STELLENBOSCH

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2024-06-14

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MINUTES

23RD MEETING OF THE

COUNCIL OF STELLENBOSCH MUNICIPALITY

2024-06-14 AT 10:00

M I N U T E S

23RD MEETING OF COUNCIL

OF STELLENBOSCH MUNICIPALITY

2024-06-14

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MINUTES **23RD MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY** **2024-06-14**

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
I De Taillerfer
R Du Toit
E Groenewald
AJ Hanekom
RB Hendrikse
J Joon
X Kalipa
N Mananga-Gugushe
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
CA Van Wyk
E Vermeulen
J Williams

****

OFFICIALS

Municipal Manager (G Mettler)
Chief Financial Officer (K Carolus)
Director: Community and Protection Services (G Boshoff)
Director: Corporate Services (A De Beer)
Director: Planning and Economic Development (A Barnes)
Director: Infrastructure (S Chandaka)
Chief Audit Executive (F Hoosain)
Manager: Supply Chain Management (D Jacobs)
Senior Administration Officer (T Samuels)

****

1.	OPENING AND WELCOME

The Speaker, Cllr Q Smit welcomed all present at the 22nd Council meeting which was held via MS Teams platform.

2.	MAYORAL ADDRESS

- "After approving the budget last month, the Administration is busy preparing everything to ensure spending can commence with the start of the new financial year. A big thank you to our MM, CFO and the budget and finance team for ensuring readiness for the new financial year.
- After a National and Provincial elections, it is always the case that municipalities stand to lose councillors especially to Provincial legislature and National Assembly. It is with a sad heart that we greet Cllr Peter Johnson, who will take his place in the Provincial legislature, and Cllr Ronalda Nalumango, who will join the national Assembly. We wish them well on their new endeavours.
- Our Winter Readiness Programme is progressing well – this includes the clearing of drains and stormwater channels to allow rainwater to comfortably drain from roadways and pathways. We urge residents to identify trees on privately owned land which are at risk of falling over, and which may require felling. Residents can contact the following numbers to report any trees at risk and to arrange for trimming or felling by contacting the following numbers:
  - During Office Hours – 021 808 8119 / 808 8160
  - Control Room After Hours – 021 808 8890 / 021 808 8891
- Stellenbosch is onlangs deur deelnemers aan die bekende Cape Epic fietswedren aangewys as die beste wedrenfase ligging vir 2024. Dankie aan al die deelnemers en inwoners wat dit spesiaal gemaak het.

3.	COMMUNICATIONS BY THE SPEAKER

- Two resignations were received: Cllr P Johnson (from the DA) who was elected to Provincial Legislation and Cllr RS Nalumango (from the ANC) who was elected to National Assembly. The Speaker congratulated and thanked them (in their absence) for their hard work and dedication at Stellenbosch Municipality and wished them well on their future on Provincial and National level.

- The Appeals Committee had a briefing session with the attorneys scheduled on 5 June 2024 at 09:00 in the Boardroom of Corporate Services. This session likely involved important information or updates related to legal matters handled by the attorneys on the legal panel. The two councillors serving on the Appeals Committee who did not attend the briefing session may face liability for legal fees payable to the attorneys.

- Item 22.3 (regarding the upper limits for the Municipal Manager and Directors) that was included in the In-Committee Agenda of Council, will be moved to Open Agenda of Council and be dealt with under Item 12.2.

4.	COMMUNICATIONS BY THE MUNICIPAL MANAGER

- "The school holidays coincide with the recess. Those who are travelling, do so safely.
- Flood readiness: Requested all residents to check their properties to ensure that their properties are flood ready - please check your gutters etc.
- Youth Day will be celebrated on Sunday, 16 June 2024. My message to the youth is: "Arise, awake and realise the power that you hold.
- We support the Annual Social Justice Walk which will take place on 16 June 2024 from Stellenbosch to Kylemore!
- Father's Day will also be celebrated on Sunday, 16 June 2024 and on behalf of the Administration, I want to wish all fathers a happy Fathers' Day and I want to remind them of the important role they play in the lives of their children.

Thank you."

5.	DISCLOSURE OF INTERESTS

The Director: Corporate Services, Ms A De Beer declared her interest in item 22.3 which was moved from the In-Committee to the Open Agenda which now appears on this agenda as item 12.2. The Speaker ruled that there is no need for any Director to recuse themselves when this matter on the Agenda is dealt with.

6.	APPLICATION FOR LEAVE OF ABSENCE

6.1 The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

Cllr Ferns
Cllr Jooste

6.2 Absent:

MM Danana
C Manuel

7.	CONFIRMATION OF THE MINUTES OF PREVIOUS MEETING/S

7.1	22nd COUNCIL MEETING: 2024-04-25

The minutes of the 22nd Council meeting: 2024-04-25 **were confirmed as correct without any changes**.

7.2	SPECIAL COUNCIL MEETING: 2024-05-31

The minutes of the Special Council meeting: 2024-05-31 **were confirmed as correct without any changes**.

