



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2021-07-28

## **MINUTES**

### **44<sup>TH</sup> MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY**

**2021-07-28 AT 10:00**

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

**MINUTES**  
**MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY**  
**2021-07-28**  
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	(SEE IN-COMMITTEE DOCUMENTATION)	

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

**COUNCILLORS**

FJ Badenhorst	JK Hendriks
Ald PW Biscombe	LK Horsband (Ms)
G Cele (Ms)	MC Johnson
PR Crawley (Ms)	J Kleynhans (Ms)
Z Dalling (Ms)	NE Mcombring (Ms)
C Davidse	XL Mdemka (Ms)
R Du Toit (Ms)	C Moses
J Fasser	WF Pietersen
A Florence	SR Schäfer
AR Frazenburg	Ald JP Serdyn (Ms)
E Fredericks (Ms)	N Sinkinya (Ms)
T Gosa	P Sitshoti (Ms) (from 10:45)
E Groenewald (Ms)	LL Stander
JG Hamilton	R Van Rooyen
AJ Hanekom	E Vermeulen (Ms)

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**Officials:** Acting Municipal Manager (A Barnes)  
Chief Financial Officer (K Carolus)  
Director: Community and Protection Services (G Boshoff)  
Director: Corporate Services (Ms A De Beer)  
Director: Infrastructure Services (D Louw)  
Chief Audit Executive (F Hoosain)  
Senior Manager: Development Planning (C Alexander)  
Manager: Secretariat/Committee Services (EJ Potts)  
Manager: IDP /Performance Management (G Cain)  
Senior Administration Officer (B Mgcushe (Ms))

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<b>1.</b>	<b>OPENING AND WELCOME</b>
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Good Morning to you all present at the 44th Council Meeting.

A special welcome to:

- The Executive Mayor, Alderman Gesie Van Deventer
- The Municipal Manager and Directors
- The Members of the Executive Committee
- All Councillors present
- And the broader Stellenbosch Public tuned in on the Virtual Platform

I welcome you all present and hope that you will have a fruitful and constructive meeting as we discuss the Agenda Items.

I now call on Cllr G Cele (Ms) to open the meeting with a prayer.

Thank you.”

<b>2.</b>	<b>MAYORAL ADDRESS</b>
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“Speaker, Munisipale Bestuurder, Burgemeesterskomiteede, Direkteure

Goeiedag, Good Morning, Molweni, As-salaam Alaikum

- I want to start by wishing all our Muslim Councillors, Staff and residents a blessed Eid Al-Adha. From Monday until Friday our Muslim community celebrates the festival of Sacrifice.
- Die gebeure van verlede week in KZN en Gauteng druk swaar op my en ek weet op alle Suid-Afrikaners.
  - Die geweld en plundertogte wat deur Kwazulu-Natal en ook Gauteng geruk het, het die hele land tot stilstand geruk en ons almal getraumatiseerd gelos en met ook 'n tikkie vrees.
  - Die nagevolge hiervan, is nie beperk tot die Noordelike dele van ons land nie, en ons gaan dit op verskillende maniere voel en sien in die komende maande en selfs jare.
  - Ek was egter ontsaglik bly, dankbaar en trots om te sien hoe inwoners regoor die land hande gevat het en die boodskap gedra het dat plundery en geweld nie welkom is ons dorpe nie.
  - Ons inwoners staan saam teen boewery en sinnelose geweld.
  - As munisipaliteit werk ons saam met die SAPD en die Departement van gemeenskapsveiligheid om die situasie plaaslik ook te monitor.
  - Ek doen 'n beroep op al ons inwoners, dat indien u bewus word van opstokers, om dit nie vir 'n oomblik te duld nie, maar vir ons of die polisie in kennis te stel daarvan.
  - Moet asseblief nie die reg in eie hande neem nie, maar deel die inligting met ons.
- The third wave the CORONA virus has been more devastating than the first two combined
  - The Delta variant has become the most predominant strain in the country.
  - Research has shown that this strain is much more contagious and has left hospitals and health workers overwhelmed.
  - Many more people have died and almost all of us has lost someone because of this virus.
  - I urge all our residents to please adhere to the following preventative COVID measures:
    - Avoid large groups
    - WEAR A MASK
    - Sanitize your hands.
  - I want to encourage all councillors and residents who qualify to please register for the vaccine.
  - Registration is now open for all residents 35 years old and older.
  - Priority will still be given to older residents, but most sites, especially administered by private institutions are accepting all residents registered for vaccination.
- Registration is easy and can be done on the website – <https://vaccine.enroll.health.gov.za> or WhatsApp the word REGISTER to 0600 123 456 or call \*134\*832#. You can also call 0860 142 142 for assistance with registration.
  - Vaccination saves lives, please get vaccinated!

Thank you.”

<b>3.</b>	<b>COMMUNICATION BY THE SPEAKER</b>
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Madame Mayor and Councillors, today we are holding our 44<sup>th</sup> Council Meeting. We have just returned from recess where we had the opportunity to spend some quality time with our families. For us as Councillors, recess actually means that we are just working away from our offices and that we are on standby, in order to continue to serve our communities. Councillors, thank you for your valuable service to your communities, even when you are on recess, and thank you to your families for always supporting and understanding your role in the community.

**COVID 19**

- The 3<sup>rd</sup> wave of the pandemic has been tremendously challenging for us as a country as we went through a hectic peak with the DELTA VARIANT. The president has announced that we move to adjusted level 3. It is still required of us to keep ourselves and the people around us safe, by wearing a mask, sanitising, and practicing social distancing.
- I also want to encourage each and every one to seriously consider getting vaccinated as it will help us curb the spread of Covid-19. Should you feel that you have insufficient information regarding the vaccination, please make contact with your doctor or local health institution to discuss the pros and cons of the vaccination with you.

**Other Notices:**

**Birthdays:**

The following Councillors will be celebrating their birthdays in August:

- Cllr Lisenda Horsband            05 August
- Cllr Ansaaf Crombie            11 August
- Cllr Nyaniso Jindela            26 August
- Alderman Paul Biscombe       28 August

Councillors, may this year added to your lives be just as special as you are. And may you be blessed with love, joy and good health.

**MOMENT OF SILENCE**

- Can we please have a moment of silence for families who have lost loved ones in this time. We pray that you will find comfort and peace as time goes by and that you will always treasure the good memories of your loved ones.

Madame Mayor, Municipal Manager and fellow Councilors, let us move to the Business of the Day in dealing with the Council Agenda.

Thank You.”

<b>4.</b>	<b>COMMUNICATION BY THE ACTING MUNICIPAL MANAGER (MR A BARNES)</b>
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The Acting Municipal Manager, Mr A Barnes, extended his well wishes to all who lost family, friends and colleagues, especially due to Covid. He stated that Stellenbosch Municipality is indeed *open for business*, and he thanked the staff who, during this pandemic, showed their commitment towards serving the people of Stellenbosch. It is his prayer that God will continue to bless South Africa in these trying times.

5.	<b>DISCLOSURE OF INTERESTS</b>
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NONE

6.	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>
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6.1 The following application for leave of absence was approved in terms of the Rules and Order By-law of Council:-

Cllr DD Joubert	– 28 July 2021
Cllr N Jindela	– 28 July 2021
Cllr N Mananga-Gugushe (Ms)	– 28 July 2021
Cllr N Olayi	– 28 July 2021 (Special leave)
Cllr SA Peters	– 28 July 2021
Cllr Q Smit	– 28 July 2021
G Mettler – Municipal Manager	– 28 July 2021

6.2 Permission was granted to Cllr P Sitshoti (Ms) to join the meeting later (from 10:45).

6.3 ABSENT:

Cllr MD Oliphant	– 28 July 2021
Cllr FT Bangani-Menziwa (Ms)	– 28 July 2021
Cllr A Crombie (Ms)	– 28 July 2021
Cllr C Manuel	– 28 July 2021
Cllr RS Nalumango (Ms)	– 28 July 2021

7.	<b>CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING</b>
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7.1	<b>43<sup>RD</sup> COUNCIL MEETING: 2021-05-26</b>
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The minutes of the 43<sup>rd</sup> Council Meeting: 2021-05-26 was **confirmed as correct**, subject to the following amendment:

that, under Item 6: **Applications for leave of absence**, it be minuted that Cllr C Moses was not absent, but that an application for leave was approved.

7.2	<b>SPECIAL COUNCIL MEETING: 2021-06-23</b>
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The minutes of a Special Council Meeting: 2021-06-23 was **confirmed as correct**.



