ms) E Groenewald (Ms) AJ Hanekom RB Hendrikse (Ms) P Johnson J Joon O Jooste X Kalipa N Mananga-Gugushe (Ms) C Manuel EP Masimini	NE Mcombring [Ms] XL Mdemka (Ms) NM Mkhontwana (Ms) RS Nalumango [Ms] ZR Ndalasi CD Noble L Nkamisa M Nkopane [Ms] N Ntsunguzi (Ms) N Olayi WC Petersen [Ms] RO Pheiffer WF Pietersen MG Rataza Ald JP Serdyn [Ms] A Tomose J Williams RB Van Rooyen M Van Stade CA Van Wyk E Vermeulen
<b>ALSO PRESENT:</b>	J Beerwinkel L Louw PN Ndinyana M Prag (Ms)	: : : : : Representative from IEC : Representative from IEC : Representative from IEC : Senior Magistrate

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<b>Officials:</b>	Municipal Manager (Ms G Mettler) Chief Financial Officer (K Carolus) Director: Community and Protection Services (G Boshoff) Director: Corporate Services (Ms A De Beer) Director: Infrastructure (D Louw) Director: Planning and Economic Development (A Barnes) Chief Audit Executive (F Hoosain) Manager: Communications (S Grobbelaar) Senior Administration Officer (T Samuels (Ms))
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1.	<b>OPENING AND WELCOME: MUNICIPAL MANAGER</b>
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**Collaborator No:**

**IDP KPA Ref No:** Good Governance and Compliance

**Meeting Date:** Council: 15 November 2021

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In terms of Section 29(2) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), the Municipal Manager must call the first meeting of a Council of a municipality within fourteen days after the Council has been declared elected.

The Municipal Manager will declare the meeting open and welcome all elected Councillors.

#### **1<sup>ST</sup> MEETING OF COUNCIL: 20216-11-15: ITEM 1**

The Municipal Manager, Ms G Mettler, officiating as Chairperson for the election of Speaker, requested everyone present to remain standing while one of the staff members, Mr Abrahams lead the meeting into singing the National Anthem, "Nkosi sikelel' Afrika".

Ds Daniels of the Rynse Kerk, opened the proceedings with scripture reading and prayer.

The Municipal Manager welcomed and acknowledged all dignitaries, Councillors, officials, media, and members of the public to the inaugural meeting of the Stellenbosch Municipal Council.

2.	<b>CONSTITUTING OF MEETING AND REPRESENTATION ON COUNCIL: INTRODUCTION OF COUNCILLORS</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

Council: 15 November 2021

**1. SUBJECT: CONSTITUTING OF MEETING AND REPRESENTATION ON COUNCIL: INTRODUCTION OF COUNCILLORS**

**2. PURPOSE OF REPORT**

For notification.

**3. DELEGATED AUTHORITY**

To formally introduce the newly elected Councillors.

**4. EXECUTIVE SUMMARY**

A schedule of the outcome of the elections held on 2021-11-01, received from the IEC, is attached hereto as **APPENDIX 1**.

The Municipal Manager will introduce all elected Councillors.

**1<sup>st</sup> COUNCIL MEETING: 2021-11-15: ITEM 2**

**RESOLVED**

that cognisance be taken of the results of the election held on 2021-11-01 and that, in terms of the IEC schedule containing the outcomes of the elections, the Stellenbosch Council is constituted as follows:

Democratic Alliance (DA)	= 28 seats (19 Ward & 9 PR)
African National Congress (ANC)	= 8 seats (4 Ward & 4 PR)
Good (Good)	= 3 seats (0 Ward & 3 PR)
Economic Freedom Fighters (EFF)	= 2 seats (0 Ward & 2 PR)
African Christian Democratic Party (ACDP)	= 1 seat (0 Ward & 1 PR)
Patriotic Alliance (PA)	= 1 seat (0 Ward & 1 PR)
People's Democratic Movement (PDM)	= 1 seat (0 Ward & 1 PR)
Vryheidsfront Plus (VF+)	= 1 seat (0 Ward & 1 PR)
	<b>= TOTAL: 45 SEATS</b>

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<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><a href="mailto:municipal.manager@stellenbosch.gov.za">municipal.manager@stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>10 November 2021</i>

<b>3.</b>	<b>APPLICATION FOR LEAVE OF ABSENCE</b>
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**Collaborator No:**  
**IDP KPA Ref No:**           **Good Governance and Compliance**  
**Meeting Date:**               **Council: 15 November 2021**

In accordance with existing protocols, application for leave of absence from a meeting must be submitted in writing to the Council Whip/the Speaker, or in their absence, to the Office of the Municipal Manager. The appropriate form is **APPENDED.**

**1<sup>st</sup> COUNCIL MEETING: 2021-11-15: ITEM 3**

The following application for leave of absence was approved in terms of the Rules and Order By-law of Council:-

Cllr N Olayi – 15 November 2021

<b>3.1</b>	<b>COMMUNICATION BY THE MUNICIPAL MANAGER AND PLEDGE CEREMONY OF COUNCILLORS</b>
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The Municipal Manager congratulated all Councillors for being elected as Councillors and requested the family members of the elected Councillors to please stand. She said that we tend to forget that the job of a Councillor is sometimes a very unthankful and ungrateful one, and they rely very heavily on their support structure and their family members that serve this term with them, because it is the family members that will be affected when the community members want the undivided attention from the representatives. It is the family members that will have to sacrifice the time and to be the support structure to these Councillors we see before us. For that, we can give all the family members a hand of applause and wish them well for the 5-year term that is lying ahead of them and for the support they will be giving to our Councillors of Stellenbosch Municipality.

The Municipal Manager requested the Senior Magistrate of Stellenbosch Court, Ms Prag, to join her for the Pledge Ceremony of the Stellenbosch Councillors. All Councillors read and signed the Pledge.

4.	<b>NOTICES AND COMMUNICATIONS: MUNICIPAL MANAGER</b>
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4.1	<b>TYPE OF MUNICIPALITY: PROVISION OF FULL-TIME POLITICAL OFFICE BEARERS AS PER SECTION 12 ESTABLISHMENT NOTICE</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

Council: 15 November 2021

**1. SUBJECT: TYPE OF MUNICIPALITY: PROVISION OF FULL-TIME POLITICAL OFFICE BEARERS AS PER SECTION 12 ESTABLISHMENT NOTICE**

**2. PURPOSE OF REPORT**

To inform Council of the Type of Municipality for Stellenbosch Municipality as per the Establishment Notice.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The MEC in the Western Cape determines the type of Municipality and who may be determined as full-time Councillors. This is published in the establishment notice. The Principal Establishment Notice dated 22 September 2000 is attached as **APPENDIX 1**. The Stellenbosch Municipality (WCO24) Establishment Ninth Amendment Notice dated 15 October 2021 is attached as **APPENDIX 2**.

**1<sup>st</sup> COUNCIL MEETING: 2021-11-15: ITEM 4**

**RESOLVED**

that cognisance be taken that in terms of the Section 12 Notice, Stellenbosch Municipality is a Type 9 (d) municipality, namely a municipality with an Executive Mayoral System with a Ward Participatory System, it has 45 (forty five) Councillors of which 23 (twenty three) are Ward Councillors (in its 23 wards), and 22 (twenty two) are proportionally elected councillors, and Stellenbosch Municipality has an Executive Mayoral Committee consisting of 9 members besides the Executive Mayor and the Deputy Executive Mayor.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<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>10 November 2021</i>



<b>5.</b>	<b>ELECTION OF THE SPEAKER</b>
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<b>5.1</b>	<b>ELECTION PROCESS</b>
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**Collaborator No:**  
**IDP KPA Ref No:**            **Good Governance and Compliance**  
**Meeting Date:**                **Council: 15 November 2021**

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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 THE SPEAKER**

**2. PURPOSE**

To provide for the election process of the Speaker.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

In terms of Section 36 of the Local Government: Municipal Structures Act, 117/98:-

- Each municipal Council must have a chairperson who will be called the Speaker;
- At its first sitting after its election, a municipal Council must elect its Speaker from among the Councillors;
- The Municipal Manager of the municipality or, if the Municipal Manager is not available, a person designated by the MEC for local government in the province, presides over the election of a Speaker;
- The procedure set out in Schedule 3 of the Structures Act applies to the election of a Speaker; and
- A Councillor may not hold office as Speaker and Mayor at the same time.

In terms of Section 38 of the said Act, the Speaker is elected for a term ending when the next Council is declared elected, subject thereto that a Speaker vacates office during a term if that person, in terms of Section 39-

- resigns as Speaker;
- is removed from office by a resolution of Council; or
- ceases to be a Councillor.

**1<sup>st</sup> COUNCIL MEETING: 2021-11-15: ITEM 5.1**

The Municipal Manager called for nominations for the Office of Speaker. Two duly signed nominations were received, i.e. Councillor Nokuthula Gugushe (Ms) (form attached as **APPENDIX 2**) and Councillor Quintin Smit (form attached as **APPENDIX 3**).