8.	STATUTORY MATTERS

8.1	APPROVAL OF DEBT AGREEMENT

Collaborator No: **768239**
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **14 June 2024**

1. SUBJECT: APPROVAL OF DEBT AGREEMENT

2. PURPOSE

To obtain Council's approval for the raising of an external loan in terms of Section 46 (2) of the Municipal Finance Management Act (Act No 56 of 2003).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

During April 2024, an advertisement was placed in the newspaper "Die Burger", the e-portal and municipal website, inviting interested parties to make submissions regarding the financing of the proposed loan of R137 446 093.

Submissions were received from five authorised financial institutions:

(a) Development Bank of Southern Africa (DBSA)
(b) ABSA Bank
(c) Nedbank
(d) Standard Bank
(e) First National Bank (FNB)

After due process, in terms of the municipality's approved Supply Chain Management Policy, the offer of *Nedbank for the term of 15 years*, was adjudicated by the Bid Adjudication Committee and approved by the Municipal Manager as being the most favourable for Council.

23RD COUNCIL MEETING: 2024-06-14: ITEM 8.1

RESOLVED (majority vote with abstentions)

(a) that Council approves the debt (loan) agreement as stipulated in **APPENDIX 1**, and

(b) that the Municipal Manager be mandated to enter into a debt agreement with Nedbank.

FOR FURTHER DETAILS CONTACT:

NAME	Monique Steyl
POSITION	***Senior Manager: Financial Management Services***
DIRECTORATE	***Financial Services***
CONTACT NUMBERS	***021 808 8512***
E-MAIL ADDRESS	***Monique.Steyl@stellenbosch.gov.za***
REPORT DATE	***05 June 2024***

8.2	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MAY 2024

Collaborator No: 768241
BUDGET KPA Ref No: Good Governance and Compliance
Meeting Date: 14 June 2024

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MAY 2024

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2023/2024 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 (2023/2024) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during May 2024

23RD COUNCIL MEETING: 2024-06-14: ITEM 8.2

NOTED

the deviations as listed for the month of May 2024.

FOR FURTHER DETAILS CONTACT:

NAME	Dalleel Jacobs
POSITION	***Senior Manager SCM***
DIRECTORATE	***Finance***
CONTACT NUMBERS	***021 808 8137***
E-MAIL ADDRESS	***Dalleel.Jacobs@stellenbosch.gov.za***
REPORT DATE	05 June 2024

9.	ITEMS FOR NOTING

9.1	REPORT/S BY THE EXECUTIVE MAYOR

9.1.1	REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 20 FEBRUARY 2024

Collaborator No: 768235
IDP KPA Ref No: Good Governance
Meeting Date: 14 June 2024

1. SUBJECT: REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 20 FEBRUARY 2024

2. PURPOSE

To inform Council of the matters under discussion at the Mayor – Rector Forum meeting held on 20 February 2024.

3. DELEGATED AUTHORITY

For information.

4. EXECUTIVE SUMMARY

The Executive Mayor has since her election reported to Council on discussions that takes place at the regular meetings of the Mayor – Rector Forum. The meeting was held on 20 February 2024. The minutes is attached as **Annexure A**. The University of Stellenbosch caused the delay with the circulation of the minutes.

23RD COUNCIL MEETING: 2024-06-14: ITEM 9.1

NOTED

the report by the Executive Mayor on the Mayor – Rector Forum meeting: 20 February 2024

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	***MANAGER: COUNCILLOR SUPPORT***
DIRECTORATE	***CORPORATE SERVICES***
CONTACT NUMBERS	***021 8088314***
E-MAIL ADDRESS	***Donovan.Muller@stellenbosch.gov.za***
REPORT DATE	***03 June 2024***

9.2	REPORT/S BY THE SPEAKER

NONE

9.3	REPORT/S BY THE MUNICIPAL MANAGER

NONE

10.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER]

10.1	PROTECTION SERVICES: (PC: CLLR R PHEIFFER)

NONE

10.2	SPORTS, YOUTH AND CULTURE: [PC: CLLR JC ANTHONY]

NONE

10.3	CORPORATE SERVICES: (PC: CLLR L NKAMISA)

10.3.1	UPDATED REPORT ON OUTDOOR DINING AND CONSIDERATION OF GENERAL CONDITIONS FOR OUTDOOR DINING

Collaborator No: 767403
IDP KPA Ref No: Good Governance
Meeting Date: 22 May 2024 & 14 June 2024

1. SUBJECT: UPDATED REPORT ON OUTDOOR DINING AND CONSIDERATION OF GENERAL CONDITIONS FOR OUTDOOR DINING

2. PURPOSE

To provide feedback on the Outdoor Dining Applications.

3. DELEGATED AUTHORITY

In terms of the approved System of Delegations the Executive Mayor, in consultation with the Executive Mayoral Committee, has the delegated Authority to consider applications for Lease Agreements, up to a contract value not exceeding R5M and not exceeding a period of 10 years. The approval of lease agreements of three (3) years and less has been delegated to the Municipal Manager.

4. EXECUTIVE SUMMARY

During the Council Meeting of June 2022, it was resolved that communication was to be handed to all restaurants and businesses indicating that they need to apply for lease agreements in order to comply with the Outdoor Dining Policy of the municipality.