<b>8.</b>	<b>STATUTORY MATTERS</b>
<b>8.1</b>	<b>APPROVED TOP LAYER (TL) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2021/22</b>

Collaborator No: 709628  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 21 July 2021 and 28 July 2021

**1. SUBJECT: APPROVED TOP LAYER (TL) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2021/22**

**2. PURPOSE**

To inform Council that the Executive Mayor has approved the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2021/22.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

Section 53(1)(c)(ii) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) requires the Mayor of a municipality to take all reasonable steps to ensure that the municipality's Service Delivery and Budget Implementation Plan (SDBIP) is approved by the mayor within 28 days after the approval of the budget.

The TL SDBIP 2021/22 was approved by the Executive Mayor on 23 June 2021, which falls within the prescribed 28 days after the approval of the Budget.

The TL SDBIP 2021/22 is herewith submitted to Council for notification.

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 8.1**

**NOTED**

- (a) the approved Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2021/22 attached hereto as **ANNEXURE A**;
- (b) the approved TL SDBIP 2021/22 has been made public within 10 working days after the approval of the TL SDBIP 2021/22 and duly submitted to the MEC for Local Government in the Province; and
- (c) the performance indicators and targets adjustment as contained in the approved Integrated Development Plan (2017 – 2022) in accordance with the performance indicators and targets contained in the approved TL SDBIP 2021/22 to ensure accurate technical alignment between the IDP 2017 – 2022 and TL SDBIP 2021/22.

<b>8.2</b>	<b>SIGNED PERFORMANCE AGREEMENTS 2021/22 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER</b>
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Collaborator No: 708364  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 28 July 2021

**1. SUBJECT: SIGNED PERFORMANCE AGREEMENTS 2021/22 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER**

**2. PURPOSE**

To submit to Council, for notification, the following:

Signed Performance Agreements 2021/22 of the Municipal Manager and Managers Directly Accountable to the Municipal Manager.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

According to Section 57(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA) the performance agreement must be concluded annually:

“(a) ...within one month after the beginning of each financial year of the municipality.”

The Performance Agreements 2021/22 was developed in consultation with the Municipal Manager and each Director and signed on 07 July 2021.

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 8.2**

**NOTED**

the signed Performance Agreements 2021/22 of the Municipal Manager and Managers Directly Accountable to the Municipal Manager.

**FOR FURTHER DETAILS CONTACT:**

NAME	Shireen De Visser
POSITION	Senior Manager: Governance
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8035
E-MAIL ADDRESS	shireen.devisser@stellenbosch.gov.za
REPORT DATE	06 July 2021

<b>8.3</b>	<b>MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2021</b>
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

28 July 2021

**1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2021**

**2. PURPOSE**

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2020/2021 to report the deviations to Council.

**3. DELEGATED AUTHORITY**

**Council**

FOR NOTING.

**4. EXECUTIVE SUMMARY**

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2020/2021) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during June 2021.

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 8.3**

**NOTED**

the deviations as listed for the month of June 2021 with the reasons as indicated below:

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 16/21	25 June 2021	Adjuvo Enterprises	BSM 106/21 (Polar fleece blankets)	Exceptional case and it is impractical or impossible to follow the official procurement processes	The municipality followed a tender process to appoint a service provider for the provision of fleece blankets that forms part of the ward projects. The service provider defaulted and did not deliver the blankets as agreed. Subsequently the service provider was put on terms and the contract was cancelled. The municipality commenced with a new tender process, but the tender was cancelled due to non-responsive bids.	R 312 800.00 (Incl. Vat)

					<p>The ward projects needs to be completed and after testing the market twice without success it is impractical to follow a tender process again and it was decided to follow a targeted procurement process.</p> <p>The provision of the blankets were advertised again on the website and we received responses from four service. The preferred service provider is the least expensive of the four. The appointment of this service provider is required to complete the operational ward projects for 2020/21.</p>	
D/SM 17/21	30 June 2021	Securitem (Pty) Ltd	Extension on security services	Emergency	<p>Tender BSM87/18 for the rendering of security services for a period of three years expired on 30 June 2021. A new Tender BSM73/21 was advertised in April 2021 and the closing date was 17 May 2021, the technical report was submitted and the tender is currently under evaluation. Due to the number of tenders received for Tender BSM73/21 (23 bids) and the technical nature of the evaluation, it is not possible to do a comprehensive evaluation and finalize the tender process inclusive of a 21 day appeal period for the tender to be implemented on 01 July 2021.</p>	Estimated cost for 3 months - R5.6million
D/SM 18/21	30 June 2021	TMT Services	Provision of Traffic Law Enforcement equipment, back office system and related services.	Exceptional case and it is impossible to follow the official procurement process	<p>D/SM 10/21 was approved for six months to enable the conclusion of tender B/SM 04/20. This Deviation expired on 30 June 2021.</p> <p>Tender: B/SM 04/20 was not awarded due to unsuccessful negotiations with the preferred bidder.</p> <p>As the municipality cannot afford to be without a</p>	R121.49 per fine

					<p>service provider for any given period due to the nature of this function relating to the provision of traffic law enforcement equipment and back office systems, the request was made for the extension of D/SM 10/21 for a period of six (6) months or until a new tender has been awarded whichever date comes first.</p> <p>This is to allow the municipality to start a new competitive bidding process and to appoint a service provider on tender for an extended period.</p>	
D/SM 19/21	30 June 2021	Esri South Africa (Pty) Ltd	The renewal of annual software maintenance for geographic information system (GIS) licenses with training, maintenance and support for a period ending 30 June 2022	Goods or services are produced or available from a single provider; Exceptional case and it is impractical or impossible to follow the official procurement processes	<p>Esri South Africa (PTY) Ltd is the single/sole provider for the provision of software licensing for the municipality's Geographic Information System (GIS) as well as for the provision of maintenance, support and training.</p> <p>It is impractical to follow an official procurement process for the provision of goods and services that are produced or available from a single provider.</p>	R6 247 525.94 (Incl. VAT)

<b>8.4</b>	<b>OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY - REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL IMPLEMENTATION REPORT (01 JULY 2020 - 30 JUNE 2021)</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

28 July 2021

**1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY - REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL IMPLEMENTATION REPORT (01 JULY 2020 - 30 JUNE 2021)**

**2. PURPOSE**

To submit to Executive Management a report for the period 01 July 2020 - 30 June 2021 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

**3. FOR DECISION BY MUNICIPAL COUNCIL**

Section 6 (2) (i) & 4 of the SCM Policy 2020/2021 determines that the Accounting Officer must within 30 days of the end of each financial year; submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

**4. EXECUTIVE SUMMARY**

Within 30 days of the end of each financial year the Accounting Officer must submit a report on the implementation of the Supply Chain Management Policy to the Executive Mayor. In terms of the SCM Regulations and Council's SCM Policy the SCM unit has been delegated to perform powers and functions that related to the procurement of goods and services, disposal of goods no longer needed, the selection of contractors to provide assistance in the provision of municipal services.

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 8.4**

**RESOLVED** (nem con)

- (a) that Council takes note of this report and **ANNEXURE A** attached to the report; and
- (b) that the report be made public in accordance with section 21A of the Municipal Systems Act.

<b>8.5</b>	<b>OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY - REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 4 (01 April 2021 - 30 June 2021)</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

28 July 2021

**1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY - REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 4 (01 April 2021 - 30 June 2021)**

**2. PURPOSE**

To submit to Executive Management a report for the period 01 April to 30 June 2021 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

**3. FOR DECISION BY MUNICIPAL COUNCIL**

Section 6 (3) & 4 of the SCM Policy 2020/2021, determines that the Accounting Officer must within 10 days at the end of each quarter; submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

**4. EXECUTIVE SUMMARY**

On a quarterly basis the Accounting Officer must submit a report on the implementation of the Supply Chain Management Policy to the Executive Mayor. In terms of the SCM Regulations and Council's SCM Policy the SCM unit has been delegated to perform powers and functions that related to the procurement of goods and services, disposal of goods no longer needed, the selection of contractors to provide assistance in the provision of municipal services.

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 8.5**

**RESOLVED** (nem con)

- (a) that Council takes note of this report and **ANNEXURE A** attached to the report; and
- (b) that the report be made public in accordance with section 21A of the Municipal Systems Act.

8.6	<b>TABLING OF THE REMAINING CORE COMPONENTS OF THE ANNUAL REPORT 2019/20</b>
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Collaborator No: 710066  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 28 July 2021

**1. SUBJECT: TABLING OF THE REMAINING CORE COMPONENTS OF THE ANNUAL REPORT 2019/20**

**2. PURPOSE**

- a) To table to Council the remaining core components of the Annual Report 2019/20 for consideration and to be released for public comment.
- b) Furthermore, it is also the purpose of this submission to, after consideration of the remaining core components of the Annual Report 2019/20 by Council, to refer it to the Municipal Public Accounts Committee (MPAC) to fulfil the role of an Oversight Committee and make to make a recommendation to Council as contemplated in terms of Section 129(1) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA).

