



STELLENBOSCH

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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2024-09-12

NOTICE OF A SPECIAL MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY THURSDAY, 2024-09-12 AT 10:00

TO	The Speaker, Cllr Q Smit [Chairperson] The Executive Mayor, Ald GMM Van Deventer The Deputy Executive Mayor, Cllr JS Fasser The Council Whip, Cllr P Crawley	
COUNCILLORS	RA Adams J Andrews Ald JC Anthony ZJ Dalling MM Danana JA Davids I De Taillerfer R Du Toit A Ferns E Groenewald AJ Hanekom RB Hendrikse SC Heneke J Joon O Jooste X Kalipa N Mananga-Gugushe C Manuel EP Masimini NE Mcombring	XL Mdemka NM Mkhontwana NR Ndalasi L Nkamisa M Nkopane N Ntsunguzi N Olayi GA Petersen WC Petersen RO Pheiffer WF Pietersen MG Rataza Ald JP Serdyn MJ Slabbert SR Schäfer A Tomose RB Van Rooyen M Van Stade E Vermeulen J Williams

Notice is hereby given in terms of Section 29, read with Section 18(2) of the *Local Government: Municipal Structures Act, 117 of 1998*, as amended, that a **SPECIAL MEETING** of the **COUNCIL** of **STELLENBOSCH MUNICIPALITY** will be held via **MS TEAMS** on **THURSDAY, 12 SEPTEMBER 2024** at **10:00** to consider the items on the Agenda.

**SPEAKER
CLLR Q SMIT**

A G E N D A
SPECIAL MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2024-09-12

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1.	OPENING AND WELCOME
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2.	COMMUNICATION BY THE EXECUTIVE MAYOR
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3.	COMMUNICATION BY THE SPEAKER
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4.	COMMUNICATION BY THE MUNICIPAL MANAGER
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5.	DISCLOSURE OF INTERESTS
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6.	APPLICATIONS FOR LEAVE OF ABSENCE
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7.	STATUTORY MATTERS
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NONE

8.	REPORTS BY THE MUNICIPAL MANAGER
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8.1	ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES) AND MPAC
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Collaborator No: 773523
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 12 September 2024

1. SUBJECT: ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES) AND MPAC

2. PURPOSE

Council must approve the established Section 80 Committee and must appoint the members on these committees. This item serves to amend the committees and the members as appointed in May 2023. The item also intends amends the Section 79 (MPAC) members.

3. DELEGATED AUTHORITY

Council establishes 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 (10, including the Deputy Executive Mayor).

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.

Council established the Section 80 Committees on 23 February 2022 as indicated in 6 below.

The Administration received an indication from the Speaker that amendments should be made to the Section 80 committees as well as the members of the Committees to be appointed by Council and these amendments were affected in May 2023. Some of these functions previously resided under Youth Sport and Culture Committee. The Terms of Reference will have to be amended by the Committees for Planning, Local Economic Development and Tourism, Sport Youth and Culture and the newly established Community Services Committee.

Due to resignations amongst the Councillors including the Chairpersons of the Portfolio Committees, the Executive Mayor has appointed new Chairpersons to the Portfolio Committee and the Speaker has also indicated that some of the functions for the Portfolio Committees are changing.

The letter from the Executive Mayor regarding the appointment of the Portfolio Chairpersons is attached as **APPENDIX 2**.