A secret ballot in terms of item 6 of Schedule 3 of the Local Government: Municipal Structures Act took place, yielding the following results:

Cllr Nokuthula Gugushe (Ms) = 8 votes

Cllr Quintin Smit = 30 votes

44 Ballot papers were handed out, of which 1 paper was spoilt, and 5 no votes. (**SEE APPENDIX 4**)

The Municipal Manager then

**DECLARED**

Councillor Quintin Smit as duly elected Speaker.

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

**5.2****ACCEPTANCE SPEECH BY THE NEWLY ELECTED SPEAKER**

“I would like to take this opportunity to welcome all of you, all our guests, members of Parliament and members of the public to the first sitting of this Council. To the Administration, the Municipal Manager on my left, Ms Geraldine Mettler, thank you very much MM for the hard work that you and your team have put in for putting Inaugural meeting together. It was done at very short notice and thank you for what you have achieved and how you put everything together. Can we please give them a round of applause.

Thank you for the election and for choosing me as your sitting Speaker, it is a great honor for me to be here. I have been a proud serving member of this Council for the past decade. I look forward to the next five years.

The Rules of my Office and the way I conduct my business are very basic and simple, it is all according to the Rules of Order of Council. For the new Councillors (I see a lot of new faces amongst us), you will receive the proper introduction, my Office will in due course advise you accordingly as to training that I think is necessary for all of us, and I want to invite the more senior Councillors on a refresher course on the necessary protocols.

The timeframe of the elections put a lot of stress on all us as the Administration and as Councillors. Please bear with us to get things done timeously.

I thank you.”

5.3	<b>POLITICAL PARTIES' RESPONSES</b>
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An opportunity is afforded the political parties to offer brief responses.

**1<sup>st</sup> COUNCIL MEETING: 2021-11-15: ITEM 5.3**

**RESOLVED** (nem con)

that it be noted that the ANC, DA and PDM offered congratulatory remarks.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<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><u><a href="mailto:municipal.manager@stellenbosch.gov.za">municipal.manager@stellenbosch.gov.za</a></u></i>
<b>REPORT DATE</b>	<i>10 November 2021</i>

<b>6.</b>	<b>MATTERS FOR CONSIDERATION</b>
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<b>6.1</b>	<b>RULES OF ORDER</b>
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Collaborator No:  
IDP KPA Ref No:            **Good Governance and Compliance**  
Meeting Date:               **Council: 15 November 2021**

**1. SUBJECT: RULES OF ORDER**

**2. PURPOSE OF REPORT**

To inform Council of the Rules of Order that will apply at the first and subsequent meetings of Council and its Committees, until amended by Council.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

As provided for in Section 160(6) of the Constitution of The Republic of South Africa, a municipal council may make by-laws which prescribe rules and orders for –

- (a) its internal arrangements;
- (b) its business and proceedings; and
- (c) the procedures, powers and functions of its committees.

Such a set of Rules of Order, which governs the way meetings are to be conducted within a municipality, must be formally adopted by Council.

The existing Rules of Order Regulating the Conduct of Council and Council Committee Meetings of The Stellenbosch Municipality is **distributed as APPENDIX 1**.

**1<sup>st</sup> COUNCIL MEETING: 2021-11-15: ITEM 6.1**

**RESOLVED**

that the existing Rules of Order as set out in **APPENDIX 1** be used as the Rules of Order applicable to the Stellenbosch Municipality's Council and Council Committee meetings until amended.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<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><a href="mailto:municipal.manager@stellenbosch.gov.za">municipal.manager@stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>10 November 2021</i>

<b>6.2</b>	<b>ELECTION OF THE EXECUTIVE MAYOR</b>
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<b>6.2.1</b>	<b>ELECTION PROCESS</b>
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Collaborator No:  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: Council: 15 November 2021

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

**2. PURPOSE**

To elect the Executive Mayor.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

In terms of the Stellenbosch Municipality (WCO24) Establishment Notice, read with the subsequent amendment notices, Stellenbosch Municipality is a municipality with a mayoral executive system combined with a ward participatory system.

Section 55(1)(c) of the Municipal Structures Act states that:-

“If a Municipal Council chooses to have an Executive Mayor, it must elect an Executive Mayor, from among its members at a meeting that must be held within 14 days after the Council's election”. The procedures set out in Schedule 3 of the Municipal Structures Act apply to the election of an Executive Mayor.

**1<sup>st</sup> COUNCIL MEETING: 2021-11-15: ITEM 6.2.1**

**RESOLVED** (nem con)

The Speaker called for nominations for the office of Executive Mayor and requested the Municipal Manager in her capacity as MEO to preside over the nomination process.

The following duly signed nominations were received:

Cllr Gesina Maria Magdalena Van Deventer (Ms) (nomination attached as **APPENDIX 2**)

Cllr Ronalda Nalumango (Ms) (nomination attached as **APPENDIX 3**).

A secret ballot in terms of item 6 of Schedule 3 of the Local Government: Municipal Structures Act took place, yielding the following results:

Cllr Gesina Maria Magdalena Van Deventer (Ms) = 32 votes

Cllr Ronalda Nalumango (Ms) = 8 votes

44 Ballot papers were handed out, of which 3 papers were spoilt. (**SEE APPENDIX 4**)

The Speaker then

**DECLARED**

Councillor Gesina Maria Magdalena Van Deventer (Ms) as duly elected Executive Mayor.

The Speaker congratulated Councillor GMM Van Deventer (Ms) on her election as Executive Mayor.

<b>6.2.2</b>	<b>ACCEPTANCE SPEECH BY THE NEWLY ELECTED EXECUTIVE MAYOR</b>
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(SEE SPEECH ATTACHED)

<b>6.2.3</b>	<b>POLITICAL PARTIES' RESPONSES</b>
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An opportunity is afforded the political parties to offer brief responses.

**1<sup>st</sup> COUNCIL MEETING: 2021-11-15: ITEM 6.2.3**

**RESOLVED**

that it be noted that the ANC, DA, PA and PDM offered congratulatory remarks.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<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><a href="mailto:municipal.manager@stellenbosch.gov.za">municipal.manager@stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>10 November 2021</i>

6.3	ELECTION OF THE DEPUTY EXECUTIVE MAYOR
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6.3.1	ELECTION PROCESS
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

Council: 15 November 2021

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

**2. PURPOSE**

To elect the Executive Deputy Mayor.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

If a Municipal Council chooses to have an Executive Mayor, it must, in terms of Section 55(1)(c) of the Municipal Structures Act, elect an Executive Mayor and, if the MEC for Local Government in the province so approves, also a Deputy Executive Mayor, from among its members at a meeting that must be held within 14 days after the Council's election, or within 14 days after the date with effect from which the type of the municipality has been changed.

Attached as **APPENDIX 2** is the Provincial Gazette: no. 7460, dated 31 July 2015, confirming the designation of the above as full-time councillors.

With reference to the status of the Deputy Executive Mayor, Section 60(2) of the Municipal Structures Act, 117 of 1998, states that *“the mayoral committee must consist of the deputy executive mayor (if any) and as many councillors as may be necessary for effective and efficient government, provided that no more than 20 per cent of the councillors or 10 councillors, whichever is the least, are appointed.”*

Hence, by virtue of section 60(2) of the Municipal Structures Act, a Deputy Executive Mayor must form part of the mayoral committee, if one is elected. Therefore, based on this legal provision, read with Item 9(b) of the Establishment Notice of Stellenbosch Municipality, the Deputy Executive Mayor of Stellenbosch Municipality is a full-time councillor as he/she is a member of the mayoral committee.

In terms of Section 4 of the Section 16 Amendment Notice, Stellenbosch Municipality is authorised to elect a Deputy Executive Mayor.

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

**1<sup>st</sup> COUNCIL MEETING: 2021-11-15: ITEM 6.3.1**

The Speaker called for nominations for the office of Deputy Executive Mayor and requested the Municipal Manager in her capacity as MEO to preside over the nomination process.

The following duly signed nominations were received:

Cllr N Ntsunguzi (Ms) (nomination attached as **APPENDIX 2**)

Cllr JS Fasser (nomination attached as **APPENDIX 3**).

A secret ballot in terms of item 6 of Schedule 3 of the Local Government: Municipal Structures Act took place, yielding the following results:

Cllr Nombulelo Ntsunguzi (Ms) = 8 votes

Cllr Jeremy Fasser = 28 votes

44 Ballot papers were handed out, of which 2 papers were spoilt and 6 no votes.  
**(SEE APPENDIX 4)**

The Speaker then

**DECLARED**

Cllr Jeremy Fasser as duly elected Executive Mayor.

The Speaker congratulated Cllr Jeremy Fasser on his election as Deputy Executive Mayor.

<b>6.3.2</b>	<b>ACCEPTANCE SPEECH BY THE NEWLY ELECTED DEPUTY EXECUTIVE MAYOR</b>
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**(SEE SPEECH ATTACHED)**

<b>6.3.3</b>	<b>POLITICAL PARTIES' RESPONSES</b>
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An opportunity is afforded the political parties to offer brief responses.