The department delivered the communication (letters requesting all restaurants that are using council property for outdoor dining to apply for a lease) and the municipality received applications from a number of restaurants and businesses and items have been prepared for consideration by the Mayoral Committee. 41 applications have served before the Mayoral Committee since August 2023 and 35 other establishments have received the communication to apply but have failed to file applications. Attached hereto as **APPENDIX 1** is an update on all establishments who have received formal notifications.

Council approved the general conditions for Outdoor Dining in February 2024. During the Mayoral Committee meeting in April 2024 certain amendments to these general conditions were suggested, which suggestions still need to be considered by Council – **see Appendix 2.**

23RD COUNCIL MEETING: 2024-06-14: ITEM 10.3.1

RESOLVED (majority vote with abstentions)

(a) that Council takes note of the updated report; and

(b) that the general conditions as per **APPENDIX 2** be accepted as the amended general conditions for approval by Council.

FOR FURTHER DETAILS CONTACT:

NAME	**Yolande van den Berg**
POSITION	***Contract Administration Property Management department***
DIRECTORATE	***CORPORATE SERVICES***
CONTACT NUMBERS	***021-8088073***
E-MAIL ADDRESS	***Yolande.vandenBerg@stellenbosch.gov.za***
REPORT DATE	***2024-05-14***

10.4	FINANCIAL SERVICES: (PC: CLLR J FASSER)

NONE

10.5	HUMAN SETTLEMENTS: (PC: CLLR R DU TOIT)

NONE

10.6	INFRASTRUCTURE SERVICES : (PC : CLLR P JOHNSON)

10.6.1	STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME

Collaborator No: 767308
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 22 May 2024

1. SUBJECT: STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME

2. PURPOSE

For Council to note the progress of the Municipality's as well as Provincial Government initiatives regarding the loadshedding mitigation initiatives underway, to reduce the impact of electricity loadshedding in the Municipality.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

4.1 Eskom in 2022-23, advised the Municipality to prepare an application to serve at their Loadshedding Committee, for the Municipality to be considered as a curtailment customer. Upon receipt of the said application, Eskom then rejected the application. A follow up meeting was held with Eskom and the outcome is that a revised application must be resubmitted for representation to the Eskom Loadshedding Committee. The draft application has been prepared and is due to serve at the Eskom Loadshedding Committee at the end of April 2024. This meeting with Eskom Loadshedding Committee has been rescheduled to a future date pending the outcome of our workshop with Eskom Customer Executives scheduled for 22 May 2024. Note that this is still on a load curtailment premise.

4.2 The Municipality has advertised a tender on 03 February 2024, for the possible purchase of 20MW of electricity from an Independent Power Producer (IPP), tender closed 28 March 2024. The service provider Lyners Consulting Engineers has completed their technical evaluation on the 02 May 2024, the user department is busy compiling their technical evaluation that will be submitted to SCM by the end of May 2024.

23RD COUNCIL MEETING: 2024-06-14: ITEM 10.6.1

NOTED

the Alternative Energy Generation project updates identified by the AEG Committee and the latest progress with the Alternative Energy Generation projects in implementation at present.

FOR FURTHER DETAILS CONTACT:

NAME	**Mark Benson/Nombulelo Zwane**
POSITION	***Manager: Planning, Design, Construction & Services/ Senior Manager: Electrical Services***
DIRECTORATE	***Infrastructure Services***
CONTACT NUMBERS	***021 808 8770/ 021 808 8333***
E-MAIL ADDRESS	mark.benson@stellenbosch.gov.za/ nombulelo.zwane@stellenbosch.gov.za
REPORT DATE	***16 May 2024***

10.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: J WILLIAMS)

NONE

10.8	PLANNING AND LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR C VAN WYK)

10.8.1	EXTENSION OF APPOINTMENT OF THE MEMBERS TO SERVE ON THE STELLENBOSCH MUNICIPALITY CONSERVATION ADVISORY COMMITTEE

Collaborator No: 767244
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: Mayco: 22 May 2024 & Council: 14 June 2024

1. SUBJECT: EXTENSION OF APPOINTMENT OF THE MEMBERS TO SERVE ON THE STELLENBOSCH MUNICIPALITY CONSERVATION ADVISORY COMMITTEE

2. PURPOSE

To provide Council with the pertinent facts to extend the current appointed Members for the Stellenbosch Municipality Conservation Advisory Committee for an additional two (2) years.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

At the 11th Council meeting: 2023-02-22: Item 11.8.1 **(APPENDIX 1)** the Council appointed (7) seven members for an initial period of 12 months, from the date of acceptance of the nomination, in terms of Section 249(1) of the Stellenbosch Zoning Scheme By-Law, 2019, the municipality shall establish a Conservation Advisory Committee to make recommendations on planning applications in Urban and Rural Conservation Overlay Zones.

On 26 May 2023, Johann Clemens Slee resigned from the Stellenbosch Municipality Conservation Advisory Committee. Based on the Terms and Reference **(APPENDIX 2)** as approved by Council on 28 August 2021, **(APPENDIX 3),** (5) five to (7) seven members must be appointed therefore the current (6) six members still meet the requirements of the Terms and Reference.

Based on the Terms and Reference approved by Council on 28 August 2021, a member holds office for a term of three (3) years.