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

The Draft Annual Report 2019/20 was referred by Council, on 31 March 2021, to the MPAC which fulfilled the functions of the Oversight Committee. The appointment and mandate of the MPAC/Oversight Committee were informed by the MFMA Circular 32 of 2006.

Committee members, including the two co-opted members, have scrutinized the Draft Annual Report 2019/20 and requested, where required, responses from the relevant Directorates. The Annual Report 2019/20 was objectively reviewed by the MPAC Members to ascertain whether the Annual Report 2019/20 is a true and accurate reflection of the municipality's performance for the 2019/20 financial year. The public were also invited to attend a public hearing to submit any representations on the Annual Report 2019/20. The public hearing was held on 15 April 2021.

At the time of deliberating on the Annual Report 2019/20, the report from the Auditor General of South Africa (AGSA), as contemplated in terms of Section 121(3)(b) and (d), was not yet available.

The Annual Report 2019/20 was approved by Council on 26 May 2021 with the following reservation that, as soon as the AGSA's report for the 2019/20 becomes available, that it be submitted to the MPAC and Council for consideration.

The AGSA's report was signed on 13 July 2021 (**ANNEXURE A**). The Audit and Performance Audit Committee (APAC) also concluded its annual report and is also herewith submitted to Council for consideration (**ANNEXURE B**).



**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 8.6****NOTED**

- (a) the remaining core components of the Annual Report 2019/20;
- (b) that the Municipal Manager will make the remaining core components of the Annual Report 2019/20 public for comment on the official website of the Stellenbosch Municipality and at the offices of the municipality for a period of 21 days; the public will be invited through the local print media to provide written inputs / comments; and
- (c) that the remaining core components of the Annual Report 2019/20 (**ANNEXURES A and B**) be referred to the MPAC for consideration and to make recommendations to Council as contemplated in terms of Section 129(1) of the MFMA.

<b>8.7</b>	<b>MFMA SECTION 52 REPORTING UP TO JUNE 2021</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance and Compliance**

**28 July 2021**

**1. SUBJECT: MFMA SECTION 52 REPORTING UP TO JUNE 2021**

**2. PURPOSE**

To comply with section 52(d) of the Municipal Finance Management Act and report to Council on the budget; financial and service delivery budget implementation plan by the Municipality for quarter 4 of the 2020/21 financial year.

**3. DELEGATED AUTHORITY**

**THE EXECUTIVE MAYOR TO SUBMIT TO COUNCIL**

In terms of section 52 (d) of the Municipal Finance Management Act:

*“The mayor of a municipality—*

*(d) must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget as well as the non-financial performance of the municipality;”*

**4. EXECUTIVE SUMMARY**

The Executive Mayor must provide general political guidance over the fiscal and financial affairs of the Municipality and is required by Section 52(d) of the Municipal Finance Management Act to submit a report on the implementation of the budget and the financial and non-financial performance of the Municipality, to the Council within 30 days after end of each quarter.

The Section 52 report is a summary of the budget performance. It compares the implementation of the budget to the commitments made and contained in the Service Delivery and Budget Implementation Plan (SDBIP), and is intended to enable Council to give effect to their oversight responsibility.

This report provides the overall performance of the Municipality for the period 1 April 2021 to 30 June 2021.

The Office of the CFO is currently, in terms of s126 (1)(a) of the MFMA, preparing the annual financial statements for the financial period ended 30 June 2021. It is important to note that the information in this report are preliminary results and may not be an accurate reflection of the financial position of the municipality as same will materially be influenced by year-end journals and processes still to be finalised which will influence the financial position. The latter process alluded to will only be finalised by the end of August 2021.

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**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 8.7****NOTED**

the Section 52 Report (including quarterly performance report) – Fourth Quarter.

**FOR FURTHER DETAILS CONTACT:**

<b><i>NAME</i></b>	<b><i>Monique Steyl</i></b>
<b><i>POSITION</i></b>	<b><i>Senior Manager Financial Management Services</i></b>
<b><i>DIRECTORATE</i></b>	<b><i>Financial Services</i></b>
<b><i>CONTACT NUMBERS</i></b>	<b><i>021 – 808 8516</i></b>
<b><i>E-MAIL ADDRESS</i></b>	<b><i>Monique.Steyl@ Stellenbosch.gov.za</i></b>
<b><i>REPORT DATE</i></b>	<b><i>July 2021</i></b>

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9.	<b>REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS</b>
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As per Council directive (2021-01-27: Item 9) the Report by the Municipal Manager re Outstanding Resolutions taken at previous meetings of Council, is referred to the Section 80 Committees for scrutiny and interrogation.

The report attached hereto as **APPENDIX 1, IS FOR INFORMATION ONLY.**

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 9**

**NOTED**

the report by the Municipal Manager re outstanding resolutions taken at previous meetings of Council.

10.	ITEMS FOR NOTING
10.1	REPORT/S BY THE EXECUTIVE MAYOR
10.1.1	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: APRIL 2021 – JUNE 2021

Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

28 July 2021

1. **SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: APRIL 2021 – JUNE 2021**

2. **PURPOSE**

To inform Council of the decisions taken by the Executive Mayor from April 2021 to June 2021 (see **APPENDIX 1**).

3. **DELEGATED AUTHORITY**

As per the delegations from Council and powers vested in the Executive Mayor by legislation.

For Notification

4. **EXECUTIVE SUMMARY**

In terms of the Municipal Structures Act 117 of 1998 Section 56 (5) it is stated that:

*“An Executive Mayor must report to the municipal council on all decisions taken by the Executive Mayor.”*

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 10.1.1**

**NOTED**

the decisions by the Executive Mayor taken in consultation with the Mayoral Committee for the Quarter: April 2021 – June 2021.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	DONOVAN MULLER
<b>POSITION</b>	MANAGER: COUNCILLOR SUPPORT
<b>DIRECTORATE</b>	CORPORATE SERVICES
<b>CONTACT NUMBERS</b>	021 8088314
<b>E-MAIL ADDRESS</b>	<a href="mailto:Donovan.Muller@ Stellenbosch.gov.za">Donovan.Muller@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	30 June 2021

10.1.2	<b>REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR ON MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE EXECUTIVE MAYOR IN CONSULTATION WITH THE MAYORAL COMMITTEE [JULY 2020 – JUNE 2021]</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

28 July 2021

1. **SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR ON MATTERS RESOLVED UNDER AUTHORITY DELEGATED TO THE EXECUTIVE MAYOR IN CONSULTATION WITH THE MAYORAL COMMITTEE [JULY 2020 – JUNE 2021]**

2. **PURPOSE**

To inform Council of the decisions taken by the Executive Mayor on matters resolved under the authority delegated to the Executive Mayor, in consultation with the Mayoral Committee, for meetings from July 2020 to June 2021 (see **APPENDIX 1**).

3. **DELEGATED AUTHORITY**

As per the delegations from Council and powers vested in the Executive Mayor by legislation. In terms of the Stellenbosch Municipality System of Delegations (2019) EM12 and section 56(5) of the Structures Act, the Executive Mayor must report to Council at such intervals as the latter may determine on decisions taken.

The Executive Mayor is herewith reporting on the decisions taken by the Executive Mayor in consultation the Mayoral Committee.

4. **EXECUTIVE SUMMARY**

In terms of the Municipal Structures Act 117 of 1998 Section 56 (5) it is stated that:

*“An Executive Mayor must report to the municipal council on all decisions taken by the Executive Mayor.”*

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 10.1.2**

**NOTED**

the decisions by the Executive Mayor taken in consultation with the Mayoral Committee at Mayoral Committee meetings from July 2020 until June 2021.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	DONOVAN MULLER
<b>POSITION</b>	<b>MANAGER: COUNCIL SUPPORT</b>
<b>DIRECTORATE</b>	<b>CORPORATE SERVICES</b>
<b>CONTACT NUMBERS</b>	<b>021 8088314</b>
<b>E-MAIL ADDRESS</b>	<b><u><a href="mailto:Donovan.Muller@stellenbosch.gov.za">Donovan.Muller@stellenbosch.gov.za</a></u></b>
<b>REPORT DATE</b>	<b>12 July 2021</b>

10.1.3	<b>REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 20 MAY 2021</b>
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Collaborator No: 710094  
IDP KPA Ref No: Good Governance  
Meeting Date: 28 July 2021

**1. SUBJECT: REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 20 MAY 2021**

**2. PURPOSE**

To inform Council of the matters under discussion at the Mayor – Rector Forum meeting held on 20 May 2021.