**1<sup>st</sup> COUNCIL MEETING: 2021-11-15: ITEM 6.3.3****RESOLVED**

that it be noted that the ANC, DA and PDM offered congratulatory remarks.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<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><a href="mailto:municipal.manager@stellenbosch.gov.za">municipal.manager@stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>15 November 2021</i>



6.4	<b>APPOINTMENT OF FULL-TIME COUNCILLORS</b>
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Collaborator No:  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: Council: 15 November 2021

**1. SUBJECT: APPOINTMENT OF FULL-TIME COUNCILLORS**

**2. PURPOSE**

To designate the full-time Councillors.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

In terms of Section 12 of the Structures Act, the MEC for Local Government in a Province, by notice in the Provincial Gazette, must establish a municipality in each municipal area which the Demarcation Board demarcates in the province in terms of the Demarcation Act.

Such establishment notice must, *inter alia*, specify:-

- the type of municipality that is established;
- the number of Councillors as determined in terms of Section 20; and
- which Councillors of the municipality (if any) may be designated as full-time in terms of Section 18.

A Proclamation Notice, published by the Minister for Co-operative Governance and Traditional Affairs, on 14 December 2011, in the Government Gazette no. 34868, attached as **APPENDIX 1**, states that "The member of the Executive Council of a Province responsible for local government may determine that councillors who have been elected or appointed to any of the following offices in a municipal council, may be designated as full-time:

- The Speaker;
- The Executive Mayor;
- The Deputy Executive Mayor;
- A member of a Mayoral Committee;
- Chairperson of a committee established in terms of Section 79 in a municipality with 40 or more Councillors;
- A single Whip appointed for Council in municipalities with 40 or more councillors."<sup>1</sup>

In terms of Section 18(4) of the Municipal Structures Act, Act 117/1998 a municipality has the power to designate Councillors determined by the MEC for Local Government as full-time.

<sup>1</sup> Note selective quotation, based on applicability.

**1<sup>st</sup> COUNCIL MEETING: 2021-11-15: ITEM 6.4****RESOLVED**

that the following Councillors as determined by the MEC be designated by Council as full-time Councillors:-

- the Executive Mayor;
- the members of the Mayoral Committee (including the Deputy Executive Mayor);
- the Speaker;
- the Single Whip; and
- the Chairperson of MPAC (Municipal Public Accounts Committee).

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<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><a href="mailto:municipal.manager@ Stellenbosch.gov.za">municipal.manager@ Stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>10 November 2021</i>

**ITEM 6.5 UNTIL ITEM 8 ON THE AGENDA**

The Speaker, Cllr Q Smit **RULED** that due to restricted timeframes, Items 6.5 until Item 8 on the Council Agenda stand over to enable the Political Parties to have more time to apply their minds as to which members they want to nominate on which Committees.

The Speaker announced that, after consultation with the Executive Mayor and the Municipal Manager, an Adjourned 1<sup>st</sup> Council meeting will be held on 2021-11-23 at 10:00 in the Town Hall, Stellenbosch. Councillors are requested to bring the same Agenda to the next meeting, as a new Agenda will not be distributed.

The meeting adjourned at 12:30.

**CHAIRPERSON:** .....

**DATE:** .....

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

**MINUTES OF THE ADJOURNED 1<sup>ST</sup> MEETING OF STELLENBOSCH COUNCIL HELD ON 2021-11-23 AT 10:00 IN THE TOWN HALL, PLEIN STREET, STELLENBOSCH**

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**PRESENT** The Speaker, Cllr Q Smit [Chairperson]  
The Executive Mayor, Ald GMM Van Deventer (Ms)  
The Deputy Executive Mayor, Cllr JS Fasser

**COUNCILLORS**

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

**ALSO PRESENT:** J Beerwinkel : Representative from IEC  
L Louw : Representative from IEC  
PN Ndinyana : Representative from IEC

\*\*\*\*\*

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

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<b>3.</b>	<b>APPLICATION FOR LEAVE OF ABSENCE</b>
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**ADJOURNED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 3**

The following application for leave of absence was approved in terms of the Rules and Order By-law of Council:-

Cllr R Badenhorst – 23 November 2021

<b>4.</b>	<b>COMMUNICATIONS BY THE SPEAKER</b>
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- The Speaker, Cllr Q Smit requested Councillors to collect their laptops from the IT Department in the Council Chamber after the meeting.
- He further urged Councillors to kindly ensure that all the necessary forms handed to them during the previous meeting have been completed and submitted to the relevant Departments as soon as possible. Any outstanding signed pledges must also be submitted to Office of the Speaker.
- “Let’s Fix It” documentation and a handy fridge magnet was placed on each Councillor’s table. The Speaker explained how the “Let’s Fix It” system works and urged everyone to follow protocol and make use of the contact information provided on the documentation to report official complaints regarding service delivery issues.
- The schedule for the establishment of the Ward Committees will be finalised by 24 November 2021.
- The placing of the adverts in newspapers regarding the establishment of the Ward Committees will be done by 2 December 2021.
- The closing date for nomination of Ward Committee Members is Monday, 17 January 2022.
- The first establishment meetings will commence on Monday, 24 January 2022.
- The adverts for Ward Administrators will be placed next week. A strict administrative process will be followed in the appointment of Ward Administrators. A shortlist will be submitted whereafter the Ward Councillor will be engaged with for inputs regarding the possible prospects on the list.
- All Ward Committee members must engage with the Senior Administrative Officer, Mr Nicky Ceasar, to make an appointment with him at his Office on 1<sup>st</sup> Floor, Main Building regarding the allocation of Ward Offices and for assistance.
- that it be noted that the last Council meeting for 2021 will take place on 10 December 2021 at 10:00 and the recess period will be from 13 December 2021 until 10 January 2022.
- The All Wards Committee meeting will take place on 29 November 2021 from 11:00 until 12:00.
- An Internal Induction Programme for all Councillors will take place on 6 December 2021 and will be conducted by the Administration as well as the Speaker. The venue will be confirmed in due course. If Councillors wish to structure their packages, it will be discussed during the Internal Induction Program.
- An Induction Programme will be hosted by SALGA from 31 January 2022 – 4 February 2022 in the Town Hall.
- The Municipal Manager requested the Councillors to ensure that they are on the Councillor whatsapp group, because reminders and communications will be shared on that platform on a regular basis.

<b>6.5</b>	<b>ELECTION OF COUNCIL WHIP FOR STELLENBOSCH COUNCIL</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance and Compliance**

**Council: 15 November 2021**

**1. SUBJECT: ELECTION OF COUNCIL WHIP FOR STELLENBOSCH COUNCIL**

**2. PURPOSE**

To elect a whip for Council as provided for in Section 41A of the Local Government Municipal Structures Act (as amended on 5 November 2021).

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Proclamation Notice was published by the Minister for Co-operative Governance and Traditional Affairs, on 14 December 2011, in the Government Gazette no. 34868. In terms of said notice "The member of the Executive Council of a Province responsible for local government may determine that councillors who have been elected or appointed to any of the following offices in a municipal council, may be designated as full-time:

- The Speaker;
- The Executive Mayor;
- The Deputy Executive Mayor;
- A member of a Mayoral Committee;
- Chairperson of a committee established in terms of Section 79 in a municipality with 40 or more Councillors;
- A single Whip appointed for Council in municipalities with 40 or more councillors."<sup>2</sup>

This provision has subsequently been supplemented by Section 41A in the Local Government Structures Act as amended on 4 November 2021 (**APPENDIX 1**).

**ADJOURNED 1<sup>st</sup> COUNCIL MEETING: 2021-11-23: ITEM 3**

The Speaker called for nominations for the position of Council Whip.

The following duly signed nominations were received:

Cllr Patricia Crawley (Ms) (nomination attached as **APPENDIX 2**).

Cllr Monwabizi Rataza (nomination attached as **APPENDIX 3**).

<sup>2</sup> Note selective quotation, based on applicability.

A secret ballot in terms of item 6 of Schedule 3 of the Local Government: Municipal Structures Act took place, yielding the following results:

Cllr Patricia Crawley (Ms) = 33 votes

Cllr Monwabizi Rataza = 8 votes

44 Ballot papers were handed out, of which 0 papers were spoilt and 3 were no votes. **(SEE APPENDIX 4).**

The Speaker then

**DECLARED**

Councillor Patricia Crawley (Ms) as duly elected Council Whip for the Stellenbosch Municipal Council.

The Speaker congratulated Councillor Patricia Crawley (Ms) on her election as Council Whip of the Stellenbosch Municipal Council.

<b>6.6</b>	<b>ELECTION OF REPRESENTATIVES TO CAPE WINELANDS DISTRICT COUNCIL</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance and Compliance**

**Council: 15 November 2021**

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**1. SUBJECT: ELECTION OF REPRESENTATIVES TO CAPE WINELANDS DISTRICT COUNCIL**

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**TO BE CONDUCTED BY THE INDEPENDENT ELECTORAL COMMISSION:  
THE MUNICIPAL ELECTORAL OFFICER (MEO)**

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**2. PURPOSE**

To elect the Councillors that represent Stellenbosch Municipality on the Cape Winelands District Council.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Sixty percent of the members of a District Council are representatives of local Councils and district management areas within its area of jurisdiction. District Council representatives are elected by voters from that area on voting day. Representatives from local Councils and district management areas are however elected by the Councils themselves from amongst their members.

The election must be conducted by the Chief Electoral Officer who has delegated this task to the Municipal Electoral Officer (MEO) of every local municipality as provided for in Schedule 2 of the Local Government: Municipal Structures Act. The current schedule 2 did not make provision for a process to deal with a situation where equal decimals are allocated to party lists after the first allocation. The National Minister of Local Government and Traditional Affairs however on 23 November 2021 published regulations to make provision for a determination by lot in such circumstances.