5. RECOMMENDATIONS

(a) that it be noted that Council approved the following Section 80 Portfolio Committees:

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

(b) that Council approves the amendment of the establishment of the Section 80 Committees as follows

1. **Corporate Services**, total 5 members:
DA – 3
Opposition – 2
2. **Planning**, Local Economic Development and Tourism
total 5 members:
DA – 3
Opposition – 2
3. **Financial Services**, total 5 members:
DA – 3
Opposition – 2
4. **Human Settlements**, total 5 members:
DA – 3
Opposition – 2
5. **Infrastructure Services**, total 5 members:
DA – 3
Opposition – 2
6. **Protection Services**, total 5 members:
DA – 3
Opposition – 2
7. **Rural Management and Environment**, total 4 members:
DA – 3
Opposition – 1

-
8. **Youth, Sport and Culture** , total 5 members:
 - DA – 3
 - Opposition – 2
 9. **Parks, Open Spaces** total 4 members
 - DA –3
 - Opposition –1
 10. **Community Services** total 5 members:
 - DA – 3
 - Opposition - 2
- (c) that it be noted that the Executive Mayor has amended the appointment of the Chairpersons of Committees as from 4 September 2024 as per **APPENDIX 2**;
 - (d) that the Terms of Reference for the following Section 80 Committees be amended to reflect the changes in the Committees:

Human settlements that now has Environment added and Parks, Open Spaces that no longer deals with Environment;
 - (e) that the amended Terms of References be referred to the relevant Section 80 Committees for revision and adoption.
 - (f) that Council appoints the members of the Section 80 Committees as per **APPENDIX 3**.
 - (h) that the members of the Section 79 Committee – MPAC be amended as follows:
 - Chairperson - W Pietersen (PDM) – Full time Councillor
 - S Schäffer (DA)
 - A Ferns (DA)
 - R Adams (DA)
 - J Joon (DA)
 - N Gugushe (ANC)
 - O Jooste (ACDP)

6. DISCUSSION / CONTENTS

6.1 Background

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.

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 (10, including the Deputy Executive Mayor).

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.

Council appoint the Chairperson and members of section 79 Committees.

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

Council established the following section 80 Committee on 23 February 2022:

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

The members must be appointed by Council in accordance with the principle of representation amongst the amount of members allocated to each committee.

The Administration received an indication from the Speaker that amendments should be made to the Section 80 Committees as well as the members of the Committees to be appointed by Council.

The changes include the merging of the Planning Committee and the Local Economic Development and Tourism Committees and the creation of a Community Services Committee.

The latter will be dealing with Community development aspects such as:

Community Centers

Library Services

ECD's

The Elderly

Interaction with clinics and hospitals(where applicable);

Mayoral Skills Development program

Mayoral Community Programs

Any other matter in relation to community services that may be referred to the committee by the Executive Mayor

Some of these functions previously resided under Youth Sport and Culture Committee. The terms of reference will have to be amended by the committees for Planning, Local Economic Development and Tourism, Sport Youth and Culture and the newly established Community Services Committee.

Changes were also made to the numbers serving on the committees.

Protection Services (5 members) – (3 x DA, 2 x Opposition)

Youth, Sports and Culture Committee (5 members) – (3 x DA, 2 x Opposition)

Corporate Services (5 members) – **additional member** (3 x DA, 2 x Opposition)

Financial Services (5 members) – (3 x DA, 2 x Opposition)

Human Settlements (5 members) – (3 x DA, 2 x Opposition)

Infrastructure Services (5 members) - (3 x DA, 2 x Opposition)

Parks, Open Spaces and Environment (4 members) - (3 x DA, 1 x Opposition)

Planning, Local Economic Development and Planning (5 members) – (3 x DA, 2 x Opposition)

Rural Management (4 members) – unchanged (3 x DA, 1 x Opposition)

Community Services (5 members) – new (3 x DA, 2 x Opposition)

Council the new members the section 80 committees from 1 June 2023 (**APPENDIX 1**).

6.2 Discussion

We have received a letter from the Executive Mayor indicating that she appointed new chairpersons to the Section 80 committees as per **APPENDIX 2**.

Some changes has also been indicated by the Speaker regarding the terms of reference of the Rural Management Committee as well as Parks and Open spaces. Environment moves from Parks and Open Spaces to Rural Management.

Council must now appoint the members to the committees and the administration received a document – **APPENDIX 3** that indicates the proposed members of the Committees.