**3. DELEGATED AUTHORITY**

FOR INFORMATION

**4. EXECUTIVE SUMMARY**

The Executive Mayor has since her election reported to the Council on discussions that takes place at the regular meetings of the Mayor – Rector Forum. The meeting was held on 20 May 2021. The minutes are attached as **ANNEXURE A** and the COVID-19 presentation as **ANNEXURE B**.

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 10.1.3**

**NOTED**

the report from the Executive Mayor on the Mayor – Rector Forum Meeting: 20 May 2021.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	DONOVAN MULLER
<b>POSITION</b>	<b>MANAGER: COUNCIL SUPPORT</b>
<b>DIRECTORATE</b>	<b>CORPORATE SERVICES</b>
<b>CONTACT NUMBERS</b>	<b>021 8088314</b>
<b>E-MAIL ADDRESS</b>	<b><u><a href="mailto:Donovan.Muller@stellenbosch.gov.za">Donovan.Muller@stellenbosch.gov.za</a></u></b>
<b>REPORT DATE</b>	<b>02 July 2021</b>

10.1.4	<b>REQUEST TO NOMINATE COUNCILLORS TO SERVE IN CLINIC COMMITTEES: DON AND PAT BILTON CLINIC (JAMESTOWN), IDAS VALLEY CLINIC, GROENDAL CLINIC, KAYAMANDI CLINIC</b>
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Collaborator No: 710095  
IDP KPA Ref No: Good Governance  
Meeting Date: 28 July 2021

**1. SUBJECT: REQUEST TO NOMINATE COUNCILLORS TO SERVE IN CLINIC COMMITTEES: DON AND PAT BILTON CLINIC (JAMESTOWN), IDAS VALLEY CLINIC, GROENDAL CLINIC, KAYAMANDI CLINIC**

**2. PURPOSE**

To inform Council of the nomination of the ward councillors to serve on the respective Clinic Committees.

**3. DELEGATED AUTHORITY**

According to the Stellenbosch Municipality System of Delegations (2019), delegation CL2 [section 59(1) of the Systems Act], Council delegated the Executive Mayor the "*nomination / appointment of councillors to represent the municipality at meetings, functions and on outside bodies, etc. or to open projects, events, facilities and new buildings, etc.*".

**4. EXECUTIVE SUMMARY**

The Executive Mayor was requested to nominate four (4) councillors to serve in four clinic committees, namely Don And Pat Bilton Clinic (Jamestown), Ida's Valley Clinic, Groendal Clinic, Kayamandi Clinic.

The letter of request as per electronic communication from the Assistant Director: Statutory Bodies, Ministry of Health, Western Cape Government is attached as **ANNEXURE A**. [It must be noted that the Prince Alfred Hamlet Clinic, as per the correspondence in **ANNEXURE A**, does not fall within Stellenbosch Municipal area].

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 10.1.4**

**NOTED**

the nomination of the following councillors to the respective Clinic Committees:

- Don And Pat Bilton Clinic (Jamestown) – Cllr R Badenhorst;
- Ida's Valley Clinic – Cllr N Mcombring;
- Groendal Clinic – Cllr W Petersen;
- Kayamandi Clinic – Cllr N Sinkinya

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	DONOVAN MULLER
<b>POSITION</b>	<b>MANAGER: COUNCILLOR SUPPORT</b>
<b>DIRECTORATE</b>	<b>CORPORATE SERVICES</b>
<b>CONTACT NUMBERS</b>	<b>021 8088314</b>
<b>E-MAIL ADDRESS</b>	<b><u><a href="mailto:Donovan.Muller@stellenbosch.gov.za">Donovan.Muller@stellenbosch.gov.za</a></u></b>
<b>REPORT DATE</b>	<b>12 July 2021</b>



<b>10.2</b>	<b>REPORT/S BY THE SPEAKER</b>
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NONE

<b>10.3</b>	<b>REPORT/S BY THE MUNICIPAL MANAGER</b>
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<b>10.3.1</b>	<b>DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 APRIL 2021 UNTIL 30 JUNE 2021</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance**

**28 July 2021**

**1. SUBJECT: DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM:01 APRIL 2021 UNTIL 30 JUNE 2021**

**2. PURPOSE OF REPORT**

To report to Council on the decisions taken by the Municipal Manager and Directors in terms of Council's System of Delegations for the period 01 April 2021 until 30 June 2021, in compliance with Section 63 of the Local Government: Municipal Systems Act read in conjunction with the System of Delegations as approved by Council.

**3. DELEGATED AUTHORITY**

Municipal Council

**4. EXECUTIVE SUMMARY**

In view of the legislative stipulations, attached as **ANNEXURE 1** is a summary of decisions taken by each Directorate. The report is for noting purposes.

Please note that these delegations only indicate the delegations exercised as delegated by Council to the various Senior Managers.

#### **44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 10.3.1**

#### **NOTED**

the decisions taken, for the period 01 April 2021 until 30 June 2021, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler (01 April 2021 – 30 June 2021)
- Chief Financial Officer – Mr K Carolus (01 April 2021 – 30 June 2021)
- Director Infrastructure Services – Mr D Louw (01 April 2021 – 30 June 2021)
- Director Planning and Economic Development – Mr A Barnes (01 April 2021 – 30 June 2021)
- Director Corporate Services – Ms A de Beer (01 April 2021 – 30 June 2021)
- Director Community and Protection Services Mr G Boshoff (01 April 2021 – 30 June 2021).

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11.	<b>ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE: [ALD. G VAN DEVENTER (MS)]</b>
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11.1	<b>COMMUNITY DEVELOPMENT AND PROTECTION SERVICES: (PC: CLLR R BADENHORST)</b>
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NONE

11.2	<b>CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)</b>
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NONE

11.3	<b>FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]</b>
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NONE

11.4	<b>HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)</b>
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NONE

11.5	<b>INFRASTRUCTURE: (PC: CLLR Q SMIT)</b>
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NONE

11.6	<b>PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))</b>
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NONE

11.7	<b>PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR E GROENEWALD (MS))</b>
11.7.1	<b>TERMS OF REFERENCE FOR THE ESTABLISHMENT OF A STELLENBOSCH MUNICIPALITY CONSERVATION ADVISORY COMMITTEE</b>

**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:** 15 June 2021 and 28 July 2021

**1. SUBJECT: TERMS OF REFERENCE FOR THE ESTABLISHMENT OF A STELLENBOSCH MUNICIPALITY CONSERVATION ADVISORY COMMITTEE**

**2. PURPOSE**

To provide Council with the terms of reference for the Establishment of the Conservation Advisory Committee as required in terms of Section 249 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019, and to obtain the required approval to place advertisements for the invitation for members to serve on the said Committee.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Section 249 of the Stellenbosch Municipality Zoning Scheme By-law, 2019 stipulate the following:

*“(1) The Municipality shall establish a Conservation Advisory Committee, which may consist of various sub-committees for different overlay zone areas, to make recommendations on planning applications in Urban and Rural Conservation Overlay zones.”*

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 11.7.1**

**RESOLVED** (majority vote)

- (a) that Council approves and adopts the Terms of Reference for the Establishment of the Conservation Advisory Committee, as contained in **APPENDIX 1** of this report;
- (b) that Council approves that the Directorate: Planning and Economic Development commences with a process to place an advertisement that will invite suitably qualified and experienced persons to apply to serve as Members of the Conservation Advisory Committee;
- (c) that Council notes that the Directorate: Planning & Economic Development will submit the list of preferred candidates to serve as members of the Conservation Advisory Committee to the next Council Meeting for approval; and
- (d) that Council notes that the Directorate: Planning & Economic Development will submit the Code of Conduct of the Members of the Conservation Advisory Committee for approval to the next Council meeting.

11.7.2	<b>REPORT ON THE PREPARATION OF A KLAPMUTS DEVELOPMENT CONCEPT PLAN</b>
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**Collaborator No:** 708320  
**IDP KPA Ref No:** Valley of Opportunity  
**Meeting Date:** 15 June 2021 and 28 July 2021

**1. SUBJECT: REPORT ON THE PREPARATION OF A KLAPMUTS DEVELOPMENT CONCEPT PLAN**

**2. PURPOSE**

To inform the Mayoral Committee and Council of the progress with the planning related to the development of Concept Plans for Klapmuts.

**3. DELEGATED AUTHORITY**

Executive Mayoral Committee

**4. EXECUTIVE SUMMARY (D1710)**

The departmental SDBIB reference number D1710 requires of the Director Planning and Economic Development to submit a "Klapmuts Development Concept Plan" to the MayCo by the end of June 2021.