Every MEO for a local municipality must therefore at a meeting of the Council of that municipality (as soon as possible but within fourteen days after its election) conduct the election of that Council's representatives to the District Council in terms of Part 2 of Schedule 2 of the Local Government: Municipal Structures Act.

Stellenbosch Municipality must elect 6 members to represent the Municipality on the Cape Winelands District Council as per the establishment notice.



**ADJOURNED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 6.6**

The representative from the IEC, Ms L Louw chaired this part of the proceedings and explained the procedure to be followed in the election of representatives to the Cape Winelands District Council. She requested the meeting to submit candidates' lists in terms of Item 15 of Schedule 2 of the Local Government Municipal Structures Act.

The ANC requested a caucus, which the Speaker, Cllr Q Smit allowed.

When the meeting resumed, a secret ballot in terms of item 19 of Schedule 2 of the Local Government: Municipal Structures Act took place.

After the voting process, the MEO, Ms G Mettler, then

**INFORMED** the meeting

that the seat allocation to represent Stellenbosch Municipality on the Cape Winelands District Council is as follows:

DA : 3 representatives : Cllr Wilhelmina Pietersen (Ms)  
Cllr Ester Groenewald (Ms)  
Cllr Xoliswa Mdemka (Ms)

ANC : 1 representative : Cllr Ronaldo Nalumango (Ms)

The two further seats were allocated to 1 = DA as the DA party list received the most votes Cllr Charles Manuel (Mr) is the 4<sup>th</sup> representative on the DA list.

The Good Party list and the ACDP party list had the same decimal and after consultation with the office of the Minister of Local Government the MEO was informed of the regulations that was published and that the further process to fill the 6<sup>th</sup> seat should be done by lot. **APPENDIX 2** is an extract of the Structures Act, dated 2021-11-23 point 2. Election of Representatives from the Local Council to District Council).

No party had an objection to the tossing of the coin as the lot. A coin was tossed and the Good Party won the toss. The first representative on the Good party list was therefore declared elected.

GOOD : 1 representative : Cllr Marius Van Stade (Mr).

See results form attached as **ANNEXURES E & F** (IEC annexures).

The outcome of the elections for the 6 seats on the Winelands District Council are therefore as follows:

DA : 4 representatives : Cllr Wilhelmina Pietersen (Ms)  
Cllr Ester Groenewald (Ms)  
Cllr Xoliswa Mdemka (Ms)  
Cllr Charles Manuel (Mr)

ANC : 1 representative : Cllr Ronaldo Nalumango (Ms)

GOOD : 1 representative : Cllr Marius Van Stade (Mr)

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The MEO further informed the meeting that the above-mentioned seat allocation is preliminary insofar as it is subject to verification by the IEC and that the results will only become official when the process and outcome is verified and announced by the IEC.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<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><a href="mailto:municipal.manager@stellenbosch.gov.za">municipal.manager@stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>15 November 2021</i>

6.7	<b>STRUCTURING OF COUNCIL: ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES)</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

Council: 23 November 2021

**1. SUBJECT: STRUCTURING OF COUNCIL: ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES)**

**2. PURPOSE**

For Council to determine which Section 80 Committees must be established and to determine the representation on these committees.

**3. DELEGATED AUTHORITY**

Council establish the committees and appoints the members, whilst the Executive Mayor appoints the Chairpersons.

**4. EXECUTIVE SUMMARY**

In terms of Section 80 of the Structures Act, if a municipality has an Executive Mayor, it may appoint Committees of Councillors to assist the Executive Mayor.

Such Committees may not in number exceed the number of members of the Executive Committee (9).

The Executive Mayor, *inter alia*:-

- appoints a Chairperson for each Committee; and
- may delegate any powers and duties of the Executive Mayor to the Committee.

Such Committee(s) must assist the Executive Mayor in accordance with the directions of the Executive Mayor and in line with the provisions as indicated in section 80.

The members are appointed by council in accordance with the principle of representation amongst the amount of members allocated to each committee.

**5. RECOMMENDATIONS**

(a) that the establishment of the following Section 80 portfolio committees be approved:

- Community Development (Parks, Open Spaces and Environment)
- Corporate Services;
- Financial Services;
- Human Settlements;
- Infrastructure Services;
- Local Economic Development and Tourism
- Planning
- Protection Services
- Rural Management
- Youth, Sport and Culture

- 
- (b) that the representation on the committees be finalised at the first council meeting in 2022; and
- (c) that the Executive Mayor, in terms of Section 80(3) of the Municipal Structures Act, appoints the Chairperson for each of the Section 80 committees.

## 6. BACKGROUND

### 6.1 Discussion

#### 6.1.1 Composition of Committees

In terms of Section 160(8) of the Constitution of the Republic of South Africa, members of a municipal Council are entitled to participate in its proceedings and those of its Committees in a manner that, *inter alia*:-

- (a) allows parties and interests reflected within the Council to be fairly represented; and
- (b) is consistent with democracy.

The chairpersons of the section 80 Committees are appointed by the Executive Mayor and makes up the Mayoral Committee.

#### 6.1.2 The Portfolio Committees operational during the 2016 – 2021 term

The following Committees were established during the 2016 – 2021 term:

- Financial Services;
- Infrastructure Services;
- Planning, Economic Development including Tourism;
- Community and Protection Services;
- Youth, Sport and Culture
- Rural Management; and
- Corporate Services;
- Human Settlements;
- Parks, Open Spaces and Environment

The amount of members per committee were as follows (including the chairpersons):

1. Corporate Services, total 4 members of which:
 

DA	– 3
Opposition	– 1
2. Planning and Economic Development (including Tourism) total 5 members of which:
 

DA	– 3
Opposition	– 2
3. Financial Services, total 5 members of which:
 

DA	– 3
Opposition	– 2
4. Human Settlements, total 5 members of which:
 

DA	– 3
Opposition	– 2

5. Infrastructure Services, total 5 members of which:
  - DA – 3
  - Opposition – 2
6. Community and Protection Services, total 6 members of which:
  - DA – 4
  - Opposition – 2
7. Youth, Sport and Culture, total 5 members of which:
  - DA – 3
  - Opposition – 2
8. Parks, Open Spaces and Environment total 4 members –
  - DA – 3
  - Opposition – 1
9. Rural Management total 4 members
  - DA – 3
  - Opposition – 1

## 6.2 Financial Implications

As per the approved budget.

## ADJOURNED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 6.7

### RESOLVED

- (a) that the establishment of the following Section 80 Portfolio Committees be approved:
  - Community Services (Parks, Open Spaces and Environment)
  - Corporate Services
  - Financial Services
  - Human Settlements
  - Infrastructure Services
  - Local Economic Development and Tourism
  - Planning
  - Protection Services
  - Rural Management
  - Youth, Sport and Culture
- (b) that the representation on the committees be finalised at the first council meeting in 2022; and
- (c) that the Executive Mayor, in terms of Section 80(3) of the Municipal Structures Act, appoints the following Chairpersons for each of the Section 80 committees:
  - Community Services (Parks, Open Spaces and Environment)  
Cllr J Joon
  - Corporate Services  
Cllr L Nkamisa

- 
- Financial Services  
Cllr P Johnson
  - Human Settlements  
Cllr JS Fasser
  - Infrastructure Services  
Cllr ZJ Dalling (Ms)
  - Local Economic Development and Tourism  
Cllr R du Toit (Ms)
  - Planning  
Cllr C Van Wyk (Ms)
  - Protection Services  
Cllr FJ Badenhorst
  - Rural Management  
Cllr J Williams
  - Youth, Sport and Culture  
Cllr RA Adams

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Annalene de Beer</i>
<b>POSITION</b>	<i>Director: Corporate Services</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8018</i>
<b>E-MAIL ADDRESS</b>	<i>Annalene.deBeer@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>15 November 2021</i>

<b>6.8</b>	<b>STRUCTURING OF COUNCIL: ESTABLISHMENT OF SECTION 79 COMMITTEES / STATUTORY COMMITTEES</b>
<b>6.8.1</b>	<b>CURRENT STATUS OF STATUTORY COMMITTEE: THE AUDIT AND PERFORMANCE AUDIT COMMITTEE</b>

Collaborator No:  
IDP KPA Ref No:            Good Governance and Compliance  
Meeting Date:                Council: 15 November 2021

**1. SUBJECT: CURRENT STATUS OF STATUTORY COMMITTEE: THE AUDIT AND PERFORMANCE AUDIT COMMITTEE**

**2. PURPOSE OF REPORT**

To inform Council of the functions and purpose, as well as the current composition, of the Audit and Performance Audit Committee.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

In terms of Section 166 of the Municipal Finance Act (MFMA), Act No 56 of 2003, each municipality must have an Audit and Performance Audit Committee. The Audit and Performance Audit Committee is an independent advisory body which must advise Council, the political office bearers, the accounting officer, the management and staff of the municipality.