6.2. Financial Implications

Councillors are not remunerated additionally for attending the section 80 committee meetings. The intention is that the meetings mostly be on the electronic Teams platform. Councillors will only be allowed to claim for out of pocket expenses not already covered in their all-inclusive remuneration package. The chairpersons to the committees are full time councillors.

6.4 Legal Implications

The recommendations in this report comply with Council's policies and all applicable legislation.

6.5 Staff Implications

2 support staff support the Mayco Councillors and Chief Whip.

6.6 Previous / Relevant Council Resolutions:

ADJOURNED 1ST 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

Council resolution 23 February 2022

3RD COUNCIL MEETING: 2022-03-30: ITEM 11.11.2

RESOLVED (nem con)

- (a) that the council resolution to appoint councillor Mdemka to serve on the Rural Management Committee be amended and to appoint Councillor Mdemka to the Human Settlements Committee;
- (b) that the council resolution to appoint councillor Serdyn to serve on the Human Settlements Committee be amended and to appoint Councillor Serdyn to the Rural Management Committee;
- (c) that council notes that due to the changes the membership of the Human Settlements Committee and Rural Development Committee is now as follows:

Human Settlements, total 5 members:

DA – 3
Opposition – 2

J Fasser (DA) – Deputy Executive Mayor – Chairperson
E Vermeulen (DA)
X Mdemka (DA)

N Ntsunguzi (ANC)
M van Stade (GOOD)

Rural Management, total 4 members:

DA - 3

Opposition - 1

J Williams (DA) – Chairperson

J Serdyn (DA)

C Manuel (DA)

E Masimini (ANC)

14TH COUNCIL MEETING: 2023-05-24: ITEM 13.5

RESOLVED (nem con)

(a) that it be noted that Council approved the following Section 80 Portfolio committees on 23 November 2021:

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

(b) that Council approves the amendment of the establishment of the Section 80 Committees as follows:

1. **Corporate Services**, total 5 members:

DA - 3

Opposition - 2

2. **Planning**, Local Economic Development and Tourism, total 5 members:

DA - 3

Opposition - 2

3. **Financial Services**, total 5 members:

DA - 3

Opposition - 2

4. **Human Settlements**, total 5 members:

DA - 3

Opposition - 2

5. **Infrastructure Services**, total 5 members:

DA - 3

Opposition - 2

6. **Protection Services**, total 5 members:

DA - 3

Opposition - 2

7. **Rural Management**, total 4 members:
 - DA - 3
 - Opposition - 1
 8. **Youth, Sport and Culture**, total 5 members:
 - DA - 3
 - Opposition - 2
 9. **Parks, Open Spaces and Environment** total 4 members
 - DA - 3
 - Opposition - 1
 10. **Community Services Committee** total 5 members:
 - DA - 3
 - Opposition - 2
- (c) that it be noted that the Executive Mayor has amended the appointment of the Chairpersons of committees as from 1 June 2023 as per Appendix 1;
- (d) that the terms of reference for the following Section 80 committees must be amended to reflect the changes in the committees:
- Planning Local Economic Development and Tourism;
Community Services;
Youth Sports and Culture
- (e) that the amended terms of references be referred to the relevant Section 80 Committees for revision and adoption.
- (f) that Council appoints the members of the Section 80 Committees as set out in the **APPENDIX 1**

6.7 **Risk Implications**

Risks has been addressed through the item.