This target is in effect obsolete as a Klapmuts Concept Plan was approved as part of the Municipal Spatial Development Framework (MSDF) which was approved by Council in 2019 and promulgated in January 2020. However, there is currently an inter-governmental initiative around the development of Klapmuts (Stellenbosch - Drakenstein - WCG via DEA&DP - and other affected government departments). As such, this target for a revised plan has been proposed to be shifted to 30 June 2021 when the department can report back on the above initiative as well as progress with the implementation of the strategies contained in the MSDF.

Klapmuts was identified in the approved MSDF as a potentially significant centre for economic activity and residence within the metropolitan region and Stellenbosch Municipality (as identified in the Greater Cape Metro Regional Spatial Implementation Framework, May 2017 (GCM RSIF).

The (GCM RSIF) contains very specific policy directives related to Klapmuts, aimed at addressing pressing sub-regional and local space economy issues.

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 11.7.2****RESOLVED** (majority vote)

- (a) that Council takes note that the Figure 30: Klapmuts Plan as contained within the Stellenbosch Municipality Spatial Development Framework, 2019, copy attached as **APPENDIX 1** of the report, is the adopted Concept Plan for Klapmuts;
- (b) that Council further supports the proposal to establish an Inter-governmental Working Group tasked with ensuring the joint planning and development of the Klapmuts node, copy of draft proposal attached as **APPENDIX 2**; and
- (c) that Council supports that the Department: Development Planning (Directorate: Planning & Economic Development) be the lead and coordinating department for Council as part of the Inter-Governmental Working Group.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Bernabe De La Bat</i>
<b>POSITION</b>	<i>Manager: Spatial Planning</i>
<b>DIRECTORATE</b>	<i>Planning and Economic Development</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8653</i>
<b>E-MAIL ADDRESS</b>	<i>Bernabe.Delabat@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>28 May 2021</i>

11.7.3	<b>REPORT ON PROGRESS WITH THE PREPARATION OF A LOCAL SPATIAL DEVELOPMENT PLAN FOR THE ADAM TAS CORRIDOR</b>
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**Collaborator No:** 708438  
**IDP KPA Ref No:** Valley of Opportunity  
**Meeting Date:** 21 July 2021 and 28 July 2021

**1. SUBJECT: REPORT ON PROGRESS WITH THE PREPARATION OF A LOCAL SPATIAL DEVELOPMENT PLAN FOR THE ADAM TAS CORRIDOR**

**2. PURPOSE**

To update Council of the progress with the preparation of a local spatial development framework (LSDF) for the Adam Tas Corridor.

**3. DELEGATED AUTHORITY**

Mayoral Committee

**4. EXECUTIVE SUMMARY**

The possible development of the Adam Tas Corridor was first identified as a catalytic project in the Municipal Spatial Development Framework which was approved by Council in November 2019. The municipal manager approved the commencement of the drafting of the LSDF on 20 March 2020.

The LSDF is required to develop a coherent spatial vision for the defined ATC area, which supports key municipal strategic directives and objectives of the wider ATC initiative. This spatial framework will assist in guiding decision-making on development applications to enable the progressive realization of the vision and will contribute to identifying key implementation actions to achieve the objectives of the ATC.

Following a public tender process (Tender No: BSM 01/21), the Built Environment Partnership was appointed by Stellenbosch Municipality in January 2021 to assist with the preparation of a Local Spatial Development Framework (LSDF) for the Adam Tas Corridor (ATC). Albeit the Stellenbosch Municipality will lead the project – and remains accountable for it – the Municipality is undertaking the project with the support of and in partnership of the Western Cape Government (WCG).

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 11.7.3**

**RESOLVED** (majority vote)

that Council takes note of the progress with the drafting of the Local Spatial Development Plan (LSDF) for the Adam Tas Corridor.

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

*Cllr G Cele (Ms); C Davidse; LK Horsband (Ms); J Kleynhans (Ms); C Moses (Ms), N Sinkinya (Ms) and LL Stander.*

11.8	<b>RURAL MANAGEMENT: (PC: CLLR S PETERS)</b>
11.8.1	<b>COMPILATION OF AN OPERATIONAL COMMITTEE IN ACCORDANCE WITH THE STELLENBOSCH MUNICIPALITY POLICY FOR THE MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND</b>

Collaborator No: 707723  
 IDP KPA Ref No: Valley of opportunity  
 Meeting Date: 15 June 2021 and 28 July 2021

**1. SUBJECT: COMPILATION OF AN OPERATIONAL COMMITTEE IN ACCORDANCE WITH THE STELLENBOSCH MUNICIPALITY POLICY FOR THE MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND**

**2. PURPOSE**

To obtain Council's approval to establish an Operational Committee Clause 4.6.2 of the Stellenbosch Municipality: Policy for Management of Municipal Agricultural Land.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The Stellenbosch Municipality: Policy for the Management of Municipal Agricultural Land, as gazetted within the Provincial Gazette dated 27 March 2017, requires the establishment of an Operational Committee which have varied responsibilities, that include, but are not limited to land administration and information, etc.

The policy further recommends that the said Committee comprise of the following functions within Council:

- Property Management
- Local Economic Development
- Legal Services
- Environmental Management

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 11.8.1**

**RESOLVED** (nem con)

- (a) that Council dissolves any previous established Operational Committee in terms of the said Policy;
- (b) that Council delegates the Municipal Manager, in consultation with the Directors, to identify and mandate representatives and alternates to serve on the Operational Committee;
- (c) that Council delegates the Municipal Manager to reconstitute the Operational Committee, at any time should the need arise, in consultation with the relevant Directors; and
- (d) that Council approves that the Operational Committee comprises of the representatives from at least the following Directorates:
  - Corporate Services (Property Management & Legal Services)
  - Planning & Economic Development (Development Planning)
  - Community and Safety Services (Environmental Management & Safety & Security).

11.9	YOUTH, SPORTS AND CULTURE: (PC: CLLR J FASSER)
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NONE

11.10	MUNICIPAL MANAGER
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11.10.1	JOINT STATEMENT BY ALL POLITICAL PARTIES REPRESENTED IN THE COUNCIL OF THE STELLENBOSCH MUNICIPALITY
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Collaborator No:

IDP KPA Ref No: Valley of Opportunity

Meeting Date: 21 July 2021 and 28 July 2021

1. **SUBJECT: JOINT STATEMENT BY ALL POLITICAL PARTIES REPRESENTED IN THE COUNCIL OF THE STELLENBOSCH MUNICIPALITY**

2. **PURPOSE**

To present to all political parties represented in Council to endorse a joint statement on possible unrest and to request calmness and stability.

3. **DELEGATED AUTHORITY**

Council

4. **EXECUTIVE SUMMARY**

Mr Ivan Meyer, Minister of the Western Cape Provincial Agriculture, at an Extended Cabinet Meeting requested that the speaker with the relevant party leader represented in Council issue a joint statement on possible unrest and to request calmness and stability. Attached statement for endorsement.

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 11.10.1**

**RESOLVED** (majority vote with abstentions)

that Council endorses the attached Joint Statement.

**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>	2021-07-19



12.	<b>CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER</b>
12.1	<b>MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]</b>
12.1.1	<b>CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 2019/2020 FINANCIAL YEAR</b>

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

29 June 2021 and 28 July 2021

**1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 2019/2020 FINANCIAL YEAR**

**2. PURPOSE OF REPORT**

To provide information regarding the irregular expenditure incurred in the 2019/2020 financial year and, to be recommended to and considered by Council to certify the expenditure as irrecoverable and to be written off by Council in terms of Section 32 of the MFMA.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Section 32(2)(b) of the Municipal Finance Management, 2003 (Act 56 of 2003) (MFMA) require a municipality to recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure, in the case of irregular or fruitless and wasteful expenditure, is, after investigation by a council committee, certified by the council as irrecoverable and written off by the council.

Expenditure was identified in the 2019/2020 financial year by the Auditor-General which was non-compliant with Council approved policies and the Municipal Financial Management Act. All known instances of non-compliance with legislation, which the Municipality is aware of and whose effects should be considered have been recorded.

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 12.1.1**

**RESOLVED** (majority vote)

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R 4 371 376.00 (including VAT) as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32.

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

*Cllr G Cele (Ms); C Davidse; LK Horsband (Ms); J Kleynhans (Ms); C Moses (Ms); N Sinkinya (Ms) and LL Stander.*

12.1.2	<b>CONSIDERATION OF EXPENDITURE INCURRED RELATING TO LOCAL PRODUCTION AND CONTENT</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance**

**29 June 2021 and July 2021**

**1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO LOCAL PRODUCTION AND CONTENT**

**2. PURPOSE OF REPORT**

To provide information regarding the irregular expenditure incurred relating to local production and content and, to be recommended and considered by Council to certify the expenditure as irrecoverable and to be written off by Council as per the Stellenbosch Municipal Supply Chain Management Policy (2020/2021) embodied from the principles as specified in the Preferential Procurement Regulations of 2017.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Preferential Procurement Regulations (PPR) 2017, PPR 8(2), requires that, an organ of the state must, in case of a designated sector, advertise the invitation to tender with a specific condition that only locally produced or locally manufactured goods, meeting the stipulated minimum threshold for local production and content, will be considered.