**The Stellenbosch Municipality's Audit and Performance Audit Committee**

The council-appointed members currently serving on the Municipality's Audit and Performance Audit Committee are:

<b>Audit Committee Member</b>	<b>Term expires on:</b>
Dr NL Mortimer (Chairperson)	28 February 2022 (Term 2)
Mr VJ Botto	30 August 2023 (Term 2)
Mr TW Lesihla	30 August 2023 (Term 2)
Ms J Williams	31 March 2022 (Term 1)

**ADJOURNED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 6.8.1****RESOLVED**

- (a) that cognisance be taken of the current composition of the Audit and Performance Audit Committee of Stellenbosch Municipality; and
- (b) that Council notes the Terms of Reference of the Audit and Performance Audit Committee as outlined in the approved Charter.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<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><a href="mailto:municipal.manager@stellenbosch.gov.za">municipal.manager@stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>10 November 2021</i>



<b>6.8.2</b>	<b>ESTABLISHMENT OF A DISCIPLINARY COMMITTEE</b>
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**Collaborator No:**  
**IDP KPA Ref No:** Good Governance and Compliance  
**Meeting Date:** Council: 15 November 2021

- 1. SUBJECT: ESTABLISHMENT OF A DISCIPLINARY COMMITTEE**
- 2. PURPOSE OF REPORT**  
For Council to establish a Disciplinary Committee for the Stellenbosch Council.
- 3. DELEGATED AUTHORITY**  
Council
- 4. EXECUTIVE SUMMARY**  
By virtue of the termination of the 2016-2021 Council's term of office, the former 7-member Disciplinary Committee has also dissolved. It is prudent for the newly elected Council to establish a Disciplinary Committee to assist in the discipline of Councillors by conducting disciplinary hearings and to make recommendations to Council in terms of its findings.

**ADJOURNED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 6.8.2**

The Speaker **RULED**

that this matter stand over until the January 2022 Council meeting to enable the Political Parties to have more time to apply their minds as to which members they want to nominate on the Section 79 Committees.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<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><a href="mailto:municipal.manager@stellenbosch.gov.za">municipal.manager@stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>10 November 2021</i>

<b>6.8.3</b>	<b>ESTABLISHMENT OF A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) AND OVERSIGHT COMMITTEE</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

Council: 15 November 2021

**1. SUBJECT: ESTABLISHMENT OF A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) AND OVERSIGHT COMMITTEE**

**2. PURPOSE OF REPORT**

For Council to establish a Municipal Public Accounts Committee (MPAC) and Oversight Committee.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The former Council had established an 8-member Municipal Public Accounts Committee (MPAC), which was fully functional.

By virtue of the termination of the 2016-2021 Council's term of office, the former MPAC has also dissolved. Council is obliged to establish a MPAC that also acts as an oversight committee to exercise oversight over the executive obligations of council.

In terms of Section 79 of the Structures Act, a municipal council may establish one or more Committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers, and appoint the members of such Committee(s) from among its members.

**ADJOURNED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 6.8.3**

The Speaker **RULED**

that this matter stand over until the Council meeting scheduled for 10 December 2021.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<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><a href="mailto:municipal.manager@stellenbosch.gov.za">municipal.manager@stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>10 November 2021</i>

<b>6.8.4</b>	<b>ESTABLISHMENT OF A RULES COMMITTEE</b>
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Collaborator No:  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: Council: 15 November 2021

**1. SUBJECT: ESTABLISHMENT OF A RULES COMMITTEE**

**2. PURPOSE OF REPORT**

For Council to establish a Rules Committee for the Stellenbosch Council.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

By virtue of the termination of the 2016-2021 Council's term of office, the former Rules Committee has also dissolved. It is prudent for the newly elected Council to establish a multi-party Rules Committee to be responsible for developing Rules of Order and amendments thereto, and to recommend same to Council for adoption.

The former Council had established an 8-member multi-party Rules Committee, with The Speaker serving as its Chairperson.

**ADJOURNED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 6.8.4**

The Speaker **RULED**

that this matter stand over until the January 2022 Council meeting to enable the Political Parties to have more time to apply their minds as to which members they want to nominate on the Section 79 Committees.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<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><a href="mailto:municipal.manager@stellenbosch.gov.za">municipal.manager@stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>10 November 2021</i>

<b>6.8.5</b>	<b>ESTABLISHMENT OF THE DISCIPLINARY BOARD</b>
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Collaborator No:  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: Council: 15 November 2021

**1. SUBJECT: ESTABLISHMENT OF THE DISCIPLINARY BOARD**

**2. PURPOSE**

For Council to establish the Disciplinary Board in line with Stellenbosch Municipality's implementation of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings

To appoint the Disciplinary Board and the Designated Official as per the regulation.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The above-mentioned regulation R430 Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings hereto attached as **APPENDIX 1** for your information and attention and has been enforceable with effect from 1 July 2014.

**ADJOURNED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 6.8.5**

**RESOLVED**

- (a) that Council establishes the Disciplinary Board in line with these regulations and that the board consists of:-
- (i) a member of the Audit Committee as elected by the Audit Committee;
  - (ii) a representative from Provincial Treasury as nominated by Province; and;
  - (iii) one or more person/s as determined by the Municipal Manager in line with subsection 4 of the regulations; and
- (b) that Council designates the Municipal Manager as the designated official to whom reports on alleged financial offences against Councillors should go.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Faiz Hoosain
<b>POSITION</b>	<i>Chief Audit Executive</i>
<b>DIRECTORATE</b>	<i>Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>0218088555</i>
<b>E-MAIL ADDRESS</b>	<i>Faiz.Hoosain@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>5 November 2021</i>

<b>6.8.6</b>	<b>ESTABLISHMENT OF APPEAL COMMITTEE (SECTION 62: SYSTEMS ACT)</b>
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Collaborator No:  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: Council: 15 November 2021

**1. SUBJECT: ESTABLISHMENT OF APPEAL COMMITTEE (SECTION 62: SYSTEMS ACT)**

**2. PURPOSE OF REPORT**

For Council to establish an Appeal Committee in terms of Section 62 of the Municipal Systems Act.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

By virtue of the termination of the 2016-2021 Council's term of office, the former Council Appeal Committee has dissolved, which now necessitates the establishment of a new Appeal Committee. During the previous term, 7 (seven) Councillors were appointed to serve on the Council Appeal Committee, with the Speaker appointed as Chairperson.

**ADJOURNED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 6.8.6**

The Speaker **RULED**

that this matter stand over until the January 2022 Council meeting to enable the Political Parties to have more time to apply their minds as to which members they want to nominate on the Section 79 Committees.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<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><a href="mailto:municipal.manager@ Stellenbosch.gov.za">municipal.manager@ Stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>3 November 2021</i>

<b>6.9</b>	<b>APPOINTMENT OF REPRESENTATIVES ON SALGA – WESTERN CAPE</b>
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**Collaborator No:**  
**IDP KPA Ref No:** Good Governance and Compliance  
**Meeting Date:** Council: 10 November 2021

**1. SUBJECT: APPOINTMENT OF REPRESENTATIVES ON SALGA – WESTERN CAPE**

**2. PURPOSE OF REPORT**

For Council to appoint representatives and secundi to serve on the various SALGA Provincial Working Groups.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

As prescribed in the SALGA Constitution, Provincial and National Conferences must be held within 60 and 90 days after elections respectively.

The Council must nominate representatives to attend the Provincial and National Conferences, as well as appoint representatives to serve on the various SALGA provincial working groups.

The following are the SALGA Working Groups on which a nominated councillor from Stellenbosch Municipality served:

<b>SALGA Provincial Working Groups</b>	
1	Economic Development and Planning
2	Municipal Finance
3	Community Development
4	Human Resource Development and Collective Bargaining
5	Municipal Infrastructure and Related Services [which includes] – <ul style="list-style-type: none"> <li>• Climate Change, Environmental Affairs and Sustainability</li> <li>• Municipal Infrastructure Planning</li> <li>• Municipal Trading Services</li> </ul>
6	Governance, Intergovernmental and International Relations

**ADJOURNED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 6.8.9**

The Speaker **RULED**

that this matter stand over until the January 2022 Council meeting to enable the Political Parties to have more time to apply their minds as to which members they want to nominate on the Section 79 Committees.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<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><a href="mailto:municipal.manager@stellenbosch.gov.za">municipal.manager@stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>3 November 2021</i>

<b>6.10</b>	<b>APPOINTMENT OF COUNCILLORS TO SERVE ON THE LOCAL LABOUR FORUM</b>
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Collaborator No:  
IDP KPA Ref No:                      Good Governance and Compliance  
Meeting Date:                          Council: 10 November 2021

**1. SUBJECT: APPOINTMENT OF COUNCILLORS TO SERVE ON THE LOCAL LABOUR FORUM**

**2. PURPOSE OF REPORT**

For Council to consider the appointment of Councillors to serve on the Local Labor Forum.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The termination of the 2016-2021 Council's term of office necessitates the appointment of Councillors to represent the Employer on the Local Labour Forum.

As per the SALGBC Main Collective Agreement, the Employer representatives shall consist of at least 2 (two) Councillors and Management.

During the previous term of office, 5 (five) Councillors were appointed to serve on the Local Labour Forum.

The Local Labour Forum consists of a total number of 12 members per party (employer/employee).