6.8 **Comments from Senior Management:**

The Senior managers takes note of the appointments

APPENDICES

- Appendix 1 – Appointed members to the section 80 Committees May 2023.
- Appendix 2 – Appointment of chairpersons of portfolio Committees as from 4 September 2024
- Appendix 3 – Proposed appointments for section 80 Committees.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene de Beer</i>
POSITION	<i>Director</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021 808 8018</i>
E-MAIL ADDRESS	<i>Annalene.deBeer@stellenbosch.gov.za</i>
REPORT DATE	<i>9 September 2024</i>

APPENDIX 1

FINANCIAL SERVICES	INFRASTRUCTURE	PLANNING, LED AND TOURISM	PROTECTION SERVICES
1) J. Fasser (DA) (Chairperson) 2) W. Petersen (DA) 3) E. Groenewald (DA) 4) A. Tomose (ANC) 5) R. Hendrickse (GOOD)	1) P. Johnson (DA) (Chairperson) 2) R. Van Rooyen (DA) 3) N. Mcombring (DA) 4) R. Nalumango (ANC) 5) Z. Ndalasi (EFF)	1) C. Van Wyk (DA) (Chairperson) 2) A. Hanekom (DA) 3) M. Slabbert (DA) 4) M. Danana (ANC) 5) R. Hendrickse (GOOD)	1) R. Pheiffer (DA) (Chairperson) 2) C. Manuel (DA) 3) M. Slabbert (DA) 4) M. Nkopane (ANC) 5) N. Mkhontwana (EFF)
SPORT, YOUTH AND CULTURE	RURAL MANAGEMENT	CORPORATE SERVICES	HUMAN SETTLEMENT
1) JC. Anthony (DA) (Chairperson) 2) R. Van Rooyen (DA) 3) N. Mcombring (DA) 4) C. Noble (GOOD) 5) J. Andrews (PA)	1) J. Joon (DA) (Chairperson) 2) J. Serdyn (DA) 3) C. Manuel (DA) 4) E. Masimini (ANC)	1) L. Nkamisa (DA) (Chairperson) 2) Z. Dalling (DA) 3) J. Serdyn (DA) 4) M. Rataza (ANC) 5) I. De Taillerfer (FF+)	1) R. Du Toit (DA) (Chairperson) 2) E. Vermeulen (DA) 3) X. Mdemka (DA) 4) N. Ntsunguzi (ANC) 5) M. Van Stade (GOOD)
PARKS, OPEN SPACES AND ENVIRONMENT	COMMUNITY DEVELOPMENT		MPAC
1) J. Williams (DA) (Chairperson) 2) E. Vermeulen (DA) 3) Z. Dalling (DA) 4) M. Nkopane (ANC)	1) X. Kalipa (DA) (Chairperson) 2) N. Mcombring (DA) 3) R. van Rooyen (DA) 4) M. Nkopane (ANC) 5) N. Mkhontwana (EFF)		1) W. Pietersen (PDM) (Chairperson) 2) A. Ferns (DA) 3) R. Adams (DA) 4) N. Olayi (DA) 5) N. Gugushe (ANC) 6) S. Schafer (DA) 7) O. Jooste (ACDP)

APPENDIX 2



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OFFICE OF THE EXECUTIVE MAYOR

MEMORANDUM TO : MR K CAROLUS (ACTING MUNICIPAL MANAGER)
MEMORANDUM FROM : CLLR GMM VAN DEVENTER – EXECUTIVE MAYOR
REFERENCE NUMBER : 3/9/R
DATE : 3 SEPTEMBER 2024

RECONSIDERATION OF THE MAYORAL COMMITTEE – STELLENBOSCH MUNICIPALITY

PURPOSE

To inform the Municipal Manager of the reconsideration of the Mayoral Committee of the Stellenbosch Municipality.

BACKGROUND

The recent resignations of ex councillors Johnson and Van Wyk left vacancies on the Mayco as well as a vacancy in ward 17, and now a vacancy in ward 8. Cllr J Fasser resigned as PR councillor and was elected the new ward councillor for ward 17 on 28 August 2024.

This means there is still a vacancy on the PR list.

Having considered all these changes, the Executive Mayor realised that it will be prudent to re-assess and reconsider all the Mayco portfolios and Mayco positions. The following Portfolios and Portfolio Chairs have been approved, and new incumbents will take up the allocated portfolios on 4 September 2024.