The Auditor-General, in its findings during the 2017/2018 financial year, identified that the Municipality did not include a specific condition that local production and content is applicable when inviting bidders to tender (advertisement). Furthermore the Municipality also did not include the local production and content in the bid documents (MBD 6.2) and the suppliers declared accordingly. The Auditor-General concluded that the tender award does not comply with Preferential Procurement Regulations 2017.

However, the Municipality disagrees with the findings of the Auditor-General, as the PPFA Regulations of 2017 does not stipulate in brackets (advertisement) as alluded in the findings. In order to advertise, the invitation to tender places emphasis on the tender document that need to include the minimum thresholds (MBD6.2) that are advertised as a complete document and from which potential bidders submit bid offers.

Irregular expenditure is defined in the Municipal Finance Management Act (Act 56 of 2003) as expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the supply chain management policy of the municipality or entity or any of the municipality's by-laws giving effect to such policy, and which has not been condoned in terms of such policy or by-law. Furthermore expenditure incurred means the amounts that were expensed or work done; therefore the MPAC and municipal council can only considered amounts already expensed.

This item did serve before MPAC and was certified as irrecoverable and written-off by the municipal council, but council only considered the expenditure that was incurred up to that specific point. This return item is to consider the expenditure that was incurred subsequent to council's resolution.

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 12.1.2****RESOLVED** (majority vote)

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R3 369 184.43 (excluding VAT) as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

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

*Cllrs G Cele (Ms); C Davidse; LK Horsband (Ms); J Kleynhans (Ms); C Moses (Ms); N Sinkinya (Ms) and LL Stander.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Monique Steyl
<b>POSITION</b>	<b>Acting Chief Financial Officer</b>
<b>DIRECTORATE</b>	<b>Financial Services</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8528</b>
<b>E-MAIL ADDRESS</b>	Monique.Steyl@ Stellenbosch.gov.za
<b>REPORT DATE</b>	<b>21 June 2021</b>

12.1.3	<b>CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE ADVERTISEMENT AND SUB-CONTRACTING REQUIREMENTS: BSM/30/19: THE UPGRADE AND EXTENTION OF THE PNIEL WASTEWATER TREATMENT WORKS</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

23 June 2021 and 28 July 2021

1. **SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE ADVERTISEMENT AND SUB-CONTRACTING REQUIREMENTS: BSM/30/19: THE UPGRADE AND EXTENTION OF THE PNIEL WASTEWATER TREATMENT WORKS**

2. **PURPOSE OF REPORT**

To provide information regarding the expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to ratify the expenditure in terms of the MFMA Section 32 (2). The expenditure with regard to the adjudication of BSM 30/19 for the Upgrade ad Extension of the Pniel Waste water Treatment works amounts to R 35 296 996,23 80 for the period since inception until 31 May 2021.

3. **DELEGATED AUTHORITY**

Council

4. **EXECUTIVE SUMMARY**

BSM 30/19 was awarded to INENZO WATER (PTY) LTD on the 27<sup>th</sup> of September 2019 for the amount of R 63 909 796.00 and the actual expenditure as on 30 June 2020 amounted to R 9 135 130. Expenditure 2020/2021 Financial year up until 31 May 2021 was R 26 161 866, 15.

Important to note is that the Auditor – General in its final audit conclusion agreed that the municipality were not Materially Non Complaint and that the municipality must in future clearly state whether it is applying SCM Regulation 4 (Pre-qualification ) or SCM Regulation 9 ( Sub contracting ) and that the irregular expenditure relating to the 19/20 financial year, is not considered to be material in aggregate, but that the municipality must disclose the irregular expenditure for 20/21 and going forward.

#### 44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 12.1.3

**RESOLVED** (majority vote with abstentions)

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R9 135 130.00 (including VAT) to Inenzo Water (Pty) Ltd as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

*Councillors C Davidse; LK Horsband (Ms) and J Kleynhans (Ms) requested that their votes of dissent be minuted.*

*Councillors G Cele (Ms); C Moses (Ms); N Sinkinya (Ms) and LL Stander requested that their abstentions be minuted.*

12.1.4	<b>CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 30% SUB-CONTRACTING REQUIREMENT NOT MET BY THE WINNING BIDDER BSM/29/19: THE UPGRADE AND EXTENSION OF THE PNIEL WASTEWATER TREATMENT WORKS: CIVIL WORKS</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

23 June 2021 and 28 July 2021

**1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 30% SUB-CONTRACTING REQUIREMENT NOT MET BY THE WINNING BIDDER, BSM/29/19: THE UPGRADE AND EXTENSION OF THE PNIEL WASTEWATER TREATMENT WORKS: CIVIL WORKS**

**2. PURPOSE OF REPORT**

To provide information regarding the expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to ratify the expenditure in terms of the MFMA Section 32 (2). The expenditure with regard to the adjudication of BSM 29/19 for the Upgrade and Extension of the Pniel Waste Water Treatment Works amounts to 26 856 264,80 for the period since inception until 31 May 2021.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

BSM 29/19 was awarded to CSV MAZARIN JV on 16 August 2019 for R61 871 693.00 and the actual expenditure as on 30 June 2020 amounted to R5 983 335. Expenditure 2020/2021 Financial year up until 31 May 2021 was R20 872 929, 80.

The Auditor – General in its final audit conclusion agreed that the municipality were not Materially Non Compliant and that the municipality should in future clearly state whether it is applying SCM Regulation 4 (Pre-qualification) or SCM Regulation 9 (Sub-contracting) and that the irregular expenditure relating to the 19/20 financial year, is not considered to be material in aggregate, but that the municipality must disclose the irregular expenditure for 20/21 and going forward.

#### **44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 12.1.4**

**RESOLVED** (majority vote with abstentions)

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R26 856 264.80 (including VAT) to CSV MAZARIN JV as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

*Councillors C Davidse; LK Horsband (Ms); J Kleynhans (Ms); C Moses (Ms); N Sinkinya (Ms) and LL Stander requested that their votes of dissent be minuted.*

*Councillor G Cele (Ms) requested that her abstention be minuted.*

12.1.5	<b>CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY Water Solutions South Africa Pty Ltd (Proxa Water) IN ORDER TO PROVIDE EMERGENCY WATER</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

29 June 2021 and 28 July 2021

**1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY WATER SOLUTIONS SOUTH AFRICA PTY LTD (PROXA WATER) IN ORDER TO PROVIDE EMERGENCY WATER**

**2. PURPOSE OF REPORT**

To provide information regarding the expenditure incurred for investigation by MPAC and to make a decision.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Stellenbosch Municipality was given notice on the 30<sup>th</sup> November 2020 by the City of Cape Town, Bulk Water Division that due to critical maintenance work at its Wemmershoek Water Treatment plant supply to the Dwarsrivier area will be switch-off from 00:30 on 3<sup>rd</sup> December 2020 until 24:00 pm on Friday 4<sup>th</sup>. On the 1<sup>st</sup> December 2020 the switch gear in the Motor Control Centre of the Kylemore pump station failed. The result was that the water network could not pump water from the said pump station to fill the reservoirs within the Dwarsrivier area.

The different options available to the Water Services Department was to ensure available potable water supply to the Dwarsrivier area through carting of water by means of water tankers and commissioning of the Kylemore borehole and containerized water treatment plant that was installed via the Stellenbosch Municipality Drought Implementation Plan DSM 15/18.

In terms of the Water Services Act, the responsibility for ensuring access to water services lies with water services authorities (municipalities). It is the responsibility of water services authorities (through water services providers) to ensure access to both water supply services and sanitation services.

As result of this irregular expenditure the Department have introduce by means of formal discussions the Standard Operating Procedures (SOPs) to follow before any work will commence.

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 12.1.5**

**RESOLVED** (majority vote)

- (a) that Council certifies the irregular expenditure to the amount of R283 149.85 (including VAT) to Water Solutions SA (Pty) Ltd (Proxa Water) as irrecoverable; and
- (b) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

12.1.6	<b>CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO THE STORAGE OF DOCUMENTS FOR TRAFFIC SERVICES-METROFILE RECORDS- FQ/SM 24/20</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Good Governance**

**Meeting Date:**

**29 June 2021 and 28 July 2021**

**1. SUBJECT: CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO THE STORAGE OF DOCUMENTS AT METROFILE AS PER CONTRACT FQ/SM/24/20**

**2. PURPOSE OF REPORT**

To provide information regarding the irregular expenditure incurred. For investigation by MPAC and recommended for consideration by Council to write-off the expenditure in terms of the MFMA Section 32(2).