Employer = 12 members  
SAMWU = 6 members  
IMATU = 6 members

**ADJOURNED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 6.8.10**

The Speaker **RULED**

that this matter stand over until the January 2022 Council meeting to enable the Political Parties to have more time to apply their minds as to which members they want to nominate on the Section 79 Committees.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<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><a href="mailto:municipal.manager@ Stellenbosch.gov.za">municipal.manager@ Stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>3 November 2021</i>

6.11	<b>APPOINTMENT OF COUNCILLORS TO SERVE ON EXTERNAL BODIES</b>
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**Collaborator No:**  
**IDP KPA Ref No:** Good Governance and Compliance  
**Meeting Date:** Council: 23 November 2021

**1. SUBJECT: APPOINTMENT OF COUNCILLORS TO SERVE ON EXTERNAL BODIES**

**2. PURPOSE OF REPORT**

For Council to consider the appointment of Representatives of Council to serve on external bodies.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The table below indicates the various external bodies where the former Council was represented:

BODY/INSTITUTE	Number of Council Reps
Jan Marais Nature Reserve Advisory Committee	1
Mont Rochelle Nature Reserve Advisory Committee	2
Pension Fund and Retirement Fund	1
Stellenbosch Tourism and Information Bureau	2
Stellenbosch Museum Trustee	1
Franschhoek Museum	1
Franschhoek Valley Tourism	2
Community Police Forum Stellenbosch	3
Community Police Forum Kayamandi	3
Community Police Forum Franschhoek	2
Community Police Forum Klipmuts	2
Community Police Forum Cloetesville	2
Community Police Forum Groot Drakenstein	1
SWOKK (Stellenbosch Welsyns en Ontwikkelings-koördinerings Kommittee)	3
FREMCO Trust	3
Hospital Board	1
University Board	1
Winelands Water Utilisation Association	1
Dilbeek Trust Committee	3

**ADJOURNED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 6.11**

The Speaker **RULED**

that this matter stand over until the January 2022 Council meeting to enable the Political Parties to have more time to apply their minds as to which members they want to nominate on the Section 79 Committees.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler
<b>POSITION</b>	Municipal Manager
<b>DIRECTORATE</b>	Municipal Manager
<b>CONTACT NUMBERS</b>	021 808 8025
<b>E-MAIL ADDRESS</b>	<a href="mailto:municipal.manager@stellenbosch.gov.za">municipal.manager@stellenbosch.gov.za</a>
<b>REPORT DATE</b>	3 November 2021



<b>6.12</b>	<b>ADOPTION OF SYSTEM OF DELEGATIONS</b>
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**Collaborator No:**  
**IDP KPA Ref No:** Good Governance and Compliance  
**Meeting Date:** Council: 23 November 2021

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

**2. PURPOSE**

Council must adopt a System of Delegations.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

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

- (a) delegate appropriate powers, excluding a power mentioned in Section 160(2) of the Constitution and the power to set tariffs, to decide to enter into a service delivery agreement in terms of Section 76(b) and to approve or amend the municipality's IDP, 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.

A copy of Council's current approved System of Delegations is attached as **APPENDIX 1**.

**ADJOURNED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 6.12**

**RESOLVED**

- (a) that Council adopts the existing System of Delegations until it is reviewed; and
- (b) that the Delegations be reviewed before 2022-06-30.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<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>3 November 2021</i>

6.13	ESTABLISHMENT OF WARD COMMITTEES
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

Council: 23 November 2021

**1. SUBJECT: ESTABLISHMENT OF WARD COMMITTEES**

**2. PURPOSE**

To submit to Council a report requesting the establishment of ward committees

**3. DELEGATED AUTHORITY**

Council is the decision-making authority.

**4. EXECUTIVE SUMMARY**

In terms of Stellenbosch Municipality's Establishment Notice (as amended), it is a municipality with a mayoral executive system combined with a ward participatory system.

Section 73 of the Local Government Municipal Structures Act stipulates:

*“(1) A metropolitan or local council must establish a ward committee for each ward in the municipality within 120 days after the election of the municipal council, in accordance with section 22.”; and*

*“(1A) (a) If a metropolitan or local council is unable to establish a ward committee or ward committees in accordance with subsection (1), the speaker must, prior to the expiry of the 120 days after the elections, in writing and on good cause shown, request the MEC, responsible for local government in the province concerned, for an extension.*

*(b) The MEC must respond to the request referred to in subsection (1)(a) within 14 days of receipt detailing the reasons for granting or refusing the extension”.*

Council is therefore requested to commission the Speaker to establish ward committees for all 23 wards.

**ADJOURNED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 6.13**

**RESOLVED**

- (a) that Council notes that in terms of Section 73 of the Municipal Structures Act, Ward Committees must be established for each ward;
- (b) that Council designates the Speaker to facilitate the establishment of Ward Committees in line with the provisions and stipulations of the Municipal Structures Act and Council's policy for the establishment of Ward Committees taking into consideration Covid-19 protocol as outlined in paragraphs 22(3) and 30(4) of the Council's Policy and Procedures for Ward Committees;

- 
- (c) that a hybrid model (geographic and sector model) be implemented;
- (d) that ward councillors be commissioned to determine the geographic areas/blocks of their wards where applicable;
- (e) that the Office of the Speaker be informed in respect of the geographical blocks/areas by not later than 30 November 2021;
- (f) that Council consider the amendments proposed in Clauses 20 and 25 of the Policy and Procedures for Ward Committees; and
- (g) that the Speaker reports back to Council on the establishment of the Ward Committees within a period of 4 (four) months.

<b>NAME</b>	<i>Annalene De Beer</i>
<b>POSITION</b>	<i>Director: Corporate Services</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	<i>021-808 8018</i>
<b>E-MAIL ADDRESS</b>	<i>Annalene.DeBeer@ Stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>10 November 2021</i>

<b>6.14</b>	<b>SCHEDULE OF PROPOSED DATES FOR MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2022 CALENDAR YEAR</b>
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Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 23 November 2021

**1. SUBJECT: SCHEDULE OF PROPOSED DATES FOR MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2022 CALENDAR YEAR**

**2. PURPOSE**

To inform Council of the schedule of proposed dates for meetings of Council, Mayoral Committee, Standing Committees and other Committees of Council for the 2022 calendar year.

**3. DELEGATED AUTHORITY**

The Speaker determines the dates of Municipal Council meetings. Dates for other meetings are determined by the Speaker in consultation with the various chairpersons of the meetings. The Executive Mayor may determine dates for the Mayoral Committee.

**4. EXECUTIVE SUMMARY**

An annual schedule of proposed dates for meetings is compiled in the interest of good governance. Besides complying with legislated requirements, a schedule of proposed dates of meetings enables councillors to plan their events, engagements and community activities.

Section 19 of the Local Government: Municipal Systems Act, 32 of 2000, stipulates that:

*“The municipal manager of a municipality must give notice to the public, in a manner determined by the municipal council, of the time, date and venue of every -*

*(a) ordinary meeting of the council; and*

*(b) special or urgent meeting of the council, except when time constraints make this impossible.”*

In line with legislated requirements, the publishing of such a schedule of proposed dates for meetings in the media and on the municipal website, seeks to foster a healthy culture of public involvement and participation in Council affairs.

**ADJOURNED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 6.14****RESOLVED**

- (a) that the schedule with the proposed dates for Council meetings, Mayoral Committee meetings, Standing Committees and other committees of Council for the 2022 calendar year (attached as **APPENDIX 1**), be noted;
- (b) that Council determines that the notice to the public of the time, date and venue of said meetings, as provided for in Section 19 of the Local Government: Municipal Systems Act, 32 of 2000, must be given on the Municipal website and in a newspaper that circulates in the WC024; and
- (c) that it be noted that the Speaker, as provided for in the Standing Rules and Order By-Law and the Systems Act, determines the dates of Council meetings and may call urgent- or special Council meetings over and above the proposed scheduled meetings and may vary dates in the schedule if and when needed.

<b>NAME</b>	<i>Annalene De Beer</i>
<b>POSITION</b>	<i>Director: Corporate Services</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	<i>021-808 8018</i>
<b>E-MAIL ADDRESS</b>	<i>Annalene.DeBeer@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>3 November 2021</i>

<b>6.15</b>	<b>DISCLOSURE AND DECLARATION OF INTEREST</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance and Compliance**

**Council: 23 November 2021**

**1. SUBJECT: DISCLOSURE AND DECLARATION OF INTEREST**

**2. PURPOSE**

To bring to Councillors' attention that they must submit their financial interest within 60 days of being elected.

**3. DELEGATED AUTHORITY**

None

**4. EXECUTIVE SUMMARY**

In terms of Item 8 of the Code of Conduct for Councillors (Schedule 7 of the Local Government Structures Act (117/1998 as amended) Municipal Systems Act), a Councillor must:-

- (a) disclose to the municipal Council, or to any Committee of which that Councillor is a member, any direct or indirect personal or private business interest that that Councillor, or any spouse, partner or business associate of that Councillor may have in any matter before the Council or the Committee; and
- (b) withdraw from the proceedings of the Council or Committee when that matter is considered by the Council or Committee, unless the Council or Committee decides that the Councillor's direct or indirect interest in the matter is trivial or irrelevant.