NEW MAYORAL COMMITTEE	
Executive Mayor	Cllr GMM van Deventer
Deputy Mayor, incl Protection Services	Cllr Jeremy Fasser
Finance	Cllr JC Anthony
Infrastructure	Cllr Reginald Pheiffer
Planning, LED and Tourism	Cllr Mynard Slabbert
Corporate Services	Cllr Lwando Nkamisa
Community Services	Cllr Xolile Kalipa
Human Settlements	Cllr Rozette du Toit
Rural management and Environment	Cllr James Williams
Sport, Youth and Culture	Cllr Jeremy Fasser (acting)
Parks, Open Spaces	Cllr Ndiyiwe Olayi



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Please ensure the relevant information is compiled in terms of the changing of the section 80 Portfolio Chairpersons, as well as the configuration of MPAC.

My office will ensure the incumbents receive their letter of appointment, and this will be provided to HR and your office for record purposes.

Your co-operation will be appreciated.

Kind regards,

Cllr GMM van Deventer
EXECUTIVE MAYOR

Date: 2024-09-03

APPENDIX 3

<u>FINANCIAL SERVICES</u> 1) JC Anthony(DA) 2) W. Petersen (DA) 3) E. Groenewald (DA) 4) A. Tomose (ANC) 5) R. Hendrikse (GOOD)	<u>INFRASTRUCTURE</u> 1) R. Pheiffer (DA) 2) R. Van Rooyen (DA) 3) N. Mcombring (DA) 4) E. Masimini (ANC) 5) Z. Ndalasi (EFF)	<u>PLANNING, LED AND TOURISM</u> 1) M. Slabbert (DA) 2) A. Hanekom (DA) 3) Vacant(PR Cllr) (DA) 4) M. Danana (ANC) 5) G Petersen (GOOD)	<u>PROTECTION SERVICES</u> 1) J. Fasser(DA) 2) C. Manuel (DA) 3) Vacant (Ward 8 Cllr) (DA) 4) M.Nkopane (ANC) 5) N. Mkhontwana (EFF)
<u>SPORT, YOUTH AND CULTURE</u> 1) J. Fasser - Acting(DA) 2) R. Van Rooyen(DA) 3) N. Mcombring(DA) 4) G. Petersen (GOOD) 5) J. Andrews (PA)	<u>RURAL MANAGEMENT AND ENVIRONMENT</u> 1) J. Williams (DA) 2) J. Serdyn (DA) 3) C. Manuel (DA) 4) J. Davids (ANC)	<u>CORPORATE SERVICES</u> 1) L. Nkamisa (DA) 2) Z. Dalling (DA) 3) J. Serdyn (DA) 4) M. Rataza (ANC) 5) I. De Taillerfer (VF)	<u>HUMAN SETTLEMENT</u> 1) R. Du Toit (DA) 2) E. Vermeulen (DA) 3) X. Mdemka(DA) 4) N. Ntsunguzi (ANC) 5) M. Van Stade (GOOD)
<u>PARKS AND OPEN SPACES</u> 1) N. Olayi (DA) 2) E Vermeulen (DA) 3) Z. Dalling (DA) 4) M. Nkopane (ANC)	<u>COMMUNITY SERVICES</u> 1) X. Kalipa (DA) 2) N. Mcombring (DA) 3) R. van Rooyen (DA) 4) M. Nkopane (ANC) 5) N. Mkhontwana (EFF)		<u>MPAC</u> 1) W. Pietersen (PDM) 2) S. Schaffer (DA) 3) A. Ferns (DA) 4) R. Adams (DA) 5) J Joon (DA) 6)N. Gugushe (ANC) 7) O. Jooste (ACDP)

Approved by Executive Mayor:

Date: 05 September 2024

Received by the office of the Speaker:

Date: 05 September 2024

9.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

***THE AGENDA HAS BEEN DISCUSSED WITH THE SPEAKER,
CLLR Q SMIT AND HE AGREES WITH THE CONTENT.***