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

The service provider namely Metro file was appointed under FQ/SM24/20 for storage of documents. The appointment was done during the financial year 2019/2020. The successful bidder was Metro file Pty (Ltd).

At the beginning of the new financial year 2020/2021, Traffic services compiled specifications for a new tender and submitted it to SCM for advertisement but were not advertised. SCM informed the Department later, that they cannot advertise the FQ based on a previous approved decision where it was decided that a tender must be prepared for the next period in respect of storage of documents. This response was given in the middle of the financial year and no tender of this nature exists within the entire Municipality. No FQ were generated by SCM at the time.

#### **44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 12.1.6**

**RESOLVED** (majority vote with abstention)

- (a) that Council certifies the irregular expenditure to the amount of R71 693.77 (including VAT) to Metrofile (Pty) Ltd as irrecoverable; and
- (b) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

*Councillors C Davidse; LK Horsband (Ms); J Kleynhans (Ms); C Moses (Ms); N Sinkinya (Ms) and LL Stander requested that their votes of dissent be minuted.*

*Councillor G Cele (Ms) requested that her abstention be minuted.*

12.1.7	<b>CONSIDERATION OF EXPENDITURE INCURRED RELATING TO: APPEAL LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE ADMINISTRATIVE FINE DECISION ISSUED FOR THE UNLAWFUL DEVELOPMENT OF ENKANINI IN FORMAL SETTLEMENTS ON THE REMAINDER OF FARM 183, FARM 181, PORTION 5 OF FARM 175, THE REMAINDER OF PORTION 33 OF FARM 175 AND ERF 2175, STELLENBOSCH</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

29 June 2021 and 28 July 2021

1. **SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO: APPEAL LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE ADMINISTRATIVE FINE DECISION ISSUED FOR THE UNLAWFUL DEVELOPMENT OF ENKANINI IN FORMAL SETTLEMENTS ON THE REMAINDER OF FARM 183, FARM 181, PORTION 5 OF FARM 175, THE REMAINDER OF PORTION 33 OF FARM 175 AND ERF 2175, STELLENBOSCH**
2. **PURPOSE OF REPORT**  
To provide information regarding the expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to write off the expenditure in terms of the MFMA Section 32 (2). The expenditure with regard to appeal lodged in terms of section 43(2) of the national environmental act, 1998 (act no. 107 of 1998) against the administrative fine decision issued for the unlawful development of Enkanini informal settlement on the remainder of farm 183, farm 181, portion 5 of farm 175, the remainder of portion 33 of farm 175 and erf 2175, Stellenbosch **ANNEXURE A.**
3. **DELEGATED AUTHORITY**  
Council
4. **EXECUTIVE SUMMARY**  
Stellenbosch Municipality was issued a fine, amounting to R50 000 in terms of Section 24G of the NEMA legislation. The cause of this fine was the invasion of the Enkanini property and resultant squatter settling of the area. The Municipality in terms of Schedule 4B of the Constitution (Act 108 of 1996) attempted to provide basic services in terms of its Constitutional mandate and this action was regarded as the unlawful development of informal settlement. The Municipality therefore Appealed the finding and the MEC for Local Government, Environmental Affairs and Development Planning ruled in favour of the Municipality and reduced the fine to R25 000. **ANNEXURE B.**



**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 12.1.7****RESOLVED** (majority vote)

- (a) that Council certifies the expenditure to the amount of R25 000.00 (including VAT) to the Western Cape Ministry of Local Government: Environmental Affairs and Development Planning (DEA&DP) as irrecoverable; and
- (b) that Council writes off the expenditure as irrecoverable in terms of the MFMA Section 32(2).

*Councillors G Cele (Ms); C Davidse; LK Horsband (Ms); J Kleynhans (Ms); C Moses (Ms); N Sinkinya (Ms) and LL Stander requested that their votes of dissent be minuted.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Anthony Barnes
<b>POSITION</b>	<b><i>Director: Planning and Economic Development</i></b>
<b>DIRECTORATE</b>	<b><i>Planning and Economic Development</i></b>
<b>CONTACT NUMBERS</b>	<b><i>021 808 8213</i></b>
<b>E-MAIL ADDRESS</b>	<b><i><u><a href="mailto:anthony.barnes@ Stellenbosch.gov.za">anthony.barnes@ Stellenbosch.gov.za</a></u></i></b>
<b>REPORT DATE</b>	<b><i>21 June 2020</i></b>

13.	REPORTS BY THE MUNICIPAL MANAGER
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13.1	REVISED ELECTRICITY TARIFFS FOR 2021/22 FINANCIAL YEAR
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Collaborator No: 710065  
IDP KPA Ref No: Good Governance  
Meeting Date: 28 July 2021

**1. SUBJECT: REVISED ELECTRICITY TARIFFS FOR 2021/22 FINANCIAL YEAR**

**2. PURPOSE OF REPORT**

This report seeks Council's approval to adopt a revised set of electricity tariffs for 2021/22 after the NERSA confirmation dated 06 July 2021.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

Council, at its budget meeting, adopted the electricity tariffs based on a guideline increase of 14.59% given by NERSA. Application was made to NERSA to increase the tariffs (**ANNEXURE A**) accordingly and a response from NERSA was sent to the Municipality on 06 July 2021 whereby some of the tariffs were not approved (**ANNEXURE B**).

NERSA had public hearings on the Eskom tariff application and only approved the 2021/22 tariff increases on 06 July 2021.

Tariffs that were not approved by NERSA were Block 4 – Domestic Lifeline and Reactive Energy for Small Scale Embedded Generation (SSEG) (**ANNEXURE B**)

Stellenbosch Municipal intends to appeal NERSA's decision on the Reactive Energy for Small Scale Embedded Generation (SSEG) tariff.

Furthermore the Department omitted the Availability Fee for Vacant serviced erven during submission to Council however the tariff was included with the application to NERSA.

Given the above, a revised set of electricity tariffs (**ANNEXURE C**) were re-developed for application in the 2021/22 financial year for Council's consideration and approval.

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 13.1**

**RESOLVED** (majority vote with abstentions)

- (a) that Council withdraws the electricity consumption tariffs approved at its budget meeting held on 26 May 2021, and adopts the revised electricity tariffs (**ANNEXURE B**) for application in the 2021-22 financial year as a result of the rejection of specific tariffs by NERSA, and also accepts the tariff in respect of the Availability Fee for vacant serviced erven for 2021/2022 (**ANNEXURE C**); and
- (b) that the revised 2021/22 tariffs be published for notification purposes.

*Cllr G Cele (Ms) requested that her abstention be minuted.*

13.2	<b>REQUESTING PUBLIC INPUT ON THE FUTURE USE OF PORTIONS 528A AND 529CC, STELLENBOSCH, FORMALY KNOWN AS MOUNTAIN BREEZE CARAVAN PARK</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance**

**28 July 2021**

**1. SUBJECT: REQUESTING PUBLIC INPUT ON THE FUTURE USE OF PORTIONS 528A AND 529CC, STELLENBOSCH, FORMALY KNOWN AS MOUNTAIN BREEZE CARAVAN PARK**

**2. PURPOSE**

To approve the request for public input on the future use of portions 528A and 529CC, formally known as Mountain Breeze Caravan Park.

**3. DELEGATED AUTHORITY**

The Municipal Council.

**4. EXECUTIVE SUMMARY**

Stellenbosch Municipality and Stellenbosch Caravan Park cc (Malan) concluded a long-term Lease Agreement during 1992 for a period of 30 years (1 April 1991-31 March 2021). This Lease Agreement was later ceded to the Mountain Breeze Caravan Park CC (Visser).

The lease Agreement expired on 31 March 2021, but at a Council meeting held on 31-03-2021 Council has decided to extent the current Lease Agreement on a month-to-month basis. The Lessee subsequently cancelled the lease and indicated that they will vacate the property by 30 June 2021. They are currently busy removing an agreed list of assets that forms part of the improvements Mountain Breeze made and may be removed in terms of the contract.

There are 9 long term residents left on the property and the administration is in the process to appoint attorneys to have the people evicted should they not agree to vacate the property freely. We have received requests from two of the residents for a temporary arrangement, which requests will be submitted to the Executive Mayor in consultation with the Mayoral committee for a decision under separate item.