23RD COUNCIL MEETING: 2024-06-14: ITEM 10.8.1

RESOLVED (nem con)

(a) that Council appoint the following qualifying six (6) members for a term of one (1) year;

Nominee	**Residence**
Petrus Jakobus Kruger Dekker	Stellenbosch
Jan Raymond Dirk Bouma	Jonkershoek, Stellenbosch
Brian Henry Howard	Franschhoek
Piet Eduard Classen	Mostertsdrift, Stellenbosch
Rudia Pool-Stanvliet	Mostertsdrift, Stellenbosch
Cornelia Hendrika Smart	Devon Park, Stellenbosch

(b) that the members are to be remunerated at an hourly rate of R1250; and

(c) that the members are to sign The Code of Conduct of the Members of the Advisory Committee (**APPENDIX 4)** approved by the Council at the 11th Council meeting: 2023-02-22.

10.9	COMMUNITY SERVICES:(PC: CLLR X KALIPA)

NONE

10.10	RURAL MANAGEMENT: (PC: CLLR J JOON)

NONE

10.11	MUNICIPAL MANAGER

NONE

11.	**MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]**

11.1	**CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY ACTOM POWER TRANSFORMERS: JAN MARAIS S/S TRANSFORMER UPGRADES: EXTENSION OF TRANSFORMER STORAGE AND ASSOCIATED COSTS**

Collaborator No:
IDP KPA Ref No: Good Governance
Meeting Date: 12 June 2024 & 16 June 2024

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY ACTOM POWER TRANSFORMERS: JAN MARAIS S/S TRANSFORMER UPGRADES: EXTENSION OF TRANSFORMER STORAGE AND ASSOCIATED COSTS

2. PURPOSE OF REPORT

To provide information regarding the expenditure incurred for investigation by MPAC 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. The expenditure with regards to the procurement of services for the extension of transformer storage and associated costs from June 2024 to December 2025 by means of a deviation dated 05 June 2024 D/SM 14/24 refers. This deviation D/SM 14/24 was prepared in February 2024 by the user department submitted to SCM on 13 March 2024, the item served for the first time at the BAC on 26 March 2024 and was approved on 5 June 2024. D/SM 14/24 took two months to be approved, as the deviation was referred back and served several times. During this period there was no official order for the storage at ACTOM Power Transformers. The cost of this storage from 1 April 2024 to 5 June 2024 amounts to R47 840.00 (Incl. VAT). This cost of storage is regarded as irregular because it breached the procurement process.

3. DELEGATED AUTHORITY

Council to write-off the expenditure as irregular expenditure due to the breach of the procurement process. The said breach did not impact in any significant way on the essential fairness, equity, transparency, competitiveness, or cost effectiveness, for the payment ACTOM Power Transformers.

4. EXECUTIVE SUMMARY

Electrical services department initiated a tender process to procure two 20MVA Transformers for the replacement and upgrade of the transformers at Jan Marais Substation, Jonkershoek area. This was needed to increased power demands and system improvements. This was done under Bid B/SM 101/20, known as Package A in this document and the tender was awarded to ACTOM Power Transformers in Johannesburg for design and construction and three months free storage. The Transformers were constructed and completed in November 2021 and stored after completion of Factory Acceptance testing.

Three months storage at no cost was included in the B/SM 101/20 Bid. This storage period expired at the end of March 2022. An initial extension was estimated for a further 6 months. A variation process was initiated by Mr. L De Lange Manager: Operations and Maintenance to extend storage for the initial 6 months with the manufacturer which came to an end in September 2022. This variation was approved by BAC.

MPAC MEETING: 2024-06-12: ITEM 5.1

MPAC took note of the circumstances and facts as provided in the report, as well as the input from administration with reference to the assurance that the Municipality did receive value for money.

RECOMMENDATIONS FROM MPAC TO COUNCIL: 2024-06-12: ITEM 5.1

(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 47 840.00 (including VAT) as irrecoverable; and

(c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

23RD COUNCIL MEETING: 2024-06-14: ITEM 11.1

RESOLVED (majority vote with 1 abstention)

(d) that Council takes note of the circumstances as provided in the report;

(e) that Council certifies the irregular expenditure to the amount of R 47 840.00 (including VAT) as irrecoverable; and

(f) 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 J Andrews; R Hendrikse; G Petersen and M Van Stade.

NAME	**Preshane Chandaka**
POSITION	**Director: Infrastructure Services**
DIRECTORATE	**Infrastructure Services**
CONTACT NUMBERS	**021 808 8213**
E-MAIL ADDRESS	**Shane.Chandaka@stellenbosch.gov.za**
REPORT DATE	**2024/06/07**

11.2	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED ON BSM 13/22 – FOR THE ERECTION OF FENCES FOR VARIOUS PROJECTS AS AND WHEN REQUIRED FOR A PERIOD UNTIL 30 JUNE 2025

Collaborator No:
IDP KPA Ref No: Good Governance
Meeting Date: 12 June 2024 & 16 June 2024

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED ON BSM 13/22 – FOR THE ERECTION OF FENCES FOR VARIOUS PROJECTS AS AND WHEN REQUIRED FOR A PERIOD UNTIL 30 JUNE 2025

2. PURPOSE OF REPORT

To provide information regarding the expenditure incurred for investigation by the Municipal Public Accounts Committee (MPAC) and to be recommended to and for consideration by Council to write-off the expenditure in terms of the MFMA Section 32 (2)(b), with regards to the procurement of fences for various projects within WC024 for a period until 30 June 2025 , due to the fact that the tender were advertised initially for under Ten Million Rand (10 Million) as per the SCM Governance prescripts and because the department and or contract owner at the time of drafting the specifications and when advertised and adjudicated did not foresee that the needs would exceed the estimated ten million , and the exceeded amounts is now regarded as irregular.