A Councillor must also in terms of Item 6 of the Code, within 60 days after being elected as Councillor, declare in writing to the Municipal Manager the following interests held by that Councillor:-

- (i) shares and securities in any company;
- (ii) membership of any close corporation;
- (iii) interest in any trust;
- (iv) directorship;
- (v) partnership;
- (vi) other financial interests in any business undertaking;
- (vii) employment and remuneration;
- (viii) interest in property;
- (ix) pension; and
- (x) subsidies, grants and sponsorships by any organization.

Any change in the nature or detail of the financial interests of a Councillor must be declared in writing to the Municipal Manager annually.

Gifts received by a Councillor above a prescribed amount must also be declared.

The municipal Council must determine which of the financial interests referred to above must be made public, having regard to the need for confidentiality and the public interest for disclosure.

The Disclosure Form for Benefits and Interests is attached as **APPENDIX 1**.

#### ADJOURNED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 6.15

#### RESOLVED

- (a) that cognisance be taken of the provisions, and effect be given to the requirements, as stipulated in Items 6 and 8 of the Code of Conduct for Councillors in respect of Disclosure and Declaration of Interest;
- (b) that Councillors return the completed forms (**APPENDIX 1**) within 60 days from 9 November 2021 to the Office of the Municipal Manager.

#### FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	<i>Geraldine Mettler</i>
<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><a href="mailto:municipal.manager@stellenbosch.gov.za">municipal.manager@stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>3 November 2021</i>

6.16	<b>AMENDED SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2022/23 AND THE DRAFT ONLINE PUBLIC PARTICIPATION MEETING SCHEDULE</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Date:**

**Good Governance and Compliance**

**23 November 2021**

**1. SUBJECT: AMENDED SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2022/23 AND PUBLIC PARTICIPATION PROCESS FOR NOVEMBER / DECEMBER 2021**

**2. PURPOSE**

To table to Council for consideration and approval:

- (a) The Amended Time Schedule / Process Plan 2022/23, attached as **ANNEXURE A**; and
- (b) To inform Council regarding the public participation process for November / December 2021.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

The 2022/23 implementation year proves to be a very challenging and unique. With the Local Government Elections concluded and for the municipality to ensure that the development of the 5<sup>th</sup> Generation Integrated Development Plan (IDP) 2022 – 2027 is drafted successfully, it is important that the process be managed carefully to ensure compliance with legislation.

According to Section 25(1) of the Local Government Municipal Systems Act, 2000 (Act. No. 32 of 2000) (MSA), each municipal council must adopt an IDP after the start of its elected term within a prescribed period. An election represents the start of a 5 – year IDP development process. In this instance, it will be the 5<sup>th</sup> Generation IDP 2022 – 2027. Therefore, the municipality is under pressure with legislated time frames to develop the 5<sup>th</sup> Generation IDP 2022 – 2027, including its IDP public participation processes.

Each municipality is legally required to adopt a time schedule listing key activities and deadlines 10 months before the start of the new financial year.

The Amended SDF / IDP / Budget Time Schedule 2022/23 endeavours to outline the key strategic activities and consultative processes that will contribute to the drafting of the 5<sup>th</sup> Generation IDP, Amendment of the Spatial Development Framework (SDF) and drafting of the Medium – Term Revenue Expenditure Framework to be implemented in the 2022/23 financial year.

The Amended SDF / IDP / Budget Time Schedule 2022/23 is, therefore, compiled in terms of Section 21(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No.56 of 2003) (MFMA), which states that “the mayor of a municipality must –

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 budget –related policies; and
- (iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii)

The Amended SDF / IDP / Budget Time Schedule 2022/23 is also compiled in terms of Section 29 of the MSA.

Section 29(1) of the MSA further specifies that:

The process followed by a municipality to draft its integrated plan, including its consideration and adoption of the draft plan, must-

- (a) be in accordance with a predetermined programme specifying timeframes for the different steps;
- (b) through appropriate mechanisms, processes and procedures established in terms of Chapter 4, 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 integrated development plan; 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 plan 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.

Council should take notice that the approved Integrated Development Plan (IDP) 2021/22 financial year has been included on the memory stick provided.

With the advent of the COVID-19 pandemic, the Stellenbosch Municipality held online public participation with a number of satellite venues. This hybrid model of public participation ensured that community members who does not have access to data and or a device, can attend the meeting at once of the satellite venues.

However, for the November / December 2021 public participation process, the following challenges had to be considered in order to determine an appropriate public participation approach while also not risking health and safety of community members:

- 
- Loadshedding, which occur intermittently during the day and impacts on the reliability of internet connectivity and broadcasting of the live streaming event;
  - Due to the COVID-19 regulations, only 50% of the capacity of a hall may be used. Should loadshedding occur, community members cannot be accommodated outside of the venue, should the capacity of the hall have been reached;
  - The school term will end on 15 December 2021 and the start of the holiday season;
  - Council was constituted on 15 November 2021, which resulted in limited time to consult with Ward Councillors on the public participation process and how the online public participation process function; and
  - Ward committee establishment will only take place in 2022.

Considering the above challenges, the following **public participation approach** is recommended to Council be followed for the analysis phase of the 5<sup>th</sup> Generation IDP 2022 - 2027:

- A link to pre-recorded video presentations will be made available on the municipal website and the Stellenbosch Citizen App;
- An electronic submission form will be loaded on the municipal website and the Stellenbosch Citizen App. The form will allow the community to capture their concerns and or community needs. Community members will be required to complete this form which will be used as basis to collate all community needs and priorities. After the public participation process, the information will be extracted and facilitated to the various user departments for possible action;
- The public participation process will comprise the period **29 November 2021 to 12 January 2022**, to allow members of the community and stakeholders to provide written inputs and or comments;
- Written inputs and or comments can also be submitted via email at [idp@stellenbosch.gov.za](mailto:idp@stellenbosch.gov.za), the Stellenbosch Citizen App, WhatsApp (067 427 1556) and Facebook;
- The public participation approach will be communicated as follows:
  - On the municipal website and social media platforms of the municipality; and
  - An advertisement will be placed in the local newspaper.

## 5. RECOMMENDATIONS

- (a) that Council adopts the Amended SDF / IDP / Budget Time Schedule for 2022/23 for the compilation of the annual budget in terms of Section 21(1) of the MFMA and Section 29 of the MSA, to guide the development of the 5<sup>th</sup> Generation IDP 2022 - 2027, attached as **ANNEXURE A**;
- (b) that Council approves of the public participation process for November / December 2021;

- (c) that Council approves the period for written comments to be received by the municipality on the development of the 5<sup>th</sup> Generation IDP 2022 -2027 to commence from 29 November 2021 to 12 January 2022; and
- (d) that the Amended SDF / IDP / Budget Time Schedule / Process Plan for 2022/23 be placed on the official website of the municipality, municipal notice boards and libraries, notifying the public and municipal stakeholders of the planned process.

## 6. DISCUSSION

### 6.1 Background

The SDF / IDP / Budget are inextricably linked with one another, and this link has been formalised through the promulgation of the MFMA.

The requirements for a Time Schedule are outlined in Section 21(1) of the MFMA and indicates:

*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) *any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).*

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

The Amended SDF / IDP / Budget Time Schedule 2022/23 also takes cognizance of the regulatory framework for the review, amendment and approval of the SDF, IDP, Budget and the annual Service Delivery and Budget Implementation Plan (SDBIP). The SDBIP is the implementation tool to give effect to those objectives and targets as indicated in the IDP and Budget. The importance of synchronising the timelines for the revision of the IDP and Annual Budget with those of the SDBIP, is captured in Section 41 of the MSA, which states that:

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”.*

Section 26(e) of the MSA refers to the Municipal SDF as a ‘core component’ of the municipal IDP and requires that the IDP reflect an mSDF, which must include the provision of basic guidelines for a land use management system for the municipality.

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.

According to Section 25(1) of the MSA, each municipal council must adopt an IDP after the start of its elected term within a prescribed period. An election represents the start of a 5 – year IDP development process. In this instance, it will be the 5<sup>th</sup> Generation IDP. The MSA, Section 25(3) does allow the new municipal council to adopt the IDP of the preceding council, with or without amendments.

**6.2 Financial Implications**

There are no financial implications beyond that which was approved in the 2021/22 MTREF Budget.

**6.3 Legal Implications**

In accordance with Section 21(b) of the MFMA “the mayor of a municipality must – 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 budget –related policies; and
- (iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).

Section 29(1) of the MS further specifies that:

The process followed by a municipality to draft its integrated development plan, including its consideration and adoption of the draft plan, must –

- (a) be in accordance with a predetermined programme specifying timeframes for the different steps;
- (b) through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for
- (iv) the local community to be consulted on its development needs and priorities;
- (v) the local community to participate in the drafting of the integrated development plan; and
- (vi) 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 plan 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.

Section 41 of the MSA also states that:

- (1) A municipality must in terms of its performance management system and in accordance with any regulations and guidelines that may be prescribed –
- (b) 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".

#### **6.4 Staff Implications**

This report has no additional staff implications to the municipality.

#### **6.5 Risk Implication**

This report has no direct risk implications for the municipality.