Council has requested the municipal manager to assemble a TASK team to provide a report on the different types of properties owned by Council by December 2021. This is one of the properties that will form part of the report. Council however resolved on 23 June 2021 inter alia *that a call for proposal be prepared for the property on the future use of the property.*

The property fall in the over R10 million category and any disposal thereof will require a public participation process that involves the publication of an information statement. Disposal in this instance will mean either the selling or any long term lease agreement. Before such a call for proposals can be properly considered council must assessed the property for its most appropriate use. The attach request for public input provides the opportunity for the public to provide an indication of what they regard as the best future use of the property. All inputs will be placed before Council and Council can then resolve what the future use must be and is the intention to sell of the property or lease the property for that purpose. A further process of public participation will be needed before a final decision of providing rights on the property may be made. The current process merely want to get a sense of how the public see the future of the property. This process will assist the Council to make as assessment of the most appropriate use of the property as required by law before an Information statement is published.

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 13.2****RESOLVED** (nem con)

to approve the notification to the public for input.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>Annalene de Beer</b>
<b>POSITION</b>	<b>Director: Corporate Services</b>
<b>DIRECTORATE</b>	<b>Corporate Services</b>
<b>CONTACT NUMBERS</b>	<b>021-8088018</b>
<b>E-MAIL ADDRESS</b>	<b>Annalene.deBeer@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>21/07/21</b>

14.	<b>CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER</b>
14.1	<b>MOTION BY COUNCILLOR J KLEYNHANS (MS): AWARDING OF HONORARY CITIZENSHIP</b>

A Notice of a Motion, dated 2021-07-19, was received from Councillor J Kleynhans (Ms), regarding the awarding of Honorary Citizenship.

The said Motion is attached as **APPENDIX 1**.

**FOR CONSIDERATION**

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 14.1**

**NOTED**

The Speaker allowed Cllr J Kleynhans (Ms) to put her Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter.

The matter was put to the vote, yielding a result of majority of Councillors not in support of the Motion.

**RESOLVED** (majority vote)

that this Motion not be accepted.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<b><i>Municipal Manager</i></b>
<b>DIRECTORATE</b>	<b><i>Office of the Municipal Manager</i></b>
<b>CONTACT NUMBERS</b>	<b><i>021 808-8025</i></b>
<b>E-MAIL ADDRESS</b>	<b><i><u>Municipal.Manager@stellenbosch.gov.za</u></i></b>
<b>REPORT DATE</b>	

14.2	<b>QUESTION BY COUNCILLOR J KLEYNHANS (MS): STATUS OF COUNCILLORS N JINDELA AND N OLAYI</b>
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A Notice of a Question, dated 2021-07-19, was received from Councillor J Kleynhans (Ms) regarding the status of Cllrs N Jindela and N Olayi.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

**FOR CONSIDERATION**

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 14.2**

**NOTED**

It is noted that the Speaker RULED that Cllr J Kleynhans (Ms) is welcome to submit, in writing, a follow-up question.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	021 808-8025
<b>E-MAIL ADDRESS</b>	<u><i>Municipal.Manager@ Stellenbosch.gov.za</i></u>
<b>REPORT DATE</b>	

15.	<b>CONSIDERATION OF URGENT MOTIONS</b>
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NONE

16.	<b>URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER</b>
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NONE

17.	<b>REPORTS SUBMITTED BY THE SPEAKER</b>
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17.1	<b>REPORT TO COUNCIL REGARDING THE INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY CLR R DU TOIT (MS)</b>
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**Collaborator No:**

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

**Meeting Date:** 28 July 2021

**1. SUBJECT: REPORT TO COUNCIL REGARDING INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY COUNCILLOR R DU TOIT (MS)**

**2. PURPOSE**

To consider the report submitted by the Speaker against Councillor Cllr R du Toit, which was done in terms of item 14 of Schedule 1 of the Local Government Act: Municipal Systems Act 32 of 2000, as well as the Approved Code of Conduct for Councillors.

**3. DELGATED AUTHORITY**

Municipal Council.

**4. EXECUTIVE SUMMARY**

The Office of the Speaker received a formal complaint from the complainant Liesl Rhaphoto against Cllr R du Toit, for various allegations as listed in her letter of complaint. The Office of the Speaker was requested to assist with the investigation and for this matter Speaker opted for outside legal services.

An Investigator (Adv. Ettiene Vermaak) was appointed to assist the Speaker with the investigation into facts and circumstances related to the complaints received against Councillor R Du Toit.

Advocate Vermaak provided a report with recommendations to the Speaker's office, which report served before Council for consideration on 24 August 2020. In his report Advocate Vermaak under **Remarks** page 36 said that: "In my view, she did not transgress the Code of Conduct for Councillors as attached as **APPENDIX 1**."

**44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 17.1**

the Speaker **RULED**

that this item be withdrawn.

18.	<b>REPORTS SUBMITTED BY THE EXECUTIVE MAYOR</b>
18.1	<b>CHANGES TO THE PORTFOLIO COMMITTEE CHAIRPERSONS, MEMBERS OF PORTFOLIO COMMITTEES AND THE LLF (LOCAL LABOUR FORUM)</b>

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

28 July 2021

1. **SUBJECT: CHANGES TO THE PORTFOLIO COMMITTEE CHAIRPERSONS, MEMBERS OF PORTFOLIO COMMITTEES AND THE LLF (LOCAL LABOUR FORUM)**

2. **PURPOSE OF REPORT**

(a) To approve the changes to members of the section 80 committees and LLF.

(b) To note the replacement of the late councillor Manie Pietersen as Chairperson of the Youth, Sport and Culture committee with councillor Jeremy Fasser.

3. **DELEGATED AUTHORITY**

Municipal Council.

4. **EXECUTIVE SUMMARY**

The Executive Mayor, in terms of Section 60 of the Municipal Structures Act 117 of 1998 reshuffled her Mayoral Committee after the passing of the late councillor Manie Pietersen.

During January 2021, councillors Derrick Hendrickse and Manie Pietersen passed away, and Cllr Hendrickse was replaced by Cllr Clint Davidse, and Cllr Roy van Rooyen replaced Cllr Manie Pietersen [IEC appointment letters as **APPENDIX 1**].

Councillor Jeremy Fasser was also appointment by the Executive Mayor, in terms of section 60(1) of the Municipal Structures Act, no 117 of 1998 and Regulations, as the new Mayoral Committee member in the place of Cllr Manie Pietersen on 18 February 2021 [Appointment letter of Cllr Fasser as Mayco member as **APPENDIX 2**]. All this lead to vacancies on section 80 committees.

Councillor J Kleynhans also replaced ex-councillor F Adams as representative of the DNCA from 4 June 2021, after the resignation of ex-councillor Adams on 31 May 2021, but the letter of resignation was submitted on 27 April 2021 [IEC appointment letter as **APPENDIX 3**].

Councillor E Fredericks was appointed on MPAC by Council on 5 February 2019. She forfeited her seat on the LLF from that date. Councillor A Frazenburg has informally replaced Cllr Fredericks but his official appointment as an Employer Representative must be approved.



44<sup>TH</sup> COUNCIL MEETING: 2021-07-28: ITEM 18.1**RESOLVED** (majority vote with 1 abstention)

- (a) that it **BE NOTED** that the Executive Mayor has appointed the following Mayco members as Chairpersons of the Section 80 Committees –

**Human Settlements**

Deputy Mayor Nyaniso Jindela

**Financial Services**

Cllr Patricia Crawley

**Parks, Open Spaces and Environment**

Cllr Xoliswa Mdemka

**Planning and Economic Development And Tourism**

Cllr Esther Groenewald

**Youth, Sports and Culture**

Cllr Jeremy Fasser

**Rural Management**

Cllr Salie Peters

**Community and Protection Services**

Cllr Rikus Badenhorst

**Infrastructure Services**

Cllr Quintin Smit

**Corporate Services**

Cllr Aldridge Frazenburg

- (b) that Council approves the appointment of Cllrs R van Rooyen, C Davidse and J Kleynhans to the respective Section 80 Committees as per **APPENDIX 4** [Section 80 committees]; and
- (c) that Council approves the appointment of Cllr Frazenburg as an Employer Representative on the LLF in the place of Cllr E Fredericks [**APPENDIX 4**].

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Donovan Muller
<b>POSITION</b>	Manager: Council Support
<b>DIRECTORATE</b>	Corporate Services
<b>CONTACT NUMBERS</b>	021 808 8314
<b>E-MAIL ADDRESS</b>	Donovan.Muller@stellenbosch.gov.za
<b>REPORT DATE</b>	2021-07-19

19.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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SEE IN-COMMITTEE DOCUMENTATION

The meeting adjourned at 12:50.

**CHAIRPERSON:** .....

**DATE:** .....

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