3. DELEGATED AUTHORITY

Council to write off the expenditure as irregular expenditure due to procurement above the authorised amount. The impact of the said spending is not significant on the essential fairness, equity, transparency, competitiveness, or cost effectiveness. Additionally, the expenditure incurred was value for money.

4. EXECUTIVE SUMMARY

The directorate corporate services initiated a tender process for the procurement of fencing for the entire municipality. The reason for this tender stem from existing fences being vandalized, broken and new fences being erected “as and when tender required”. This was done under BSM 13/22 for a panel of service providers under various categories. This tender was adjudicated as rates tender for as and when required not exceeding ten million (R10 000 000.00) at the time this estimate was based on the previous tenders.

However, a change in circumstances voided the estimate. The erection of a fence at Water gang Informal Settlement with an amount of R5 008 905.00, was one of the huge projects on this tender and were not part of the initial needs at the time, which were less than R10 million. The elements of a fair, equitable, transparent, and cost-effective procurement process has not been compromised as all service providers as approved on the tender were given the opportunity to provide quotes with all the respective projects, furthermore, the evaluation of these submissions was also done within the framework of a fair procurement process. The service rendered on this tender was value for money and the market was tested.

Given the multiple service providers and the risk of vandalism to municipal assets, the ten million capping was exceeded. It is imperative to note that the safeguarding and maintenance of assets is key to service delivery. This minimizes disruption to service delivery and maintains a steady flow of services to the public.

MPAC MEETING: 2024-06-12: ITEM 5.2

MPAC took note of the circumstances and facts as provided in the report, as well as the input from administration with reference to the assurance that the Municipality did receive value for money.

RECOMMENDATIONS FROM MPAC TO COUNCIL: 2024-06-12: ITEM 5.2

(a) that Council takes note of the circumstances as provided in the report;

(b) that Council certifies the irregular expenditure to the amount of R8 330 002.60 (including VAT) expenditure incurred and R786 441.20 (including VAT) already committed as irrecoverable;

(c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2); and

(d) that the internal audit department report back on the investigation on controls and possible consequent management to the next MPAC.

23RD COUNCIL MEETING: 2024-06-14: ITEM 11.2

RESOLVED (majority vote)

(c) that Council takes note of the circumstances as provided in the report;

(d) that Council certifies the irregular expenditure to the amount of R8 330 002.60 (including VAT) expenditure incurred and R786 441.20 (including VAT) already committed as irrecoverable;

(e) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2); and

(d) that the internal audit department report back on the investigation on controls and possible consequent management to the next MPAC.

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

Cllrs J Andrews; R Hendrikse; G Petersen and M Van Stade.

FOR FURTHER DETAILS CONTACT:

NAME	Dalleel Jacobs
POSITION	**Senior Manager: Supply Chain Management**
DIRECTORATE	**Financial Services**
CONTACT NUMBERS	**021 808 8137**
E-MAIL ADDRESS	**dalleel.jacobs@stellenboch.gov.za**
REPORT DATE	**10 June 2024**

11.3	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY DREYER CLEANING SERVICES AND UTILITY

Collaborator No:
IDP KPA Ref No: Good Governance
Meeting Date: 12 June 2024 & 16 June 2024

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY DREYER CLEANING SERVICES AND UTILITY

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 certify the expenditure as irrecoverable and that it be written off in terms of the MFMA Section 32 (2). The expenditure with regards to the procurement of services in provision of grass cutting services by means of FQ/SM 37/24, which is regarded as irregular because it breached the procurement process.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Dreyer Cleaning and Utility were appointed through an FQ 37/24 process on 06 October 2023 to provide grass cutting services for various Municipal rental stock situated within WC024 and Housing Administration Offices situated in Drukkers Avenue, Stellenbosch.

The value of the FQ 37/24 was approved at R200 000. In March 2024 the Department requested Dreyer Cleaning and Utility to cut grass on various rental flats in Stellenbosch central, Kayamandi and Cloetesville. The instruction was issued without realizing that work done already amounted to R199 400.00, and this is due to the department not recording on its financial spreadsheet used to track expenditure one (1) invoice amounting to R31 770.00 which was for work done in January 2024. This work was therefore done without official order.

Due to this error in recording invoices of work done Dreyer Cleaning and Utility was then instructed to cut grass at the various Municipal rental flats.

As result of this irregular expenditure the Department will introduce various corrective measures such as consequence management, training of staff and Standard Operating Procedures (SOPs).

MPAC MEETING: 2024-06-12: ITEM 5.3

MPAC took note of the circumstances and facts as provided in the report, as well as the input from administration with reference to the assurance that the Municipality did receive value for money.