#### **6.6 Previous / Relevant Council Resolutions**

- Item 8.1 of the 37<sup>th</sup> Council Meeting held on 24 August 2020.
- Item 8.1 of the 45<sup>th</sup> Council Meeting held on 24 August 2021.

#### **6.7 Comments from Senior Management**

##### **6.7.1 Director: Community and Protection Services**

Supported

##### **6.7.2 Chief Financial Officer**

Supported

##### **6.7.3 Director: Infrastructure Services**

Supported

##### **6.7.4 Director: Corporate Services**

Supported

**6.7.5 Director: Planning and Economic Development**

Supported

**6.7.6 Comments from the Municipal Manager**

Supported

**ANNEXURES**ANNEXURE A: AMENDED SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN  
FOR 2022/23**ADJOURNED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 6.16****RESOLVED**

- (a) that Council adopts the Amended SDF / IDP / Budget Time Schedule for 2022/23 for the compilation of the annual budget in terms of Section 21(1) of the MFMA and Section 29 of the MSA, to guide the development of the 5<sup>th</sup> Generation IDP 2022 - 2027, attached as **ANNEXURE A**;
- (b) that Council approves of the public participation process for November / December 2021;
- (c) that Council approves the period for written comments to be received by the municipality on the development of the 5<sup>th</sup> Generation IDP 2022 -2027 to commence from 29 November 2021 to 12 January 2022; and
- (d) that the Amended SDF / IDP / Budget Time Schedule / Process Plan for 2022/23 be placed on the official website of the municipality, municipal notice boards and libraries, notifying the public and municipal stakeholders of the planned process.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 – 808 8025</i>
<b>E-MAIL ADDRESS</b>	<i>geraldine.mettler@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>10 November 2021</i>

6.17	<b>RECRUITMENT AND SELECTION PROCESS: MUNICIPAL MANAGER</b>
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Collaborator No:  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: Council: 23 November 2021

**1. RECRUITMENT AND SELECTION PROCESS: MUNICIPAL MANAGER****2. PURPOSE OF REPORT**

To inform Council of the progress made with the process to recruit a municipal Manager as the contract of Me Mettler comes to an end on 31 December 2021.

**3. DELEGATED AUTHORITY**

Municipal Council

**4. EXECUTIVE SUMMARY**

The contract period for Ms Geraldine Mettler, Municipal Manager comes to an end on 31 December 2021. Council resolved on 29 September 2021 to approve the advertising of the post. The post was advertised in the Sunday Times (**Appendix 1**) with a closing date of 3 November 2021. The external consultant was appointed through a SCM process and will be driving the process. Shortlisting must be finalised 30 days after the closure. Council appointed a panel as is reflected in 6.6 below. The external consultant is currently compiling the long list. A date for the shortlisting and interviews must be determined.

**RECONVENED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 6.17****RESOLVED**

that Council review, rescind, and replace recommendation (b) of the previous Council resolution dated 2021-09-29, Item 9.2.1, (b) to read:

“(b) 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 3 but not more than 5 members constituted as follows:

- The Executive Mayor, Ald GMM Van Deventer, who will be the Chairperson;
- The Deputy Executive Mayor, Cllr J Fassler; and
- The Chairperson of the Municipal Audit Committee, Dr L Mortimer”.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Annalene De Beer
<b>POSITION</b>	Director Corporate Service
<b>DIRECTORATE</b>	Corporate services
<b>CONTACT NUMBERS</b>	021 808 8025
<b>E-MAIL ADDRESS</b>	<a href="mailto:annalenedebeer@ Stellenbosch.gov.za">annalenedebeer@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	11 November 2021

7.	<b>MATTERS FOR NOTIFICATION</b>
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7.1	<b>HAND-OVER REPORT TO THE NEW COUNCIL</b>
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**Collaborator No:**  
**IDP KPA Ref No:**           **Good Governance**  
**Meeting Date:**               **23 November 2021**

**1. SUBJECT: HAND-OVER REPORT TO THE NEW COUNCIL**

**2. PURPOSE**

To submit to Council a consolidated Hand-over Report as required in terms of MFMA Circular 108 (8 March 2021) issued by National Treasury.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The Municipal Manager in collaboration with the Chief Financial Officer and other Section 56 Managers are required to prepare a hand-over report that needs to be tabled at the first meeting of the newly elected council.

**RECONVENED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 7.1**

**NOTED**

that cognisance be taken of the Hand-over Report as attached as **APPENDIX 1**.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler
<b>POSITION</b>	<b>Municipal Manger</b>
<b>DIRECTORATE</b>	Office of the Municipal Manager
<b>CONTACT NUMBERS</b>	021-8088025
<b>E-MAIL ADDRESS</b>	municipal.manager@stellenbosch.gov.za
<b>REPORT DATE</b>	2021-11-05



7.2	<b>CODE OF CONDUCT FOR COUNCILLORS</b>
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**Collaborator No:**  
**IDP KPA Ref No:** Good Governance and Compliance  
**Meeting Date:** Council: 23 November 2021

**1. SUBJECT: CODE OF CONDUCT FOR COUNCILLORS**

**2. PURPOSE OF REPORT**

To bring to the attention of Councillors the Code of Conduct as contained in Schedule 1 of the Municipal Systems Act 32 of 2000.

**3. DELEGATED AUTHORITY**

Not applicable

**4. EXECUTIVE SUMMARY**

Schedule 7 of the Municipal Systems Act, 117 of 1998 contains the Code of Conduct which must be adhered to by all Councillors.

Specific attention is drawn to the provisions relating to the obligation to attend meetings, disclosure and declaration of interests, the prohibition on receiving rewards, gifts and favours, unauthorized disclosure of information, and the prohibition on intervention in the administration.

A copy of the Code of Conduct for Councillors is attached as **APPENDIX 1** and is also contained on the memory stick provided to Councillors.

**RECONVENED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 7.2**

**NOTED**

that cognisance be taken of the Code of Conduct for Councillors.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<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><a href="mailto:municipal.manager@ Stellenbosch.gov.za">municipal.manager@ Stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>10 November 2021</i>

7.3	<b>SECTION 53 ROLES AND RESPONSIBILITIES</b>
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Collaborator No:  
IDP KPA Ref No:            **Good Governance and Compliance**  
Meeting Date:                **Council: 23 November 2021**

**1. SUBJECT: SECTION 53 ROLES AND RESPONSIBILITIES**

**2. PURPOSE OF REPORT**

To bring to the attention of councillors the respective roles and areas of responsibility of each political structure, political office-bearer and the Municipal Manager.

**3. DELEGATED AUTHORITY**

As per Council delegations.

**4. EXECUTIVE SUMMARY**

Section 53 of the Systems Act requires a municipal Council to define the respective roles and areas of responsibility of each political structure, political office-bearer and the Municipal Manager.

Furthermore, as per Section 53(5) of the Systems Act, the municipality must determine-

- (a) the relationships among those political structures and political office-bearers and the Municipal Manager, and the manner in which they must interact;
- (b) the appropriate lines of accountability and reporting for those political structures and political office-bearers and the Municipal Manager;
- (c) the mechanisms, processes and procedures for minimising cross-referrals and unnecessary overlapping of responsibilities between those political structures and political office-bearers and the Municipal Manager;
- (d) the mechanisms, processes and procedures for resolving disputes between those political structures and political office-bearers and the Municipal Manager; and
- (e) the mechanisms, processes and procedures for interaction, between-
  - (i) those political structures and political office-bearers and the Municipal Manager and other staff members of the municipality; and
  - (ii) Councillors and the Municipal Manager and other staff members of the municipality.

A copy of the Section 53 Roles and Responsibilities Manual is attached as **APPENDIX 1**.

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**RECONVENED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 7.3****NOTED**

that cognisance be taken of the Section 53 Roles and Responsibilities Manual.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<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><a href="mailto:municipal.manager@ Stellenbosch.gov.za">municipal.manager@ Stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>3 November 2021</i>

7.4	<b>REMUNERATION OF COUNCILLORS</b>
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Collaborator No:  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: Council: 23 November 2021

**1. SUBJECT: REMUNERATION OF COUNCILLORS**

**2. PURPOSE**

To inform Council of the applicable Upper Limits for Councillors.

**3. DELEGATED AUTHORITY**

Council after the determination by the Minister of Cooperative Governance and Traditional Affairs published in the Government Gazette.

**4. EXECUTIVE SUMMARY**

On 2 November 2021 the National Minister for Cooperative Governance and Traditional Affairs published the upper limits of salaries, allowances and benefits of different municipal councils with effect from 1 July 2021.

A copy of the said publication (**Government Notice No 1465, GG 45420**) and schedule is attached as **APPENDIX 1**.

Please note that, in terms of the number of points for rates income and number of registered voters (see paragraph 2 and 3 of schedule attached), Stellenbosch Municipality is a Grade 4 Municipality.

**RECONVENED 1<sup>ST</sup> COUNCIL MEETING: 2021-11-23: ITEM 7.4**

**NOTED**

that cognisance be taken of the upper limits of salaries, allowances and benefits of different members of municipal councils.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Geraldine Mettler</i>
<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><a href="mailto:municipal.manager@stellenbosch.gov.za">municipal.manager@stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>3 November 2021</i>

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8.	CLOSURE
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The meeting adjourned at 14:30.

**CHAIRPERSON:** .....

**DATE:** .....

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