RECOMMENDATIONS FROM MPAC TO COUNCIL: 2024-06-12: ITEM 5.3

(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 31 770.00 (including VAT) as irrecoverable; and

(c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

23RD COUNCIL MEETING: 2024-06-14: ITEM 11.3

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 31 770.00 (including 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 J Andrews; NR Ndalasi; R Hendrikse; NM Mkhontwana; G Petersen and M Van Stade.

NAME	***Rotanda Nona Godlo***
POSITION	***Manager: Housing Administration***
DIRECTORATE	***Planning & Economic Development***
CONTACT NUMBERS	***021 808 8357***
E-MAIL ADDRESS	***Nona.godlo@stellenboch.gov.za***
REPORT DATE	***09 April 2024***

12.	REPORTS BY THE MUNICIPAL MANAGER

12.1	MFMA SECTION 116(3) – PROPOSAL TO AMEND THE CURRENT ICT CONTRACTS FOR SOFTWARE LICENCES AND SUPPORT AGREEMENTS FOR A PERIOD OF THIRTY-SIX MONTHS, EFFECTIVE FROM 01 JULY 2024 TO 30 JUNE 2027

Collaborator No:
IDP KPA Ref No: Good Governance
Meeting Date: 14 June 2024

1. SUBJECT: MFMA SECTION 116(3) – PROPOSAL TO AMEND THE CURRENT ICT CONTRACTS FOR SOFTWARE LICENCE AND SUPPORT AGREEMENTS FOR A PERIOD OF THIRTY-SIX MONTHS, EFFECTIVE FROM 01 JULY 2024 TO 30 JUNE 2027

2. PURPOSE

To obtain Council's approval on the proposed amendment of the listed ICT contracts that terminates on 30 June 2024. The amendment will extend the contracts for a period of 3 years effective 1 July 2024 to 30 June 2027. Council may terminate any of the contracts on a 6 months' notice period during this period. The changes may be affected in terms of the enabling provisions of Section 116(3) of the Local Government: Municipal Finance Management Act, Act No. 56 of 2003 (MFMA).

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

All the current ICT contracts were amended in 2021 through a Section 116 (3) process in order to accommodate the mSCOA implementation and the investigation in regard to an assessment on ERP solutions for the Municipality. The Finance department is in constant contact with the owners of the Financial System (SAMRAS) to ensure that the system developments are of such a nature that it can deal with mSCOA in full before a final decision is made on the continuation with SAMRAS as the financial system or not.

During the last 3 years the administration embarked on a process to determine which

of ICT systems in use should we continue to use or should the municipality embark on the acquisition of a brand-new system. Should the municipality decide to procure a new system, National Treasury must approve such a system as it needed to be mScoa compliant.

During these engagements, an assessment of current ICT systems, their capability to integrate with the financial system SAMRAS was explored as well as the MScoa compliance issue. This included unpacking the system capabilities as per the MSCOA business processes as well as eliminating standalone systems that have duplicated modules available on the SAMRAS solution. The long-term impact of investments made in business systems and services warrants that the Stellenbosch Municipality to continually re-assess its investment strategies to ensure on-going alignment with the deployment of business systems in line with mSCOA business processes.

23RD COUNCIL MEETING: 2024-06-14: ITEM 12.1

RESOLVED (majority vote with 4 abstentions)

(a) Council approves that the current ICT contracts listed below for ICT related systems and services be amended to be run for a further period of 36 months, effective from 1 July 2024 to 30 June 2027 with the provision that the Municipality can cancel any of the systems with a six (6) month notice period during this time;

Service Provider	Scope of Services
1. SOLVEM (used to be Bytes System Integration)	Financial Services - SAMRAS is the Core Financial System for the Stellenbosch Municipality.
2. PAYDAY	Corporate Services - HR and Payroll System for the Stellenbosch Municipality
3.BUSINESS ENGINEERING	Corporate Services - Data and Workflow System with Document Archiving Capabilities
4. IGNITE	Corporate Services - Performance and Compliance Management System
5. IMQS	Engineering Services - Support and Information System to Manage and Report on Municipal infrastructure Assets
6. ABC SERVICES	Financial Services – Valuations and Rates for the Stellenbosch Municipality
7. CATS	Financial Services – Water and Electricity Meter Reading for the Stellenbosch Municipality

(b) that the municipality do not procure a new ERP system and that we ensure that the current ICT systems in use and retained integrate to SAMRAS;

(c) that Council takes note that the Municipalities intention to amend the contracts for a period of 36 months were advertised on the 4 May 2024 on the local newspaper Eikestad Nuus and Die Burger, Municipal Notice Boards and Municipal Website and no comments were received; and

(d) that Council notes that sufficient funding was approved on the operational budget vote for the Software Licensing Ukey: 20180711010516 is approved on an annual basis, to finance the extension and renewal of all the listed ICT systems and services.

FOR FURTHER DETAILS CONTACT:

Name	Regan Mooidien
Position	***Senior Manager ICT***
Directorate	***Corporate Services***
Contact Numbers	***(021) 808 8774***
E-mail Address	***Regan,Mooidien@stellenbosch.gov.za***
Report Date	***10 June 2024***

12.2	NOTICE: UPPER LIMITS OF TOTAL REMUNERATION PACKAGES PAYABLE TO MUNICIPAL MANAGERS AND MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGERS FOR THE 2022/23 FINANCIAL YEAR

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council 14 June 2024**

1. SUBJECT: NOTICE: UPPER LIMITS OF TOTAL REMUNERATION PACKAGES PAYABLE TO MUNICIPAL MANAGERS AND MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGERS FOR THE 2023/2024 FINANCIAL YEAR

2. PURPOSE

To inform Council of the notice providing for the Upper Limits of total remuneration packages payable to Municipal Managers and Managers directly accountable to Municipal Managers (hereafter referred to as S56 Managers) from 1 July 2023.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Council, when it comes to the remuneration aspect of the contract, appoints a Municipal Manager or a Manager reporting to the Municipal Manager based on the Upper Limit notice applicable to that financial year. The packages only change when a new notice is published or when the National Minister provides exemption on application. The Local Government: Regulations on the Appointment and Conditions of Employment of Senior Managers dated 17 January 2014 provides in Regulation 35 that the Minister **must** annually determine the remuneration packages of the Municipal Manage and Senior Managers through the publication of a notice in the Government Gazette. Such notice is supposed to be published before 31 March every year to be applicable from 1 July of that year. The notice for the 2023/24 financial year was only published on 30 May 2024. A copy of the notice is attached as **Appendix A.**

The recent notice indicates that a 3,3% cost of living adjustment of the upper limits of the total remuneration packages payable to senior managers for the 2023/2024 municipal financial year which is applicable Municipal Manager and S56 may be affected from 1 July 2023. The financial year under discussion here came into operation on 1 July 2023. The adjustment will therefore be paid retrospectively. A non-pensionable monthly gratuity of R1695.00 is payable to senior managers earning below R1 900 000 for the 2023/24 financial year. Stellenbosch Municipality remains a category 5 municipality in terms of the provisions of the regulations.

Factor	Amount	Points
Total Municipal Equitable Share	R179 634 000	8
Total Population	175 411	9
Total Municipal Income	R1 889 681 1287	57
Total Points		74
Category	71 – 78 points	5

The new upper limit created by the 3,3% increase will continue after 1 July 2024, but the non-pensionable gratuity will not be paid from 1 July 2024.

5. RECOMMENDATIONS

That Council takes note of:

(a) the three comma three percent (3,3%) cost of living adjustment to the Upper Limits of the total remuneration packages payable to Municipal Managers and Managers directly accountable to Municipal Managers for the 2023/24 financial year applicable from 1 July 2023;

(b) the payment of a monthly non-pensionable gratuity payable to Senior Managers for the 2023/24 financial year of R1 695.00; and

(c) the increase and non-pensionable allowance will be paid backdated from 1 July 2023.

6. DISCUSSION / CONTENTS

6.1 Discussion

Local Government: Regulations on the Appointment and Conditions of Employment of Senior Managers dated 17 January 2014 provides in Regulation 35 that the Minister **must** annually determine the remuneration packages of the Municipal Manage and Senior Managers through the publication of a notice in the Government Gazette. Such notice is supposed to be published before 31 March every year to be applicable from 1 July of that year. The notice for the 2023/24 financial year was only published on 30 May 2024. A copy of the notice is attached as **Appendix A.**

Council, when it comes to the remuneration aspect of the contract, appoints a Municipal Manager or a Manager reporting to the Municipal Manager based on the Upper Limit notice applicable to that financial year.

The recent notice indicates that a 3,3% adjustment on the cost of living be applicable for the 2023/24 financial year. A non-pensionable monthly gratuity of R1695.00 is payable to senior managers earning below R1 900 000 for the 2022/23 financial year.

It must be noted that other employees received a 4.9 % increase for 2022/23 plus increase on all benefits and notch increases and a 5,4% increase for the 2023/24 financial year plus increases on benefits and notches increases. The latter means effectively 2,4 % per year to employees who are still eligible for a notch increase. In comparison the senior managers (section 56 and municipal manager received 3 % in 2022/23 and now 3,3% for 2023/24.

In most instances Senior Managers already earn more than Section 56 Managers because of the different salary dispensation and the situation is getting progressively worse. As a result the municipality is struggling to fill these positions when it becomes vacant. Moreso, if you take into account the 6.25% increase in 2020/21, the 3.5% in 2021/22 and the increase of 4.9% (2022/23) as opposed to a 1,5% (2021/22) and 3% (2022/23) for Municipal Manager and Managers accountable to the Municipal Manager.

6.2 Financial Implications

Stellenbosch Municipality remains a category 5 municipality for purposes of this notice and there is enough budget provision to pay the 3,3 % adjustment from 1 July 2022 and the 12 months non-pensionable allowance for the 2023/24 financial year.

Sufficient budget provision was made in the 2023/2024 financial year for the implementation of the upper limits for the Municipal Manager and Managers directly accountable to the Municipal Manager.

6.3 Legal Implications

The Systems Act section 54A and 56 (Act 32/2000) read with The Local Government: Regulations on the Appointment and Conditions of Employment of Senior Managers dated 17 January 2014 (Regulation 35) and the Notices published on an annual basis regulates the upper limits remuneration of Senior Managers since 17 January 2014. Contracts concluded before that date is not affected by the regulations. When the new notice is published it is automatically applicable to the Municipal Manager and S56 Managers provided that the spending will be accommodated by the approved budget.

6.4 Staff Implications

The Municipal Manager and S56 Managers will receive the cost-of-living adjustment of 3,3% from 1 July 2023 and the non-pensionable gratuity for the 2023/24 financial year retrospectively. From 1 July 2024 the gratuity will fall away as the provision for the gratuity only applies for the 2023/24 financial year. The gap between the salaries of the Municipal Manager, S56 Managers and other Senior Managers in the organisation becomes smaller and smaller due to the increases given to the Municipal Manager and Managers accountable to the Municipal Manager as appose to the increase by the SALGBC to other employees. The reality is that there are already several senior managers that receives more remuneration than the section 56 managers they report to. It needs to be noted that inflation is regarded as above 5% for last year alone and the 3.3% does not cover inflation and the cost of living increases should at least be based on inflation as it is for the employees that the SALGBC agreement applies to.

6.5 Risk Implications

The potential risk to Council is that it becomes more and more difficult to fill S56 vacancies with suitably qualified and experienced professionals who are willing to work for the regulated remuneration.

6.6 Comments from Senior Management

S56 Managers was informed by the Municipal Manager of the publication of the Notice. No input was requested except from the CFO whose input is reflected under the financial implications above.

23RD COUNCIL MEETING: 2024-06-14: ITEM 12.2

RESOLVED (majority vote with 6 abstentions)

That Council takes note of:

(a) the three comma three percent (3,3%) cost of living adjustment to the Upper Limits of the total remuneration packages payable to Municipal Managers and Managers directly accountable to Municipal Managers for the 2023/24 financial year applicable from 1 July 2023;

(b) the payment of a monthly non-pensionable gratuity payable to Senior Managers for the 2023/24 financial year of R1 695.00; and

(c) the increase and non-pensionable allowance will be paid backdated from 1 July 2023.

FOR FURTHER DETAILS CONTACT:

NAME	***Annalene de Beer***
POSITION	***Director Corporate Services***
DIRECTORATE	***Corporate Services***
CONTACT NUMBERS	***021 – 808 8018***
E-MAIL ADDRESS	***Annalene.debeer@stellenbosch.gov.za***
REPORT DATE	***11June 2024***

13.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER

13.1	NOTICE OF A QUESTION BY CLLR M VAN STADE OF GOOD PARTY: ACCESS TO THE PRIVATE ENTRANCE LOCATED BETWEEN WEIDENHOF STREET AND STADLER STREET FROM THE R44 ROAD

A Notice of a Question, dated 2024-04-26, was received from Councillor M Van Stade.

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

23RD COUNCIL MEETING: 2024-06-14: ITEM 13.1

It is noted that Cllr M Van Stade was not satisfied with the written response from the Municipal Manager and that he will submit his follow-up question in writing.

13.2	NOTICE OF A QUESTION BY CLLR M VAN STADE OF GOOD PARTY: NO CONSULTATION WITH BUSINESS OWNERS AND RESIDENTS

A Notice of a Question, dated 2024-04-26, was received from Councillor M Van Stade.

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

23RD COUNCIL MEETING: 2024-06-14: ITEM 13.2

It is noted that Cllr M Van Stade was not satisfied with the written response from the Municipal Manager and that he will submit his follow-up question in writing.

13.3	NOTICE OF A QUESTION BY CLLR R HENDRIKSE OF GOOD PARTY: MUNICIPAL RENTAL HOUSING (LAPLANDE)

A Notice of a Question, dated 2024-04-26, was received from Councillor R Hendrikse.

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

23RD COUNCIL MEETING: 2024-06-14: ITEM 13.3

It is noted that Cllr R Hendrikse was satisfied with the written response from the Municipal Manager.

13.4	NOTICE OF A QUESTION BY CLLR R HENDRIKSE OF GOOD PARTY: COMMUNITY PARTICIPATION MEETINGS (LAPLANDE)

A Notice of a Question, dated 2024-04-26, was received from Councillor R Hendrikse.

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

23RD COUNCIL MEETING: 2024-06-14: ITEM 13.3

It is noted that Cllr R Hendrikse was satisfied with the written response from the Municipal Manager.

13.5	NOTICE OF A MOTION BY CLLR G PETERSEN OF GOOD PARTY: BOTMASKOP ESTATE DEVELOPMENT

A Notice of a Motion, dated 2024-05-10, was received from Councillor G Petersen regarding Botmaskop Estate Development.

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

FOR CONSIDERATION

23RD COUNCIL MEETING: 2024-06-14: ITEM 13.5

NOTED

The Speaker allowed Cllr G Petersen to put his 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.

14.	CONSIDERATION OF URGENT MOTIONS

NONE

15.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

NONE

16.	REPORTS SUBMITTED BY THE SPEAKER

NONE

17.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR

NONE

18.	MATTERS TO BE CONSIDERED IN–COMMITTEE

NONE

The meeting adjourned at 11:30.

CHAIRPERSON: ……

DATE: ……

Confirmed on ……...**without amendments.**